



the **black lung** **BULLETIN**

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NATIONAL BLACK LUNG ASSOCIATION MET OCTOBER 28

Submitted by Dianna Perdue, Secretary, National Black Lung Association

The National Black Lung Association met on October 28 using Zoom. Right after the business portion of the meeting, Sam Petsonk updated us on the process of getting DOL medical cards for every awarded miner. Currently miners with DOL awards in states where there are Workers' Compensation awards for black lung, miners do not receive a card from the Department of Labor or from the private insurance company administering the awards. This causes a disruption of medical services for these miners. Many of the state awards are partial and do not cover medications or durable medical equipment. He is taking the Department of Labor to court to change this practice and provide every miner with a medical card. If you have issues, contact Sam Petsonk at 304-900-3171.

Willie Dodson discussed our strategy for pressuring Senator Shelly Moore Capito to co-sponsor the ten year extension to the excise tax that Senator Joe Manchin introduced earlier this session. We will have two to three picketers at her office December 6-10 and December 13-17 to draw attention to the bill. Members from Kanawha, Fayette and Nicholas Counties will picket. The rest of us will have information to call her office and support the ten year extension and the picketers.

Some of the chapters reported meeting regularly, some sporadically and some not at all yet. Most are keeping in touch with each other via Zoom or telephone. We are hoping to have more in person meetings in 2022.

Legislative Updates

- In September, Senators Manchin, Warner, Casey, Kaine, and Brown introduced a bill to extend the black lung excise tax for ten years (S. 2810). In November, the House of Representatives passed a four-year extension of the excise tax in the Build Back Better Act. The Build Back Better Act is now awaiting action from the Senate.
- The Infrastructure Investment & Jobs Act was passed by Congress and signed by President Biden on November 15th. This bill makes a historic investment of \$11.29 billion in Abandoned Mine Land (AML) clean up funds & reauthorizes the AML Fee & Fund. This funding will clean up thousands of mine sites across our communities, spur economic development, and create jobs. This victory comes after years of coalition work from coal communities across the country.

- This month, Representative Cartwright introduced the Black Lung Benefits Improvement Act to help level the playing field for miners applying for benefits, examine the adequacy of benefit levels, and ensure that coal operators are providing sufficient collateral to cover black lung benefits in the case of a company's bankruptcy.
- In February 2020 the House Education & Labor Committee conducted an oversight hearing on a Government Accountability Office Report that found that \$865 million in black lung liability was transferred from bankrupt coal operators to the Black Lung Disability Trust Fund between 2014 and 2016. Following the hearing, the Department of Labor sought an additional \$251 million in collateral from coal operators but half of the coal operators appealed those requests and only received \$65 million. On December 2, 2021 the House Education & Labor Committee held an additional oversight hearing to press DOL to take further action.
- Black Lung Association members and allies met with members of the Biden Administration's Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization to discuss the critical importance of maintaining the solvency of the trust fund and increasing black lung benefit levels. We hope that the working group is able to provide these policy recommendations directly to the President's administration.
- Over the last year, we have been meeting with MSHA to encourage a change in the silica standard. If you are interested in sharing your experience with dust in the mines, contact Courtney at ACLC (606.633.3929).

Alabama miners still on strike as Christmas approaches

As Christmas draws near, close to 1,000 miners remain on strike from Warrior Met coal mines in Alabama. The strike has been underway since February, with the miners demanding better pay and benefits, and accusing the company of unfair labor practices. Warrior Met has been bringing in replacement workers, and scuffles have broken out between these individuals and the striking miners.

In October, a state district court judge took

the rare step of forbidding strikers from picketing outside of Warrior Met mines. This is unusual because the National Labor Relations Board, not local judges, are responsible for adjudicating labor disputes. The UMWA plans to appeal this court order, calling it unconstitutional.

On November 18th, the UMWA held an International Day of Action in support of our strikers in Alabama. Just days after the

(Alabama strike cont'f) judge extended the temporary restraining order against the miners attempting to advocate for their jobs and fair treatment, UMWA members and supporters held events in New York City, Boston, MA; Orange County, CA; Denver, CO; Melbourne, Australia; Latrobe, PA; Washington, DC and Montgomery, AL.

