**MSHA Proposes New** Silica Dust Rule, Page 16

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# UNITED MINE WORKERS

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**NLRB finds Warrior Met** Coal, Inc., guilty of unfair labor practices. Local Union 717 ratifies new contract. MSHA proposes new silica dust rule. President Roberts elected to seventh consecutive term.

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Every second Tuesday of the month, at 2:00 p.m., Local Union 1405 President Bethel Brock, holds an informational meeting to answer questions on Black Lung.

> The Oxbow Center 16620 E Riverside Dr Saint Paul, VA 24283 276-328-3715



Local Union 1810 member Joseph Binni received his 80-year membership pin from International District 31 Vice President Rick Altman on July 21, 2023. Brother Binni became a UMWA member in July of 1941, is a veteran of the United States Army and is 100 years young.

#### Produced by the UMWA Communications Department: Missy Hunt, Department Director, Editor; Jill Palomo, Associate Editor; Kristi Allen, Communications Secretary; GO! Creative, LLC, Design

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Pursuant to Section 6113 of the Internal Revenue Code, we are required to notify you that membership dues paid to the UMWA are not deductible as charitable contributions for federal income tax purposes.

# 

**O**n June 29, 2023, more than two years after the UMWA filed an Unfair Labor Practice charge against Warrior Met Coal, Inc. for failure to provide information and bargain in good faith, National Labor Relations Board (NLRB) Administrative Law Judge Melissa M. Oliverio issued a ruling that found Warrior Met Coal violated national labor law in its bargaining conduct before, during and after the UMWA's strike with the company. The Judge ordered the company to bargain in good faith immediately.

The UMWA's stance since the beginning of the strike has been not just that Warrior Met refused to negotiate in good faith, but that their refusal to do so was the direct cause of the strike and created unneeded hardship to workers, families and communities.

"This ruling validates everything we have said about Warrior Met for more than two years," said President Roberts. "Warrior Met caused this strike by not bargaining in good faith, it extended the strike for nearly two years by not bargaining in good faith, and it continues to violate the law today.

"The company spent millions of dollars on New York lawyers, a Hollywood public relations firm, extra security and more. Warrior Met lost more than a billion dollars in potential sales over the course of the strike because of lost production at a time of unprecedented high prices for metallurgical coal," Roberts said.

### **Judge Oliverio's Ruling**

During negotiations, the UMWA had requested financial information from Warrior Met because their bargaining representatives said they could not afford wage increases for workers because it would cause another bankruptcy, even though all evidence pointed to the contrary.

Judge Oliverio ruled that Warrior Met is required to turn over numerous financial documents the UMWA requested after Warrior Met negotiators claimed the union's proposals on wages and benefits might force it to close mines or send it to bankruptcy. The hundreds of documents that the company must turn over under the Judge's order include audit reports, payroll and sales records, budgets and contracts.

The Judge said the documents the UMWA requested were relevant to bargaining under NLRB precedent that says employers must turn over financial documents when they stake bargaining positions on an inability to pay.

"Respondent (Warrior Met Coal, Inc.) repeatedly rejected the union's wage and benefit proposals claiming that these proposals were 'unsustainable' or would result in layoffs or bankruptcy. The union (UMWA) was entitled to the information it was seeking in order to evaluate these claims," stated Judge Oliverio's order.



The price of Warrior Met Coal stock during the UMWA's strike nearly doubled, putting lie to the company's claim that it couldn't "afford" to wage increases for their employees.

we are still here to fight another day. We will not stop until we get a fair contract," Spencer said.

The ruling also stated: "Respondent has engaged in unfair labor practices within the meaning of Section 8(a)(5) and (1) of the National Labor Relations

"The strike was really hard on a whole lot of families," said International District 20 Vice President Larry Spencer. "People lost their homes, their spouses had to find second jobs and people fell behind on their bills. Everyone involved in the strike was struggling to make ends meet.

"This ruling by Judge Oliverios gives people some measure of hope. So many people worked hard over the course of the strike and it just points out that we were right all along and Warrior Met was wrong. I hope Warrior Met has taken notice that we aren't going away, and Act," upholding the UMWA's long-held position that the company's refusal to bargain in good faith precipitated and prolonged the strike.

"Warrior Met's intent, from the very beginning of the strike, was to grind the workers down by whatever means necessary, up to and including violations of the law," said President Roberts.

"And now Warrior Met has been found guilty. It must remedy this by bringing ALL the workers back it has illegally fired or denied a right to return to their jobs."



Treasurer Sanson. who also serves as the Co-chairman of the UMWA's negotiating tea pictured at a Warrior Met held on July

### We Have Waited Long Enough. Let's Get This Done!

Judge Oliverio noted that she found the testimony of Secretary-Treasurer Sanson, the co-chairman of the UMWA's negotiating team, to be "credible" She also found that Kelly Gant, the co-chairman for Warrior Met's negotiating team, to be "not credible;" in other words, absurd, doubtful or improbable.

"While we are thankful for Judge Oliverio's ruling, we are still waiting for Warrior Met to engage in good-faith negotiations," said Sanson. "It is time for Warrior Met to come to the bargaining table with a new, lawful attitude."

"Warrior Met needs to recognize that their employees have the right to bargain for better pay and working conditions. They violated the law at the beginning of the strike, during the strike, the end of the strike, and are still violating the law today," Sanson said.

Warrior Met as recently as June, 2023, claimed that the return-to-work process of UMWA members who had been on strike, was substantially complete. At the time the Jc Impal went to press, approximately 250 UMWA employees had returned to work. In a recent statement, Warrior Met CEO Walt Scheller indicated that the company was "still short" of its historical staffing levels, while bragging about its "low cost" production.

"Those comments are a slap in the face to the Alabama miners who had to suffer through this prolonged strike," said Secretary Treasurer Sanson. "Profits have always come before the workers. If they are concerned about their sales and production volumes this year, then it's time to come to the bargaining table and get all of our members back to work."

Judge Oliverio's ruling laid bare Warrior Met's intention throughout the strike to break the union . That didn't happen, and it's not going to happen.

"We have been saying for more than two years now that we have been ready to sit down and bargain an agreement in good faith with Warrior Met", said President Roberts. "It should now be clear to all that Warrior Met never intended to do any such thing. Perhaps now, it finally will."

