



ASBESTOS BULLETIN

Newsletter of the Asbestos Relief Trust & the Kgalagadi Relief Trust



January 2010

Lack of State-funded heart and lung removal services in Kuruman leave former miners and their families with little hope of claiming compensation

Since October 2008, State-funded heart and lung removal services have all but collapsed in the Kuruman area, leaving families of former miners unable to access potential compensation under the Occupational Diseases in Mines and Works Act (ODMWA).

The autopsy of the heart and lungs often represents the last chance of families to claim compensation from the Department of Health under ODMWA.

During the course of 2009 attempts were made by various stakeholders and community representatives, such as the Northern Cape-based Asbestos Interest Group (AIG), to persuade the Department of Health, custodian of ODMWA, to make these services available to former asbestos miners and their families.

While heart and lung removal services are now being provided by the private sector, many families cannot afford to pay for these.

The Asbestos Relief Trust and Kgalagadi Relief Trust's Palliative Care Nurse, Sr

Phemelo Magabanyane, says that private services are not accessible, available or affordable for most families in need of help. Not all families can access these services due to the remoteness of the area and/or because of financial constraints.

Families repeatedly ask who is responsible for providing these services and how or where they can be contacted. The questions remain unanswered.

The ART and KRT will be launching a radio and leaflet campaign to create awareness around the importance of heart and lung removal and post mortems/autopsy for former miners.

The campaign is anticipated to begin in March 2010 and will initially be rolled out to the Eastern Cape, Limpopo and Mpumalanga.

We would like to appeal to the Department of Health to restore heart and lung removal services under the Occupational Diseases in Mines and Works Act.

Sound Bytes

• **Kuruman Office Closure** - Following the closure of the Kuruman office on 30th November 2009, Sr Phemelo Magabanyane, the trusts' Palliative Care Nurse, moved to and is now based at the Kuruman Moffat Mission. She can, until further notice, be contacted on 079 898 1661.

• **Cape Town Office Move** - The new office contact details are: 104, Library Square, Wilderness Road, Claremont, 7700; telephone (021) 671 3084, telefax: 0866 104 102.

• **2008 National Asbestos Conference Report** - The 2008 conference proceedings will become available in early 2010. Requests for a hardcopy or softcopy of the report can be made to artinfo@asbestostrust.co.za from 1 February. Please include your name, physical address, postal address and telephone number.

• **Second Environmental Asbestos Pollution Study** - Rob Jones' second draft environmental asbestos pollution study for the Department of Environmental Affairs was presented to stakeholders on 9 December 2009. The study indicates the presence of significant environmental asbestos pollution in the Northern Cape and Limpopo provinces. The full report will be distributed for comment in early 2010.

• **Deputy President visits Northern Cape and pledges to address community concerns of asbestos pollution** - Deputy President, Kgalema Motlanthe, and former Northern Cape Premier and current Energy Minister, Dipuo Pieters, recently visited the townships of Bongani and Brielpal in the Northern Cape, as part of the ANC's 98th Anniversary celebrations taking place in the province. The Deputy President pledged to address community concerns with asbestos related diseases and asbestos pollution. Source: ANC Press Release, 7 January 2010

• **Asbestos Disease Awareness Organization (ADAO) Conference** - American based ADAO announced dates for their annual asbestos conference in 2010. More information can be found on: <http://www.pr-inside.com/asbestos-disease-awareness-organization-adao-r1593994.htm>

• **Recent Nobel Laureate President Barack Obama campaigned for asbestos removal** - President Barack Obama participated in a campaign in the 1980s, whilst a community organizer, to rid Altgeld Gardens, a poor Chicago community, of asbestos. More information can be found on: http://en.wikipedia.org/wiki/Altgeld_Gardens_Chicago



• **Italian asbestos case opens in Turin** - A Swiss businessman and Belgian baron are being sued for their role as top executives at Eternit's Italian affiliate Eternit SpA. Their lawyers have said they bear no responsibility in the exposure, which occurred long before their involvement. Source: <http://asbestosinthedock.ning.com/profiles/blogs/field-report-day-1-a-resolved> & <http://hesa.etui-rehs.org.uk/newsevents/newsfiche.asp>

Asbestos Trust Statistics as at 31 December 2009

Total Number of Claim Enquiries Received

Asbestos Relief Trust Enquiries:	12,554
Kgalagadi Relief Trust Enquiries:	1,196
Dual (ART & KRT) Enquiries:	1,547
Total Enquiries:	15,297

	Asbestos Relief Trust				Kgalagadi Relief Trust			
	Claims Paid		Pending Payments		Claims Paid		Pending Payments	
	No.	Amount	No.	Amount	No.	Amount	No.	Amount
ARD 1	2458	R96,885,392	120	R4,282,199	744	R25,652,584	46	R1,616,817
ARD 2	320	R25,807,846	12	R368,533	104	R7,017,104	11	R596,798
ARD 3	27	R5,831,320	6	R1,039,869	13	R1,913,494	7	R1,381,460
ARD 4	162	R59,439,451	9	R2,795,531	66	R22,077,930	9	R2,802,631
Total	2967	R187,964,009	147	R8,486,132	927	R56,661,112	73	R6,397,707

