

FIXING WHAT'S BROKE

Why Congress
must support a
Just Transition for
miners with black
lung and their
communities



**KENTUCKIANS FOR THE
COMMONWEALTH**

October 2018

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ABOUT US

Kentuckians For The Commonwealth (KFTC) is a community of people, inspired by a vision, working for a brighter future for all people, no matter our color, where we come from, or how much money we have.



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Caci Gibson, mother and youth organizer in Laurel County, Kentucky



TO BUILD A NEW ECONOMY, START BY FIXING WHAT'S BROKE.¹

All Kentuckians, including coal miners who risked their health and safety, deserve a Just Transition as our economy shifts. Affected workers need access to health care, a decent income, and a secure retirement. And our communities need more good jobs and opportunities for people to thrive – no matter where we live, what our age, gender, or skin color may be, or what luck we've had in life. It won't be easy to build a brighter future, but we can start by fixing what's broke.

Unfortunately, right now Congress is harming, not helping, our sick, retired, and laid-off miners and their communities. Black lung disease is on the rise, but a federal trust fund to support sick miners and their families is running out of money. Thousands of mining jobs have vanished in recent years, but Congress has not passed the RECLAIM Act, a bill to put thousands of people to work improving damaged land and waterways. And the hard-earned pensions of thousands of miners and their families are at risk if Congress continues to talk, but not act, on a needed fix.

Across Kentucky and Central Appalachia, people are coming together to demand that Senator Mitch McConnell and all other members of Congress do right by our miners and communities. Together, we urge support for three Just Transition proposals:

- Strengthen funding for the federal Black Lung Disability Trust Fund.
- Pass the bipartisan RECLAIM Act (H.R. 1731) to create thousands of good reclamation jobs and support longer-term economic development initiatives.
- Pass the bipartisan American Miners Pension Act (H.R. 3913 / S. 1911) to ensure that retired union miners and their surviving spouses get the pensions they have earned.

“ We have to stick together. If you take a book, two or three pages are easy tore. But take any more than that, and it's harder! ”

- Jimmy Moore, retired UMWA miner with black lung disease in Pike County, Kentucky



Union members and supporters attend a rally for health care in Pike County, Kentucky

1. Statement by Dee Davis, President of the Center for Rural Strategies, Whitesburg Kentucky, September 2018.

BLACK LUNG KILLS, AND IT'S ON THE RISE IN KY

Black lung is a fatal, incurable, and preventable disease caused when coal miners breathe rock dust and coal dust over time. After health and safety regulations passed in the 1970s, the rate of black lung disease among veteran miners declined significantly. But, starting in 2000, health professionals and researchers in Central Appalachia began to observe alarming trends. A recent federal report has confirmed:²

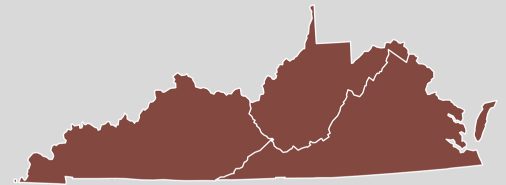
- younger miners are getting sick at higher rates than before,
- the rate of black lung disease among Central Appalachian coal miners is now twice the national average for all coal miners, and
- the most severe form of black lung disease, called progressive massive fibrosis (PMF), is affecting a larger share of the region's miners than at any time in history.



Joanne Hill, retired nurse
in Corbin, Kentucky

1 IN 5 VETERAN MINERS

IN CENTRAL APPALACHIA HAS BLACK LUNG



A study of miners with 25 years or more of mining tenure in West Virginia, Virginia, and eastern Kentucky found 20.6% have black lung disease, compared to the national average of 10%.²

“ I was born and raised in Harlan County. I come from a long line of coal miners. My father had black lung, my brother had it, and my two grandfathers had it. One of my grandfathers had it so bad, there were times he had to use his hands to push his lungs up to breathe. ”

2. Progressive Massive Fibrosis Resurgence Identified in U.S. Coal Miners Filing for Black Lung Benefits, 1970-2016 (National Institute for Occupational Safety and Health, among other collaborators), Aug 2018.

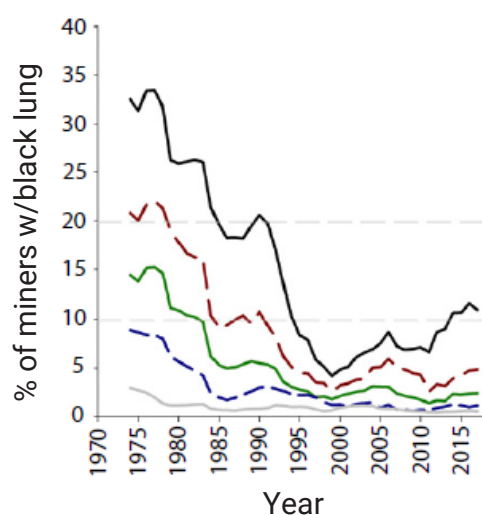
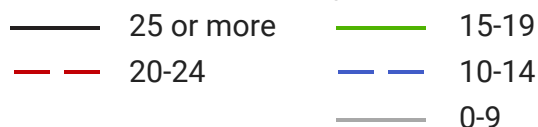
WHAT IS CAUSING OUR BLACK LUNG CRISIS IN CENTRAL APPALACHIA?

