
From: Harris, Jeff [mailto:Jeff.Harris@huber.com]
Sent: Tuesday, November 04, 2008 7:56 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219- AB41 Public Comment Drug and Alcohol Free Mines

To Whom it may Concern,

I am writing to you as the EH&S manager at J. M. Huber's underground marble mine in Marble Hill, Georgia. We at J. M. Huber have set high standards for safety, often going well beyond the MSHA minimum standards. We have had a Drug and Alcohol policy in place for many years, have enforced our testing and generally have felt good about our efforts to keep our mining operation free of the influence of drugs and alcohol.

Our policy was modified in the past to its current form, and includes the provision that if drug or alcohol use is discovered by post-accident, probable cause, or random drug testing, that employee is subject to immediate termination. This is the same if they are discovered not wearing a seat belt. These are "zero tolerance" infractions. We do offer the possibility of rehabilitation, but only if an employee voluntarily comes to us before he/she is discovered through testing. We feel that is a strong incentive to be drug and alcohol-free at work. If the current rule is implemented at MSHA, these rules will actually be weakened by not allowing the first-time drug or alcohol user to be terminated. We do not feel it is in the best interest of safety to force companies to weaken their existing policies. Companies should have the option of making their policies more stringent than MSHA, just not less stringent.

We support the Random Drug testing provision, by the way.

Thanks,
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