

The History of Asbestos

The History of Asbestos

Clients often ask us “who knew? what? and when?” about the hazards of asbestos. Below is a timeline of events relating to asbestos.

1874 – 1930

The early years when asbestos is first manufactured and used widely for insulation and fire proofing. The “magic mineral”.

Page 2

1930 – 1965

Information about the hazards of asbestos use and ill health continue to accumulate in medical journals and by the Factory Inspectorate. Compensation claims in the US courts. By 1930 the hazards of asbestos to health “known” within the public domain but primarily to ill health caused by repeated high dose exposures particularly in asbestos manufacturing and industrial work.

Page 3/6

From 1965

In 1965 it is established following studies in south African asbestos mines and the Cape factory in East London that mesothelioma is caused by lower doses of asbestos in an environmental context. In the 1970s the first UK compensation claims are heard by the court.

Page 6/11

Key dates

1898; H M Factory Inspectorate report

Page 2

1930; the UK Court fix “date of knowledge” and “ought to have known” about the hazards of asbestos, dates for the industry.

Page 3

1965; 83 cases reported of mesothelioma arising from London area and “Scientists track down killer dust” Sunday Times.

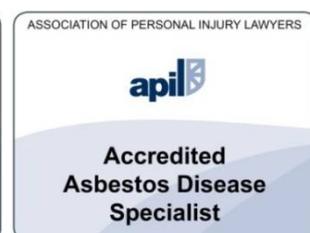
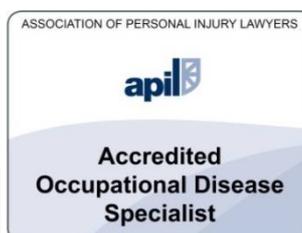
Page 6

Written by Alan Care and our expert asbestos team, this information sheet details where and how Asbestos claims have evolved from. Asbestos has been in production for a long time and dating back as far as 1874. Here we highlight asbestos producers, key changes in the law and articles that have been significant on how asbestos claims are managed to day.

If you, or a member of your family has been affected by asbestos please contact our team for advice on 01892 510000.

Head Office
3 Lonsdale Gardens
Tunbridge Wells
Kent TN1 1NX
T 01892 510000
F 01892 540170

Thames Gateway
Corinthian House
Galleon Boulevard
Crossways Business Park
Dartford
Kent DA2 6QE
T 01322 623700
F 01322 623701



The History of Asbestos

1874-1930

1874. J. W. Roberts, Armley, Leeds, producers of asbestos, are incorporated.

1893. Cape, producers of asbestos, is incorporated.

1898. H M Factory Inspectorate report.

"The evils of asbestos dust have also attracted my attention, a microscopic examination of this material which was made by HM Medical Inspector clearly revealed the sharp, glass-like jagged nature of the particles and where they are allowed to rise and to remain suspended in the air of a room, in any [emphasis added] quantity, the effects have been found to be injurious as might have been expected".

1901. Factory and Workshop Act.

1903. Newalls Insulation founded.

1907. Report of Departmental Committee on Compensation for Industrial Diseases: Minutes of evidence - Dr Montague Murray [full citation required].

1922. *"We repudiate the term 'asbestos poisoning'. Asbestos is not poisonous and no definition of knowledge of such a disease exists"* (Turner & Newalls's TBA board review, 1922)¹ **1924.** The first medical article on the hazards of asbestos dust appeared in the British Medical Journal in 1924.²

¹ D. Jeremy; *Corporate responses to the emergent recognition of a health hazard in the UK asbestos industry: The case of Turner & Newall 1920-1960*; Manchester Metropolitan University UK

² P. Bartrip; *Review. History of asbestos related disease*; Postgrad Med J. Feb 2004

Article - W. E. Cooke; *Fibrosis of the lungs due to the inhalation of asbestos dust*; Br Med J. Jul 26, 1924.

