

PO Box 13527
Roanoke, VA 24035-3527

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

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Mine Safety and Health Administration:
Subject: RIN 1219-AB41


We at Boxley are against the proposed drug and alcohol program. Boxley believes a full mandated program written by MSHA is detrimental to our current drug and alcohol policy. We believe a new program is unnecessary and the proposed program should not dictate disciplinary procedures.

It is understandable that drug and alcohol use can be detrimental to the safety of our nation's miners. As the law states for metal/non-metal mines in part 56.20001, "Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job."

This current law is enough to tell mine operators that no one should be impaired while on the job. This law does not tell the operator how to enforce the standard, but makes it clear that it is up to the operator to ensure a sober drug free environment. We at Boxley believe this should stay the same. As the operator, Boxley ensures that its employees are sober and drug free while on mine property. We have our own drug and alcohol program which enforces the current standard. The current standard should remain the same and that MSHA should not write and enforce a program which tells us, regulates, or records how we obey part 56.20001.

Boxley further believes that there should be no protection for a miner that violates part 56.20001. Any miner who willfully violates this standard should not be given a guaranteed second chance. A guaranteed second chance encourages disregard for the standard and can significantly reduce the safety of any operation. An operator should have full control of its employee assistance programs and disciplinary procedures, especially when it comes to willful disobeying of safety rules and laws. We at Boxley have no problem with obeying MSHA standards and supplying our miners with the safe environment they have the right to work in. However, MSHA is a Safety Administration and not a Human Resources Administration and should not control any company's disciplinary policies.

Thank You,


Hunter Moore
Director of Safety
Boxley

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