

(d) “rock dust” means pulverized limestone, dolomite, gypsum, anhydrite, shale, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 4 per centum of free and combined silica (SiO₂), or, where the Secretary finds that such silica concentrations are not available, which does not contain more than 5 per centum of free and combined silica;

(e) “anthracite” means coals with a volatile ratio equal to 0.12 or less;

(f) “volatile ratio” means volatile matter content divided by the volatile matter plus the fixed carbon;

(g)(1) “working face” means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during the mining cycle,

(2) “working place” means the area of a coal mine in by the last open crosscut,

(3) “working section” means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) “active workings” means any place in a coal mine where miners are normally required to work or travel;

(h) “abandoned areas” means sections, panels, and other areas that are not ventilated and examined in the manner required for working places under section 863 of this title;

(i) “permissible” as applied to electric face equipment means all electrically operated equipment taken into or used in by the last open crosscut of an entry or a room of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the specifications of the Secretary, to assure that such equipment will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the specifications of the Secretary, to prevent, to the greatest extent possible, other accidents in the use of such equipment; and the regulations of the Secretary or the Director of the United States Bureau of Mines in effect on the operative date of this subchapter relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall provide procedures, including, where feasible, testing, approval, certification, and acceptance in the field by an authorized representative of the Secretary, to facilitate compliance by an operator with the requirements of section 865(a) of this title within the periods prescribed therein;

(j) “low voltage” means up to and including 660 volts; “medium voltage” means voltages

from 661 to 1,000 volts; and “high voltage” means more than 1,000 volts;

(k) Repealed. Pub. L. 95-164, title II, §202(b), Nov. 9, 1977, 91 Stat. 1317.

(l) “coal mine” includes areas of adjoining mines connected underground.

(Pub. L. 91-173, title III, §318, Dec. 30, 1969, 83 Stat. 791; Pub. L. 95-164, title II, §202(b), Nov. 9, 1977, 91 Stat. 1317; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

REFERENCES IN TEXT

This chapter, referred to in par. (b)(1), was in the original “this Act”, meaning Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, known as the Federal Mine Safety and Health Act of 1977, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

For the operative date of this subchapter, referred to in par. (i), see section 509 of Pub. L. 91-173, set out as an Effective Date note under section 801 of this title.

AMENDMENTS

1977—Par. (k). Pub. L. 95-164 struck out par. (k) which defined “respirable dust” as dust particles 5 microns or less in size.

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in par. (i) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective Nov. 9, 1977, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

SUBCHAPTER IV—BLACK LUNG BENEFITS

PART A—GENERAL PROVISIONS

§ 901. Congressional findings and declaration of purpose; short title

(a) Congress finds and declares that there are a significant number of coal miners living today who are totally disabled due to pneumoconiosis arising out of employment in one or more of the Nation’s coal mines; that there are a number of survivors of coal miners whose deaths were due to this disease; and that few States provide benefits for death or disability due to this disease to coal miners or their surviving dependents. It is, therefore, the purpose of this subchapter to provide benefits, in cooperation with the States, to coal miners who are totally disabled due to pneumoconiosis and to the surviving dependents of miners whose death was due to such disease; and to ensure that in the future adequate benefits are provided to coal miners and their dependents in the event of their death or total disability due to pneumoconiosis.

(b) This subchapter may be cited as the “Black Lung Benefits Act”.

(Pub. L. 91-173, title IV, §401, Dec. 30, 1969, 83 Stat. 792; Pub. L. 92-303, §§3(a), 4(b)(2), May 19, 1972, 86 Stat. 153, 154; Pub. L. 95-239, §16, Mar. 1, 1978, 92 Stat. 105; Pub. L. 97-119, title II, §203(a)(4), Dec. 29, 1981, 95 Stat. 1644.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-119 struck out “or who were totally disabled by this disease at the time of their deaths” after “due to this disease” and “due to such disease”.

1978—Pub. L. 95-239 designated existing provisions as subsec. (a) and added subsec. (b).

1972—Pub. L. 92-303, §3(a), inserted “or who were totally disabled by this disease at the time of their deaths” after “disease” the first and third times it appeared and struck out “underground” before “coal mines”.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 206(a) of title II of Pub. L. 97-119 provided that: “Except as otherwise provided, the provisions of this title [see Short Title of 1981 Amendment note set out under section 801 of this title] shall take effect on January 1, 1982.”

EFFECTIVE DATE OF 1978 AMENDMENT

Section 20(a) of Pub. L. 95-239 provided that: “The provisions of this Act [see Short Title of 1978 Amendment note set out under section 801 of this title] shall take effect on the date of enactment of this Act [Mar. 1, 1978].”

