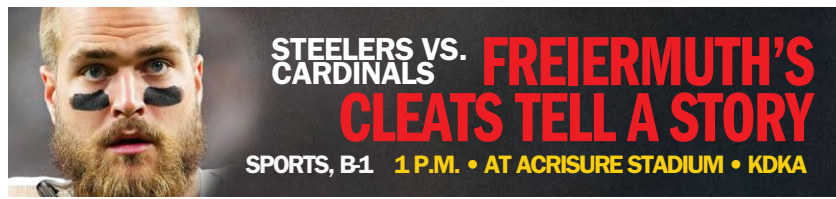


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BUSINESS, E-1



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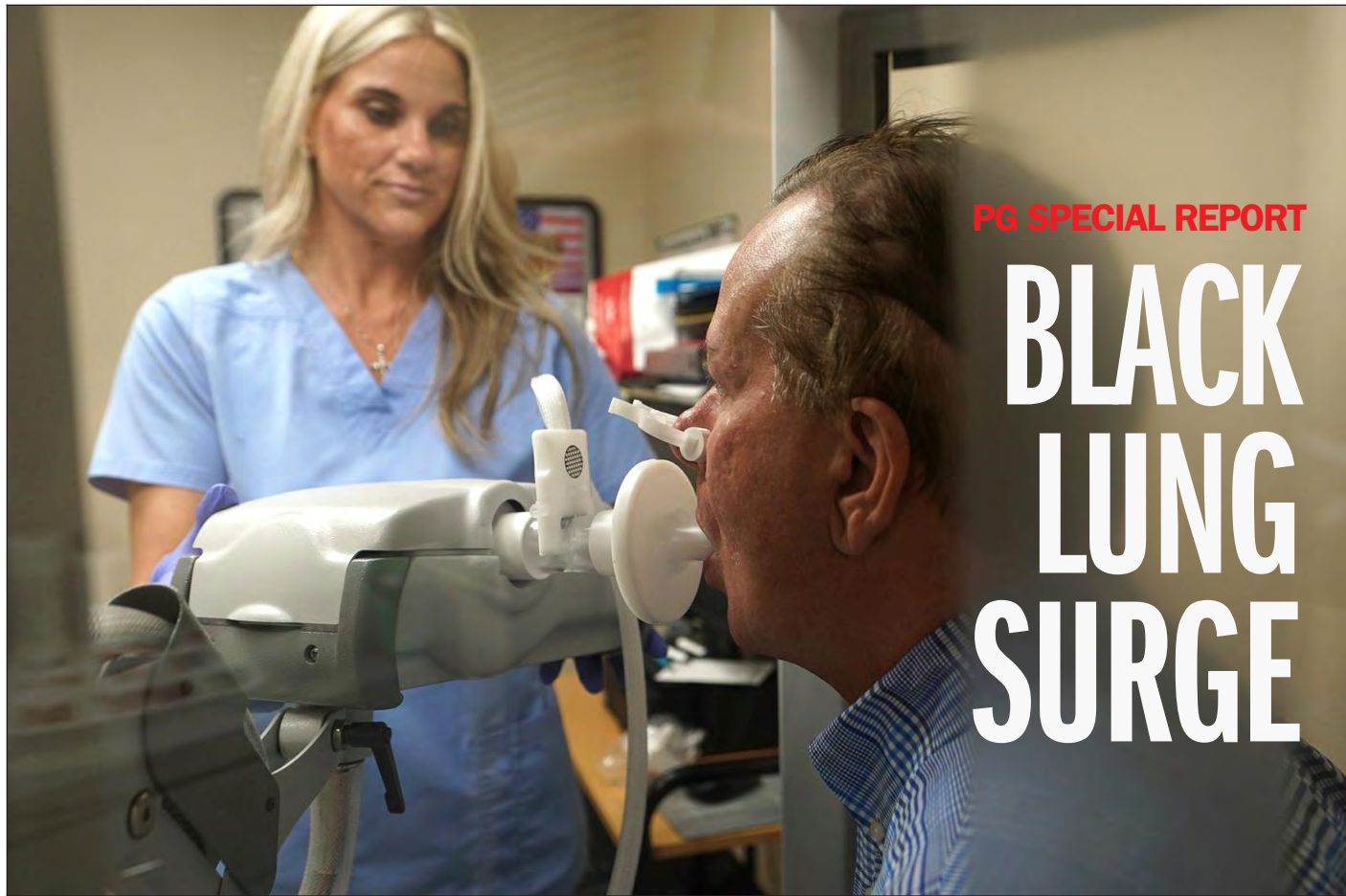
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PG SPECIAL REPORT

BLACK LUNG SURGE

Sebastian Foltz/Post-Gazette

At Lungs at Work in Washington County, respiratory therapist Joanna Szalay and benefits counselor Stuart Karow demonstrate a breath testing machine used by coal miners suffering from black lung disease — an illness that has been on the rise for years.

