

LEFT IN THE DUST: MINERS IN AMERICA



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“Fighting to protect the right to jury trial and an independent judiciary for all Americans.”

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LEFT IN THE DUST: MINERS IN AMERICA

INTRODUCTION

“If you’ve ever about drowned — or anybody’s about drowned — they know what I’m talking about because I go through that every morning. ...By the end of the day, I’m so tired. Sometimes I don’t even eat supper. I’ll come home and sometimes I’m not even able to take a shower. I’m not ashamed to tell it. I’ll lay on the floor and go to sleep.”¹

— *Mark F. Powell, fourth-generation miner from southern West Virginia*

“For almost a year, I was in and out of the hospital every week, back and forth. ...When I got better, everything had changed. I tried to go back to work, but the [doctor] told me I wouldn’t get better — I’d need oxygen all the time, it was going to only get worse.”²

— *Gary Hairston, miner for 30 years, diagnosed with black lung in his late 40s*

“I don’t know how they do it going 10,000 feet under the ground and they wouldn’t trade jobs with me if I gave them a beautiful, magnificent penthouse in the middle of Manhattan, where I used to live. If I gave them the most beautiful penthouse, they wouldn’t take it. They’d rather go 10,000 feet underground and dig.”³

— *President Donald J. Trump, 2025 Pennsylvania political rally*

The American economy runs on what comes out of the ground. The stone, sand and gravel beneath every road, bridge and building foundation;⁴ the phosphate in fertilizer that grows our food;⁵ the salt that de-iced the East Coast during the past two major snow storms;⁶ the copper wiring inside many smartphones and appliances;⁷ the iron ore, converted to steel for skyscrapers and cars;⁸ and the coal, which still generates about 16% of U.S. electricity⁹ — all of it begins with the men and women who do the work: the miners. In 2025, more than 325,900 miners worked at 12,380 mines across the country.¹⁰

All miners, regardless of whether they work in surface or underground operations, face significant health hazards and physical dangers that are inherent to mining. These risks have been intensified, at

least in part, by the historic and well-documented callousness of mine bosses and governmental corruption at the highest levels. As rising rates of chronic illness and injury make clear, the situation is only getting worse for U.S. miners today.

UNENDING HAZARDS

For miners, assuming extraordinary risks to their health and safety is part of the job. Drilling through quartz and other silica-rich rock exposes hard rock miners to respirable crystalline silica, which can cause silicosis — an incurable and often fatal lung disease. A major factor in the devastating recent resurgence of black lung disease (from coal dust) is that coal miners are cutting through more silica-rich rock to reach thinner coal seams. Talc miners face other incurable lung diseases when talc deposits are naturally saturated with toxic asbestos fibers. In certain mines, workers have been exposed to lethal amounts of radiation. And across nearly every category of mining, workers face noise-induced hearing loss, chronic musculoskeletal injuries from years of physical labor and the ever-present risk that mine-owner negligence will lead to catastrophic accidents. In fact, mining has one of the highest fatal injury rates of any industry in the United States.¹¹

Every Breath You Take

Crystalline silica is among the most abundant minerals in the Earth's crust and is commonly found in sand, stone, soil and rock, most often in the form of quartz. It becomes hazardous when it's disturbed and made airborne as fine dust by activities such as cutting, drilling, blasting, crushing, grinding, sawing or excavating — the very work miners perform.¹²

In the case of coal, the coal seam itself typically contains little silica, but the rock layers above and below the coal often contain quartz. When miners cut into these layers, they generate silica dust. Put another way, silica exposure doesn't come from the coal but from the rock that miners must cut to get to it.¹³ Site-specific geology and dust control practices can affect the extent of miners' exposure to silica dust.¹⁴

Once silica dust is inhaled and penetrates deep into the lungs, it can cause silicosis, lung cancer, chronic bronchitis, emphysema and kidney disease.¹⁵ These are "chronic, irreversible, and potentially disabling or fatal" diseases.¹⁶ In fact, as a carcinogen, silica dust is "about 20 times more hazardous than ordinary coal dust."¹⁷

This leads to discussion of a perhaps more well-known phenomenon for coal miners: black lung disease. Medically known as pneumoconiosis or CWP, it's caused by prolonged inhalation of respirable coal dust. This disease is debilitating, irreversible and a major cause of respiratory disability.¹⁸ When coal dust exposures are properly controlled, black lung disease is preventable.¹⁹ Yet recent data show that an estimated 16% of workers are affected by black lung and this rate is rising rather than declining with overall coal production.²⁰ In some regions the rates are alarmingly high: In Central Appalachia (Kentucky, Virginia and West Virginia) alone, an estimated one in five working coal miners has black lung disease.²¹

Miners' own words illustrate the devastating impact it can have on lives:

“I started getting shortness of breath around 2007, 2006. I could tell a difference in just the things that I was doing around here [at home]. ...And in 2012, I believe it was, they’d done a CT scan, and they seen all the spots on my lungs. They said, ‘It’s black lung. You’re eat up with black lung.’ That put me in the hospital. I had 30-some pounds of fluid on me, on my lungs. ...It was tough on all of us, because my wife was scared that I was dying, and I was scared that I was dying, and I was.”²²

— *Danny Smith, miner for 12 years, diagnosed with black lung at age 39*

“You can see how much death that you have on your face. It’s in your lungs. ...It sneaks right up on you, then you realize, hey, I’ve got black lung, you know, and I can’t do nothing. ...I couldn’t walk my dog out here if I wanted to. My wife has to do all that for me. ...[I]t’s really frustrating when you see coal miners in their 20s and 30s and they’re walking around begging for air.”²³

— *David Bounds, miner for 34 years, diagnosed in 1984 with black lung*

In an incredibly troubling new development, there’s been a resurgence of a severe form of black lung disease known as progressive massive fibrosis, even among young miners in their 30s and 40s,²⁴ due largely to high levels of exposure to silica dust mixed with coal dust that results from cutting through rock to reach deeper, harder-to-access coal seams in mountaintop mining areas where coal closer to the surface has already been depleted.²⁵ In other words, while coal dust causes black lung and silica dust causes silicosis, miners can develop both diseases and this new severe form of black lung that can appear “after even a few years of exposure”²⁶ and “has contributed to the deaths of thousands of miners in the past two decades.”²⁷

Though a federal coal workers’ health surveillance program exists for these miners, researchers have found that miners don’t participate for countless reasons: “privacy issues, fears of job loss or reprisal, limited access to testing facilities, a shortage of approved testers, inefficiencies in state and federal workers’ compensation systems, concerns about inaccurate diagnoses, and potential damage to personal and professional reputations.”²⁸ In addition, while coal miners diagnosed with black lung have the legal right to be transferred to a less dusty part of the same mine without having their pay reduced, there’s low participation in the program “as miners continue to face concerns about employer reprisal, confidentiality, and potential loss of income or career advancement.”²⁹

What’s more, silica and coal dust exposure are not the only respiratory harms that miners experience. They are also exposed to airborne contaminants like diesel particulate matter and toxic gases, which can cause cancers, lung function decline, inflammatory airway changes and asthma-like symptoms as well as headaches, nausea and other debilitating conditions.³⁰

Rocks and Hard Places

Coal miners encounter heightened physical dangers tied to roof falls, which are among the leading causes of fatal and nonfatal injuries in underground coal mines because of geological stress and previous workings in deep reserves.³¹ Moreover, methane gas accumulations combined with coal dust create a persistent danger of explosions and fires, meaning that coal miners historically and today face a higher

likelihood of large-scale catastrophic incidents where a single event can and has killed or injured multiple workers at once.³²

Meanwhile, ground or rock falls “cause the highest percentage of mining fatalities and injuries,” according to the National Institute for Occupational Safety and Health (NIOSH).³³ Equipment problems are also common across mining sectors, while heavy machinery and limited visibility further increase risks of traumatic injuries.³⁴ In addition, working in confined, hot or poorly ventilated conditions can cause heat-related illnesses and potentially fatal heat stroke.³⁵ Loud machinery (drills, crushers) in enclosed spaces may also lead to life-altering conditions like permanent hearing loss and tinnitus.³⁶

IN FOCUS: WHERE ASBESTOS BEGINS

Asbestos was mined in the United States for more than a century because of its unusual physical properties: it’s strong, flexible, heat-resistant, fireproof and chemically stable.³⁷ These traits made asbestos highly attractive to manufacturers during the late 19th and 20th centuries, particularly as industrialization and urban construction accelerated.³⁸ Demand surged during World War II and the postwar building boom, embedding asbestos deeply into American manufacturing, construction and infrastructure.

