

## A Resolution of the Magoffin County Fiscal Court

**Whereas** Magoffin County is a community in eastern Kentucky, a region with many rich assets, including our land, water, heritage and people, who have for more than 100 years provided the coal that has fueled the United States;

**Whereas** many Kentucky communities are experiencing economic distress with the decline of the coal industry and mining jobs; and

**Whereas** we believe a transition to a healthy, just and sustainable economy is possible, and that active leadership and investments are needed to generate meaningful jobs; protect and restore land and water; and ensure the well-being of workers, families and communities, especially our miners who dedicated and risked their lives to work in the coal industry; and

**Whereas** black lung disease is an incurable, fatal and entirely preventable disease caused by exposure to coal dust; and

**Whereas** rates of black lung disease are surging among coal miners and one in five veteran working coal miners in Central Appalachia now has black lung; and

**Whereas** thousands of coal miners with black lung disease and their dependents rely on benefits from the federal Black Lung Disability Trust Fund, including, in FY2017, more than 4,326 Kentuckians who were paid \$40.9 million across all federal Black Lung claims;<sup>1</sup> and

**Whereas** the Black Lung Disability Trust Fund is in poor financial health due to a perfect storm of more miners with the disease and more coal companies in bankruptcy; and

**Whereas** the long-term solvency of the Black Lung Disability Trust Fund will be further weakened unless Congress acts this year to prevent a scheduled 50% decline in the excise fee that provides resources to this Fund; and

**Whereas** the steps required for coal miners to acquire federal black lung benefits are currently difficult, and eligibility criteria should not be changed to make such processes more difficult; and

**Whereas** coal companies have a moral and legal responsibility to pay for their employees' health and disability costs associated with black lung disease, and the financial obligation to provide black lung benefits should not be shifted to taxpayers; and

**Whereas** federal legislation to maintain the Black Lung excise fee at its current level could also assist in the passage of the RECLAIM Act (H.R. 1731), a bill sponsored by U.S. Rep. Hal Rogers (KY-5) to invest over the next five years \$1 billion from the federal Abandoned Mine Lands Trust Fund to fund reclamation and support economic development projects on abandoned mine lands in Kentucky and other affected states; and



<sup>1</sup> Source: US Department of Labor, Division of Coal Mine Workers' Compensation. URL: <<https://www.dol.gov/owcp/domwcc/statistics/bls2017/DistributionOfClaimsByState2017.htm>>

Whereas an investment of at least \$455,869,335 is needed to clean up identified but as yet unfunded abandoned coal mines in Kentucky, including projects costing at least \$2.9 million in Magoffin County;<sup>2</sup> and

Whereas pensions promised to thousands of retired union miners and their families are at risk due to the 2008-2009 recession and coal company bankruptcies;

**NOW, THEREFORE, LET IT BE RESOLVED THAT** the Fiscal Court of Magoffin County urges U.S. Senator Mitch McConnell, Senator Rand Paul and U.S. Rep. Hal Rogers, along with U.S. Representatives James Comer (KY-1), Brett Guthrie (KY-2), John Yarmuth (KY-3), Thomas Massie (KY-4) and Andy Barr (KY-6) to support and vote for legislation in 2018 to assist retired, disabled and laid-off coal miners, their families and communities.

Specifically, we urge passage of three bills needed for a just transition for coal miners and communities:

- a) Legislation that strengthens the solvency of the Black Lung Disability Trust Fund by maintaining the excise fee at its current level, rather than allowing it to decline at the end of 2018. Furthermore, this legislation should not make black lung benefits more difficult to acquire, or include a taxpayer bailout of the fund.
- b) The bipartisan RECLAIM Act (H.R. 1731), sponsored by U.S. Rep. Hal Rogers, which will help revitalize coal communities by creating thousands of good reclamation jobs and supporting longer-term economic development initiatives.
- c) The bipartisan American Miners Pension Act (H.R. 3913 / S. 1911), which ensures that the UMWA's 1974 Pension Plan can continue to pay the pensions retired miners or their surviving spouses have earned.

Date: 11-13-2018

Motion made by: Matthew Wireman

Seconded by: Charles Hardin MD

Vote: Darrel R. Howard yea, Pernel Lemaster yea, Matthew Wireman, yea  
Charles Hardin MD yea

Signed:

Renee Shepherd  
Clerk, Mago Fiscal Court

<sup>2</sup> "Cost PAD Summary by State & County." electronic-Abandoned Mine Land Inventory System (e-AMLIS), Office of Surface Mining Reclamation and Enforcement. Accessed August 2, 2018.