

***KEEPING AMERICA'S MINES
DRUG- AND ALCOHOL-FREE***

**SUBSTANCE ABUSE SUMMIT
ACTION PLANNING WORKSHOP**

Breakout Reports

Mine Substance Abuse Task Force

Substance and alcohol abuse is a serious problem in our communities; unfortunately our mining industry is not immune to this problem. Substance and alcohol abuse in our mines is a serious problem and if left unchecked we will invariably see an increase in mine accidents and fatalities, a decline in our skilled mining workforce and a decrease in our productivity. Currently there is a lack of hard data that would allow us to determine the scope and magnitude of the problem or to develop effective options for curbing substance abuse.

In an effort to fill the information vacuum, Kentucky has proposed forming a joint task force to gather the necessary information, and to research the difficult issues surrounding substance abuse with the goal of developing recommendations to curb substance abuse in the mines. Participants will include state agencies from Kentucky, West Virginia, and Virginia as well as MSHA, and will also include representatives from the mining industry and labor. Working together we can begin to craft solutions to this serious problem.

Mine Substance Abuse Task Force

Discussion Points:

- What specific issues should the Mine Substance Abuse Task Force study?
- Should the Mine Substance Abuse Task Force hold public hearings?
- What expert resources should the Mine Substance Abuse Task Force contact for reliable information on substance abuse?
- How should the Mine Substance Abuse Task Force interact with the mining industry and labor to secure information on the substance abuse issues affecting them?

Facilitators: Susan Bush and C.A. Phillips

What specific issues should the Mine Substance Abuse Task Force Study?

- Demographics of substance abuse
 - Meet and gather information from testing labs to determine the scope of the problem
 - Put this information in electronic format to create live updating by labs if possible
 - Draw information that depicts the prevalent drug that is used in regions
- Assist with definition of impairment
 - Would help the foremen understand the identifiers that signal impairment (test for cause)
 - Particular substances generate particular behavior

What specific issues should the Mine Substance Abuse Task Force Study?

- Recommendations for return to work restrictions/concerns
 - Established criteria to ensure employee's condition is compatible with the job and duties, given the prescribed medication
- Canvas and evaluate existing training programs
 - Company, county, state programs and Federal Programs (FDA) that address behavior, effects and associated diseases etc. related to substance abuse
- Determine the number of companies that have and do not have substance abuse programs

What specific issues should the Mine Substance Abuse Task Force Study?

- Identify incentives for substance abuse programs
- Poll industry on available drug testing data
 - Number of failures/pass, EAP and type of tests
- Develop substance abuse tracking mechanism
- Identify cooperative arrangements to create or support effective substance abuse programs

What specific issues should the Mine Substance Abuse Task Force Study?

- Evaluation of rehab treatment/aftercare programs by region and rate of success
 - Look at quality of programs, treatments, effectiveness or just moving to a new substance problem
 - Methadone clinics

Should the Mine Substance Abuse Task Force hold
public hearings?

Not necessary



What expert resources should the Mine Substance Abuse Task Force contact for reliable information on substance abuse?

- State police
- Certified laboratories
- US Department of Transportation
- Department of Labor
- Twelve-step support groups
- Employee Assistance Professional Association (EAPA)
- Drug and Alcohol Testing Industry Association (DATIA)
- National Institute of Health

What expert resources should the Mine Substance Abuse Task Force contact for reliable information on substance abuse?

- National Alcohol and Drug Abuse Counselors (NADAC)
- REACH

How should the Mine Substance Abuse Task Force interact with the mining industry and labor to secure information on the substance abuse issues affecting them?

- State and Federal Inspection resources
- Coordinate with Health and Safety managers
- Internet
- Coal Associations
- Holmes Safety Association
- Labor Management Positive Change (LMPC)

SUBSTANCE ABUSE -- WHAT SHOULD BE THE ROLE OF GOVERNMENTAL AGENCIES?

The focus of this breakout group will be to identify opportunities for local, state, and federal agencies that are available or could be developed to support the coal industry in “Keeping America’s Mines Drug- and Alcohol-Free.”

