



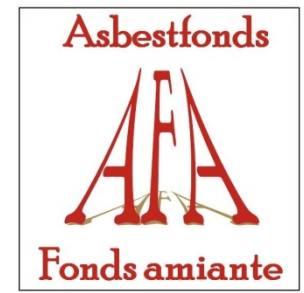
The Belgian Asbestos Fund

Dr. Marc Vandeweerdt

Occupational Diseases Fund - Asbestos Fund

22 January 2011

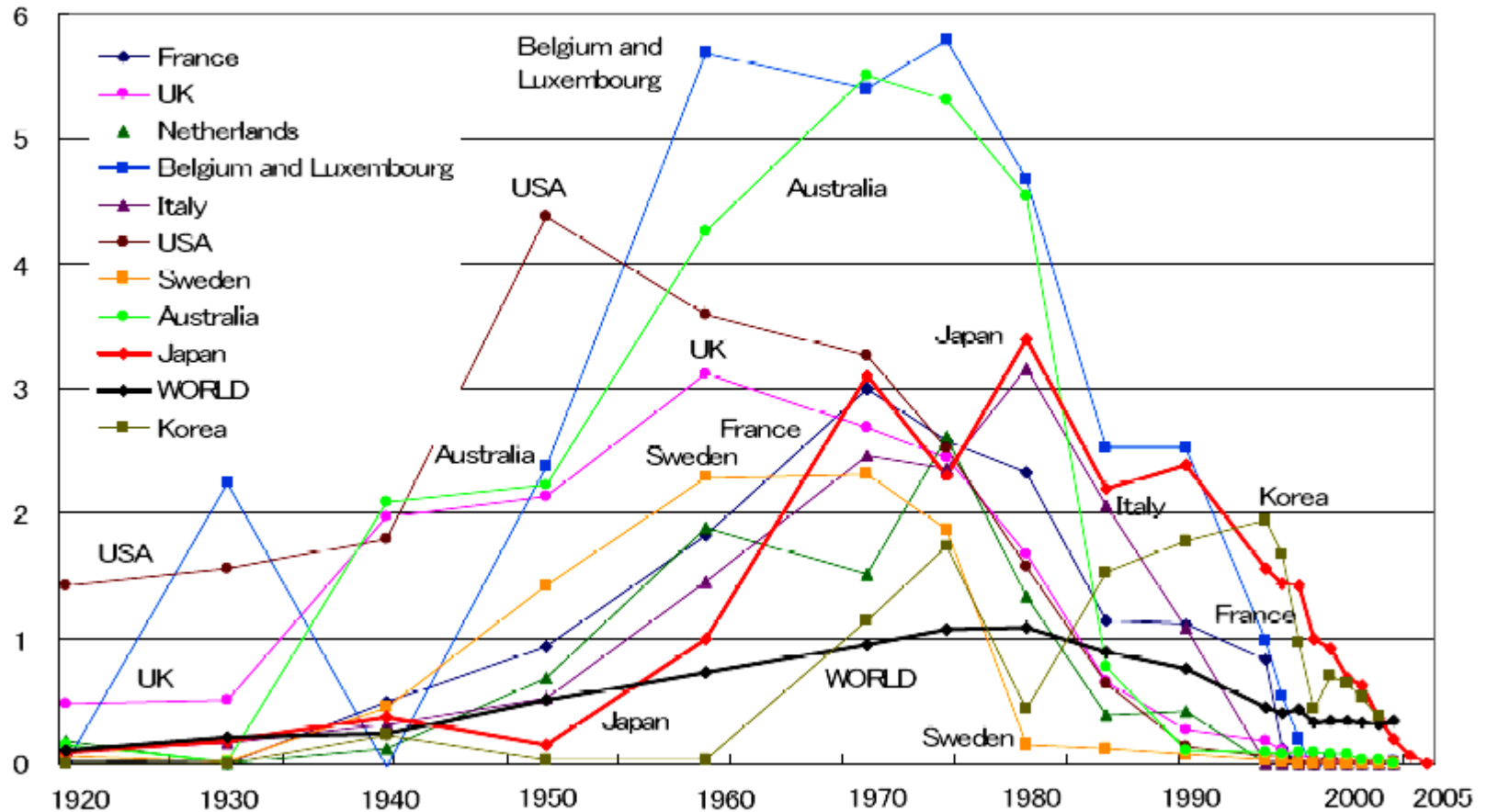
Asbestos: history



- Asbestos consumption in Europe
 - 1920: 39,276 T
 - 1950: 369,738 T
 - 1975: 1,410,394 T
 - 1990: 430,494 T
 - 2000: 30,277 T
- Asbestos consumption in Belgium
 - 1960 - 1975: 5.5 kg per capita per year
 - or approximately 55,000 T per year

