

# #WE CHOOSE NOW: LABOR POLICY PLAYBOOK

Kentucky  
May 2023



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# INTRODUCTION



The climate crisis has reached Kentucky, through increased flood frequency and devastation, reduced crop yields, and extended droughts. More floods, storms, and droughts can be expected, further impacting infrastructure and land and implicating workers and communities—especially those on the frontlines.

Kentuckians are calling for a future that includes worker-organized labor structures, increased compensation for care work, job creation and training in low-carbon industries, organizing for racial and economic justice, and policies that support housing, child care, family leave, and labor rights. An organized working class is critical for achieving an equitable path to decarbonization and remediation and to ensure that workers and communities can democratically re-imagine their own futures outside of corporate and industry control.

Coal mining is intertwined in the economy and cultural identity of the Appalachian region. Big Coal constructed and operated entire communities centered around mining— and left environmental devastation in its wake, failing to remedy the damage it caused to the land, water, and local communities in Kentucky. While coal companies once provided stable work and bolstered strong community bonds, they also wrought environmental damage. And, as coal mining automated, less miners were employed and once a hub of union activity, there are no longer any unionized mines [in the state](#).<sup>1</sup> It is time for a just transition led by Kentucky workers.

Kentucky is a state with unique attributes that too often go overlooked. Because Kentucky was the heart of the labor movement—not just for Appalachia or the United States, but globally—it was systematically targeted by companies to break down labor rights and extract profit from workers and their communities for company executives and shareholders.

As a result of this coordinated effort, the state faces multiple structural issues that are common across the country. First, workers are currently weakly organized compared to historical union density. While Kentucky has a vibrant history of union labor, union density is declining, in no small part due to the recent enactment of Right to Work laws, or laws that prohibit union security agreements, under which employers and

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1. Dylan Lovan, “No union mines left in Kentucky, where labor wars once raged,” The Washington Post, September 5, 2015, [https://www.washingtonpost.com/business/economy/closure-of-kentuckys-last-unionized-coal-mine-may-be-ironic-sign-of-success/2015/09/05/8c1a1a42-5417-11e5-8c19-0b6825aa4a3a\\_story.html](https://www.washingtonpost.com/business/economy/closure-of-kentuckys-last-unionized-coal-mine-may-be-ironic-sign-of-success/2015/09/05/8c1a1a42-5417-11e5-8c19-0b6825aa4a3a_story.html).

unions can agree to require employees to join or pay dues to the union. Kentucky is the most recent state in the country to pass Right to Work laws. [In 2016](#), the year before Right to Work passed, union density in Kentucky was over 11 percent, aligned with national unionization rates.<sup>2</sup> [In 2020](#), the unionization rate in the state dropped to 7.5 percent, despite an uptick in activity and attention following teachers' wildcat strikes to defend pensions and new organizing efforts in the service sector and in distilleries.<sup>3</sup> Right to Work and anti-union legislation, including a prohibition on public sector strike actions, limits efforts to increase unionization and impedes workers from engaging in strikes, one of the few tools workers have to exert their power.

The decades-long assault on unions, right-to-work provisions, and hostile labor legislation add to the already difficult task of labor organizing. Labor organizers in the state of Kentucky working to increase union density face broad challenges like hostile labor legislation and unseized opportunities to develop lower carbon-workplaces such as renewable energy plants, mass public transit, or the construction of dense, high-quality, and low-carbon social housing. Many workers who would benefit from the protections of a union, primarily low-wage and temporary workers, often face tough organizing challenges due to dispersed workforce locations and high turnover rates. However, difficult does not mean impossible. And, a more just future in Kentucky requires increasing power among workers. The Reimagine Appalachia coalition, for example, built a framework for West Virginia, Pennsylvania, and Kentucky to provide a positive vision of bringing environmental goals in line with [workers' visions for a 21st century Appalachia](#) that was endorsed by more than 50 organizations.<sup>4</sup> And workers across Kentucky continue to organize and win historic campaigns for union recognition. History has shown how building power among workers provides a foundation for larger social change. A broad, multi-constituent coalition that includes

workers across sectors, rural communities, poor communities, and environmental and climate justice organizations is working to build the power necessary to push for ambitious policies that deliver a just, equitable future for the state and across the region.

## NATIONAL CONTEXT

Kentucky's workers face challenges and opportunities that are shared among the entire US working class. The US labor movement is charting its place within the response to the climate crisis, with some unions and sectors taking an increasingly active role in fighting for solutions that benefit their communities more broadly than traditional bread-and-butter contracts. Public approval of unions has recently surged— in 2022, nearly 3 in 4 people [surveyed in a US poll](#) expressed approval of labor unions, making unions as popular as they have been in a generation.<sup>5</sup> [The National Labor Relations Board reported](#) a 57% rise in union election petition filings in the five months following October 2021.<sup>6</sup> In the first 10 months of 2022, unions have won more than three-fourths of those elections (77%), and, in the first half of 2022, three times more workers (78,000) have gone on strike compared to the same period in 2021.

Across the US, manufacturing workforces historically drove the rise of good union jobs. Today, manufacturing jobs have been on a declining trajectory since the mid-twentieth century, reflecting fewer jobs that come with solid benefits, stability, and wages, and their replacement by the growing and precarious service sector industry. While unions in service sectors, healthcare, and education may be more supportive of advancing common good campaigns like those for climate justice, they cannot be the sole champions of a climate-focused labor movement and need the broad support of both the climate movement, labor allies, and legislative partners to successfully advance agendas that benefit communities as a whole.

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2. Samuel Stebbins, "This Is How Strong Labor Unions Are in Kentucky," *WKU Herald.com*, April 1, 2021, <https://wkuherald.com/6043/news/news-state/this-is-how-strong-labor-unions-are-in-kentucky>.

3. United States Bureau of Labor Statistics, "Union Members in Kentucky — 2022," February 3, 2023, [https://www.bls.gov/regions/southeast/news-release/unionmembers\\_kentucky.htm](https://www.bls.gov/regions/southeast/news-release/unionmembers_kentucky.htm).

4. "A NEW DEAL THAT WORKS FOR US," Reimagine Appalachia, 2022, [https://reimagineappalachia.org/wp-content/uploads/2020/09/ReimagineAppalachia\\_Blueprint\\_092020.pdf](https://reimagineappalachia.org/wp-content/uploads/2020/09/ReimagineAppalachia_Blueprint_092020.pdf).

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5. "Justin McCarthy, "U.S. Approval of Labor Unions at Highest Point Since 1965," Gallup, August 30, 2022, <https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx>.

6. "Union Election Petitions Increase 57% In First Half of Fiscal Year 2022," National Labor Relations Board, April 6, 2022, <https://www.nlr.gov/news-outreach/news-story/union-election-petitions-increase-57-in-first-half-of-fiscal-year-2022>.

As low-carbon industries including renewable energy grow, the industry as a whole relies too much on low-road working conditions; federal and state-level labor law must be reformed and existing unions must be appealed to in order to accelerate organization of unorganized sectors. Finally, workers in fossil fuel and high-carbon sectors cannot be left out of the transition to a zero-emission economy. Showing up for fossil fuel workers and coal communities like those in Kentucky is necessary for the climate movement, which must prioritize the guarantee of equal— or, ideally, much improved— living and working conditions for those communities that have borne the brunt of extraction from carbon capital interests. With this context, the following sections attempt to advance a vision of a regenerative, green economy that centers workers and ensures maximum benefit to communities as a central goal of the green transition.

## A JUST TRANSITION FROM THE GULF TO APPALACHIA

The term “just transition,” is often used to describe the social and economic support needed for extractive communities as energy use shifts from fossil fuels to renewable energy sources. However, a “just transition” requires more than a change in fuel source. Renewable energy built by exploiting workers is not a just transition. Leaving coal miners unemployed without any support in the name of ending coal use is not a just transition. Rather, a just transition sees the energy transition as a way to build a more just future— one where workers, communities, and the environment can thrive.

While a unifying terminology is helpful, the specifics of what each community and workforce require for transition to be just depends on [place and context](#).<sup>7</sup> What workers and communities in, for example, Eastern Kentucky coal communities need to transition to a low-carbon future is different from what workers and communities will need in the Gulf South. Some supports are common, including wage replacement, health and benefits continuation, housing assistance, training and retraining opportunities, tax-revenue replacement for communities, and quality job creation to ensure there are opportunities for workers to transition into. Other support will depend on existing specific place-based needs and challenges.

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7. J. Mijin Cha, and Manuel Pastor. “Just Transition: Framing, Organizing, and Power-Building for Decarbonization,” *Energy Research & Social Science* 90 (March 22, 2022), <https://www.sciencedirect.com/science/article/abs/pii/S2214629622000937>.

Moreover, a truly just transition looks beyond those currently engaged in the fossil fuel economy to include those that have borne the burden of fossil capital and its toxins but have received little to none of the economic benefits. Because fossil fuel extraction and use have polluted land across Kentucky, a just transition also requires reclamation and reuse of all land and support for the people who have had to endure living on poisoned land.

## HOW IS A JUST TRANSITION BUILT?

Building a more just future means extraction, in all its forms, must end. **Most energy transition discourse focuses on resource extraction, but an extractive economy extracts more than resources— it extracts people through carceral policies, wealth through abusive financial practices, and labor through exploitative conditions.** Workers and communities in Appalachia built up entire industries with their labor, but most of the benefits were reaped by executives and shareholders. In contrast, a just transition [must move away from extraction](#), in all its forms, to a regenerative future where people and the planet are allowed to thrive.<sup>8</sup> In this vision, job creation focuses on high-road principles that provide family sustaining wages, benefits, and career pathways for all workers, not just those currently employed. Land is remediated and natural environments are allowed to thrive free of poison. And, communities have the resources necessary to support their residents, allowing Kentuckians to stay in-state with access to local opportunity.

Just transition must be built from the ground up. It must be led by community members and workers who have borne the brunt of the health, social, economic, and political costs of living and working in an extractive economy. Building a just transition from the ground up results in better, more appropriate policy and builds the power needed to advance these policies. Those directly impacted by transition are most knowledgeable in what supports and policies would be most effective. In turn, engaging those directly impacted from the beginning builds the power needed to push for these

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8. “From Banks and Tanks to Cooperation and Caring – Movement Generation,” Movement Generation Justice & Ecology Project, Accessed August 31, 2022, [https://movementgeneration.org/wp-content/uploads/2016/11/JT\\_booklet\\_English\\_SPREADs\\_web.pdf](https://movementgeneration.org/wp-content/uploads/2016/11/JT_booklet_English_SPREADs_web.pdf).

