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Law Center

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Whitesburg, KY 41858



the **black lung**
BULLETIN



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Volume 3 | Issue 2
February 2025

Town Hall held in Oak Hill, West Virginia

New River Health Association, in conjunction with Cabin Creek and Valley Health, hosted their second coal miners' rights educational town hall in Oak Hill, WV, on August 15th.

Topics included Part 90 Transfer Rights, reporting hazardous violations anonymously, filing State and Federal Black Lung claims while working, the rights to free medical monitoring, and legal and medical questions answered for the crowd.

Lisa Emery, RRT, director of the Black Lung clinic at New River Health, moderated an expert panel, which included discussion from Sam Petsonk, Dr. Dan Doyle, Josh Roberts (NIOSH), and representatives Christopher Parker and Noemi Hall (NIOSH), and Tiffany Blair and Andy Sparks (MSHA). Working coal miners and their family members were encouraged to attend. The goal is to host more events like this for working miners and their families in the future.

Honoring Jerry Coleman

Jerry Coleman, the long-standing President of the Kanawha County Black Lung Association, passed away in August 2024. He was a champion for protecting working miners from dust exposure and an advocate for improved silica dust monitoring. Jerry was featured in several news articles in the past and always willing to share his experience of living with black lung. You will be deeply missed, Jerry.



Jerry Coleman speaking at the "We're Counting on You, Joe" Press Conference, May 2022

National Black Association Meeting held January 17

The annual meeting was held on January 17, 2025 at the Mine Academy. Speakers included Andy Sparks (MSHA), Sheila Singleton (DOL), Vonda Robinson, Sam Petsonk, and Gary Hairston moderated. Members were present from several chapters and it was agreed that planning for the next meeting would occur 4-6 months in advance and the next monthly call would be on February 3 at 3:00 p.m. For additional information, please contact Krista Critchfield.

Save the Date:
**National Coalition of Black
Lung & Respiratory Disease
Clinics Black Lung
Conference - June 4-6, 2025**

**Pipestem Resort State Park
Pipestem, WV**

Black Lung Members Lobby Trip to Washington, D.C.

The black lung epidemic continues to ravage mining communities across Appalachia as every year, more and more younger miners contract this preventable occupational disease. With each new diagnosis, households are torn between two equally difficult choices to make: continue working to make ends meet in a toxic environment, or retire early and hope that the benefits miners are entitled to will be enough to sustain a family.

Recognizing the difficulty countless households have with these decisions, members of the West Virginia, Virginia, and Kentucky Black Lung Associations traveled to Washington, D.C. in early May to meet with lawmakers about the need to increase miners' benefits, which have failed to keep pace with inflation.

To make sure that all miners with black lung receive the benefits they deserve, in 1978 Congress set up the Black Lung Disability Trust Fund — paid for through a tax on coal mine operators — that covers those costs when the coal company responsible for a miner's disease is unable to pay for their benefits, often due to bankruptcy.

Undeterred by previous inaction on the part of Congress to fix the broken benefits system, miners and advocates met with over a

dozen congressional offices to highlight the concerns that miners and their families face on a daily basis. The Black Lung Association specifically is asking for a member of Congress to introduce a bill that would increase the monthly black lung stipend in line with inflation every year, which is already included in the Black Lung Benefits Improvement Act but has been stalled this Congress.

The first day on the Hill began with a meeting with Sen. Joe Manchin (I-W.Va.), who echoed many of our concerns. Manchin has been a co-sponsor on the Black Lung Benefits Improvement Act and the Relief for Survivors of Miners Act, two bills that would help improve the benefits system for miners and their families. This is his last term in Congress, and with his exit, Black Lung Association members fear there might not be a West Virginia sponsor on the Black Lung Benefits Improvement Act for the first time since the bill was originally introduced a decade ago.

Shortly after that meeting, the group met with Sen. Shelley Moore Capito's (R-W.Va.) office to share those concerns, relaying the hope that she would take the lead and fill the role that Manchin has played in advocating for miners' health, safety and a stronger benefits program.

The offices of Sen. Mitt Romney (R-UT) and Sen. Mitch McConnell (R-KY) similarly expressed support for miners' issues. Romney himself is a minority member of the Senate Health, Education, Labor & Pensions committee, where the Black Lung Benefits Improvement Act currently sits awaiting a hearing. Additionally, Sen. John Hickenlooper's (D-CO) office, which has been spearheading much of the work to support the Senate Health, Education, Labor & Pensions committee hearing on health and safety practices in the mining industry, gathered first-hand information about the struggles miners and dependents face when applying for benefits and the inadequacy of benefits currently.



William McCool, President of the Black Lung Association of Southeastern Kentucky, and Quenton King, of Appalachian Voices, speaking with Congressional staff.

(Lobby Trip cont'd) Members of Congress who showed a willingness to support miners with black lung disease also expressed concern about the solvency of the Black Lung Disability Trust Fund. A primary concern that Republicans have relayed to miners and their advocates over the past decade has been the debt-to-revenue ratio within the fund. The fund is supported by an excise tax on coal, which received a permanent boost in the Inflation Reduction Act in 2022. The revenue from the excise tax is typically enough to cover the benefits paid out to miners with black lung. However, the fund pays much more than that on interest for past debt that it borrowed from the Treasury, and it must continue borrowing from the Treasury to meet interest payments.

Some of the debt is a result of poor oversight of coal companies. The Government Accountability Office reported in 2019 that three coal company bankruptcies between 2014 and 2016 have added more than \$800 million in black lung benefit liabilities to the fund. Years of lax oversight from the Department of Labor failing to ensure companies have the necessary collateral to cover these liabilities is partly to blame, something both Democrats and Republicans have been critical of, and which the Department of Labor's new proposed rule on self-insurers is intended to fix.