Film - "The History of Asbestos" Brent Coon & Associates (US law firm).
<http://www.youtube.com/watch?v=g2H2oixjNzU>

1924. First US workers compensation finding for asbestos is upheld by the Massachusetts Industrial Accidents Board.

1925/6. Article: T. Oliver; *Some dusty occupations and their effects upon the lungs*; Journal of the Royal Society of Promotion of Health

J Roy Sanitary Inst coins the term "asbestosis"³

1927. Article: W. E. Cooke; *Pulmonary Asbestosis*; Br Med J. Dec 3, 1927

Dr. Ian Grieve, a GP some of employees of J. W. Roberts Ltd, Armley, Leeds successfully completed his university MD thesis on "Asbestosis"⁴

1929. US lawsuits filed for Anna Pirkowski v Johns-Manville Inc. and ten other claims in Newark Federal Court, USA.

³ P. Bartrip; *History of asbestos related disease*; Postgrad Med J 2004; **80**

⁴ D. Jeremy; *Corporate responses to the emergent recognition of a health hazard in the UK asbestos industry: The case of Turner & Newall 1920-1960*; Manchester Metropolitan University UK

Head Office
3 Lonsdale Gardens
Tunbridge Wells
Kent TN1 1NX
T 01892 510000
F 01892 540170

Thames Gateway
Corinthian House
Galleon Boulevard
Crossways Business Park
Dartford
Kent DA2 6QE
T 01322 623700
F 01322 623701

The History of Asbestos

Continued

1930 – 1965

1930. The UK Court fix “date of knowledge” and “ought to have known” about the hazards of asbestos, dates for the industry.

Workman's Compensation (Silicosis and Asbestosis) Act 1930

Article: E. R. A. Mereweather & C. W. Price; *Report on the effects of asbestos dust on the lungs and dust suppression in the asbestos industry*; London HMSO;

1931. Asbestos Regulations

1932. R. H. Turner of Turner & Newall convenes a meeting of asbestos manufacturers in London “a few hours before they were due to attend a Home Office conference. They discussed the recently published factory inspector's report on the incidence of asbestos among asbestos packers and considered ways of limiting the extra costs they would face from widening compensation”⁵

1933. H M Factory Inspector

“The fact that work in a dense concentration of asbestos over a comparatively short period will lead inevitably to the development of a profound fibrosis, provided that the worker lives long enough for it to develop”.

“A typical lesion of mild activity, with an early stage of pulmonary asbestosis, was present in one of my cases who had been exposed to asbestos dust for 10 years; but the work, which consisted in coating lead

⁵ D. Jeremy; *Corporate responses to the emergent recognition of a health hazard in the UK asbestos industry: The case of Turner & Newall 1920-1960*; Manchester Metropolitan University UK

pipes, did not entail exposure to high concentrations” (P. Ellman)⁶

1934. “Dr Donald Hunter, regarded as the founding father of occupational and industrial disease medicine, reported as describing the Dolbey spraying asbestos process as ‘murderous’.”⁷

1935. “Treatment and prevention... consist entirely of eliminating asbestos dust in the air”.⁸

Article: K. M. Lynch & W. A. Smith; *Pulmonary Asbestosis III: Carcinoma of Lung in Asbesto-Silicosis*; American Journal of cancer 24.56. Doll 1955 reports

1937. Factories Act

1939. “...was no longer any doubt that lung cancer is the occupational cancer of asbestos workers...”⁹

1940s. “US Navy and Maritime Commission appreciated the need to protect heavily exposed shipyard insulation workers in the 1940s. This knowledge was not disseminated to a wider audience...”¹⁰

1940. “...the Baader subcommittee issued guidelines specifying acceptable levels of dust and techniques to be used in its reduction.”¹¹

⁶ [P. Bartrip; *Beyond the factory gates: Asbestos in Twentieth Century America*; 2006]

⁷ [Dr M Greenberg; *The doctors and the dockers*; Am J Ind. Med. 2004]

⁸ [Myers; *Diseases of the Chest* (Minnesota) Published Nat. Med. Book Co. Inc.]

⁹ [Baader. Asbestosis. Dtsch Med Wochenschr] [full citation required]

¹⁰ [P. Bartrip; *Review. History of asbestos related disease*; Postgrad Med J. Feb 2004]

¹¹ [R. Proctor; *The Nazi War on Cancer*; 1999]

The History of Asbestos

Continued

1941. "Nordmann ...and Adolf Sorge (a Nazi party member and SS officer) produced the first animal experimental evidence that asbestos could cause lung cancer"¹²

"Animal experiments are inconclusive..."¹³

"There is individual susceptibility to effects of asbestos; latency periods for the disease of lung cancer for 10-12-18 years after exposure and that the association between carcinoma of the lung and asbestos is recognised in England, Germany and US."¹⁴