To supply that demand, asbestos was mined both directly and indirectly. Chrysotile asbestos was extracted in states such as Arizona and Vermont, while other mining operations — most notably talc and vermiculite mines — removed ore that was naturally saturated with asbestos fibers.³⁹ Across these environments, routine mining tasks released vast quantities of microscopic asbestos fibers into the air. Invisible to the naked eye and capable of lingering airborne for long periods, asbestos-laden dust made such tasks extraordinarily hazardous, even when conditions appeared outwardly ordinary.

As with silica and coal dust, the health consequences of asbestos exposure are severe and irreversible. Inhaled fibers lodge permanently in lung tissue and the pleura, where the body can’t break them down or remove them. Over time — often 20 to 40 years after exposure — they trigger diseases such as asbestosis, lung cancer and mesothelioma. These illnesses progress relentlessly: breathing becomes labored, oxygen levels fall, pain increases and many victims ultimately die from respiratory failure or cancer.⁴⁰ There is no safe level of asbestos exposure and no cure for asbestos-related disease, making prevention the only effective protection.

In the early 1900s, the asbestos industry began a deliberate campaign to suppress knowledge about asbestos hazards and asbestos disease. Elements of this cover-up included — and still include — concealing insurance and asbestos industry practices, settlements and research, as well as advocating for laws that provide litigation shields and devices to cheat victims.⁴¹ By the mid-1900s, occupational physicians, industrial hygienists and government researchers were well aware that asbestos was lethal, causing irreversible lung disease and cancer. Studies of asbestos miners revealed elevated rates of respiratory disease and malignancy, often emerging decades after first exposure.⁴²

Across much of the U.S. mining industry, these findings were minimized, contested or ignored. Mining companies framed regulation as a threat to economic viability and relied on weak oversight and limited enforcement to continue operations. Ventilation systems, dust suppression, respiratory protection and

enforceable exposure limits were often absent or grossly inadequate. As with other occupational dust diseases, miners were frequently reassured that dust was harmless or were never warned at all, even as credible research increasingly linked dust exposure to elevated rates of illness and mortality.

Due to profound health and liability issues, dedicated U.S. asbestos mining ceased over a decade ago but an enduring and troubling legacy prevails.⁴³ The W.R. Grace & Co. mine in Libby, Montana is perhaps the most notorious example.

Big Sky, Dark Ground in Libby, Montana

After acquiring the vermiculite mine near Libby, Montana in 1963, W.R. Grace operated what would become among the most lethal asbestos-contaminated mining sites in U.S. history. Internal company documents and later federal investigations showed that Grace knew the ore contained toxic asbestos and that miners were exposed to dust levels capable of causing serious and fatal disease.⁴⁴ Despite this knowledge, the company failed to warn workers, didn't implement effective dust controls and continued production for decades.⁴⁵ Miners unknowingly carried fibers home on their clothing, compounding exposure for their families. Many developed severe lung disease and cancer years after leaving the mine, retiring or moving away — masking the occupational cause until it was too late.

Take the Bundrock family. Six of seven family members were diagnosed with asbestos-related disease. Arthur Bundrock had worked at the Grace mine for 19 years and suffered for 21. As his widow, Helen, recounted to the *Seattle Post-Intelligencer*, “It was like tearing his heart out piece by piece,” she said. “He never quit crying for two weeks when I found out that I had it. And with the children, he just couldn't be consoled.” Helen said that managers at the mine told miners the dust was harmless.⁴⁶

The extent of this company's treachery came to light only after years of cover-ups and extraordinary human loss. Investigative reporting publicized internal records showing W.R. Grace had long known about asbestos hazards at Libby.⁴⁷ In addition, independent scientists and federal health agencies eventually documented shockingly high rates of asbestos disease among Libby miners, with one study finding that asbestosis mortality in Libby was 40 to 80 times higher than expected.⁴⁸ These revelations prompted national scrutiny and federal intervention.⁴⁹ Although criminal prosecutions ultimately ended in acquittals, the proceedings exposed extensive evidence of corporate knowledge and willful inaction.⁵⁰

Thousands of victims sued, leading Grace to take advantage of unique protections provided by Section 524(g) of the federal bankruptcy code.⁵¹ Enacted in 1994, this section lets companies file for Chapter 11 bankruptcy reorganization, resolve asbestos claims by channeling them into privately administered trusts — capping its own liability and paying victims pennies on the dollar — and then emerge as a profitable company.⁵² Ultimately, that's what happened with W.R. Grace and its victims.⁵³

It should also be noted that as part of the Affordable Care Act in 2010, Congress established a special medical benefits program for the Libby victims.⁵⁴ This is not a compensation program, but rather is intended to ensure victims get medical care by allowing them to qualify for Medicare Part A (hospital insurance) without meeting the normal age-65 or disability requirements. They may also enroll in Medicare Part B (supplemental) and Part D (prescription drugs).

Asbestos and Talc: Too Close for Comfort

When most people think of talc, talcum-based baby and other bathroom powders probably come to mind. In fact, for much of the 20th century, Johnson & Johnson's baby powder and other consumer talc products were the company's most iconic consumer-health items. But talc, considered the softest mineral on earth,⁵⁵ is mined for a large variety of uses, from plastics to paint to roofing and many other products.⁵⁶ Unfortunately, talc and asbestos can be found in the same ore deposits, meaning that talc extraction poses a risk of asbestos exposure. And has been well documented, Johnson & Johnson knew about this risk.⁵⁷

Indeed, by the 1960s and early 1970s, federal researchers, independent scientists and occupational health specialists were increasingly recording the presence of asbestos in talc and its serious health implications. In 1971, studies reported asbestos in talc powders, prompting government and academic scientists to meet with industry representatives over how low-level contamination should be measured.⁵⁸ This period marked a significant turning point: Science confirmed that talc could be contaminated with asbestos and that even low-level exposure posed potential health hazards — risks validated by miner mortality data linking asbestos exposure, including from talc mining, to lung cancer and other diseases.⁵⁹

Despite this knowledge, talc mining and manufacturing companies — often through trade groups like the Cosmetic, Toiletry and Fragrance Association (CTFA) — shaped how asbestos in talc was understood and regulated. From the early 1970s, industry actors resisted strict “asbestos-free” standards and instead pushed for a “not detected” definition based on less sensitive testing methods.⁶⁰ Historical analyses show that CTFA and its members advocated for tests unlikely to identify smaller quantities of asbestos fibers, even as internal industry data acknowledged that asbestos minerals couldn't be fully removed from some talc ores.⁶¹

These industry positions carried into regulatory debates during the 1970s and beyond, influencing how the FDA and other federal agencies responded to evidence of asbestos contamination. Testing standards and public messaging emphasized the presumed safety of talc — particularly cosmetic talc — despite known asbestos contamination in some deposits.⁶² Over subsequent decades, the consequences became unmistakable: Corporate interference with federal safety efforts had caused needless disease, suffering and death among talc miners.⁶³

IN FOCUS: URANIUM MINES' GLOWING WOUNDS

Uranium is a naturally occurring, highly radioactive element that emits harmful radiation and decays into other byproducts, including radon gas, which can be deadly to humans. Beginning in the 1940s and throughout the Cold War, the United States government sought to mine uranium to supply the nation's nuclear weapons program. Federal agencies encouraged rapid extraction across the Southwest, where uranium deposits overlapped extensively with Indigenous lands, most notably the Navajo Nation in New Mexico. Mining leases proliferated without regard to the impacts on affected tribes.⁶⁴ As a February 2024 policy brief from the Native American Budget & Policy Institute at the University of New Mexico explained,

