

Teck

October 28, 2008

The Honorable Richard E. Stickler
Acting Assistant Secretary of Labor
Mine Safety and Health Administration
1100 Wilson Boulevard, 21st Floor
Arlington, VA 22209-3939

Dear Mr. Stickler,

Re: MSHA Drug and Alcohol Testing Rule (RIN 1219-AB41)

I am writing to offer my comments and concerns on the Proposed Rule on Alcohol and Drug Free Mines.

As an owner of three major mines in the United States, Teck is very supportive of maintaining a workplace that is free of persons who may be under the influence of substances that may impair their actions. Our companies currently have proactive programs that I believe supports this action.

Our program outline includes Zero Tolerance to illegal drugs and alcohol. We conduct tests in a variety of circumstances including pre-hire, post incident, and reasonable suspicion as well as random testing of employees including management. Any of our positive tests are confirmed by a Medical Review Officer.

We also have a very progressive Employee Assistance Program where anyone who desires assistance with substance abuse is offered professional assistance. This assistance is available for those who voluntarily divulge and acknowledge drug or alcohol abuse prior to testing.

As you will note in our programs, we are making a great effort to maintain a workplace that is free of illegal drugs and alcohol but are concerned that the proposed legislation will detract from our programs.

We do not support "second chance" for those who do not voluntarily divulge or are found in a testing situation. We would like to ensure that operators are empowered to take all actions required including termination of those who are endangering others in the workplace through the influence of drugs or alcohol. The proposed "second chance" for a miner who fails a test may, in reality, be a second opportunity to endanger lives and compromise the safety of mines.

We are all aware of the public scrutiny of the mining sector in the U.S. With the passing of this proposal as written, we would be opening the court of public opinion to develop a verdict of guilty in being permissive with our miners exposing them to potential of persons "under the influence".

I strongly urge you to revise this policy as written to ensure the safety of all in our industry. We cannot offer a Safe Work Environment if we allow persons known to violate drug or alcohol policies back to work.

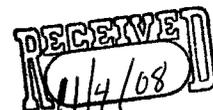
As Miners, we have a responsibility to all mine workers and their families to establish the highest possible safety standards and ensure compliance. Please take my comments as constructive as we work together to ensure we can offer the Safe workplace that we all strive for.

Yours sincerely,



Donald R. Lindsay
President & Chief Executive Officer

DRL/mh



AB41-COMM-123

