



October 30, 2008

Richard Stickler
Acting Assistant for Mine Safety & Health
U.S. Department of Labor
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939

Re: (RIN 1219-AB41) Alcohol- and Drug-Free Mines: Policy, Prohibitions, Testing, Training, and Assistance.

Dear Mr. Stickler,

The purpose of this letter is to comment on the proposed rulemaking for 30 CFR Parts 56, 57 and 66 found in the Federal Register, dated Monday, September 8, 2008.

The Department of Labor is applauded for the intent of the rule; to establish Drug- and Alcohol-Free Mines, and to promote mine safety. The proposed rule, however, falls short in three areas.

First, the proposed rule requires participation by only those employees who have "safety-sensitive" jobs. Why should only miners engaged in "safety-sensitive" jobs be affected? There are no such exemptions for General Industry. Because the inherent dangers associated with mining, every employee at the mine-site should be subject to the program.

Second, the proposed rule would prohibit mining companies from discharging employees for a first positive test result. Mining companies may have different internal policies regarding employee termination, but the decision to terminate for cause should be left to the mining companies as negotiated in their respective labor agreements.

Lastly, the proposed rule should not punish the mining companies that already have comprehensive Drug and Alcohol programs. If these existing programs are more stringent than the proposed rule, mining companies should be allowed to continue their current practices.

As a supplier to the mining industry, AmerCable Incorporated supports legislation that will make the mining industry a safer industry. As such, AmerCable Incorporated supports the intent of the Alcohol- and Drug-Free Mines rule; but only if the rule is modified to affect all persons at a mine site, if the employer retains the right to terminate for a first positive test, and mining companies are allowed to use more stringent testing programs.

I thank you for taking the time to consider my opinion on this matter. I hope that my expressed concern will make a difference in your decisions regarding the proposed rule.

Sincerely,

Bob Hogan
President & CEO
AmerCable Incorporated

CC: Secretary Elaine Chao, U.S. Department of Labor
John Walters, Office of National Drug Control Policy