New rules aim to slow dramatic rise of lethal disease

By Madaleine Rubin and Claire Gardner Medill Investigative Lab Michael Korsh and Mike Wereschagin Pittsburgh Post-Gazette

Hooked to an oxygen canister and gasping for breath, former coal miner Ken Holliday eased out of the car under the red canopy of a Sheetz convenience store in Western Pennsylvania and walked toward the door. His body aching, he inched his way to the entrance and suddenly stopped.

"How am I gonna get to the bathroom?" he asked his wife as he wearily eyed the sign at the far end of the store.

Judy Holliday knew how to handle the physical condition of her husband, who had been dependent on oxygen for nearly seven months. Together, they walked toward the bathroom, step by step.

By the time they went back



Benjamin B. Braun/Post-Gazette

Judy Holliday holds photos of her late husband, Ken, a coal miner who died in 2019 after suffering from black lung.

to their car during the visit in 2019, his oxygen canister was beeping loudly. The 10-liter tank was empty.

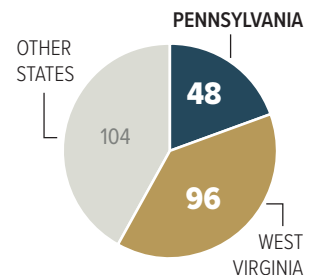
Two days later, the 73-year-old retiree — his body ravaged by disease — died after years of fighting black lung, another casualty in a long line of miners

whose lives were cut short after toiling in the vast, underground caverns of Pennsylvania.

"There would be times that I would wake up in the middle of the night and check to see if he was still breathing," his wife said. "For years — I mean lots

A high-risk region

Pa. and W.Va. combined have more than half of the active coal mines in the U.S. exceeding the federal government's proposed safe limit for quartz concentrations in tests since 2019.



Sources: Mining Safety and Health Administration, Mine Data Retrieval System

of years — I did that."

For worker advocates pushing a new safeguard that could better protect thousands of coal miners, Mr. Holliday's death stands out. The mine where he worked, like hundreds of others, was monitored for one of

SEE SURGE, PAGE A-10

POST-GAZETTE INVESTIGATION

INSIDE PA.'S LITTLE KNOWN SETTLEMENT FUND SYSTEM

Harassment allegations against an ex-Shapiro aide renew transparency calls

By Ford Turner Pittsburgh Post-Gazette

HARRISBURG — The taxpayer-supported pool of money that covered most of the \$295,000 sexual harassment settlement involving a former top Shapiro administration official has paid out almost \$19 million for 138 claims of various types generated in recent years, state records show.

One multimillion-dollar settlement went to the estate of Kevin Siehl, who spent 25 years in state prison and was released by court order after a judge found the murder case against him was mishandled. Another settlement went to the family of 81-year-old Edward Horowitz, one of dozens of military veterans who died at a state-run home for veterans where COVID-19 precautions were botched.

But it was a prolonged lack of public knowledge about sexual harassment allegations that led to a settlement this year that has produced calls for greater transparency around taxpayer-supported payouts.

Mike Vereb, the former secretary of legislative affairs for Gov. Josh Shapiro, resigned without a publicly stated reason on Sept. 27. Not until the following day did the public learn through media reports that Mr. Vereb had been accused by a female employee of sexual harassment. He has not commented publicly on the allegations.

The taxpayer-funded \$295,000 settlement

The issue really comes down to the whole matter of nondisclosure. How does anybody know what is going on if the nondisclosure agreements are there?"

Sen. Andrew Dinniman, D-Chester County

SEE SETTLEMENTS, PAGE A-8

Grading Casey: 'Quiet effectiveness' or 'Biden's rubber stamp'?

By Benjamin Kail and Jonathan D. Salant Pittsburgh Post-Gazette

LOOKING AHEAD TO ELECTION 2024

WASHINGTON — As Democratic U.S. Sen. Bob Casey looks to win a fourth term in a race that will help determine which party controls the chamber, his colleagues point to an almost two-decades-long track record of supporting children, seniors, people with disabilities, and veterans.