Trend of Estimated Asbestos Consumption by Country

Estimated Asbestos Consumption (kg per capita)



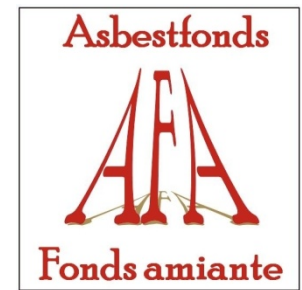
Worldwide Asbestos Supply and Consumption Trends from 1900 through 2003, US Geological Survey, Circular 1298
 Population : UN Population Database, US World Population Information, WESP (Werkgroep Seriele Publicaties), Population
 Statistics, <http://www.populstat.info/>

History (Belgium)



- 1969
 - Asbestosis and lung cancer on the list of occupational diseases
- 1978
 - Partial ban on asbestos
 - Prohibition of free asbestos manipulation
 - But still massive production of asbestos based materials (e.g. Eternit factory)

History (Belgium)



- 1982
 - Mesothelioma on the list of occupational diseases
- 1986
 - MAC values for workers (*Maximum Allowable Concentration*, now *Threshold Limit Value – TLV*)
- 1998
 - Almost complete ban on asbestos (sale, production, use)

Compensation for occupational diseases



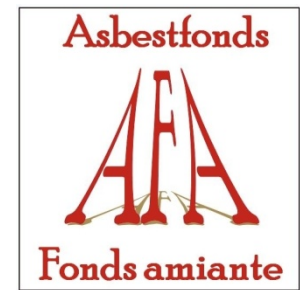
- Occupational diseases fund (ODF)
 - Only for salaried people
 - Not for independent workers
- Compensation in case of
 - work incapacity
 - death
- Occupational exposure required
 - No compensation in case of even proven environmental exposure