The UMWA has established a Strike Aid Fund with an initial contribution of \$50,000 from the union's general treasury. If you are interested in supporting the striking miners and their families as Christmas approaches, you can make a check out to UMWA 2021 Strike Aid Fund, and mail it to UMWA 2021 Strike Aid Fund, PO Box 513, Dumfries, VA 22026.



Photo courtesy of UMWA

Black Lung Association asking Sen. Capito to support 10 year extension of black lung excise tax

Earlier this year, U.S. Senators. Joe Manchin, Mark Warner, Tim Kaine, Sherrod Brown and Bob Casey Jr. introduced the Black Lung Benefits Disability Trust Fund Act of 2021 to extend the Black Lung Excise Tax for ten years. The introduction of this bill was a victory for the hundreds of Black Lung Association members and supporters who contacted their elected officials, but there's more work to be done.

Currently, all the bill's co-sponsors are Democrats from coal-producing states. As a Republican from West Virginia, Senator Shelly Moore Capito's support would likely give the bill the momentum it would need to become law. In a December news article, Senator Capito told reporters that she does not support increasing the excise tax but that she does support extending it.

Member profile: Judith Riffe is making change (and quilts) in West Virginia

By Hannah Wilson-Black

From a single-parent home in McDowell County, West Virginia, to MSNBC's town hall stage, Judith Riffe, secretary of the Wyoming County Black Lung Association, has lived a remarkable life. But she retains a down-to-earth humility in her warm voice.

"I'm not educated," she says, though her thorough knowledge of black lung law would beg to differ, "but I can quilt, I can sew."



Judith Riffe holding quilt square

And quilt she does. Riffe makes and sells quilts to fundraise for the Black Lung Association, raising more than \$5,000 so far. Some are custom pieces that buyers pay hundreds of dollars for. Others honor coal miners, their images sewn into the blankets that Riffe makes by hand. "We've all got our talents," says Riffe. "Use it! You know if you don't use it, like the Bible tells, God will give it to somebody else that will use it."

One quilt was particularly personal to Riffe. "I had put my father-in-law on it," she says. "My father-in-law had went in the mines when he was 13 years old."

Riffe's late husband Bernard, who passed away in March 2021 at the age of 78, also went into the mines as a teenager. He started shoveling coal by hand at the age

of 15. When he passed away in the spring, black lung was to blame.

"Of course, we went through the whole procedure, all the doctors and oxygen," Riffe says. "You live it with them."

Riffe was even invited to speak on MSNBC when Sen. Bernie Sanders visited neighboring McDowell County in 2018 and hosted a live town hall event. On the air, Riffe explained how President Richard Nixon had signed the Black Lung Benefits Act into law in 1972, but the process for filing claims was incredibly onerous, particularly under the Regan administration. About 50% of claimants received benefits by 1978 but that number dropped to 4% after President Ronald Reagan took office in 1981 and signed a bill making the benefits approval process much stricter.

"Reagan made it so hard for the miners to get their black lung benefits. They just couldn't hardly do it," Riffe says. But the system was improved considerably in 2010 when West Virginia Senator Robert Byrd sponsored two amendments to the Affordable Care Act which established a presumption that black lung is the cause of any respiratory impairment for miners who worked at least 15 years in the mines. This put the burden of proof on coal companies who wish to challenge a black lung diagnosis, rather than on miners and their families attempting to file claims for black lung benefits.

"Our Senator Byrd was wheeled out on the Senate floor in a wheelchair when they were passing the Affordable Care Act," recalled Riffe. Byrd was the longest-serving senator in U.S. history at the time of his death just three months after championing the ACA's black lung provisions.

In addition to fundraising with her quilts, Riffe has also worked with the Wyoming County chapter of the Black Lung Association to put up a statue of a female coal miner in her hometown of Mullens, West Virginia alongside the statue of a male miner that is currently there. While the majority of mine workers are male, there are also women among the workforce. Historically, Mullens and nearby

communities in Wyoming County WV had one of the higher rates of women working in the mines.