Black lung disease is preventable and, more than 40 years after the passage of the Mine Safety and Health Act, it should be a thing of the past.

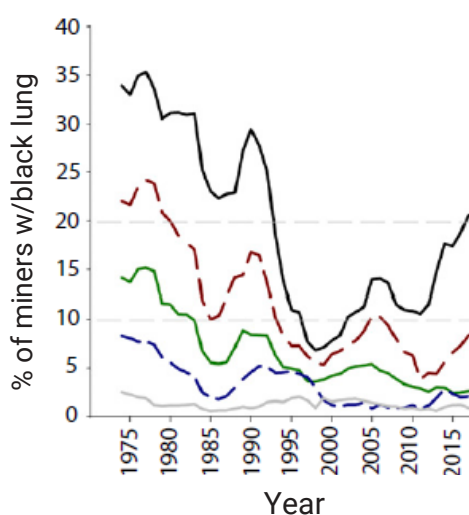
Yet "today, black lung disease in Central Appalachia is worse than ever before," according to Dr. Cara Halldin of the National Institute for Occupational Safety and Health (NIOSH). In August 2018, Dr. Halldin told a room full of miners in Whitesburg, Kentucky that health researchers have found an alarming regional spike in the overall rate and severity of the disease, rapid onset of the disease among younger miners, and rapid progression of the disease.

These graphs visualize the crisis: black lung rates in Central Appalachia are rising.⁴

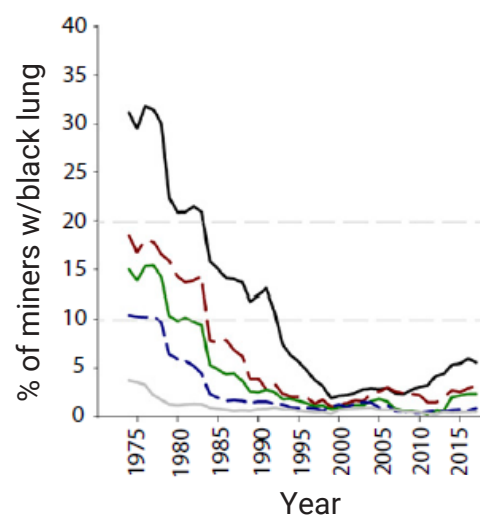
Number of Years Working As a Coal Miner



All coal miners in U.S.



All coal miners in Central Appalachia



All coal miners in U.S., excluding Central Appalachia

The causes of these trends are complex.

Common explanations include:

- In Central Appalachia, the thickest seams of coal have largely been mined out. What's left are thinner seams surrounded by sandstone rock. Cutting through all that rock exposes miners to high levels of fine silica dust.³
- There are few active union mines left in Central Appalachia and none in Kentucky. Without a union, workers have less power to demand and ensure safe conditions.
- With the decline of coal production and employment, miners have less job security and may be more likely to tolerate unsafe conditions. Meanwhile, coal companies may be more likely to cut corners when it comes to health and safety.
- State and federal agencies with the mission of protecting health and safety are under political and budget pressure to ease up on inspections and enforcement.

3. Progressive Massive Fibrosis Resurgence Identified in U.S. Coal Miners Filing for Black Lung Benefits, 1970-2016 (National Institute for Occupational Safety and Health, among other collaborators), Aug 2018.

