



November 22, 2005

Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Blvd., Room 2350
Arlington, Virginia 22209-3939

RE: Advance Notice of Public Rulemaking, Use of or Impairment From Alcohol and Other Drugs on Mine Property (RIN 1219-AB41)

The National Lime Association (NLA) is pleased to present its comments on the Advance Notice of Proposed Rulemaking on the use of or impairment from alcohol and other drugs on mine property. NLA is the trade association for manufacturers of calcium oxide and calcium hydroxide, collectively referred to as "lime." NLA's members operate both surface and underground mines under the jurisdiction of MSHA.

NLA strongly agrees that substance abuse among employees in the mine environment can create serious safety hazards to workers and others. The majority of NLA's members already have robust substance abuse programs in place, many involving pre-hire testing, random sampling, and testing in connections with injuries and accidents. The costs to a mine operation of substance abuse in worker health and safety, as well as production losses, are already a powerful incentive to maintain an effective substance abuse program.

As a result, NLA does not favor the development of additional substance abuse rules for metal/non-metal mines. NLA believes that a mandatory program would require companies with effective existing programs to expend substantial resources to align them with the MSHA program, without providing significant additional benefit to employees. This would be particularly burdensome for small businesses, which make up half of NLA's members. Without clear data indicating a strong need for additional regulations, NLA believes that MSHA should focus on improved education, cooperation, and enforcement activities based on its current metal/nonmetal regulations.

NLA appreciates the opportunity to comment on these important issues.

Very truly yours,

/s/

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