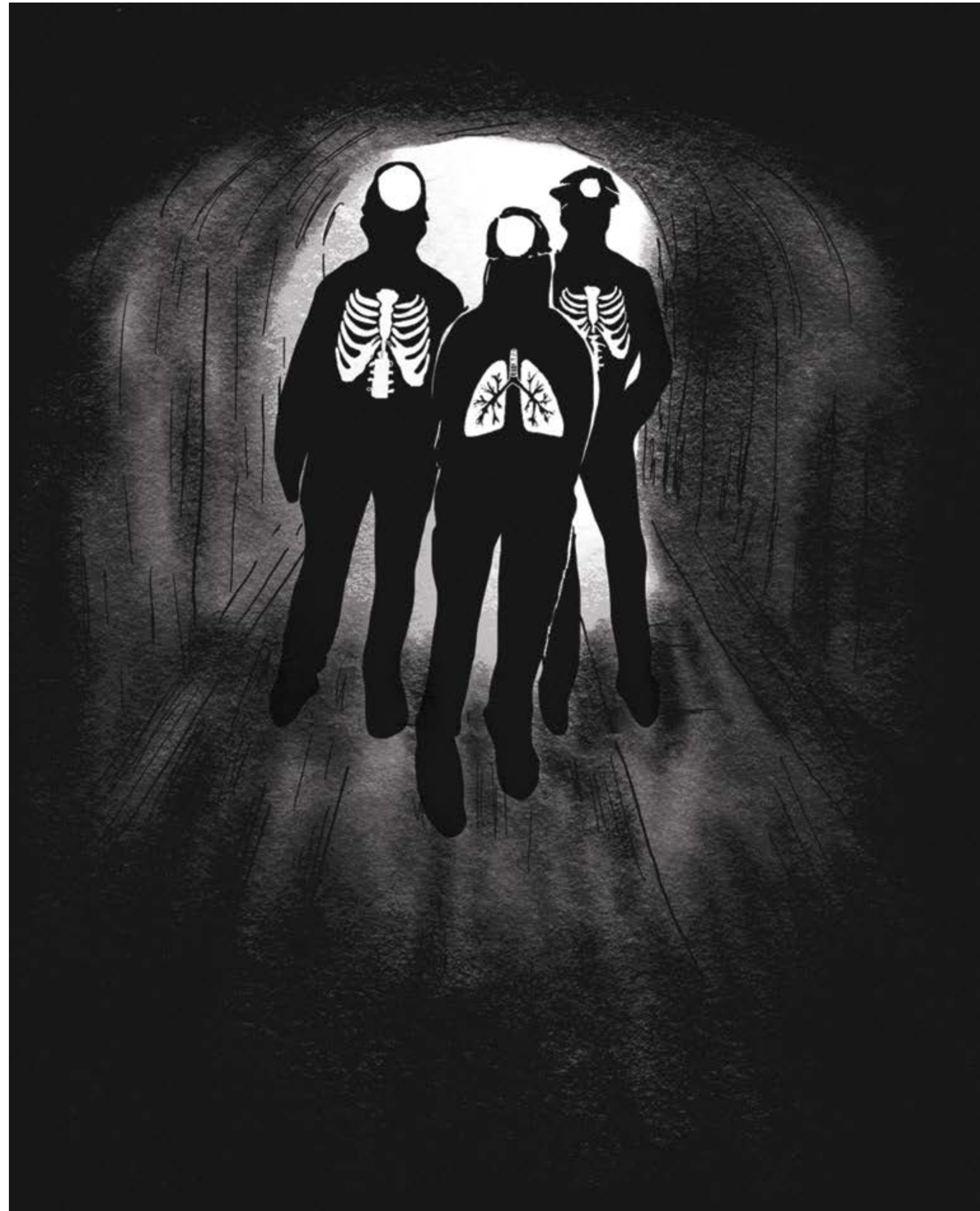


black

lung



What is black lung?

