

Asbestos related lung disease

This information sheet is produced by the Department of Respiratory Medicine at the Royal Berkshire Hospital to help patients with asbestos related lung disease understand their condition. In addition, it gives guidance on seeking compensation. It is not exhaustive and if you have any concerns about your legal options it is important that you discuss them with a solicitor.

It is important to note that if you are considering making a claim for asbestos related lung disease, you should do so as soon as possible as there is a legal limitation period of 3 years.

What conditions are caused by asbestos?

Pleural plaques

Pleural plaques are small areas of thickening that occur on the lining of the lung, the lower chest wall and the diaphragm. In most cases a person will not be aware of them as they usually do not result in symptoms and are seen on chest X-ray or a CT scan. They are simply a marker of being exposed to asbestos and usually do not develop until 20 years or more after first exposure. Pleural plaques alone do not affect health but because they are a marker of asbestos exposure, there is a risk of developing other asbestos related diseases in the future. Pleural plaques do not require long term follow-up.

Mesothelioma

This is a tumour of the lining of the lung, or less commonly, the lining of the bowel. It usually occurs at least 10 years and up to 30-40 years after first exposure to asbestos. It is the most serious type of asbestos related disease. Even relatively low exposure over a short period can cause mesothelioma. For instance, it can even occur in relatives of people who have worked with asbestos, from the asbestos dust brought home on work clothes.

Asbestosis

Asbestosis is scarring (fibrosis) of the lungs, caused by exposure to asbestos - usually large amounts over a prolonged period. The lungs become stiff and less efficient, and it may lead to breathlessness and a cough. The condition may get worse, even after the exposure to asbestos has stopped, and as the person gets older. This condition is usually diagnosed by a CT scan.

Diffuse pleural thickening

This is a more significant thickening of the lining of the lung compared to pleural plaques. It doesn't usually occur until 10 years after first exposure to asbestos. It can affect one or both lungs and results in disability only if it is very extensive. There is a chance this may progress in some cases.

Asbestos induced lung cancer

Asbestos can cause lung cancer – more frequently in patients who already have asbestosis, but sometimes in a worker exposed to asbestos in high quantities regardless of smoking history. It may take 20 or more years after first exposure to develop. Smokers are at much higher risk of developing lung cancer and it is therefore important that anyone who has an asbestos related lung disease stops smoking.

What compensation is available?

Compensation is potentially available for patients with asbestosis, diffuse pleural thickening, mesothelioma and lung cancer. Claims for asbestos related cancer may be significant and can include claims for loss of past and future earnings, the cost of specialist care etc.

Who will pay compensation?

Compensation can be sought against a party who you/your advisors believe caused the asbestos related lung disease. Even if a past employer has gone out of business, a claim can still be pursued as it may be possible to trace the insurers concerned. Where this is not possible, a claimant may still be able to claim an award under Government Compensation Schemes.

People who worked or were exposed to asbestos after 4 July 1948, who have asbestosis, diffuse pleural thickening, mesothelioma or asbestos related lung cancer can claim Industrial Injuries Disablement Benefit. A claim form can be obtained from the Department of Work and Pensions office or downloaded from www.gov.uk/industrial-injuries-disablement-benefit/how-to-claim

People who worked with asbestos or were exposed to before 5 July 1948 and as a result have developed asbestosis, mesothelioma or asbestos related lung cancer can claim an allowance under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme.

People who contracted mesothelioma other than through their employment can apply for compensation under the Diffuse Mesothelioma Scheme. You can download a form from www.gov.uk/diffuse-mesothelioma-payment/how-to-claim

How do I go about claiming compensation?

To claim under Government Compensation Schemes you should fill in a claims form obtained from a Department of Work and Pensions Office. To find your nearest branch, visit www.gov.uk/government/organisations/department-for-work-pensions or telephone 0800 055 6688 (8am-6pm Monday-Friday).

To make other claims you should instruct a solicitor, specialising in asbestos related claims. Local and national firms specialising in this area are listed on the next page of this leaflet.

Local and national solicitors specialising in asbestos related claims

You can search for a solicitor on the Law Society Website - <http://solicitors.lawsociety.org.uk/>

Below are names of some solicitors who have represented patients known to the RBH:

Royds Withy King https://www.roydswithyking.com	Boyes Turner http://www.boyesturner.com/
Novum Law http://www.novumlaw.com/	Irwin Mitchell http://www.irwinmitchell.com
Field Fisher Waterhouse http://www.fieldfisher.com/	Leigh Day https://www.leighday.co.uk/
Higgins & Co http://www.injurysolicitors.com	Corries http://www.corries.co.uk
Thompsons http://www.thompsons.law.co.uk	Slater and Gordon http://www.slatergordon.co.uk

This document can be made available in other languages and formats upon request.

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