

MAJORITY MEMBERS:

TIM WALBERG, MICHIGAN, *Chairman*

JOE WILSON, SOUTH CAROLINA
VIRGINIA FOXX, NORTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JAMES COMER, KENTUCKY
BURGESS OWENS, UTAH
LISA C. MCCLAIN, MICHIGAN
MARY E. MILLER, ILLINOIS
JULIA LETLOW, LOUISIANA
KEVIN KILEY, CALIFORNIA
ERIN HOUCHEIN, INDIANA
MICHAEL RULLI, OHIO
JAMES C. MOYLAN, GUAM
ROBERT F. ONDER, JR., MISSOURI
RYAN MACKENZIE, PENNSYLVANIA
MICHAEL BAUMGARTNER, WASHINGTON
MARK HARRIS, NORTH CAROLINA
MARK B. MESSMER, INDIANA
RANDY FINE, FLORIDA



COMMITTEE ON
EDUCATION AND WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Ranking Member

JOE COURTNEY, CONNECTICUT
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ILHAN OMAR, MINNESOTA
HALEY M. STEVENS, MICHIGAN
GREG CASAR, TEXAS
SUMMER L. LEE, PENNSYLVANIA
JOHN W. MANNION, NEW YORK
ADELITA GRIJALVA, ARIZONA

May 26, 2026

Sam Petsonk
Owner
Petsonk PLLC
417 E. Main St.
Oak Hill, WV 25901

Dear Mr. Petsonk:

Thank you again for testifying before the Committee on Education and Workforce on May 8 at the field hearing titled "Protecting Workers and Powering America: The Future of Mining." Enclosed are additional questions following the hearing. Please provide written responses no later than June 16, 2026, for inclusion in the hearing record. The responses should be sent to Kane Riddell of the Committee staff who can be contacted at Kane.Riddell@mail.house.gov or (202) 226-3873.

We appreciate your contribution to the work of the Committee.

Sincerely,

A handwritten signature in cursive script that reads "Tim Walberg".

Tim Walberg
Chairman

Enclosure

**Questions for the Record from
RANKING MEMBER ROBERT C. “BOBBY” SCOTT**

**Committee on Education and Workforce
Field Hearing titled: “Protecting Workers and Powering America: The Future of Mining”**

**Friday, May 8, 2026
9:15 A.M. CDT**

Question(s) for Sam Petsonk, Owner, Petsonk PLLC

1. The Governmental Accountability Office (GAO) recently released a report addressing shortfalls in medical benefit payments by responsible operators under the *Black Lung Benefits Act*.¹ You have firsthand experience litigating this exact issue. How has this problem developed, and what additional context should Congress consider as we follow up on GAO’s report?
2. The Labor Department’s Office of Workers’ Compensation Programs addressed medical benefit obligations in 2022 with Industry Notice No. 1.²
 - a. What did Industry Notice No. 1 do?
 - b. Despite those reforms, the GAO found continuing shortfalls in medical benefit payments by responsible operators. What do you believe accounts for the persistent gap, and what should this Committee do about it?
3. During the hearing, you mentioned the Biden Administration’s standard to protect miners from respirable crystalline silica.
 - a. How did the Biden silica standard change previous rules on silica dust?
 - b. Are there any ways in which the rule needed to be more protective of miners? If so, how?
 - c. How would you respond to the arguments against the standard brought forward by mining industry actors in the litigation against it?
4. A new report by the Appalachian Citizens’ Law Center finds that 20 percent of mines where MSHA tested silica dust last year exceeded the silica dust cap of the Biden Administration silica standard, and 12 of them had more than double that level.³ What does that figure tell us, and why does it matter for the Committee’s work?

¹ GOV’T ACCOUNTABILITY OFF., GAO-26-107612, BLACK LUNG BENEFITS PROGRAM: MINERS REPORTED EXPERIENCING CHALLENGES, AND DOL SHOULD MONITOR OPERATOR-PROVIDED MEDICAL COVERAGE (May 2026).

