
From: Watzman, Bruce [mailto:BWatzman@nma.org]
Sent: Friday, September 12, 2008 7:19 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB41

Bruce Watzman
National Mining Association
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AB41-COMM-6



September 11, 2008

Patricia W. Silvey
Director, Office of Standards, Regulations & Variances
U.S. Department of Labor
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: Proposed Rules on Alcohol and Drug Testing at Mines (73 Fed. Reg. 52,136)

Dear Ms. Silvey:

On behalf of the members of the National Mining Association (NMA), we are writing to request, pursuant to the authority of § 101(a)(3) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. § 811 (a)(3)), that the agency schedule a public hearing on the Notice of Proposed Rulemaking (NPR) amending 30 C.F.R. Parts 56, 57 and a new Part 66, as published in the Federal Register on Sept. 8, 2008 (73 Fed. Reg. 52,136).

In support of this request please know that, based on our preliminary review of the NPR, we have identified a number of substantive problems with the details of its provisions which will be addressed in greater detail both at the hearing and in our written comments. Fundamentally, however, we are deeply concerned that the proposed rule will result in a diminution of safety for miners; conflicts with existing company programs, both voluntary in nature, and where required by state law; and may cause enormous confusion and pose severe implementation problems in light of the requirements of § 506(a) of the act (30 U.S.C. 955(a)).

We urge your expeditious consideration of this request. Should this request not be granted, we request that the comment period on the NPR be extended for an additional 60 days to provide all affected parties the opportunity to thoroughly analyze the impact of the proposed changes on their existing programs and their statutory obligations in the various jurisdictions within which they operate.

Please contact me at (202) 463-2657 if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Watzman", is placed over a rectangular area with a light gray dot grid background.

Bruce Watzman
Vice President
Safety, Health and
Human Resources