

APPALACHIAN  
CITIZENS'  
*Law Center*

317 Main St.  
Whitesburg, KY 41858



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

## About the Bulletin

*The Black Lung Bulletin is the newsletter of the Black Lung Association. Originally published from 1970-1972, the Bulletin remerged as a way to stay connected in a time when it was 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), and Rebecca Shelton (Appalachian Citizens' Law Center) and published by Appalachian Citizens' Law Center. Please contact your chapter president or Courtney to share your Bulletin content ideas.*

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# Black Lung Town Halls held in Whitesburg, Kentucky and Oak Hill, West Virginia

After the COVID pandemic, we thought it was important to remind our communities about the black lung epidemic and the impact it is having on our communities.

On July 24, Appalachian Citizens' Law Center hosted a town hall in Whitesburg, Kentucky. We hosted our first installment of a town hall five years ago, when the epidemic was first being identified in the coalfields. Last month, we hosted an update for our area. The program included showing the Faces of Black Lung II video and speakers: radiologist Dr. Brandon Crum, and Chris Parker and Noemi Hall from NIOSH.



*Radiologist Dr. Brandon Crum speaks at Whitesburg's Black Lung Town Hall.*



*Gary Hairston, President of the National Black Lung Association speaks at West Virginia Town Hall*

New River Health and Valley Health hosted a health fair with NIOSH on August 22. NIOSH and their Coal Workers' Health Surveillance Program bus were available at the fair to screen retired and working coal miners for early stages of black lung. The National Coalition of Black Lung and Respiratory Disease Clinics hosted a town hall after the health fair that featured Sam Petsonk, Josh Roberts with the UMWA and Susie Criss.



*Chris Williamson visits with Debbie Wills and the staff of Valley Health.*

## Chris Williamson Visits Valley Health

In June, Chris Williamson, the newly appointed Assistant Secretary of MSHA, visited Valley Health in West Virginia to hear more about all they are doing to diagnose and treat miners with black lung.

# Black Lung Association Members Speak at the West Virginia Black Lung Conference

The miners panel at the West Virginia Black Lung Clinics Conference in May of this year addressed the serious mental health problems that many miners encounter when they are afflicted and disabled by black lung. The results of a study based on interviews with over 2,000 miners showed that 883 had experienced symptoms of major depression, 295 had experienced thoughts of suicide, and 1,005 had experienced significant anxiety.

All of the miners on the panel had advanced black lung that had forced them to give up their jobs in the mines at an earlier age, and they talked about the adjustments that they have had to make in their own lives.



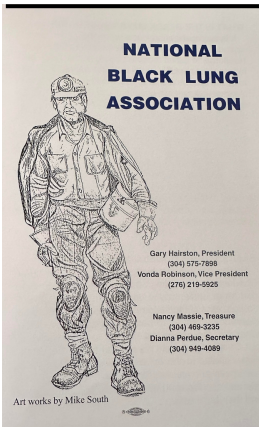
*John Cline (moderator), Lindsey Kitchen PsyD (psychologist at Valley Health Upper Kanawha Black Lung Clinic in Cedar Grove, WV), Arvin Hanshaw (president of the Nicholas County WV Black Lung Assn.), James Bounds (vice-president of the Fayette County WV Black Lung Assoc.), Terry Lilly (member of the Fayette County WV Black Lung Assoc.), Gary Hairston (president of the national Black Lung Assoc.), and John Robinson (member of the Virginia Black Lung Assoc.)*

## Beckley Hearing

On August 10th, MSHA held a hearing at the Mine Academy outside of Beckley, West Virginia to hear comments on the proposed silica rule. Many Black Lung Association members were in attendance and spoke on changes they hope to see in the final rule process. Several members voiced their concerns about the rule including the National President Gary Hairston, Vice President Vonda Robinson. Speakers at the hearing also included Andy Martin, a member of the Southwest Virginia Chapter 2 and Terry Lilly, a Fayette County chapter member.



*Andy Martin addresses the panel about his concerns on the proposed silica rule.*



## National Black Lung Association Creates BLA Brochure

Earlier this year, Dianna Perdue, the secretary of the National Black Lung Association put together a brochure detailing black lung associations and listing the dates and times of each regional group.

**Tentative National Black Lung Association Meeting Date Set Friday, October 27 at 9:00 a.m. at the Mine Academy**

**If you wish to attend you must RSVP by contacting Dianna Perdue at 304.949.4089**

# National Black Lung Association Submits a Comment on Self-Insurance Rule

In May of this year, the National Black Lung Association submitted a comment on the proposed rule pertaining to self-insurance. In March, the Department of Labor released their proposed changes in the regulations of how a company would self-insure. As we know, the Black Lung Disability Trust Fund has repeatedly been used as the dumping ground by bankrupt companies.

The NBLA's letter stated their support of the proposed change to the regulations that would require any company that chooses to self-insure their black lung liabilities would need to post 120% of their current and future estimated liabilities. Under the current regulations, companies that are self-insured are required to post collateral. However, as

stated in the NBLA's comment, coal operators have been able to shift nearly \$1 billion on the trust fund in the past.

*"The Trust Fund is already \$6 billion dollars in debt, which includes at least \$1 billion that was shifted to the Trust Fund without adequate surety. Many of our members are reliant on the Trust Fund now for their benefits since their employers have filed for bankruptcy."*

This oversight has led to needless strain on the Trust Fund due to weak regulations and this newly proposed rule could protect the fund from companies that may bankrupt in the future and try to shed their liabilities onto the fund.

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## Proposal of a New Silica Rule

After many years of work, a new silica rule has finally been proposed by MSHA to address the need for change to prevent black lung disease. The comment period for the rule ended September 12th and saw a petition of 5200 people submitted in support of protecting working miners from overexposure to silica dust. The National Black Lung Association also submitted a comment on the proposed new rule with a strong focus placed on the requirement of enforcement of this rule going forward so, "companies are not able to skirt the rule."

During the 1990's the worst form of black lung, PMF, had been almost entirely eradicated with only 31 cases identified by NIOSH's CWHSF nationwide for the decade. However, this is far from the case today. A 2018 study found the prevalence of black lung in long-tenured miners nationwide exceeds 10% but in Central Appalachia rises to 21%. 1 in 20 retired miners in the Appalachian region are

diagnosed with Progressive Massive Fibrosis.

The proposed rule would lower the permissible exposure limit from 100 to 50 micrograms. However, in the comment submitted the association highlighted the need to clarify when monetary fines would be levied against a non-compliant company, change the overreliance on companies completing their own silica sampling, and not allow for respirators to be the sole protection for miners exposed to high levels of dust. Additionally, the comment included the need to clearly lay out what positions would be sampled from to ensure all aspects of the mining process would be monitored for silica exposure including construction and rehabilitation.

Though the comment period for this rule has closed, the National Black Lung Association and partners will be monitoring for updates to ensure the final draft places miners and their health as the first priority. If you would like to read more about the rule or see the comment submitted, you can visit the Federal Register.