



OHIO MINE SUBSIDENCE INSURANCE UNDERWRITING ASSOCIATION

ANNUAL REPORT

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This report is submitted by the board members of the Ohio Mine Subsidence Insurance Underwriting Association, Mary Mertz, Director of Natural Resources, Chairperson; Robert Sprague, Treasurer of State; and Sabrina Wang, insurance industry representative from an Ohio domiciled carrier, Nationwide Insurance.

ABANDONED UNDERGROUND MINES

How they impact Ohioans

In the United States, approximately 100,000 underground mines are known to exist, of which 90% are inactive or abandoned. Approximately one-fourth of the total surface area overlying these mines has been affected by subsidence. An estimated 99% of the subsided land overlies underground voids created by coal mining, while the remaining 1% is attributed to the underground extraction of metallic and nonmetallic minerals.

For more than a century and a half, underground mining, mainly for coal, has been an active industry in Ohio. During this period, over 7,000 underground coal and other mineral mines have been abandoned (see Exhibit 1). These mines range in size from small "doghole" mines utilized by individuals for home heating to huge operations extending for several square miles.

Several generations of mining have left us with both a tradition of mining and a legacy of abandoned mines. Now, with an expanding population and its demand on space, the problems involved with abandoned underground mines are being fully realized. One such problem is that of mine subsidence loss and/or damage caused by the collapse or the lateral or vertical movement of structures resulting from the caving in of underground mines.

Geologic and mining factors that directly affect the extent of subsidence include the following: the mining method; the vertical and lateral dimension of the mine cavity; the depth of the mine void below ground surface; overburden characteristics; size, distribution and nature of support pillars; surface topography; location of ground water; and the method and quantity of backfilling used, if any. Prediction of when and where mine subsidence occurs is in its infancy state of development and research.

Two types of subsidence occur in Ohio. The first type, referred to as room and pillar subsidence occurs when the mine roof (substrata rock) collapses into a void created by the removal of coal. Shaft collapse, the second

type of subsidence, takes place when an air or coal haulage shaft, which has been inadequately sealed, collapses. Shaft collapse can occur suddenly and is considered the most hazardous type of subsidence.

MINE SUBSIDENCE INSURANCE

Background

The Mine Subsidence Insurance Program in Ohio has undergone various changes since its inception. This section of the annual report will indicate the evolution of the program since its inception in 1987.

The Ohio Legislature enacted Ohio Revised Code sections 3929.50 to 3929.53 and 3929.55 to 3929.61 in January of 1985. This Act authorized the establishment of the Mine Subsidence Insurance Governing Board, the Mine Subsidence Insurance Fund (MSIF), and the Ohio Mine Subsidence Insurance Underwriting Association (OMSIUA).

The Governing Board originally consisted of the Director of Natural Resources or designee as chairperson, the Treasurer of State or designee, and one representative from an Ohio domiciled insurance company. The MSIF is administered by the Governing Board and the Treasurer of State is the custodian of the Fund. The MSIF was initially funded with state and federal government appropriations. The premium for mine subsidence insurance coverage was initially established at a level intended to cover all foreseeable claims, normal operating expenses, a reserve for unexpected contingencies, and to provide for repayment of all government funds.

The Governing Board has entered into a contract with the Ohio FAIR Plan Underwriting Association (OFPUA) for administrative duties since the inception of the program. The contract provides for OFPUA to perform administrative and claim services for the OMSIUA. OFPUA personnel are trained to handle necessary administrative duties and mine subsidence insurance claims.

Insurance companies who write basic property or multi-peril policies on a direct basis for 1-4 family dwellings in the 37 eligible counties are required to become members of the OMSIUA and offer the mine subsidence coverage to all eligible applicants. Companies can be exempted from active participation if approved by the Department of Insurance.