Asbestos related occupational diseases

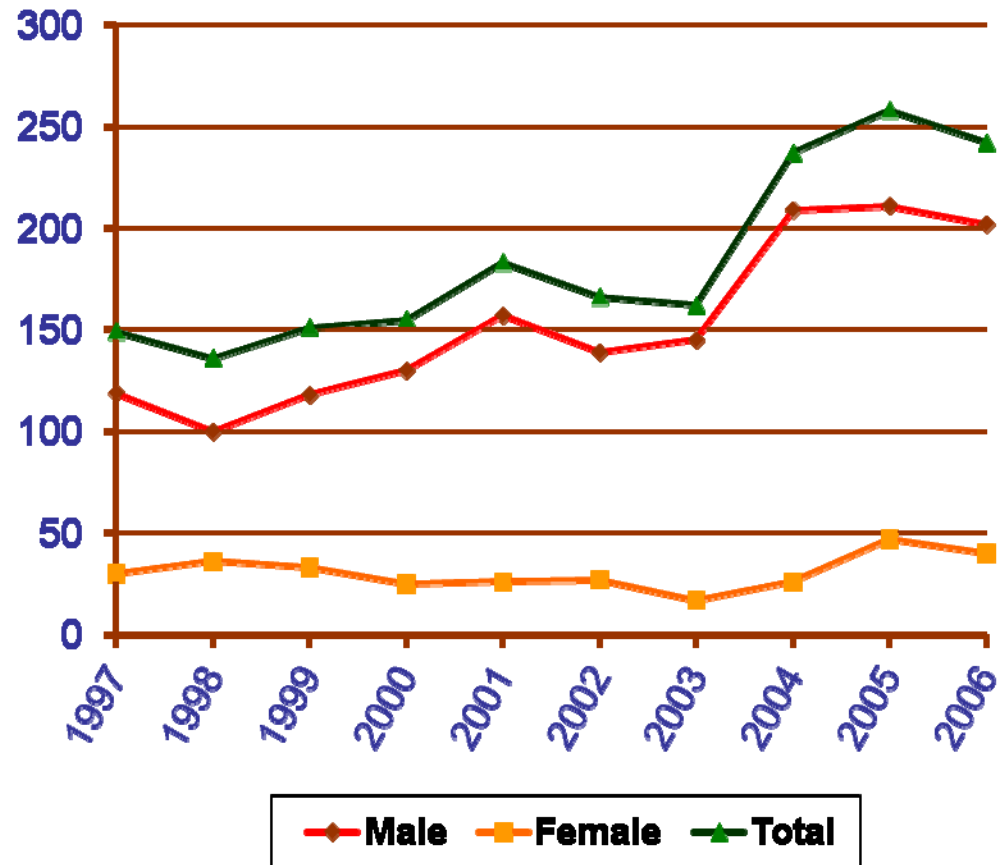


- Asbestosis
- Diffuse pleural thickening
- Lung cancer
- Mesothelioma
- Laryngeal cancer

Incidence of mesothelioma in Belgium (source: cancer registry)



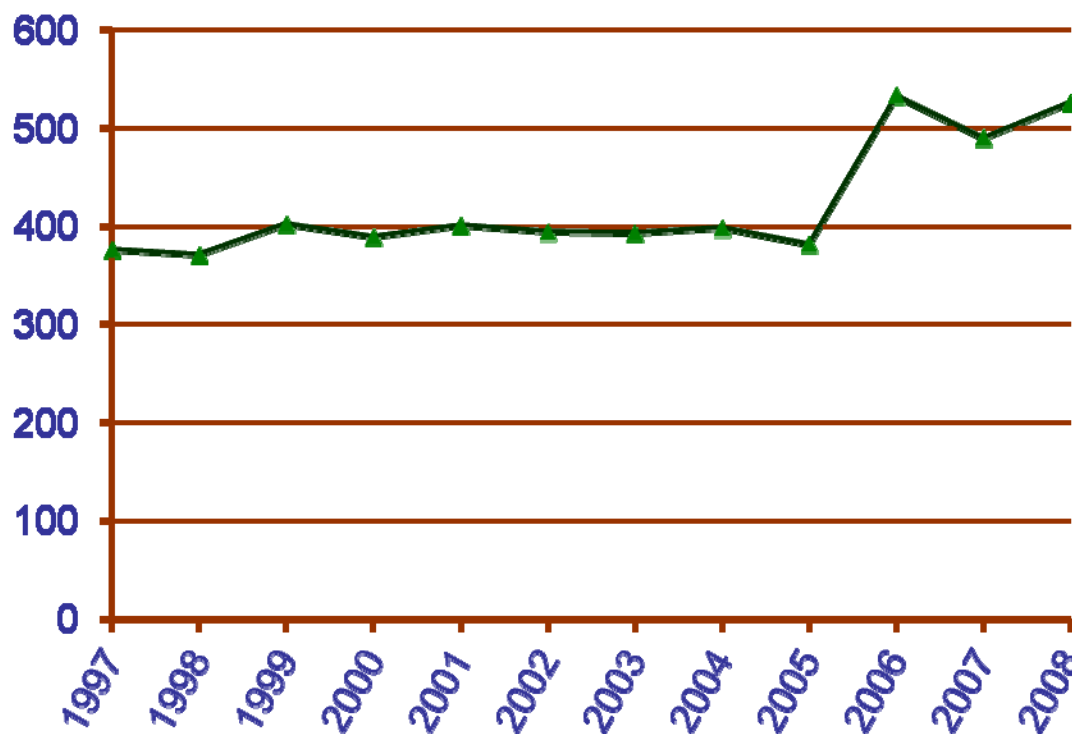
Year	M	F	Total
1997	119	30	149
1998	100	36	136
1999	118	33	151
2000	130	25	155
2001	157	26	183
2002	139	27	166
2003	145	17	162
2004	209	26	237
2005	211	47	258
2006	202	40	242



