



U.S. Congressman  
**Nick Rahall**  
*WORKING FOR WEST VIRGINIANS*

FOR IMMEDIATE RELEASE  
FEBRUARY 9, 1990

CONTACT: JIM ZOIA  
(202) 226-7761

**RAHALL UNCOVERS "MEDICAL RACISM" IN BLACK LUNG BENEFITS PROGRAM  
CALLS FOR FEDERAL INVESTIGATION BY LABOR SECRETARY DOLE**

**WASHINGTON, D.C.** -- U.S. Rep. Nick J. Rahall (D-WV) today said he has reason to believe that "medical racism" is used to deny federal black lung benefit claims filed by Black coal miners.

"I have obtained evidence making the incredible allegation that Black people should be examined and ruled under different standards than Caucasians in determining the incidence of black lung disease," Rahall said. "I find this contention to be outrageous. Such an argument is not accepted by federal regulations. Moreover, it smacks of medical racism."

In a letter to Secretary of Labor Elizabeth Dole, Rahall requested that an immediate investigation be undertaken to ascertain the extent racial factors have been used as a basis to challenge benefit requests during the claim adjudication process. Any denied benefit cases in which evidence based on racial factors was introduced and not ruled out of order by the Administrative Law Judge should be readjudicated, Rahall said.

Rahall revealed that he has come into possession of a medical doctor's report that was used to challenge a black lung claim in which it is stated: "At this time, it should be noted that this man is a black man." The doctor wrote that after correcting the "pulmonary function values" for "black individuals" the claimant's "spirometry is normal". The term spirometry refers to the breathing capacity of the lungs. The doctor concluded that the claimant did not have black lung disease because his "pulmonary function studies are normal if one corrects for the fact that he is a black man."

"Race is an irrelevant factor," Rahall said. "Moreover, the law and regulations setting forth the criteria for the development of medical evidence for black lung benefits clearly do not provide for considerations relating to the race of a claimant."

Rahall said that an investigation is necessary to determine how wide-spread the practice of challenging claims based on racial factors is used. "The obvious concern here is that unsubstantiated medical contentions are being employed to deny black lung benefits to deserving individuals," Rahall wrote to Secretary Dole. "You have already shown leadership and concern for the plight of the coal miner during your recent labor dispute mediation activities. This, too, is a matter of the gravest concern and merits your immediate attention."

- 30 -