"The strike is over but the fight is not. We are still engaged in this fight, and we will never end it until there is a victory. Warrior Met is a selfish company who thinks it is above the law."

- Cecil E. Roberts





### UMWA Mourns the Loss of Brother Bennie Massey

t is with great sadness that the United Mine Workers of America learned of the passing of Local Union 7425 member Bennie Massie on June 28, 2023. "Bennie came to every rally, meeting and event that our union had. He was a great advocate for the membership of the UMWA," said President Roberts.

"Bennie fought for better working conditions, wages and rights," Roberts said. "I often told Bennie that he and his brother George were my biggest cheerleaders. He was a wonderful friend to me, and I take solace knowing that he was surrounded by his family at the time of his passing. This is a tremendous loss for the entire UMWA membership."

"Bennie was nothing short of an inspiration to everyone he came into contact with," said Secretary-Treasurer Sanson. "He was always positive and always there for whatever fight the union was involved in. This is a great loss to every one of his union brothers and sisters," Sanson said.

Both President Roberts and Secretary-Treasurer Sanson paid their respects to Brother Bennie on July 8th at the Greater Mt. Sinai Baptist Church in Lynch, Kentucky. Bennie was laid to rest on Monday, July 10th in the Powell Valley Memorial Gardens in Big Stone Gap, Virginia. In Bennie's words, "God's got this."





# associate MEMBERSHIP<u>Spotlight</u>

# **Carol Smith**

Carol Smith has been an associate member since 2018, but has supported the UMWA for far much longer. Her husband, Carl "Sonny" Smith, is a retired coal miner from Local Union 2161 in District 12. Carol has lobbied on Capitol Hill fighting for health care and pensions, made phone calls to politicians, attended as many rallies as possible and said many prayers for her UMWA brothers and sisters. "Carol has been to Washington, DC, helping fight to keep our members and their families' health care and pensions," said International District 12 Vice President Steve Earle. "She is an extremely dedicated associate member and we are beyond grateful to have her." ■



# Rallying at Vanguard's Doorstep

# The Fight for a Fair Contract at Warrior Met Goes On

n June 6, 2023, the peace and quiet of the sprawling Vanguard campus in Malvern, Pennsylvania was disrupted by more than 600 UMWA members and supporters at their doorstep marching and chanting, "Fair Contract at Warrior Met!" and "We Are UNION"!

Vanguard Group is one of the top shareholders of Warrior Met Coal, with a huge corporate campus headquarters located in a suburb west of Philadelphia. Vanguard, BlackRock and other giant index funds have their fingers in companies all over America and hold enormous influence over the lives of just about every worker in the United States, including UMWA members still locked in a struggle for a fair contract against Warrior Met.

Members from several UMWA



600 members, supporters and families marched to Vanguard's headquarters to rally for a fair and just contract at Warrior Met.



Districts loaded up thirteen buses and headed to Malvern to rally, march and demand Warrior Met finally follow the law and bargain in good faith. "UMWA miners are working under a substandard contract at Warrior Met Coal that was negotiated back in 2015" said President Roberts. "We have been fighting since April 1, 2021, to fix that problem.

"Warrior Met decided back then that it was not interested in negotiating a fair contract with the UMWA," Roberts said. "It has repeatedly violated labor law, it has never bargained in good faith, and it has set its sights on busting the union. Vanguard is one of Warrior Met's main shareholders and can be helpful in resolving this issue. We asked Vanguard for a face-to-face meeting to discuss this situation, like we have had with many other index funds holding Warrior Met stock, but they turned us down. So, we thought we would bring the meeting to them."

"Warrior Met has done incredible damage to its workers, their families and their communities," said Secretary-Treasurer Sanson. "We are here to shine a spotlight on Vanguard and every other corporate big-wig that thinks they can take even more from working Americans without receiving a fight in return. We will continue to fight one day longer, one day stronger!"

# Local Union 717 Ratifies New

ITE WESTA

On June 16, 2023, Local Union 717 members at the Rem Arms plant in Ilion, New York, ratified a new contract, bringing an end to their long struggle to preserve jobs and the UMWA after Remington Arms filed for bankruptcy in 2020 and shuttered the Ilion plant.

As a result of the 2020 bankruptcy, the company's assets were divided in parts and sold to different investors across the country. One of those investors, Rounhill Group, LLC, successfully bid on the Ilion property and equipment in a shuttered Alabama plant at the UMWA's urging. The company began hiring workers back to the plant in early 2021, when it signed a bridge agreement with the UMWA that provided basic protections for the workforce while a new agreement was negotiated.

"When Remington Arms filed for bankruptcy in 2020, it looked as if the Ilion plant would close for good," said President Roberts. "The bankruptcy put tremendous pressure on our members of Local Union 717, their families and their communities, but we never quit fighting for those jobs.

"We were successful in encouraging a new buyer that would keep the plant open and secure the jobs and livelihoods of our members. The struggle then was to hash out a collective bargaining agreement with the new owner, which we have now accomplished after more than two years," Roberts said.

#### **Solidarity Was Key to Victory**

The mounting pressure on our members at the plant in Ilion began back in 2020 when 585 UMWA workers received a letter in the mail advising them they would be terminated. "Our membership was in shock, devastated, full of fear of the unknown," said International District 2 Vice President Chuck Knisell.

"Imagine working for a company for 20, 30 years and without any notice at all having to figure out how to support your family. It is without a doubt the worst feeling in the world. Over the last couple of long years, our memberPresident Roberts wearing his Remington Arms ball cap attended a rally with members of Local Union 717 and others on November 12, 2020.

ship has stuck together and rallied, prayed and hoped for a new contract. Because o membership of Local 717 and their solidarity, that's what happened," Knisell said.

From the time Remington first filed for bankruptcy, UMWA members in Ilion found themselves gaining support from local businesses, churches and politicians. Members of Local 717 were able to provide food on the tables for their families and provide for their children through the holiday seasons due to donations from various food banks, charities and other community members who supported them.

"There is strength in numbers and when you have a community that is willing to dive in and help from the very beginning, that is just a tremendous thing to do," said President Roberts.

Remington Arms has employed thousands of American workers and created economic prosperity in central New York for almost 200 years. The UMWA is proud to represent those workers and the communities where they live.