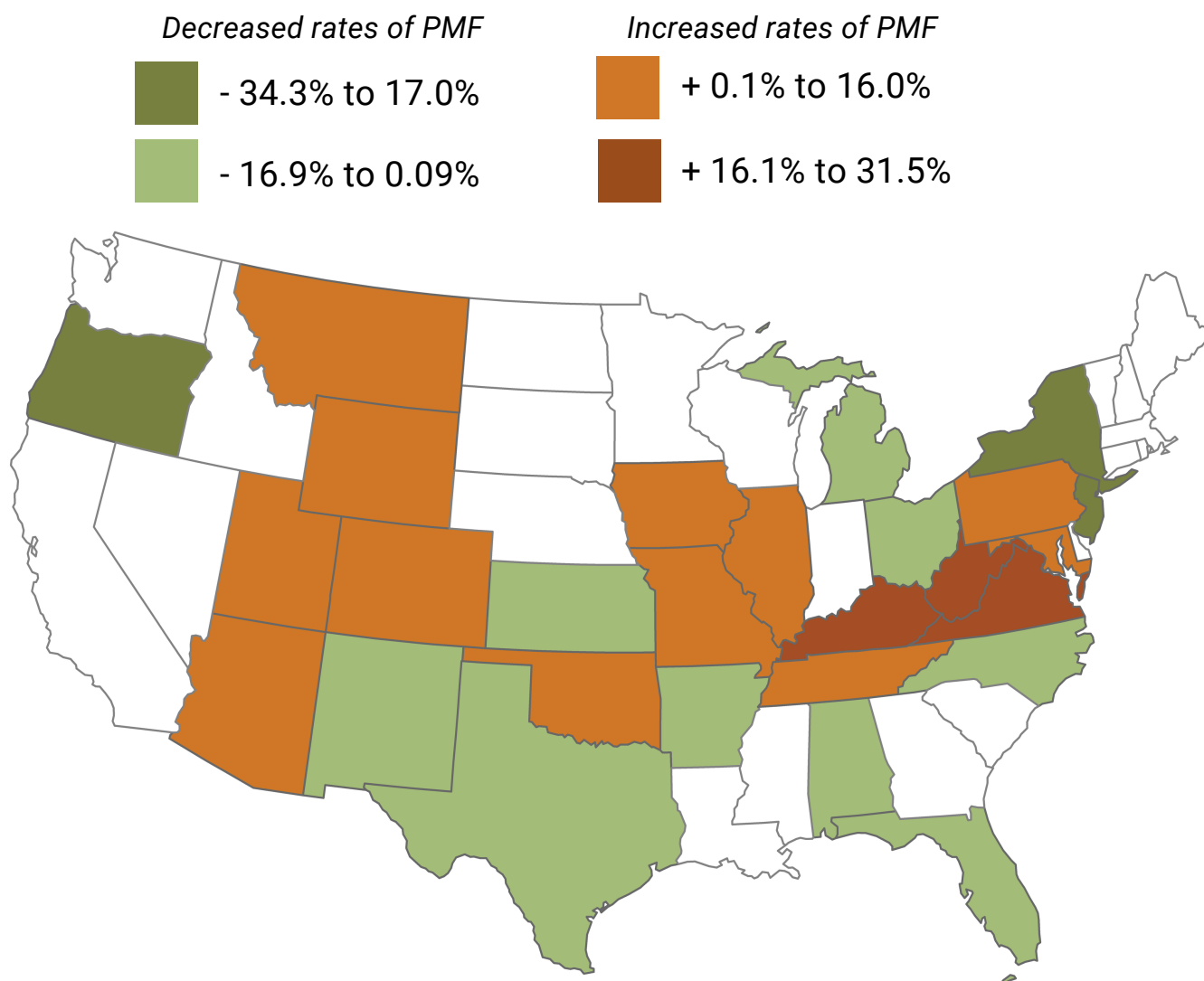
4. Continued Increase in Prevalence of Coal Workers Pneumoconiosis in the United States, 1970-2017 (National Institute for Occupational Safety and Health), Sept 2018.

WE ARE IN A TRUE EPIDEMIC, ANY WAY YOU WANT TO LOOK AT IT.⁵

Today, Central Appalachian miners are experiencing a surge in the most severe and disabling form of black lung disease, called progressive massive fibrosis (PMF). In 2015, federal health researchers with the National Institute for Occupational Safety and Health (NIOSH) found more than 5% of miners in the region have PMF, the highest rate ever observed.⁶

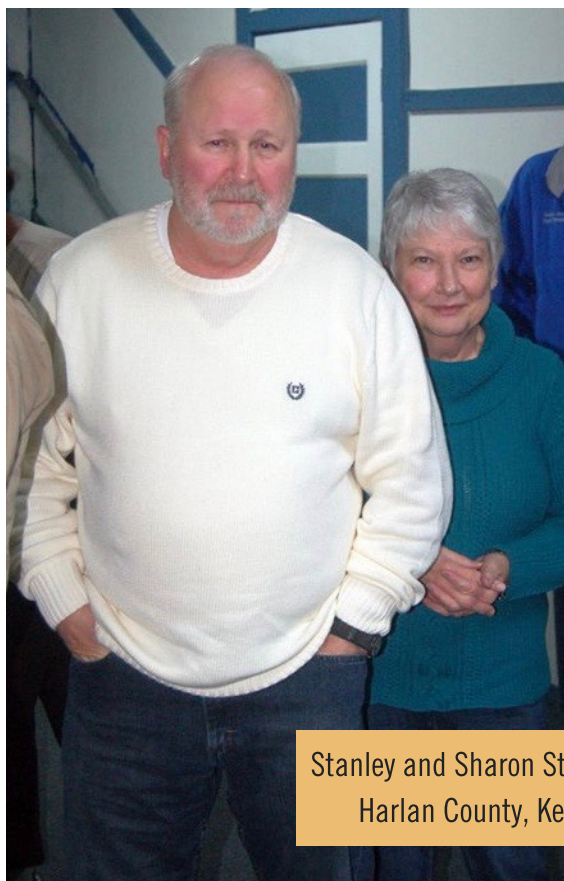
Between 1970 and 2016, the percentage of miners with PMF actually decreased significantly in many states. Yet, as the map below shows, Central Appalachia is a hotspot for PMF. Kentucky and West Virginia saw a 16.6% and 16.8 % increase in their rates of PMF between 1970 and 2016 respectively, and Virginia's rate increased by 31.5%.⁶

Average annual percent change in the rate of the most severe form of black lung, PMF (1970-2016)



5. Statement by Dr. Brandon Crum, Pikeville radiologist, at a Black Lung Town Hall meeting in Whitesburg, Kentucky on August 23, 2018.