Section	Subsection	Near Term	Medium Term	Long Term
<b>Sustainability for people and environment</b>	<b>Section 1</b>	Establish glide paths to retirement and/or job guarantees for coal and fossil fuel workers. Establish a shared environmental justice framework for reclamation work.	Establish bridge funding for counties where public sector funding is affected by the withdrawal of fossil fuel tax revenue.	
<b>Place-based job creation</b>	<b>Section 1</b>	Begin focus groups with potential CCC workers to better understand the needs and interests of participants and communities. Leverage funding from IRA, AMLER, and IJA to provide direct work opportunities in reclaiming abandoned mine lands.	Fully fund the Kentucky Department of Labor. Staff and train the DoL to provide technical assistance to other state agencies that work to implement climate policy.	Implement the use of standardized metrics to measure the impact of climate policies, including reclamation, on job growth, job quality, and job access.
<b>Local hiring</b>	<b>Section 1</b>	Prioritize the creation of jobs that hire workers from historically marginalized communities	Develop green job training in coordination with Kentucky's existing free community college "Work Ready" program and unions	Create new programs and expand existing programs for pre-apprenticeships, apprenticeships, and technical and vocational schools.
<b>Stability</b>	<b>Section 1</b>	Tie wage standards to renewable energy development to ensure that the green jobs are tied to costs-of-living and economic security.	Begin an advocacy campaign of legislators to establish a minimum wage increase that will match increased costs of living and pay a living wage to workers.	Establish use of the ABC test

Table 1. High-Level Overview of Interventions in this Policy Playbook

top down policy making and organizing [risks alienating](#) workers and communities and fracturing coalitions.<sup>9</sup>

Moreover, [research on just transition](#) in Kentucky found that residents have a vision of what they want to transition into, what they lack is resources and capacity.<sup>10</sup> **To truly break from extraction requires outside organizations and groups to stop extracting knowledge from Kentuckians without contributing to resources and capacity building in-state. Suggestions from community members included stable funding for organizing.** At every point of the path to a sustainable economy that works for everyone, communities are going to need people who are aligned in vision, have a strategy, and are working together.

**On the previous page is a chart that includes a high-level overview of the interventions proposed in the playbook and puts them within the context of political and organizing capacity in the short, medium, and long term.**

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9. J. Mijin Cha, Manuel Pastor, Cynthia Moreno, and Matt Phillip, "Just Transition/Transition to Justice: Power, Policy and Possibilities," June 2021, [https://dornsife.usc.edu/assets/sites/1411/docs/New\\_Just\\_Transition\\_Report\\_v4\\_FINAL.pdf](https://dornsife.usc.edu/assets/sites/1411/docs/New_Just_Transition_Report_v4_FINAL.pdf).

10. J. Mijin Cha, Manuel Pastor, Cynthia Moreno, and Matt Phillip, "Just Transition/Transition to Justice: Power, Policy and Possibilities," June 2021, [https://dornsife.usc.edu/assets/sites/1411/docs/New\\_Just\\_Transition\\_Report\\_v4\\_FINAL.pdf](https://dornsife.usc.edu/assets/sites/1411/docs/New_Just_Transition_Report_v4_FINAL.pdf).



# SECTION 1: Envisioning a Just Transition



Fundamental to a just transition is the quality of job creation, not just quantity of jobs created. The fossil fuel industry continually touts that their industry provides good paying jobs, which is true not because of anything endemic to the industry but because of decades of workers' struggle. Historically, Kentucky coal miners fought for better working conditions—often in the face of great violence—and succeeded in making coal mining a decent job that paid family sustaining wages, benefits, and a path to economic security, despite the fact that it is hazardous work with long-lasting health consequences. However, as stated above, in a state with a storied union history, unions no longer represent working miners in the state.

The commonwealth also passed [right-to-work laws in 2017](#).<sup>11</sup> Contrary to the propaganda surrounding them, right-to-work laws are bad for workers and bad for economies. In Kentucky, [manufacturing jobs increased by 5.8 percent in the three year period immediately before the right-to-work law passed](#).<sup>12</sup> [After the passage of the law](#), manufacturing jobs increased by just 1.9 percent.<sup>13</sup> Nearly four times as many jobs were created before right-to-work passed.

The proliferation of low-wage, low-quality jobs is rampant nationwide and Kentucky is no exception. According to the Kentucky Center for Economic Policy, “nearly 40% of jobs pay less than \$15 an hour in Kentucky, almost half of all jobs don’t provide health insurance, 70% do not offer retirement benefits, and 38% have no paid sick days.” Low-wage, low-quality jobs only benefit employers and leave workers and communities struggling. But, the future can break from the present and Kentucky can create good, quality jobs that provide living wages and pathways to economic security.

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11. Kris Maher, “Kentucky House Passes Bill on Right-to-Work,” *Wall Street Journal*, January 5, 2017, <https://www.wsj.com/articles/kentucky-house-expected-to-act-on-right-to-work-1483637614>.

12. Anna Baumann, “Manufacturing Job Growth Has Slowed in Kentucky Since Passage of “Right-To-Work,” Kentucky Center for Economic Policy, June 27, 2019, <https://kypolicy.org/manufacturing-job-growth-has-slowed-in-kentucky-since-passage-of-right-to-work/>.

13. Anna Baumann, “Manufacturing Job Growth Has Slowed in Kentucky Since Passage of “Right-To-Work,” Kentucky Center for Economic Policy, June 27, 2019, <https://kypolicy.org/manufacturing-job-growth-has-slowed-in-kentucky-since-passage-of-right-to-work/>.

## FOUR ELEMENTS THAT INDICATE A GOOD JOB

We propose the following four elements as indicative of a good job: 1) sustainability for people and environment, 2) place-based job creation, 3) local hiring, and 4) stability. Together, these elements create jobs that help workers and communities thrive while also addressing the climate and environmental crises that we face.

### SUSTAINABILITY FOR PEOPLE AND ENVIRONMENT

The idea of sustainability goes beyond environmental and climate considerations. **Exploitative wages and labor practices create unsustainable conditions for workers.** For too long workers have endured working conditions that threaten their health while also paying so little that people often need two or more jobs just to put food on their tables. Currently, the minimum wage in Kentucky is \$7.25. [The median rent](#) in the state was \$1,311 in April 2023, representing a \$61 increase from April 2022.<sup>14</sup> A monthly minimum wage added up to \$1,160, leaving workers in minimum wage jobs without enough money to pay for food, health care, child care, and every other expense. This situation is unsustainable. Jobs must pay living wages that allow for economic security with only one full-time job and provide benefits, such as health care and retirement contributions.

In addition to wages and benefits, jobs must be environmentally sustainable, particularly in Kentucky where a legacy of coal mining has poisoned land across the state. Ecological sustainability looks at the impact of past, present, and future work. Future work must be low-carbon and environmentally safe for workers and communities. Existing work must be adapted to reduce greenhouse gas emissions and toxic exposure. And, widespread environmental remediation must occur across the state to reclaim poisoned land.

### PLACE-BASED JOB CREATION

Jobs must be created where people currently live to keep communities vibrant and also ensure that jobs are created where jobs may be lost. As coal mining continues to decline, job creation should be targeted to areas that will have decreases in employment.

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14. Zillow, "Kentucky Rental Market," April 24, 2023, <https://www.zillow.com/rental-manager/market-trends/ky/>.

Creating jobs out of state or even across the state leaves workers behind and hollows out communities. Instead, creating jobs where people currently live and work ensure steady revenue for communities and provides options for displaced workers.

### LOCAL HIRING

For quality jobs, place-based job creation must go one step further and ensure the work is done by workers within a community. Projects that rely on out-of-state labor prevent employment and skill building for workers locally. While those projects may count towards the total number of jobs created, they limit the economic contribution of the project because the bulk of wages are taken out of state, rather than spent in-state, and workers locally cannot build skills and work experience. Recognizing that some projects, like reclamation projects, require a trained workforce, training opportunities should be open to local residents so that the portion of local hires over time can increase over time. The majority, if not all, workers should be hired locally and projects that receive public funding should have a mandate for local hire.

### STABILITY

Permanent jobs with predictable schedules, benefits, and protections are fundamental to quality jobs. A permanent position gives workers long-term economic stability. [Temporary jobs rarely lead to permanent positions](#) and temporary workers are extremely vulnerable to abusive and exploitative practices.<sup>15</sup> Permanent positions also provide more stability and are far more likely to have higher wages and provide benefits. Workers in hourly positions should have predictable scheduling that allows them to plan for themselves and any dependents. Last-minute schedules and erratic and inconsistent hours leave workers scrambling to cover any responsibilities and unsure of how to budget due to the uncertainty in hours.

The decades-long attack on workers and workers' rights must come to an end. Workers are more productive than ever but taking home less and less pay. Ensuring only quality jobs are created helps end this trend and gives workers the stability they deserve.

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15. Lawrence F. Katz and Alan B. Krueger, "The Rise and Nature of Alternative Work Arrangements in the United States, 1995–2015." *ILR Review* 72, no. 2 (2018): 382–416, <https://doi.org/10.1177/0019793918820008>.

## ORGANIZED LABOR IN KENTUCKY: WORKERS' STRUGGLE CONTINUES

Organized labor in Kentucky has taken a lot of hits since 2017. Before 2017, Kentucky had a relatively politically balanced state government, especially for a Southern state—a typical pattern in office would be a Democrat governor, a Republican-held state Senate, and a Democrat-held House. This political configuration [changed in 2016](#) for Kentucky with more Republicans elected to office.<sup>16</sup> Since then, organized labor has been on the defensive, starting with the enactment of Right to Work laws and the overturning of prevailing wage laws, which required that laborers on public works projects estimated to cost more than \$250,000 pay at a rate established by the Kentucky Labor Cabinet to be equal to or greater than the wages of similar workers in the area, in 2017. Furthermore, the introduction of House Bill 4 made unemployment benefits much more difficult to get and keep for Kentuckians, pushing laid-off Kentuckians into poverty and forcing them into lower-paying, less stable jobs [with fewer benefits](#).<sup>17</sup> It did this by cutting the maximum available weeks a worker can claim benefits by up to 54%, complicating the system through burdensome reporting requirements and new complex rules, and pressuring recently laid-off Kentuckians to take any job available— even if it pays half of their previous jobs' wage. In 2019, Kentucky became the 25th state to ban Project Labor Agreements (PLAs), or prohibit state and local government agencies from requiring bidders to sign onto PLAs for public works projects.

Beginning in 2018, the “Red for Ed” teacher-led political uprising was a demonstration of how workplace action can drive electoral shifts across the country. In Kentucky, Republican governor Matt Bevin's push for austerity was the motivating factor for tens of thousands teachers and educators to strike to save their pensions. In the 18 months

following the spring 2018, these teachers [formed](#) the “Won't Be Bullied by Bevin” electoral movement that brought in \$1.2 million in donations to the teachers' union.<sup>18</sup> Bevin eventually lost to Andy Beshear, who ran on a pro-teacher platform, in November 2019.

Gov. Andy Beshear is relatively labor-friendly. There are Republican anti-union supermajorities in the state House and Senate— the same bodies that brought right to work to Kentucky and overturned prevailing wage laws, which applies to Kentucky state and local public construction projects. It is also important to note here that Kentucky's repeal of its prevailing wage laws do not affect the Federal Davis Bacon Act requirements, which require that prevailing wages and fringe benefits be provided to laborers on the construction or repair of public buildings and public works projects of the federal government. While the re-implementation of prevailing wage standards for all jobs must be a priority for organized labor, it may not be feasible in the short-term in Kentucky. Enacting or expanding the coverage of “[Little Davis-Bacon Acts](#),” which would establish prevailing wage standards for public procurement is a possible shorter-term workaround.<sup>19</sup> There is a possibility of pro-labor election results in November 2023— but also real risks if more anti-labor candidates are elected.