Incidence of mesothelioma in The Netherlands



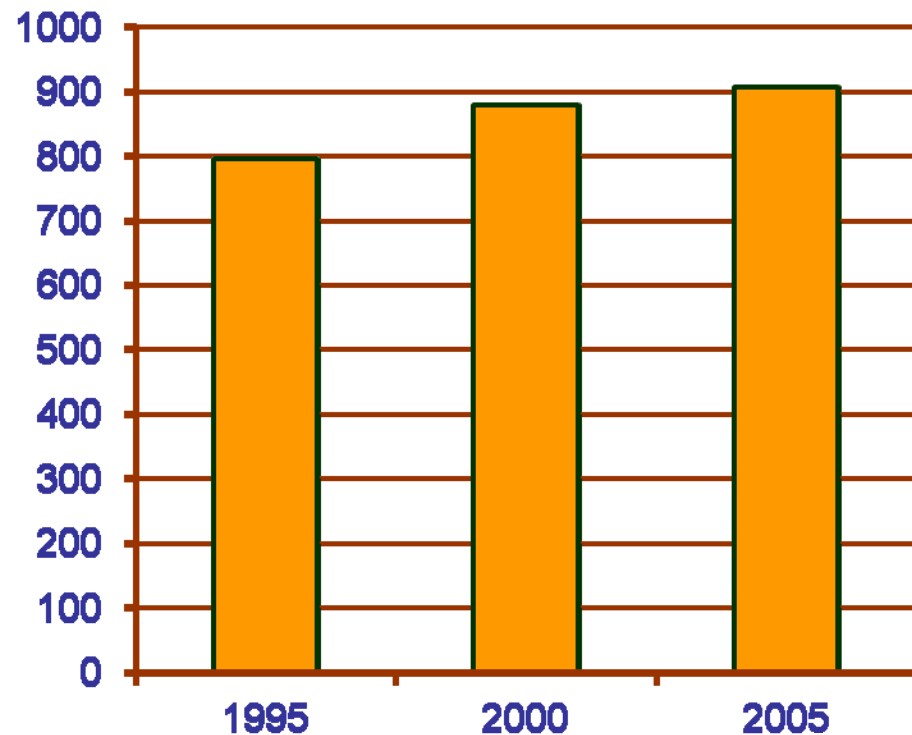
Year	N (M+F)
1997	376
1998	371
1999	402
2000	389
2001	401
2002	394
2003	393
2004	398
2005	382
2006	533
2007	490
2008	526



Incidence of mesothelioma in France (Le Stang et al., IJC, 2010)