But his likely Republican opponent, for-

mer hedge fund CEO David McCormick, has joined other GOP critics in painting Mr. Casey's long political career as a negative, branding him as a Washington insider and a "rubber stamp" for unpopular President Joe Biden.

They also question what kind of an im-

pact he really has had during his almost 18 years in Washington — Mr. McCormick has called him a "nice guy" but "not a leader." And GOP strategists say the mild-mannered Mr. Casey has been overshadowed by more outspoken colleagues and predecessors, including former U.S. Sens. Rick Santorum (who Mr. Casey beat in 2006), Arlen Specter and Pat Toomey.

"After being in office that long, don't you

SEE CASEY, PAGE A-7



Patrick Semansky/Associated Press

Democratic Sen. Bob Casey has cruised to victory in three previous races, but a tougher opponent, David McCormick, likely looms next year.

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Safety advocates push plan to slow rise in lethal black lung disease

SURGE, FROM A-1

the most insidious toxins of mining: silica, a residue from quartz that's considered by experts to be more dangerous than coal dust.

Generations of workers have developed black lung after inhaling coal dust. But as the layers of coal become thinner, young miners have been forced to dig deeper into quartz rock, which generates more silica dust — a carcinogen causing a new spike in severe black lung cases, health experts say.

Spike in black lung

Under the proposal by the federal Mine Safety and Health Administration, the amount of silica dust that miners and other mineral workers can be exposed to during a full shift would be cut in half — a sharp reduction and one of the most sweeping efforts to safeguard miners in decades.

Advocates say the plan would not only provide greater protections, but could turn back a spike in black lung that has now impacted a new generation of workers after years of steep decline in the disease.

While the plan has gained widespread attention — with public hearings held in Virginia, Colorado and West Virginia — the proposal could impact this region more than any other in the country.

Consider: More than half the coal mines in the U.S. that exceeded the proposed limit of 50 micrograms per cubic meter in the last five years were in Pennsylvania and West Virginia, according to a Pittsburgh Post-Gazette analysis of federal mine records.

In Washington County, one dust sample alone from the Enlow Fork mine contained the highest levels of silica of any mine in the country — more than 15 times the proposed standard. Two other nearby mines, Bailey and Harvey, collectively exceeded the proposed limit 21 times.

Deadly rise

Safety advocates say miners are inhaling all-time-highs of silica dust and developing black lung faster.

As of 2018, one in five central Appalachian miners who worked at least 25 years were diagnosed with the disease — the highest level in more than two decades, according to the National Institute for Occupational Safety and Health. The region's miners are eight times more likely to die from the illness than anyone else in the United States, the agency says.

Chelsea Barnes, the director of government affairs and strategy at Appalachian Voices, a nonprofit based in North Carolina that advocates for coal mining communities, says the proposal needed to be implemented years ago.

"Miners are getting the disease so much younger, and it's progressing so much faster," she said. "And this is due to the silica in the rock that they're cutting into."

But it's a rule that could be costly for coal operators in regions like Western Pennsylvania, where coal remains a bedrock of the economy and a source of thousands of jobs.

To meet the proposed limit, many mine operators will have to install engineering controls to suppress, divert or capture dust, and, in some cases, improve ventilation systems or put up barriers between miners and dust.

Federal regulators estimate the larger mining sector could incur more than \$57 million in costs a year, while industry representatives say some of the sampling alone could cost over \$100,000 per mine.

Conor Bernstein, vice president of communications for the National Mining Association, which represents operators, said mines should also be able to rely on methods to reduce dust exposure like using respirators.

Controls put in place over the years by operators, like improved ventilation, have contributed to "exponentially lower dust levels" inside mines in recent years,

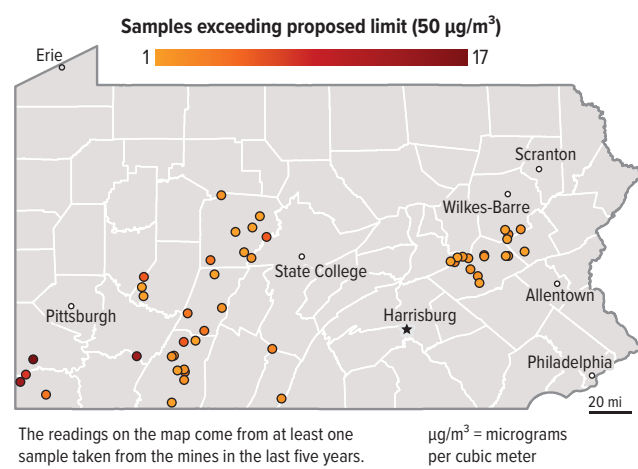


Tim Robbbaro/For the Post-Gazette

The Enlow Fork Coal Mine in Washington County, part of the largest underground coal mining complex in North America.