- Cecil E. Roberts



# NITED WE STAND DIVIDED WE FALL FOREFORE



"We have been at the negotiating table with Remington Arms for nearly two years fighting for a collective bargaining agreement. The UMWA filed multiple motions in an effort to recover all contracted benefits that the court allowed the companies to strip away. Time and time again, the bankruptcy courts are more concerned with granting executive bonuses than providing workers with the benefits they earned over years of service. Without the continued efforts of strength and solidarity from the workers, the new agreement would not have been possible."

- Brian Sanson

"Our members in Ilion have been through a lot since 2018, but they never gave up, they never gave in and they never wavered from their determination to fight for their jobs and their union. They were the driving force to reaching a collective bargaining agreement. I thank them and the members of their community who showed support during a very troublesome couple of years," Roberts said.

#### **Rem Arms is Ilion. Ilion is Rem Arms**

"We worked tirelessly since 2020 trying to convince the company to do the right thing, which was simply to hold up its end of the bargain it made with our members," said District 2 Representative Jamie Rudwall.

The newly ratified collective bargaining agreement expires June 15, 2026. "We have represented workers at the Ilion plant since 1995," said Secretary-Treasurer Sanson. "We have close to 300 members back to work at the plant now. We are extremely proud of their perseverance over the last couple of years. It was a long process, but our members can finally have a little bit of peace of mind knowing that their jobs are secured. At the end of the day, solidarity prevailed," Sanson said.

### **Timeline of Major Events**

- March, 2018, Remington Arms files for bankruptcy, emerges relatively the same.
- July, 2020, Remington Arms files for bankruptcy a second time; company announces it is shutting down llion plant.
- October, 2020, Remington Arms lays off nearly 600 hourly workers.
- November-December, 2020, Local 717 leads weekly rallies outside of the plant.
- UMWA files several motions in bankruptcy court to get some level of compensation for workers, ultimately wins compensation for some vacation pay.
- March, 2021, UMWA reaches bridge agreement with RemArms, LLC, to reopen the plant.
- April, 2021, plant reopens, begins recalling UMWA members.
- August, 2022, the recall members list was exhausted. RemArms began hiring new workers off the street.
- September, 2022, UMWA members rally in Ilion, New York.
- 2021-2023, negotiations ongoing between UMWA and Remington Arms.
- June, 2023, tentative agreement is reached, contract ratified by Local Union 717 members.



President Roberts elected to his seventh consecutive term.

### ROBERTS-SANSON SLATE

International President International Secretary-Treasurer At-Large International Vice President At-Large International Vice President At-Large International Vice President International District 2 Vice President International District 12 Vice President International District 17 Vice President International District 22 Vice President International District 31 Vice President International District 31 Vice President International Auditor/Teller East Cecil E. Roberts Brian Sanson Donald T. Barnett James Gibbs Rick Altman Chuck Knisell Steve Earle Brian Lacy Michael R. Dalpiaz Mike Payton Tanya James

# **Roberts, Sanson** ELECTED TO 5-YEAR TERM

In accordance with Article 6 of the International Constitution of the United Mine Workers of America, the International Auditor/Tellers have directed the *UMW Journal* to publish a list of candidates who have received the requisite number of nominations for International and District office. The candidates listed below were elected by acclamation. The term of office for each candidate begins on December 22, 2023.



International Auditor/Teller West International Auditor/Teller Canada District 2 Representative District 2 Representative District 12 Representative District 17 Representative District 17 Representative District 22 Representative District 31 Representative District 31 Representative District 31 Representative Bob Butero Jody Dukart Casey Mullooly Jamie Rudwall Tim Miller Ben Cook Josh West Eric Popham Adam Frye Tommy McGary Jason Todd

Pursuant to Article 6, Section 11 of the UMWA Constitution, the following candidates received the nominations of at least 20 percent of the local unions in District 20 and will be on the ballot for an election to be held in District 20 only on November 14, 2023.

International District 20 Vice President: Larry Spencer (Roberts/Sanson slate) Daryl Dewberry District 20 Representative: James Blankenship Ron McCrary

# **DISTRICT 20 MAIL BALLOT INFORMATION**

Purusant to Article 6, Section 18, a secret ballot election for International Officers and District Representative(s) will be conducted in District 20. All pensi will automatically mail to them. Also, disabled members will automatically mail to them. Also, disabled members and any members who may be unable to participate in the election in person due to active military status may vote by a mail ballot. The International Auditor/tellers will mail a ballot to disabled and active military members, but only when eligible voters request one. The form below can be used to request a mail ballot.

Ballots for the election will be mailed to mail ballot voters by at least 30 days prior to voting. Any member who is allowed to vote by mail but who has not received a ballot in the mail two (2) weeks prior to the election, or any member who spoils a ballot, may request a new ballot by contacting the International Auditor/tellers no less than ten (I0) days before the election. If you request and return another ballot, only the replacement ballot will be counted.

To receive a mail ballot, fill out the form at the bottom of this page, and return it to the address below as soon as possible.

NOTE: PURSUANT TO ARTICLE CECTION 18, A MAIL BALLOT WILL BE MAILED TO ALL PENSIONER MEMBERS. PENSIONER MEMBERS DO NOT HAVE TO FILL OUT THIS FORM IN ORDER TO PARTICI-PATE IN THIS ELECTION, UNLESS YOU HAVE NOT RECEI VED A BALLOT IN THE MAIL TWO WEEKS BEFORE THE ELECTION DATE.

#### **REQUEST FOR MAIL BALLOT**

Mail to: UMWA International Auditor/fellers P.O. Box 687 Dumfries, VA 22026 If you have any questions, please call 703-291-2449

Mon-Fri 9:00 a.m. - 4:45 p.m.

Name (print)	
Local and District Union Numbers	
Social Security Number	
Mailing Address	
Basis for seeking a mail ballot:	
🗅 I am disabled	
I expect to be in Active Military Service on the service of the	he election date
(	branch).
□ I am a pensioner (and lost or did not receive	e a mail ballot)
By signing this request, I swear that I am curr form is true and accurate to the best of my kn	ent in my financial obligations to the UMWA and that the information on this owledge.
Dated	Signed

### ACTIVELY RETIRED

# Danny Dye

Local Union 1760 member Danny Dye has been a member of the United Mine Workers of America for 54 years, hiring on at the Jewell Ridge mine in Tazewell County, Virginia in January, 1969. He worked there almost 20 years then went to work for Clinchfield Coal Company and eventually returned back to Jewell Ridge. After being injured in the mines and having back surgery, Brother Danny retired in May, 1995.