Year	N (M+F)
1995	794
2000	878
2005	906

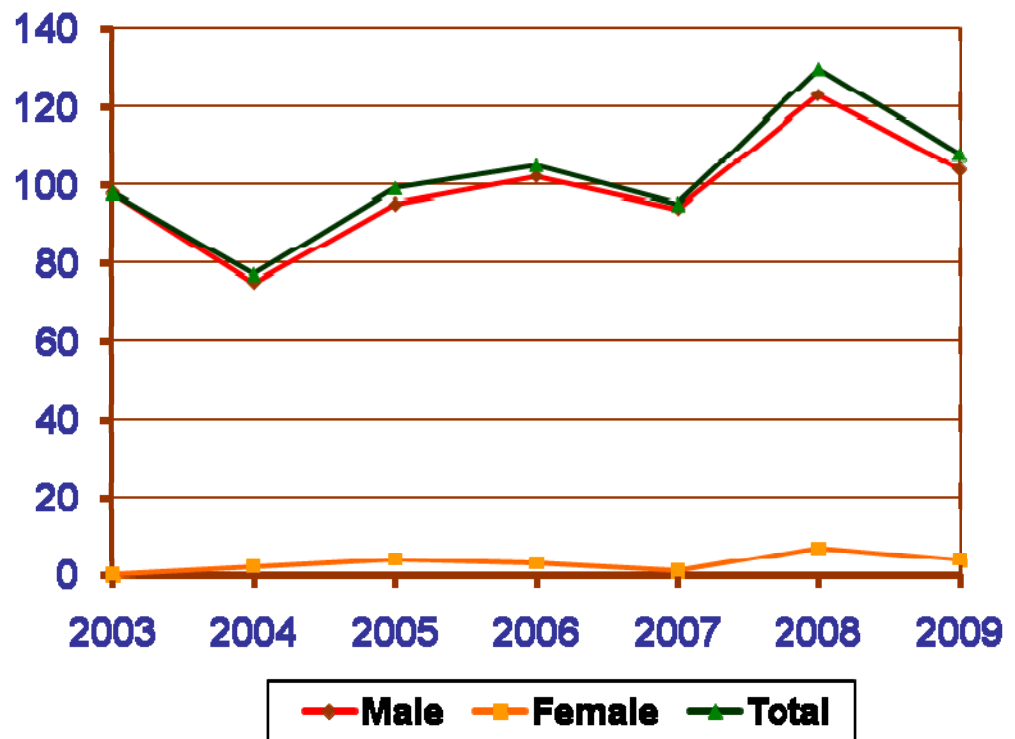


Mesothelioma (occupational diseases)



New cases with permanent work incapacity

Year	M	F	Total
2003	98	0	98
2004	75	2	77
2005	95	4	99
2006	102	3	105
2007	94	1	95
2008	123	7	130
2009	104	4	108

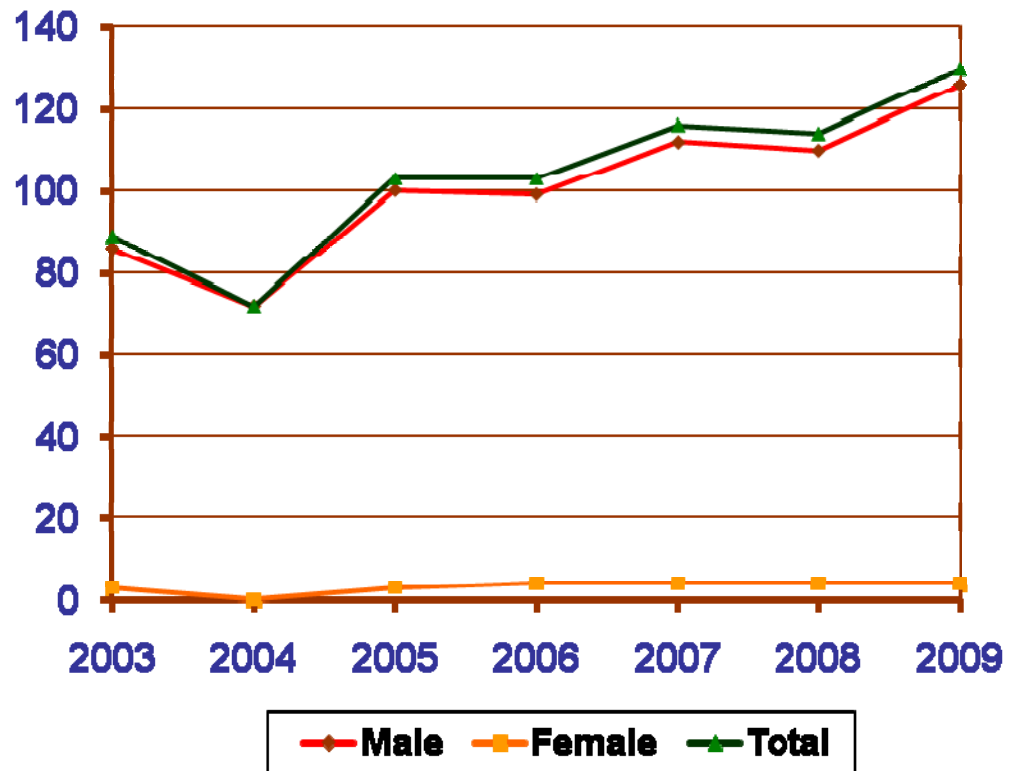


Mesothelioma (occupational diseases)



Deaths

Year	M	F	Total
2003	86	3	89
2004	72	0	72
2005	100	3	103
2006	99	4	103
2007	112	4	116
2008	110	4	114
2009	126	4	130