More recently in the commonwealth, unions including American Federation of Teachers [have been outspoken](#) about attacks on teachers' ability to teach critical race theory and fought against eight bills that were introduced in the Kentucky legislature, with support from state-based coalition groups like Kentuckians for the Commonwealth and Sunrise Bowling Green.<sup>20</sup> From 2020, COVID coalitions of workers in essential workforces including campus workers and teachers found they all experienced a range of workplace issues, from wage depression to reduced ability to organize. Outside of education unions, other unions

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16. “2016 Kentucky Presidential Election Results,” Politico, December 13, 2016, <https://www.politico.com/2016-election/results/map/president/kentucky/>.

17. Joe Sonka, “Helping employers or causing 'great misery'? Kentucky Senate cuts unemployment benefits,” Courier Journal, March 3, 2022, <https://www.courier-journal.com/story/news/politics/ky-general-assembly/2022/03/03/kentucky-senate-passes-bill-scale-back-unemployment-benefits/9362911002/>.

18. Eric Blanc, “The Teachers' “Red for Ed” Movement Is Far From Dead,” Jacobin, October 10, 2020, <https://jacobin.com/2020/10/red-for-ed-movement-teachers-unions-covid-19>.

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19. “Updating the Davis-Bacon and Related Acts Regulations,” Department of Labor Office of the Secretary, March 18, 2022, <https://www.federalregister.gov/documents/2022/03/18/2022-05346/updating-the-davis-bacon-and-related-acts-regulations#footnote-48-pl5709>.

20. “Coalition Letter: Kentucky General Assembly Must Use Special Session to Protect the Health of Kentuckians, Our Workforce and Our Children's Education,” Kentucky Center for Economic Policy, September 3, 2021, <https://kypolicy.org/coalition-letter-kentucky-general-assembly-must-use-special-session-to-protect-health-workforce-children-education/>.

saw attacks on education funding as attacks on their industries' abilities to cultivate an educated workforce—which could be understood as an encouraging display of solidarity over common good issues.

Revitalized labor campaigns in Kentucky service industries, bourbon distilleries, and in other industries including media. The Louisville Courier Journal announced its unionization campaign in August 2022. Also in the Louisville area, employees at two Starbucks stores have voted to join Workers United. The union is taking a [third location](#) to the National Labor Relations Board.<sup>21</sup> Heine Brothers Coffee stores and baristas at Sunergos Coffee shop plan to affiliate with the National Conference of Firemen and Oilers/Service Employees International Union 32BJ, and workers at Half Price Books in Louisville have started a union drive. In Hardin County, there are plans for two Ford Motor Co. and SK Innovation plants to manufacture electric batteries, which are expected to create 5,000 jobs in the next few years—an investment totalling \$5.8 billion that is [expected to make Kentucky home to the largest electric battery manufacturing operation in the US](#).<sup>22</sup> Unionizing this emerging low-carbon workforce is a key site of struggle for the labor movement. Across state lines in West Virginia, the United Mine Workers Association (UMWA) secured an agreement with a California-based startup constructing an electric battery factory to [ensure dislocated miners are recruited and trained to be prioritized hires](#) for the factory's first production workers.<sup>23</sup>

Workers' struggle within the coal industry have also seen recent wins. One major highlight from the Inflation Reduction Act for Kentucky coal workers was the permanent funding of the Black Lung Fund. This is a service that has been fought for by the

Black Lung Associations and the RECLAIM coalition, a coalition co-convened by ACLC, Appalachian Voices, and BlueGreen Alliance with the participation of the United Mine Workers of America. Former coal miners who live with black lung are also represented by law firms including the Appalachian Citizens Law Center, which has fought to maintain the excise tax on coal companies used to fund the [black lung fund](#).<sup>24</sup>

At the federal level, there is a need for the vital protections of the [Protecting the Right to Organize \(PRO\) Act](#), a proposal to overhaul US labor laws which would ban Right to Work laws, significantly increase penalties against employers for illegal union-busting, and make it easier for workers to secure first collective bargaining agreements, among other significant legal changes.<sup>25</sup> At the federal level, one pathway could be to mobilize around the re-introduction of the Nationwide Right to Unionize Act, which would ban Right to Work laws—long shot in Congress right now and also less comprehensive than the [PRO Act](#).<sup>26</sup>

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**21.** Berry Craig “This Labor Day, Unions Are on the Rise Again across the US. Louisville Is No Different,” Louisville Courier Journal, September 2, 2022, <https://www.courier-journal.com/story/opinion/2022/09/02/labor-day-unions-are-on-the-rise-in-louisville-and-across-the-us/65461571007/>.

**22.** “Hardin County: Epicenter of the Electric Vehicle Revolution,” The Lane Report, July 5, 2022, <https://www.lanereport.com/157035/2022/07/hardin-county-epicenter-of-the-electric-vehicle-revolution/>.

**23.** John Raby, “Electric Battery Maker to Locate Factory in Northern WV,” AP NEWS, August 30, 2022, <https://apnews.com/article/technology-west-virginia-climate-and-environment-a8a5ae2cc374e8771664a95397ddc91>.

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**24.** Appalachian Citizens Law Center, “Permanent Extension of Funding for Black Lung Disability Trust Fund Secured as Inflation Reduction Act Passes Congress,” August 12, 2022, <https://aclc.org/2022/08/12/permanent-extension-of-funding-for-black-lung-disability-trust-fund-secured-as-inflation-reduction-act-passes-congress/>.

**25.** Celine McNicholas, Margaret Poydock, and Lynn Rhinehart, “Why workers need the Protecting the Right to Organize Act,” Economic Policy Institute, February 9, 2021, <https://www.epi.org/publication/why-workers-need-the-pro-act-fact-sheet/>.

**26.** U.S. Congress, Nationwide Right To Unionize Act, 117th Congress, S.4803, September 8, 2022, <https://www.congress.gov/bill/117th-congress/senate-bill/4803/text>.

## SUMMARY OF POLICIES

The following policies are sequenced from immediate interventions to long-term, transformative strategies.

**Glide path to retirement and/or job guarantees for coal and fossil fuel workers.** Labor and climate coalitions should align their work to push for the convening of an inter-agency task force to develop plans for a full transition off the coal and fossil fuel economies. In the short term, a mandate should be established for a consultation process with EJ organizations, tribes, and affected community groups alongside affected workers. A state fund for coal and fossil fuel workers assistance should be established. This may include a comprehensive set of policies that match workers' circumstances, including wage replacement, alternative and comparable employment, health insurance coverage, relocation support, childcare support, and pension and retirement contribution coverage. Labor and climate coalitions should push for Kentucky's constitutional protection of this fund over a multi-decade period to ensure political cycles do not undercut state support for affected workers. Furthermore, future climate legislation in Kentucky should be required to list the various classes of workers affected, and include their qualification for the fund as is relevant.

**Establish bridge funding for counties where public sector funding is affected, or has already been affected, by the withdrawal of fossil fuel tax revenue.** In Tonawanda, NY, a coalition between affected blue collar workers, teachers, and a climate coalition organized for two years to win a state-level transition fund to keep the town afloat through the shutdown of its fossil fuel industry. Once established, the coalition led hundreds of community members through a "[reversioning](#)" process to collectively determine spending priorities for the fund.<sup>27</sup>

**Wage standards should be tied to renewable energy development to ensure that the green jobs are tied to costs-of-living and economic security.** In New York state, this was accomplished through the enactment of legislation requiring prevailing

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27. J. Mijin Cha, Vivian Price, Dimitris Stevis, and Todd E. Vachon with Maria Brescia-Weiler, "Workers and Communities in Transition: Report of the Just Transition Listening Project," Labor Network for Sustainability, 2021, [https://labor4sustainability.org/files/JTLP\\_report2021.pdf](https://labor4sustainability.org/files/JTLP_report2021.pdf).

28. US Department of Labor, Davis-Bacon and Related Acts, <https://www.dol.gov/agencies/whd/government-contracts/construction>.

wage standards for renewable energy projects one megawatt and larger that involve the procurement of renewable energy credits from a public entity.

**Federally funded projects should prioritize the creation of jobs that hire workers from historically marginalized communities, including BIPOC workers, and those affected by the fossil-fuel industry's unjust transition, like coal communities.**

Projects should establish community workforce agreements, pre-apprenticeship programs, jointly-administered state-certified apprenticeship programs, and project labor agreements when possible for the construction and operation labor associated with all low-carbon energy projects, like solar, wind, grid storage, and transmission, and including land reclamation. The statewide ban on project labor agreements should be reversed, and the requirement of PLAs reinstated to ensure the provision of health insurance and pension contributions for all workers. If a sectoral project labor agreement is not possible due to the levels of funding, inclusive procurement policies should be established that ensure union coverage, prevailing wages (wage floors), skill standards, inclusive hiring mandates, and prioritized selection of bidders who have demonstrated compliance with health, safety, and labor laws.

**Fully fund the Department of Labor.** Build the state of Kentucky's ability to enforce labor law and standards by increasing Kentucky Department of Labor budget, establishing performance targets, and tracking metrics that are made publicly available online. Implement the use of standardized metrics to measure the impact of climate policies, including reclamation, on job growth, job quality, and job access. The Department of Labor should provide technical assistance to other state agencies that work to implement climate policy and [Davis-Bacon Wage](#) standards.<sup>28</sup>

**Establish use of the ABC test.** The ABC test is a three-factor set of legal criteria and conditions that clarify when a worker must be classified as an employee, not a contractor. Applying these criteria may help end the widespread misclassification of workers in green programs that makes it easier for employers to deny benefits and protections. Criteria include:

- A. The worker is free from direction control.
- B. Service is outside the usual course of business for the employer.
- C. The worker is usually engaged in an independently established "trade, occupation, profession, or business of the same nature as that involved in the service performed."

## SECTION 2: Toward A Coal Reclamation Economy

Before discussing the labor potentials of investments in reclamation, **let it be said that every mine land is firstly Indigenous land and land-based labor practices must be accountable to Indigenous leadership, knowledge, and sovereignty.**<sup>29</sup> First, reclamation should be grounded in historical land-based knowledge (often called traditional ecological knowledge) of the land of Kentucky, but the basis for this knowledge being shared and used must in turn be grounded in Indigenous consent and led by Indigenous leadership. Next, looking to the [Indigenous Land and Data Stewards Lab](#), there must also be Indigenous leadership in research, data collection, data maintenance, and application of research on these lands.<sup>30</sup> While there are no federally recognized tribes in Kentucky currently, the governance of reclamation programs should be constructed to investigate ownership of mine lands parcels and restoration to Indigenous communities.<sup>31</sup> The Land pillar of #WeChooseNow will explore further land-based policy in depth and richness.

According to data from the State of Kentucky, permitted surface coal mines cover over 2.1 million acres of the state.<sup>32</sup> Meanwhile, underground mines span more than 3.3 million acres of the subsurface.<sup>33</sup> Of the over 5 million acres of permitted mines, over 20% are in the Illinois Basin of Western Kentucky while nearly

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**29.** NOTE: When referencing “reclamation” in this report, we are referring to coal mine reclamation. While non-coal reclamation is very important work, we are focused exclusively on coal mine reclamation in this work.

**30.** Indigenous Land and Data Stewards Lab, “What We Do,” Accessed September 1, 2022, <https://www.indigenouslandstewards.org/what-we-do>.

