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Ms. Patricia Silvey
Office of Standards, Regulations and Variances
1100 Wilson Blvd., Room 2350
Arlington, VA 22209-3939

Subject: Proposed Rule to Require
Alcohol & Drug-Free Mines
RIN: 1219-AB41

We value our workforce and hold each employee as an asset to our Company. Therefore, it has been our standard practice to initiate a process for continuous safety improvement and fully engage our workforce in being directly accountable for their own safety and that of their fellow employees.

The ability to foster a Company culture that demonstrates a caring work environment can be facilitated by setting boundaries of conduct that reinforces principles that guide employee actions. A strict adherence to these operating guidelines sets the tone for the manner in which a safe work culture is created. In light of recent promulgation of a drug policy that lacks the discipline required to achieve a strict "code of conduct", significantly diminishes the standard of individual accountability required to sustain a safe work environment. We believe the following principles must be an integral part of the conduct of a successful business and requires a drug and alcohol testing policy that aligns with these business principles.

- Each employee is accountable for coming to work without any level of impairment.
- Acknowledgement of impairment removes the employee from the workplace.
- Workplace safety cannot be compromised under any circumstances.

The proposed MSHA standard falls short of exercising a prudent approach to address a drug-free work environment. It is imperative that a comprehensive drug screening process be in place, that provides a foundation to ensure that testing and the affirmation of a positive result is dealt with in an appropriate manner.

AB41-COMM-130

I am recommending that the following issues be reviewed and revised to a stricter standard. This is certainly an issue where minimum performance standards are not in the mainstream interests of the workforce at large.

- **Safety-Sensitive Jobs** – all job functions should be party to a comprehensive screening process without exception.
- **Return to work** – impairment requires careful review before any employee is returned to work. Certainly a screening process that evaluates an individual to validate that impairment does not exist...is the minimum standard. Anything less is unacceptable.
- **High Hazard Industry** – the level of public attention for recent catastrophic events in the mining industry should act as a catalyst for increasing MSHA's focus on standards that balance the risk of worker injury and the strict adherence to a no tolerance policy.
- **Employee Early Problem Identification** – A comprehensive drug and alcohol screening program must include the ability to have an employee come forward and identify a personal drug or alcohol abuse problem and have a clearly defined pathway for seeking assistance.

This is not a subject that allows for a general tolerance of any employee who compromises his/her individual safety or endangers fellow workers.

I believe revisions in this policy are in order and should help ensure that we enable all employees the expectation that risks in the workplace will be addressed.

All families have a vested interest in the outcome of your deliberation.

Best regards,



Mike McCall
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Luminant Mining