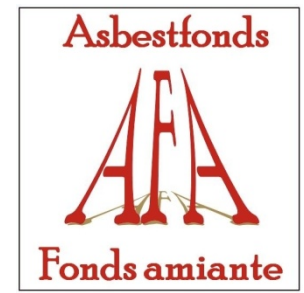


Asbestos Fund



- Cases of mesothelioma
 - in the neighbourhood of asbestos factories
 - in family members of asbestos industry workers
- Public pressure:
 - ABEVA
 - Asking for introduction of 'unforgivable fault' (liability of asbestos industry)
- Act of 27 December 2006: the Asbestos Fund
- Taking effect from 1 April 2007
- Royal Decree of 11 May 2007

Asbestos Fund



- Organised within the Occupational Diseases Fund (ODF)
- Compensation for
 - Mesothelioma
 - Asbestosis, including bilateral diffuse pleural thickening
 - “Other diseases, to determine by the King (the government), which are in a decisive way the consequence of asbestos exposure”

Asbestos Fund



- Entitled to compensation:
 - all people exposed to the asbestos risk in Belgium
 - suffering from mesothelioma or asbestosis
 - wage-paid workers (in addition to occupational diseases benefits)
 - independent workers
 - non-salaried people
 - ...

Compensation AFA (2010)



- Victims: fixed monthly benefit
 - Mesothelioma
 - 1,624 euros per month
 - Can be cumulated with social insurance benefits
 - Asbestosis
 - 16.24 euros per % of physical impairment, per month
 - To be halved if entitled to social insurance benefits for the same disease (sickness insurance, occupational diseases)

Compensation AFA



- Relatives, after decease of the victim: one time payment (lump sums, in euros)

	Mesothelioma	Asbestosis
Surviving spouse/partner	32,472	16,236
Surviving divorced spouse with maintenance grant	16,236	8,118
Each child \leq 18 year or entitled to child benefit	27,060	13,530

Compensation AFA



- All compensations are tax-free
- Victims and relatives who are compensated by AFA, cannot claim compensation from liable third party (except in case of intention)

Exposure requirements



- “The applicants have to provide the proof of an exposure to the asbestos risk in Belgium”
- No exposure criteria defined in the Act or in the Royal Decree
- Need for interpretation by the AFA

Exposure criteria in case of mesothelioma



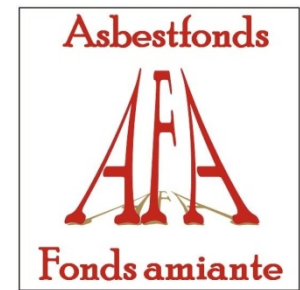
1. If compensation by the ODF for an asbestos related disease: compensation for mesothelioma by AFA
2. If occupational career in Belgium: search for occupational asbestos exposure

Exposure criteria in case of mesothelioma



3. Never worked in Belgium or no occupational exposure in Belgium:
 - a. Lived, before 1985, with a person who worked in a factory where great amounts of free asbestos were manipulated?
 - b. Lived, before 1985, close to a factory where great amounts of free asbestos were manipulated?
 - c. Had a hobby or did odd jobs with asbestos exposure?

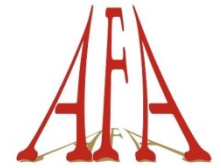
Exposure criteria in case of mesothelioma



4. 1 to 3 negative and evidence for an exposure outside of Belgium: rejection of the request
5. Only if the case does not meet one of the prior criteria: Lived 20 years in Belgium before 1998?

