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Sent: Tuesday, September 16, 2008 4:02 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: "RIN 1219-AB41"

DOCKET: MSHA-2008-0011
Alcohol-and Drug-Free Mines: Policy, Prohibitions, Testing, and Assistance

Comment On: MSHA-2008-0011-0001
Alcohol-and Drug-Free Mines: Policy, Prohibitions, Testing, Training, and Assistance

Document: MSHA-2008-0011-0001
Comment from James S. Smiser, Alamo Cement Company Ltd

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GENERAL COMMENT

I have questions in regard to the proposed standard:

1. Where does the mine property stand in the proposed standard in regard to CONTRACTORS and their employees on mine property and the drug/alcohol testing?
2. Under the present MSHA policy of "joint responsibility" in regard to issuance of citations and orders for violations presented by contractor employees working on the mine site, how does this come into play with the drug/alcohol standard proposed?
3. Who is responsible for the testing and the "reasonable suspicion" determination in regard to contractor employees?
4. Are the contract companies working on mine sites subject to the same conditions as for as policy, training, testing, prohibitions, and assistance that are outlined in the proposed standards?

AB41-COMM-11

5. Under the Subpart F of the proposed standards, Recordkeeping and Reporting, are the mining companies going to be held responsible for the test records and training records on contractor employees that work on the mine site, and can the mining Company be cited for this part or lack of this part in regard to the proposed standard?
6. Are all the above questions going to be left to the interruption of the MSHA Inspector?

The proposed law change has a lot of open areas that need clarification prior to final issue. In the Department of Labor/MSHA's haste to force thru this proposed change, leaves a lot of unanswered and questionable areas that are ultimately going to be very costly for mining companies in civil penalties and unnecessary legal actions.

Hopefully these omissions in the proposed law change are not deliberate.