US: New coal dust standards mean increased black lung for miners

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The Bush administration is proposing changes to safety measures for coal miners that will result in the additional deaths of hundreds if not thousands of miners from black lung each year.

The Mine Safety and Health Administration (MSHA) has drawn up a set of new rules governing the acceptable levels of coal dust that miners can be exposed to while working in a mine. Under the new rules, which are set to be finalized and take effect later this year, mines will be allowed to quadruple the level of coal dust that miners breathe from the current level of 2 milligrams per cubic meter to 8 milligrams.

Under the proposal, the MSHA will take over dust testing, which is now done by the coal operators. This has been long sought after by the miners, because it is common knowledge that operators routinely falsify test results. However, the MSHA is currently understaffed and the Bush administration has cut back its funding, meaning the agency will not have the resources to check dust levels. To get around this problem, the new regulations will reduce the current level of 30 samples per year to as low as 2 or 3 a year for some mines.

The new rules will also exempt dusty mines from meeting health standards if they provide miners with spacesuit-type helmets that filter the air. Miners object to these devices because they are heavy to wear, block vision on the sides, get covered with dirt and grease, and scratch easily, drastically impairing vision.

The breathing of coal and rock dust causes black lung, the common name given to the lung diseases pneumoconiosis and silicosis. An excruciatingly painful and deadly disease, black lung killed more than 55,000 miners between 1968 and 1990 and more than 1,000 miners still die each year. Another 112,000 miners receive black lung benefits, but these numbers underestimate the extent of the disease, since government workers compensation laws have been changed to make it more difficult for miners to prove they have black lung and thus qualify for benefits.

More than 200 miners testified at six public hearings held by the MSHA on the new proposals. At a May 6 hearing in Washington, Pa., miners denounced the changes and described the impact of black lung on them and their families.

Mike Smith, who has worked for 30 years at 24 different mines, supports mandating the use of a new device that would continuously monitor coal dust instead of the current sampling method. “I’ve been through hundreds of these dust-sampling procedures, and about all I’ve seen, it’s they try to get everything near perfect as they can, just to get by the pump [mine dust sampling machines].

“When I ran a miner [machine for digging coal] for them [A.T. Massey], you wouldn’t see the shift foreman or mine foreman in the mine ever, unless you were running pumps. They would hang curtain up on both sides, or whatever they had to do. Tell you, slow down buddy, don’t try to break no record today, you know? And get everything perfect. Get rid of that pump, but as soon as the pump’s gone, get it, get it, get it, you know?”

Joe Reynolds, a miner with 26 years, said, “Through my early adult life I watched my father, a veteran of 38 years in the coal mine, slowly die, day by day, from black lung disease, a process that caused him immeasurable suffering for over a period of 30 years. The day my dad died, I watched him struggle for air like a fish that had been pulled from water on a hot day, and there was nothing I could do to help him.”

Paul Clutter has worked in the mines for 30 years. “I’ve watched loved ones, friends suffer and die from black lung. I held my uncle’s hand while he breathed his last breath. Now you’re telling me you’re going to permit the standard for dust to be raised? My uncle sat up to sleep, and feared sleep because he thought he might stop breathing while he was sleeping.

“I’m a candidate for black lung myself. I have seen firsthand what this dust can do to the lungs. I’ve worked in emergency medicine and stuff. I’ve observed autopsies and everything. I’ve seen firsthand what this black lung can do to the lungs. It deteriorates them. They’re just like dust. They fall apart in your hands as you hold them. And now you want to increase the dust that was in the mines. Why?”

The change in coal dust standards is being spearheaded by MSHA Assistant Secretary Dave Lauriski. In keeping with Bush administration policy of moving corporate officials into government positions where they directly oversee the industry they came from, Lauriski is a former manager of a mining company.

In 1997, while a mine operator, Lauriski pushed hard to loosen dust-control rules in the mines. At the time, he advocated the use of personal respirators instead of dust control in mines. While acknowledging that such measures are against the law, he wrote a 41-page argument for why and how the government should get around the law. One of the provisions of the current changes will allow the use of personal respirators.

The new regulations are being issued just months before a new device being developed by the National Institute of Occupational Safety and Health (NIOSH) is set to undergo final testing in

underground mines. The device, referred to as a miner's black box, is lighter than the battery of a miner's lamp, and takes continuous dust samples during an entire shift. The readings are available immediately to the miner, and the device can even predict if a dust buildup is accruing. The readings are then downloaded when the device is placed in its charger at the end of the day.