In April of 1992, the Ohio Legislature recognized that the program was not sufficiently populated to provide necessary funds for claims and operating expenses, for appropriate reserves, and for repayment of State and Federal monies. The Ohio Revised Code was amended to provide:

1. The addition of the Superintendent of Insurance or designee to the Mine Subsidence Insurance Governing Board.
2. The designation of 26 Ohio counties as counties in which mine subsidence coverage is automatically added to dwelling fire, homeowners, or commercial fire policies for which dwelling/non-commercial/personal lines rates are applicable. The premium for the coverage, since 7/1/99, is \$1.00 for these 26 "mandatory" counties.
3. The designation of additional Ohio counties as "optional" counties. Owners of eligible properties in these counties must be offered the mine subsidence coverage and decide whether or not to buy the coverage. The premium for these insureds, since 7/1/99, is \$5.00.

This legislative change has provided sufficient revenue for claims and operating expense payments, appropriate reserves, and repayment of government funds.

In December 2004, the Ohio General Assembly passed House Bill 425, legislation initiated by the Ohio Department of Insurance and the Ohio Department of Natural Resources. This legislation was signed by the Governor in early 2005 and provided for changes to the Mine Subsidence Insurance Program in Ohio.

This legislation allowed the Mine Subsidence Insurance Governing Board to review and make changes to the coverage amounts, limits, and structure types. In addition, the legislation provided the Governing Board the flexibility to increase coverage up to a maximum limit of \$300,000. Proposed changes were addressed in 2005

via amendments to Ohio Administrative Rule 3901-1-48 and ultimately to the mine subsidence insurance coverage form effective January 1, 2006.

The mine subsidence insurance coverage form changes for 2006 included:

1. Increasing the maximum limit on the dwelling structure to \$100,000 from \$50,000. This increased limit was applicable unless the dwelling coverage amount provided on the insurance policy to which the mine subsidence insurance coverage form attached was less than \$100,000.
2. Loss adjustment was expanded to a replacement cost basis from an actual cash value basis provided repairs caused by Mine Subsidence were made.
3. An additional coverage amount of up to 10% of the mine subsidence coverage limit of liability for the insured dwelling was provided for detached private garages.
4. An additional coverage amount of up to 10% of the mine subsidence coverage limit of liability for the insured structure was provided for driveways and sidewalks damaged by the same subsidence occurrence that damaged the dwelling structure.
5. An additional coverage amount of up to \$5,000 for additional living expense and/or fair rental value if the insured structure was not fit to live in due to a mine subsidence occurrence.

On July 1, 2009, the Mine Subsidence Insurance Governing Board voted to increase the maximum limit of liability for mine subsidence insurance coverage to \$300,000, which is the maximum allowable under the current Ohio Revised Code.

Effective December 19, 2016, the Superintendent of Insurance seat on the Ohio Mine Subsidence Insurance Governing Board was eliminated; therefore, reducing the Board to three members.

Effective October 3, 2023, Ohio Revised Code section 3929.56 was revised to allow the county board of commissioners in an optional mine subsidence county to adopt a resolution to effectively move their county to mandatory. The county commissioners can subsequently adopt a resolution to rescind the mandatory requirement and move back to optional. Any adopted resolution may become effective on or before the date specified in the resolution or the first day of July of the first year that begins after the resolution was adopted, whichever is later.

Program Funding

The Controlling Board approved an appropriation of \$200,000 as an initial reserve for the Fund on January 17, 1986. This initial reserve was to be used to pay subsidence claims resulting from active coal mining, from salt or industrial mineral extraction, and from post-August 3, 1977 abandoned coal mines. Repayment of these funds was completed in 1997.

What is Mine Subsidence Insurance?

Mine subsidence insurance provides coverage for loss caused by the collapse or lateral or vertical movement of structures resulting from the caving in of underground mines, including underground coal mines, clay mines, limestone mines and salt mines. It does not include loss caused by earthquake, landslide, volcanic eruption, or collapse of strip mines, any surface mines, or storm and sewer drains, or rapid transit tunnels.

For structures to be eligible for mine subsidence insurance, the following eligibility requirements must be met:

1. The primary structure must be an occupied 1-4 family dwelling and at least 50% of the total living area must be occupied. Seasonal properties are considered eligible for coverage as are properties under construction (if the property will become a 1-4 family occupied dwelling structure when completed).
2. The dwelling structure may have incidental occupancy if the occupancy does not cause the structure to be rated under commercial rating plans and if the structure qualifies for a homeowners, a farm owners, a dwelling fire, or other personal lines policy.
3. The dwelling structure must be located in one of the designated "mandatory" or "optional" counties.