1943. "In 1943, the president of Johns-Manville criticized the managers of another asbestos company for warning their employees about asbestos hazards. The manager replied with, "Do you mean to tell me you would let them work until they dropped dead?" Johns-Manville's president said in response, "Yes. We save a lot of money that way."¹⁵

1944. Editorial. Journal American Medical Association [full citation required]

1945. The Chief Inspector of Factories; "Asbestos insulation aboard ships".

A letter to the majority of UK shipyards and ship building industry stating –

"Asbestos insulation aboard ships...No person under 18 should be employed in any process giving rise to asbestos dust or in any compartment or enclosed space where

such a process is being carried out...The handling of this very dry industrial material presents a serious health risk, which is often the more serious because the work is done in confined spaces...I would however emphasize that while asbestos dust may not have any apparent effects at first experience shows that particularly if the workers are exposed to dust in substantial concentrations serious results are apt to develop later...Asbestos workers should be provided with a mask (Home Office Mark No. 58042) or other approved type".

1946/7. "...cable racks are formed...space between the two floors being sealed and packed with asbestos packing..."¹⁶

1948. Building (Safety Health and Welfare) Regulations

1949. Annual Report of Chief Inspector of Factories

"...it is very necessary to keep an ever watchful eye for the new use of asbestos in some manufacturing or other process, for example, on ships or buildings where work may be undertaken by someone not fully realizing the necessity of preventing as far as possible the inhalation of asbestos fibre and dust"

Article: E.R.A. Merewether; Annual Report of the Chief Inspector of Factories for 1947; London: H.M.S.O

1951. Article: S. R. Gloyne; *Pneumoconiosis: A histological survey of necropsy materials*; Lancet. 1951 Apr 14;

¹² [R. Proctor; *The Nazi War on Cancer*; 1999]

¹³ [R. Doll; *Mortality from Lung Cancer in Asbestos Workers*; Brit. J. Indust. Med. 1955]

¹⁴ [W. C. Heuper; *Occupational Tumours and Allied Diseases*; ; Charles C Thomas, Springfield, Illinois; 1942]

¹⁵ [<http://www.weitzlux.com/Johns-Manville-asbestos>]

¹⁶ [T. E. Herbert & W. S. Proctor; *Telephony. A detailed exposition of the telephone system of the British Post Office*; Page 783]

The History of Asbestos

Continued

1952. *"The majority of workers (cited by Heuper) consider that a causal relationship between asbestosis and lung cancer is either proved or is highly probable and the reality of the relationship was agreed at the recent International Symposium on the Epidemiology of Lung Cancer (Council of Int. Organizations of Medical Sciences 1953). A minority however, remains sceptical (Cartier 1952, Warren 1948). and according to Heuper (1952), Lanza and Vorwald so that it was thought desirable to undertake a fresh investigation..."*¹⁷

1955. *"Sixty-one cases of lung cancer have been recorded in persons with asbestosis (Boemke 1953; Heuper 1952 since Lynch & Smith (1935) reported the first case...Summary...From the data it is concluded that lung cancer was a specific industrial hazard of certain asbestos workers and that the average risk among men employed for 20 or more years has been of the order of 10 times that experienced by the general population. The risk becomes progressively less as the duration of employment under the old dusty conditions decreased".*¹⁸

*"Donald Hunter... observed that the legislation had been "effective in controlling the disease" of asbestosis. (D. Hunter; Disease of occupations; London: English Universities Press Ltd 1955:881)*¹⁹

¹⁷ H. G. Maule; *Annual Reports of the Chief Inspector of Factories for the Years 1949 and 1950*; Br J Ind Med. Oct 1952;

¹⁸ R. Doll et al; *Mortality from lung cancer in asbestos workers*; BJIM 12.81

¹⁹ [P. Bartrip; *Review. History of asbestos related disease*; Postgrad Med J. Feb 2004]

1957. *"Turner & Newall, Cape Asbestos, and British Belting & Asbestos founded the Asbestosis Research Council"*²⁰

1958. Frederick Legrand v Johns-Manville Inc. (USA)

1959. Article: - J. Wagner. *Some pathological aspects of asbestosis in the Union of South Africa.* In: A. J. Orenstein; *Proceedings of the Pneumoconiosis Conference held at the University of Witswatersrand, Johannesburg*; 9–24 February, 1959. London: Churchill; 1960:373–82;

1960. Article: Wagner et al; *Diffuse pleural mesothelioma and asbestos exposure in the North Western Cape Province*; r J Ind Med v.17(4); Oct 1960;

