

From: Biz Morris [mailto:missbiz@gmail.com]
Sent: Wednesday, October 08, 2008 7:38 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB41

Dear Sir or Madam:

I am writing in regards to the proposed rule regard to Alcohol- and Drug-Free Mines. While I am concerned that the current regulations do not require inquiries into drug and alcohol use during mine accident investigations, I have serious reservations about one aspect of the proposed rule. The proposed rule requires that those who violate the policy are removed from safety-sensitive jobs until they have completed recommended treatment and passed a return-to-duty test. While drug testing is known to be an effective deterrent to drug use, many companies have instituted a "no chance" policy regarding drug and/or alcohol use. Many mines already make use of pre-employment drug screening and random testing, but they have reserved the right to terminate employees upon discovery of abuse. To mandate a treatment program and return to work seems to be a step back for some companies. I believe it should be up to the discretion of the company to determine how they chose to manage employees in violation of the policy. Additionally, it is not clear how the rule would handle repeated violations. Given the nature of drug and alcohol abuse, repeated violations should be addressed by any rule that enforces a return to work.

Mining is a dangerous occupation. Companies that have already instituted a "no chance" policy should be supported and any proposed rule regarding Alcohol- and Drug- Free Mines should account for the right to terminate.

Sincerely,

Elizabeth Morris

AB41-COMM-61

Elizabeth Morris
210 South Street, Unit 11-6
Boston, MA 02111

October 8, 2008

MSHA
Office of Standards, Regulations and Variances
1100 Wilson Boulevard, Room 2350
Arlington, VA 22209-3939

Re: RIN 1219-AB41 (Docket No. MSHA-2008-1004): Alcohol- and Drug-Free Mines:
Policy, Prohibitions, Testing, Training and Assistance

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