

# How to Make a Claim for Contracting an Asbestos-Related Disease

Inhaling asbestos fibres can induce lethal diseases and there is a great deal of complex legislation which governs situations when asbestos is found in the workplace and in domestic and public buildings. If you believe that you have suffered an asbestos related disease or know of someone who has died as a result of contact with asbestos, then you may be able to make a claim for damages.

## What is Asbestos?

Asbestos used to be known as the 'magic mineral'. It was used in many industries and for various purposes throughout the 1900s. Asbestos has strong fibrous minerals which are highly resistant to fire and heat. Many building projects used asbestos materials to help increase fire safety. It was incorporated into many materials including lagging, boarding, heating and pipe insulation and roofing materials, but at that time the developers did not realise the health risks involved. It was not until the 1970s that evidence of its dangers came to light and the chance of legal action for those affected became a possibility.

Asbestos fibres are not visible to the naked eye and when inhaled they lodge inside the lungs and are difficult to remove. The fibres remain latent in the body and it is often decades later that asbestos related diseases manifest themselves.

## Who might be affected by Asbestos?

Asbestos related diseases can affect those in the building and construction industries, but it could also affect the family members of those who come into contact with the clothes worn by a relative.

There are different types of asbestos and each can cause health risks and disease. Both brown and blue asbestos are regarded as the most dangerous, but white asbestos can also cause disease as well.

The types of diseases which can be caused by contact with asbestos are:

- Lung cancer
- Asbestosis
- Mesothelioma
- Pleural Plaques

The types of occupation where people are/were exposed to asbestos include:

- Plumbers
- Ladders
- Thermal insulating engineers
- Carpenters
- Shipyard workers
- Asbestos manufacturing workers
- Builders
- Vehicle and railway construction
- Shop fitters
- Gas fitters
- Electricians
- Painters and decorators
- Plasterers.

There are different types of asbestos related disease and they each vary in severity.

## Malignant Mesothelioma

This is a tumour of the pleura (lining of the chest wall) and is the most serious complication of asbestos exposure. It takes a long time to develop and can be caused by a single fibre of asbestos causing severe breathlessness that occurs over a relatively short period of time and is usually associated with some chest pain or discomfort.

## Lung Cancer

Lung cancer is often caused by smoking tobacco. Exposure to asbestos can increase the risk of developing lung cancer and heavy smokers exposed to asbestos are often at a higher risk of developing lung cancer. The symptoms of lung cancer include shortness of breath, a continual cough, hoarseness of the voice, a dull aching in the chest or a sharp pain when inhaling.

## Carcinoma of the Bronchus

In the majority of cases, Carcinoma of the Bronchus (airway into the lungs) is caused by smoking tobacco, although it has been found that inhalation of asbestos dust can increase the risk of this disease.

## Carcinoma of the Larynx

This is a tumour of the voice box and in the majority of cases Carcinoma of the Larynx is caused by smoking tobacco, although it has been found that exposure to asbestos can increase the risk of this disease.

## Asbestosis

This is a condition defined as fibrosis of the lungs caused by asbestos. It is the result of exposure to asbestos and/or asbestos dust. The symptoms include gradually developing breathlessness on exertion, often with a dry cough, caused by shrinkage and scarring of the lungs. A diagnosis can be made from a chest x-ray and pulmonary function tests.

## Pleural Thickening

The pleura is a double layered membrane surrounding the lungs and lines the inside of the ribcage. It is possible for some asbestos fibres that have been inhaled into the lungs to work their way into the pleura. This can cause the pleura to thicken and can cause scarring to develop. Pleural thickening can also restrict the expansion of the lungs and can lead to breathlessness.

## Benign Pleural Effusion

Benign pleural effusion is a build up of fluid in the outer layer of the lung. This is usually found in a patient who has been exposed to asbestos and can indicate the development of malignant mesothelioma. Less common is an accumulation of fluid which is clear but may be blood-stained and occurs as a result of benign inflammatory changes. This condition tends to occur earlier than mesothelioma, usually between ten and twenty years from first exposure. The fluid may cause symptoms of breathlessness and chest restriction during breathing and can be seen on an x-ray.

## Diffuse Pleural Fibrosis

This is a thickening of the outer layer of either one or both of the lungs. It may occur after benign pleural effusion or develop without the accumulation of fluid. Symptoms include gradually increasing breathlessness that occurs over a relatively short period of time and is usually associated with some chest pain or discomfort. It is difficult to diagnose on examination and requires surgical procedures to confirm a diagnosis.

## Pleural Plaques

Pleural plaques are localised areas of scar tissue attached to the outer wall of the lung and are totally benign. Often there are no physical symptoms or lung disability unless very widespread. However, the condition can be very stressful as it shows the individual has been exposed to significant levels of asbestos. This then leads to an increased risk of the sufferer developing other lung problems. Pleural plaques show up clearly on chest x-rays and the prognosis for pleural plaques is very positive. Plaques do not become malignant, although they are often present in patients with mesothelioma or other asbestos related diseases.

## Asbestos and Employers

Employers' health and safety procedures should protect their works from the effects of asbestos exposure. Employers are required under law to ensure that they limit the level of asbestos risk in their premises under the 'Control of Asbestos at Work Regulations 2002' which requires owners or those with responsibility for maintaining and repairing properties, or controlling access to those properties, to identify and manage the risk from asbestos.

There is a high risk of inhaling asbestos fibres when asbestos is disturbed, removed, drilled or has started to disintegrate. For further information please see the Health & Safety Executive's Asbestos Web Page at [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos). Currently up to 3000 deaths a year are caused from exposure to asbestos and related illnesses. This figure is forecast by the Health and Safety Executive (HSE) to increase until between 2015 & 2020.

## Claiming Benefits

An asbestos related disease can affect your ability to work. Your local Department of Work & Pensions office will explain the benefits you are entitled to. The diseases which qualify for the payment of benefits include:

- PDD1 Pneumoconiosis
- PDD3 Diffuse Mesothelioma
- PDD4 Primary Carcinoma of the Lung with evidence of (a) asbestosis and/or (b) bilateral diffused pleural thickening; and
- PDD9: Bilateral Diffuse Pleural Thickening.

## Progressing a Compensation Claim

At Brethertons we can assist you in making a legal claim for compensation if you have contracted an asbestos-related disease, whether you are in the early stages of the disease, or experiencing more serious conditions. We will normally be expected to provide a medical expert report about your disease and its symptoms, we will need to establish the likely source of the exposure and seek evidence of when the exposure occurred and ascertain if there was an employer or third-party responsibility to claim against, and to establish negligence in the prevention of contact with asbestos.