



October 21, 2008

The Honorable Richard Stickler
Assistant Secretary for
Mine Safety and Health Administration
U.S. Department of Labor
1100 Wilson Boulevard
Room 2321
Arlington, VA 22209

Re: MSHA Drug and Alcohol Testing Rule (RIN 1219-AB 41)

Dear Mr. Assistant Secretary:

On behalf of Coeur d'Alene Mines Corporation, I am writing to comment and express concerns regarding MSHA's proposed rule on alcohol and drug free mines. I have worked in the mining industry for over 35 years. In the past 23 years or so I have worked with several mining companies developing and implementing drug and alcohol programs. These programs have proved to be effective and provide a safe working environment for all employees. Our programs have a "ZERO" tolerance policy, with the option to terminate the employee for a policy violation.

We feel our programs already have a second chance built in, which while not the same as the proposed rule, it is effective. We do pre-employment drug and alcohol testing and review our drug and alcohol policies with all new employees. We have introduced several programs over the years, including employee drug and alcohol abuse training, employee assistance programs, supervisor training on drug and alcohol abuse, etc. Our employees can seek assistance with a drug and alcohol problem by taking advantage of our confidential employee assistance program (EAP), talking to their family physicians, human resource professionals, safety professionals or front line supervisors. They can also check themselves into a clinic or hospital for an evaluation to determine what is the best treatment or course of action for them. This is voluntary and does not institute any disciplinary action or prejudice against the employee when he or she returns to work. We feel our programs hold all employees accountable to work safely in a drug and alcohol free atmosphere. It provides a safer work environment than the proposed rule. We have negotiated some of these programs with local unions.

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The programs we have implemented have high standards to protect our employees from the drug and alcohol abuser. Our employees have expressed their concerns several times in the past regarding working with and around drug and alcohol abusers. The bottom line is, they don't want to. They commend our company for having a "ZERO" tolerance program. MSHA's proposed rule would diminish, rather than enhance our level of workplace safety. We cannot accept a regulation that will reduce the protection that we are currently giving our employees. The proposed rule as written is far more protective of drug and alcohol abusers. It protects a minority of employees versus the majority of our work force who are not abusers and who will be insulted and resentful.

In the proposed rule it states that the mines must list safety sensitive jobs. We believe that all of our mine employees' duties are safety sensitive and cannot single out any that are not. Currently under our drug and alcohol policies everyone in our company must follow the standards set forth. Additionally we believe the proposed rule will conflict with existing state laws.

In closing, we do support MSHA's effort to require all mining companies to implement a drug and alcohol program with minimum standards set forth by the agency. However we feel that the proposed regulation will weaken our current policies and programs. By requiring that an employee who has failed a drug and/or alcohol test return to work after receiving treatment will only weaken the current commitment to our loyal employees to provide a safe work atmosphere. We feel our existing programs are superior and go above and beyond the proposed rule.

Thank you for your consideration of my comments.

Sincerely,



David G. Turcotte
Director of Safety & Loss Control
Coeur d'Alene Mines Corporation
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