Pennsylvania's mine hazards

More than 48 mines in Pennsylvania — mostly in the state's western portion — showed quartz concentrations above the federal government's proposed safety levels of 50 micrograms per cubic meter in the past five years.



The readings on the map come from at least one sample taken from the mines in the last five years.

µg/m³ = micrograms per cubic meter

Reining in silica dust across the nation

Central Appalachia and nearby states lead the way for mines showing test samples with quartz levels that exceeded the proposed safety thresholds unveiled by the federal Mine Safety and Health Administration. MSHA estimates that installing more controls in all mines to bring down levels and protect workers could cost more than \$57 million a year.

NUMBER OF ACTIVE COAL MINES EXCEEDING PROPOSED LIMIT, BY STATE

West Virginia	96
Pennsylvania	48
Kentucky	42
Virginia	17
Illinois	13
Alabama	11
Indiana	7
Utah	5
Wyoming	5
Colorado	4

Note: Samples were tested between 2019 and the present.

Source: Mining Safety and Health Administration, Mine Data Retrieval System

Research: Michael Korsh
Graphic: Ed Yozwick/Post-Gazette

he said.

Judy Holliday, who was married to her husband for 38 years before he died, remains undeterred by the industry positions. "I don't care if you're in the mines for one year," she said. "You will be affected by black lung — by the dust."

The plan, which could go into effect next year, is the latest in a series of proposals that have been advanced to try to make coal — an integral part of the American economy — a safer industry.

Outside weathered storefronts on the main street of Claysville, a town in Washington County about 10 minutes from the Enlow Fork Mine, residents talk about the industry like a character in their lives.

Miners start working underground in high school and stay until they're "dead or retired," residents say. Many are the nephews, sons and grandsons of miners like Ken Holliday, whose grandfather was always "coughing up black," said Ms. Holliday.

"In these communities, everyone knows someone that has the disease or has died from the disease," said Ms. Barnes of Appalachian Voices.

It took nine years for Joseph Hackney Sr., a retired miner, to become severely impacted by the dust he inhaled day after day. Now, he said his breathing is labored at all times.

Inside Lungs at Work, a Washington County black lung clinic, nurses tested Mr. Hackney's lung capacity during a visit in August, instructing him to breathe deeply, then blow into a machine for 10 seconds.

After several failed attempts, the former miner was winded.

"My eyes are going crossed here," he told nurses, wheezing and short of breath.

Ken Holliday failed the same test just four days before his death — and today, droves of young miners across central Appalachia are failing, too.

Miners with black lung — also known as coal worker's pneumoconiosis — have particles embedded deep in-

side their lungs. The body's effort to expel the substance causes swelling that can lead to scar tissue and impaired breathing.

Unveiled in June, the proposal to reduce silica levels has set off fierce debate between labor advocates and mining companies over the future of testing, use of protective equipment in mines, and other reforms that advocates say could define how safe mining will be for generations.

High levels of silica

As it stands, at least 262 mines across the country exceeded the proposed limits in sample tests in the last five years and more than half of those mines surpassed even the more lenient, current threshold, the Post-Gazette found.

The changes would "impose a tremendous, unnecessary burden on mine operators and miners," the Silica Safety Coalition, a group of mining companies, wrote in a letter to MSHA.

Michael Peelish, a lawyer who has represented coal companies, spoke at a public hearing in August in Arlington, Va., recommending that miners instead wear a loose-fitting, powered air-purifying respirator (known as a PAPR) for certain jobs.

"There's a rooster-tail of dust ... and then it comes right up into their face," Mr. Peelish said at the hearing. "Just put a PAPR on 'em."

Some companies in the industry said they will do what it takes to meet the new standards. One of the largest operators in the nation, Consol Energy, of Cecil Township, supports the lower standard, according to a statement from its vice president of safety, Todd Moore.

