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CONGRESS SHOULD EXTEND BLACK LUNG TAX GIVEN HISTORIC RESURGENCE
OF BLACK LUNG DISEASE

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According to a report from E&E News, an extension of the black lung tax has been proposed in Congress. Ensuring black lung payments to disabled miners is crucial because there has been a resurgence of black lung among American coal miners. While all of the funds from the tax would go to the federal Black Lung Disability Trust Fund, the proposal would use the increased revenue as an offset for the RECLAIM Act, HR 1731. As this legislation would be a win-win for coal communities across the country, ACLC strongly supports the extension of the current black lung excise tax and pairing it with passage of the RECLAIM Act.

“Miners are contracting black lung disease at higher levels than we’ve ever seen and more miners are dying because of it,” said Wes Addington, Deputy Director at Appalachian Citizens’ Law Center (ACLC). “We have more clients coming through our door every day seeking black lung benefits, and because black lung is a progressive disease, we expect that the number of miners who have the disease will continue to grow.”

An unprecedented number of coal miners—including younger miners—are developing the fatal and incurable black lung disease, which is contracted from the inhalation of dust from mining coal. An epidemiologist studying the resurgence of black lung disease has called it one of the worst industrial epidemics in American history.

“To address the unprecedented resurgence of black lung disease, protecting the Trust Fund is vital. We have a moral obligation to make sure that miners disabled by black lung and their widows receive the benefits they are entitled to, even if the company went bankrupt,” said Evan Smith, staff attorney at ACLC.

The black lung excise tax is a per-ton tax assessed to coal mining. The money finances benefits payments to disabled miners with black lung disease and their survivors through the Black Lung Disability Trust Fund (BLDTF). The BLDTF is a government-run trust fund whose purpose is to provide benefits to miners in cases where the liable employer is bankrupt. The current tax levels are set to expire at the end of 2018. In the years leading up to the last 10-year extension of these tax levels in 2008, there was no evidence of the current resurgence of black lung disease and payments from the Trust Fund were on the decline. However, the incidence of black lung

has increased significantly since 2008 and payments from the Trust Fund actually increased in 2016.

“The number of black lung cases is increasing, and without action this trust fund could potentially fall into insolvency,” said Wes Addington of ACLC. “The results would be disastrous for coal miners and communities in Central Appalachia. Black lung is an urgent issue that Congress should take seriously. Supporting this Trust Fund is something that would benefit coal communities immensely.”

Every penny collected from the black lung excise tax would continue going directly to the Black Lung Disability Trust Fund. The extension of the tax would serve as an offset for RECLAIM by satisfying Congressional Budget Office accounting rules. The RECLAIM Act is a bipartisan bill in Congress that would put laid-off miners and other local residents to work reclaiming abandoned mines in ways that develop long-term economic opportunities. RECLAIM would create jobs in many of the same economically distressed communities that black lung beneficiaries call home.

“Representative Rogers has worked hard to find a win-win solution that creates jobs and benefits black lung victims. It’s time for Mitch McConnell and Paul Ryan to champion these two pieces of policy together and do good by the people and miners of coal country,” said Steve Sanders, Director of ACLC.

For background information on the RECLAIM Act please contact Eric Dixon at 865-202-8688 (eric@aclc.org).