

November 21, 2005

David G. Dye  
Acting Assistant Secretary of Mine Safety and Health  
MSHA, Office of Standards, Regulations, and Variances  
1100 Wilson Blvd. Room 2350  
Arlington, Virginia 22209-3939

RECEIVED  
12/14/05  
MSHA/OSRV

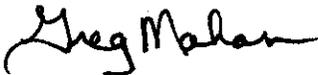
Re: (RIN) 1219-AB41

It would seem these days that every branch of government is trying to do what is politically if not morally correct in the war on drugs. To rank-and-file members of the United Mine Workers of America it is no surprise that some operators have become adept at transforming seemingly proactive initiatives into reactionary policies. We hope that any action on the part of MSHA will not further serve to encourage operators who already believe they should have unrestricted authority over employees in their effort to maintain a drug-free workplace.

Drug testing in and of itself is not a problem, but any policy with the stated goal of maintaining a drug-free workplace, while providing few if any safeguards in procedure for employees, should bear close scrutiny. When an operator repeatedly tells you that their policy is designed to target (UMWA) represented employees, concerns should be raised about application. We firmly believe that matters of application and procedure should be addressed through collective bargaining.

A few years ago amid allegations of widespread dust sample fraud in the coal industry, a union leader referred to that procedure as one that allowed the fox to guard the chickens. If the end justifying the means is the accepted approach to formulating drug policies, it will take more than a watchdog to prevent the fox from raiding the chicken coop at will.

Sincerely,



Greg Mahan  
President of UMWA Local 1969  
P.O. Box 672  
Taylorville, Illinois 62568

cc: David Yard

AB41-COMM-34

December 6, 2005

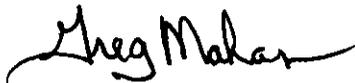
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To Whom it may concern,

We recently mailed a letter that was received in your office on November 23, 2005 (see enclosure). As you can see, the letter deals with possible adverse effects of proposed rules and regulations changes on terms and conditions of employment in the coal industry. I am uncertain as to why it has not been posted in the comments under the "Rules and Regs" link on the MSHA website. I am sure you will agree that the posting of public opinion ...albeit a dissenting opinion in this case, is a vital part of the democratic process. Should you have any questions, please feel free to contact Greg Mahan at 217-824-2789 or David Yard at 217-229-4531.

Sincerely,



Greg Mahan  
President of UMWA Local 1969  
P.O. Box 672  
Taylorville, Illinois 62568

enc.

cc: Butch Oldham  
cc: Roger Myers  
cc: Gary Butler  
cc: David Yard

AB41-COMM-34