

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.

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

West Virginia Miners Day

The annual Mine Workers and Black Lung Day at the capitol was held on Thursday, 02/01. Members of the Black Lung Association were joined by the UMWA, MSHA, Appalachian Voices, and the Appalachian Citizens' Law Center outside the House rotunda.

Legislators visited the table to meet with advocates about their concerns and to discuss the WV Black Lung chapters' proposal to award claimants with pulmonary massive fibrosis with no pulmonary impairment increased benefits based on category. Delegate Elliott Pritt of Fayette County, upon meeting with advocates, took the BLA proposal to bill drafting that morning. Representatives from coal-rich counties in the state, including Marshall, Raleigh, Ohio, and Fayette counties, stated their support for current and former coal miners and their families, hoping to support them through sponsoring this and other meaningful legislation. Members were later recognized by Senator Caputo in the senate gallery, who stated that, "There is no more horrible death than dying of this tragic disease."



Advocates receive recognition in the Senate gallery, 02/01/2024.

Recognizing that black lung impacts individuals across the state, Senator Caputo also remarked that, "Black lung shouldn't be political, because black lung doesn't discriminate. It doesn't care if you're Democrat or Republican, black or white, male or female. If you work long enough in an unsafe environment, it'll get you."

Monthly Black Lung Leadership Call

Do you wish to stay in touch with black lung leadership? Join our monthly call on the first Friday of the month at 3:00 p.m.

To join, simply visit <https://us02web.zoom.us/j/84581584566> or dial by phone at 301.715.8592 and use Meeting ID: 845 8158 4566. Please note that this is not a toll-free number.

National Meeting Held October 27

The National Black Lung Association annual meeting was held on October 27 at the National Mine Academy with 61 people in attendance. Those in attendance included members from the following black lung associations; East Kentucky Coalfield, Southeastern Kentucky, Fayette County, Kanawha County, Wyoming County, Southwest Virginia Chapter 1, Chapter 2, and Chapter 3.

During the meeting elections were held to elect officers.. The following individuals were voted in as the current leadership of the National Black Lung Association:

- President: Gary Hairston, WV
- Vice-President: Vonda Robinson, VA
- Treasurer: Dianna Perdue, WV
- Secretary: Krista Critchfield, WV

Several changes were also voted to be made to the by-laws during the meeting. These changes included:

1. In Article III Membership Section 4 it was changed from twice to once a year for the chapters to submit the 20% of dues to the National Black Lung
2. In Article IV Officers Section 5 it was changed from each state having one vote to all members in attendance that is in good standing shall have one vote for each officer's category at the election at the annual fall meeting
3. In Article V Duties of Officers Section 1 the President duties have been changed to strike maintains up to date list of chapter officers including addresses and phone numbers, make official list of chapters and officials, accepts all correspondence and advise members at membership and board meetings of all correspondence that were received would now be additional duties for the Secretary so this will be added to Section 3 Secretary duties
4. In Article V Section 4 Treasurer it was required you would need the signature of the Treasurer and the President to sign checks but will now state any two officers are allowed to sign checks.



Gary Hairston and Dianna Perdue speaking at the National Conference

Perry Amendment

With the closing of comments on MSHA's proposed silica dust rule in September, numerous advocacy groups and individuals wrote to the agency expressing concerns about lenient guidelines regarding sampling frequency, specificity, and criteria for enforcement. Despite a final rule not yet being announced by MSHA, however, in November, Representative Scott Perry (R-PA) put forward an amendment to the House Labor appropriations bill which would prevent the

(Perry Amendment cont'd) Department of Labor from devoting any resources to enforcing the rule during fiscal year 2023-2024. The amendment passed with a voice vote, ensuring that no member of the House would be on the record supporting such a blatant attack on miners.

A day before the vote, Representative Perry stated that the proposed rule is “killing industry” and represents “standard overreach” by the federal government. When Perry was asked if the rule could assist coal miners in the fight against black lung, Perry stated, “What coal miners? Who’s coal mining in America anymore?” Perry further stated that miners “can inform themselves and get PPE and make sure they are protected. But the silica rule, all that’s going to do is end coal mining.”

The bill has yet to pass the House, and the Senate is unlikely to approve the numerous proposed spending cuts or amended appropriations bills put forward by the House.

BLBIA & Widow’s Bill updates

In November, Senators Manchin (D-WV), Casey (D-PA), Fetterman (D-PA), Brown (D-OH), Kaine (D-VA), Warner (D-VA), and Representative Bobby Scott (D-VA) reintroduced the Black Lung Benefits Improvement Act (BLBIA). S. 3304 & H.R. 6461 would strengthen the Black Lung Benefits Program by restoring the lost cost-of-living benefit increases for beneficiaries and continuing future cost-of-living increases in the future, assisting claimants with securing legal representation by providing interim attorney fees if miners prevail at various stages of their claims, and requiring the Department of Labor to develop a strategy to reduce the backlog of

benefits claims. Additionally, the BLBIA would prohibit unethical conduct against miners in black lung claims by rebutting potentially biased or inaccurate medical evidence from coal operators while allowing miners and their survivors to reopen cases if they had been denied due to discredited medical interpretations.

Representative McGarvey introduced a companion house bill in December at a press conference featuring Senator Casey, the National Black Lung Association President Gary Hairston, and Vice President Vonda Robinson.

Black Lung Association Winter Organizing Training

This past December, Appalachian Citizens’ Law Center sponsored a leadership training for BLA members at the Cowan Community Center in Whitesburg, Kentucky. This training provided participants with an opportunity to learn about how to grow membership and build member power in local BLA chapters.

ACLC will be sponsoring future trainings this year - both online and in-person. If you or other BLA members are interested in participating, please contact Courtney at courtney@aclc.org.



ACLC Black Lung Organizer Courtney Rhoades Mullins leads an overview of finding self-interest in organizing.