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CHARLES G. SNAVELY
Senior Vice President- WV & Northern
Region Operations
(304) 760-2623 Direct
(815) 361-7409 Fax
csnavely@intlcoal.com

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The Honorable Elaine Chao
Secretary of Labor
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

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EXECUTIVE SECRETARIAT
OFFICE OF THE SECRETARY
U.S. DEPARTMENT OF LABOR

Dear Madame Secretary:

I am writing to comment upon the proposed MSHA Alcohol and Drug-Free Mines proposal. I am responsible for over 1500 ICG coal miners in Appalachia and the Midwest. I have personally been involved with implementing drug-free workplace policies for several years and I have witnessed the safety hazards associated with abuse of illegal and prescription drugs. I cannot emphasize too strongly that there are policies proffered in this proposal which are extremely detrimental to the safety of our miners and that are entirely contrary to the objectives of workplace safety that MSHA claims to support.

First and foremost, it will be counterproductive to safety to prohibit companies from taking disciplinary action for an employee's first offense. This is the most powerful tool a company has to enforce its drug-free workplace policy. Even with the strict policies that virtually all major coal mining companies have, it is difficult to keep drug abusers out of our work environments. I believe proposed policy will almost certainly increase the risk of fatalities.

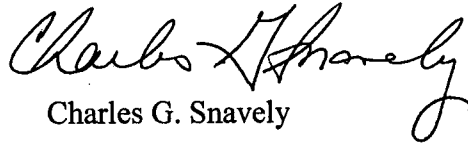
Companies need to have the right to discipline employees who fail a drug test, up to and including termination. Please remember that employees with a drug or alcohol problem who come to the employer prior to failing a workplace drug test are afforded the opportunity for assistance under applicable laws. We are not dealing with labor relations here; we are dealing with the lives of our employees.

Another weakness of the rule is the designation of "safety-sensitive jobs". We do not have any jobs, at any of our mines, that do not meet this criteria. Every person, every position, has the ability and power to cause substantial harm to him or herself and to others if they are not lucid and alert at all times. This designation seems, to me, to water down the policy. I am totally opposed to the notion that it may be acceptable for some of our employees to have problems with drugs and not be subject to our testing policies. Our employees deserve better protection than that.

You can be assured that our company, and most all of the other coal mining companies, values the safety of their employees. We are confident that a strong Drug-Free Workplace policy is

absolutely necessary to protect these people. The policy currently proposed by MSHA does not do that. It is tainted and watered down by political influence. I request that the proposed program be revised to allow companies to have Drug-Free Workplace policies which are more strict than the MSHA program, so that we may more diligently protect our people.

Sincerely,



Charles G. Snavelly

cc: Richard Stickler
Acting Assistant for Mine Safety & Health
U.S. Department of Labor
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939

John Walters, Director
Office of National Drug Control Policy
750 17th Street, NW
Washington, DC 20503