**31.** Kentucky Arts Council, “Kentucky Native American Heritage Commission,” May 3, 2023, [http://artsCouncil.ky.gov/KAC/Showcasing/gov-awards-government-2022.htm#:~:text=There%20are%20no%20federally%20recognized,American%20Indian%20heritage%20and%20history](http://artsCouncil.ky.gov/KAC/Showcasing/gov-awards-government-2022.htm#:~:text=There%20are%20no%20federally%20recognized,American%20Indian%20heritage%20and%20history;); Kentuckians for the Commonwealth, “Indigenous Lands Acknowledgment,” <https://archive.kftc.org/indigenous-lands-acknowledgment>.

**32.** KYGovMaps, “Ky Permitted Mine Boundaries,” accessed September 1, 2022, <https://opengisdata.ky.gov/datasets/kygeonet:ky-permitted-mine-boundaries/about>.

**33.** KYGovMaps, “Ky Permitted Mine Boundaries,” accessed September 1, 2022, <https://opengisdata.ky.gov/datasets/kygeonet:ky-permitted-mine-boundaries/about>.

80% are in the Appalachian Basin of Eastern Kentucky.<sup>34</sup> The intensity of resource extraction for coal in Kentucky has transformed its rural landscape from the surface to the deep subsurface. **A great challenge, in an era of the declining coal industry and energy transition, is to transform these lands.** Across workforces, transitioning the Kentucky landscape to support good green labor can put many to work in their own communities, reclaiming land from fossil fuel extraction.

## WHAT IS RECLAMATION?

Reclamation of mine lands is often legally defined as removing immediate harms to people. However, [a broader view of reclamation](#) could also address environmental health standards and working toward a beneficial use of that same land.<sup>35</sup> **The process of reclamation can involve redressing environmental issues related to historical mining while also looking to the future of how mine lands can be transformed.** These uses might include development, the process of building new uses on the site, or restoration, the return of the site to its pre-mining ecological quality for wildlife habitat, water management, and carbon sequestration.

[Mines can leave behind](#) miles of streams that need to be dredged of silt and debris from spoil piles or banks of mine waste, polluting water for human consumption and agriculture.<sup>36</sup> Mines can leave behind unsafe

structures that can cause flooding or landslides such as dangerous highwalls, impoundments, piles and embankments. Mines may emit hazardous or explosive gasses and smoke from underground fires. Portals to the mines or vertical opening may not be sealed, and mines may collapse underground causing serious aboveground issues such a structural failure.<sup>37</sup>

The danger mines pose to these residents, and indeed all Kentucky residents, is imminent. In December 1981, in Ages, Harlan County, a coal slurry dam failed, sending 3 million cubic feet of toxic sludge downstream—[killing one and displacing others](#).<sup>38</sup> In 2000, 300 million gallons of a coal slurry lagoon, [25 times the volume of the Exxon Valdez oil spill](#), rushed through a mine and out two poorly-sealed openings into 100 miles of watershed below in Martin County.<sup>39</sup> The coal slurry [contained arsenic and mercury](#), killing everything in the water to the Ohio River.<sup>40</sup> In 2022, the faster, more voluminous waters of mine runoff played a part in exacerbating massive flooding across Eastern Kentucky.<sup>41</sup>

## PATHWAYS TO ENVIRONMENTAL REMEDIATION OF MINES

Section 407(b) of the Surface Mining Control and Reclamation Act (SMCRA) of 1977 gives the Secretary of Agriculture or the state of Kentucky the ability to conduct studies and exploratory work to determine both the existence of “adverse effects of past coal mining practices” and to determine the feasibility of

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34. KYGovMaps, “Ky Permitted Mine Boundaries,” accessed September 1, 2022, <https://opengisdata.ky.gov/datasets/kygeonet:ky-permitted-mine-boundaries/about>; West 1,111,283 (20.34%), East 4,349,770 (79.66%), Total: 5,461,053.

35. “Repairing the Damages: The costs of delaying reclamation at modern-era mines,” Appalachian Voices, accessed September 1, 2022, <https://appvoices.org/coal-impacts/repairing-the-damage/>.

36. Pennsylvania Department of Environmental Protection, “AML Hazards and Problem Types,” <https://www.dep.pa.gov/Business/Land/Mining/AbandonedMineReclamation/AMLProgramInformation/Pages/AMLHazards.aspx>.

37. See discussion of Priority 1 and 2 Abandoned Mine Lands problems here: PA Department of Environmental Protection, “AML Hazards and Problem Types,” Accessed Sept 1, 2022, <https://www.dep.pa.gov/Business/Land/Mining/AbandonedMineReclamation/AMLProgramInformation/Pages/AMLHazards.aspx>.

38. Patagonia Alliance, “Chronology of Major Tailings Dam Failures,” Accessed September 1, 2022, <http://www.patagoniaalliance.org/wp-content/uploads/2014/09/Chronology-of-major-tailings->

[dam-failures.pdf](#); “Around the Nation; Sludge Slide in Kentucky Kills Woman as 100 Flee,” New York Times, December 19, 1981, <https://www.nytimes.com/1981/12/19/us/around-the-nation-sludge-slide-in-kentucky-kills-woman-as-100-flee.html>.

39. Peter T. Kilborn, “A Torrent of Sludge Muddies a Town’s Future,” *New York Times*, December 25, 2000, <https://www.nytimes.com/2000/12/25/us/a-torrent-of-sludge-muddies-a-town-s-future.html>.

40. Rebecca Leung, “A Toxic Cover-Up?,” *CBS News*, April 1, 2004, <https://www.cbsnews.com/news/a-toxic-cover-up/>.

41. Rick Rojas, Christopher Flavelle, and Campbell Robertson, “How Coal Mining and Years of Neglect Left Kentucky Towns at the Mercy of Flooding,” *New York Times*, August 4, 2022, <https://www.nytimes.com/2022/08/04/us/kentucky-flooding-coal-industry.html>; Phil McCausland, “Abandoned mines and poor oversight worsened Kentucky flooding, attorneys say,” *NBC News*, August 6, 2022, <https://www.nbcnews.com/news/us-news/lack-regulation-abandoned-mines-worsened-kentucky-flooding-attorneys-s-rcna41716>.

reclamation work itself.<sup>42</sup> The EPA also recommends as part of their [Best Management Practices](#) (BMPs) that Mining Influenced Water (MIW) be closely studied to develop plans for remediation.<sup>43</sup> This work will require workers trained in surveying techniques, soil science, water quality research, remote sensing, laboratory techniques, and conservation to assess the state of unreclaimed former coal lands. Contracts with public universities and research institutions should be prioritized in the research and assessment work required for these projects.

## FINANCING OF MINE RECLAMATION

When coal companies shut down, it is not just former mine workers who are abandoned. Coal companies [repeatedly claim bankruptcy](#) in order to discharge environmental liabilities and pensions, then sell assets to often smaller operators, thus creating massive environmental risk in the areas of former operation.<sup>44</sup> Over the last decade or more, there has been a pattern established of coal companies going through Chapter 11 bankruptcies—reorganizing their assets instead of dissolving them.<sup>45</sup> This allows the companies to keep their good assets in the company and find ways to spin off the bad assets, or permits that have existing reclamation needs, aren't producing coal, or are not bonded well by putting them in shell companies. The Surface Mining Control and Reclamation Act (SMCRA) requires coal companies to reclaim lands, varies state-to-state due to a level of state autonomy over its implementation. While these companies should be reclaiming the

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**42.** Note: Surface Mining Control and Reclamation Act (SMCRA), the act that requires coal companies to reclaim lands, was not previously an obligation. Funds that were previously available were reliant on coal severance fees; as the coal industry declines, so does funding for reclamation programs. "SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977" Published December 9, 2021, 37-38, <https://www.govinfo.gov/content/pkg/COMPS-1574/pdf/COMPS-1574.pdf>.

**43.** US EPA, "Green Remediation Best Management Practices: Mining Sites," 2012, [https://clu-in.org/greenremediation/docs/GR\\_factsheet\\_miningsites.pdf](https://clu-in.org/greenremediation/docs/GR_factsheet_miningsites.pdf).

**44.** Ken Ward Jr., Alex Mierjeski, Scott Pham, "In the Game of Musical Mines, Environmental Damage Takes a Back Seat," *ProPublica*, April 26, 2023, <https://www.propublica.org/article/west-virginia-coal-blackjewel-bankruptcy-pollution>.

**45.** Jeremy Hill, "Allegiance Coal USA Files for Chapter 11 Bankruptcy in Delaware," *Bloomberg Law*, February 21, 2023, <https://news.bloomberglaw.com/bankruptcy-news/allegiance-coal-usa-files-for-chapter-11-bankruptcy-in-delaware/>.

land contemporaneously, full cost surety bonds are one form of bonds produced by an agreement with a surety agency and the state regulatory body that exist as a fallback. The long, steady decline of the coal industry has meant that pool bonding has not been sufficient to cover the cost of multiple companies declining at once in Kentucky. For more examples of potential agreements and strategies [please refer to Appalachian Voices Repairing the Damages](#).<sup>46</sup>

People deserve to stay safely in their homes and communities. They should not fear loss of life, loss of homes, or polluted waters because of the threats of mine lands—especially after generations of the labor of the same communities powered the rise of the coal industry. **It is not a matter of the cost of reclaiming mine lands, but the cost of leaving them dangerous—and the potential for every community to thrive—that should bring about new generations of restoration, care, and good green labor.** In the following sections, we survey potential funding sources and make the case for a bold, new state-based program to grow economic opportunities for reclaiming abandoned mine lands.

## Abandoned Mine Lands Economic Revitalization (AMLER)

Abandoned mine lands are defined as a [mine land that was abandoned and left unreclaimed](#) prior to the passage of SMCRA.<sup>47</sup> One outlet for funding for mine lands development in Kentucky exists in the form of the Abandoned Mine Lands

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[bloomberglaw.com/bankruptcy-law/allegiance-coal-usa-files-for-chapter-11-bankruptcy-in-delaware](https://www.bloomberglaw.com/bankruptcy-law/allegiance-coal-usa-files-for-chapter-11-bankruptcy-in-delaware/); Taylor Kuykendall, "2 US coal companies file for bankruptcy, plan asset sales," S&P Global, December 3, 2020, <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/2-us-coal-companies-file-for-bankruptcy-plan-asset-sales-61577735>; Daniel Moritz-Rabson, "Eleven Coal Companies Have Filed for Bankruptcy Since Trump Took Office," *Newsweek*, October 30, 2019, <https://www.newsweek.com/eight-coal-companies-have-filed-bankruptcy-since-trump-took-office-1468734>.

**46.** "Repairing the Damages: The costs of delaying reclamation at modern-era mines," *Appalachian Voices*, accessed September 1, 2022, <https://appvoices.org/coal-impacts/repairing-the-damage/>.

**47.** Pennsylvania Department of Environmental Protection, "AML Hazards and Problem Types," <https://www.dep.pa.gov/Business/Land/Mining/AbandonedMineReclamation/AMLProgramInformation/Pages/AMLHazards.aspx>.