Black lung disease (coal worker's Pneumoconiosis) is caused by exposure to coal mine dust. Coal mine dust is a mixture of coal, rock dust (silica), diesel exhaust and other substances that circulate in the air in coal mines. These substances accumulate in the lung, causing damage and scarring. Black lung disease develops when coal dust is inhaled over a long period of time. Not all miners will develop the disease and there is no clear understanding why some develop black lung and others don't. In Central Appalachia, 1 in 5 veteran miners have Black Lung and the number of miners with the most severe form of the disease, Progressive Massive Fibrosis (PMF or complicated pneumoconiosis), is the highest ever recorded.

When coal dust is inhaled, the particles travel through the airways into the alveoli (air sacs) deep in the lungs. After the dust particles land and settle in the lung, lung tissue may try to get rid of the dust particles. This causes inflammation as the body fights the foreign particles. In some cases, the inflammation is severe enough to cause scar tissue to form. The damaging effects of the inhaled coal dust may not show up for many years. Many patients don't develop symptoms until years after their initial exposure.

For coal worker's pneumoconiosis, the scarring is separated into two types: simple or complicated.

- In simple pneumoconiosis, a chest X-ray or CT scan will reveal small amounts of scar tissue, that appear as tiny, circular nodules on the lungs. It looks like the lungs have been shot multiple times with a bb gun.
- Complicated pneumoconiosis, also called progressive massive fibrosis, involves more severe scarring over a larger area of the lung tissue.

Symptoms

Early on, a miner may have no symptoms relating to black lung disease.

With time symptoms may include

- shortness of breath at rest and during movement (might start very slowly, and with time and continued exposure to coal mine dust become more severe)
- cough
- chest tightness
- mucus production (black sputum)
- wheezing

Symptoms may initially occur after strenuous activity, but as the disease progresses, they are likely to become present at rest as well. If the scarring is severe, oxygen may be prevented from easily reaching the blood. This results in low blood oxygen levels which puts stress on other organs, such as the heart and brain, and can cause additional symptoms.

It can take years for the symptoms to become severe enough to cause disability. Even if a miner has been told they did not have black lung disease at one time, they could still be diagnosed with it in the future.

How is black lung diagnosed?

Black lung disease is diagnosed by healthcare providers. A coal miner has an assessment of respiratory symptoms and a physical examination by a provider with experience identifying work-related lung diseases.

Diagnostic tests performed in the DOL 413b exam include:

- Medical and Work history
- Physical exam
- Chest X-ray - to see if there are any abnormalities relating to coal mine dust exposure
- Spirometry - breathing test, pre and post bronchodilator, known as a pulmonary function test. This test allows the healthcare provider to determine whether a lung disease has affected a person's breathing capacity.
- Arterial Blood Gas test



Treatment for black lung

There is no cure for coal worker's pneumoconiosis, but treatment can help manage symptoms and improve quality of life. If black lung disease does develop, the treatment goal will focus on keeping it from getting worse. While treatment cannot reverse the damage done by coal dust, certain steps can help slow down progression of the disease, relieve symptoms and improve quality of life.

Treatments are focused on the specific form of the disease that arises:

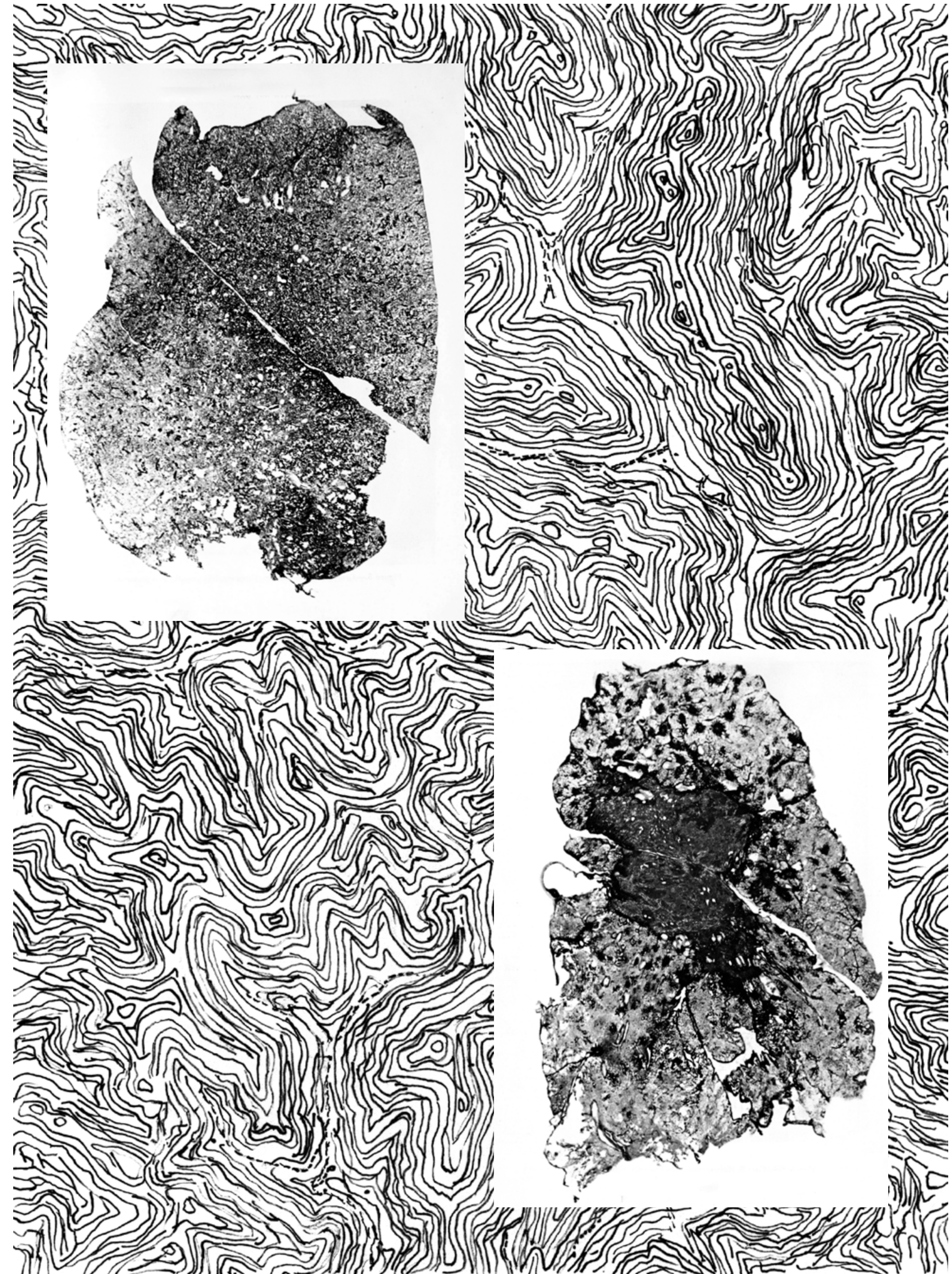
- Inhalers are often given because of the similarity black lung disease can have with COPD that comes from cigarette smoking.
- Oxygen may be used in more severe cases. As scarring in the lungs becomes more severe, supplemental oxygen may be prescribed to help get more air into the lungs when needed. Oxygen may only be needed while exercising at the beginning but as the disease progresses it may be needed at all times.
- Pulmonary rehabilitation, an exercise program designed to help patients with chronic lung conditions stay active, is recommended to help improve quality of life.
- Smoking tobacco can worsen whatever lung damage already exists. Smokers that have developed black lung are encouraged to quit. The American Lung Association offers smoking cessation programs to give people trying to quit the support they need.
- Medication and breathing treatments may be prescribed to help open airways and decrease inflammation.
- In rare, very severe cases, a lung transplant may be recommended.