"I took an oath in 1969, and I took that oath seriously," said Dye. "I will do anything to help my union brothers and sisters. I always have, and I always will."

Since retiring, Danny has not slowed down his involvement with the UMWA. He was on Capitol Hill on numerous occasions lobbying for lifetime healthcare and pensions. He attended the "Keep the Promise" rally in 2016 in our nation's capital along with more than 10,000 UMWA members, families and supporters. He currently serves as the Recording Secretary for Local 1760, is the secretary for COMPAC Committee, and he also serves on the Chaplain Corp alongside Brother Ken Holbrooke.

"Danny has never shied away from a fight since I have known him," said President Roberts. "During our strike against Pittston, Danny was arrested for civil disobedience. He fought for everyone whose lives were at stake during that strike.

"I am very thankful to be a part of the best union there is; the United Mine Workers of America. Not only are we the best union, but we have the best leadership. I thank God every day that the union has provided my family with the best health care in the world. It is an honor to be a member of the UMWA. "

### - Danny Dye

"Fast forward about 30 years and he was still fighting, only this time on Capitol Hill. If not for members like Danny, we would never have been able to secure the promise of lifetime pensions and healthcare. Thank you for your unwavering service to the UMWA, Brother Danny," Roberts said.



Brother Danny is always around town helping with union functions anytime anyone needs him. "Danny helps out with the Fish Fry we have every year in Castlewood. It takes a lot of hard work and dedication to put together events like that, and Danny always steps up. We appreciate everything he does for the union," said International District 17 Vice President Brian Lacy.

"Danny has worked tirelessly for our Union for 54 years. He made more than a dozen trips to St. Louis when our fight began against Patriot, and was even arrested during one of those rallies. His loyalty and dedication has helped us through many struggles over the years," said Secretary-Treasurer Sanson.

"When you have someone who started out in the mines, served on the Safety Committee, COMPAC Committee and even in retirement is Recording Secretary for his local, what more can you ask for," Sanson said. "Those things should be commended. We are proud of our brother and friend for everything he has done for the UMWA. Brothers and Sisters like Danny Dye helped build our union, and they are helping to sustain it today."

Actively Retired is a regular feature highlighting UMWA retirees still working on behalf of the union. If you'd like to recommend a retiree to appear in Actively Retired, write to the UMW Journal, UMWA, 18354 Quantico Gateway Drive, Suite 200, Triangle, VA 22172, Attn: Actively Retired. Please include your name, local union, a telephone number and a brief explanation of why you're nominating the individual.

# ACTIVELY

# **Chris Lester**

Local Union 2232 member Chris Lester joined the UMWA on August 16, 1976, beginning his career working in two different mines in West Virginia. After the bituminous coal strike in 1977, he moved to Virginia and began working at the Island Creek Mine in Grundy, Virginia on April 6, 1978. He worked at Island Creek for 28 years and ended his career at the Robinson Run Mine in Fairmont, West Virginia. Chris retired on August 9, 2014.

"I always tell anyone who will listen that I can remember when I was very young my dad saying that he would drive 100 miles if that's what he had to do to work in a union mine and be a part of the United Mine Workers. That has stuck with me throughout my life. My dad retired a 31-year UMWA member. I followed in his footsteps, and I wouldn't have it any other way."

#### - Chris Lester

Brother Lester was a delegate at the 1990 Constitutional Convention in Miami, Florida and was also a delegate to UMWA conventions in 2010, 2015 and 2022 in Las Vegas, Nevada. In 2022 he also served on the Convention's COMPAC Committee. "The union means everything to me," said Chris. "I was born union, raised union and will die union. I have loved every minute of it."

Since retiring, he has stayed active by attending rallies, local union functions, lobbying on Capitol Hill, serving as the UMWA's Virginia COMPAC Coordinator and on the Virginia AFL-CIO Executive Council. "Chris has played a major role in helping all of his UMWA brothers and sisters, whether it is talking to senators, attending local union meetings or rallying with our members who were on strike in Alabama the last two years," said Secretary-Treasurer Sanson.

"He stepped up to the plate during his active years as President of his local and he has never looked back. Anything the union has ever asked of Chris, he has been right there to answer the call. The UMWA is honored to have such a dedicated member as him," Sanson said.



"I remember Chris being very active during our strike against the Pittston Coal Company," said President Roberts. "Time and time again, he has shown his loyalty to the UMWA membership. He was arrested during that strike and appeared in court on multiple occasions.

"When asked to lobby on Capitol Hill during our fight for pensions and health care, he was right there leading the way," Roberts said. "No questions asked, just there to help in any way he could. He has helped with legislative issues and has been an advocate for us when we have needed him to be. I am proud to call Chris my friend, and I thank him for his tireless work for the United Mine Workers of America."

You can expect to see Brother Lester helping out with the annual Castlewood Fish Fry and attending union meetings. In July, 2023, Brother Lester was back in Washington, DC lobbying with fellow UMWA members for the confirmation of a member of the Federal Mine Health and Safety Review Commission. "Chris is a person who you can count on anytime, anywhere and any place," said International District 17 Vice President Brian Lacy.

"He works on organizing drives, he works on local elections in Virginia, and he has been to rallies in West Virginia, Washington DC and in Alabama. You can't ask for much more than that, and we are thankful to call him our UMWA brother," Lacy said.

In his free time, Chris is an avid boater and enjoys spending time with his family.

# GOVERNMEN

# EPA Proposes New Carbon Pollution S for Coal-fired Power What it Means for UMWA Coal

**O** (EPA) proposed new carbon pollution standards for coal and natural gas-fired power plants that the agency said will "protect public health, reduce harmful pollutants and deliver up to \$85 billion in climate and public health benefits over the next two decades." In reality, it is in fact a newer version of the failed Clean Power Plan (CPP), which the UMWA took to court and killed. It appears this proposed rule will trigger a fight to protect coal miners' jobs that the UMWA will take on once again.

The proposed rule will lead to another wave of job losses in our nation's coal-producing areas. There is a real concern about the proposed rule landing at a time when the promises of job creation and job retraining in the coalfields remain little more than words on paper. The socalled "just transition" many have touted as a way to help coalfield workers and families simply does not exist.

