

United States Senate

WASHINGTON, DC 20510

March 6, 2023

The Honorable Gene L. Dodaro
Comptroller General of the United States
United States Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Comptroller General Dodaro,

Thank you for your continued partnership with Congress and the Federal government to help ensure government works effectively and efficiently for our constituents. We write to request that the Government Accountability Office (GAO) conduct a study to evaluate the adequacy of black lung benefits to meet the living and health care needs of disabled miners and their families. We believe such a report is critical to informing policy aimed at helping coal miners and their families in the Appalachian region.

Coal workers' pneumoconiosis, commonly known as black lung disease, is a fatal, incurable condition caused by long-term exposure to coal dust in and around coal mines. The U.S. Department of Labor has estimated that black lung has killed more than 76,000 people since 1968. However, the number of miners with black lung is likely much higher, given the difficulty in and hesitancy about getting diagnosed within mining communities.

In 1972, Congress passed the Black Lung Benefits Act (BLBA) to provide monthly benefits to disabled miners and eligible surviving family members of coal miners whose deaths were due to black lung disease. Benefits are either paid for by the coal mining company or the Black Lung Disability Trust Fund but the claims process is arduous and often takes many years, even decades. Miners and their families or survivors apply for and rely on these benefits for health care and as a source of income once they are disabled.

Currently, federal black lung benefit rates are set at 37.5% of the base salary federal employees in grade GS-2, step 1. These employees are on the second lowest pay grade for federal employees. Therefore, a miner without any dependents or a survivor of a miner, for instance, receives approximately \$4.24 per hour, \$738 a month, or about \$8,856 annually, even if they prove total disability or death due to pneumoconiosis. Considering that the federal minimum wage is set at \$7.25 per hour, disabled miners receive nearly half this amount in Black Lung disability benefits.

Anecdotally, we have learned that black lung benefits are a primary or sole source of income for many families. Many recipients of black lung benefits are living month-to-month on limited and fixed incomes. Though this has historically been true, many miners sick with black lung disease

who are applying for benefits today are contracting the disease at a much earlier age. These benefits, therefore, are not just supplementing an early retirement—they are replacing an income for many years that may need to support children and a household, aging or sick parents, and college and retirement. We have also heard from miners' attorneys that almost all of the miners and families that they represent raise the fear of repayment with them and it frequently deters these families from using any of their interim benefits that they desperately need, regardless of how strong their respective cases are because they cannot afford to take the risk of being forced to repay a large sum of money. Since these cases can last for so long, many miners die from black lung disease before they are able to confidently spend their benefits without fear of a future repayment.

The purpose of the Black Lung Benefits Act is to provide benefits, in cooperation with the States, to coal miners who are totally disabled due to pneumoconiosis and to the surviving dependents of miners whose death was due to such disease. To help ensure that adequate benefits are provided to coal miners and their dependents in the event of their death or total disability due to pneumoconiosis, we request a study that describes:

1. What are the state and Federal disability benefits that coal miners and their families can receive as a result of black lung?
2. What challenges have miners and their families faced in obtaining black lung disability benefits?
3. How do these benefits affect the health and financial well-being of miners and their families, and what, if any, changes are needed?

Ensuring that benefits are sufficient to meet the economic and health care needs of mining families has always been critical, and we appreciate your consideration of this request.

Sincerely,



Mark R. Warner
United States Senator



John Hickenlooper
United States Senator



Joe Manchin III
United States Senator



Robert P. Casey, Jr.
United States Senator



Tim Kaine
United States Senator



Sherrod Brown
United States Senator



John Fetterman
United States Senator