*"It was doubtful whether it was safe to assume that any finely divided dust was harmless if inhaled in sufficient quantity over a sufficient period".*²¹

1960/1961. The Shipbuilding and Ship Repair Regulations.²²

1961. Factories Act

1964 – 1966. Article: I. J. Selikoff, E. C. Hammond & J. Churg; *Asbestos exposure and neoplasia.* JAMA1964;

Article: I. J. Selikoff, E. C. Hammond & J. Churg; *Relation between exposure to asbestos and mesothelioma*; N Engl. J. Med. 1965;

²⁰ G. Tweedale; *Science or public relations: The inside story of the Asbestosis Research Council, 1957-1990*; Am J Ind. Med. 2000 Dec;38

²¹ HM Factory Inspectorate; Booklet No. 8; *Toxic Substances in Factory Atmospheres*;

²² J. F. Woolaston; *Shipbuilding and ship repair*; Occup. Med. 1992; 42;

The History of Asbestos

Continued

Article: I. J. Selikoff, E. C. Hammond & J. Churg; *The occurrence of asbestosis among insulation workers in the United States*; Ann N Y Acad. Sci. 1965/66

From 1965

1965. 83 cases reported of mesothelioma arising from London area.²³

"Scientists track down killer dust"

Sunday Times reports upon Newhouse and Thompson above. A seminal publication viewed as bringing asbestos and mesothelioma fully into the public arena.

Meeting of London dockers concerned about health risks when unloading asbestos cargoes with Dr Hunter at the London Hospital. Dr Hunter recommends inter alia Siebe Gorman Mark 4 respirators when unloading asbestos cargoes. His recommendations are rejected. Dockers reassured by HM Medical Inspectors there is no risk to their health.

1966. Construction (Working Places) Regulations 1966

1967/1968. Early UK asbestos court claims Sales v Dicks Asbestos and Insulating Co. Ltd. unreported and Skingsley v Cape Asbestos Co Limited

1967. British Rail commences the removal of asbestos including from train carriages due to fears for passenger safety.

"We are fully satisfied as far as the dock industry is concerned that no unacceptable risk at present exists and that provided the

²³ M. L. Newhouse & H. Thompson; *Mesothelioma of the pleura and peritoneum following exposure to asbestos in the London area*; Br J Ind Med. v.22(4); Oct 1965

currently approved requirements and methods are followed dockers may proceed with confidence in handling of asbestos cargoes". (Inquiry and conclusions of the medical aspects of working cargoes of asbestos by dockers of the Port of London)

"Asbestos and your health" leaflet prepared for dock workers.

1968. Asbestos stowage makes dockers down tools.

"The Ministry of Labour is studying the problem of the menace of asbestosis among industrial workers. Experimental methods of packing imported asbestos in impermeable sacks are now being tried". [full citation required]

Article: - G. Sheers & A. Templeton; *Effects of Asbestos in Dockyard Workers*; Br Med J 1968;3

Article: - P. G. Harries; *Asbestos hazards in naval dockyards*; Ann Occup Hyg (1968) 11 (2)

Skingsley v Cape Asbestos Co Limited. [1968] 2 Lloyd's Rep. - Court of Appeal case concerning whether Mr S. was out of time ("statute barred") when bringing his claim. The Appeal Court (Lord Denning) ruled he was not statute barred.

*"...The results show that application and removal of asbestos materials both create high dust concentrations and measures to reduce the health hazards associated with such processes are described..."*²⁴

1969. Employers' Liability (Compulsory Insurance) Act.

²⁴ P. G. Harries; *Asbestos hazards in naval dockyards*; Ann Occup Hyg (1968) 11 (2)

The History of Asbestos

Continued

Asbestos Regulations

“These regulations revoked the 1931 regulations and expanded the statutory duty of employers to ensure that all staff in factories, power stations, warehouses, institutions and other premises were protected from the dangers of working with asbestos. The regulations applied to every process that used either asbestos or any article that contained asbestos, and sought to minimise exposure to asbestos through: Use of exhaust ventilation; Protective equipment and clothing; cleaning at regular intervals of machinery, plants and inferior surfaces by dustless methods; introduction of improved handling procedures. The regulations set a limit of 2 fibres per millilitre of air for asbestos”.