EFFECTIVE DATE OF 1972 AMENDMENT

Section 3(c) of Pub. L. 92-303 provided that: “The amendments made by this section [amending this section and sections 902, 921, 932, and 933 of this title] shall be effective as of December 30, 1969.”

Amendment by section 4(b)(2) of Pub. L. 92-303 effective Dec. 30, 1969, see section 4(g) of Pub. L. 92-303, set out as a note under section 921 of this title.

EFFECTIVE DATE

Subchapter effective Dec. 30, 1969, see section 509 of Pub. L. 91-173, set out as a note under section 801 of this title.

SEPARABILITY

Section 206(b) of title II of Pub. L. 97-119 provided that: “If any provision of this title [see Short Title of 1981 Amendment note, set out under section 801 of this title], or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.”

SPECIAL BENEFITS FOR DISABLED COAL MINERS

Pub. L. 102-394, title II, Oct. 6, 1992, 106 Stat. 1806, provided that: “For carrying out title IV of the Federal Mine Safety and Health Act of 1977 [30 U.S.C. 901 et seq.], including for fiscal year 1993 and thereafter the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, \$601,313,000, to remain available until expended: *Provided*, That monthly benefit payments for fiscal year 1993 and thereafter shall be paid consistent with section 215(g) of the Social Security Act [42 U.S.C. 415(g)].”

STUDY OF CURRENT MEDICAL METHODS FOR DIAGNOSIS OF PNEUMOCONIOSIS AND NATURE AND EXTENT OF IMPAIRMENT ATTRIBUTABLE TO SIMPLE AND COMPLICATED PNEUMOCONIOSIS; REPORT TO CONGRESS

Section 202(e) of Pub. L. 97-119 directed Secretary of Labor, in consultation with Secretary of Health and Human Services, to undertake a study of current medical methods for diagnosis of pneumoconiosis, and of nature and extent of impairment and disability that are

attributable to the existence of both simple and complicated pneumoconiosis, with study, together with appropriate recommendations, to be transmitted to Congress no later than eighteen months after Jan. 1, 1982.

STUDY OF BENEFITS UNDER THIS SUBCHAPTER, OTHER BENEFITS RECEIVED, AND BENEFITS IF STATE WORKERS' COMPENSATION PROGRAMS APPLICABLE; REPORT TO CONGRESS

Section 203(c) of Pub. L. 97-119 directed Secretary of Labor to undertake a study of the benefits provided by this subchapter, other benefits received by individuals who receive benefits under this subchapter, and benefits which would be received were State workers' compensation programs applicable in lieu of benefits under this subchapter, with study, together with appropriate recommendations, to be transmitted to Congress no later than eighteen months after Jan. 1, 1982.

§ 902. Definitions

For purposes of this subchapter—

(a) The term “dependent” means—

(1) a child as defined in subsection (g) of this section without regard to subparagraph (2)(B)(ii) thereof; or

(2) a wife who is a member of the same household as the miner, or is receiving regular contributions from the miner for her support, or whose husband is a miner who has been ordered by a court to contribute to her support, or who meets the requirements of section 416(b)(1) or (2) of title 42. The determination of an individual's status as the “wife” of a miner shall be made in accordance with section 416(h)(1) of title 42 as if such miner were the “insured individual” referred to therein. The term “wife” also includes a “divorced wife” as defined in section 416(d)(1) of title 42 who is receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from the miner, or is receiving substantial contributions from the miner (pursuant to a written agreement), or there is in effect a court order for substantial contributions to her support from such miner.

(b) The term “pneumoconiosis” means a chronic dust disease of the lung and its sequelae, including respiratory and pulmonary impairments, arising out of coal mine employment.

(c) The term “Secretary”, except where expressly otherwise provided, means the Secretary of Labor.

(d) The term “miner” means any individual who works or has worked in or around a coal mine or coal preparation facility in the extraction or preparation of coal. Such term also includes an individual who works or has worked in coal mine construction or transportation in or around a coal mine, to the extent such individual was exposed to coal dust as a result of such employment.

(e) The term “widow” includes the wife living with or dependent for support on the miner at the time of his death, or living apart for reasonable cause or because of his desertion, or who meets the requirements of section 416(c)(1), (2), (3), (4), or (5),¹ and section 416(k) of title 42, who is not married. The determination of an individual's status as the “widow” of a miner shall be made in accordance with section 416(h)(1) of title

¹ See References in Text note below.