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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
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September 23, 2008

The Honorable Richard E. Stickler
Acting Assistant Secretary of Labor
Mine Safety and Health Administration
1100 Wilson Boulevard, 21st Floor
Arlington, Virginia 22209-3939

Dear Mr. Stickler:

I am very concerned about the timing of the Mine Safety and Health Administration's (MSHA) proposed rule on substance abuse. It troubles me that this proposal was pursued at a time when MSHA could be making more appreciable progress on its many other pressing priorities, such as addressing coal miners' exposure to coal dust and silica. It further troubles me that this proposal was withheld from the public until the final months of the Administration, and that it is now subjected to a comment period that is unusually restricted. Given the concerns raised by mine operators and miners who will have to abide by this rule, I strongly urge you to extend the current comment period and to hold a series of public hearings before this rule takes effect.

Further, as we look ahead to a new Administration and inevitable personnel changes, I cannot help but feel that MSHA is entering a potentially dangerous period. Your agency continues to implement significant changes in the wake of Sago, Alma, and Crandall Canyon, as a result of the passage by Congress of the first major mine safety and health legislation in a generation. As well, the agency continues to grow due to the Congress significantly increasing your budget for coal enforcement. With so many changes still underway, I urge you to do all that you can to prepare for the upcoming transition to ensure that ongoing enhancements suffer no unnecessary delays, and that the Federal inspectors have the leadership and resources they need to protect our nation's coal miners.

With kind regards, I am

Sincerely yours,

Robert C. Byrd
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RCB:dm

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