During that time, not only did the federal government alone have access to U.S. uranium ore but it also guaranteed purchase of all mined uranium. For private companies, such as the United Nuclear Corp. (UNC), Kerr-McGee Corp., the Vanadium Corporation of America, and many others, this was a major incentive to mine as much uranium as quickly and cheaply as possible. As a result, the uranium industry boomed primarily at the expense of Native American miners and their homelands.⁶⁵

By the late 1940s and early 1950s, U.S. officials and industry scientists already understood that inhaling uranium dust and radon gas caused lung cancer and other severe illnesses. Yet this information wasn't shared with Indigenous miners, many of whom were recruited into underground mines without respirators, ventilation or warnings. Historians and public health scholars have shown that federal officials and mine operators intentionally withheld health data to avoid slowing production or triggering liability.⁶⁶

Thousands of Navajo men and women worked in uranium mines from the 1940s through the 1980s. Many drank contaminated water underground and carried radioactive dust home on their clothes. Spouses washed dust-laden garments by hand. Children played near the mines. The result was widespread exposure not only among workers but among entire households.⁶⁷

Studies confirm extraordinarily high cancer and lung disease rates among Indigenous U.S. uranium miners, particularly Navajo workers.⁶⁸ Victims have described the consequences to themselves and their families in stark terms:

- “Lena Cason remembers how her father would bring home jugs of cold water that he collected on the job, while working in uranium mines in the 1950s and 60s. It seemed like an easy perk of the industry: deep underground, along the ridge of a mountain range not far from Cason’s childhood home, cold water spilled down the walls of the caverns where her father and other men labored. ‘The water was so cool in the mines,’ Cason said. ‘We thought it was delicious, but we were poisoning ourselves.’ ...Cason’s father died of lung disease at age 43. Cason, who is 70, was treated for stomach cancer 10 years ago and last year had surgery to remove a brain tumor. She has lingering pain and a tremor in her hand.”⁶⁹
- For nine years, Linda Evers worked as a uranium miner for Kerr-McGee. She “only began to realize how profoundly her work was affecting her when she became a mother. She worked in the mines during both of her pregnancies. Her son, born in 1978, had a birth defect that a surgeon said could potentially be attributed to radiation exposure, but her primary doctor dismissed those claims. Evers now points out that this doctor was also hired by Kerr-McGee. Three years later, Evers gave birth to a daughter with health defects that required five surgeries before she was 4 years old. She quit working for Kerr-McGee the same day her surgeon explained that radiation was the source of her daughter’s ailments. In the decades since, skin rashes, sleep apnea, and gradual loss of eyesight have emerged as other daily battles that Evers must also contend with.”⁷⁰
- Former uranium miner Walter Marble “said in retrospect there was really no way to work in an underground mine and not be overexposed. ‘By the time we finally woke up and realized what was going on, it was too late,’ he said.”⁷¹

CORRUPTION BELOW THE SURFACE

Industry power has long shaped regulations and regulatory enforcement of mine safety. From the earliest days of U.S. mining until today, industry leaders have exerted outsized influence over health and safety policy by downplaying mining hazards and framing regulation as a threat to production and local economies.⁷²

In the early 1900s, despite thousands of coal miner deaths each year, operators successfully limited federal intervention to research and analysis rather than enforcement, culminating in the creation of the U.S. Bureau of Mines in 1910 without inspection or penalty authority.⁷³ This pattern — accepting study while resisting enforcement — allowed companies to delay meaningful safety reforms for decades, where their continuous opposition to binding standards and reliance on weak state oversight to maintain control over working conditions resulted in staggering numbers of avoidable deaths and injuries.⁷⁴

Mid-century efforts followed the same script. The Federal Coal Mine Safety Act of 1952 gave inspectors limited shutdown authority, exempted “approximately 5300 mines employing regularly fewer than 15 individuals underground and all strip mines, of which there are about 800” and failed to impose monetary penalties for noncompliance with safety standards, reflecting industry resistance to deterrence.⁷⁵ During this period, coal operators also disputed scientific evidence linking coal dust to black lung, slowing adoption of exposure limits and disease recognition until miners and their families forced political action through strikes and protests in the 1960s.⁷⁶ The landmark 1969 Coal Mine Health and Safety Act — which established nationwide health and safety standards for the coal mining industry — became law only after more disasters and sustained public pressure, underscoring that reform came despite, not because of, industry cooperation.⁷⁷ Yet this statute, and later the 1977 Mine Act, also put mine operators in control of monitoring their own dust safety, allowing a culture of cheating and manipulation to persist that still jeopardizes workers’ lives today.⁷⁸

In more recent times, the George W. Bush Administration placed industry insiders in positions of mining agency leadership.⁷⁹ The 2006 Sago Mine disaster in West Virginia that killed 12 miners occurred during this period. The facility had longstanding safety problems and lax oversight, with over 200 safety violations in the year before the tragedy, nearly 50% of which were “significant and substantial.”⁸⁰ Cronyism also proved catastrophic in 2010, when an explosion at Massey Energy’s West Virginia Upper Big Branch Mine killed 29 miners. Before the disaster, the company refused to correct chronic violations, systematically challenged citations, pressured regulators and treated fines as a cost of doing business.^{81,82} According to an independent investigation ordered by then-Governor Joe Manchin,

As the largest coal producer in the Appalachian region at the time of the disaster, Massey Energy used the leverage of the jobs it provided to attempt to control West Virginia’s political system. Through that control, the company challenged federal and state oversight agencies, including [the Mine Safety and Health Administration] MSHA, the Environmental Protection Agency and the West Virginia Office of Miners’ Health, Safety and Training. Many politicians were afraid to challenge Massey’s supremacy because of the company’s superb ongoing public relations campaign and because CEO Don Blankenship was willing to spend vast amounts of money to influence elections.⁸³

Mining companies have continued to deploy their financial resources to avoid accountability. Over the last five election cycles (2016-2024), the industry dumped over \$71 million in contributions to federal candidates and party committees, with at least 85% of contributions going to the GOP each cycle.⁸⁴ In 2025, the mining industry spent \$44.9 million lobbying Congress,⁸⁵ up more than 32% from 2024, when it deployed 395 lobbyists, 52% of whom had previously worked for the federal government.⁸⁶ A 2021 study, which examined lobbying data from the first quarter of 2000 through 2018, confirmed an alarming connection between mining industry political influence and “regulatory and safety outcomes, including how often firms are inspected and cited for violations, how much they are fined for noncompliance, and how many accidents and deaths they report.” More specifically,

[W]hen firms lobby, they have lower citation rates, succeed in getting larger reductions of their non-compliance fines, especially through the formal contesting process, and pay a lower share of their outstanding fines—in essence evading some of their financial obligations to the regulator—compared to when they do not lobby. In aggregate, when firms lobby, they reduce their non-compliance fines by about 30 percent or \$26,700 per quarter. More concerning, average death rates rise by about 40 percent after lobbying and remain high for three consecutive quarters, adding 0.85 extra deaths per million hours worked to a mining firm’s average reported death rate. The most significant benefit of lobbying is associated with the administrative contest process, which involves judges who are meant to be isolated from political influence by design of the regulatory system. This finding highlights that shielding regulators and adjudicators from political influence may not in fact shield them from the wide reach of politicking....⁸⁷

In 2020, the industry went a step further as it tried to exploit the COVID health crisis to avoid its financial responsibility to miners suffering from black lung that it caused, with the National Mining Association urging federal lawmakers to severely cut operator compensation obligations due to “economic stress” from the pandemic. According to reports, the operators sought to save themselves roughly \$220 million at the expense of victims.⁸⁸

Drilling Down – MSHA

The Mine Safety and Health Administration (MSHA) and its state-level counterparts were created to serve as important watchdogs over mine safety. Part of the U.S. Department of Labor, MSHA is “responsible for safety and health in the Nation’s mines. MSHA develops and promulgates mandatory safety and health standards, ensures compliance with such standards, assesses civil penalties for violations, and investigates accidents.”⁸⁹ The agency is also tasked with working with states to protect miners from hazardous and unhealthy conditions.

Despite important gains in mine safety over time, the fact remains that MSHA has repeatedly failed to fulfill its statutory mandate to protect miners, although its enforcement posture clearly fluctuates with administrations depending on the level of corruption infecting the regulatory and enforcement process. (See section, “Trump Body Blows.”) But whether due to blatant political corruption, a systemic lack of meaningful oversight and enforcement or a chronic shortage of resources, no recent administration has protected miners as it should.