# UMWA has Significant Concerns with the Proposed Rule

"This rule would spur the next round of coal-fired power plant closures but the coal-producing areas of the country are still reeling from the last round and are not prepared for this one," said President Roberts.

"We have long said that if there are no new jobs for displaced coal miners to step into when their coal and coal-related jobs are gone, then will have failed, once again, an entire region of our nation," Roberts said. "While there has been a promise of new jobs, it appears that is all it is, a promise."

The UMWA has been asking for the commercialgrade Carbon Capture and Sequestration (CCS) technology to be commercially applied to coal-fired power plants for well over a decade, to no avail. CCS technology would not only preserve coal mining jobs but it is the only way to actually reduce global greenhouse gas emissions in the long term, without plunging the world into an economic and social disaster.

"While we appreciate the attention the proposed rule gives to CCS technology, we would point out that nearly two years after the Bipartisan Infrastructure Law (BIL) was passed that allocated billions for the construction of commercial-grade coal-fired power plants to demonstrate that CCS can work, not one shovel of dirt has been moved to actually begin construction," said President Roberts.

"The proposed rule for CCS application to coal-fired power are ambitious, to say the least, especially when factoring in the lag in the development of technology on a commercial scale. We have a hard time seeing how this will match up in real-time," said Roberts.

Under the proposal, new and existing gas plants running regularly would have to capture 90 percent of their



# **GOVERNMENT**

# tandards Plants. Miners.

emissions by 2035. Existing coal-fired plants slated to run into 2040 would have to capture 90 percent by 2030. Gas plants expected to operate for decades could comply with the rule by co-firing with low-emitting hydrogen, gradually ramping up to a 96 percent hydrogen blend by 2038.

"The UMWA intends to submit our comments regarding the proposal in the next few weeks. We intend to fight the newly proposed EPA power plant rule just like we fought the CPP. We do not intend to leave any UMWA worker behind and the government shouldn't be in the business of allowing thousands of workers and their families to lose their jobs with no jobs in place to make them whole," Roberts said.

# Legal Woes Hang in the Balance?

Having rolled out its strongest proposal to date to slash global-warming emissions from power plants, the EPA must first face off with the courts. According to legal experts, this will be no easy feat.

The earlier version of the proposed rule, the CPP, which would have taken a system-wide approach to pollution reduction by forcing plants to use more renewable energy, is a regulation that never took effect because

of years of legal challenges, including from the UMWA. The U.S. Supreme Court eventually ruled against the CPP just last year.

UMWA members and International staff were back on Capitol Hill in July to urge Senate members to confirm Moshe Marvit to the Federal Mine Safety and Health Administration. The new power plant proposal will likely face the same or similar legal challenges as 2015's CPP. The EPA will first review public comments on the proposal and will ultimately issue a final version of the rule. The proposal is scheduled to be finalized by June, 2024 but could take longer if the White House or Congress changes hands next year.

In the case of *West Virginia v. EPA*, Chief Justice John Roberts outlined the limits of the EPA's powers to force coal retirements, a stance that will likely be under scrutiny with the new proposed rule.

In Chief Justice's written brief, he stated, "Capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal to generate electricity may be a sensible solution to the crisis of the day. But it is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory scheme. A decision of such magnitude and consequence rests with Congress itself or an agency acting pursuant to a clear delegation from that representative body."

### OUR HEALTH& SAFETY

# **MSHA Announces Proposed Silica Standard for Miners**

The resurgence of coal miners suffering from Pneumoconiosis or Black Lung disease in the last several years, and significantly in younger miners, are subjecting them to a shortened and debilitating existence. The disease destroys the body and leaves many to die a suffocating death. For decades, many denied that the condition even existed even though there are thousands of recorded deaths of the horrific disease.

Miners and advocates have been lobbying and rallying since the 1960s for laws and regulations regarding Black Lung. In the 60s, women were at the forefront of the fight as many of them were left to watch their husbands suffer for years from the disease and in most cases, die. In the 70s, miners from across the United States came to rally in Washington, DC to support the nation's first federal Black Lung legislation.

When the Federal Coal Mine Health and Safety Act of 1969 passed, it provided for monthly benefit payments to coal miners who were completely disabled as a result of Black Lung, to the widows of coal miners who died as a result of the disease and to their dependents. Several amendments have been made to the Act in the 70s, early 80s and as recently as 2010.

In 2018, data from Black Lung clinics across Appalachia and studies by the National Institute for Occupational Safety and Health (NIOSH) revealed the unprecedented reoccurrence of Black Lung in younger, less experienced miners who had contracted the disease at a significantly earlier age than the generation of miners before them.

# Research and Findings of Silica Exposure

NIOSH, along with researchers at the University of Illinois Chicago looked at the records of 235,500 deceased miners and described it as "the largest study of its kind to date." The study found that mortality had worsened over time with modern miners facing greater risk than their predecessors. It also found that miners in the Central Appalachian areas of eastern Kentucky, southwest Virginia and southern West Virginia faced the most severe risk.

The study found that 'progressive massive fibrosis', which is only caused by dust inhalation, was also more frequent in younger age groups and it appeared likely that coal mine dust inhalation also contributed to their increased burden of nonmalignant respiratory disease.

In 2022, it was reported by Dr. Robert Cohen of the University of Illinois-Chicago that exposure to toxic rock dust appears to be "the main driving force" behind the recent study of severe Black Lung disease among coal miners. The study examined the lungs of modern miners compared to miners who worked decades ago. This provided the first evidence of its kind that silica dust was responsible for the rising tide of advanced disease, including miners in Appalachia.

"This is the smoking gun," Dr. Cohen said. "Up to now, there has been indirect evidence of the link, but this study went further, testing lung tissues for the concentration of silica particles. Turns out we were right. The pattern of pathology was very, very consistent with silica," said Cohen.

# our HEALTH<sub>&</sub> SAFETY

Cohen's study specifically looked at contemporary miners with severe disease and what was lodged in their lungs compared to older workers who also had severe Black Lung disease. Among their findings was that the more contemporary workers (born after 1930) had more silica in their lungs than the miners who were born between 1910 and 1930. Cohen urged the federal government to toughen Mine Safety and Health Administration (MSHA) regulations on silica dust in mines.