1970. *“A brief exposure of one month may after a half a century be associated with malignant mesothelioma or death may take place as young as 28 years of age in association with occupational exposure to asbestos”.*²⁵

*“...the concentration of this material [crocidolite], that is believed to be liable to be dangerous to health, is very small indeed”.*²⁶

1971. UK asbestos court cases.

Smith v Central Asbestos Co. Limited

Central Asbestos Co. Limited v Dodd

Court of Appeal *“...In the present case the Defendants [Central Asbestos] were, I am sorry to say, guilty of grave breaches of the regulations. Time after time, from 1953 onwards, the factory inspectors complained*

²⁵ H M Factories Inspector Annual Report [1969]

²⁶ H M Factories Inspector Technical Data Note 13; Standards for asbestos dust concentration for use with the Asbestos Regulations 1969;

*and wrote letters to the defendants: but nothing much was done. The conditions were lethal...In 1962 the defendants closed down one plant and made modifications to others. This improved matters. But still the defendants broke the regulations. So much so that in April 1964, they were summoned before the magistrates. They pleaded guilty and were fined the sums of £75, £75 and £20. Things improved for a bit, but in 1967 the factory inspector was still complaining of breaches. The defendants have since closed down and gone out of business. About time too....”.*²⁷

*“...This advertisement comes from our 1970 campaign. The theme adopted was 'where would we be without asbestos....At the present time British papers are carrying our 1971 campaign...Its theme is 'asbestos - it's a natural'. ...aimed at putting the health situation into perspective wherever it is publicity misrepresented. We have had to do this work in the context of the new Asbestos Regulations....yet in spite of all of the work we have done, and it has been considerable, we remain under attack...We cannot expect people to make a fair assessment of the value of asbestos in relation to the difficulties that attend its use if they have not been told that it is valuable, and why it is valuable...”*²⁸

1972. Film: “Dust at Acre Mill - World in Action” documentary. Parts 1-3

<http://www.youtube.com/watch?v=rhEdLXIIsqe4>

²⁷ Extract: judgment 1971 (April) Smith & Others v Central Asbestos Co. Limited; Court of Appeal; Master of the Rolls, Lord Denning; Page 211

²⁸ International Conference of Asbestos Information Bodies; London. 23-25 November; Extracts from: W. P. Howard; Action taken in the UK to defend asbestos; Secretary, Asbestos Information Committee. UK.

The History of Asbestos

Continued

1973. Monopolies Commission report; *Asbestos and certain Asbestos Product*;

US Appeal Court upholds mesothelioma trial verdict for Clarence Borel v Fibreboard Paper Products Corp.²⁹

Article: P. Kinnersley; *The Hazards of work: How to fight them*; Br J Ind Med. Apr 1974; 31(2)

1974. The Health & Safety at Work Act

1976. "In 1976 fire insulation board accounted for 14,500 tonnes of asbestos fibre in Britain, of which 11,800 tonnes were amosite...Asbestos insulation boards are tending to be replaced by products containing other fibres so that the risk to users should be consequently reduced".³⁰

Supalux [non asbestos] product available

1978. Cape phase out Asbestolux (containing asbestos)

Central Electricity Generating Board "South Eastern Region Pocket Directory" list of employees.

1979. Article: A. Dalton; *Asbestos Killer Dust*, British Society for Social Responsibility in Science;

Hebden Mill demolished.

Cape sells South African mining operations.

"...Three companies process nearly all of the raw asbestos in Britain: Turner & Newall Ltd, Cape Industries Limited, and the BBA Group Ltd. Of these Turner & Newall have

²⁹ <http://law.justia.com/cases/federal/appellate-courts/F2/493/1076/4552/>

³⁰ *Asbestos. Vol. 1. Final report of the Advisory Committee*; J. Appl. Cryst. (1981). 14,

made products across the whole range in Table 6, while Cape has specialised in friction materials asbestos cement products and thermal and acoustic insulation, and the BBA Group has specialised in friction materials and textiles. Others large users include Eternit Building Products Limited (formerly Atlas Stone Company Ltd) which makes asbestos cement products and a small amount of insulation board...Also information about Cape. "Asbestos insulation boarding tending to be replaced..."³¹

The Pneumoconiosis etc. (Workers Compensation Act).

1980. Steve McQueen actor death. Mesothelioma probably caused by work in US navy shipyards.

1982. "Alice. A Fight for Life" Seminal TV documentary.
<http://www.youtube.com/watch?v=UalvPWdKhqY>

"Alice Jefferson was eventually awarded £36,000 from Cape after an original offer of £13,000. However, this was only after the dying woman had been made to attend court". [Source: Tweedale p. 252].

