



THE COLORADO MINING ASSOCIATION

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2008-2009
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Richard Stickler
Acting Assistant for Mine Safety & Health
U.S. Department of Labor
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939

Re: MSHA Substance Abuse Regulation

Dear Assistant Stickler:

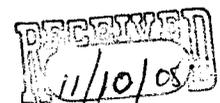
On behalf of the Colorado Mining Association (CMA) and its more than 900 members, I wish to inform you of a regulatory initiative that could endanger the state's miners. CMA is an industry association, founded in 1876, whose members include individuals and organizations engaged in the extraction of coal, metals and industrial minerals throughout Colorado and the west. The industry employs more than 5,000 miners.

The Mine Safety and Health Administration's (MSHA) recent substance abuse measure would, if promulgated, endanger the state's miners by invalidating company policies that include "zero tolerance" policies toward drug and alcohol abuse. It is astonishing to me that an agency charged with ensuring the safety of the nation's miners could actually propose such a policy, which effectively *encourages drug and alcohol abuse*.

The consequences of such a measure are self-evident. Miners are required to exercise complex tasks, operate high tech machinery and perform tasks in challenging conditions. As much of Colorado's minerals are produced by underground mining methods, the dangers of tolerating drug and alcohol abuse are multiplied and could produce an event rivaling the mine accidents at Sago and Crandall Canyon.

The rule, if finalized as proposed, would diminish rather than enhance miner safety because the proposal:

- mandates less rigorous testing methods than those used by CMA member companies;
- contains loopholes that limit the application of substance abuse testing to defined employees, rather than covering an entire mine site workforce;
- and



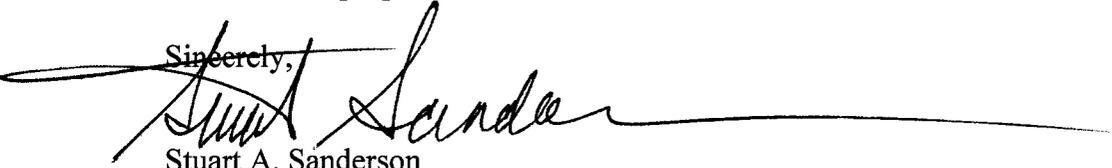
AB41-COMM-169

- prohibits companies from taking disciplinary action, up to and including discharge, for an employee's first offense of a company substance abuse policy.

Colorado mining companies take their safety obligations seriously; drug and alcohol testing programs help our industry maintain a safety record that is better than the national average and our goal is zero accidents. The MSHA rule literally undermines our ability to achieve that goal.

Our comments are attached. I strongly encourage you to urge the agency to withdraw the proposed rule.

Sincerely,



Stuart A. Sanderson
President