

Brown Lung

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political and educational efforts of the CBLA brought the issue to the public eye.

"One reason for the rise to political prominence of the brown lung issue is the activities of the brown lung association," said Rep. Richardson Preyer, D-N.C. "They have brought it to people's attention, and the problem of the slowness with which claims have been dealt has led to more agitation on their part."

But industry officials may not be pleased with the increased agitation and publicity the CBLA has brought about.

When asked for information on brown lung to be used in a news story, Burlington Industries spokesman Dick Byrd said: "Why is the press not interested when we propose a story? We know that the brown lung association is orchestrating another rash of publicity."

Byrd says he disagreed with the association's educational programs. "I think their original purposes were honorable, probably," he said. "But we question their practices of having screening clinics. They get the employees to blow into a tube that measures lung capacity. The parameters depend on age, height and weight. If they are below that standard, they have some problem."

"Our argument with the brown lung association is when they test and find the person has a less-than-normal lung capacity, they tell them they have byssinosis," Byrd said. "You just can't diagnose that way."

Dr. Bud Seiker, a member of the North Carolina panel of certified pulmonary specialists, confirmed Byrd's objections. He said intensive testing must be done to diagnose brown lung, not only on the lungs, but on the heart and circulatory system.

Despite the objections of industry officials and doctors to the screening clinics sponsored by the CBLA, these programs have increased textile workers' awareness of the hazards of their jobs.

Another reason associated with the increased interest in the brown lung question is, as Rep. Preyer said, the slowness with which compensation claims are processed by the N.C. Industrial Commission.

As of Oct. 31, a total of 885 textile workers had filed claims for compensation, according to William

Stephenson, chairman of the commission. Of those cases, 257 have been heard, and 233 have been docketed for hearings.

Cases are heard by one of three commissioners and can be appealed to the full commission. One commissioner is a representative of the industry, one of labor and one of neutral background.

Buck Humphries' claim has been before the board for more than a year and a half. He retired from the Cone Mills plant in Hillsborough in 1976. He was only 52, but said he retired because he "didn't have enough breath to walk from one end of the mill to the other."

He is on Social Security and applied for compensation in 1977. He was awarded compensation at the original hearing, but Cone's insurance company appealed to the full commission.

"They're trying to keep from paying it," Humphries said. "They want you to die before you can get it."

Commissioner Stephenson cited several reasons for the backlog in settling claims. "There has been a tremendous increase in the number of claims filed, and the amount claimed has risen, so the cases are harder fought on both sides."

Stephenson also said the inability of the medical profession to agree on clear-cut diagnostic standards caused delays in the hearing process. "You can take five different doctors and get five different diagnoses," he said. "If the medical profession can get a consensus on what the disease is, then we can move faster."

The backlog of cases in the state commission prompted action by the CBLA. On Sept. 12, 100 association members gathered on the steps of the commission's headquarters to protest the handling of the cases. Gov. Jim Hunt met their demands and designated executive assistant John A. Williams Jr. to investigate.

On Nov. 7, a 10-member association delegation was back in Raleigh, claiming no progress had been made. It met with Hunt, and he assured it that some kind of study would be made.

Sue Pollitt, one of the association's representatives present at the meeting with the governor, said, "We went to the governor because we'd spent four years working with the commission and had gotten no satisfaction."

Hunt has since appointed a seven-member commission to study the handling of brown lung cases and given the panel 90 days to find ways to speed up the resolution of claims.

"This is a balanced, objective group," Hunt said in announcing the appointments. "It is not weighted toward either side. But the textile workers and the textile companies will have their viewpoint represented. And other perspectives will be brought to bear on the study, including that of a doctor and that of a former trial lawyer."

Robert Byrd, former dean of the UNC School of Law, was appointed chairman of the panel. "There are serious indications that delays are occurring," he said. "I think all people are in agreement that there is a problem here."

But many members of the CBLA have said they are dissatisfied with the scope of the study because Hunt ruled out the discussion of such questions as the denial of certain claims and the awarding of only partial disability when a total disability was sought.

"We know a snow job when we see it," said Florence Sandlin, former president of the CBLA and a member of Hunt's seven-member panel. "We wanted an investigation of commissioners, not a panel like Gov. Hunt has set up."

"My husband and I, we've been through the whole rigamarole. He had three hearings, as sick as he was, before he finally got his award. He got one of the best we've come across, but we fought three and a half years for it."

"We're still fighting for the others," Sandlin said. "There's others as sick as he is still working, and they need help. It's just terrible."

Franks Fary, a spokesman for Cone Mills, said he hoped the results of the study panel would be positive.

"We believe employees with a long work history with raw cotton who have been diagnosed as having disabling byssinosis should receive compensation," Fary said. "But we don't want to pay compensation to people with lung diseases unrelated to occupation. Fifteen to 20 percent of the general population has some type of lung disease."

"The problem is blown out of proportion," he said. "If one of us has it, there is no bigger problem, but fewer than 1 percent of the workers complain of any problem."

Fary said Cone had settled 29 claims and had approximately 70 pending before the N.C. Industrial Commission.

The CBLA has not restricted its efforts to the executive branch of North Carolina government, but has made inroads in the legislative and judicial branches as well.

The CBLA has had several bills proposed in the N.C. General Assembly this year to expedite the claims process. One bill calling for an increase in the number of hearing officers on the N.C. Industrial Commission was passed, adding two deputy commissioners to the body.

Two bills were defeated, including one to give brown lung the compensation status of black lung, the coal miners' occupational disease, and assume any pulmonary disfunction found in textile workers was caused by cotton dust.

The final bill in the package has passed the House and will be considered by the Senate during the 1980 short session. This bill would extend compensation to employees who retired before 1963.

The N.C. Textile Manufacturers Association opposes this bill. Charles Dunn, NCTMA lobbyist, said the opposition stemmed from the unavailability of employee records for companies who have gone out of business. This measure, if passed, would further clog the compensation mechanism, Dunn said.

Meanwhile, the CBLA opened another front in its battle by filing a \$15-million class-action suit against



CBLA members conduct screening clinics for textile workers

Courtesy of Carolina Brown Lung Association