A miner with black lung disease, should have regular visits with a health-care provider to monitor symptoms and progress of the disease.

Additional steps to help manage the disease include:

- Maintain weight and nutrition with a well-balanced diet.
- Staying active and exercising regularly.
- Getting vaccinated against the flu every year.
- Getting vaccinated for pneumococcal pneumonia when recommended by a doctor.

Being vigilant about monitoring the progress of the disease and watching closely for the development of infections. It is important to see a doctor immediately if one develops. Patients should work with a doctor to have a plan to manage flare-ups of the disease.







Black lung Benefits Act

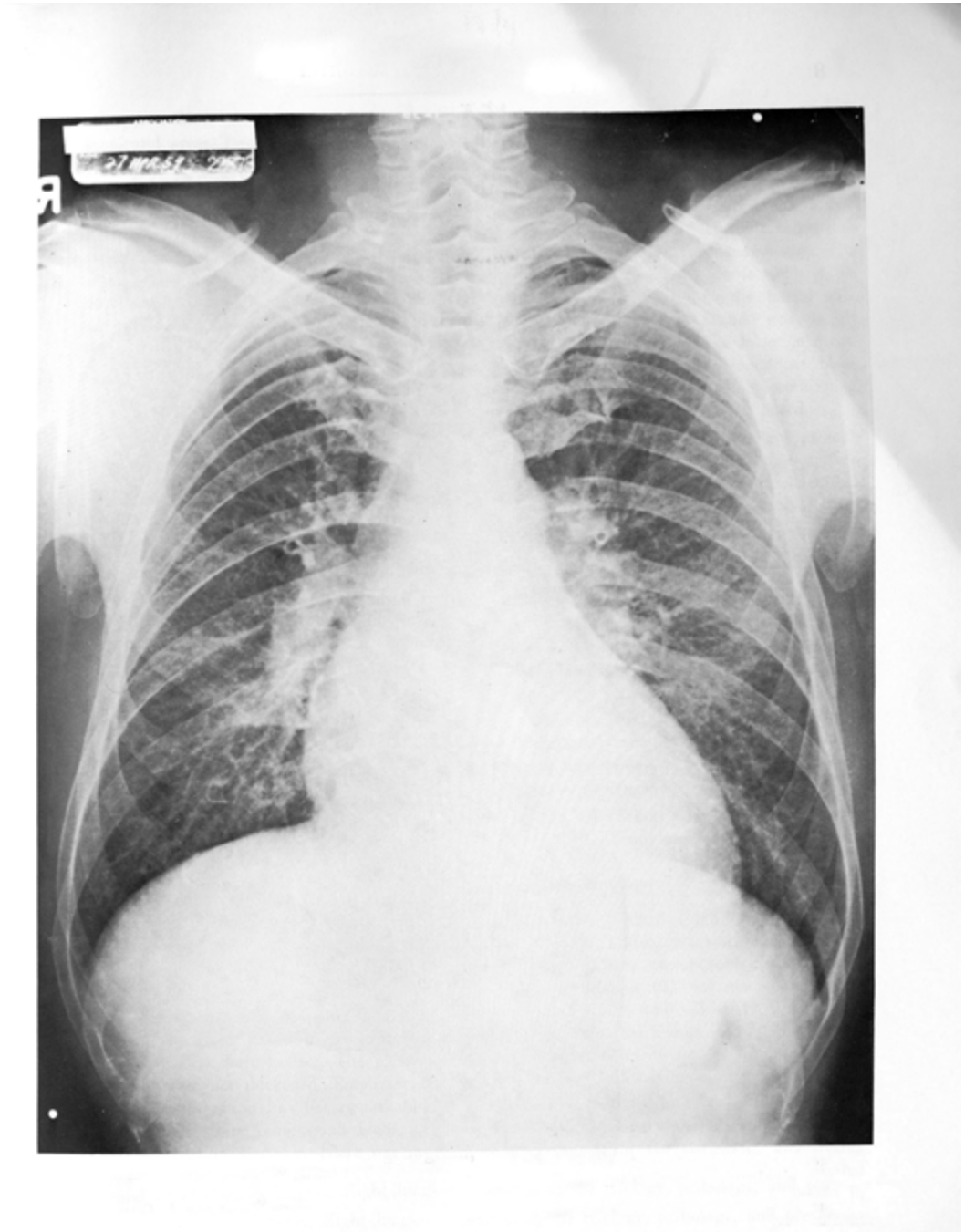
The Black Lung Benefits Act (BLBA) provides monthly payments and medical benefits to coal miners totally disabled from pneumoconiosis (black lung disease) arising from employment in or around the nation's coal mines. The Act also provides monthly benefits to a miner's dependent survivors if pneumoconiosis caused or hastened the miner's death. The Division of Coal Mine Workers' Compensation (DCMWC), within the U.S. Department of Labor Employment Standards Administration's Office of Workers' Compensation Programs (OWCP), adjudicates and processes claims filed by coal miners and their survivors under the BLBA.