1982/3. HM Chatham Dockyard closure

1984. "Trying to adopt the most charitable view towards shipbuilding employers...they must certainly have known or should have known of risk to health from asbestos dust in the air for their employees by 1945".³²

³¹ *Asbestos. Vol. 1. Final report of the Advisory Committee*; J. Appl. Cryst

³² Affidavit 1980 H No 1288 RCJ QBD Ronald Hill v ICI and others] HM Factory Inspector James Simpson Evans (in post in the Devonport Dockyards 1940s)

The History of Asbestos

Continued

"Asbestos for the construction worker"
Asbestos risks card issued by HSE (July).

1985. UK ban introduced blue and brown asbestos

1987. Chase Manhattan Bank began legal proceedings against Turner & Newall.

1988. (COSHH) Control of Substances Hazardous to Health Regulations

Walker v Port of London Authority. Dock worker widow claim, judgement.

1989 *Asbestos in World War II Respirator Canisters (u)*; Porton Down Technical Note 1058.

"Summary. The majority of British Service and Civilian respirator canisters manufactured just before and during the early years of World War II contained a particulate filter consisting of wool and asbestos in the proportion of about 80% wool and 20% asbestos. In about 1940 the particulate filter was improved by substituting resin-impregnated wool for the asbestos wool..."³³

1990. General Insurance Convention "Latent Claims". Report of the Latent Claims Working Party presented to the GISG Convention at Newquay, October 1990.

1992. "US Navy and Maritime Commission appreciated the need to protect heavily exposed shipyard insulation workers in the 1940s. This knowledge was not disseminated to a wider audience..." (J. K.

Corn; *Response to occupational health hazards. A historical perspective*)³⁴

1995. (Appeal) First UK environmental mesothelioma claims. Hancock et al v Roberts et al.

Article: Dr R M Rudd; *Asbestos Related Disease*; Chapter from *Respiratory Medicine*; Vol.1; Edited Brewis.

Department of Environment Industry Profile "Asbestos manufacturing works"

Professor R. Peto describes an "asbestos epidemic"

"*The Asbestos Hazards Handbook*". London Hazards Centre

BBC documentary "An acceptable level of death".

1996. Article: B. I. Castleman; *Asbestos: medical and legal aspects*; 4th Edition;

First custodial sentence (3 months) for breaches of Asbestos Regulations 1983 at Bristol Crown Court.

1999. House of Commons Library. *Asbestos Research Paper 99/815*.

<http://www.parliament.uk/business/publications/research/briefing-papers/RP99-81/asbestos>

UK ban white asbestos.

Docker mesothelioma deaths (266) reported.³⁵

³³ *Asbestos in World War II Respirator Canisters (u)*; Porton Down Technical Note 1058.

³⁴ P. Bartrip; *Review. History of asbestos related disease*; Postgrad Med J. Feb 2004

The History of Asbestos

Continued

Article: R. Proctor; *The Nazi War on Cancer*; 1999]

Article: A. Care; *Why have so many died?*, Tolley's H&S.

2000. "...*The Lloyd's Litigation is the largest and most complex piece of civil litigation this jurisdiction has ever seen...*".³⁵

Article: G. Tweedale; *Magic mineral to killer dust. Turner & Newall and the asbestos hazard*; Oxford University Press.

Dr A Stewart Medway Maritime Hospital. Media report of "*time bomb*" of asbestos claims arising from H M Chatham Dockyard.

Lubbe and others v Cape PLC [1 WLC 1545]. House of Lords judgment concerning South African miners suing for compensation.

2001. Article: Public Policy Monograph; *Overview of Asbestos Issues and Trends*; American Academy of Actuaries (December 2001)

Jeromson v Shell Tankers UK and Cherry Tree Machine Co. Ltd judgment

"...in 1951, the difficulties related to and the threats posed by asbestos were sufficiently well-known, and sufficiently uncertain in their extent and effect, for employers to be under a duty to reduce exposure to the greatest extent possible..."

2002 Article: A. Care; *Why the Court of Appeal decision in "Fairchild" is wrong - a*

³⁵ Dr M Greenberg; *A Study of Lung Cancer Mortality in Asbestos Workers: Doll, 1955*; Am J Ind. Med. 1999 Sep;36(3).

