



Opening Statement
Ranking Member Frederica S. Wilson
Workforce Protections Subcommittee Hearing
*“Protecting America’s Workers:
Reviewing Mine Safety Policies with Stakeholders.”*
Wednesday, October 21, 2015

Mr. Chairman, I want to thank you for holding this hearing and giving us an opportunity to discuss how we can better protect the health and safety of miners.

When we discuss the health of miners, we must discuss finding ways to end black lung disease and help those suffering from the disease secure the benefits they deserve.

I was moved by the story of Steve Day, a miner featured in the Center for Public Integrity’s Pulitzer Prize winning investigation into the Black Lung Benefit system. After 35 years working in coal mines and breathing in coal dust, Steve developed debilitating symptoms that made it impossible to perform even simple tasks. Instead, he was forced to spend his days sitting in a recliner next to the oxygen tank he relied on 24 hours a day.

He was unable to even lie down to sleep next to his wife. To do so would overwhelm his lungs and leave him feeling as if he was suffocating. His wife slept restlessly in a nearby bedroom, jumping out of bed when he gasped for air and pounding him on the back until he coughed. I can only imagine the sleepless nights his wife spent fearful that if she should close her eyes for only a moment, she would wake up to hear that he was not breathing at all.

Steve represents the thousands of miners suffer from the debilitating disease that has killed 76,000 coal miners. Sadly, after years of decline, we have seen an alarming spike in the rates of black lung disease, including a 10-fold increase in the most severe forms of the disease.

Black lung disease is entirely preventable, and MSHA's respirable dust rule will reduce miner exposure to coal dust. Starting February 2016, mine operators must use a Continuous Personal Dust Monitor. This tool will allow for real time exposure information and give operators the ability to make the necessary adjustments to cut exposure faster.

Beyond prevention, we must also ensure that miners who develop black lung get the benefits they deserve. Our Committee has not had a hearing on Black Lung Benefits Act in almost 25 years, so I am glad for this opportunity to hear from our witnesses about challenges faced by black lung claimants.

Steve Day's story underscores some of these challenges. Although he was clearly suffering from black lung, his former employer used biased medical reports that led to the denial of his benefits claim. Sadly, it wasn't until Steve died at 67 and an autopsy was performed that he was vindicated. According to experts, Steve suffered from "one of the most severe cases of black lung they had seen."

Miners with black lung disease fighting for their lives should not also have to fight against unfair tactics that needlessly delay or deny deserved benefits.

That is why we must pass the *Black Lung Benefits Improvement Act* to provide miners with assistance in securing medical evidence and obtaining legal representation.

Of course we know that all mines are not coal mines. Today we will also hear about safety issues in metal and non-metal mines. Last year, fatalities in metal/nonmetal mines reached a 7-year high. This reminds us that we must ensure MSHA has the tools it needs to protect miners' safety. As we discussed in our April hearing on MSHA, the *Robert C. Byrd Mine Safety Protection Act* provides those much needed tools.

I want to thank our witnesses for being here today. I look forward to your testimony. I yield back.