The University of Illinois Chicago/NIOSH study additionally found coal miners, particularly those exposed to silica dust, had significantly increased odds of dying of lung cancer compared with the general U.S. population.

"The study proves what we have been saying for years," said President Roberts. "Today's miners are contracting lung diseases at an alarming rate.

"I testified before Congress in 2019 on this exact issue and nothing was done until now," Roberts said. "Finally, four years later, we have a proposed rule to limit the level of silica dust in mines, meaning that miners will no longer be subject to breathing in microscopic rock particles that will never leave their lungs," Roberts said.

> "I commend all those who have been fighting so long to see this day come; most especially the miners who contracted this insidious and always-fatal disease, their spouses and their children. While they have borne the brunt of the disease, they have never lost their will to fight to see that no one else ever gets it. "

> > -Cecil E. Roberts



A patient testing for Black Lung disease at the Rasmussen Black Lung Clinic in Beckley, West Virginia, October, 1976



Black Lung victim, Elmer Lockart, in Cleveland, Ohio in 1976.

### our HEALTH<sub>&</sub> SAFETY



President Roberts testifies on Capitol Hill on the issue of silica exposure in miners on June 20, 2019.

### **MSHA's Proposed Silica Standard**

On June 30, the U.S. Department of Labor announced a proposal by MSHA to amend current federal standards to better protect the nation's miners from health hazards related to exposure to respirable crystalline silica (silica dust). The proposed rule change will ensure miners have at least the same level of protections as workers in other industries.

"Workers in other industries have long been protected from excessive exposure to silica dust, but miners were not. Finally, the government is taking steps to protect our nation's miners," said Secretary-Treasurer Sanson.

Assistant Secretary for Mine Safety and Health Chris Williamson said the purpose of the rule was simple; prevent miners from suffering from debilitating and deadly occupational illnesses by reducing their exposure to silica dust.

The proposed rule would require mine operators to maintain miners' Permissible Exposure Limit to respirable crystalline silica at or below 50 micrograms per cubic meter of air for a full shift exposure, calculated as an 8-hour time weighted average. If a miner's exposure exceeds the limit, the proposed rule would require operators to take immediate corrective actions to come into compliance.

"While the UMWA commends MSHA for this proposed ruling, there is still more work to be done," said Sanson. "This is only the first step of many more that will be required. We must get this rule finalized as soon as possible, and we also need to ensure that mine operators follow the rule and the government enforces it."

- MSHA's proposed respirable crystalline silica rule would apply to coal mines and all metal and nonmetal mines
- The proposed rule would impose significant administrative and technical requirements on operators and lacks Table 1 type of provisions that would help operators maintain compliance while providing for appropriate protections of miners
- The final rule would become effective 120 days after its publication in the Federal Registrar

MARY HARRIS "MOTHER" JONES Irish-born activist Mary "Moth

### **District 2 2023 Pensioner Picnic**

A REMINDER! The UMWA District 2 Pensioner Leadership Committee will be holding its Annual Patsy Ricciuti Memorial UMWA Picnic on Saturday, September 9th, 2023, starting at 11:00 a.m. at the Ten Mile Creek County Park, Clarksville, Pennsylvania. All dues-paying active, retired and associate members are invited to attend and bring their family with them. A picnic lunch will be served. Please feel free to bring your own comfortable lawn chair or a blanket for seating. If you have any questions, please call UMWA District 2 at (724) 550-4400. We look forward to seeing you there!

### **District 12** Kentucky Governor Andy Beshear



On May 15, 2023, International District 12 Representative Tim Miller presented Kentucky-COMPAC endorsed Governor Andy Beshear (D-KY) with a campaign contribution from the UMWA. Pictured is Kentucky Governor Andy Beshear (D-KY), International District 12 Representative Tim Miller and members from Local Union 1605 and 9653.



### **Mother Jones Marker**

On May 17, 2023, a public dedication ceremony for a historical marker commemorating Mary Harris "Mother" Jones was held in Evansville, Indiana. The marker is the first State marker to recognize a labor figure in the state of Indiana. Pictured is Local Union 9926 Member Mo Julian and Kim Musgrave.



On June 8, 2023, District 12 officers and staff made a safety visit to members of Local Union 1545 at Franklin County Resources in Illinois. Pictured [l-r] Marty Porter, Neal McDaniel, Tim Zeidler, International District 12 Vice President Steve Earle, International District 12 Representative Tim Miller, Henry Dudek and Tony Dudek.



# Brother Barnes, 60 Years



International District 12 Vice President Steve Earle and Local Union 1605 President Joe Holland presented Brother Roger Dale Barnes with his 60-year pin.

### Local Union 1905 Picnic



On June 17, 2023, Local Union 1905 held its annual picnic for all members to enjoy!

### **Back in Time**



Local Union 1148 President Randy Phelps was presented with a picture of himself, President Roberts and International District 12 Vice President Steve Earle from the fight for healthcare and pensions in 2013 in St. Louis, Missouri.



### **District 17** 29th Annual WV Coal Festival



Boone County held its 29th annual West Virginia Coal Festival in Madison, West Virginia June 13-17. UMWA District 17 made a large donation to the festival this year. The Union sponsored free face painting for the kids, balloon art, characters for pictures, free tickets to rides and even several bands, including Brayden Williamson and Friends and the Weekend Warriors. Pictured are members from Local Union 781, 1503, 2286, 6426, International District 17 Vice President Brian Lacy and Local Union 1503 President Ben Cook.

#### **Opie Harris, 90th Birthday**

Opie Harris of Local Union 1440 has been a member of the UMWA for 73 years. He celebrated his 90th birthday with his union brothers and sisters at the Local Union 1440 union hall. Pictured are Local Union 1440 members, District 17 Representative William Chapman, International District 17 Vice President Brian Lacy and Local Union 1503 President Ben Cook.



### **District 20** Local Union 2133 Membership Pins

Local Union 2133 awarded several members with their Membership Pins at their most recent local union meeting by International District 20 Vice President Larry Spencer and Local Union 2133 President Blake Layton. Pictured is Blake Layton, LU 2133 President, John Bland, 70-year pin, International District 20 Vice President Larry Spencer, Garey Vincent, Local Union 2133 Vice President, Rodney Bradberry, 50-year pin, Glenn Davis, 50year pin and Lonnie Daniels, 50 -year pin.