The MSHA changes are being proposed now to avoid making these new devices part of the air-quality checks. Under the new rules, companies would not be required to use them.

Black lung or pneumoconiosis is caused by coal dust that enters the lungs and clogs them. Silicosis is caused when silicon, fine particles of rock, enters the lungs and cuts lung tissue. Both diseases reduce the amount of oxygen that the lungs can transfer into the blood stream. The longer a person works around the dust, the greater the damage to the lungs, eventually causing the person to, in effect, suffocate.

Silicosis kills much faster than black lung. From 1930 to 1933, 764 workers—mostly black workers from the South—died from silicosis while digging a tunnel for Union Carbide near Hawk's Nest, W. Va. Most of those people died within months. Hawk's Nest remains the worst industrial disaster in American history, but each year more workers still die from black lung even though it is a preventable condition.

Standards of coal dust level and other safety measures were first set in 1969 after public outrage over a series of mine explosions and accidents left more than a hundred miners dead. In 1969, Congress passed the Federal Coal Mine Health and Safety Act, which set dust levels at 2 milligrams per meter of air and established the MSHA as an agency within the Department of Labor to monitor safety and health levels in the mines. The 2-milligram-per-cubic-meter level was set to begin in 1972.

That year 2,870 miners died from black lung. More than one third of miners with more than 25 years in the mines got the disease.

To enforce dust levels, the MSHA mandates that companies take five air samples every two months, with MSHA inspectors supervising these tests once a year, and implement changes to reduce dust levels in the mines by venting fresh air to work areas and using water spray to keep dust down.

Since the imposition of the dust standard, the number of deaths has declined, but not to the levels that it should have. Britain has a much lower level of black lung among its miners. The difference has been attributed to the common knowledge that US companies and safety inspectors routinely cheated on these tests, allowing operators to get away with unsafe dust levels. Fines for high dust levels or improper venting are absurdly low, in most cases just a few hundred dollars for each infraction.

In 1998, the Louisville, Ky. *Courier-Journal* published a series of articles after conducting a year-long investigation into black lung and its causes, during which it analyzed more than 7 million government records and interviewed 255 current and former coal miners, foremen, superintendents and managers from both union and nonunion coal mines.

The newspaper documented widespread falsification of dust-level testing. In 1997 alone, more than 15 percent of dust samples at 40 percent of the nation's 766 underground bituminous coal mines showed less than 0.1 milligrams of dust. These dust levels are so low that they are comparable to a city street corner, but considered impossible for a working coal mine.

According to the *Courier-Journal*'s analysis, 0.1 milligrams was the most common sample. The paper found that between 10 and 21 percent of the samples taken during the 19 years it studied were too low to be true. Even many dust samples collected when an MSHA inspector was present were so low they must have been false.

Of the 255 individuals interviewed, 234 reported that cheating was widespread. Interviews with miners and mine executives established that many companies took the test equipment and placed it in equipment rooms or near air intake ducts. Some never took the equipment into the mines at all, and others cleaned the dust out of the filter where the sample was collected before sending the results to the MSHA.

Miners routinely reported that they were threatened with firing if they brought up a failed dust test. One miner with 30 years in the mines told the *Courier-Journal* that there was a simple reason you cheated: "If you turn them on, you are fired." Another miner told how once he brought up a bad sample and was told by the foreman, "I would be carrying that thing for the rest of my life if I didn't get a good sample."

Cheating on surface or strip mining was also common, and strip-mine drillers are at especially high risk of contracting black lung.

The newspaper investigation also found that the MSHA had been warned at least four other times about the falsified tests but in each case failed to act on them. The first warning came as early as 1975, just four years into the new standards, when a General Accounting Office (GAO) audit found that a large percentage of dust samples were too low to be true, but the agency never took any action to stop it.

Black lung benefits are being denied to many miners, considered "miners' welfare" by politicians seeking to curry business favors and cut taxes. Changes have been imposed on workers' compensation laws, making it harder to collect benefits. In Kentucky, for instance, a change in black lung laws required that miners have a further advanced stage of the illness before benefits would be paid, as well as limiting to two the number of institutions that could determine whether a miner had the disease.

This change reduced the number of miners who qualified for benefits from about 80 percent of all applicants to a disgraceful 5 percent. Federally, only 4 percent of miners qualify for benefits and 7 percent on appeal. But this can take 20 years, and miners often die before winning benefits.

For the *Courier-Journal* series "Dust, Deception and Death" go to: http://www.courier-journal.com/dust/