The U.S. Department of Labor's Division of Coal Mine Workers Compensation operates the federal black lung benefits program. Individual states also have their own Worker's Compensation programs that compensate former miners for black lung disease.

Process to determine if you are eligible for benefits

1. Initially, the miner or the survivor must file a claim form and employment history form at the District Director's office nearest to his or her residence. To locate the nearest district director's office, go to <https://www.dol.gov/general/location>. It is strongly recommended (but not required) to have a law firm or benefit's counselor at a black lung clinic assist a miner with filing a claim. The paperwork is difficult and complicated. Typically if a law firm or counselor assists with this paperwork then the results for the miner are better.
2. The District Director schedules the miner for a physical examination, coordinates the collection of evidence, including hospitalization and treatment records, and investigates the miner's employment history to determine which employer will be responsible for the payment of any benefits.
3. The Department of Labor Exam is required. It is given free of charge. Because a miner must prove "total disability" due to Black Lung, a physician must reach this conclusion based on the exam and include it in their written report.
4. A claims examiner will then review medical evidence and work history and issue a Schedule for the Submission of Additional Evidence (SSAE).
5. Each side (the miner and the coal company and/or their insurance provider) has 60 days to provide further evidence and then an additional 30 days to respond to the evidence of the other party.

6. The District Director will then issue a proposed decision and order based on the evidence collected. The Proposed Decision and Order is the final decision by the claims examiner.
 - a. Any dissatisfied party may request a hearing within 30 days of the date of the proposed decision and order. If a hearing is requested, then the claim is referred to the Office of Administrative Law Judges (OALJ).
 - b. Either party can appeal the decision.
 - c. Mine Operators or their insurance providers will likely contest any award of benefits. If the award is contested, you may need to hire a lawyer.
7. The claim then moves to the Office of Administrative Law Judges (ALJ) for a formal hearing. If the claimant is denied benefits, he or she can withdraw the claim and file again in the future. This is important as black lung is a progressive disease and a miner could qualify for benefits later on.
8. The Benefits Review Board reviews workers' compensation claims and issues appellate decisions in cases arising under



the Black Lung Benefits amendments to the Federal Coal Mine Health and Safety Act of 1969

a. The decisions of the Benefits Review Board may be appealed to the United States Courts of Appeals, and thereafter to the United States Supreme Court.

Legal Challenges

In attempting to collect benefits, miners and survivors face teams of lawyers, paralegals, and doctors that the coal companies hire to challenge these claims. In 2014 - 5217 claims were filed and only 12% were approved.

If a miner's company no longer exists the case is handled by the Black Lung Disability Trust Fund. If the miner is approved through benefits they will receive them from the trust fund. This is typically an easier process since it is less of a fight and more about proving disability.

