



# AppalachianVoices

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Christopher Williamson  
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Assistant Secretary Williamson:

We are pleased to see that the Mine Safety and Health Administration has released the draft, proposed rule “Lowering Miners’ Exposure to Respirable Crystalline Silica and Improving Respiratory Protection” (RIN 1219-AB36). However, we are very concerned that the only two in-person hearing opportunities are in Arlington, VA and Denver, CO. These locations are not at all accessible to the miners, families and communities most impacted by the ongoing resurgence in black lung disease attributable to increased exposure to silica in coal mines.

There should be a hearing in Central Appalachia, where 1 in 5 tenured miners has black lung disease and 1 in 20 have Progressive Massive Fibrosis – the most severe form of the disease. Of the 723,588 claims for all Part C Black Lung Benefits distributed by FY 2021, three states – Kentucky (119,540), Pennsylvania (142,047), and West Virginia (134,264) – comprise 54% of total national claims. This area is the nexus of the ever-worsening black lung epidemic because larger coal seams have been mined out which means coal companies are mining thinner seams, and miners have to cut through more rock to get to coal. This rock contains silica, and the resulting dust is 20 times more toxic than coal dust, leading to miners getting black lung disease much faster than ever before.<sup>1</sup>

While there are virtual participation options for the hearings, many impacted people in Central Appalachia lack reliable broadband internet access, personal computers, or adequate cell phone service. Providing hearings in the Central Appalachian region is not without precedent. In recent years, MSHA has provided regional opportunities for public comment on proposed rulemaking, including Beaver, WV (2015 & 2018), Pittsburgh (2016 & 2017), and Triadelphia, WV (2017), all of which are more easily accessible for local impacted miners and their families than Arlington.

Traveling to the closest scheduled hearing site would present significant financial and logistical challenges to miners and their families. We estimate even the most modest travel costs to be around \$500 to travel to Arlington for Appalachian miners who may wish to attend and are unable to drive the 14-20+ hours roundtrip to Arlington without staying at least one night in a hotel.

We speak with particular expertise on the barriers created by hosting the hearings in Arlington, VA, because in 2019, we worked with partners to bring 120 miners and their families to Washington, DC to enable them to share their voices and experiences with

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<sup>1</sup> Howard Berkes et al., An Epidemic Is Killing Thousands of Coal Miners. Regulators Could Have Stopped It, NPR (Dec. 18, 2018), <https://www.npr.org/2018/12/18/675253856/an-epidemic-is-killing-thousands-of-coal-miners-regulators-could-have-stopped-it>.

lawmakers. It was a tremendous expense and undertaking for grassroots-led organizations. There were many more miners who wished to attend, but could not make the journey. Traveling from Central Appalachia to DC via charter bus is logistically difficult for miners with complicated health issues. For example, many would need to travel with portable oxygen equipment. Many impacted workers and families are struggling financially because their family members are no longer able to work due to black lung disease, and traveling such a long distance is simply not a financial possibility. Other impacted workers are not physically well enough to make the roundtrip so far away.

Many Central Appalachian locations, such as Charleston, WV, Logan, WV, or Pikeville, KY, would have adequate facilities for a hearing and be more accessible to travel to and from within a day with minimal health and financial stress to miners.

As the Department of Labor and the federal government as a whole strive to improve equity and justice in its operations, it is crucial that regulators hear from those communities most directly impacted by the disease this rule seeks to reduce. We urge the Mine Safety and Health Administration to hold at least one additional hearing related to the proposed rule in the Central Appalachian region. We also extend an offer to help identify possible appropriate venues for such a hearing and facilitate any necessary connections.

Please reach out with any questions, and thank you for your consideration.

Sincerely,

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