



Article Headline

Dear Members,

This year has been a successful year for our association. Earlier this year we hosted a press conference in Charleston calling on Senator Manchin to support an extension of the excise tax. This event brought a lot of media to our fight and gave us some momentum to see the passage of a permanent extension of the excise tax. We are so appreciative of our Coalfield Senators for helping to get the extension included in the Inflation Reduction Act. We finally have a fix, and no longer have to struggle with this and can focus on other issues impacting miners and their families.



National Black Lung Association President Gary Hairston speaking at the WV Capitol Building

As President, I am continuing to stay vigilant and trying to push for changes that would benefit our members and miners. With the rising inflation and with the increases in recent energy bills, it is becoming more apparent that the small monthly stipend provided through benefits doesn't give you much to live on. The blessing of the benefits is that it covers all of our healthcare costs for this disease we develop due to doing our job. However, many of us have had to retire earlier than planned and now find ourselves worrying monthly about money. The Black Lung Benefits Improvement Act was passed in its house committee earlier this year and included a pay raise for those miners and their families that receive black lung benefits. This raise would be based on cost of living rather than the pay scale of a government job. We will continue to make progress on this goal in the new year.

This year we were able to hold our first in-person national meeting since 2019. I am so thankful for all those that helped organize this event and presented updates to us. As discussed at the meeting, we want to see a change in the amount of silica dust exposure a miner experiences. Leadership of the National Black Lung Association has been meeting regularly with MSHA to push for this change, as we know miners are exposed to more silica than any other occupation. In the new year, we will continue to push for a change to the silica rule that would lead to less exposure.

It was good to see many out after several years of being reliant on zoom but I am hopeful to see even more members at next years national meeting. We need to keep up our fight to improve black lung benefits. I'm hopeful this coming year that we will get more people interested and provide opportunities for new voices to be heard.

Sincerely,
Gary Hairston



Black Lung Association members at the "We're Counting on you, Joe" press conference, Charleston, WV, May 2022

Black Lung Excise Tax Passed

After several years of seeking an extension and launching our, "We're Counting on You, Joe," campaign in May, we were victorious in receiving a permanent extension of the excise tax that funds the black lung disability trust fund through the Inflation Reduction Act. The excise tax, paid by coal companies, has permanently been reinstated to its higher rate of \$1.10 a ton for underground coal and \$0.55 a ton for surface coal. The Black Lung Disability Trust Fund is now protected by this funding and we will no longer have to be reliant on waiting for a one-year extension. It has been a long process but thank you to each of you for your dedicated work on this. It is because of members like you that we were able to achieve this victory.



Employers want to settle black lung claims - Why the Black Lung Association Disagrees

Coal companies are complaining about the uncertainty of how much a miner's black lung claim will cost. And to fix their uncertainty, coal companies want to change the law and allow a company to "settle" black lung claims by offering disabled miners a fixed amount of money for life. But how is a miner who is disabled by black lung supposed to determine:

- How fast will my black lung progress?
- How long will I live?
- How much will my medical costs be?
- Will I need a lung transplant or other medical costs that could bankrupt my family?

In other words, the coal companies want to transfer **their uncertainty** to you and your family, which is a bad idea.

The Black Lung Association opposes a change in the law to allow settlements. As Senator Byrd said many years ago, black lung benefits "will not cost one additional dime, unless employers took insufficient precautions to protect their workers from black lung disease."

If coal companies want to reduce the uncertainty of black lung costs, they should: (1) support a silica dust standard and (2) do a better job of protecting miners from the disabling effects of coal mine dust.

The Battle of Blair Mountain

Submitted by Dianna Perdue & Debbie Wills

The Battle of Blair Mountain began with the shooting death of Police Chief Sid Hatfield and his friend on the steps of the courthouse in Welch, WV on August 1, 1921. Hatfield pledged his allegiance to the unionized miners of West Virginia rather than the nearby coal companies. His murder catalyzed the largest labor uprising in history. Ten thousand West Virginia miners marched in protest of hazardous work conditions, low-quality housing and low wages and wanted to lift strict martial law that prohibited union organizing. They set out from Marmet traveling down to Mingo County but they never made it that far. There were deputized townspeople as well as local and federal law

enforcement who stopped them in battle on Blair Mountain in Logan County. As the battle went on for days, President Harding sent in national troops. When the miners, many of whom were veterans themselves, saw the troops, they put down their guns. Miners wanted to fight coal companies but they would not fight against their own government.

UMWA membership fell from around 50,000 to about 10,000 over the next few years. In 1935 following the great depression, UMWA fully organized southern West Virginia.

Mother Jones, union organizer and activist, was



called "the most dangerous woman in America" for her success in organizing mineworkers against mine owners. She was present for the beginning of the march on Blair Mountain.