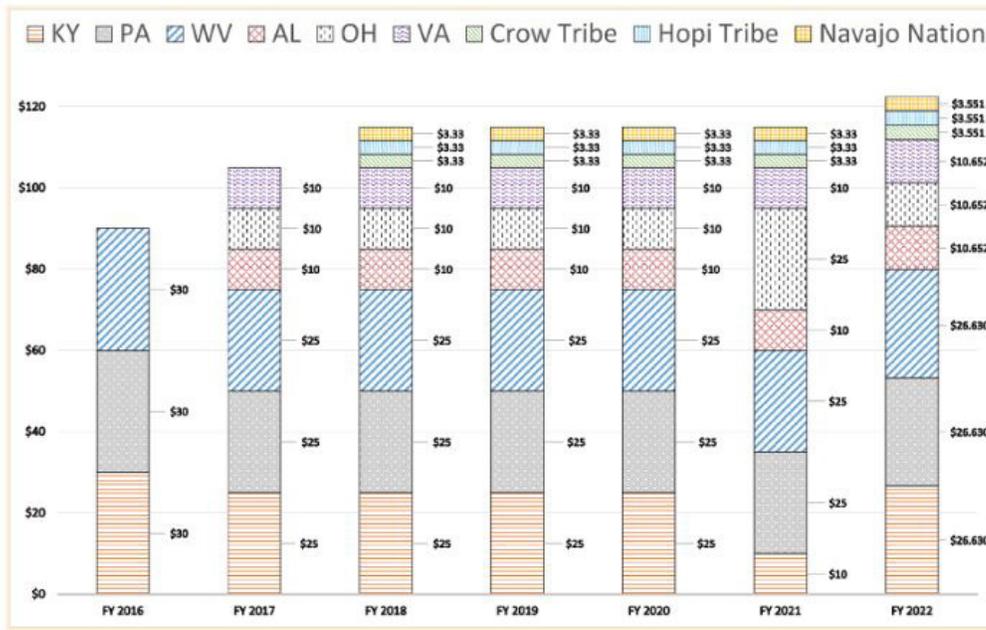


Figure 1: Appropriated AMLER Funding (Millions of Dollars). Source: U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement<sup>48</sup>

Economic Revitalization (AMLER) program started in December 2015 with \$30 million allocated in the first year and \$25 million allocated in subsequent years to six Appalachian states (Kentucky, Pennsylvania, West Virginia, Alabama, Ohio, and Virginia) and three tribes (Navajo Nation, Hopi Tribe, and Crow Tribe).<sup>49</sup> Kentucky received only \$10 million in 2021.<sup>50</sup>

The program allocates money to state agencies, tribes, and nonprofits with the highest amount of unfunded Priority 1 and 2 abandoned mine lands problems<sup>51</sup> based on data from the Department of Interior’s Office of Surface Mining Reclamation and Enforcement. In Kentucky, AMLER funds must

be allocated to a nonprofit, tribe, or government agency in an Appalachian County for projects in an abandoned mine land nexus. A nexus refers to the intersection reclamation of abandoned mines with community or economic development goals from historic mining prior to 1982.<sup>52</sup> Projects funded under AMLER include renovations to a children’s hospital as well as controversial construction of new buildings for prison workforce development in Elliot/Bell Counties.<sup>53</sup> The largest grant in the program was awarded to the Appalachian Wildlife Center in Bell County in 2016 for \$12.5 million dollars, which made empty promises to bring tourists and tourism jobs to eastern Kentucky.<sup>54</sup>

48. “Abandoned Mine Land Economic Revitalization (AMLER) Program,” Office of Surface Mining Reclamation and Enforcement, accessed September 1, 2022, <https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands/>.

49. “AMLER Program,” Team Kentucky, accessed September 1, 2022, [https://eec.ky.gov/Natural-Resources/Mining/Abandoned-Mine-Lands/Pages/AMLER\\_Program.aspx](https://eec.ky.gov/Natural-Resources/Mining/Abandoned-Mine-Lands/Pages/AMLER_Program.aspx).

50. “Abandoned Mine Land Economic Revitalization (AMLER) Program,” Office of Surface Mining Reclamation and Enforcement, <https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands/>.

51. See discussion of Priority 1 and 2 Abandoned Mine Lands problems here: PA Department of Environmental Protection, “AML Hazards and Problem Types,” Accessed September 1, 2022, <https://www.dep.pa.gov/Business/Land/Mining/>.

[AbandonedMineReclamation/AMLProgramInformation/Pages/AMLEHazards.aspx](https://www.osmre.gov/programs/AMLProgramInformation/Pages/AMLEHazards.aspx).

52. US Department of the Interior Office of Surface Mining Reclamation and Enforcement, “Abandoned Mine Land Inventory System,” <https://www.osmre.gov/programs/e-amlis>.

53. “Pilot Project Dashboard,” accessed Sept 1, 2022, <https://kygis.maps.arcgis.com/apps/dashboards/1003aa4989274a389c59ee0e4bd66d9a>.

54. “Pilot Project Dashboard,” accessed September 1, 2022, <https://kygis.maps.arcgis.com/apps/dashboards/1003aa4989274a389c59ee0e4bd66d9a>; R.G. Dunlop, “The Elk, the Tourists and the Missing Coal Country Job,” ProPublica, October 22, 2020, <https://www.propublica.org/article/the-elk-the-tourists-and-the-missing-coal-country-jobs>.

## Recent Developments in Federal Funding

The Infrastructure Investment and Jobs Act (IIJA) produces \$11.3 billion in Abandoned Mines Lands funding over 15 years to states and Tribes to clean up legacy pollution of mining. This funding is [separate](#) from Abandoned Mine Lands funding in AMLER.<sup>55</sup> This funding must also fit within the Justice40 framework including programs for mines in the Forest Service, the Office of Clean Energy Demonstrations (OCED), the Bureau of Land Management, and the Office of Surface Mining Reclamation and Enforcement. OCED will implement and manage mine lands demonstration projects, including for clean energy demonstration projects on abandoned mine lands, which may not be suitable for other forms of development. Abandoned Mine Lands funding in the Bipartisan Infrastructure Law must incorporate public review and comment, must minimize the amount of methane emissions of the site, and must prioritize coal industry workers. Kentucky is estimated to receive about \$1.15 billion of this pool, based on historical production percentages.

The 2022 Inflation Reduction Act (IRA) includes \$5 billion to improve forest management and health on publicly- and privately-owned forests. The IRA also allocates \$700 million to several agencies to improve staff capacity, including the National Parks Service, the U.S. Forest Service, and the Bureau of Land Management. This funding for staff capacity and forests could support forested restoration projects on abandoned mine lands – and ensure the successful implementation of these funds.<sup>56</sup>

It also includes full and permanent funding of the excise tax on coal companies that funds the [Black Lung Disability Trust Fund](#) for coal miners, providing much needed program stability for a crucial program that provides monthly payments and pays for medical treatments for miners disabled by Black Lung.<sup>57</sup> It also helps support surviving dependents of coal miners

who died from Black Lung. Since 2018, the revenue source for the Fund was not secure and fluctuated year to year, creating uncertainty for beneficiaries. Furthermore, while coal companies are required to provide disability benefits to workers with Black Lung, many have abandoned these responsibilities by filing bankruptcy and shedding black lung liability onto the Trust Fund. Next steps should include the enactment of a silica dust standard enacted to limit exposure in coal mines and prevent this occupational disease.

Unrelated to land or reclamation, the IRA also provides tax credits to [incentivize](#) the switch to electric vehicles and smaller tax credits for purchasing used electric vehicles.<sup>58</sup> These credits [will help](#) solidify the market for EVs, boosting the battery plants in Hardin County, which will supply assembly plants with the energy they need for Ford and Lincoln electric vehicles and are expected to create 5,000 jobs in Kentucky over the next few years.<sup>59</sup> The legislation also targets investment to “disadvantaged communities” and rural areas through Environmental and Climate Justice Block Grants to address legacy pollutants, which may encompass the needs of some Kentucky communities.

All of these funding sources lack the ambition of a reclamation economy—but they are a good start. **Existing funding may not cover all the work that needs to be done, but there is a huge opportunity to demonstrate what restoration that centers workers and benefits frontline communities could do for the state.** AMLER, which is defined as being for Appalachia and tribes, does not include Western Kentucky mine lands because the region is not defined as Appalachia— though Western Kentucky does include pre-SMCRA, pre-1982 abandoned mine lands. The IIJA starts to adequately fund reclamation of the mine lands of Kentucky, but even a \$1.15 billion investment could fall short of the full picture as many abandoned mine lands have not yet been inventoried. Meanwhile, the IRA accounts

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55. US Department of the Interior, “Biden-Harris Administration Releases Final Guidance on Bipartisan Infrastructure Law Abandoned Mine Land Grant Program,” July 21, 2022, <https://www.doi.gov/pressreleases/biden-harris-administration-releases-final-guidance-bipartisan-infrastructure-law>.

56. US Department of Agriculture, “Inflation Reduction Act,” <https://www.usda.gov/ira>.

57. US Department of Labor Office of Workers’ Compensation Programs, “Black Lung Program: Fact Sheet ESA 91-14,” <https://www.dol.gov/agencies/owcp/dcmwc/regs/compliance/91-14>.

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58. Internal Revenue Service, “Credits for New Clean Vehicles Purchased in 2023 or After,” April 17, 2023, <https://www.irs.gov/credits-deductions/credits-for-new-clean-vehicles-purchased-in-2023-or-after>.

59. Jacquelyn Powell, “Work forges ahead as scheduled on Kentucky EV battery plants,” Associated Press, December 5, 2022, <https://spectrumnews1.com/ky/louisville/news/2022/12/05/kentucky-ford-ev-battery-plants-on-schedule>.

for the needs of coal workers and their families, while adding staff capacity to forestry projects, but could do more for mine lands development and restoration beyond forestry. The IJA provides a substantial opportunity to begin the transformation of Kentucky mine lands and demonstrate what a reclamation economy that prioritizes benefits to local workers and communities could look like.

## TOWARD A KENTUCKY CIVILIAN CLIMATE CORPS

The idea of a Civilian Climate Corps (CCC) is not new, but [began](#) with the Civilian Conservation Corps created by President Franklin D. Roosevelt in 1933, when the Great Depression and Dust Bowl era deepened class inequalities and threw employment markets into turmoil, forcing young workers across the country into long periods of unemployment or under-employment.<sup>60</sup> In response, the federal government established direct employment programs like the Civilian Conservation Corps to offer well paid, purposeful work to conserve natural resources in the US. Eventually, the nationwide program employed about 300,000 people annually to construct trails across the country's park system, manage soils, plant trees, and perform other necessary environmental labor. In its 9 years of existence, the original Civilian Conservation Corps transformed nearly 120 million acres of land. Simply, [CCC's are vital for economic and labor opportunities in the state.](#)<sup>61</sup>

**Considering existing program limitations, we propose a Kentucky-based Civilian Climate Corps (CCC) to directly employ Kentucky residents, beginning with the project of reclaiming mine lands and extending into future restoration, green infrastructure development, school retrofitting, and more.** A CCC surpasses AMLER, IJA, and IRA, in that it will directly employ people in mining communities to do the work needed to clean up their own homes, neighborhoods, and nearby lands. A CCC could also embark on other types of work across Kentucky such as developing parks that manage stormwater or green school retrofits—detailed at the end of this section.

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60. Joseph Speakman, "Into the Woods: The First Year of the Civilian Conservation Corps," *National Archives*, January 27, 2023, <https://www.archives.gov/publications/prologue/2006/fall/ccc.html>.