Mesothelioma: diagnosis

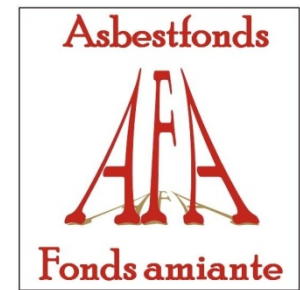




Asbestosis: criteria

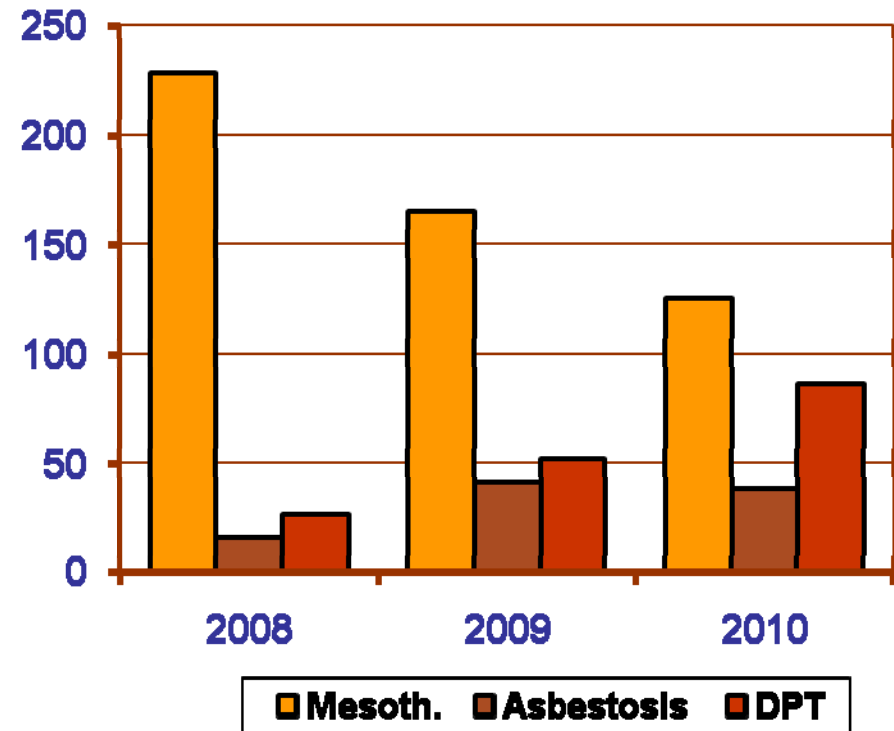
- Basically a problem of diagnosis
 - If there is asbestosis, then there was a sufficient exposure
 - But: the diagnosis of asbestosis requires a “reliable history of exposure” ...
 - Only pathologic findings are really conclusive
 - Diagnostic criteria: CT scan
- Required exposure
 - 25 ‘fibre years’ or
 - ≥ 5 asbestos bodies in BAL fluid

Asbestos Fund: figures

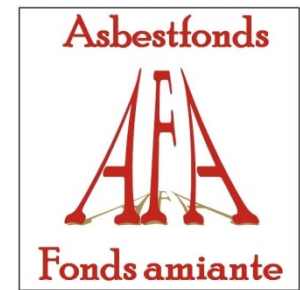


New cases (monthly benefits)

	2008	2009	2010
Mesothelioma	229	166	126
Asbestosis	16	42	39
Diffuse pleural thickening	27	52	87