Black Lung Clinic at Washington & Lee University School of Law

Lewis Hall, Lexington, VA 24450
(540) 458-8562

[https://law.wlu.edu/clinics/advanced-administrative-litigation-clinic-\(black-lung\)](https://law.wlu.edu/clinics/advanced-administrative-litigation-clinic-(black-lung))

This Advanced Administrative Litigation Clinic at the Washington and Lee University School of Law in Lexington, Virginia assists coal miners and survivors who are pursuing federal black lung benefits. Clients are represented by students, who work closely with a member of the law school faculty licensed to practice law. Students evaluate claims, develop evidence, conduct discovery, depositions, and hearings, write motions, arguments, and appellate briefs.

Appalachian Citizens Law Center

317 Main St, Whitesburg, KY 41858
(877) 637-3929 Toll Free

The ACLC works on federal black lung benefits cases for miners and their families across the nation. Legal services are provided free of charge. ACLC also works on policy related to the environmental costs of extractive industries in the region, miner safety, and protection of black lung benefits.

BLACK LUNG CLINICS

This is a good place to start if you believe you have black lung. These clinics help identify people who might have successful claims and help them navigate the Department of Labor system. The Black Lung clinics program is funded by the US Department of Health and Human Services. These clinics provide miners with education, lung function testing, chest imaging and counseling on state and federal Black Lung claim filing.

Community Health of East TN (Charter Member)

PO Box 209
Jacksboro, TN 37757
Teresa Dabney, CEO, Vice Chair
tdabney@chetn.org
Telephone: (423) 563-1032

Cabin Creek Health Systems, Inc.

The Breathing Center at Cabin Creek Clinic
PO Box 70 Dawes, WV 25917
Susie Criss, Secretary
scriss@cchcwv.com
Telephone: (304) 595-5006 Ext. #1254

Bureau for Public Health OCHSHP/Division of Primary Care

350 Capitol Street, Room 515 Charleston, WV 25301-3716
David Haden, Treasurer
david.s.haden@wv.gov
Telephone: (304) 356-4234

Stone Mountain Health Services

276 Fieldstone Drive Jonesville, VA 24263
Telephone: (575) 445-7719 / (800) 654-0544
Jim Werth, Program Director
jwerth@stonemtn.org

Hygeia Facilities Foundation

27456 Coal River Road Whitesville, WV 25209
Telephone: (304) 341-0200
Margaret Martin
margmartin@frontier.com

Rainelle Medical Center

176 Medical Center Drive Rainelle, WV 25962
Vicky Huber, RRT
vhuber@rmchealth.org

Respiratory Clinic of Eastern KY (Charter Member)

PO Box 40
226 Medical Plaza Lane Whitesburg, KY 41858
Mike Caudill, CEO
Imcaudill@mtncomp.org
Jamie Boggs jboggs@mtncomp.org
Telephone: (304) 438-6188 ext. 1068

Tug River Health Association

PO Box 507
Gary, WV 24836
Telephone: (304) 448-2101
Program Director - Joyce Sherman
joyce.tugriver@yahoo.com

Valley Health Systems Upper Kanawha

Box F, Cedar Grove, WV 25209
Deborah Wills
dwills@valleyhealth.org
Telephone: (304) 595-1770
djohnson@bluestonewv.org

Bluestone Health Association

3997 Beckley Road
Princeton, WV 24740
Debbie Johnson
djohnson@bluestonewv.org
Telephone: (304) 431-5499

New River Health Association, Inc. New River Breathing

Center
PO Box 337
Scarbro, WV 25917
Charter Member
Telephone: (304) 469-2905
Ext. 1346
Brenda Marion
brenda.hallmarion@nrhawv.org

Big Sandy Health Care

1709 KY Route 321
Prestonsburg, KY 41653
Telephone: 606.886.8546

U.S. Department of Labor Division of Coal Mine Workers

Compensation (DCMWC)
There are eight Division of Coal Mine Workers' Compensation district offices.

