

January 17, 2026

U.S. House Committee on Education and Workforce  
2176 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Mackenzie and Ranking Member Omar,

As organizations and lawyers with decades of experience advocating for and representing coal miners in Central Appalachia on issues of occupational health and mine safety, we write to you today with great concern regarding the efficacy of the Mine Safety and Health Administration's (MSHA) policies and policy enforcement. We outline these areas of concern and ask that you seek responses to the queries we raise below in the hearing to be held in your subcommittee on January 22, 2026, "Examining the Policies and Priorities of the Mine Safety and Health Administration."

#### Silica Dust Exposure

First and foremost, the delayed implementation of the rule to reduce miners' exposure to crystalline silica is a devastating outcome for miners across the country. The prevalence and severity of black lung disease being observed in coal miners is incomprehensible. Over the past decade, clinics in eastern Kentucky, West Virginia, and southwest Virginia have diagnosed hundreds and hundreds of miners with complicated pneumoconiosis, the most severe form of black lung disease. In fact, an epidemiologist at NIOSH called this region, "the epicenter of one of the largest industrial medicine disasters that the United States has ever seen."<sup>1</sup> In a published study, NIOSH researchers, succinctly described the crisis:

"Approximately 1 in 20 long-tenured miners in central Appalachia has Coal Workers' Pneumoconiosis that has progressed to Progressive Massive Fibrosis, a condition that is by definition totally disabling. We can think of no other industry or workplace in the United States in which this would be considered acceptable."<sup>2</sup>

In 2025, just as the rule was coming into effect, MSHA announced the suspension of the rule on its own volition via a posting on MSHA's website. At that time, MSHA issued no formal notice in the Federal Register altering or suspending the rule. Subsequently, litigation placed a stay on the rule. However, MSHA should be closely tracking and assessing instances of overexposure to silica dust to inform the revisions they have proposed making to the rule.

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<sup>1</sup> Berkes, H. 2017. *Government Researchers Plan Response To Rising Rates Of Black Lung Disease*. National Public Radio. Accessed online via: <https://www.npr.org/2017/06/30/535059200/government-researchers-plan-response-to-rising-rates-of-black-lung-disease>

<sup>2</sup> Blackley, D.J. et al. (2018) Continued Increase in Prevalence of Coal Workers' Pneumoconiosis in the United States, 1970–2017. *Am J Public Health*. 108:1220-1222.

- Can MSHA provide a report on quartz/silica dust violations in Central Appalachian over the past year?
- How does the number of violations compare to the previous five years?
- During the last year how many samples have returned silica dust levels higher than the rule's standard of 50 micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ )?

*Silica Enforcement Initiative.* In addition, MSHA has the full authority to continue the oversight activities outlined in the [Silica Enforcement Initiative](#) (SEI) which was a multifaceted silica dust control program undertaken prior to the publication of the silica rule under existing statutory and regulatory authority. The SEI commenced in 2022 as a means through which to further curb silica dust exposure under then-current regulations. The SEI consists of spot inspections at mines with repeated overexposures to silica, increased oversight of mines making extended cuts, and increased dust sampling for occupations that are at high-risk to silica overexposures.

- During the last year has MSHA continued to implement all of the elements of the SEI?
- Which mines have experienced enforcement actions pursuant to the SEI in 2025?

### Impact Inspections

In addition to mandatory inspections, historically MSHA has conducted impact inspections at mines with a history of poor compliance or particular compliance concerns. In June of last year, [CNN reported](#) that the number of completed impact inspections had declined by 75% during the first half of 2025 compared to the same time period in 2024 and that the number of inspections were at their lowest level since 2010. In addition, MSHA failed to [publicly post](#) the mines where impact inspections were conducted, a practice that had been ongoing since December 2010.

- Can MSHA leadership explain why impact inspections are now being conducted so minimally and why they are no longer posted publicly?

### Miners' Rights

Under the previous administration, MSHA launched an initiative called Miner Health Matters. In 2022, MSHA launched the Mine Safety & Health Application to provide miners with a new tool through which to better understand their rights and the protections granted to them by law. Two critical rights granted to miners are the right to Temporary Reinstatement and their Part 90 rights. If a miner who has been discharged from his/her job files a complaint with MSHA regarding operator discrimination, so long as their case is not "frivolously brought", they have the right to be temporarily reinstated to their previous job while the complaint is further investigated. When DOL decides to prosecute the case on the merits (i.e., to seek the permanent reinstatement of the miner), the order of Temporary Reinstatement remains in place until the case is fully litigated. Part 90 rights are intended to protect miners who have documented cases of black lung disease. These miners have the right to continue working for the operator in an occupation with low dust exposure and with no loss of pay. According to MSHA's [FY2025 Budget Justification](#), in 2022, just four coal miners chose to exercise their Part 90 rights for the first time. In 2023, 35 miners exercised their Part 90 rights for the first time – the highest number since 2008. The Part 90 program was compromised in 2025 due to staff reductions at NIOSH. Overall, we are concerned that the ability of MSHA to support these rights may have been reduced in 2025 due to staffing shortages and other issues.

- How many Applications for Temporary Reinstatement were filed in each of the years 2020 - 2025?
- How many Part 90 miners are there currently? How many Part 90 miners gave notice of exercising their transfer rights in each of the years 2020 - 2025?

### MSHA Staffing

After years of declines in enforcement staffing, between 2022 - 2024, former Assistant Secretary of MSHA Chris Williamson [reported](#) that MSHA hired more than 100 new individuals to serve as part of its enforcement staffing. The agency's FY2025 budget stated, "Hiring additional mine inspectors remains a critically important priority for MSHA to ensure that the Agency can enforce mandatory safety and health standards, continue existing enforcement and compliance assistance initiatives, and initiate new special emphasis programs in targeted areas." By early 2025, due to downsizing driven by DOGE, [MSHA lost approximately 200 employees](#), roughly 10% of its staffing. In March of 2025, an individual representing Department of Labor workers for the American Federation of Government Employees shared with a reporter that inspectors were barely keeping up with their mandatory inspections – semi-annual inspections at surface mines and quarterly inspections at underground mines. We are gravely concerned with the functional state of the agency.

- How is MSHA responding to this massive loss in personnel? Has MSHA been able to complete mandatory inspections?
- How has this loss in staffing impacted the areas of concern outlined above – impact inspections, supporting miners' rights, and continuation of the SEI?

We pose these concerns and questions in hope that MSHA's new leadership will work diligently to improve enforcement and health and safety outcomes for our nation's miners.

Respectfully,

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