SUBSTANCE ABUSE -- WHAT SHOULD BE THE ROLE OF GOVERNMENTAL AGENCIES?

Discussion Points:

- Are there incentives that government agencies can provide to encourage operators to have Drug Screening and Employee Assistance Programs?
- Should there be a coordinated effort by governmental agencies to deter drug use in the mining industry? If so, how should this effort be organized and what are the parameters?
- What is the appropriate role for governmental agencies to play in outreach programs (education and training) to deter drug and alcohol abuse in the mining industry?
- Should state and federal regulations be amended to address the concern for miner safety associated with drug and alcohol abuse? If so, how should such regulations be fashioned and which responsible parties should be responsible for implementation?

Facilitators: Ray McKinney and Frank Linkous

Are there incentives that government agencies can provide to encourage operators to have Drug Screening and Employee Assistance Programs?

- Assessment Discounts for companies with plan in place
 - Pre-set number of violations before assessment
- State and Federal tax break/severance taxes
- Monetary help and assistance for companies for small operators to develop a drug testing and EAP program possibly utilizing state EAP
- Training aids and assistance for small operators
- Individual assessment for individual failing drug screen

- Credit for having substance abuse program on risk assessment procedures (Virginia)
- MSHA and state agencies provide operator assistance in development and implementation of the program
- Link on MSHA's web site to state web sites to develop programs
- Fund State Grants for outreach program to elevate knowledge
- MSHA could offer rating or certification of company plans submitted on voluntary basis
- Government outreach for small operations that do not have a plan in place
- Large companies mentor smaller companies. Government as a coordinator

Should there be a coordinated effort by governmental agencies to deter drug use in the mining industry?

If so, how should this effort be organized and what are the parameters?

- Identify and network agencies that should play a role
 - ETA, other agencies which prepare workforceEducate them on issues in mining industry
- MSHA and state mining agencies take the initiative to locate and consolidate all other agencies who should play a role
- Initial partnering between MSHA, states and industry before new regulations
- Local law enforcement should relay drug arrest information to coal companies and mining agencies if offender has a mining card

- Federal and state go together on complaints related to substance abuse
- Withdraw miner's certification for repeat offenses
- Database shared with mining companies with names of miners who fail drug test
- Template to establish a drug testing program for small operators
- Preventative Education for new miners entering workforce including academic institutions (technical colleges, high schools)
- Agencies work together to establish a pilot program that would mirror what industry describes as a best program and all follow it
- Individual penalties for offenders; development of database to track

- Sharing of information between states for certification revocation
- Individual responsibility and accountability for actions
- Memoranda of understanding regarding complaints between agencies
- Background checks for individuals entering mining industry
- Plans should be individualized
- Government work to identify individuals who have attempted to alter samples
 - Analyze for masking chemicals

What is the appropriate role for governmental agencies to play in outreach programs (education and training) to deter drug and alcohol abuse in the mining industry?

- Gather and distribute information to miners regarding rehabilitation services in communities
- Standardized criteria for developing and implementing programs regarding education of employee and supervisor
- Focus on behavior modification and education by states
- Add topic to initial and annual retraining
 - Suggested letter to Operator notifying him/her that the substance abuse portion is not in their plan, but suggest it should be there.
- Other agencies (not mining) assist with employees needing assistance