61. Ted Boettner, "A Big Civilian Climate Corps is Vital for Economy and Appalachia," *Ohio River Valley Institute*, September 15, 2021, <https://ohiorivervalleyinstitute.org/a-big-civilian-climate-corps-is-vital-for-economy-and-appalachia/>.

## BUILDING A MINE RECLAMATION WORKFORCE

Rehabilitating, restoring, and developing mines will require a massive movement in the workforce. Before this mobilization of people across fields and disciplines, people must be trained to enter the reclamation economy. From high schools to union apprenticeships, from community and technical colleges to undergraduate and graduate education, pathways must be created for former coal workers, young people, and people pursuing new careers to become proficient in relevant fields. This step will focus on developing capacity at the high school level, in unions, and in higher education to train Kentuckians for the green economy. It will involve the mobilization of workers across sectors. It will also require a new suite of scholarships, grants, and fellowships to heavily subsidize GED programs, technical and higher education, and union apprenticeships, with prioritization for former coal workers and residents of counties with high percentages of coal work. These programs should also prioritize Kentucky residents left out of coal work and land reclamation, including women residents, Black residents, and Indigenous communities.

[An extensive year-long listening project](#) with labor unions by more than a dozen groups including the Ohio River Valley Institute, Appalachian Voices, and the Appalachian Citizens Law Project provides guidance for steps to ensure the funds flow to communities and lands that have been hit hardest.<sup>62</sup> Two key goals were identified: 1) ensuring that "quality mine reclamation occurs where it's needed most to eliminate hazards and restore the environment," or ensuring money flows to regions with high abandoned mine land liability, and 2) examining how the funds "how these new funds can be best leveraged to help support communities in economic transition." For more details on recommendations on federal mine clean up, please [visit Ohio River Valley's reports.](#)<sup>63</sup>

To this end, a state-level CCC program must ensure community benefit. Existing CCC programs may

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62. "With Federal Infrastructure \$\$ On the Way, Advocates Release Recommendations For Most Effective Abandoned Mine Lands Investment," February 2, 2022, RECLAIM Act, <https://reclaimact.com/aml-recommendations-1-22>.

63. Eric Dixon, "How to Clean Up the Most Damage with New Federal Investments in Abandoned Mines," *Ohio River Valley Institute*, February 7, 2022, <https://ohiorivervalleyinstitute.org/iija-aml-osmre-recommendations/>.

provide young people with the ability to contribute to climate solutions, but fail to pay them living wages or provide stable on-ramps to future work. By providing workers with living wages, benefits, ideally on-ramp into career type positions, a CCC can contribute to regeneration of land and communities. In Kentucky, a potentially powerful first step towards a CCC would be to begin polling work or focus groups with potential workers to better understand the needs and interests of participants and communities.

A Kentucky CCC must be connected to concrete possibilities and existing funds to ensure the work begins. To this end, it should be housed within or across departments or agencies that can ensure steady funding. [Historically](#), CCC-type programs have been housed within Departments of Labor or the park service.<sup>64</sup> Other potential homes for the program could include the public works agency, or within a municipal-level works program that trains people to enter the public workforce. While similar state-level work programs are based on low-wage or free labor through temporary positions, a Kentucky CCC must ensure the four criteria for a good job outlined in the first section: 1) sustainability for people and the environment, 2) place-based, 3) local hiring, and 4) stability. Recommendations that a Kentucky CCC should feature include:

**Work within an environmental justice framework.**

Collaboration and invitations to Indigenous communities should be offered to lead traditional ecological knowledge-informed projects on their own terms and with on-going consent. A title research department for returning Indigenous land should be established. All work should be held to [high-road standards](#) including wages above a living wage and recruitment from all age groups.<sup>65</sup>

**Leverage existing funding.** Funding from AMLER, the IRA, and the Infrastructure Investment and Jobs Act can be leveraged to provide direct work opportunities

in reclaiming abandoned mine lands.<sup>66</sup> AMLER funds can be allocated to the state agencies. A CCC could directly apply for this funding to carry out projects on mine lands. The IRA includes funding for restoration projects on mine lands that involve forestry.

**Develop training opportunities.** Environmental justice organizations and labor coalitions should work together to require the development of programs for emerging green job skill needs within Kentucky's existing free community college ["Work Ready"](#) program and unions. Alongside the provision of green training programs, educators should be supported through new training programs and paid for time-spent in preparation for new work.<sup>67</sup>

**Include all workers.** All state programs should provide members with substantial benefits that allow them to thrive in their jobs and beyond. The CCC should provide life-sustaining benefits to [all Corps members](#), including healthcare, childcare, housing support, and financial aid.<sup>68</sup>

## WHAT ELSE COULD A KENTUCKY CCC ACCOMPLISH?

Reclaiming these mines will be a monumental and intergenerational task– and a necessary one. But, the coal mines lands of Kentucky– while spanning millions of acres of the state– are finite. Eventually the intergenerational project of reclaiming mine lands will come to an end and only stewardship will remain. Good green work does not stop there. With generations of new workers trained for a restoration economy that teaches them new trades and careers in the context of regeneration, restoration, and multi-generational stewardship, there will be many qualified people to face the other challenges of a green transformation in their communities. Below we focus on one example of how a CCC could continue to empower people and create conditions for safety in their own communities across Kentucky.

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**64.** Congressional Research Service, "Federal Conservation Corps Programs: Options for Congress in Response to COVID-19," September 3, 2020, <https://crsreports.congress.gov/product/pdf/R/46513>.

**65.** Sara Nelson, Patrick Bigger, Micah Elias, and Andrew Schuldt, "High Roads to Resilience," 2022, Climate and Community Project, <http://www.climateandcommunity.org/highroads-to-resilience>.

**66.** Eric Dixon, "Coal Mine Cleanup in the Bipartisan Infrastructure Law, Explained," Ohio River Valley Institute, February 7, 2022, <https://ohiorivervalleyinstitute.org/iija-aml-explainer/>.

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**67.** General Assembly of the Commonwealth of Kentucky, "AN ACT relating to postsecondary financial aid and making an appropriation therefore," 16 Reg. Sess., 2016, HB626, <https://apps.legislature.ky.gov/record/16RS/hb626/bill.pdf>.

**68.** Trevor Dolan, Becca Ellison, Bracken Hnedricks, and Sam Ricketts, "Building the Civilian Climate Corps: How New Deal Ambition Can Mobilize Workers for America's Clean Economy," Evergreen Action, April 2021, <https://collaborative.evergreenaction.com/policy-hub/building-civilian-climate-corps>.

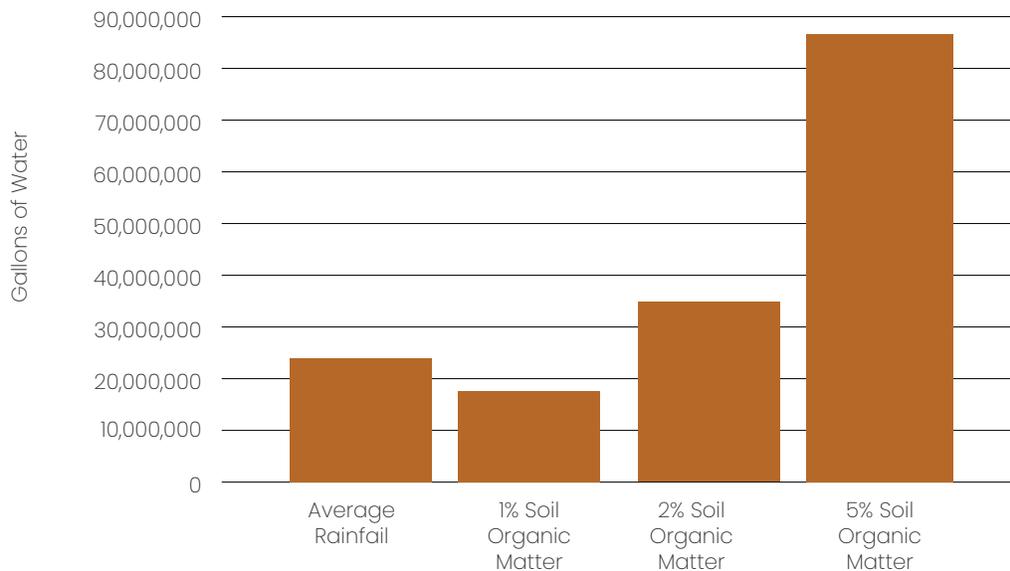


Figure 2. Comparing Average Louisville Rainfall to Stormwater Holding Potential of Green Space over 1 Year

## MAPLE STREET PARK CASE STUDY

On August 4, 2009, five inches of rain fell over a period of less than two hours and caused severe flooding in Louisville, resulting in nearly 200 people requiring emergency rescue from the tops of cars and roofs of houses.<sup>69</sup> Low lying areas, areas with combined sewer overflows (CSO), and areas with impervious surfaces were severely affected. The costly and devastating effect of this flood prompted the purchase and removal of [more than 120 flood prone properties](#) by the Louisville Metropolitan Sewer District (MSD) to create a deed restricted green space that would aid in mitigating future flooding.<sup>70</sup> A total of \$9.75 million dollars from the Federal Emergency Management Agency and Louisville Metro Sewer District (MSD) were used to invest in [18 acres of green space](#) and relocate residents in the California neighborhood of Louisville.<sup>71</sup> Louisville MSD handed over management of the green space to local non-profit Parks Alliance of Louisville, which began work with residents in 2022 to turn those 18 acres of green space into a park that is reflective of the community that surrounds [Maple Street](#).<sup>72</sup>

<sup>69</sup>. National Weather Service, “Flash Flood of August 4, 2009,” [https://www.weather.gov/lmk/august\\_4\\_2009\\_flash\\_flood](https://www.weather.gov/lmk/august_4_2009_flash_flood).

<sup>70</sup>. WDRB, “MSD claims buyouts ‘on track’ for flood-prone homes,” June 5, 2013, [https://www.wdrb.com/news/msd-claims-buyouts-on-track-for-flood-prone-homes/article\\_c259ed12-9lec-5d85-bc7b-e83beaf8f6fd.html](https://www.wdrb.com/news/msd-claims-buyouts-on-track-for-flood-prone-homes/article_c259ed12-9lec-5d85-bc7b-e83beaf8f6fd.html).

<sup>71</sup>. Louisville Metropolitan Sewer District, “Maple Street Land Use Planning Project,” accessed April 25th, 2023, <https://louisvillemsd.org/MapleStreet>.

Green spaces are one way residents and organizations in Kentucky are adopting an adaptation and mitigation mindset when it comes to climate change. During a one-inch rainstorm, the Maple Street green space would receive a total of 488,772 gallons of water on its 18 acres. That is 488,772 gallons of water that is kept out of combined sewer overflows and mitigating potential public health crises. If measured over the course of one year, the rain that would fall on the green space would amount to 23,627,238.48 gallons of water over the course of a year with the [average precipitation](#) rate being 48.34” over the course of a year.<sup>73</sup> Also, for every 1% increase in organic matter in the soil around 20,000 to 25,000 more gallons of water can be stored in 1 acre, and for every tree planted 10 to 150 gallons of water are absorbed daily. Figure 2 shows us that 1 percent organic matter is insufficient to deal with downpours in Louisville. If organic matter is increased to 5 percent, the green space can nearly hold up to four times the amount of rainwater, creating a much needed buffer for increasingly frequent storms and flooding.

