



US DOL Final Rules Restoring Black Lung Presumptions Enacted in Obamacare - Rules Effective October 25th

The U.S. Department of Labor's Office of Workers' Compensation Programs today announced the final rule implementing amendments to the Black Lung Benefits Act passed by Congress in 2010. Commonly called the Byrd Amendments after their sponsor, the late Senator Robert C. Byrd, the amendments re-instate two provisions regarding coal miners' and survivors' entitlement to benefits that had been eliminated in 1981.

The first amendment mandates a presumption of total disability or death caused by pneumoconiosis for coal miners who worked for at least 15 years in underground (or comparable surface) mining and who suffer or suffered from a totally disabling respiratory impairment. The second amendment provides automatic entitlement for eligible survivors of miners who were themselves entitled to receive benefits as a result of a lifetime claim.

The re-instated amendments are 30 United States Code 921(c)(4) and 30 U.S.C. 932(1); and they are contained in Section 1556 of the Patient Protection and Affordable Care Act and apply to claims filed after Jan. 1, 2005, that are pending on or after March 23, 2010.

The final rule addresses the automatic entitlement of certain survivors and the 15-year entitlement presumption as it applies to miners' and their survivors' claims. In addition, the rule eliminates several provisions in accordance with Executive Order 13563.

The final rule was published in the Federal Register, and it can be viewed at <https://www.federalregister.gov/articles/2013/09/25/2013-22874/regulations-implementing-the-byrd-amendments-to-the-black-lung-benefits-act-determining-coal-miners>. The new rule becomes effective October 25, 2013.

UWC is reviewing the rules and impact on employers and insurers. The press release from the Office of Workers' Compensation Programs about the final rules may be found at <http://www.dol.gov/opa/media/press/OWCP/OWCP20131920.htm>