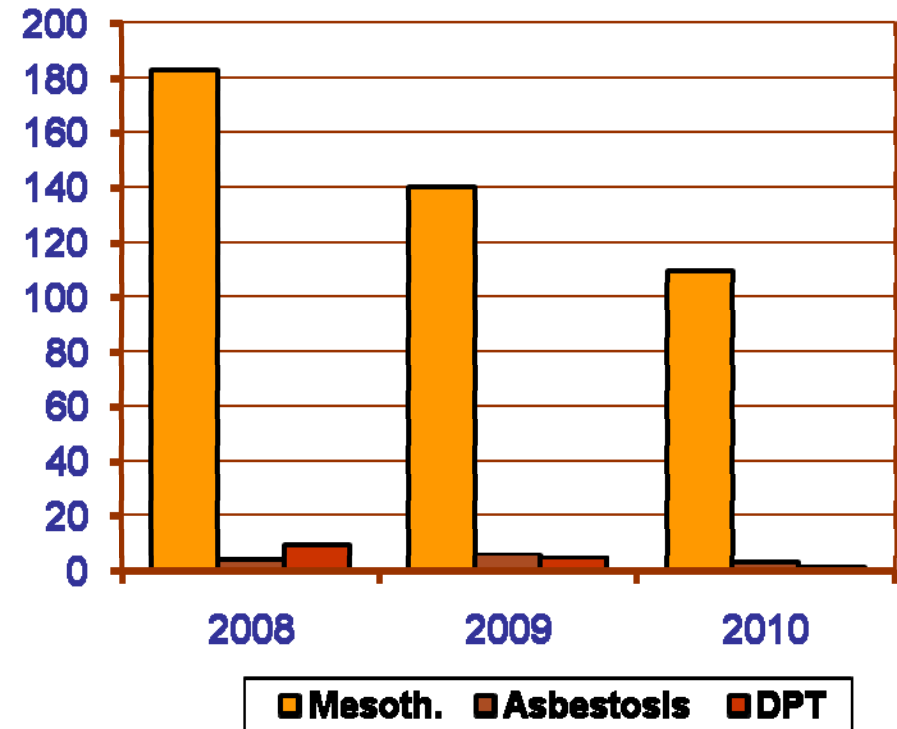


Asbestos Fund: figures



Deaths

	2008	2009	2010
Mesothelioma	183	140	110
Asbestosis	4	6	3
Diffuse pleural thickening	10	5	1



Asbestos Fund: application forms



Fonds amiante
Créé au sein du Fonds des maladies professionnelles
Avenue de l'Astronomie 1 - 1210 Bruxelles - Tél.02/226.62.11

AFA 02 F

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(numéro de dossier AFA)

Attestation médicale

- à compléter par le médecin -

< Attention: le Fonds amiante n'indemnise que le mésothéliome et l'asbestose. Cette attestation AFA 02 F est également valable pour une demande "asbestose" et « mésothéliome" dans le cadre de l'assurance maladie professionnelle. Si le patient présente une autre maladie professionnelle provoquée par l'amiante, vous devez utiliser les formulaires du Fonds des maladies professionnelles pour introduire une demande (voir www.fmp.fgov.be).

1. Identité du patient

Numéro d'inscription Sécurité Sociale | _____ - _____ - _____ | < voir carte sis coin supérieur droit
Nom | _____ | < pour les femmes: nom de jeune fille
Prénom | _____ | < prénom officiel
Date de naissance | ____ / ____ / ____ | < jour/mois/année

2. Affection du patient

< Notez toujours le diagnostic précis. En ce qui concerne les autres questions, vous pouvez faire référence aux rapports médicaux joints.

Diagnostic	<input type="checkbox"/> mésothéliome: <input type="checkbox"/> pleural <input type="checkbox"/> du péricarde <input type="checkbox"/> péritonéal <input type="checkbox"/> asbestose <input type="checkbox"/> épaissements pleuraux diffus bilatéraux
Premiers symptômes de la maladie (nature, date)?	

Asbestos Fund: application forms



Asbestfonds
Opgericht bij het Fonds voor de beroepsziekten
Sterrenkundelaan 1 – 1210 Brussel – Tel. 02/226.62.11

AFA 03 N

(dossiernummer AFA)

Aanvraagformulier schadeloosstelling wegens overlijden

Richtlijnen voor het invullen van dit formulier.

Dit formulier moet u gebruiken om een aanvraag voor schadeloosstelling wegens overlijden als gevolg van asbestose, bilaterale diffuse pleuraverdikkingen of mesothelioom in te dienen bij het Asbestfonds. Het bestaat uit **twee** delen:

Deel 1 moet u als rechthebbende invullen, dateren en ondertekenen

Deel 2 moet u daarna laten invullen door de arts die u aanduidt.

De twee delen samen zijn noodzakelijk voor de behandeling van de aanvraag.

Als de overledene nog geen aanvraag bij het Asbestfonds had ingediend, moet u ook vakken 4, 5 en 6 van dit formulier invullen en een formulier AFA 02 laten invullen door een arts.

Verzending

De rechthebbende of de aangeduide arts verstuurt de **twee** delen van het ingevulde formulier naar de geneesheer van het Asbestfonds, Sterrenkundelaan 1, 1210 Brussel. Eventuele bijlagen voegt u bij of kan u in een aparte briefomslag versturen naar hetzelfde adres, met verwijzing naar het formulier "aanvraagformulier schadeloosstelling wegens overlijden".

Deel 1: in te vullen door de persoon die schadeloosstelling vraagt

1. Identiteit van de overledene

Inschrijvingsnummer Sociale Zekerheid	<input type="text"/>	< zie bovenaan sis- kaart
Dossiernummer AFA	<input type="text"/>	< indien gekend
Naam	<input type="text"/>	< voor vrouwen: meisjesnaam
Voornaam	<input type="text"/>	< officiële voornaam

More information



- <http://www.fmp-fbz.fgov.be/>

