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Department of Mines, Minerals and Energy

Division of Mines

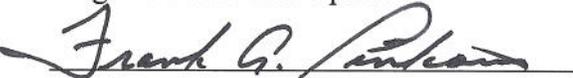
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MEMORANDUM DM 09-04

TO: Virginia Coal Mine Operators

FROM: 
Frank A. Linkous, Chief
Division of Mines

SUBJECT: *Virginia Substance Abuse and Quick-Test Screening*

DATE: October 29, 2009

Virginia's Coal Mine Substance Abuse Control Standards, implemented by an Act of Assembly in 2007, have proven to be successful in identifying and addressing miners who are abusing controlled substances and working in the safety sensitive environments of coal mines. Since implementation of the new standards in September 2007, 312 Virginia certified miners have been temporarily suspended for testing positive during a required drug screening; or for other violations of the mine operator's substance abuse screening policy and program mandated by § 45.1-161.87D of the Mine Safety Act. Among the suspended, 94 miners appearing before the Board of Coal Mining Examiners (BCME) have been reinstated through conditional agreements with the BCME. An additional 189 miners have had their certifications revoked by the BCME. These individuals can no longer work in Virginia coal mines until such time as they appear before the BCME and establish that the reasons for their revocation no longer exist.

Some mine operators exceed the minimum requirements of law by conducting effective, random sampling of their miners. This has proven to be extremely beneficial in achieving a "drug free workplace". Random sampling and post accident sampling being conducting by some mine operators employ "quick-test" methods. Available "quick-test" kits vary as to the method for collecting and determining sample results. These kits provide for on-site screening results, and some kits provide for split sample collection. The availability, increasing reliability, minimal cost, and "quick" results for samples collected have resulted in increased use of this screening tool. Any positive results confirmed by the mine operator's screening must be reported to the DMME within seven (7) days of confirmation.

The BCME and DMME strongly recommend that a positive result from any field “quick-test” screening be verified by a certified laboratory analysis of a split of the sample taken or by a separate urine sample taken promptly following a positive “quick-test” result. The determination of a positive drug screening is a serious issue for the mine operator and the miner involved. The resulting suspension of a miner’s certification by the BCME is a very severe action that impacts his/her ability to work and provide for themselves and their families. It is important that the correct decisions are made when subjecting our miners to drug screening and the resulting consequences of a positive sample. Therefore, we believe that where “quick-tests” are employed, it is best that operators confirm any positive results with a follow-up analysis through a certified laboratory.

The commitment and support of mine operators and miners has enabled the successes achieved through Virginia’s Substance Abuse Control Program. On behalf of the BCME and the Department of Mines, Minerals and Energy (DMME), I want to express appreciation to our coal industry for the complex work and performance achieved in implementing Virginia’s Substance Abuse Control Program for coal mining. Your efforts in addressing this challenge have received state-wide recognition. Thank you.

FAL/dm