For example, MSHA overall (inflation-adjusted) spending has been declining for decades. Its share of total federal funding is smaller now than it was in 1980.⁹⁰ MSHA has also long struggled with insufficient staffing that threatens its ability to perform vital inspection and enforcement work. The agency has seen a 27% reduction in total staff over the past 10 years.⁹¹ This includes steep declines in frontline enforcement personnel — 30% fewer enforcement staff overall and a 50% reduction in coal mine enforcement staff — making it harder for the agency to meet statutory inspection requirements and oversee mine operations effectively.⁹² As a result, even obvious problems aren't caught. As the *Pittsburgh Post-Gazette* reports,⁹³

- “At least 500 times, samples taken by federal regulators during routine inspections at more than 100 coal mines showed that the air posed no danger to workers. ...But further tests of the same underground samples by the government found the mines to be spewing silica at more than twice the limit of safety – 100 micrograms per cubic meter – leaving miners exposed to a menace that's hit Appalachia harder than any other region in the U.S., records show.”
- “The emergence of the data shows a remarkable failure in the government's ability to identify when miners are in danger from the hazards filling the air and to provide immediate protections.”
- “The lapse in detection by government regulators continues to pose risks to workers at a time when cases of advanced black lung disease are impacting young workers at rates never before seen.”

Testing timelines have also been problematic. For example, “So far, [MSHA] tests the silica in each mine four times a year — a schedule that the Labor Department warned in a report, ‘may have left miners vulnerable to potentially elevated silica exposures for many months at a time.’ Even when tests are carried out, the results can take weeks. One sample this year that showed dangerously high silica levels wasn't analyzed for two weeks. Another took 37 days.”⁹⁴

Then there's the astoundingly weak enforcement against lawbreaking mine owners. According to the most recent federal data available, in FY2025, MSHA inspectors issued mine operators more than 87,370 citations and orders,⁹⁵ with 18% being “significant and substantial” (S&S), meaning that they were for violations that posed a high risk of serious injury or illness.⁹⁶ This percentage has essentially remained unchanged for the past six years.⁹⁷ In addition, MSHA “impact inspections” at mines with histories of repeated safety and health violations have identified hundreds of violations — many of which were S&S findings — in mines across the country.⁹⁸ Time and again, these inspections uncovered unsafe conditions that had persisted despite prior enforcement actions.⁹⁹

Even though MSHA documents dangerous conditions, it's failed to police them. Recent *Pittsburgh Post-Gazette* reporting on the agency's inaction regarding silica bears this out:

- “While MSHA has long struggled to enforce the limits on the dust, the agency delayed for years the creation of enforcement tools to crack down on mines with dangerous amounts of silica, despite internal warnings to do so. A scathing report by the Labor Department in 2020 told the agency that it needed to impose specific penalties for the carcinogenic mineral and improve the safety limits to prevent deaths.”¹⁰⁰

- “Under the law, inspectors are required to impose penalties if a single sample shows levels of dust beyond the safety limit. But the Post-Gazette found that in 20% of cases – at least 233 times – MSHA did not issue citations against mines, even as cases of black lung were soaring across the country. Some of the same mines repeatedly exceeded the safety threshold year after year, exposing thousands of miners to dangerous toxins. ...In nearly 700 cases, the level of the carcinogenic substance [silica] was far beyond the bounds of safety.”¹⁰¹

In addition, MSHA’s enforcement pipeline has been so fraught with delays and administrative weaknesses that companies are incentivized to routinely contest penalties and abatement so they can put off corrective measures for years.¹⁰² This allows hazardous mines to remain in operation despite known threats to miner health and safety. Moreover, most civil penalties remain capped at amounts many large mining companies can absorb without serious financial impact, allowing operators to treat miners’ injuries and deaths as the cost of doing business while sabotaging the fine’s deterrence function.¹⁰³

Compounding the problem is the fact that criminal accountability for companies and executives is rare — even after fatal disasters — further weakening deterrence. The best-known example of mine safety criminal liability happened over a decade ago with the 2015 conviction of former Massey Energy CEO Don Blankenship, who only received a one-year prison sentence for an avoidable coal mine explosion that killed 29 miners.¹⁰⁴ This remains one of the few high-profile criminal cases tied to mine safety, illustrating that when it comes to lawless mine operators criminal liability is exceptional rather than routine.

Trump’s Body Blows

As if the health and safety of miners could not get any worse, the Trump Administration has embarked on a deregulatory effort that is accomplishing just that. For example, it has stopped enforcement of and may completely repeal a Biden-era rule on silica dust exposure, which was aimed at preventing thousands of silica-related deaths and illnesses.¹⁰⁵ As reported by *In These Times*,

The National Stone, Sand & Gravel Association was there every step of the way, angling to have the rule thrown out entirely — and perhaps leaning on their old friend, Wayne D. Palmer, a former top mining industry player who was confirmed as the Assistant Secretary for the Mine Safety and Health agency (MSHA) on October 7, 2025.

...Trump’s administration now has the opportunity to re-do parts of the silica rule with much more input from its friends in the mining industry (and presumably, much less from the miners’ unions, public health experts, environmental groups, and workers themselves who helped shape the initial rule under Biden). During that process — however long it may take — the original rule will not be in effect. In addition, the administration’s filing does not include any information about which parts of the rule they intend to update, whether they want to implement any part of the rule in the meantime, or on what timeline they will do the rulemaking.^{106,107}

The current MSHA has also proposed rule changes that would take away the authority of its own district safety managers to require individual mines to comply with tailored safety measures. Explains *Kentucky Public Radio*,

Mining companies are required to develop unique safety plans at each site around things like ventilating explosive gases and dust, safety training for miners and ensuring roof supports to prevent cave-ins.

Those plans go through a district manager for the federal Mine Safety and Health Administration (MSHA) for approval. During that process, the district manager can require mines to develop extra precautions based on that mine's conditions.

It's been that way for nearly 50 years after Congress passed a series of mine safety laws.

Now, the MSHA claims it's federal overreach for district safety officials to require tailored safety measures at specific mines.¹⁰⁸

Yet deregulation is not the only problem. In the first months of the Trump Administration, the number of impact inspections, which are "aimed at stopping the most troubled coal mines from becoming too dangerous fell 75 percent."¹⁰⁹ Also, since Trump took office, MSHA has stopped publicly releasing the findings of impact inspections, a transparency practice adopted after the deadly 2010 Upper Big Branch Mine explosion.¹¹⁰

That's not all. In early 2025, Trump launched a so-called Department of Government Efficiency (DOGE) initiative under billionaire Elon Musk to drastically cut federal jobs and spending. As part of this incredibly misguided effort, DOGE sought to end leases for numerous MSHA offices in many states, including "Alabama, California, Colorado, Illinois, Indiana, Kentucky, Minnesota, New Hampshire, New York, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wyoming."¹¹¹ What's more, "as many as 90 mine safety inspector job offers from people who had accepted and were undergoing the on-boarding process at the US Mine Safety and Health Administration" were withdrawn.¹¹²

Pushback from congressional Democrats and the United Mineworkers was swift.¹¹³ This led to a partial policy reversal, with the government saying they would keep 34 MSHA leases. But many other offices were still slated to close plus numerous other problems have lingered.¹¹⁴ For example, as U.S. Representative Ilhan Omar (D-MN) reported during a January 2026 congressional hearing, "In 2025 alone, there was a 21% increase in miners' fatality" but "MSHA now has only 654 inspectors...[which is below the agency's] full capacity."¹¹⁵

Moreover, MSHA is not the only federal mine-related agency experiencing dangerous new cutbacks. The National Institute for Occupational Safety and Health (NIOSH) is charged with conducting the scientific research and health surveillance that underpins miner health and safety protections in the United States.¹¹⁶ NIOSH studies occupational hazards, develops exposure criteria, runs health surveillance programs and provides technical guidance that informs standards and protective measures for mine workers and others. Its work — ranging from dust exposure research to developing protective technologies and screening initiatives — helps agencies like MSHA craft effective regulations and prioritize interventions to prevent injuries and disease in mining and other high-risk industries. Without ongoing research, surveillance and data analysis, regulators risk acting without the best available science to protect workers.

