

# APPALACHIAN CITIZENS' LAW CENTER, INC.

317 MAIN STREET  
WHITESBURG, KENTUCKY 41858  
606-633-3929 1-877-637-3929  
FAX 606-633-3925  
www.appalachianlawcenter.org

STEPHEN A. SANDERS  
Director  
steve@appalachianlawcenter.org

WES ADDINGTON  
Deputy Director  
wes@appalachianlawcenter.org

MARY CROMER  
Staff Attorney  
mary@appalachianlawcenter.org  
\*Also Admitted in VA

May 11, 2011

Billy Maggard  
P.O. Box 128  
Jeremiah, KY 41826

Dear Mr. Maggard:

I am writing to encourage you to send a comment to the U.S. Department of Labor's Mine Safety and Health Administration (MSHA) supporting proposed regulatory changes which attempt to prevent Black Lung Disease. Among the changes are a reduction in the legal dust limit and a requirement for use of Continuous Personal Dust Monitors to measure airborne dust.

According to MSHA, *the proposed rule would significantly improve health protections for coal miners by reducing their exposure to respirable coal mine dust and lowering the risk that they will suffer from Black Lung Disease.*

Under the proposal, the legal limit on coal dust in underground mines — currently 2.0 milligrams per cubic meter of air — would be reduced to 1.7 milligrams six months after the rule is finalized. The limit would be tightened to 1.5 milligrams in a year and then to 1.0 milligrams a year after that.

The Continuous Personal Dust Monitor is a device worn by the individual miner which is capable of continually measuring the airborne dust in the area where the miner is working. The CPDM stores all of the data and the data can be retrieved later to determine whether the mine is complying with the dust limits.

As part of the process of changing the regulation **MSHA will accept public comments on the proposed rule. Comments must be received (or postmarked) by May 31, 2011. Comments must be identified with "RIN 1219 – AB64" and may be sent to MSHA in the following ways:**

1. **Electronic mail:** [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include "RIN 1219 – AB64" in the subject line.
2. **FAX to 202-693-9441**, Include "RIN 1219 – AB64" in the subject line.
3. **Mail to Office of Standards, Regulations and Variances**, 1100 Wilson Boulevard, Room 2350 Arlington, VA 22209-3939.

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I have enclosed 2 sample comments for your consideration. You can use these samples to write your own comments. I strongly encourage you to send a comment to MSHA to tell MSHA to end Black Lung Disease.

Sincerely,



Stephen A. Sanders  
Attorney at Law

Enclosures

my commit is to do all you can to prevent  
this deadly disease. It eats away your lungs  
like cancer. Soon my lungs will be  
gone and I will be needing a transplant.

It also puts such a burden on your family  
especially my wife who tries to do the  
best she can and she is very sick herself  
with an uncurable bone disease but she makes  
sure she gives me my breathing treatments  
3x a day AND then I'm on oxygen at  
home around the clock, also my many  
medicines for breathing she has to help me with

So please MSHA find some way to stop  
this deadly disease.

It is killing us all.

I am now on my  
last

days.

Sincerely,

Billy J. Maggard

541 Sycamore Loop

Jeremiah, Ky. 41826

**RE: RIN 1219 – AB64**

**COMMENT ON MSHA’S PROPOSED RULE TO LOWER  
MINERS’ EXPOSURE TO RESPIRABLE COAL MINE DUST**

MSHA’s proposed rule renews a much needed focus on the elimination of black lung disease. This is a very important issue. MSHA should implement the rule as speedily as possible.

For years miners have been injured due to breathing coal mine dust. They are short of breath and unable to enjoy and their lives have been changed severely due to working in excessive dust. Their ability to support their families was wiped out and they are now dependent on compensation and disability benefits to get by. Their income is half what they had earned. Black lung has deprived them of a normal and productive life. They cannot do simple chores such as cutting the grass. They cannot take a walk. Black lung has ruined their health. It has changed the lives of their families.

The 1969 Coal Mine Act was intended to eliminate black lung by reducing the amount of dust that miners breathed. The law stated that it intended to ensure that the working conditions in coal mines were sufficiently free of dust in the mine atmosphere to permit each miner the opportunity to work during the period of his entire adult working life without incurring any disability from 'black lung' disease or any other occupation-related disease. However nearly 40 years later we have not ended black lung.

I am encouraged that MSHA has a renewed dedication to eliminating black lung. Miners are entitled to work in a safe and healthy work environment. Miners should be able to work in an environment where they are not at risk for developing an incurable disease.

(Name, address)

RE: RIN 1219 – AB64

COMMENT ON MSHA'S PROPOSED RULE TO LOWER  
MINERS' EXPOSURE TO RESPIRABLE COAL MINE DUST

My name is Billy J. Maggard I live in Settler Co.

541 Sycamore I worked as a coal miner at 16  
Loop Jeremiah, W.

We always tried to follow the proper safety procedures at the mines. We tried to control the coal dust. We hung ventilation curtains and we used water sprays to control the dust. Despite our best efforts to control the dust, I got Black Lung. I now have a severe breathing impairment. I use portable oxygen to breathe. I am totally disabled because of Black Lung.

More must be done to protect miners from Black Lung disease. MSHA's proposed rule is needed. Too many miners are still working in too much dust and getting Black Lung.

Ending Black Lung disease is very important. MSHA should act as speedily as possible. MSHA needs to prevent young miners from getting Black Lung. These young miners are healthy and they think that Black Lung will not be a problem for them. They do not realize the danger working in coal mine dust. The harm from the dust is invisible and the disease progresses slowly. It gradually causes the miner to feel short of breath until one day he cannot get enough air to do his work. After the miner stops work Black Lung continues to cause injury and eventually it causes the miner to become like I am now, with constant shortness of breath and not enough air to climb a flight of stairs or walk a short distance on level ground.

I urge MSHA to adopt the proposed rule changes and end Black Lung.

(Name, address)