#### **District 22**

**Annual Ludlow Memorial Service** 



Pictured (I-r) are International District 22 Vice President Mike Dalpiaz, University of Wisconsin Professor Ericka Wills, Secretary-Treasurer Sanson, International Auditor-Teller and Region 4 Director Bob Butero.

#### **District 31**





Secretary-Treasurer Sanson was the keynote speaker at the UMWA's 108th annual Ludlow Memorial Service on June 25. The 1914 Ludlow Massacre was one of the most violent events in U.S. labor history, where company gun thugs and the Colorado National Guard attacked a tent colony of striking miners and families. To escape the violence, 13 women and children climbed into a hole dug in the ground beneath a tent. Then company thugs torched the encampment. In all, 19 people were killed that day.

In 2023, after being honored with UMWA Actively Retired Member of the January/February *UMW Journal*, brother Jay Kolenc passed away. Jay was Vice President of Local Union 1304 and had been a member of the UMWA since July 21, 1948. A Korean War veteran, he also served on his local's Veterans and COMPAC Committees. "We lost another warrior and great friend," said International District 31 Vice President Rick Altman. "I will miss his fight and his friendship."

### Mike Ayers Scholarship Winner

International District 31 Representative Jason Todd presented Noah McKim with the Mike Ayers Memorial Scholarship of \$500.00. He plans to further his education at Pierpont Technical College in the electrical field.



around OUR UNION

## Navajo Nation Agreement– Elections Matter

**O** n June 2, 2023, the UMWA reached a memorandum of agreement (MOA) with the administration of Navajo Nation President Buu Nygren that re-establishes collective bargaining rights for Navajo Nation employees represented by UMWA Local Union 2005. Prior to 2019, when the previous Navajo administration illegally cut off the UMWA's representation rights, the union represented approximately 1,500 Navajo employees in the Executive Branch, Head Start Program and the Division of Public Safety.



"I commend the Nygren administration for moving forward in a positive way for these employees," President. Roberts said. "This agreement is good not only for the hard-working men and women we represent but for the Nation itself. It will re-establish workers' rights under a collective bargaining agreement and it establishes the pathway to negotiating a new agreement that recognizes the skills and dedication of these workers."



On June 3, 2023, President Roberts and more than two dozen UMWA members and staff participated in the annual washing of the Vietnam Wall in Washington D.C. The Vietnam Memorial Wall includes the names of more than 58,000 servicemen and women who gave their lives during the Vietnam conflict..

"We must never forget their sacrifice, nor the bravery and commitment of those who faced combat yet still came home," said President Roberts. "For all those who served with hor or but were never welcomed back to this country, I say 'Welcome Home."



### **Davis Day Service**

early 100 years ago on June 11, 1925, a miners' protest against the Nova Scotia company store system turned violent. As more than 2,000 coal miners marched toward Waterford Lake, British Empire Steel Corporation police opened fire. William Davis was killed, leaving behind a widow and nine children, as well as a tenth on the way. The UMWA has held a memorial service to mark the event every year since. Secretary-Treasurer Sanson was the guest speaker at this years' service.

#### UMWA Collective Bargaining Update

egotiating and enforcing contracts are at the core of what a labor union is all about, and UMWA staff and local union leaders are at a bargaining table somewhere in the United States and Canada every single day. The contracts with the employers listed here are among those that have been negotiated and ratified since the last UMW Journal issue:

- A successor contract at Blaschak Anthracite Corporation in Mahanoy City, Pa. Local Unions 2587 and 7226 of District 2.
- A successor contract at the City of Rock Springs in Rock Springs, WY. Local Union 4893 in District 22.
- A successor contract at Rem Arms, LLC in Ilion, NY. Local Union 717 in District 2.
- A successor contract at Westmoreland Mining-Boundary Dam Mine in Western Canada. Local Union 7606 in District 2.
- A successor contract at Cambria County Prison in Edensburg, Pa. Local Union 616 in District 2.
- A successor contract at Grande Cache in Alberta, Canada. Local Union 2009 in District 2.

### around OUR UNION

### Lorin E. Kerr Winners

The UMWA has announced the winners of the 2022-2023 Lorin E. Kerr Scholarship. Each of the winners will receive \$2,500 this academic year to assist them in meeting their educational goals.



**Tyler Leonard** is the grandson of Local Union 1810 member Lawrence Leonard, Sr., in District 31. "My parents struggled with fair wages in a labor market that does not benefit those who work hard with no education," said Tyler. "I want to make a difference in the labor movement by helping workers and their families.'

Tyler is from Bellaire, Ohio, and

graduated from St. John Central High School. He is extremely passionate about politics and is currently attending Columbus State Community College majoring in political science. After this semester, he will attend West Liberty University to earn a Bachelor of Arts degree in political science. Upon graduation, Tyler plans to enter law school at Ohio State University.

"My goal is to practice law and become a judge within the Supreme Court of the United States," said Tyler. "I plan on utilizing this scholarship to acquire my degree in political science and then move into law school. I have been inducted into the Phi Theta Kappa national honor society and plan on coming home with my degree to give back to the community that raised me."



**Christa Bedford** is the granddaughter of Local Union 2245 member Terry Lathem in District 20. "Safety should be the number one priority in the workplace," said Christa. "A company who cares for their workers is a company who will achieve great success."

Christa is from Lake View, Alabama, and graduated from Brookwood High School. She is

pursuing a Bachelor of Science in Nursing from the University of Alabama, with the goal of becoming a pediatric oncology nurse. "I plan to nurture all future patients and genuinely care for them as needed," said Christa. "I am passionate about my education and am constantly trying to better myself and the people around me."

"I plan to further my education at the University of Alabama Capstone College of Nursing," said Christa. "I am committed to decreasing my student debt as much as possible so that I can focus on helping others." Christa is a member of the Student Government Association as an Ambassador, on Green Team, National Technical Honors Society and Beta Club.



The Christian County Coal Mine Museum is located in Taylorville, Illinois. It covers coal mining history from 1883-1995, with material from 17 underground mines and thousands of coal miners exhibited. Chuck Martin, Executive Director of the museum, is proud to preserve and present coal mining history of Christian County. Go visit if you're in the area!