But in 2025 and into early 2026, NIOSH has been at the center of a dramatic restructuring and staffing collapse, as the Trump Administration has attempted to gut the agency while pushing to expand coal and mineral mining nationwide. In March and April 2025, as part of a sweeping U.S. Department of Health and Human Services reorganization, NIOSH saw mass layoffs and functional shutdowns that directly affected its miner health and safety work. Broad workforce reductions included letting go all employees at the agency's two main research hubs for NIOSH's Mining Program in Pittsburgh, PA and Spokane, WA, which were responsible for coal and hard-rock miner safety research, respectively.¹¹⁷ In addition, the Administration decimated the Coal Workers' Health Surveillance Program (CWHSP) – established in 1969 and essential for early detection of black lung and other respiratory diseases – by firing most of its staff who analyzed X-rays, processed data, handled correspondence with miners and doctors and operated a mobile screening unit.¹¹⁸ This left the Program unable to process new screenings or support miners' legal rights to transfer to a less dusty part of the mine to better protect their health.

After months of union pressure, political pushback, media scrutiny and legal challenges,¹¹⁹ the Administration reversed the staffing cuts in January 2026,¹²⁰ but at that point many employees had retired or left for other jobs.¹²¹ And NIOSH's work on miner health and safety had been irreparably harmed. As Jerry Poplin, former Associate Director for Science in the Spokane Mining Research Division, told the *Spokesman-Review*, "I'd say it's going to take longer than anybody anticipates to restart the research that we were previously doing. It's relatively easy to break something but far more difficult to build something worthwhile, so some research is going to be completely lost."¹²² In addition, researchers found that "[t]he reduction in staff and the resulting constraints on NIOSH operations have had lasting effects on [CWHSP] delivery. Consequently, while mobile CWHSP testing services continue to be available in some locations, coverage remains sparse, particularly in rural areas, and after-hours access is minimal."¹²³

DIGGING FOR JUSTICE

When any worker is hurt or suffers from an occupational disease, workers' compensation is generally the exclusive remedy against their employer. Lawsuits against employers are not allowed. As the Center for Justice & Democracy and other organizations have written, the "grand bargain" that led to the workers' comp system — supposed quick and adequate compensation in exchange for workers losing their rights to go to court — has proven deeply problematic.¹²⁴ Over the years and in most states, lawmakers have chipped away at workers' benefits, toughened eligibility requirements for recovery and put medical treatment decisions in the hands of those whose main goal is to cut costs. As *ProPublica* found in its extensive series on workers' comp more than a decade ago, "The changes have resulted in devastating consequences for some of the hundreds of thousands of workers who suffer serious injuries at work each year."¹²⁵

As for miners, particularly those who become severely debilitated by latent diseases, workers' comp systems are ill-equipped to handle their illnesses. Many state systems have caps on benefits and strict procedural hurdles (*i.e.*, short filing deadlines, high evidentiary burdens), leaving sick and injured miners under-compensated. The failure of most workers' comp systems to fully cover lost wages or long-term medical care forces workers — especially when they suffer conditions like occupational cancers or respiratory illnesses that develop over many years — to rely on personal savings or public disability programs to survive.¹²⁶

Some states do allow workers or their survivors to pursue claims against employers for injuries or deaths in civil court where the conduct rises above ordinary negligence,¹²⁷ though such cases are incredibly rare. Under West Virginia law, for example, an employer loses workers' comp immunity only if they act with "deliberate intent" to injure an employee.¹²⁸ In other words, a miner must prove the employer knowingly exposed the worker to hazards with the specific intent to cause injury or death — a high bar that few cases clear. And even if the miner prevails, West Virginia law caps non-economic damages at the greater of two times the economic damages or \$500,000 per injured or killed worker, regardless of how many family members are affected, how many defendants are sued or how many beneficiaries exist. Punitive damages are also prohibited.

In addition, all states permit miners and their survivors to file civil lawsuits against third parties — such as equipment manufacturers, contractors and suppliers — whose actions contributed to or caused their injury or death. For example, if a piece of machinery malfunctions due to a manufacturing defect or improper maintenance, the miner may file a product liability or negligence claim against the manufacturer or maintenance company. Similarly, if a contractor fails to follow safety protocols or exposes miners to hazardous conditions, they may be held civilly liable.

Though the ability to bring a civil third-party lawsuit exists in every state, what varies is how that right interacts with workers' compensation and rules governing subrogation, damage limits, offsets and procedural requirements.¹²⁹ Claimants may generally recover economic losses, like medical expenses and lost wages, and in some jurisdictions, may obtain non-economic (quality of life) damages, subject to applicable caps and offsets depending on the state.

While these third-party suits provide an avenue for compensation, they too are rare, can be legally complex and difficult to win. Litigants must navigate procedural hurdles, contend with high burdens of proof regarding causation and duty and often face large corporate defendants with significant resources, which can make litigation time-consuming and costly.

What's more, cases involving silicosis and asbestos disease, both within and outside the mining context, have been the subject of vicious attacks by corporate lobbyists who have convinced lawmakers in some states to pass laws blocking legitimate claims. One model bill, called the Asbestos and Silica Claims Priorities Act, was written by corporate lobby group the American Legislative Exchange Council.¹³⁰ States adopting versions of the bill have erected significant procedural and medical barriers aimed at preventing silica and asbestos victims from pursuing claims.¹³¹

Congressional Lifelines

Decades ago, Congress recognized the untenable situation that state workers' comp systems were creating for those suffering with black lung. In 1969, it passed the Federal Coal Mine Health and Safety Act, whose Title IV created a federal black lung benefits program for those disabled with the disease. That program is now administered by the U.S. Department of Labor under what is commonly known as the Black Lung Benefits Act (BLBA).¹³² The BLBA operates alongside state workers' compensation systems. But it too has had serious problems as reflected in government statistics showing that, in 2025, nearly 75% of black lung claims were denied.¹³³ Lawmakers have repeatedly introduced legislation to address systemic problems with the claims process,¹³⁴ with the most recent bill — the Black Lung Benefits Improvement Act of 2025 — designed to "help miners and their survivors access legal

representation, ensures benefits are not eroded due to inflation, reduces the time for processing claims, and protects taxpayers from taking a hit when a self-insured coal company goes bankrupt and cannot pay black lung claims.”¹³⁵ However, to date these bills lack bipartisan (*i.e.*, Republican) support. Therefore, their chances of passing anytime soon are virtually nonexistent.

In 1990, Congress established another federal compensation program, this one to help uranium miners who were exposed to radiation while supporting the nation’s nuclear weapons program, as well as “downwinders” and onsite participants harmed by nuclear tests.¹³⁶ Passage of the Radiation Exposure Compensation Act (RECA)¹³⁷ was an acknowledgment that the government harmed these individuals in the name of national security and that lawsuits against the government for compensation would be unsuccessful.¹³⁸ As Congress recognized when first passing RECA, “radiation released in underground uranium mines...exposed miners to large doses of radiation and other airborne hazards in the mine environment that together are presumed to have produced an increased incidence of lung cancer and respiratory diseases among these miners.”¹³⁹

RECA was set up as a no-fault administrative system within the U.S. Department of Justice for those eligible for compensation.¹⁴⁰ However, obtaining compensation through this program has not been easy. According to the most recent federal data available, as of mid-2024, more than one-third of RECA claims filed by uranium miners had been denied.¹⁴¹ Structural barriers have disproportionately affected tribal communities.¹⁴² For example, older Indigenous workers and their families may lack documentation to prove their eligibility — such as birth certificates, employment records, marriage documents or residency proof — leading to claim denials.¹⁴³

NOTES

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⁹³ Michael Sallah, Mike Wereschagin and Jimmy Cloutier, “Deadly Toxic Trail: Thousands of Miners Left at Risk By Enforcement Gaps,” *Pittsburgh Post-Gazette*, December 14, 2025, <https://www.post-gazette.com/news/health/2025/12/14/coal-dust-silica-black-lung-msha/stories/202512140064>

⁹⁴ Ibid.