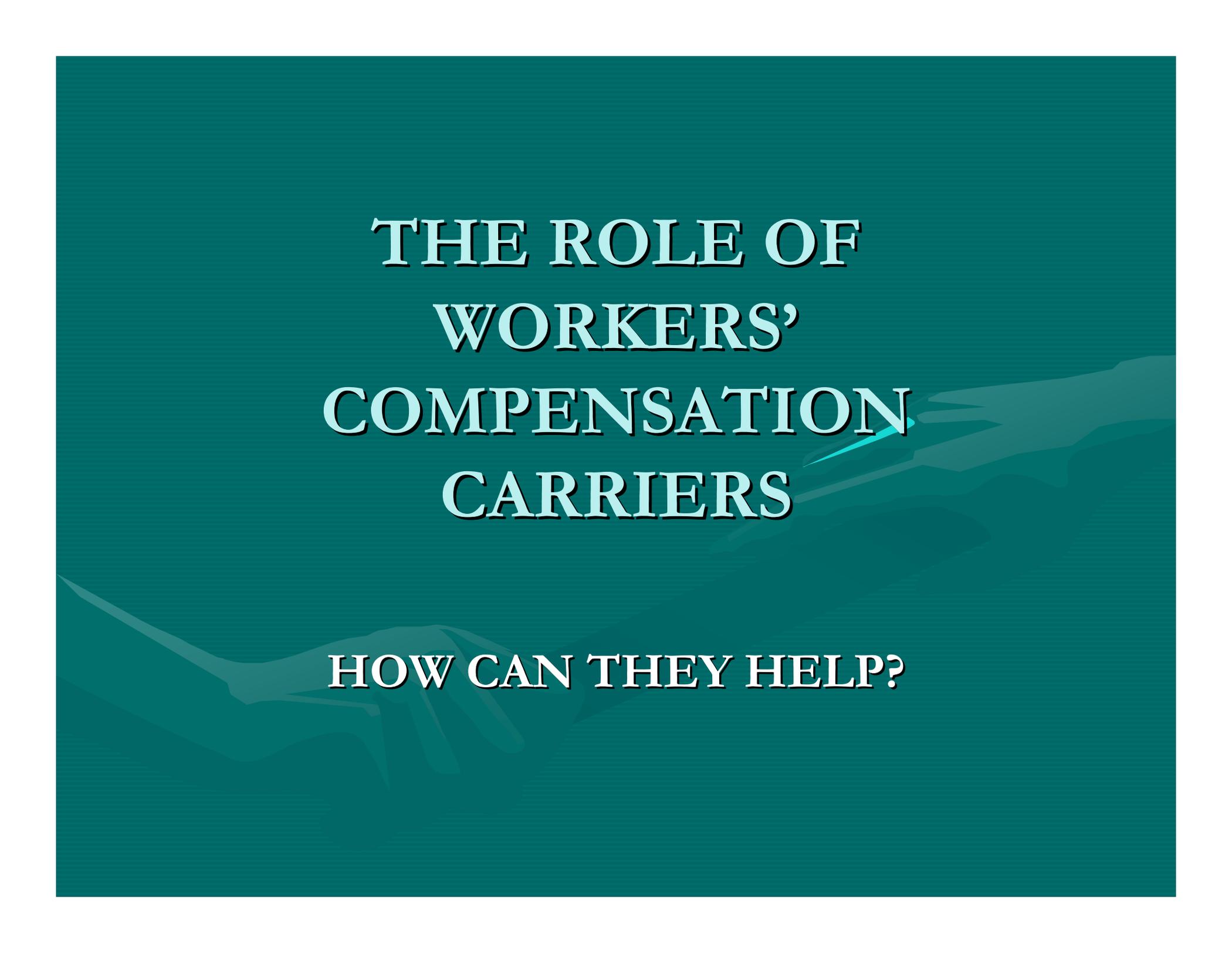
- Involve miner's family; video or DVD sent to miner's home
- Develop more training materials
- Public advertisements and announcements/media
- Work with companies to send informational material with checks
 - Earnings statement could be the vehicle
- Develop programs for schools similar to “Stay Out Stay Alive”
- Use academy to provide education and training materials
- Educate public as well as miners/forums
- Involve personnel from medical field
 - Get health care providers to attend/speak at conferences
- Use academic institutions to educate prior to entering industry
- Add drug abuse education into CEDAR program/KY program

Should state and federal regulations be amended to address the concern for miner safety associated with drug and alcohol abuse? If so, how should such regulations be fashioned and which responsible parties should be responsible for implementation?