6. Progressive Massive Fibrosis Resurgence Identified in U.S. Coal Miners Filing for Black Lung Benefits, 1970-2016 (National Institute for Occupational Safety and Health, among other collaborators), Aug 2018.



Stanley and Sharon Sturgill from Harlan County, Kentucky

“ Miners with black lung usually die a slow, horrifying death. Their family members, their wives or children do what they can to comfort them and wait for them to die. I have close friends that I once worked with that were tough Appalachian mountain men, coon hunters, fox hunters, farmers, dirt track race drivers; they were really tough men at one time. Now, most of them need help pulling their oxygen cylinders, if they are not in wheelchairs. I, too, have black lung, but I’m extremely blessed. I have a very loving and caring wife. I also have two children that are very loving and caring registered nurses. ”

- Stanley Sturgill, a retired miner and federal mine inspector from Harlan County, Kentucky, who worked underground for 41 years

“ These folks at NIOSH and CDC are the best epidemiologists and researchers in the world. I went to them initially because I was seeing a lot of black lung and complicated black lung, especially in younger people. I had 60 cases that I had picked up in my clinic in about 18 months. To put that in perspective, we had just about 30 cases in the 1990s. They confirmed that we had a lot of complicated black lung, and at rates above what anyone had seen before. ”

- Dr. Brandon Crum, a radiologist from Pikeville, Kentucky, speaking at a forum in Whitesburg in August 2018

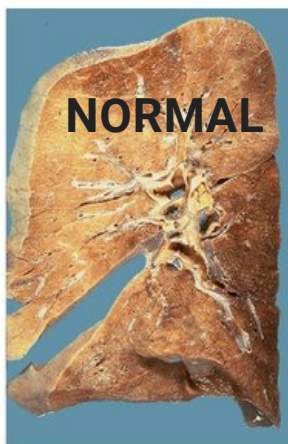
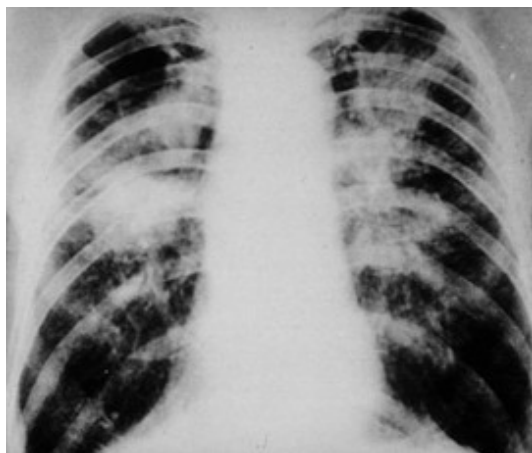


Photo sources - Left: chest x-ray showing evidence of black lung disease (U.S. Department of Labor); Right: lung samples comparing black lung progression (National Institute for Occupational Safety and Health)

