

PUBLIC SUBMISSION

As of: October 20, 2008 Received date: Not specified Status: Pending_Post Tracking No. 8073fd61 Comments Due: Submission Type: Web

Docket: MSHA-2008-0011

Alcohol- and Drug-Free Mines: Policy, Prohibitions, Testing, Training, and Assistance

Comment On: MSHA-2008-0011-0001

Alcohol- and Drug-Free Mines: Policy, Prohibitions, Testing, Training, and Assistance

Document: MSHA-2008-0011-DRAFT-0030

Comment from Dennis Paquette, Florida Canyon Mininig, Inc.

Submitter Information

Name: Dennis Paquette

Address: United States,

Organization: Florida Canyon Mininig, Inc.

General Comment

Comment on the proposed MSHA Alcohol and Drug-Free Mines Policy

Reviewing the proposed, ??????????Alcohol and Drug-Free Mines Policy???????????????????? states that use of

alcohol and drugs contributes to mine accidents. If that is true, then drugs and alcohol should be restricted from the mine site. As is stated in the Proposal support document that regulation already exists in metal/nonmetal mines as .20001 ??????????Intoxicating Beverages and Narcotics??????????. Also, stated in the Proposal document that policy does not exist in coal.

The proposed policy will allow drugs and alcohol on property through the very fact that an employee found to be using or under the influence of those substances at work requires the employer to attempt to rehabilitate that employee but not terminate employment. It is only after the second occurrence the employer is permitted under the proposed regulation to terminate that employee.

Certainly, we human beings do make bad choices at times such as using alcohol or drugs at the work place and most metal/non metal mines have a policy that if an employee seeks assistance prior to an accident, random or for cause exposure, the employee is offered that assistance. However, if an employee is discovered to be under the influence of alcohol or drugs due to testing for post accident, random or for cause, the employee?????????'s employment is terminated. This is

AB41-COMM-84

a real deterrent to use or be under the influence of such substances.

The proposed regulation does nothing to prevent alcohol or drug use but only provides the means for the employee to remain employed.

In conclusion, it is my belief that the metal/nonmetal regulation should remain as written and be expanded to coal. The employer should not be required to maintain an unsafe work force by federal regulation.