² Off. of Workers’ Comp. Progs., Indus. Notice No.1, Notice to Responsible Operators Regarding Medical Benefit Obligations Under the BLBA (Aug. 22, 2022), <https://www.dol.gov/sites/dolgov/files/OWCP/dcmwc/industry notices/IndustryNoticeNo1.pdf>.

³ REBECCA SHELTON, APP. CITIZENS’ L. CTR., FILLING THE GAPS: ASSESSING MSHA’S SILICA DUST SAMPLING (2026), <https://aclc.org/wp-content/uploads/2026/05/Copy-of-Filling-the-Gaps-Assessing-MSHAs-Silica-Dust-Sampling-2025-to-2026-Q1-1-1.pdf>.

5. Even without the 2024 silica rule in force, does MSHA have the legal authority today to reduce miners' silica exposures? What should it be doing right now?
6. A fellow witness at the hearing, Arthur Wolfson, proposed that the Mine Safety and Health Administration should adopt a program similar to the Voluntary Protection Program launched by MSHA's sibling agency, the Occupational Safety and Health Administration, during the Reagan Administration. GAO, stakeholders, and investigative reporters have repeatedly documented challenges with VPP, including the failure to screen out employers responsible for killing their workers.⁴ In your judgment, is VPP suitable for mine safety and health? Why or why not?
7. Mr. Wolfson also testified that MSHA sometimes penalizes mine operators that exceed regulatory minimums, without taking into account the additional safety benefits provided by their above-minimum efforts. How would you respond to that?
8. Government analyses suggest that there is an abundance of essential minerals in Appalachia and recoverable essential minerals in mine wastes.⁵
 - a. Given conditions in Appalachian mining today, how confident are you that mining of essential minerals would be conducted safely and healthily for miners?
 - b. Retrieving unmined essential minerals or recovering them from mine wastes would likely involve the use of chemicals to separate the essential minerals from surrounding material. To what extent, if any, would these chemical processes raise any particular concerns for miners' health?
9. Please provide any additional information or perspectives that you would like to provide the Committee that has not been covered already in the previous questions.

⁴ See, e.g., Testimony of Rebecca Reindel for *Safe Workplaces, Stronger Partnerships: The Future of OSHA Compliance Assistance: Hearing Before the Wrkf. Prots. Subcomm. of the H. Comm. on Educ. & Wrkf.*, 119th Cong. (2025), <https://democrats-edworkforce.house.gov/download/07/16/2025/witness-testimony-3>; *Model Workplaces*, Ctr. for Pub. Integrity, <https://publicintegrity.org/topics/inequality-poverty-opportunity/workers-rights/worker-health-and-safety/model-workplaces/> (last visited May 15, 2026); Off. of Insp. Gen. U.S. Dep't of Lab., 02-12-201-10-105, VOLUNTARY PROTECTION PROGRAM: CONTROLS ARE NOT SUFFICIENT TO ENSURE ONLY WORKSITES WITH EXEMPLARY SAFETY AND HEALTH SYSTEMS REMAIN IN THE PROGRAM (2013), <https://www.oig.dol.gov/public/reports/oa/2014/02-14-201-10-105.pdf>; Gov't Accountability Off., OSHA'S VOLUNTARY PROTECTION PROGRAMS: IMPROVED OVERSIGHT AND CONTROLS WOULD BETTER ENSURE PROGRAM QUALITY (2009), <https://www.gao.gov/assets/gao-09-395.pdf>.

⁵ *Lithium in Eastern States Could Replace Imports for a Century of More*, USGC.GOV (Apr. 28, 2026), <https://www.usgs.gov/news/national-news-release/lithium-eastern-states-could-replace-imports-a-century-or-more>; *Mine Waste as a Potential Source of Critical Minerals and Other Commodities: Examples from the Four Corners States, USA*, USGS.GOV (Sept. 12, 2025), <https://www.usgs.gov/publications/mine-waste-a-potential-source-critical-minerals-and-other-commodities-examples-four>.