THE BLACK LUNG DISABILITY TRUST FUND IS AT RISK

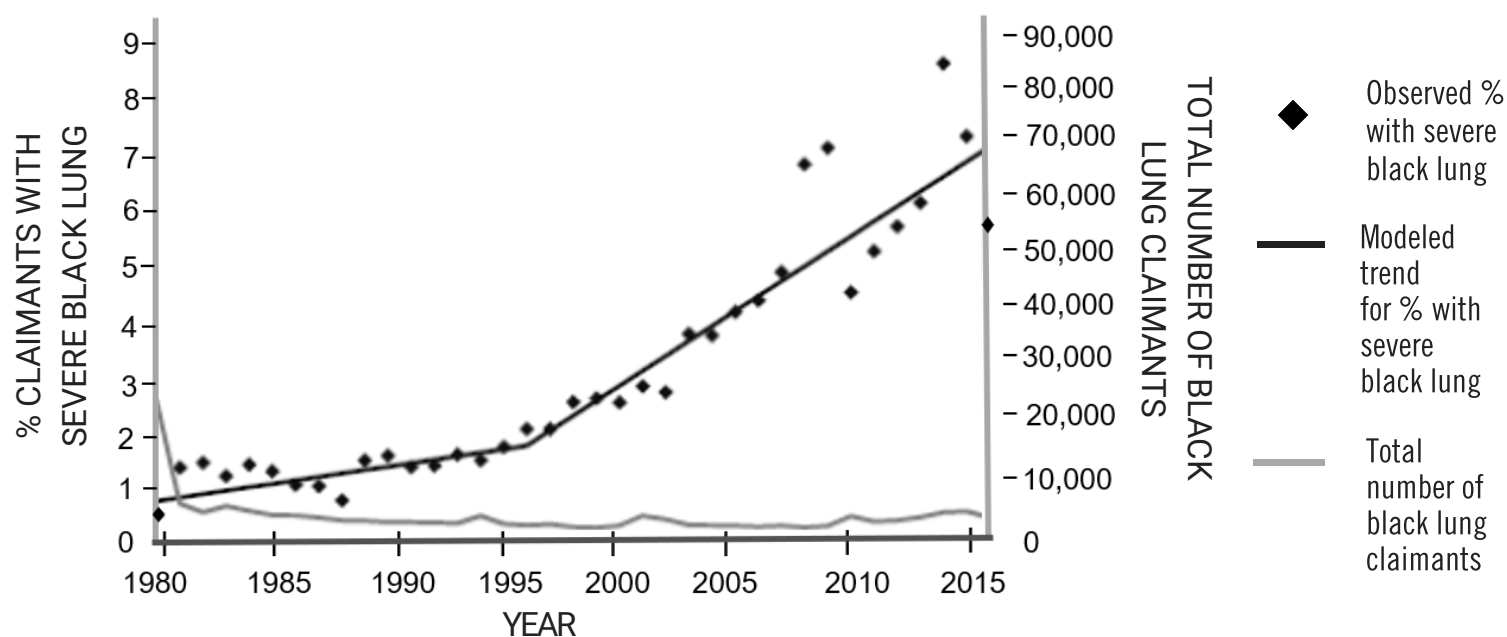
Unless Congress Acts Now

The Black Lung Disability Trust Fund provides critical benefits to miners and their families in cases where the coal company they worked for has gone bankrupt or is unable to pay benefits. More than 4,000 households in Kentucky received health benefits and financial support from this federal fund in 2017.⁷ But today, the Black Lung Disability Trust Fund is \$5 billion in debt, and its problems are about to get much worse.

HERE'S WHAT'S HAPPENING:

- The Trust Fund is supported by an excise tax on each ton of coal mined in the U.S.
- Congress never set the fee high enough to fully cover the costs of caring for sick miners and their families. Making matters worse, in 1985 Congress planned for the fee to drop by 55% at the end of 2018.⁸
- Now, the long-term health of the Trust Fund is in jeopardy: more miners are getting severely ill, more coal companies are going bankrupt, and the tax that provides resources to the fund is about to be slashed by more than half.
- Congress must do right by our miners and their families by keeping the coal excise tax at its current level, or even increasing it. Otherwise, the fund's debt is expected to skyrocket to \$15 billion by 2050, creating unacceptable risks and uncertainty for the workers who gave their very breath to the industry.⁸

While the number of miners applying for black lung benefits has stayed level for decades, the percent of claimants with the most severe form of the black lung, PMF, is rising.⁹



7. Part C Black Lung Claims and Disbursements Statistics, FY 2017 (Division of Coal Mine Workers' Compensation).

8. Black Lung Benefits Program: Options for Improving Trust Fund Finances (United States Government Accountability Office report to Congress), May 2018.

9. Chart re-created from: Progressive Massive Fibrosis Resurgence Identified in U.S. Coal Miners Filing for Black Lung Benefits, 1970-2016 (National Institute for Occupational Safety and Health, among other collaborators), Aug 2018.

THE RECLAIM ACT GENERATES JOBS

The federal Abandoned Mine Lands (AML) fund exists to address health and safety problems by restoring land and waterways damaged by old mining operations. It currently totals more than \$2.5 billion.¹⁰ The RECLAIM Act (H.R. 1731) is bipartisan legislation sponsored by Rep. Hal Rogers (KY-5) to create jobs and revitalize communities by funding economic and community development projects tied to AML reclamation projects. The RECLAIM Act calls for \$1 billion of the fund to be invested over the next five years, over and above the current annual spending from the AML fund.

THE RECLAIM ACT WILL CREATE 4,600 GOOD, NEW JOBS

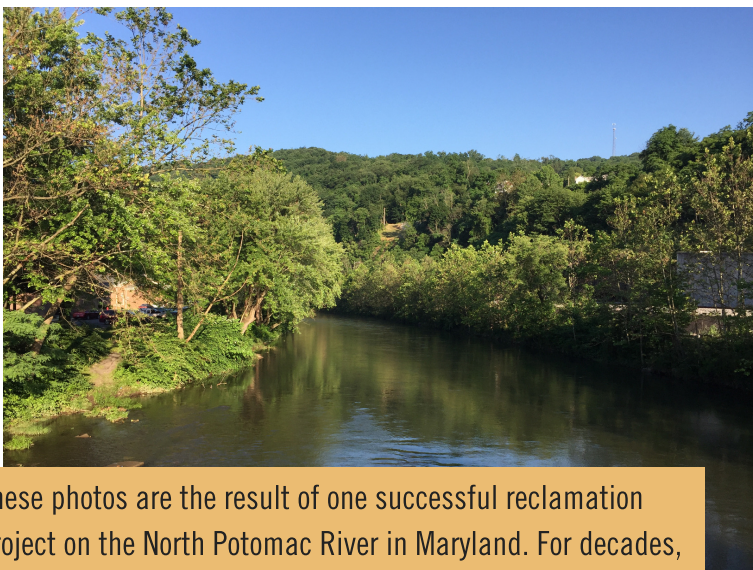
By investing \$1 billion over five years in reclamation and economic development projects, the RECLAIM Act will create 4,600 good new jobs in U.S. mining communities.¹⁰ These are productive, meaningful jobs that require the skills and work experience of many former and laid-off miners.