<sup>72</sup>. Parks Alliance of Louisville, “Alberta O. Jones Park,” accessed April 25th, 2023, <https://www.parksalliancelou.org/albertajonespark>.

<sup>73</sup>. Equation from USGS to determine how much rain falls in a rain storm over one acre. Equation was utilized for an area of 18 acres, factoring in the average precipitation rate in Louisville, Kentucky. Water and Science School, “Rain and Precipitation,” United States Geological Survey, July 6, 2019, <https://www.usgs.gov/special-topics/water-science-school/science/rain-and-precipitation>.

The climate crisis will drive less predictable and more extreme weather events like the 2009 floods in Louisville and the 2022 floods in Eastern Kentucky, but historical power determines disparate impacts.

Opportunities for caring for land do not stop at mine lands– they are in every community across the state in the form of parks, greenways, vacant lots, floodplains, and forests. A Kentucky CCC could work across the state to plan, redevelop, and restore green spaces like Maple Street Park to cultivate tree cover, soil organic matter, and rainwater retention. Construction workers, unionized trades, forestry professionals, ecologists, planners, landscape architecture, architects, landscape managers, and stewardship professionals– all trained in the reclamation economy– could directly translate their work on mine lands to other sites across Kentucky.



## SUMMARY OF POLICIES

Kentucky communities deserve safe and healthy places to live, work, and play after the departure of coal, and they deserve meaningful opportunities for engagement and economic stability in building these communities—this is the reclamation economy. The reclamation economy should also be based in environmental justice—in undoing the [sacrifice zones](#) of fossil fuel extraction.<sup>74</sup> Below is a story of 7 steps in reclaiming mine lands that map out potentials for different kinds of labor in a reclamation economy.

### 1. Ensure Equitable Investment At All Steps

All steps to reclaiming mine lands should prioritize environmental justice. Training, planning, building, and stewardship should prioritize projects that benefit communities of color, Indigenous communities, and poor communities. At least 50% of all investment in the reclamation economy must be funneled into advancing the economic and social stability of environmental justice communities, including former coal communities, with at least 50% of workers recruited from these communities and regions.<sup>75</sup> This investment could be directed by the expansion of empowerment zone legislation, or tax incentives to locate businesses in, and hire residents of, economically disadvantaged areas. There must be no age limit for participation in any part of the reclamation economy. All jobs must pay more than a living wage: currently, [at least \\$15.50 in Kentucky](#).<sup>76</sup> Indigenous communities must be given consent and leadership over how their knowledge is used throughout the reclamation process.

**Foreground Indigenous Leadership.** Ask for Indigenous consent and leadership in implementing land-based labor practices.

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**74.** Sacrifice zones are described as “communities or hotspots of chemical pollution where residents live immediately adjacent to heavily polluted industries or military bases.” S. Lerner, *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States* (MIT Press, 2010) <https://direct.mit.edu/books/book/3300/Sacrifice-ZonesThe-Front-Lines-of-Toxic-Chemical>.

**75.** In 2019, President Biden made a commitment to Justice40 that means that 40% of benefits of specific federal investments – including energy efficiency, clean energy, clean water infrastructure, and training and workforce development – are directed to disadvantaged communities. Still, recent investments like the Inflation Reduction Act show explicit investment in environmental justice communities to be only about 16%. To rectify

**Begin focus groups with potential CCC workers to better understand the needs and interests of participants and communities.**

**Address the Wealth Gap.** Establish pro-worker solutions for racial wealth inequalities like pre-apprenticeship programs and community workforce agreements. Furthermore, public funding for green construction programs could offer direct public leverage to create diversity and local hire community workforce agreements, as well as stable employment opportunities that allow unions to expand to cover previously excluded communities while maintaining employment for existing workers.

**Pay a Living Wage.** Pay no less than \$18/hr, and increase with cost of living adjustments. For the past five years, bills to raise the minimum wage have been introduced to the Kentucky Senate. In 2022, [Senate Bill 13](#) aimed to raise the minimum wage for Kentucky to \$15 for “large employers” and only \$12 for “small employers” by 2026.<sup>77</sup> At \$15/hour, a minimum wage worker in Kentucky would pay about \$31,000/year. Climate and labor groups can find common ground in a pressure campaign of legislators across the Commonwealth to establish a minimum wage increase that will match increased costs of living and pay a living wage to workers.

**Welcome an All-Ages Workforce.** Set no age limits on CCC employment.

### 2. Train the Growing Reclamation Workforce

Rehabilitating, restoring, and developing mines will require a massive movement in the workforce.

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this, we include a standard of at least 50% to ensure follow through on these goals. Patrick Bigger, Johanna Bozuwa, Mijin Cha, Daniel Aldana Cohen, Billy Fleming, Yonah Freemark, Batul Hassan, Thea Riofrancos, “Inflation Reduction Act: The Good, The Bad, The Ugly,” Climate and Community Project, August 2, 2022, <https://www.climateandcommunity.org/inflation-reduction-act>.

**76.** Living Wage Calculator, “Living Wage Calculation for Kentucky,” Accessed September 1, 2022, <https://livingwage.mit.edu/states/21>.

**77.** “Senate Bill 13,” KY General Assembly, January 4, 2022, accessed September 1, 2022, <https://apps.legislature.ky.gov/record/22RS/sb13.html>.

Before this mobilization of people across fields and disciplines, people must be trained to enter the reclamation economy. From high schools to union apprenticeships, from community and technical colleges to undergraduate and graduate education, pathways must be created for former coal workers, young people, and people pursuing new careers to become proficient in new fields. This step will focus on developing capacity at the high school level, in unions, and in higher education to train Kentuckians for the green economy. Building on existing programs like “Work Ready,” and campaigning for programs that build new skills and qualifications must also include the development of trainings for teachers, professors, educational administration and staff, and educational facility workers.<sup>78</sup> It will also require a new suite of scholarships, grants, and fellowships to heavily subsidize GED programs, technical and higher education, and union apprenticeships.

**Diversifying Mine Lands Work:** Job training for restoration and reclamation work should cast a wide net to ensure historically underrepresented communities in and near coal communities benefit from these investments, with the goal of helping to reduce rural depopulation.

**Creating New Educational Opportunities:** Create new programs and expand existing programs for pre-apprenticeships, apprenticeships, and technical and vocational schools. Establish workforce guidelines for pre-apprenticeship programs and credential graduates to fast-track their entry to apprenticeship programs. Learners should be supported through the free community college program “Work Ready” should be expanded to include green jobs training in addition to its existing programs.

### 3. Prepare a Safe Surface and Subsurface

First, former coal land must be brought to the standard of applicable air and water quality laws and regulations as well as any health and safety standards. Section 409(a) Surface Mining Control

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**78.** General Assembly of the Commonwealth of Kentucky, “AN ACT relating to postsecondary financial aid and making an appropriation therefore,” 16 Reg. Sess., 2016, HB626, <https://apps.legislature.ky.gov/record/16RS/hb626/bill.pdf>.

**79.** Sarah Nelson, Patrick Bigger, Micah Elias, and Andrew Schuldt, “High Roads to Resilience,” 2022, Climate and Community Project, <https://www.climateandcommunity.org/high-roads-to-resilience>.

and Reclamation Act of 1977 also names voids, open and abandoned tunnels, shafts and entrances to be public safety hazards. Before any steps toward the future uses in the reclamation process, the land must be made safe for workers, wildlife, and the community. This work to restore the safety and well-being of the land must also protect all workers involved. It will require trained construction professionals, and should prioritize former coal mine workers who know the hazards of mines more than any other profession and are protected by high-road health and safety standards and benefits. Any reclamation or restoration project must include state funding and human resources for essential skills and safety training to all workers involved, including know-your-rights training, certified on-job training, and paid apprenticeship programs that lead into career paths.<sup>79</sup>

**Include All of Kentucky.** All parts of the state—including Appalachian counties, western Kentucky counties in the Illinois Basin, and western Kentucky generally, which is more racially diverse, should benefit from investment in jobs programs.

### 4. Conduct Studies and Exploratory Work

Section 407(b) of the Surface Mining Control and Reclamation Act (SMCRA) of 1977 gives the Secretary of Agriculture or the state of Kentucky the ability to conduct studies and exploratory work to determine both the existence of “adverse effects of past coal mining practices” and to determine the feasibility of reclamation work itself.<sup>80</sup>

**Expand the Nexus of Project Areas.** Expand the AML nexus to include a 1 mile radius from a mine site and a 10 mile linear distance downstream of a mine site.

### 5. Initiate Participatory Planning

SMCRA also outlines the responsibility of landowners, owners of water right, residents, or tenants, to provide plans for the conservation and development of proposed land uses and the associated conservation

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**80.** “SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977” Published December 9, 2021, 37–38, <https://www.govinfo.gov/content/pkg/COMPS-1574/pdf/COMPS-1574.pdf>.

treatment, “measures for the conservation and development of soil, water..., woodland, wildlife, and recreation resources, and agricultural productivity of such lands.” This level of planning will require among other careers: planning professionals, professional facilitators and community organizers, conservation workers, community stakeholders, former worker stakeholders, engineers, architects, and landscape architects. Planning must make time and space to prioritize engagement and provide periods of public comment for Kentucky residents, Black, Indigenous, and people of color communities, and former workers to find solutions that work for the whole community.

## 6. Build or Restore

Each site in the over 2 million surface acres has the opportunity to become an asset for the local community, as opposed to a site of extraction, toxicity, and harm. Development on these sites should be based on the plans crafted with community stakeholders, professionals, and former workers. Developing or further restoring over 2 million acres of land and preparing it for future community-determined projects will require many construction workers, engineers, architects, landscape architects, ecologists, forest and conservation workers, and certified foresters.

## 7. Ensure Ongoing Stewardship

Good green work does not end at the development of the plan. Sites, especially sites with on-going remediation or water and soil treatments should be continuously monitored to ensure the health and safety of the community are protected. Monitoring and study also help develop best practices for other parcels of former coal land as the reclamation economy continues to transform other former coal sites. Building shiny new things is not the only goal of a green transformation—maintenance of these developed or restored sites will provide sustained

jobs for years to come in stewarding places for the benefit of the next generations. **From building jobs in education to train a growing workforce, to giving people access to jobs in land-based work, to stewarding reclaimed parcels into the future, the reclamation economy has opportunities for growth in care work, land-based ecological work, and long term data and land stewardship.**

**Supporting Educator Development:** In Kentucky school districts, years of disinvestment have reversed equity gains and stymied the state’s ability to close demographic achievement gaps. Currently, even the most well-funded districts in Kentucky lag the national average for chances for [student success](#),<sup>82</sup> [school finances](#),<sup>83</sup> and oK-12 achievement, and many are far below it. Meanwhile, District Facilities Plans show that facilities needs have [increased](#) from \$4.9 billion in 2010 to \$8.4 billion in 2020, even without including potential investment in sustainability and decarbonization.<sup>84</sup> Since 2008, the number of teachers in Kentucky schools has dropped while the number of students have [increased](#). Teacher-student ratios increased 65% in districts between 2008 and 2017, and many Kentucky school districts report fewer support staff and aides.<sup>85</sup> Research suggests that higher salaries and greater resources in classrooms and schools are vital to teacher retention and improving student educational outcomes. Kentucky currently ranks 42nd in the nation for educator starting pay, coupled with cuts to Kentucky’s public pension system which have resulted in lower health and pension benefits for incoming teachers. Teacher education programs show significant decreases in the number of students entering their programs, with the number of program completers in Kentucky dropping by 37% between 2008 and 2018. The lack of trained teachers has compounded with growing

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81. “SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977” Published December 9, 2021, 35, <https://www.govinfo.gov/content/pkg/COMPS-1574/pdf/COMPS-1574.pdf>; “U.S.C. Title 30 - MINERAL LANDS and MINING,” Www.govinfo.gov, Accessed October 7, 2022, <https://www.govinfo.gov/content/pkg/USCODE-2020-title30/html/USCODE-2020-title30-chap25-subchapIV-sec1236.htm>.