A list of the district offices and their respective geographical jurisdictions follows:

CHARLESTON, WEST VIRGINIA

U.S. Department of Labor
OWCP/DCMWC
Charleston Federal Center - Suite 110
500 Quarrier Street
Charleston, West Virginia 25301
Commercial: (304) 347-7100 Toll-Free (800) 347-3749
Jurisdiction
Department of Labor Part C Black Lung Claims and Social Security Part B Black Lung Claims from the following fifteen counties in West Virginia: Boone, Cabell, Fayette, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Putnam, Raleigh, Summers, Wayne, and Wyoming.

PARKERSBURG, WEST VIRGINIA

U.S. Department of Labor
OWCP/DCMWC, Room 601
700 Market Street
Parkersburg, West Virginia 26101
Commercial: (304) 420-6385 Toll-Free: (800) 347-3751
Jurisdiction
Department of Labor Part C Black Lung Claims and Social Security Part B Black Lung Claims from all counties in West Virginia not under the jurisdiction of the Charleston Office.

PIKEVILLE, KENTUCKY

U.S. Department of Labor
OWCP/DCMWC
164 Main Street, Suite 508
Pikeville, Kentucky 41501
Commercial: (606) 218-9300 Toll-Free: (800) 366-4599
Jurisdiction
Department of Labor Part C Black Lung Claims and Social Security Part B Black Lung Claims from all counties in Kentucky.

MOUNT STERLING, KENTUCKY

U.S. Department of Labor
OWCP/DCMWC
402 Campbell Way
Mount Sterling, Kentucky 40353
Commercial: (859) 497-8501 Toll-Free: (800) 366-4628
Jurisdiction
Department of Labor Part C Black Lung Claims and Social Security Part B Black Lung Claims from Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Black Lung Program's medical diagnostic and treatment services

A toll-free number, (800) 638- 7072 has been designated for the office that is responsible for Black Lung Program's medical diagnostic and treatment services.

Local Black Lung Association

These organizations were formed to fight for the rights of miners and widows. Local chapters meet monthly to support miners with black lung. Members work to connect miners, family and concerned community members to the information they need to find treatment, obtain benefits and work together to advocate for issues that affect miners with black lung.

KENTUCKY

Black Lung Association of Southeastern Kentucky

Meet each Fourth Tuesday at 2 p.m. at the Letcher County Health Department <https://www.facebook.com/BLKentucky/>

East Kentucky Coalfield Black Lung Association

Meet each Third Tuesday at 11 a.m. at the Pike County Health Department <https://www.facebook.com/groups/213503352892571/>
Harlan County
Contact Courtney Rhoades at 606.633.3929 if interested in joining the Harlan County Chapter.

WEST VIRGINIA

Boone County

Meet each Second Tuesday at 6 p.m. at the Boone County Health Department <https://www.facebook.com/groups/BCBLA/>

Fayette County

Meet each Third Tuesday at 6 p.m. at the Robinson Annex of Scarbro New River Health Clinic
Kanawha County
Meet each First Thursday at 3:30 p.m. at Zion Assembly of God Church in Dawes

Nicholas County

Fourth Thursday at 4 p.m. at Summersville City Hall

Wyoming County

Second Monday at 4:30 p.m. at Mullens Opportunity Center

VIRGINIA

Black Lung Association of Southwest Virginia

Chapter 1 Third Tuesday at 5 p.m. at the Vansant Stone Mountain Health Black Lung Clinic <https://www.facebook.com/blacklungassociationofsouthwestva/>

Chapter 2 First Tuesday at 3 p.m. at the Norton Community Center <https://www.facebook.com/swvablch2/>

The American Lung Association

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease through education, advocacy and research.
<https://www.lung.org/>



Ain't No
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