4. The dwelling and detached private garages must be covered by a valid homeowners, farm owners, dwelling fire, or other personal lines insurance contract.

Additionally, coverage will be denied if a material misrepresentation of facts or circumstances concerning mine subsidence is made and/or if there is any increase in hazard within the control or knowledge of the insured.

What counties are insurable under the program?

Thirty-seven (37) Ohio counties are eligible for mine subsidence coverage under the mine subsidence program. Twenty-six (26) of these counties are mandatorily provided the coverage with their homeowners, farm owners, dwelling fire, or other personal lines insurance policies by attachment of the Mine Subsidence Insurance Coverage form. These 26 counties are: Athens, Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Scioto, Stark, Trumbull, Tuscarawas, Vinton, and Washington counties.

The optional counties are Delaware, Erie, Geauga, Lake, Licking, Medina, Ottawa, Portage, Preble, Summit, and Wayne counties. Insurance companies must offer coverage in these counties and property owners may purchase the mine subsidence coverage if they choose.

Whether in a "mandatory" or an "optional" county, the mine subsidence insurance coverage cannot be purchased separately. The insurance company providing the coverage will process the coverage attachment, collect the premium, and process any claims notices for OMSIUA. All responsibility for claims rests with OMSIUA and not with any individual member company.

The dwelling coverage provided is equal to that of the dwelling only or \$300,000.00, whichever is less. Additional limited coverage for driveways, sidewalks, private garages, and additional living expense/fair rental value may be applicable as provided in the Mine Subsidence Insurance Coverage form. The maximum limit of liability under the policy is \$300,000. A minimum deductible of \$250.00 and a maximum of \$500.00 will apply per occurrence. Coverage does not extend to industrial/commercial buildings, barns, land, trees, crops, plants, or contents/personal property.

OUTREACH PROGRAM

Since 1997, the Ohio FAIR Plan, with the approval of the Mine Subsidence Insurance Governing Board, has partnered with the Ohio Department of Natural Resources (ODNR) Division of Mineral Resource Management's (MRM) Abandoned Mine Land Program (AML) to undertake an outreach program that addresses the hazards of constructing residential housing above abandoned underground mines in the counties where mine subsidence coverage is available.

In 2002, ODNR expanded the outreach initiative by creating the AML Development Guide *Ask Before You Build* that included information and illustrations of the hazards associated with abandoned mine land and referenced the Ohio FAIR Plan as a resource for information on past subsidence complaints. In 2004, a companion video was developed, and they were both updated in 2011. The guide and video were used in a comprehensive outreach effort to local officials in the coal bearing counties of Ohio. From 2002 through 2011, copies of the guide were mailed biennially to legislators, township trustees, county commissioners, county engineers, county auditors, local health districts, and regional planning commissions. DMRM also partnered with the ODNR Division of Soil & Water Resources as well as the Soil and Water Conservation Districts (SWCD) to assist with distribution guide to the public at the county level. The guide and companion video can be found on the ODNR website by searching "ODNR Ask Before You Build Guide" in your web browser.

In 2004, the outreach effort was enhanced once again when the Ohio FAIR Plan and ODNR collaborated to develop a web based abandoned mine locator to assist the public and local officials in identifying the location of abandoned underground mines before development begins. The mine locator is an interactive website that shows the location of abandoned underground mines in relationship to any address or point of interest. The mine locator is free to everyone and can be found on the ODNR website by searching "ODNR Mines of Ohio Viewer" in your web browser.

In 2019, the Mine Subsidence Governing Board approved funding for a media campaign to reach out to homeowners who live in targeted optional counties in northern Ohio. The campaign was developed to raise awareness of the availability of Mine Subsidence Insurance and encourages homeowners to contact their insurance agent for more information. The outreach campaign, which started in the spring of 2020, included radio spots, online and print newspaper articles, digital ads, and billboard ads.

In 2022, the media campaign continued to target homeowners and new home buyers in optional counties. The marketing campaign plan was enhanced to include additional billboards, social media outlets and search engine optimization. Ideas continue to be researched and developed to expand the outreach through other outlets and to additional counties.