- Regulation to mandate toxicology tests on others involved in accidents in addition to victim for fatalities and serious injuries
- Update Part 50 to include information regarding substance abuse screening
- National miner card showing training complete and clean drug screen
- Use drug screening results only for informational purposes, not comparison
- Each state should have their own penalty type regulations/miner's certification

- Regulatory change to require mines to establish a substance abuse plan /monitored for effectiveness
- Limits on compensation benefits for injured individuals impaired by drugs
- Establish a way to earn back certification and re-enter the workforce
- Work with other cabinets within states for testing prior to drivers license and entering mining industry
- Coordination/consistency between state and federal on policy and expectations
- Early intervention with new employees regarding substance abuse programs
- Regulation based upon proof of need to protect the public requiring random testing

- Reduction in compensation and other insurances
- Testing procedures incorporated into company training plan and penalty assigned to individuals
- Legislation to address requirement for drug testing programs and individual violators
- Adjustment of Part 50 requiring operator to report offenders to state
- States should require post-accident sampling for all involved and autopsies for all fatality victims
- Requirement for drug testing prior to certification card



THE ROLE OF WORKERS' COMPENSATION CARRIERS

HOW CAN THEY HELP?

THE ROLE OF WORKERS' COMPENSATION CARRIERS

The focus of this breakout group will be to identify the function that Workers' Compensation Insurance Carriers currently have and opportunities to expand their role in creating incentives and facilitating substance abuse prevention programs in America's mining community.

THE ROLE OF WORKERS' COMPENSATION CARRIERS

Discussion Points:

- What is the current function of Workers' Compensation Insurance Carriers?
- What benefits would accrue from a Workers' Compensation substance abuse prevention discount program? Are there additional benefits beyond affording employers the opportunity to maximize their levels of productivity, enhancing their competitive positions in the industry, and reaching their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from substance abuse by employees?
- What incentives could be offered to companies with extensive, certified drug screening programs?
- What is needed to progress adoption and implementation of substance abuse prevention programs by employers?

What is the current function of Workers' Compensation Insurance Carriers?

- Difference between self-insured companies and workers' comp coverage
- Different ways of paying, including bond certificates (KY), history rate, return-to-work credit, deductibles (WV)
- In Virginia, if injured while violating safety policy, there is reduction in benefits (company investigation). Has option of appeal
- Show approximate cause was the drugs
- There is an employee benefit program
- Look for help from legislation/judiciary enforcement
- Tennessee has no recourse on OWCP if drug test is positive

What benefits would accrue from a Workers' Compensation substance abuse prevention discount program?

- Maximize levels of productivity, enhance competitive positions in the industry
- Maximize cost effectiveness
- Cut premiums
- Maintain insurance
- Social and psychological benefits
- Improve image of the coal industry
- Attract employees with improved skills
- Attract new industry and retain current industry

What incentives could be offered to companies with extensive, certified drug screening programs?

- Strong reduction in weekly benefit to be paid. (VA 15%, KY Salary only)
- No cost above medical cost
- There are implications to the benefits made to the family
- EAP intervention is important
- Reduced special funds assessment on workers' comp premiums (KY)
- Return-to-work program reduces costs
 - Bring positive tested employee back in low risk job (saved employee)
- Use an improved medical review process to stop oxycontin prescriptions
 - *Stop payment on oxycontin prescriptions by compensation*

What is needed to progress adoption and implementation of substance abuse prevention programs by employers?

- Get workers' comp carriers to come in and talk with the mining industry
- Get assistance with return-to-work programs and training from workers' comp carriers
- Get insurance companies to apply credits (KY)
- To maintain miner certification, have to provide proof of a negative test

INTEGRATED EFFORTS AMONG GOVERNMENT, INDUSTRY, LABOR AND COMMUNITY

*How to get the biggest bang for the
buck on education, outreach, resources,
and enforcement*

INTEGRATED EFFORTS AMONG GOVERNMENT, INDUSTRY, LABOR AND COMMUNITY

In order to succeed, efforts to eliminate drug and alcohol abuse throughout the mining industry must utilize many strategies and involve all facets of the community.

Strategies typically include both reducing the supply of drugs through interdiction and law enforcement efforts as well as reducing the demand for drugs through prevention, intervention and treatment. Although mine operators can establish policies and programs that prohibit drug use among mine workers, such programs will be of limited effectiveness without adequate law enforcement, treatment and prevention efforts and absent adequate consultation and active support from the labor force.