In September of 2022, three statues of miners, a miner's wife and Mother Jones were unveiled at Marmet, WV on Labor Day. There is another set of statues in Clothier along the march route. These were erected in a collaboration between the United Mine Workers, the Mine War Museum, Kanawha County Black Lung Association and the City of Marmet. The group met for a year prior to the unveiling and got input from the community. Their efforts were to make sure future generations would know the history of our union and our state.



Photo by Jill Fraley

Strike Fund Donations

Last issue we did an article on the Warrior Met Strikes in Alabama. It has been over a year and the strikes continue. If you would like to donate, checks are to be made out to the UMWA Strike Aid Fund, and mailed to:

UMWA Strike Aid Fund
P.O. Box 513
Dumfries, VA 22026

WV Chapter Updates

The Fayette County, WV chapter has been having meetings in Scarbro. We have had speakers on a number of topics, worked on the excise tax with other groups, and are now working on passing the Black Lung Benefits Improvement Act. The November meeting was a huge potluck dinner and celebration of this year's accomplishments. Fayette County meets the third Tuesday of the month. Contact Gary Hairston at (304) 575-7898. The Kanawha County, WV chapter had several successful fundraisers this year. We worked on getting the excise tax passed and then moved on to trying to get the Black Lung Benefits Improvement Act passed. We hosted a meet the candidates session during one of the meetings. Our holiday dinner was December 1. Kanawha County meets first Thursday of the month. Contact Jerry Coleman at (304) 595-5544. The Nicholas County, WV chapter did not resume meetings until July. However, we continued to stay in touch and now the group is back to work. We also have had speakers and worked on

getting the excise tax reinstated. We are actively seeking new members. Nicholas County meets the fourth Thursday of the month. Contact Arvin Hanshaw at (304) 619-1355. The Wyoming County, WV chapter has been meeting. After a long fundraiser, we were able to partner with the City of Mullens to establish the Coal Miners' Memorial. There are two male miners and a female miner statues. There was a dedication ceremony in June. Wyoming County meets the second Monday of month. Contact Judy Rife at (304) 294-6142 or (304) 890-9941. The Boone County, WV chapter just reinstated in person meetings in September. We've had a fairly small but steady turn out so far. We have more plans to develop this chapter next year. Boone County meets the second Tuesday of the month at the Madison Fire Department(new meeting place as they used to meet at the Boone County Health Department. Contact Roger Malcolm at (304) 542-1813.

KY Chapter Meetings Updates

The Black Lung Association of Southeastern Kentucky has restarted in person meetings and has been meeting the fourth Tuesday of each month at 2:00 p.m. at the Mountain Shriner Buidling in Whitesburg. The attendance has fluctuated since the floods that hit our area earlier this year but we are hopeful that with a permanent location our attendance will increase in the new year. If you are interested in attending, contact Courtney Rhoades at (606) 633-3929.

The East Kentucky Coalfield Black Lung Association was a new chapter that started up a few months prior to the pandemic. Through the pandemic, the leadership has stayed active through online meetings and has now held several in-person meetings with special guest speakers. If you are interested in learning more, you can contact Courtney Rhoades at (606) 633-3929. The group meets at the Pike County Health Department on the second Tuesday at 11:00 a.m.



ACLEC employees and BLA members at a meeting in Whitesburg, KY in Spring 2022. Photos by Jill Fraley.

VA Chapter Meetings Updates

The Black Lung Association of Southwest Virginia Chapter 1 has met on and off for the last two years but seems to have found a regular meeting place in the Drill Community Center. The group meets on the third Tuesday of the month at 2:00 p.m. Contact the Dean Vance (276.873.5987), Betty Hess (276.873.6622), or Francis Miller (276.991.6134) to learn more about this group.

The Black Lung Association of Southwest Virginia Chapter 2 previously met at the Norton Community Center but has changed their meeting location to the Big Stone Gap Visitor's Center. The group meets the first Tuesday of the month at 6:00 p.m. Contact Bethel Brock (276.328.3715) or Vonda Robinson (276.219.5925) for more information.



Black Lung Association of Southwest Virginia Chapter 2 meeting at the Big Stone Gap Visitors Center.

National Meeting update by Dianna Perdue



National BLA Secretary Dianna Perdue speaking in Charleston, WV

The National Black Lung Association met at the National Mine Academy in Beckley, WV. The meeting was held on October 21 with about fifty members from West Virginia, Kentucky, and Virginia in attendance.

We began with session led by Ron Barber. Ron is currently a health instructor for MSHA. Before assuming that role, he was a mine inspector. Moreover, all of that comes after twenty-eight years as a working miner. He went through some points for miners to transfer to a less dusty area of the mines. We commonly call these transfer rights Part 90. Miners need to exercise their Part 90 rights to prevent further progression of their disease. To learn more about Part 90, visit you local black lung clinic for an exam.

