

Bill Could Help Black Lung Victims

VICKI SMITH, Associated Press

MORGANTOWN, W.Va. (AP) — Proposed changes to U.S. Department of Labor rules would make it easier for coal miners and their families to obtain black lung benefits, while a West Virginia congressman aims to reduce the amount of paperwork they have to fill out in the first place.

The 2010 Patient Protection and Affordable Care Act — dubbed "Obamacare" by critics — requires the Office of Workers' Compensation Program to reinstate two provisions of the Black Lung Benefits Act that were eliminated in 1981.

After 1982, survivors of a coal miner who was totally disabled due to pneumoconiosis — commonly referred to as black lung disease — had to prove the disease had caused the miner's death. One new rule would make that an automatic presumption for those who worked in coal mines for at least 15 years and suffered a totally disabling respiratory impairment.

The other rule would automatically transfer black lung benefits from the late recipient to eligible survivors.

Pennsylvania led the nation in black lung claims in fiscal year 2011, with 138,545 claims and \$56 million in payments. Statistics on the Labor Department's website show West Virginia was second with 117,321 claims and nearly \$47 million in payments, while Kentucky was third with 98,248 and about \$34 million in payments.

In all, 662,249 claims were filed nationwide last year, with payouts totaling \$227.4 million.

The disease was once thought defeated but has been reappearing among younger miners in recent years. The federal Mine Safety and Health Administration's report on the Upper Big Branch mine disaster, for example, found that at least 17 of the 29 miners killed had black lung.

The explosion at the Massey Energy mine in southern West Virginia was fueled by a deadly combination of methane gas and coal dust. Black lung is caused by inhaling dust, and MSHA has been developing rules designed to better protect the nation's miners from the irreversible disease.

The proposed new rules, which the department says are bolstered by recent rulings in federal appellate courts, would affect claims filed on or after March 23, 2010, and to claims dating to Jan. 1, 2005. Public comment is being accepted until May 29.

"The Affordable Care Act's amendments to the BLBA provide critical benefits to miners who have had their livelihood taken away by this insidious disease," said

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Gary Steinberg, acting director of the workers' compensation office.

"The late Sen. Robert Byrd championed these vital provisions," he said, "and our proposed rules implementing them would have a dramatic impact on families who have proudly spent their lives working in the mining industry."

A West Virginia congressman, meanwhile, is also looking to make things easier on miners at the front end of the process.

Republican Rep. David McKinley late last week introduced H.R. 4298, the "Burdensome Paperwork Reduction for our Miners Act." The three-page bill would direct the secretary of labor to conduct a review of the forms miners now must complete to seek benefits.

"Upwards of 50 pages are required at times, merely to apply for the benefits," said McKinley, who's heard about the issue from constituents. "That's just wrong, both for our miners and for the taxpayers who foot the cost for such applications."

The bill would require the Labor Department to streamline the process and eliminate redundancies.

"This bill is about protecting our miners who are on their hands and knees each day so we can ultimately have the electricity we need to live our lives," he said.

Online: Proposed DOL rule: <http://1.usa.gov/HASXHJ> [1]

Federal Black Lung Program: www.dol.gov/owcp/dcmwc [2]

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