In 2023, the marketing plan continued the new approach by geo targeting zip codes to strategically market to homeowners in four optional counties. The marketing campaign also expanded to insurance agents in six optional counties by mailing them a postcard with info on mine subsidence insurance. The campaign results supported a correlation to website traffic during the timeframe of the campaign. The campaign also saw over 4.8 million impressions from social media, as well as, billboard display ads on the internet. This resulted in over 22,000 clicks to the website.

CLAIM HANDLING

Mine Subsidence is different from any other catastrophe that damages structures. A fire to a building is usually extinguished in minutes and repairs can be started shortly after settlement with the insurance company. A mine subsidence event causes ground movement and this process can last for several weeks, months, or years. Because of the ongoing movement, structures damaged by subsidence cannot be repaired until this movement ceases.

Reporting of a Claim

Property owners, who have mine subsidence coverage and suspect that their structure has been damaged by mine subsidence, are to notify their insurance agent or company as soon as possible. The agent or company will then send written notification to the OMSIUA informing them of the date of loss, the date that the mine subsidence coverage was effective for the property owner, and the location suffering the loss. OMSIUA will assign an adjuster to perform the initial investigation.

Investigation of Cause

The adjuster's initial inspection consists of an interview of the property owner and examination of damage. Typical suspected subsidence damage might be:

- Cracks in basement walls, floor, and foundation.
- Separation of porches, patios, and chimneys from the main structure.
- Doors and windows that are "jammed" shut.
- Cracks in the exterior walls.
- Tilting of the structure.

OMSIUA's adjusters work in close cooperation with the Ohio Department of Natural Resources to investigate a suspected mine subsidence claim. State mine maps, maintained by the Division of Geological Survey, are carefully reviewed to determine if the property in question is undermined. The Division of Mineral Resource Management - Abandoned Mine Lands Program - is consulted to secure any additional mining information. Unfortunately, in many cases, there are no mining company records that indicate prior mining activity.

If the structure is in an area of Ohio known for its coal resources and if subsidence is suspected as a possible cause of loss by the adjuster, OMSIUA will utilize the services of trained geologists and engineers to further aid the investigation. These experts are familiar with the "finger print" of subsidence damage and have extensive knowledge of Ohio's geology.

Stabilization of the Abandoned Mine

If the investigators believe there is an emergency situation with respect to the structure being damaged by ongoing mine subsidence, the Ohio Department of Natural Resources, Division of Mineral Resource Management (DMRM), is informed so that their office can take the appropriate action. The DMRM administers the Abandoned Mine Lands (AML) Program, which includes the stabilization of mine subsidence areas. The AML Program also oversees the Emergency Program, which allows for the immediate response to a subsidence event that poses a direct threat to the safety of the public. The subsidence can be halted in some cases through the "grouting" of underground mine voids. Grouting is the injection of concrete into specific areas of the abandoned underground mine to halt the subsidence.

Temporary Repairs to the Structure

OMSIUA will make temporary repairs to damaged structures if warranted. In some cases, it is necessary for extensive shoring procedures to be performed so that the building will not collapse. Extensive shoring efforts to protect the structure from collapse can cost several thousands of dollars.

Surveying

In certain cases of suspected mine subsidence, OMSIUA monitors the ground movement by surveying the structure. This technique involves establishing a survey line with monitoring points on the structure and the surrounding neighborhood. Initial benchmark measurements are taken with additional measurements occurring at intervals ranging from two to six months.

This investigation technique serves two purposes. First, if there is consistent and significant downward movement of the structure, it is probable that a subsidence event is ongoing. Secondly, when that downward movement has stopped for an acceptable period of time, permanent repairs can be made to the structure.

Claims Payments

OMSIUA makes partial payments of claims to enable the property owner to have adequate funds for temporary repairs.

All claims are settled on a replacement cost basis, if repairs caused by a Mine Subsidence event are made. Dwelling coverage is limited to the amount of insurance being provided on the dwelling structure, or \$300,000.00, whichever is less.