RECLAMATION WILL IMPROVE HEALTH AND SAFETY

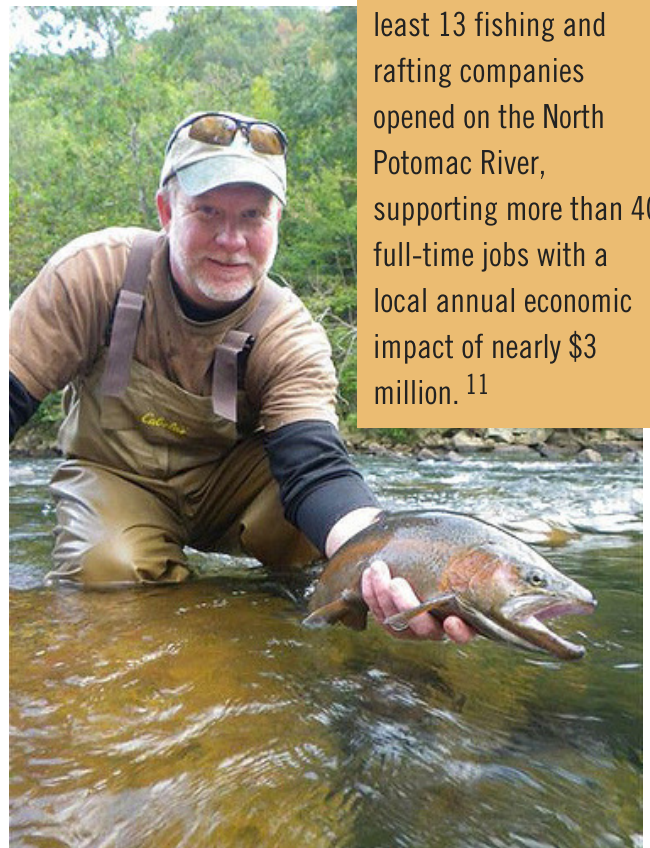
Many abandoned mine sites are hazardous to community and environmental health. Old mine sites can pollute our streams and rivers, cause dangerous subsidence and sinkholes, and create rockslides, mudslides, and other threats to safety. The RECLAIM Act puts existing resources to work building healthier and safer communities.

RECLAMATION WILL HELP BUILD A BRIGHTER FUTURE

By returning unsafe land and water to productive use, reclamation projects can also open doors for communities to address important goals and needs. Reclaimed sites can support sustainable agriculture (including aquaponics, greenhouses, and orchards), solar energy or wind production, recreation and adventure tourism, community services and infrastructure, affordable housing, and local businesses.



These photos are the result of one successful reclamation project on the North Potomac River in Maryland. For decades, an old mine site drained pollution into the river.¹¹



Following reclamation, at least 13 fishing and rafting companies opened on the North Potomac River, supporting more than 40 full-time jobs with a local annual economic impact of nearly \$3 million.¹¹

10. <http://www.powerplusplan.org/reclaim-act/>

11. <https://www.sierraclub.org/compass/2017/08/reclaim-act-means-business-for-appalachian-communities-historically-dependent-coal>

Photo sources - Left: "View up the North Branch Potomac River" Famartin [CC BY-SA 4.0];