⁹⁵ MSHA issues a citation when it finds that a mine operator has violated the Federal Mine Safety and Health Act, any health or safety standard or any regulation, setting a deadline to correct the condition. Miners are generally allowed to continue working in the affected area provided the condition doesn’t pose an immediate danger. An order, by contrast, is a more serious enforcement action used when MSHA determines that a condition poses an imminent danger or when an operator has failed to comply with prior enforcement actions. Orders typically require the withdrawal of miners from the affected area or the entire mine until the hazardous condition is corrected or compliance is achieved. Federal Mine Safety and Health Review Commission, “How a Case Proceeds before the Commission,” <https://fmshrc.gov/guides/how-case-proceeds-commission> (viewed December 22, 2025); Mine Safety and Health Administration, “Mine Safety and Health Enforcement,” <https://www.msha.gov/about/program-areas/mine-safety-and-health-enforcement> (viewed December 22, 2025).

⁹⁶ Mine Safety and Health Administration, “Mine Inspections,” <https://www.msha.gov/compliance-and-enforcement/mine-inspections> (viewed March 7, 2026); Mine Safety and Health Administration, “Mine Safety and Health At a Glance: Fiscal Year,” February 27, 2026, <https://www.msha.gov/mine-safety-and-health-glance-fiscal-year>; Mine Safety and Health Administration, “Pattern of Violations (POV)” (April 2021), <https://www.msha.gov/compliance-and-enforcement/pattern-violations-pov>

⁹⁷ The percentage of violations deemed to be “significant and substantial” over the past six years has been as follows: 18% (FY2020), 19% (FY2021), 19% (FY2022), 19% (FY2023), 18% (FY2024) and 18% (FY2025). Mine Safety and Health Administration, “Mine Safety and Health At a Glance: Fiscal Year,” February 27, 2026, <https://www.msha.gov/mine-safety-and-health-glance-fiscal-year>

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failures occur when an inspector finds aggravated conduct that constitutes more than ordinary negligence.” Mine Safety and Health Administration, “US Department of Labor conducted 13 impact inspections in December 2024 at mines with histories of repeated safety, health violations,” January 16, 2025, <https://www.dol.gov/newsroom/releases/msha/msha20250116>

⁹⁹ According to former MSHA Assistant Secretary Joe Main, the impact program was specifically put in place in 2010 to make sure that nothing like the Massey Energy Upper Big Branch Mine disaster would ever happen again. Transcript, “One World with Zain Asher,” *CNN*, June 6, 2025, <https://transcripts.cnn.com/show/ow/date/2025-06-06/segment/02>

¹⁰⁰ Michael D. Sallah, Jimmy Cloutier and Mike Wereschagin, “Deadly dust: Missed inspections, enforcement failures imperil the lives of coal miners,” *Pittsburgh Post-Gazette*, August 24, 2025, <https://www.post-gazette.com/news/health/2025/08/24/dust-coal-miners-toxins-silica-pennsylvania/stories/202508240040>

¹⁰¹ *Ibid.* See also, Michael Sallah, Mike Wereschagin and Jimmy Cloutier, “Deadly Toxic Trail: Thousands of Miners Left at Risk By Enforcement Gaps,” *Pittsburgh Post-Gazette*, December 14, 2025, <https://www.post-gazette.com/news/health/2025/12/14/coal-dust-silica-black-lung-msha/stories/202512140064>

¹⁰² Mine Safety and Health Administration, “Contesting Citations,” <https://www.msha.gov/compliance-and-enforcement/contesting-citations> (viewed January 18, 2026); Mine Safety and Health Administration, “Informational Alert,” <https://www.msha.gov/sites/default/files/Alerts-Hazards/Informational-Alert.pdf> (viewed January 18, 2026); Mine Safety and Health Administration, “Mine Data Retrieval System, Mine Safety and Health At a Glance,” <https://www.msha.gov/data-and-reports/mine-data-retrieval-system> (viewed December 22, 2025); U.S. Government Accountability Office, *Mine Safety: Commission That Reviews Legal Disputes Needs Improved Management Oversight*, GAO-25-107171, September 25, 2025, <https://www.gao.gov/products/gao-25-107171>. In 2025, MSHA issued 601 citations and orders assessing \$10,000 or more, 62 percent of which still hadn’t been paid by the time of this publication. The vast majority of those violations were determined to be S&S. Mine Safety and Health Administration, “Mine Data Retrieval System, ‘High Dollar’ Citations & Orders,” <https://www.msha.gov/data-and-reports/mine-data-retrieval-system> (viewed March 7, 2026).

¹⁰³ If a mine operator doesn’t fix a health or safety problem by the deadline MSHA sets after issuing a citation, the company can only be fined a maximum of “\$9,820 for each day during which the failure or violation continues.” When an operator doesn’t promptly notify the Secretary of Labor as required by law of an incident that involves a death or a life-threatening injury or entrapment at the mine, the fine is limited to \$90,649. And for the most extreme violations — *i.e.*, cases where operators recklessly or repeatedly fail to fix known hazards “that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury” — penalties are capped at \$332,376. 30 CFR §§ 100.4, 100.5 (2025).

¹⁰⁴ Alan Blinder, “Donald Blankenship Sentenced to a Year in Prison in Mine Safety Case,” *New York Times*, April 6, 2016, <https://www.nytimes.com/2016/04/07/us/donald-blankenship-sentenced-to-a-year-in-prison-in-mine-safety-case.html>

¹⁰⁵ Rachel Frazin, “Trump admin will reconsider part of rule to protect miners from lung diseases,” *The Hill*, December 1, 2025, <https://thehill.com/policy/energy-environment/5628531-miner-lung-disease-rule-silica>. See also, Kim Kelly, “The Trump Administration Ramps Up Its War On Coal Miners,” *In These Times*, December 11, 2025, <https://inthesetimes.com/article/the-trump-administration-has-found-a-sneaky-way-to-keep-killing-coal-miners>; *Sorptive Minerals Institute v. Mine Safety and Health Administration*, No. 24-1889 (8th Cir.) (“The Secretary and SMI’s Status Report,” filed November 26, 2025), <https://appvoices.org/wp-content/uploads/2025/11/Document.pdf>; Mine Safety and Health Administration, “Department of Labor issues final rule reducing silica dust exposure, better protecting miners’ health from irreversible workplace illnesses,” April 16, 2024, <https://www.dol.gov/newsroom/releases/msha/msha20240416>. More specifically, the rule “lowered the legal limit for miners’ exposure to silica while on the job,” making it “in line with exposure levels imposed by the Occupational Safety and Health Administration on construction and other non-mining industries. And it’s the standard the Centers for Disease Control and Prevention was recommending as far back as 1974.” “Federal rule protecting coal miners from poisonous silica dust unveiled during acting labor secretary’s visit to Uniontown,” *CBS/Associated Press*, April 16, 2024, <https://www.cbsnews.com/pittsburgh/news/coal-miners-new->

[protections-from-silica-dust-black-lung-disease](#). The regulation also required “mine operators to use engineering controls that reduce or prevent exposure to silica dust as the primary way to meet the standard” and “to set up medical surveillance programs and provide health examinations for miners.” Rachel Frazin, “Trump admin will reconsider part of rule to protect miners from lung diseases,” *The Hill*, December 1, 2025, <https://thehill.com/policy/energy-environment/5628531-miner-lung-disease-rule-silica>

¹⁰⁶ Kim Kelly, “The Trump Administration Ramps Up Its War On Coal Miners,” *In These Times*, December 11, 2025, <https://inthesetimes.com/article/the-trump-administration-has-found-a-sneaky-way-to-keep-killing-coal-miners>. See also, Michael Sallah, Mike Wereschagin and Jimmy Cloutier, “Deadly Toxic Trail: Thousands of Miners Left at Risk by Enforcement Gaps,” *Pittsburgh Post-Gazette*, December 14, 2025, <https://www.post-gazette.com/news/health/2025/08/24/dust-coal-miners-toxins-silica-pennsylvania/stories/202508240040> (“Among the groups opposing the new law is the Essential Minerals Association, a trade group once led by Wayne Palmer, now the leader of MSHA. Industry groups, like the National Mining Association, say they support the lower limits, but that the owners should be allowed to rely on other solutions including using personal protective equipment. The federal government’s current position - after years of supporting the silica reforms - is to engage in talks with the industry, court records show. But so far, neither side has agreed to a settlement, leaving safety advocates concerned that the miners will not receive any immediate protections.”)

