

Fact Sheet - Asbestos - the Miracle Mineral

The asbestos industry is more than 2000 years old. The Romans mined asbestos but it has only been since the turn of the 20th Century that it has been recognised as causing disease - but cause disease it certainly does. For further details about asbestos generally, please click [here](#).

Thousands die each year from Mesothelioma and asbestos related cancers. All are agreed that the number of deaths from asbestos related conditions will continue to rise. Estimates vary, but in the early years of this millennium we can expect 10 - 15,000 deaths per year from asbestos related illnesses, making asbestos far and away **the biggest industrial killer ever**.

Asbestos Related Conditions

These include: Asbestosis; Lung Cancer; Mesothelioma; Pleural Thickening; Pleural Plaques.

Pleural Thickening and **Pleural Plaques** will probably not produce much by way of physical impairment but are signs of changes to the body caused by asbestos. This can mean that the individual is at a small but significantly increased risk of developing a more serious asbestos related condition.

Asbestosis often develops as a result of exposure to asbestos for protracted periods of time. Symptoms usually occur between 15 -20 years after exposure and widespread fine scarring occurs within the lung.

Mesothelioma is invariably fatal. The average time between first diagnosis and death is about 16 months. Symptoms develop on average some 30 years after exposure although it can occur as early as 15 years. The condition is linked almost exclusively to blue or brown asbestos.

Asbestos also causes **lung cancer**. It is a matter of some debate how much exposure to asbestos is needed to cause lung cancer, but with exposure to asbestos the risk of lung cancer can be increased fivefold. Smoking increases the risk of lung cancer eleven fold. A smoker exposed to asbestos is fifty five times more likely to develop lung cancer.

The Legal Standpoint

It is necessary for the Claimant to show that their condition has been caused by exposure to asbestos at work due to blame on the part of others, usually their employers, or sometimes the occupiers of premises. The Asbestos Industry Regulations 1931, The Factories Act 1927 and subsequent law and regulations will all assist but there are many particular problems in asbestos related cases.

It is important that specialist legal help is obtained at an early stage. The law in this area is extremely complicated.

There have been many complex legal cases. After Government intervention by way of statute, the law in Mesothelioma cases is now that if a Defendant has negligently exposed a Claimant to asbestos, that Defendant is liable to the Claimant for the whole of the damage caused. Unfortunately however, Insurers continue to take technical points in an attempt to avoid their liabilities to Claimants.

In Asbestosis cases, however, the law will remain that each defendant is only responsible for their particular degree of contribution to the disease.

The House of Lords has ruled that Pleural Plaques is not a compensable condition. It is once again hoped that the Government will reverse this unfair decision. There is currently uncertainty about whether symptomless Asbestosis and or symptomless Pleural Thickening are compensable.

There can also be difficulties in finding employers who may have gone out of business many years ago but if their insurers can be traced it is viable to resurrect a limited company employer to allow the claim to proceed.

Court proceedings must be commenced within three years of when the Claimant knew they were suffering from a condition caused by their asbestos exposure.

Specialist legal advice should therefore be sought as soon as possible. **Serious cases need specialist lawyers.**

Even in unusual cases where it is not possible to pursue a claim against employers or other identified defendants, a claim may lie under the provisions of the Pneumoconiosis etc. (Workmen's Compensation) Act 1979.

In certain cases it may also be possible to make a claim against American Trust Funds. Unfortunately however, Insurers continue to take technical points in an attempt to avoid their liabilities.

Union lawyers routinely deal with many successful claims arising out of asbestos related conditions. You should seek legal advice at the earliest opportunity so that specialist lawyers will be able to handle the claim.