The new statue, produced by Slick's Pottery in Mount Airy, NC, has now arrived in Mullens and is being stored at Riffe's home while she works with the town to coordinate its installation. Riffe said an unveiling date is still to be determined, but she plans to make the statue's dedication a special



Quilt with squares of Mother Jones and of Judith Riffe's father-in-law.

occasion, with local politicians in attendance, and a dinner at the Mullens Opportunity Center to follow.

Riffe describes the overall work of the Black Lung Association as, "Just to try to help as many miners as

we can get their benefits, and to encourage them not to quit. So many of them, you know, they say, 'I've tried and I've tried. I can't get it. They ain't gonna give it to me. They just won't do it.'

"And you know, to encourage them, [I say] 'Don't give up. You're living, keep trying!'"

The Wyoming County Chapter of the Black Lung Association meets on the second Monday of each month at 5pm at the Mullens Opportunity Center, 300 Front St. Mullens, WV.

(Sen. Capito cont'd) However, she did not specify whether she supported a one, four, or ten-year extension.

Your phone calls, postcards, and letters, were instrumental to passing previous extensions of the excise tax. Let's keep it up, and make sure Capito knows we need her to stand with us on this issue. To talk with Sen. Capito's staff, call 347-767-2063. You will hear a brief message and then be connected to Capito's office. Please be polite and tell the senator's staff that you want her to co-sponsor the Black Lung Disability Trust Fund Act.



Holiday Toy Drive
For UMWA Families on Strike at Warrior Met

THE UMWA WILL BE PARTICIPATING
IN AN ONLINE TOY DRIVE REGISTRY

THE REGISTRY WILL BE OPEN
UNTIL DECEMBER 9, 2021

Items can be purchased through the following Target Registry:

UMWA AUXILIARY'S CHARITY REGISTRY

<https://www.target.com/gift-registry/gift-giver?registryId=fc4dbf50-09ed-11ec-9754-316e5419043a&type=CHARITY>

All items purchased online through the Target Registry will be donated to assist Warrior Met Local Union Members and their families.

Needed Items: toys for all ages, baby items, clothing for all ages, shoes



*Or send donation to:
UMWA Strike Aid Fund
P. O. Box 513, Dumfries, VA 22026

Reminder:

West Virginia Black Lung Clinics Conference

at Pipestem, WV, June 8-10

Attendance for miners is
free to the conference.

Contact Debbie Wills at 304.595.1770 for more information.

A Note from the National Black Lung Association President, Gary Hairston:

Though we had hope for meetings in 2021, COVID-19 continued to be a threat in our communities. As we prepare for the new year, we still have a great deal of work to do as we continue to fight for an extension of the excise tax and an improved silica standard. I am encouraging all members to attend the National meeting planned for January 13 to discuss our goals for the new year. Wishing you all a happy holiday season!

Virtual National Black Lung Association Meeting
Scheduled for January 13 at 4:00 p.m. EST
Meeting ID: 838 1657 0244

To access the meeting by computer, visit zoom.us and type in the Meeting ID.
To access the meeting by phone, dial 301.715.8592* and enter the Meeting ID.

*This is not a toll-free number.

About the Bulletin:

The Black Lung Bulletin is the newsletter of the Black Lung Association, which is composed of both union and non-union miners, and their families. The Bulletin was originally published from 1970-1972. The Bulletin has reemerged, now, as a way to stay connected in a time when it is challenging to be together. In collaboration with Black Lung Association leaders, this bulletin has been organized by John Cline, Debbie Wills (Valley Health), Willie Dodson (Appalachian Voices), Courtney Rhoades (Appalachian Citizens' Law Center), and Rebecca Shelton (Appalachian Citizens' Law Center) and published by Appalachian Citizens' Law Center. We hope that a bulletin can be sent out every few months. Please contact your chapter president or Courtney Rhoades if you have ideas for content (articles you would like to see, or art or poetry you would like to share), if you would like to participate in editing and distributing this bulletin, if you do not want to receive this bulletin, or if you would prefer to receive this bulletin via email.

Courtney Rhoades: courtney@aclc.org or (606) 633-3929