82. “Kentucky receives below average grade in national ranking of schools,” WLKY, September 4, 2019, <https://www.wlky.com/article/kentucky-receives-below-average-grade-in-national-ranking-of-schools/28915035>.

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83. Matt Barnum, “New Map: School Funding Inequality, Often Measured By State, Is Far Worse Nationally Than You Think,” The 74, May 22, 20216, <https://www.the74million.org/article/new-map-school-funding-inequality-often-measured-by-state-is-far-worse-nationally-than-you-think/>.

84. “Facility Planning,” KY Department of Education, August 2, 2022, <https://education.ky.gov/districts/fac/Pages/Facility-Planning.aspx>.

85. Pam Thomas, “Quality and Equity of P-12 Education Will Continue to Decline with Funding in HB 200,” KYPolicy, April 11, 2018, <https://kypolicy.org/quality-equity-p-12-education-will-continue-decline-funding-hb-200/>.

numbers of teachers leaving the profession. The 2022 Impact Kentucky Working Conditions survey, taken by 38,000 educators across the state, showed that 75% of respondents said they were, to some degree, concerned with the emotional well-being of their colleagues as a result of their work, while [64% said](#) they were concerned about their own emotional well-being as a result of their work.<sup>86</sup> [Meanwhile](#), the first Kentucky bill to fund charter schools has advanced in the state legislature and has renewed debate over public school funding and educational priorities.<sup>87</sup>

Every student in Kentucky deserves to learn in a healthy, safe, and supportive environment. Teachers and school staff deserve equally high-standard working conditions. Yet, K-12 public schools in Kentucky are underfunded, understaffed, and generally under-resourced. Often sited in old or toxic buildings, the system is ready for [a Green New Deal for K-12 Public Schools](#) that would harness federal investments and the power of organized labor, community groups, parents, and students to not only bring working and learning conditions up to standard but make the public education system a healthy and vibrant place for communities, particularly for the students and workers it serves.<sup>88</sup>

Public school buildings are in nearly every community across Kentucky, and already serve as resilience centers—places made safe places of shelter to weather future disasters. After the July 2022 flooding in Eastern Kentucky, Gov. Beshear and lawmakers announced \$212.7 million in relief funding to the region, including \$40 million earmarked for the recovery of school buildings and students.<sup>89</sup> Schools that are prepared to provide clean air, water, and energy during disasters—as well as provide protection against other hazards, like extreme weather—can act as community centers through crises.

A CCC could also put people to work across the state retrofitting and building new K-12 public schools to the highest standard of decarbonized development. Unionized building trades and contractors could take part in retrofitting schools to the highest standard. Landscape architects, landscape contractors, and maintenance professionals could design, build, and care for green schoolyards—places where students could learn outside and even grow their own food. Unionized trades could install and maintain solar roofs, making more learning opportunities for students.

Schools are centers of communities and also potential sites of coalition building between unions. Beyond CCC workers, retrofitting schools to become safe, healthy places to work and learn—and emergency hubs to shelter during crises—can build coalitions between education workers including social workers, school nurses, and workers in a range of workforces. Through this framework, goals could include building a pipeline to green jobs from K-12 public schools to community and four-year schools and union training programs to build a Kentucky-based workforce for the green transition by offering CTE credits and partnering with unions.

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**86.** Panorama Education, “2022 Impact Kentucky Working Conditions Survey,” 2022, <https://secure.panoramaed.com/impactky/understand/8122905/summary>.

**87.** Alexa Helwig, “Charter school funding bill clears Kentucky House, heads to Senate,” Local 12, March 23, 2022, <https://local12.com/news/crisis-in-the-classroom/charter-school-funding-bill-clears-kentucky-house-heads-to-senate>.

**88.** Akira Drake Rodriguez, Daniel Aldana Cohen, Erika Kitzmiller, Kira McDonald, David I. Backer, Neilay Shah, Ian Gavigan, Xan

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Lillehei, A. L. McCullough, Al-Jalil Gault, Emma Glasser, Nick Graetz, Rachel Mulbry, and Billy Fleming. Transforming Public Education: A Green New Deal for K-12 Public Schools. Philadelphia: Climate and Community Project, 2021, <https://www.climateandcommunity.org/gnd-for-k-12-public-schools>.

**89.** Office of the Governor, “Gov. Beshear Joins Lawmakers to Sign \$212 Million Relief Package to Help Flood-Damaged Eastern Kentucky Rebuild Over Next 6 Months,” Kentucky.gov, <https://www.kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prld=1466>.

# CONCLUSION



Despite the anti-union status quo in Kentucky, which has forced its workers and communities to bear the brunt of environmental and economic devastation of the continued decline of the coal industry, the state's strong labor history and emerging coalitions show that the state could be the building grounds for innovating programs for reclamation and restoration— from former coal lands to schoolyards— and hold the line for labor standards once again. This is a struggle that reaches across workforces. The goal is not to restore the past, but to build a new path forward for environmental justice and high-road labor in communities that have been hit the hardest by extractive economies and environmental destruction. Furthermore, this policy playbook for labor is not limited to Kentucky. Across the Gulf to Appalachia, there is a need for transformative projects that are driven by workers and center the creation of high-road jobs in a green economy.

In Pennsylvania, for example, more than 40 underground mines are actively mining coal, in addition to at least 5,000 abandoned underground mines statewide. The state faces similar issues as Kentucky with legacy pollution damaging both land and water resources. The IJA includes more than \$3 billion in funds to clean up these sites, and strategies to prioritize community benefit can be shared across state lines. On a state level, the success of housing investment like [the Whole Homes Repairs Act in Pennsylvania](#)— which represents a victory for organizers and policy advocates in 2022— could possibly be replicated in other states like Kentucky that face similar issues with blight.<sup>90</sup> [It is a comprehensive home repair bill](#) that will develop a state investment fund to financially support home upgrades, including pre-electrification, that was broadly popular across political parties because of its anti-bligh measures.<sup>91</sup> It provides \$50,000 per home in flexible funds to maintain health and safety and complete necessary home repairs. The #WeChooseNow Economy pillar report goes into more detail about policy pathways at the home-energy nexus.

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**90.** Pennsylvania Department of Community and Economic Development, "COVID-19 ARPA Whole-Home Repairs Program," <https://dced.pa.gov/programs/covid-19-arpa-whole-home-repairs-program/>.

**91.** Anika Dandekar, Sabrina Jacobs, Pennsylvania Voters Across Parties Support Public Investments for Housing Repairs, Data for Progress, May 24, 2022, <https://www.dataforprogress.org/blog/2022/5/23/pa-voters-support-public-investments-for-housing-repairs>.

Kentuckians lived through flooding-related disaster declarations at a [higher rate](#) than any other state between 2000 and 2022– a vulnerability that will increase as the climate crisis drives up risk.<sup>91</sup> As in Louisiana, which is also on the frontlines of climate-related disasters, the opportunities provided by the declaration of a climate emergency at the federal level would allow access to expanded mitigation funds in anticipation of future disasters, and critical reforms to the Federal Emergency Management Agency to ensure communities are made whole after disasters. The #WeChooseNow Democracy pillar provides a playbook for abolition and climate justice– an agenda that is increasingly relevant in Kentucky, where the carceral industry has been the first major industry to monopolize abandoned mine sites, dotting the landscape with federal prisons.

Throughout the country, unjust transitions of toxic sites to carceral infrastructure are touted as a false solution for rural communities. Blocking extractive industries built on top of extractive industries requires new coalitions between abolitionists and climate justice workers. The coalitions necessary to stop mass incarceration and fight for environmental justice are linked across states, where prison abolitionists are finding common cause with climate activists to stop the environmental and community destruction brought by the prison industrial complex. Lessons from eastern Kentucky activist groups that stopped construction of a federal prison in Letcher County could be shared in states like Louisiana, where communities are resisting the construction of new fossil fuel infrastructure.

Achieving the expansive, transformative change that is required to prevent climate collapse relies on a mass mobilization across workforces to create not just green jobs, but good green jobs. This includes labor on building and maintaining green energy infrastructure and, as outlined in this report, reclamation of land that has been destroyed by extractive interests. But it also includes work in the care economy– from nurses, to teaching, child care, and home care. Union workers across sectors can fight together for the extension of labor protections, standards, and safety– and to create a sustainable economy where every green job is also a union job.

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**92.** Connor Giffin, “4 charts show how Kentucky’s natural disasters are becoming more common,” *Courier Journal*, September 12, 2022, <https://www.courier-journal.com/story/news/local/2022/09/12/look-at-how-kentuckys-natural-disasters-are-becoming-more-frequent/65464783007/>.

## FURTHER RESOURCES

**Ohio River Valley Institute.** The Ohio River Valley Institute has extensive reports and analysis on the impacts of fossil extraction in the Ohio River Valley, which includes much of Kentucky's impacted communities.

**Reimagine Appalachia.** Reimagine Appalachia is a broad base of individuals and organizations across communities and labor to advance solutions and a vision of labor and climate justice. Reimagine Appalachia offers many reports on mine reclamation and strategies for advancing labor and workforce strategies in the region.

**The “Just Transition Listening Project”:** was developed by the Labor Network for Sustainability that centers people who have been affected by economic transitions to create recommendations to make communities and workers whole. The report uses the framing of “Go Big, Go Wide, Go Far” to summarize recommendations for decision makers. [https://www.labor4sustainability.org/files/JTLP\\_report2021.pdf](https://www.labor4sustainability.org/files/JTLP_report2021.pdf)

**High Road Training Partnerships:** This is a short explainer from the California Workforce Development Board (CWDB), which invested in eight High Road Training Partnerships (HRTIP) to model a systemic approach to industry-led workforce development that can address critical issues of equity, job quality, worker voice, industry efficiency and environmental sustainability. [https://cwdb.ca.gov/wp-content/uploads/sites/43/2020/01/HRTIP-Essential-Elements\\_ACCESSIBLE.pdf](https://cwdb.ca.gov/wp-content/uploads/sites/43/2020/01/HRTIP-Essential-Elements_ACCESSIBLE.pdf)

**Distributed Solar Good Jobs:** Specific to developing good jobs within distributed solar projects, this article from the UC Berkeley Labor Center provides recommendations that go beyond this policy playbook. <https://laborcenter.berkeley.edu/creating-opportunities-for-good-jobs-in-distributed-solar/>