

---

**From:** Tom McKeon [mailto:Tom.Mckeon@carmeusena.com]  
**Sent:** Tuesday, November 11, 2008 1:48 PM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
**Subject:** RIN 12219-AB41

AB41-COMM-160

November 6, 2008

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

**RE: Proposed Rule, Alcohol- and Drug-Free Mines: Policy, Prohibitions, Testing, Training, and Assistance (RIN 1219-AB41)**

Carmeuse Lime and Stone is pleased to present its comments on the proposed rule on the use of or impairment from alcohol and other drugs on mine property. Carmeuse Lime and Stone is located in Gary, Indiana and employs 65 miners.

Carmeuse is a member of the National Lime Association, and fully supports the comments filed by NLA with respect to the proposed rule. Carmeuse agrees with NLA's members that "substance abuse among employees in the mine environment can create serious safety hazards to workers and others, and that there are strong reasons for each lime company to maintain an effective substance abuse program.

However, Carmeuse also agrees with NLA that there are important deficiencies in the proposed rule that must be corrected before it is finalized. The most important of these is the requirement that mine operators provide job security to miners who fail drug or alcohol tests for the first time. As NLA indicated, this provision would make mines that currently have a "zero tolerance" policy less safe, rather than safer.

Carmeuse's current drug and alcohol policy includes provisions for "post-accident" and "reasonable suspicion" drug and alcohol testing.

Carmeuse Lime and Stone appreciates the opportunity to comment on these important issues.

Very truly yours,

Juan Nieves

Plant Manager  
Buffington Operation  
Carmeuse Lime and Stone  
1 N. Carmeuse Dr  
Gary, Indiana 46406