INTEGRATED EFFORTS AMONG GOVERNMENT, INDUSTRY, LABOR AND COMMUNITY

Discussion Points:

- What are the various types of representation within each sector (government, industry, labor, and community) and what are their appropriate roles or expertise? Are there organizations that already coordinate and integrate their efforts with others?
- What resources are available from each sector and what are the existing gaps?
- What is the most efficient and effective means to maximize the use of these resources?
- How do we integrate these efforts to fill the resource gaps, reduce redundancy, conserve limited financial funding, and succeed in eliminating drug and alcohol abuse in the mining industry?

Facilitators: Elena Carr and John Pyles

What are the various types of representation within each sector (government, industry, labor, and community) and what are their appropriate roles or expertise?

Are there organizations that already coordinate and integrate their efforts with others?

- Government

- Small Business Administration (Grants??)
- DOL - Education and Training Administration (Grants??)

- Law Enforcement

- Operation Unite through Coalitions

- State Agencies (Office of Drug Control Policy) – KY ASAP – Funding - Policy

- www.officedrugcontrolpolicy.ky.gov

What are the various types of representation within each sector (government, industry, labor, and community) and what are their appropriate roles or expertise?

Are there organizations that already coordinate and integrate their efforts with others?

- **Government**

- MSHA – Facilitate/Training, Public Service Announcements
- State Mining Agencies
- Dept. of Transportation – Trucking Template
- AMA – State Medical Associations
- High Intensity Drug Trafficking Area – Funding

What are the various types of representation within each sector (government, industry, labor, and community) and what are their appropriate roles or expertise?

Are there organizations that already coordinate and integrate their efforts with others?

- **Industry**

- Pharmaceutical Company's Assistance
- Coal Companies
- Holmes Safety Association
- Compensation Carriers

- **Labor**

- Professional Miner Program
- Labor Unions

- **Community**
 - **Churches (Self-Help)**
 - **Local Governments**
 - **Civic Organizations (Rotary, Lions Club, JC's, etc.)**
 - **Community Based Non-Profit Organizations**
 - **Community Coalitions (Operation Unite) – Needs Assessment and Strategic Plans**
 - **Treatment Facilities (Substance Abuse/Mental Health)**
 - **Alcoholics Anonymous-AA/NA (Self-Help Support Groups)**

- **Community**
 - **Half-way Houses**
 - **Counseling Services**
 - **Medical Community (gap?)**
 - **Regional Prevention Centers (TA, data, education, training)**
 - **Partnership for a Drug-Free America (PSA's)**
 - **EAP's**
 - **Drug Testing Providers**

What resources are available from each sector and what are the existing gaps?

- *Recommendations*

- Available Resources

- Funding (Grants, etc.)
 - Drug Policy
 - Facilitation
 - Training
 - Public Service Announcements
 - Self-Help
 - Law Enforcement
 - Drug Testing Providers
 - Family Pressure

- *Existing Gaps*

- Legislation

- Lack of Industry Wide Company Drug Free Program

- Lack of Enforcement Tools

- Lack of Positive Benefit for all companies to commit to a drug free workplace

What is the most efficient and effective means to maximize the use of these resources?

- *Recommendations*

- Intangible Benefit (Compensation, e.g.) for the Implementation of Drug Free Workplace Policies
- Combine the resources to form a Mining Industry Coalition to develop an Industry Wide Company Drug Free Program
- Provide legislation that requires mine operators to report individuals that test positive to state agencies, who then pull miners certification and requires rehabilitation and a negative test before reinstating the miner.

How do we integrate these efforts to fill the resource gaps, reduce redundancy, conserve limited financial funding, and succeed in eliminating drug and alcohol abuse in the mining industry?

- *Recommendations*

- Awareness and Leadership within all sectors will be the keys to building the bridge between the mining industry and a drug free workplace. The resources are available to fighting the issues. The method of fighting the issue still questionable.