

Prohibition on Further Work on the Coal Dust Rule:

Making sure nothing is done about the resurgence of black lung disease

Section 118 of the Republican bill prohibits use of funds to “continue the development of or to promulgate, administer, enforce, or otherwise implement” a proposed Mine Safety and Health Administration (MSHA) regulation designed to reduce miners’ exposure to coal dust and thereby reduce the incidence of debilitating lung disease among coal miners. In short, this rider would stop any efforts to revise MSHA standards in order to alleviate what is once again becoming a growing health problem in coal country.

Exposure to coal dust causes several serious respiratory diseases, known collectively as black lung, which frequently cause severe impairment and premature death. Between 1998 and 2007, more than 8,000 coal miners died of black lung. Last year, the federal government paid more than \$400 million in disability and survivors benefits to more than 55,000 miners disabled by black lung and survivors of miners who died of the disease

There is no cure for black lung once it occurs; therefore prevention by reducing exposure to coal dust is critical. Legislation originally enacted in 1969 required measures to control concentrations of coal dust in mines, with the result that the prevalence of black lung disease decreased considerably.

More recently, however, there is evidence of a resurgence of black lung disease. Data on this can be found, for example, in a 2011 [report](#) by the National Institute of Occupational Safety and Health (NIOSH), which found that—

- the prevalence of coal workers’ pneumoconiosis (“CWP”, one of the main forms of black lung) stopped declining around 1995-1999 and has been rising since then,
- the upward trend is even more evident for the most severe form of CWP,
- coal miners are developing severe CWP at relatively young ages, and
- this disease is occurring among miners who have spent their working lives under the current standards for coal dust control set in response to the 1969 legislation.

To deal with this growing problem, MSHA issued proposed new rules in 2010 as well as stepping up enforcement of existing rules and improving education and training. The proposed rules do a number of things, including reducing the limit on concentrations of respirable coal dust in mine atmospheres, changing how samples are taken to get a more accurate picture of the dust levels miners are actually exposed to, and providing for better medical monitoring of miners’ health so that preventive steps can be taken if black lung disease begins to develop. After issuing its proposed rule, MSHA held seven public hearings and extended the time period for comments three times, in order to get maximum data, suggestions, and opinions from experts and interested members of the public regarding the proposal. The agency is now reviewing all the information received and preparing to issue a final version of the rule. It is not known what decisions MSHA will make regarding the content of the final rule. It might look much like the proposal, or substantial changes might be made.

Republicans have decided that they will be opposed to whatever final rule MSHA issues, no matter what it says. Their rider would completely stop the process, halting any work to finalize the rule (if the rider were enacted before the rule is finalized) or prohibiting implementation of any rule that might be issued. In either event, the result would be to leave the current standards in place, which have proven inadequate to prevent the incidence of black lung from rising.