Ohio Mine Subsidence Insurance Claims

In 2023, 37 claims were reported while in 2022, 50 claims were reported. In 2023, 31 claims were closed with payments of \$608,433.28 in paid losses and adjustment expenses. Reserves totaled \$177,827.11 at the end of 2023. In 2022, 60 claims were closed with payments of \$663,607.13 in paid losses and adjustment expenses. Reserves totaled \$280,588.14 at the end of 2022. Exhibit 2 details the 2023 claims activity by county.

FINANCIAL STATEMENTS AND STATISTICAL INFORMATION

**OHIO MINE SUBSIDENCE INSURANCE FUND STATEMENT OF RECEIPTS,
DISBURSEMENTS, AND FUND BALANCE ACTUAL FOR 2022 AND 2023**

<i>Fund Balance (12/31/21)</i>	\$	12,803,146.24
2022 Income (Premiums et al)		1,087,883.78
2022 Disbursements		<u>1,059,609.67</u>
<i>Fund Balance (12/31/22)</i>	\$	12,831,420.35
2023 Income (Premiums et al)		1,351,359.55
2023 Disbursements		<u>1,077,629.67</u>
<i>Fund Balance (12/31/23)</i>	\$	13,105,150.23

Exhibit 1
NUMBER OF ABANDONED AND ACTIVE MINES

COUNTY	Abandoned Mines 2023*	Active Mines 2023**
ADAMS	0	1
ALLEN	1	0
ATHENS	275	1
BELMONT	476	6
BUTLER	1	0
CARROLL	166	1
CLERMONT	0	1
COLUMBIANA	425	0
COSHOCTON	259	0
CUYAHOGA	1	1
DELAWARE	1	0
ERIE	1	0
FRANKLIN	0	0
GALLIA	156	0
GEAUGA	7	0
GUERNSEY	158	0
HAMILTON	1	0
HARRISON	131	5
HOCKING	141	0
HOLMES	99	0
JACKSON	412	0
JEFFERSON	432	2
LAKE	1	1
LAWRENCE	342	0
LICKING	3	0
LUCAS	1	0
MAHONING	176	3
MEDINA	36	0
MEIGS	181	1
MONROE	70	0
MORGAN	115	0
MUSKINGUM	418	2
NOBLE	205	0
OTTAWA	5	0
PERRY	371	2
PIKE	14	0
PORTAGE	15	0
PREBLE	1	0
SCIOTO	74	0
STARK	390	0
SUMMIT	72	0
TRUMBULL	94	0
TUSCARAWAS	494	5
VINTON	243	0
WASHINGTON	83	0
WAYNE	94	0
TOTALS	6,641	32

* This data was totaled from known and unknown mine extents available in Mineral Resource Managements Abandoned Underground Mines SDE layer, which are also available in the ODNR Abandoned Underground Mines interactive map application. The data for those sources comes from multiple sources including paper and myler map scans. This data should not be assumed to be a comprehensive list of all mines in Ohio, as some remain unknown or undocumented. It is the most complete dataset of known mines available to date.
 **Active underground mines include all permitted coal and industrial mineral mines

Exhibit 2

OMSIUA CLAIM ACTIVITY - 2023

COUNTY	REPORTED CLAIMS	CLOSED CLAIMS	OPEN CLAIMS	RESERVES	CLAIM PAYMENTS	LOSS ADJ. EXPENSE
ATHENS	1	1	0	0	0	\$19,613.65
BELMONT	10	10	3	\$20,000.00	0	\$41,778.39
CARROLL	0	0	0	0	0	0
COLUMBIANA	1	1	0	0	0	\$79.20
COSHOCTON	0	0	0	0	0	0
DELAWARE	0	0	0	0	0	0
ERIE	0	0	0	0	0	0
GALLIA	0	0	0	0	0	0
GEAUGA	0	0	0	0	0	0
GUERNSEY	0	0	0	0	0	0
HARRISON	0	0	0	0	0	0
HOCKING	0	0	0	0	0	0
HOLMES	1	1	0	0	0	\$1,870.30
JACKSON	3	2	7	\$73,228.55	\$325,173.17	\$31,363.35
JEFFERSON	2	0	2	0	0	\$6,775.82
LAKE	0	0	0	0	0	0
LAWRENCE	1	0	1	0	0	\$1,307.20
LICKING	0	0	0	0	0	0
MAHONING	1	0	1	0	0	0
MEDINA	1	0	1	0	0	0
MEIGS	1	1	0	0	0	\$834.55
MONROE	0	0	0	0	0	0
MORGAN	0	0	0	0	0	0
MUSKINGUM	0	0	0	0	0	0
NOBLE	0	0	0	0	0	0
OTTAWA	0	0	0	0	0	0
PERRY	1	1	0	0	0	\$3,245.80
PORTAGE	0	0	0	0	0	0
PREBLE	0	0	0	0	0	0
SCIOTO	1	1	0	0	0	\$74.80
STARK	7	7	3	\$47,885.00	\$94,115.00	\$9,411.68
SUMMIT	2	2	2	\$8,212.36	\$12,556.00	\$3,141.34
TRUMBULL	2	2	0	0	0	\$7,238.30
TUSCARAWAS	2	2	2	\$28,501.20	0	\$49,854.73
VINTON	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0
WAYNE	0	0	0	0	0	0
TOTALS	37	31	22	\$177,827.11	\$431,844.17	\$176,589.11

