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**Sent:** Monday, September 15, 2008 6:11 PM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
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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-2008-0011-0001  
Comment from James S. Smiser, Alamo Cement Company Ltd

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#### GENERAL COMMENT

We currently have a ZERO TOLERANCE drug and alcohol policy in place for some years which is working VERY WELL. The proposed law change and section Subpart E, 66.400 (b) is not in our best interest. All of the jobs we have in the plant operation would be considered "Safety Sensitive". The placement of an employee who has failed a drug or alcohol test back into the work place would have a detrimental effect on the whole work force of the company.

This part of the proposed law is unacceptable.

AB41-COMM-8
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