¹⁰⁷ In January 2026 testimony submitted to the U.S. House Subcommittee on Workforce Protection, MSHA Assistant Secretary Palmer was vague about the status of the silica rule, stating that the Administration is “working on a limited rulemaking to reconsider and seek comments on portions of the 2024 final Silica Rule.” Written testimony of Mine Safety and Health Administration Assistant Secretary Wayne D. Palmer before the U.S. House Subcommittee on Workforce Protections, hearing on “Examining the Policies and Priorities of the Mine Safety and Health Administration,” January 22, 2026, https://republicans-edlabor.house.gov/UploadedFiles/Palmer_Testimony.pdf. Also, when asked at the hearing what he would do at MSHA “to promote more outreach to all stakeholders and ensure their views are considered,” Palmer made no mention of miners, telling the panel: “I intend, as Assistant Secretary, to be as visible, engaged and responsive as possible with the industry, the stakeholders. Serving as Deputy Assistant Secretary in the first Trump Administration I spent a great deal of time attending safety conferences and speaking and just getting to know the operators. I believe that having those relationships goes a long way toward helping them to comply and keep their mines safe. I’m also looking to renew these formal alliance agreements that MSHA has had in place since the year 2000 with numerous trade associations in the mining industry. ...So I intend to be fully engaged with the industry along the way.” Testimony of Mine Safety and Health Administration Assistant Secretary Wayne D. Palmer before the U.S. House Subcommittee on Workforce Protections, hearing on “Examining the Policies and Priorities of the Mine Safety and Health Administration,” January 22, 2026, <https://www.youtube.com/live/YxqfPkSYdg0>. In remarks during that same hearing, Ranking Member Ilhan Omar (D-MN) said the following: “Black lung disease caused by inhalation of coal and silica dust is increasingly affecting younger and younger miners. The Biden Administration saw this an imminent danger and took steps to protect miners from silica exposure through common sense safety standards. Unfortunately, instead of enforcing the Biden-era rule, the Trump Administration has given mining executives a pass to put miners in harm’s way without proper protection against silica exposure.” Remarks of U.S. House Subcommittee on Workforce Protections Ranking Member Ilhan Omar (D-MN), hearing on “Examining the Policies and Priorities of the Mine Safety and Health Administration,” January 22, 2026, <https://www.youtube.com/live/YxqfPkSYdg0>

¹⁰⁸ Justin Hicks, “Trump’s mine agency wants to strip power from its own safety managers,” *Kentucky Public Radio*, August 6, 2025, <https://www.lpm.org/news/2025-08-06/trumps-mine-agency-wants-to-strip-power-from-its-own-safety-managers>. To view the proposed rules, see Mine Safety and Health Administration, “Roof Control Plan Approval Criteria” and “Ventilation Plan Approval Criteria,” 90 FR 34406, July 22, 2025, <https://www.federalregister.gov/documents/2025/07/22/2025-13748/roof-control-plan-approval-criteria> and <https://www.federalregister.gov/documents/2025/07/22/2025-13750/ventilation-plan-approval-criteria>, respectively.

¹⁰⁹ Transcript, “One World with Zain Asher,” *CNN*, June 6, 2025, <https://transcripts.cnn.com/show/ow/date/2025-06-06/segment/02>. See also, Rylan DiGiacomo-Rapp and Hannah Northey, “Mining watchdog restricts public

access to inspection data,” January 26, 2026, <https://www.eenews.net/articles/mining-watchdog-restricts-public-access-to-inspection-data>; Mike Tony, “Miner allies pan MSHA head over resource cuts, not enforcing black lung-focused rule,” *Charleston Post-Gazette*, January 24, 2026, https://www.wvgazette.com/news/energy_and_environment/miner-allies-pan-msha-head-over-resource-cuts-not-enforcing-black-lung-focused-rule/article_e37402a4-22da-48ed-bb7f-c9954be560bb.html

¹¹⁰ Rylan DiGiacomo-Rapp and Hannah Northey, “Mining watchdog restricts public access to inspection data,” *E&E News*, January 26, 2026, <https://www.eenews.net/articles/mining-watchdog-restricts-public-access-to-inspection-data>

¹¹¹ “Lawmakers concerned about staff cuts, field office closures at MSHA,” *Safety+Health Magazine*, March 12, 2025, <https://www.safetyandhealthmagazine.com/26565-lawmakers-concerned-about-staff-cuts-office-closures-at-msha>

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¹¹⁵ Opening remarks of U.S. House Subcommittee on Workforce Protections Ranking Member Ilhan Omar (D-MN), hearing on “Examining the Policies and Priorities of the Mine Safety and Health Administration,” January 22, 2026, <https://www.youtube.com/live/YxqfPkSYdg0>

¹¹⁶ National Institute for Occupational Safety and Health, “Mining,” <https://www.cdc.gov/niosh/mining/index.html> (viewed February 3, 2026); National Institute for Occupational Safety and Health, “About Mining Safety and Health,” October 6, 2024, <https://www.cdc.gov/niosh/mining/about/index.html>

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¹³⁰ ALEC’s membership consists of conservative state legislators who pay little to join and corporations who pay hefty membership fees. See, e.g., Center for Justice & Democracy, *America’s Worst Top Model: ALEC’s Model Civil Justice Legislation*, September 21, 2010, <https://centerjd.org/system/files/AmericasWorstTopModelWPaperF1.pdf>

¹³¹ See, e.g., Asbestos and Silica Claims Procedure Act, S.C. Code Ann. §§ 44-135-10 et seq. (originally enacted 2006); Asbestos Bankruptcy Trust Claims Transparency Act, Tenn. Code Ann. §§ 29-34-601 et seq. (originally enacted 2006); Silica and Asbestos Claims Act, Kan. Stat. Ann. §§ 60-4901 et seq. (originally enacted 2006); Asbestos and Silica Claims Act, Ga. Code Ann. §§ 51-14-1 et seq. (originally enacted 2005); Asbestos and Silica Compensation Fairness Act, Fla. Stat. §§ 774.201 et seq. (originally enacted 2005); Claims Involving Asbestos and Silica, Tex. Civ. Prac. & Rem. Code §§ 90.00 et seq. (originally enacted 2005).

¹³² 30 U.S.C. §§ 901–944. The Act was intended to provide both financial compensation (monthly cash benefits) and lifetime medical benefits to coal miners disabled by black lung, as well as survivor benefits to families. Coal miners with black lung disease can pursue federal benefits under BLBA in addition to any state workers’ compensation claims they might file for occupational injuries or diseases. Milliman, “Complexities of reserving federal black lung claims,” December 2, 2024, <https://www.milliman.com/en/insight/complexities-reserving-federal-black-lung-claims>. For a summary of the purpose and structure of the Federal Black Lung Program, how it works, who’s eligible, benefit types and how it’s financed, see Congressional Research Service, *The Black Lung Program, the Black Lung Disability Trust Fund, and the Excise Tax on Coal*, R45261, February 7, 2023, https://www.congress.gov/crs_external_products/R/PDF/R45261/R45261.11.pdf. To view black lung monthly benefit rates for 2026, visit U.S. Department of Labor, “Black Lung Monthly Benefit Rates for 2026,” <https://www.dol.gov/agencies/owcp/dcmwc/regs/compliance/blbene> (viewed February 2, 2026).

¹³³ U.S. Department of Labor, “Black Lung Program Statistics: Black Lung Decisions at the District Director Level FY 2006-2025,” <https://www.dol.gov/agencies/owcp/dcmwc/statistics/PartCClaimsDecisions> (viewed February 1, 2026).