Consol owns the sprawling Enlow Fork, Bailey, and Harvey mines, which, together, have showed high levels of silica dust for years and make up the largest underground coal mining complex in North America.

Mr. Moore wrote that the extraordinarily high reading at Enlow Fork resulted from an equipment malfunction that spewed drill dust into the air while a test was being conducted — a prob-



Julia Nikhinson/For the Post-Gazette

Dr. Drew Harris displays a respirator used by coal miners during a Mine Safety and Health Administration hearing in Virginia — one of three sessions this year for safety advocates, coal operators and others to give feedback to a proposed limit on silica dust levels in mines. The plan has sparked debate between operators and safety experts.

lem the company fixed "immediately," he noted.

As far as the high number of silica samples above the proposed threshold, Mr. Moore said his company logs more tests than the smaller operators that dot the Appalachian coal fields. Factors from equipment problems to changes in the rock formations can lead to spikes in test results, he said.

Safety advocates have their own problems with the proposal: Rather than the government carrying out the testing, mine operators themselves are the ones responsible for collecting the samples.

To carry out the task, many coal companies turn to portable devices that are worn by the miners or placed throughout the mine, collecting dust over several hours before being shipped to labs.

"It's easy to manipulate," retired Pennsylvania miner and former mine inspector Richard Fink told the Post-Gazette. "The [dust sampling] pump that you wear, you don't wear it all day; you put it where there's fresh air."

Patrick McGinley, a West Virginia University law professor who was assigned to Pennsylvania's mine safety enforcement unit in the 1970s, said the testing for the government needs to be removed from the control of the operators.

"If you rely on the industry to self-report, history has

shown that that's not effective," Mr. McGinley said. "There is significant documentation of the industry falsifying respirable air tests."

Federal records show during Mr. Holliday's career, the Indiana County mine where he worked in the 1990s was slapped with dozens of citations for tampering with the samples by changing the weights of the cassettes that capture dust.

To curb potential cheating, the National Institute for Occupational Safety and Health is paying for the development of instruments that will measure silica dust in "near real-time" but the agency said it's unclear when the technology will be made available for widespread use.

'Collateral damage'

MSHA's 60-day period for taking in comments from the public ended in September, allowing regulators to review all of the input they received from workers, the industry and other stakeholders before coming up with a final plan.

Rules from federal agencies must undergo a White House review before taking effect — meaning the proposal could kick in as early as next year. But Ms. Barnes, Appalachian Voices' government affairs director, said the timeline to approval remains unclear.

"MSHA may also need to consult with other agencies," she said.

Another delay could come from Congress, with some lawmakers opposed to the plan.

Pennsylvania U.S. Rep. Scott Perry, R-York County, pushed an amendment on Nov. 14 that would block enforcement of the regulation — a proposal that would need a full vote of Congress to take effect.

Such a move would likely run into fights in the Senate, where Democrats like Bob Casey and John Fetterman, of Pennsylvania, Sherrod Brown, of Ohio, and Joe Manchin, of West Virginia, have thrown their support behind the new limits.

It's been over 45 years since federal regulators set the current silica dust exposure limit at 100 micrograms per cubic meter for most mines, and since then, health advocates estimate that thousands of miners have been harmed by silica dust. The agency's new rule will officially recognize that the debris is "likely an important contributor" to the mounting cases of severe black lung.

The proposal can't help Ms. Holliday, who lost her husband after nearly four decades of marriage. But as an advocate for today's miners, she said the change can help protect the younger workers who have taken her husband's place in the mines.

She still remembers her husband coming home from work and at times, all she could see were his eyeballs and his teeth. Everything else was covered in dust.

He would strip down to shower, shedding his bib overalls and steel-toed mining boots, casting his cap lamp and respirator aside.

She would hose down his equipment three times, sometimes four. She always worked with a makeshift mask covering her own face, careful not to breathe in the coal dust blanketing each of her husband's belongings. One accidental inhale and she knew she would wheeze.

It's not lost on her that miners like him were exposed to the dust for decades, while safety plans to reduce limits were never put in place.

Just four days before his death, Mr. Holliday's lungs, scarred from black lung, approached respiratory failure. His blood oxygen level was critically low.

Ms. Holliday knew that it was just a matter of time for her husband.

"He always said: 'Anybody who works in the mines — even for a short period of time — has damage,' she said, her voice rising. "Miners are collateral damage."

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