1324 E. Park Street, Taylorville, IL Tues-Fri 10 a.m. – 2 p.m. 217-526-4408

### **UNION PLUS SCHOLARSHIP WINNER**

Union Plus recently awarded \$200,000 in scholarships to 205 students representing 41 unions, including one winner representing the UMWA, Madison Demetress Weese. Madison is the daughter of Local Union 9909 member Matthew Weese and received a scholarship of \$500.00 towards her educational goals.

"The UMWA has given my father a voice and fought for his health and safety," said Madison. "The union has shown what helping each other can do and the differences it can make. I have the tools to be successful in life because of the UMWA."

### **Modesto Compestine**

A s an addition to the featured piece on UMWA World War II veterans printed in the May/June UMW Journal, the UMWA's Veterans Committee has received information on Local Union 6778 member Modesto Compestine.



Brother Compestine was in the United States Navy from 1945 to 1947, following as an Active Reserve from

1947-1953. He was a Carpenter's Mate 3rd Class stationed in Pearl Harbor where he was assigned to the electrical shop and base maintenance/carpenter's shop. His family were all coal miners, and he has been a proud UMWA member for over 70 years.



# **Local Union 7606 Contribution**

On June 1, 2023, Local Union 7606 showed support for Estevan, Saskatchewan by purchasing benches and trash cans that are located along the pathways in Estevan, along with a bench and a trash can near the Bienfait branch of the Royal Canadian Legion. Each bench has a small bronze plaque with the name

of a member who died while still employed in the mines.

"We have funds that come in through our union dues," said president of UMWA Local 7606 Rick Dowhanuk. "We just feel that those funds are best allocated to organizations in the community. People are in need, and if we're in a position to help, we will."



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# HONORING OUR Pensioners

UMWA District officials recently honored the following retirees for their years of service as members of the UMWA.

70 Year Pins

# **60 Year Pins**

District 12 L.U. 1148 Lawrence H. Bruns L.U. 1802 Roy Lawyer, William Brumfield L.U. 1825 Arlen Carson District 17 L.U. 5958 Harold Cagigas District 20 L.U. 7813 Lamber W. Key District 31 L.U. 1188 Francis Cartwright L.U. 5497 Thomas Yager

### 50 Year Pins District 2 LU. 1197 Charles Vilcesk,

James Glagola, John Thompson, John Zamiska, James Glagola, John Thompson, John Zamiska, Joseph Marcinek, Robert Rados, Ronald Dranzo L.U. 1269 Robert J. Vrana L.U. 1412 Alvin B. Conner, David Bouch, Donald McCausland, Jr., Raymond Scheetz, Wayne A. Orr L.U. 1656 Marlin Bennett L.U. 2244 Frank Moze, Jr. L.U. 2300 David Maikranz, John A. Matyus District 12 L.U. 15 Danny Fox, John Fred L.U. 1392 William Sturgeon L.U. 1545 James Glagola, Edward Brooks, Jeff Bagwell, Jr., Jerry Lappin, Richard Williams, L.U. 1602 Archie Blackwell, Gary Flahardy, Gary Ratley, Lawrence Bradley, Ronald Ellis, Teddy Donley, Terry Murphy, Vernon Ferguson L.U. 1740 Donald Oldham L.U. 1791 John Whitten L.U. 1825 Ron Sherman L.U. 1907 Steve Winsett, Terry Burns L.U. 2161 Dovle Bullock, Jim Knope. Marvel Straub L.U. 7333 James Cleland L.U. 8941 Armitus Birchwell, Frankie Clayton, John Leach L.U. 9653 Alan Perkins, Billy W. Brewer, Charles Jones, Sr., James Tompkins, Pierce Willis, Richard Eagle, Ronald Henderson District 17 L.U. 1335 Gary Trout L.U. 1503 Kenneth Barker L.U. 1569 Stewart Stidham L.U. 1713 Dallas Belcher L.U. 1751 Gerald Carter L.U. 2232 Bobby Richardson L.U. 5850 Jimmy Adkins District 20 L.U. 1288 Bill Blanton, Robert L. Myers L.U. 2133 Charlie Williams, Jr., Glenn Davis, Henry Hutchins, Henry Simpson, James Lillie, Lonnie Daniel, Rodney Bradberry L.U. 7813 Maury Don Short, Robert D. Gann L.U. 7930 Morris Winett District 31 L.U. 1188 Ronald Groves L.U. 1304 Jeffrev Poludniak L.U. 1570 William C. Lemley L.U. 1702 Robin Myers, Terry Osborne, Anthony Cocco, Fred V. Petruzzi, Sr., Matthew Aimino, Randy Altman,

Thomas Rebovich L.U. 2258 Jim Inman, John Dixon L.U. 2587 Richard Menchev District 12 L.U. 1969 Howard Garrison L.U. 2161 Myles Blair L.U. 4343 Haskell Davis L.U. 7333 James Beaty, James Cleland L.U. 8941 John Leach L.U. 9653 Amanda Capps, Archie Camplin, Charles Jones, Sr., Daniel Pendley, Douglas Claskey, Richard Eagle, Ronald Clayton L.U. 9905 James LLoyd, Ron Sullivan District 17 L.U. 1713 David Jones L.U. 1760 Larry Plaster L.U. 2232 Tim McClanahan L.U. 5850 Robert Maxwell District 20 L.U. 1928 Michael Kirkland L.U. 2133 Henry Ramsey District 31 L.U. 1188 Danny Short, George Carson Slaughter, Richard West, Rex Bailey

# **30 Year Pins**

District 2 L.U. 1412 Michael Yackuboskey District 15 L.U. 1412 Danny Fox L.U. 1487 Timothy Blackburn L.U. 1545 Billy Howell L.U. 2161 Myles Blair L.U. 7333 James Beaty L.U. 8941 John Leach L.U. 9653 Donald Moore L.U. 9905 James Lloyd, Ron Sullivan District 17 L.U. 5997 Larry Bailey

\*The UMW Journal apologizes to any members who received their membership pin but were not featured in previous 2022 issues. Please call 703-291-2405 with any questions or concerns. Unfortunately, due to the number of members receiving pins, the UMW Journal cannot run photos of pin recipients. In order to receive a membership pin, you must submit an application to your District office. Pins are not automatically issued. Your district representative will send the names to the UMW Journal.

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