³⁶

http://www.truthaboutlloyds.com/litigation/Jaffray/lloyds_judge2.htm

question too far As cited in House of Commons "Asbestos" debate February 2002 [Hansard].

Fairchild judgment [House of Lords]

Alan Care meets with Senior Master Turner. High Court, QBD "Mesothelioma Fast Track" claims procedure and practice note.

2004. Article: Lowe et al; *UK Asbestos - the definitive guide*; 2004 General Insurance Convention

Article: P. Bartstrip; Review. *History of asbestos related disease*; Postgrad Med J. Feb 2004.

2005. Maguire v Harland & Wolff PLC. Court of appeal find that laundering work clothes by wife who contracted mesothelioma prior to 1965 did not give rise to liability as employer [1961-1965] did not know of the hazards of asbestos until 1965. NB. H&W were among those listed as having been sent the Chief Inspector of Factories 1945 letter.

Article: A. Care; *A century of neglect and 1940s' worker asbestos exposure - chronology and comment*; JPIL. 3/5.

Article: - Master S. Whitaker; *Three years on. The "Mesothelioma Fast Track" at the Royal Courts of Justice*; JPIL 2/5

2006. Control of Asbestos Regulations.

Barker v Corus (UK) plc

Compensation Act 2006

Judgments Rice and Thompson. - National Dock Labour Board ought to have known by 1947 "highly probable" that heavy

The History of Asbestos

Continued

concentrations of asbestos could cause lung cancer. Lord Justice Bingham)

Counsel for NDLB said “...*much flesh to be put on those bare bones*”.

2007. Article: *Asbestos Claims. Law, Practice and Procedure*; 9 Gough Square chambers

“MoD pays out £16 million to asbestos victims” Article Western Morning News, Plymouth (30.04.2007).

2008 Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008

Thomson Snell & Passmore [Alan Care] Freedom of Information request and reply from MoD “We do not hold records going back to 1945...55 mesothelioma claims registered [as arising from H M Chatham Dockyard] since 2001”.

Article: A. Care; Historical injustice and UK government culpability for asbestos claims - time to call in the historians; APIL Focus vol. 18. Issue 9.

2009.“... [No] private law duty arises on a government to take executive action to prohibit unsafe practices generally...”³⁷

Abraham v G Ireson & Son (Properties) Ltd (2009) EWHC 1958. Claim dismissed where exposure to asbestos was only very light and occurred intermittently. Period of employment between 4 August 1956 and 4 August 1961 (plumber's apprenticeship) and until late 1961 / early 1962.

³⁷ Extract from Treasury Solicitor's letter and response to a letter of claim against HM Governments for failure to take adequate action to prevent worker deaths (Chatham Dockyard employee)

2010 Pneumoconiosis etc. (Workers Compensation (Payment of Claims) (Amendment) Regulations and Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations.

Employers' Liability Insurance “Trigger” Litigation judgment

Sienkiewicz v Grief

Knowsley MBC v Willmore. Supreme Court judgments concerning low dose asbestos exposure and mesothelioma.

2011. Williams v Univ. Birmingham. Judgment - Low dose exposure.

2012. (March) Supreme Court “Trigger” judgment.

“Asbestos: Court ruling opens way for insurance claims” Welcomed as ending “confusion and uncertainty”. “The court placed insurance liability at the time an employee was exposed to asbestos, not when symptoms developed”. BBC report

Lord Clarke stated “The negligent exposure of an employee to asbestos during the [insurance] policy period has a sufficient causal link with subsequently arising mesothelioma to trigger the insurer's obligation”.

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2012.

Employers Liability Tracing Office “Mesothelioma announcement” (04.08.2012). New £300 million scheme to compensate sufferers of mesothelioma if diagnosed on/after 25 July 2012 where an insurer cannot be traced. Details of criteria

The History of Asbestos

Continued

of scheme and individual amounts to be paid are yet to be published. (As at 07/09/2012).

2013. P L McDonald v DCLC and National Grid. Judgment - Court of Appeal.

2014. Diffuse Mesothelioma Payment Scheme (The Mesothelioma Act 2014).

For untraced EI insurer claims.

© Thomson Snell & Passmore LLP

The content of this booklet is correct at the date of publication (October 2014) and is intended to provide a general guide to the subject matter. It should not be considered comprehensive and is not a substitute for seeking professional advice on a specific issue. Thomson Snell & Passmore is not responsible for the content of the external links used in this document