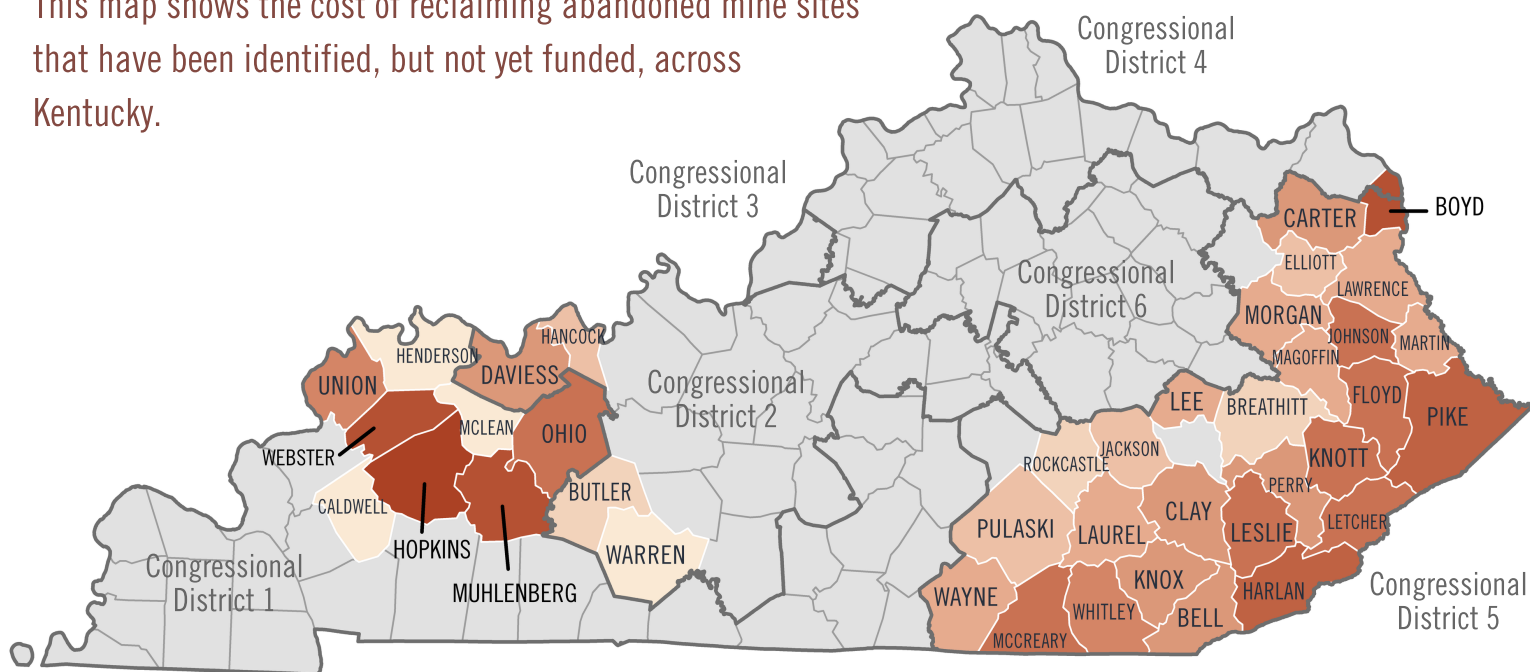
Right: <http://dnr.maryland.gov/fisheries/Pages/hotspots/northbranch.aspx>

KY COMMUNITIES WILL BENEFIT FROM THE RECLAIM ACT

Kentucky can expect to receive about \$100 million of the \$1 billion that would be distributed to coal-producing states over a five-year period under the RECLAIM Act. Those investments will create hundreds of good jobs in Eastern and Western Kentucky, while generating important long-term community and economic benefits.

To put that in perspective, Kentucky has a backlog of 1,089 identified AML sites that are in need of reclamation and eligible for resources from the fund. The federal Office of Surface Mining estimates completing all the projects in Kentucky would require more than \$400 million.¹²

This map shows the cost of reclaiming abandoned mine sites that have been identified, but not yet funded, across Kentucky.



Total cost of unfunded reclamation projects

\$10,264 - \$86,911
\$86,912 - \$344,000
\$344,001 - \$770,000
\$770,001 - \$2,136,110
\$2,136,111 - \$3,632,644
\$3,632,645 - \$5,986,695
\$5,986,696 - \$11,693,726
\$11,693,727 - \$16,723,834
\$16,723,835 - \$52,392,868
\$52,392,869 - \$137,528,454

TOP 10 COUNTIES WITH UNFUNDED RECLAMATION WORK

	County	Region	Total Cost	Number of Projects
1	Hopkins	West	\$137,528,454	91
2	Muhlenberg	West	\$52,392,868	40
3	Webster	West	\$38,719,488	32
4	Boyd	East	\$33,155,140	22
5	Pike	East	\$16,723,834	99
6	Harlan	East	\$16,341,143	57
7	Leslie	East	\$11,693,726	60
8	Floyd	East	\$10,855,032	79
9	Johnson	East	\$10,647,965	66
10	McCreary	East	\$9,721,572	37

12. Office of Surface Mining Reclamation and Enforcement (OSMRE) e-AMLIS Advanced Query System (<https://amlis.osmre.gov/>), 9/27/2018.

PRESERVE AND PROTECT MINERS' HARD-EARNED PENSIONS

COAL MINERS LED THE FIGHT IN U.S. FOR RETIREMENT BENEFITS

All people deserve the peace of mind that comes from a secure retirement. And in this country, unionized coal miners who risked their health and safety in the mines were also the first to win lifetime health and pension benefits from their employers. The United Mine Workers of America (UMWA) pension plan was established by President Harry Truman in 1946 and revised by Congress in 1974. That victory paved the way for other unions to win guaranteed pension benefits for millions of U.S. workers.

THE UMWA PENSION PLAN IS IN CRISIS

But, today, the federal fund that provides pensions to nearly 90,000 retired and disabled UMWA coal miners and surviving spouses is at risk of insolvency. The UMWA says the fund could collapse within a few years. This crisis is due, in large part, to the recession of 2008 and a dramatic decrease in employer contributions following coal industry bankruptcies.