¹³⁴ See, e.g., S.3491 - Black Lung Benefits Improvement Act of 2025; H.R.6756 - Black Lung Benefits Improvement Act of 2025; S.3304 - Black Lung Benefits Improvement Act of 2023; H.R.6461 - Black Lung Benefits Improvement Act of 2023; S.4511 - Black Lung Benefits Improvement Act of 2022; H.R.6102 - Black Lung Benefits Improvement Act of 2022; S.2205 - Black Lung Benefits Improvement Act of 2019; S.855 - Black Lung Benefits Improvement Act of 2017; H.R.1912 - Black Lung Benefits Improvement Act of 2017; S.2096 - Black Lung Benefits Improvement Act of 2015; H.R.3625 - Black Lung Benefits Improvement Act of 2015; S.2959 - Black Lung Benefits Improvement Act of 2014; H.R.5751 - Black Lung Benefits Improvement Act of 2014.

¹³⁵ Office of U.S. Senator Mark Warner (D-VA), “Warner, Kaine, Fetterman, McGarvey & Scott Introduce Legislation to Strengthen and Increase Accessibility of Black Lung Benefits for Miners,” December 16, 2025, <https://www.warner.senate.gov/public/index.cfm/2025/12/warner-kaine-fetterman-mcgarvey-scott-introduce-legislation-to-strengthen-and-increase-accessibility-of-black-lung-benefits-for-miners>. See also, Milliman, “Complexities of reserving federal black lung claims,” December 2, 2024,

<https://www.milliman.com/en/insight/complexities-reserving-federal-black-lung-claims> (“The litigation process is complex as there are several federal adjudication status levels (FASLs) where determinations of denied or entitled black lung benefits are rendered. Throughout the adjudication process, parties may appeal decisions that lead to additional hearings or referrals to other levels through administrative law judges or Benefits Review Boards, making litigation a lengthy process.”) While BLBA places primary financial responsibility for paying claims on coal mining companies, in practice taxpayers have increasingly borne the cost due to multiple bankruptcies and inadequate oversight of operator insurance. See Letter from U.S. Representatives Ilhan Omar (D-MN) and Bobby Scott (D-VA) to U.S. Secretary of Labor Lori Chavez-DeRemer, November 24, 2025, https://democrats-edworkforce.house.gov/imo/media/doc/scott_omar_letter_to_dol_re_implementation_of_black_lung_self_insurance_rule.pdf; Statement of Cindy Barnes, Managing Director, Education, Workforce and Income Security, U.S. Government Accountability Office, before the U.S. Senate Subcommittee on Employment and Workplace Safety, “Black Lung Benefits Program: Lack of Resolution on Coal Operator Self-Insurance Increases Financial Risk to Trust Fund,” GAO-24-107597, May 22, 2024, <https://www.gao.gov/assets/gao-24-107597.pdf>. There’s concern that the Trump Administration isn’t enforcing a Biden-era rule “requiring self-insured coal mines to prove they can cover 100% of future black lung disease costs...[as] a way to keep coal companies responsible for the lifelong diseases miners got at work.” Justin Hicks, “Democrats suspect Trump administration isn’t enforcing a benefits rule for coal miners,” *Kentucky Public Radio*, December 2, 2025, <https://www.lpm.org/news/2025-12-02/democrats-suspect-trump-administration-isnt-enforcing-a-benefits-rule-for-coal-miners>. For details about the rule, see U.S. Department of Labor, “US Department of Labor announces final rule adopting standards for coal mine operators’ self-insurance under Black Lung Benefits Act,” December 11, 2024, <https://www.dol.gov/newsroom/releases/owcp/owcp20241211>

¹³⁶ Congressional Research Service, *The Radiation Exposure Compensation Act (RECA): Compensation Related to Exposure to Radiation from Atomic Weapons Testing and Uranium Mining*, R43956, September 14, 2023, <https://www.congress.gov/crs-product/R43956>

¹³⁷ 42 U.S.C. § 2210 note. RECA was enacted as Pub. L. No. 101–426 on October 15, 1990. It is not codified as a stand-alone section of the U.S. Code but appears as a note to 42 U.S.C. § 2210, which pertains to nuclear activities under the Atomic Energy Act. In Section 2 of the law as passed, Congress made some extraordinary findings and admissions, including that “radiation...is presumed to have generated an excess of cancers among these individuals”; that “the lives and health of uranium miners and of innocent individuals who lived downwind from the Nevada tests were involuntarily subjected to increased risk of injury and disease to serve the national security interests of the United States;” that “the United States should...assume responsibility for the harm done to these individuals;” and that “Congress apologizes on behalf of the Nation to [these individuals] and their families for the hardships they have endured.” Pub. L. No. 101–426, October 15, 1990, <https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg920.pdf>

¹³⁸ Victims filed lawsuits against the U.S. under the Federal Tort Claims Act that “alleged tortious failure to warn of the radiation dangers from uranium mining and nuclear test fallout. Both suits were dismissed; the courts noted Congress should address relief.” U.S. Department of Labor webinar, “The Radiation Exposure Compensation Program: A Doorway to the EEOICP,” December 9, 2020, https://www.dol.gov/sites/dolgov/files/OWCP/energy/regs/compliance/Outreach/Outreach_Presentation/doj_presentation120920.pdf, citing *Allen v. United States*, 816 F.2d 1417 (1987) and *Begay v. United States*, 768 F.2d 1059 (1985). See also, Coconino County, AZ, “Downwinder Program,” <https://www.coconino.az.gov/486/Downwinder-Program> (viewed March 7, 2026) (“Following the conclusion of [nuclear testing as well as uranium mining and processing] activities, lawsuits against the United States alleged failure to warn of exposures to known radiation hazards. These suits were dismissed by the appellate courts. Congress responded by devising a program allowing partial restitution to individuals who developed serious illnesses after presumed exposure to radiation released during the atmospheric nuclear tests or after employment in the uranium industry.”)

¹³⁹ Radiation Exposure Compensation Act, Pub. L. No. 101-426, § 3(a)(3), 104 Stat. 920, 921 (1990), https://nsarchive2.gwu.edu/radiation/dir/mstreet/commeet/meet3/brief3.gfr/tab_g/br3g1e.txt

¹⁴⁰ U.S. Department of Justice, “Radiation Exposure Compensation Act,” March 6, 2026, <https://www.justice.gov/civil/common/reca>

¹⁴¹ U.S. Department of Justice, “RECA Rewards to Date as of 07/01/2024,” July 1, 2024, <https://www.justice.gov/civil/reca-rewards-date-07012024>

¹⁴² See U.S. Environmental Protection Agency, *Navajo Nation Capacity Building Plan: Federal Actions to Provide Workforce Development and Resources on the Navajo Nation 2022-2029* (July 2025), <https://www.epa.gov/system/files/documents/2025-07/navajo-nation-capacity-building-plan-fed-actions-workforce-development-resources.pdf>; Union of Concerned Scientists, “US Uranium Mining Legacy Still Harms the Navajo Nation,” *The Equation*, May 6, 2025, <https://blog.ucs.org/chanese-forde/us-uranium-mining-legacy-still-harms-the-navajo-nation>; Navajo Nation President Buu Van Nygren, “A Call for Justice: Addressing Uranium Mining Catastrophe on Navajo Land,” June 4, 2024, <https://opvp.navajo-nsn.gov/a-call-for-justice-addressing-uranium-mining-catastrophe-on-navajo-land>. For the Navajo Nation, “a legacy of uranium contamination remains, including over 500 abandoned uranium mines (AUMs) as well as homes and water sources with elevated levels of radiation.” U.S. Environmental Protection Agency, “Navajo Nation Abandoned Uranium Mines Cleanup,” January 14, 2026, <https://www.epa.gov/navajo-nation-uranium-cleanup/aum-cleanup>

¹⁴³ Nadine Padilla, “Abandoned Mines, Abandoned Treaties: The Federal Government’s Failure to Remediate Abandoned Uranium Mines on the Navajo Nation,” 96 *U. Colo. L. Rev.* 675 (2025), <https://lawreview.colorado.edu/wp-content/uploads/2025/04/96.3.3-Padilla.pdf>; Tamar Sarai, “Victims of the US uranium boom pay substantial costs despite what they’re owed by the US government,” *Prism*, December 14, 2021, <https://prismreports.org/2021/12/14/victims-of-the-us-uranium-boom-pay-substantial-costs-despite-what-theyre-owed-by-the-us-government>