Exhibit 3

OMSUA POLICIES AND PREMIUM WRITTEN - 2023

COUNTY	POLICIES 2022	POLICIES 2023	PREMIUM 2022	PREMIUM 2023
ATHENS	16,151	16,025	\$16,150.71	\$16,025.11
BELMONT	22,411	22,360	\$22,410.57	\$22,360.44
CARROLL	10,525	10,627	\$10,525.43	\$10,626.55
COLUMBIANA	34,254	34,576	\$34,253.58	\$34,576.22
COSHOCTON	11,963	12,077	\$11,962.94	\$12,076.87
DELAWARE	10,262	11,148	\$35,917.26	\$39,018.58
ERIE	2,257	2,468	\$7,898.75	\$8,637.68
GALLIA	9,033	9,124	\$9,033.20	\$9,123.66
GEAUGA	3,724	3,946	\$13,034.76	\$13,811.33
GUERNSEY	13,856	14,010	\$13,855.59	\$14,009.97
HARRISON	5,712	5,713	\$5,712.40	\$5,712.95
HOCKING	10,438	10,723	\$10,437.57	\$10,722.94
HOLMES	8,041	8,031	\$8,041.13	\$8,030.87
JACKSON	9,808	9,889	\$9,807.66	\$9,889.31
JEFFERSON	21,632	21,720	\$21,631.50	\$21,719.52
LAKE	7,564	8,540	\$26,473.57	\$29,888.77
LAWRENCE	18,308	18,301	\$18,307.91	\$18,301.45
LICKING	5,876	6,883	\$20,565.33	\$24,089.86
MAHONING	80,108	64,292	\$80,107.50	\$64,291.89
MEDINA	11,821	12,423	\$41,375.10	\$43,482.06
MEIGS	6,912	6,935	\$6,911.81	\$6,935.38
MONROE	5,632	5,694	\$5,632.42	\$5,694.49
MORGAN	5,195	4,869	\$5,194.66	\$4,868.91
MUSKINGUM	28,658	28,168	\$28,657.73	\$28,168.46
NOBLE	4,520	4,531	\$4,520.15	\$4,530.71
OTTAWA	3,922	4,336	\$13,727.57	\$15,177.51
PERRY	12,125	11,661	\$12,124.83	\$11,660.79
PORTAGE	6,529	7,420	\$22,851.45	\$25,971.02
PREBLE	1,432	1,544	\$5,011.31	\$5,403.14
SCIOTO	20,672	20,449	\$20,672.10	\$20,449.16
STARK	125,205	127,159	\$125,204.82	\$127,158.51
SUMMIT	26,060	28,119	\$91,209.42	\$98,416.03
TRUMBULL	66,419	66,998	\$66,418.54	\$66,998.07
TUSCARAWAS	31,559	31,609	\$31,559.23	\$31,608.88
VINTON	3,929	3,929	\$3,928.91	\$3,928.54
WASHINGTON	21,844	21,604	\$21,843.69	\$21,603.88
WAYNE	7,275	7,557	\$25,461.31	\$26,448.13
TOTALS	691,632	685,458	\$908,432.41	\$921,417.64