STRENGTHENING THE UMWA PENSION FUND WILL PROTECT MILLIONS MORE

If Congress allows the UMWA pension plan to fail, the obligation to pay miners' pensions will shift to another federal fund, the Pension Benefit Guarantee Corporation (PBGC). That cascading debt could bankrupt the PBGC, which is responsible for the pensions of about 1.5 million other workers, and is the backstop for millions more.

CONGRESSIONAL ACTION IS URGENTLY NEEDED

The UMWA and many community supporters are calling on Congress to pass the American Miners' Pension Act (H.R. 3913 & S. 1911). This bill will ensure that the 1974 Pension Plan can continue to pay the hard-earned pensions of retired or disabled miners and their surviving spouses.



Hattie and Larry Miller from
Ohio County, Kentucky

“ These threats to our pension plan and black lung fund are a frightening one-two punch for miners and retirees, including me and my wife. This whole situation is made worse when coal companies go to court to restructure themselves on the backs of workers and retirees. And that pain ripples through our local economy, where too many people have already lost jobs. ”

- Larry Miller, retired UMWA miner with black lung disease in Ohio County, Kentucky

KY COMMUNITIES TELL CONGRESS TO FIX WHAT'S BROKE

In recent years, miners and community leaders across Kentucky have sparked a national campaign calling on members of Congress to support a Just Transition in coal communities.

As Dee Davis of the Center for Rural Strategies explained, “To build a new economy here, Congress should start by fixing what’s broke.” With that principle in mind, many Kentuckians are speaking out. Together, we are calling on Senator Mitch McConnell and other members of Congress to do right by our miners and communities by passing a package of Just Transition bills.

Specifically, we are urging Congress to:

1. Strengthen the Black Lung Disability Trust Fund,
2. Pass the RECLAIM Act, and
3. Protect the pensions of retired UMWA miners

Advocates are building public support by hosting town hall meetings, collecting petitions and postcards, meeting with members of Congress, and working to pass local black lung and Just Transition resolutions. As of October 16, 2018, nine local governments in eastern Kentucky unanimously passed resolutions in support of these Just Transition bills. More are expected to take action soon.¹³

“ I’m so happy that our city is trying to move forward and protect our miners and community. I hope this action lights a fire. ”

- Carl Shoupe, a disabled miner, after his town of Benham became the first local government in Kentucky to pass a black lung and Just Transition resolution

CONGRATULATIONS

PIKE COUNTY

9TH In Kentucky to pass a local resolution about **BLACK LUNG & JUST TRANSITION**



learn more at kftc.org/blacklung

1. Benham 2. Jackson 3. Breathitt Co. 4. Morehead
5. Whitesburg 6. Knott Co. 7. Letcher Co.
8. Rowan Co 9. Pike Co. 10. Who's next?

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13. <http://www.kftc.org/blog/local-black-lung-resolution-picking-steam-eastern-kentucky>

14. <http://www.kftc.org/resources/local-black-lung-resolution-breathitt-county>

IT'S TIME TO DO RIGHT BY OUR MINERS AND THEIR COMMUNITIES

Across our Commonwealth, Kentuckians are organizing to demand that Senator Mitch McConnell and other members of Congress take immediate action to pass a package of Just Transition measures, including:

- Stronger funding for the federal Black Lung Disability Trust fund
- The bipartisan RECLAIM Act (H.R. 1731) to create thousands of good reclamation jobs and support longer-term economic development initiatives
- The bipartisan American Miners Pension Act (H.R. 3913 / S. 1911) to ensure that retired union miners and their surviving spouses get the pensions they have earned

Here are key ways you and others in your community can take action:

- ✓ Sign and share a petition (www.blacklungkills.org) and a letter to Congress (www.kftc.org/blacklungletter)
- ✓ Ask your city or county government to pass a local resolution urging members of Congress to do right by our miners and communities. Contact lisa@kftc.org for more information.
- ✓ Call Sen. Mitch McConnell, Sen. Rand Paul, and your congressperson at 202-224-3121. Tell them to pass the three Just Transition measures above.
- ✓ Join Kentuckians For The Commonwealth to help shape a Just Transition: www.kftc.org/join



Western Kentucky members of KFTC are among many groups organizing for a Just Transition



Kentuckians deliver petitions supporting the RECLAIM Act to Sen. McConnell.

“ The City of Morehead is honored to support important legislation that will benefit coal miners, their families and communities. With the number of miners affected by black lung on the rise, something has to be done immediately to protect these individuals and their families’ livelihood. ”

- Jim Tom Trent, Mayor of Morehead, Kentucky, speaking after the Morehead City Council unanimously passed a local black lung resolution in October 2018

“ Everywhere we look in my area of Kentucky, we see the devastation that strip-mining has caused. Passing the RECLAIM Act is really important to put jobs back in our communities and make something good come out of all the destruction the companies left behind. ”

- Joanne Hill, retired nurse from Harlan County, now living in Corbin, Kentucky