Rep. Morgan Griffith (R-VA) met with us and expressed interest in finding a way to improve the black lung benefits program, including a cost-of-living adjustment, while addressing legacy debt that is burdening the fund.

In 2008, Congress forgave a portion of the debt while refinancing the remaining balance. The Black Lung Association also hopes to work with Rep. Mike Bost (R-IL) on black lung-related issues as well. Bost has supported the Miners Protection Act (2017) and the American Miners Act (2019), and represents a district in Southern Illinois where coal mining is still an active means of employment for many. In Griffith and Bost's districts, there are nearly 2,000 miners and dependents receiving federal black lung benefits, while Griffith's district alone has the third highest number of black lung benefit recipients in the country.



National Black Lung Association President, Gary Hairston, and Roosevelt Neal in Washington, D.C.

As the 118th Congress winds down, Appalachian Voices, the Appalachian Citizens' Law Center and the Black Lung Association will continue to fight to secure benefits that miners and their dependents are rightfully owed.



Post-Election Overview: A New Congress, Same Problems Persist

With President Donald Trump's return to the White House and Republican control over the House and Senate for the first time since 2017, there is a mix of concern, trepidation, and excitement about the goals this incoming administration may have as they relate to Appalachia. Specifically, what will President Trump do differently in his second non-consecutive term with a Republican Congressional majority to better advance the health and safety of coal miners, their families, and communities?

Some committee shake-ups have already begun. Representative Virginia Foxx (R-NC) did not run for re-election as chairwoman of the House Education & Workforce committee again, leaving the position instead to Representative Tim Walberg (R-MI). Congressman Walberg is a former union steel worker who has served on the House subcommittee on Health, Employment, Labor, and Pensions (HELP), and in 2011 he chaired a panel that discussed modern mine safety standards after the Upper Big Branch Mine disaster in 2010. Congressman Walberg has also been a vocal supporter of the Rehabilitation for Multiemployer Pensions Act in 2019, which was supported by labor unions and other labor-affiliated organizations. Any movement on the Black Lung Benefits Improvement Act (BLBIA) or other related miner health, safety, and benefits programs will inevitably go through this committee, but Representative Walberg might be more amenable to some of the much-needed changes to the black lung benefits program than his predecessor. For now, though, it appears that this committee's focus for this Congress will be on education, as President Trump has made it clear he wants to eliminate the Department of Education, among other education-impacted priorities.

While most House members across Appalachia will be returning to Congress, two names will be absent: Representative Matt Cartwright (D-PA) and Representative Alex Mooney (R-WV). Congressman Cartwright lost in a close election (49.2-50.8%) to freshman congressman Rob Bresnahan (R-PA). Representative Cartwright had been a stalwart defender of miners and mining families in northeastern Pennsylvania, such as supporting bills that continued funding abandoned mine land reclamation efforts and protecting miners from COVID-19. Congressman Alex Mooney lost his primary bid for US Senate earlier in 2024 and was replaced by Congressman Riley Moore (R-WV), nephew of Senator Shelley Moore Capito.

On the Senate side, Senators Bob Casey (D-PA) and Sherrod Brown (D-OH) both lost their seats in the November election to Republican rivals Dave McCormick (R-PA) and Bernie Moreno (R-OH). Senators Casey and Brown have supported various miner health and safety issues, too, leaving a hole in the upper chamber now to be led by Senators Warner (D-VA), Kaine (D-VA), and Fetterman (D-PA).

Additionally, Senator Shelley Moore Capito (R-WV) will now lead the Senate Republican Policy Committee. This office provides the chair with immense power to sway policy priorities for the majority party, often through their weekly luncheons. Senator Capito has not endorsed BLBIA but has not stated publicly, yet, any opposition to the bill itself. Senator Warner and Congressman McGarvey (D-KY) will now lead up black lung-related legislation for the Democrats while we await to see which House and Senate Republicans will take lead.

With the retirement of Senator Joe Manchin (I-WV), newly-elected senator and former governor Jim Justice (R-WV) will now serve on the Committee on Energy and Natural Resources, the Agriculture, Nutrition, and Forestry Committee, the Committee on Small Business and Entrepreneurship, and the Aging Committee

Now that Congress has been seated and the new Trump administration has begun, we will continue to monitor new developments at the federal level and provide updates for anyone interested in continuing to advocate for miners, their families, and our communities.

Reprint of Dianna Perdue's Op-Ed



National Black Lung Association Treasurer, Dianna Perdue, talking with Senator Manchin in Washington, D.C.

The following is an excerpt from Dianna Perdue's op-ed in the Charleston Gazette-Mail, originally published on August 6th, 2024.

"We Need More in Congress to Fight Black Lung"

Before my husband died of black lung in December of 2018, we were working with the

Cabin Creek Black Lung Clinic to set up the Kanawha County Black Lung Association. Sam got sicker with black lung the last ten years of his life, preventing him from doing many everyday things and limiting his ability to organize. But he did everything he could and, while we were organizing, he told me "you can see what I'm going through – if you can help somebody, help them." And that's been my goal with the Black Lung Association, where I am currently National Secretary.

Part of my work now is organizing new Black Lung Associations where they haven't been before. We're working on building new chapters in West Virginia, and I'm hoping to see them soon in North Carolina, Tennessee, Alabama, and even Indiana. The goal is to continue the fight, to support miners and families, and to educate – not just coal workers, but legislators. The message we bring to them is clear: black lung is a devastating disease, and it doesn't go away. It only gets worse over time – and those challenges are too often complicated by inaccessible, inadequate benefits.

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, Rebecca Shelton, and Brendan Muckian-Bates of 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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