
From: Gabel Stone [mailto:gabelstone@mozarks.com]
Sent: Wednesday, October 29, 2008 5:08 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219- AB41

**GABEL STONE COMPANY, INC.
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**Department of Labor
Mine Safety and Health Administration**

I am writing to express our deep concern and animate opposition to the proposed rule changes to MSHA's Drug / Alcohol policies.

My husband and I own Gabel Stone Company located in rural southern Missouri. We are one of a handful of operators that could still be classified as a "Mom and Pop" operation, what is now a dying breed.

We employ eight people and like many small operators that you have heard from; we already have a written, zero tolerance policy and do require pre-employment drug testing, quarterly random and post-accident testing. The employment application for Gabel Stone Company states that testing is required. The entire drug / alcohol policy is clearly stated in the handbook that each new employee receives and acknowledges receipt by his or her signature.

I feel like the changes proposed would undermine the entire objective of the Mine Safety and Health Administration. With all the safety regulations initiated and readily enforced by your inspectors, this puts all miners at a significant risk at the hands of a fellow worker and encourages an impaired miner to "take a risk" and chance not being caught or without fear of termination. For those of us who work at providing for the safety of our employees and compliance with MSHA regulations reverting backwards just tie our hands. What you are proposing conflicts with present policy of most mining operations and deny the operator making decisions, important safety decisions, for his company and the best interest of all employees. Violators of a stated drug or alcohol policy of any employer should not be afforded a second chance at the employer's expense. NO if, ands or buts. We, as employers should not be held hostage by employees that choose to ignore the rules. That is exactly what this rule would do by requiring a mine operator to "hold" the position of the offender while he/she seeks appropriate evaluation and treatment. Just who is the guilty one and should be held accountable for their actions? We do not owe anyone job security under these circumstances.

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A general consensus of policy regarding drug and alcohol in the work place is very much needed, but the individual aspects of such policies and consequences thereof should be determined by the operator not dictated by a government agency. Mining operations with a company policy that meets MSHA standards but is more stringent should be allowed to supersede current or future regulations.

I appreciate the opportunity to comment on the proposed rule changes and I hope you are LISTENING !!

Joyce Gabel
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