

ARMSTRONG COAL COMPANY, INC.

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Madisonville, KY 42431

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October 22, 2008

MSHA

Office of Standards, Regulations, and Variances

1100 Wilson Blvd.

Room 2350

Arlington, Virginia 22209-3939

RE: RIN 1219AB41

Comments on September 8, 2008 proposed regulation on Alcohol and Drug-free mines: Policy, Prohibitions, Testing, Training, and Assistance as published in the September 8, 2008 Federal Register.

Dear Sir/Madam:

Armstrong Coal Company, Inc. would like to take this opportunity to comment on the September 8, 2008 proposed regulation on Alcohol and Drug-free mines: Policy, Prohibitions, Testing, Training, and Assistance as published in the September 8, 2008 Federal Register. Armstrong represents both underground and surface operations in western Kentucky.

Armstrong's primary concern is that this proposed drug testing program supersedes the drug testing program that the state of Kentucky has already adopted. This new proposal will nullify key provisions of Kentucky's law. One of the key provisions which should be stricken from the final rule is the prohibition of terminating miners who violate the company's drug policy for the first time and the requirement to provide job security which the miner seeks appropriate evaluation and treatment.

Armstrong Coal Company has a "zero tolerance" approach on substance abuse. MSHA would nullify this with the new proposed regulation. It is imperative that the employer maintain the ability to set policy and discipline according to company policy. A course of action must be left to the company for those miners who intentionally come to work impaired by alcohol or substance abuse. The company must be able to determine the appropriate punishment for its personnel.

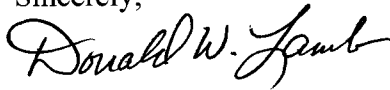
Armstrong Coal Company's policy on alcohol and drug testing gives the miners an opportunity to get assistance for substance abuse. This proposed regulation will bypass the existing company policy and should not be implemented.

AB41-COMM-112

MSHA's new proposed regulation should not allow miners who intentionally place themselves and co-workers to danger in the work areas while under the influence of drugs or alcohol an opportunity to continue to work. The Miner Act clearly states, "The first priority and concern of all in the industry must be the health and safety of its most precious resource – the miner."

If you have any questions, please feel free to contact me at 270/871-9560.

Sincerely,

A handwritten signature in cursive script that reads "Donald W. Lamb".

Donald W. Lamb
Director of Safety & Training
Armstrong Coal Company