

PUBLIC SUBMISSION

As of: October 06, 2008
Received date: Not specified
Status: Pending Post
Tracking No. 80733cea
Comments Due: October 29, 2008
Submission Type: Web

Docket: MSHA-2008-0014

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

Comment On: MSHA-2008-0014-0001

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

Document: MSHA-2008-0014-DRAFT-0019

Comment from Gary Carmack, Southwest Laboratories

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General Comment

My comments to RIN 1219-AB41 are attached

Attachments

MSHA-2008-0014-DRAFT-0019.1: Comment from Gary Carmack, Southwest Laboratories

AB41-COMM-42

Comments to: RIN 1219-AB41

While we would strongly support the requirement that a laboratory performing the testing be Federally certified, the additional requirement for College of American Pathologists (CAP) certification is, in our opinion, ill-advised.

The CAP is not a Federal or governmental agency and as such, would not convey any special regulatory authority to a laboratory. Indeed, as a private organization the specific requirements necessary to become certified could drastically change with a moments notice.

More importantly, CAP has the same issues as SAMHSA-certification with regard to the drug classes its certification process covers. For example, anabolic steroid testing - which may be important for the mining industry is not addressed. "Popular" drugs with a high abuse potential such as Soma (carisoprodol) and synthetic amphetamines are likewise not generally part of the certification process. Hopefully it would not be the intent of MSHA to require certification by a multitude of certifying bodies to be eligible to perform the high level of quality testing desired.

In fact, if the highest level of quality testing is the goal of MSHA then what is needed is for the laboratory to be SAMHSA certified with the added requirement that the same degree of reliable testing be undertaken no matter the drug being tested. It is not likely that a SAMHSA certified laboratory would reduce its "standards" and perform unreliable testing for drugs other than those currently part of the program. The SAMHSA program as it currently stands, permits testing for any schedule 1 or 2 drug with proper authorization, and there is nothing that would prohibit the program from allowing other drugs to be tested in