Richard Miller followed with a talk about getting legislation passed. Specifically, the Black Lung Benefits Improvement Act was discussed. As Miller worked in the House Labor and Education Committee, he had solid experience to share. Therefore, we thank him for educating our group on legislation.

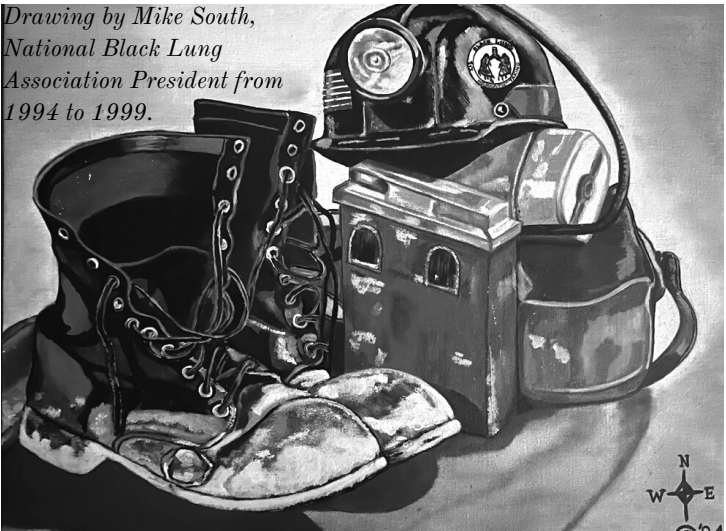
Sam Petsonk, a local attorney taking black lung cases and employment/dismissal cases, talked about Department of Labor issuing medical cards to all miners when they are awarded benefits. Previously, only miners in states with no workers' compensation for black lung got cards. That left a majority of awarded miners out of the federal system. This change will help miners get hospitals and doctors to bill the correct insurance for their charges. Miners receiving federal black lung benefits should have received a medical card. You should never be paying for your medical expenses out of pocket.

(Nat'l update cont'd) If you have not received a card, please contact your black lung clinic. After a lunch break, we came back to hold the annual business meeting to make plans to help miners disabled by black lung get benefits and to reduce dust exposure in the mines.

This year was the first year the National Institute of Occupational Safety and Health (NIOSH) Coal Workers' Health Surveillance Program, the mobile unit for black lung screenings, was able to once again visit communities since the pandemic. Over 350 miners were screened throughout West Virginia, Southwest Virginia, and Eastern Kentucky.



National Black Lung Association Meeting at the National Mine Academy.



Drawing by Mike South, National Black Lung Association President from 1994 to 1999.

An Update from ACLC

July's historic flood severely damaged ACLC's office, therefore a lot of our team's efforts shifted to recovery work in the following weeks and months. We saw an outpouring of support from friends in the region, however, and we are eternally grateful to all those who checked in on us and contributed to our Flood Recovery Fund.

Traditionally we try to do three issues of the Black Lung Bulletin a year. We apologize for missing the summer/early fall issue due to the flood but are so glad to be able to bring you an issue before the end of the year.



Appalachian Citizens' Law Center Main Street office under water in Whitesburg, KY, July 2022.



BLACK LUNG Association Meetings

January-March meeting dates

West Virginia

Fayette Co.

January 17

February 21

March 21

contact Gary Hairston at 304-575-7898

Wyoming Co.

January 9

February 13

March 13

contact Judy Rife at 304-294-6142 or 304-890-9941

Kanawha Co.

January 5

February 2

March 2

contact Jerry Coleman at 304-595-5544

Boone Co.

January 10

February 14

March 14

contact Roger Malcolm at 304-542-1813

Nicholas Co.

January 26

February 23

March 23

contact Arvin Hanshaw at 304-619-1355

Kentucky

BLA of Southeastern Kentucky

2pm Mountain Shriners Building, Whitesburg

January 24

February 28

March 28

contact Courtney Rhoades at 606-633-3929

EKY Coalfield BLA

11am Pike County Health Department

January 10

February 14

March 14

contact Courtney Rhoades at 606-633-3929

Virginia

BLA Southwest Virginia

Chapter 1

2pm Drill Community Center

January 10

February 14

March 14

contact Dean Vance (276-873-5987), Betty Hess (276-873-6622) or Francis Miller (276-991-6134)

BLA Southwest Virginia

Chapter 2

6pm Big Stone Gap

Visitor's Center

January 3

February 7

March 7

contact Bethel Brock (276-328-3715) or Vonda Robinson (276-219-5925)

BLACKLUNGKILLS.ORG

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 Mullins (Appalachian Citizens' Law Center), Rebecca Shelton (Appalachian Citizens' Law Center), and Carrie Wells Carter (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 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 Mullins: courtney@aclc.org or (606) 633-3929