Interpreting the Statistics (Definitions)

- **Enquiries:** refers to the total number of individuals who seek to lodge a claim with either of the asbestos trust and will include individuals who may or may not meet all the criteria to lodge a claim.
- **Dual Enquiries:** refers to individuals who seek to lodge a claim with both the Asbestos and Kgalagadi Relief Trusts
- **Pending Payments:** refers to claims that have been approved for payment but not yet paid due to outstanding banking details and/or the signed Release and Discharge form.
- **ARD1:** means asbestos related pleural thickening and/or asbestosis with mild to moderate lung function impairment
- **ARD2:** means asbestos related pleural thickening and/or asbestosis, with severe lung function impairment
- **ARD3:** means asbestos related lung cancer
- **ARD4:** means mesothelioma

LOCAL NEWS

Staff Interest



Johannesburg office team ended their year with their own creation of a Christmas tree

New Process for Record of Service Verification

Verification of Work Records for the Purpose of Lodging a Claim with the Asbestos Trusts

- You must complete an Occupational Enquiry Registration Form (Form 1), and submit it to the ART/KRT Head Office with a certified copy of your ID or passport (e-mailed and faxed copies will be accepted).
- Your enquiry will be processed within 5 working days from the date that your documents are submitted to the Head Office.

Requesting Work Record Verification for Non-Trust Purposes

- You must complete a Work Record Verification Request Form (Form 3), and submit it to the Head Office with a certified copy of your ID or passport (e-mailed and faxed copies will be accepted).
- Work record verification for non-Trust purposes will only be issued on Wednesdays between 10h00 and 15h00. You must ensure that your request is submitted to the Head Office the day before otherwise your request will only be processed on the following Wednesday.

The above mentioned forms can be obtained from an accredited claims handler or can be sent to you by the Head Office on request. For more information, please contact us on (011) 482 1000.

Lesotho Outreach

The ART/KRT Outreach Team of specialist Dr Jim teWater Naude, nurses Sr Nodu Nolokwe and Sr Phemelo Magabanyane, Outreach Manager Tina da Cruz and Administrative Assistant Baso Nodada, visited Lesotho in November 2009 for the last medical screening session for the year. The team was joined on this trip by Sr Helen Lethabane of the Lesotho Department of Health and Dr Mokgadi Mothemela, registrar in Occupational Medicine at the University of Cape Town based at Groote Schuur Hospital, who assisted with claimant consultations. Dr Mothemela's participation formed part of her specialist training at the University of Cape Town.

The screening sessions took place in Quthing between 23-25 November, Sterkspruit on 26 November and wrapped up in

Maseru on 27 November 2009.

A total of 141 consultations were conducted out of 179 that were scheduled to take place.

The Medical Team used the opportunity to conduct spirometry training with Dr Titus, a trust accredited doctor based in Sterkspruit.



Claimants in Sterkspruit await their medical consultation

A new mobile claims processing control system, which was developed in the Johannesburg office with the help of Kerry Byerley, was tested during this trip. This new system allows for a more efficient, streamlined, less labour intensive mobile claims process.



Claimants in Quthing waiting for their medical consultation

The team work that was displayed on this trip made the process smooth and quick.

INTERNATIONAL NEWS

British Insurance Companies Accused of Profiting from Victims of Mesothelioma

Insurance companies in Britain have been accused of profiteering from victims of the deadly asbestos cancer mesothelioma. Hundred's of victims of the disease are going without compensation because many of the insurance policies meant to protect workers have, allegedly, been lost.

A scheme to track down insurance details of defunct companies, run by the insurance industry itself, is failing to find almost half of the policies which would cover victims' compensation. Untraced mesothelioma cases save the insurance industry an estimated £60m a year, leaving sufferers and their families to struggle on government benefits that are a tenth of what they would be paid in a claim.

The British Government said the scheme had been such a failure that it was now considering the establishment of a "more formal" tracing office and the creation of a fund of last resort to compensate those whose insurers could not be traced.

Source: <http://license.icopyright.net/user/viewFreeUse.act?fuId=NjIzNDcwMw%3D%3D>

James Hardie asbestos fund bailed out by loan from Australian and New South Wales governments

The Australian and New South Wales governments recently responded to a 2009 actuarial estimate that the James Hardie-established Asbestos Injuries Compensation Fund (AICF), could run out of funds by mid-2010.

The original fund was \$1.8billion.

The AICF which was set up in 2006, relies on annual contributions from James Hardie's free cash flow. A funding agreement between James Hardie, the AICF and the New South Wales government caps the company's contribution to the fund at 35% of its annual cash flow. James Hardie did not make a contribution to the AICF at the end of its 2009 fiscal year as it posted a negative cash flow due to the impact of the US housing downturn.

According to recent reports the federal and New South Wales governments will loan James Hardie an estimated \$320 million so that it can continue to pay compensation to asbestos sufferers. This loan has ensured that claimants will continue to receive lump sum awards and not reduced instalments.

Source: http://news.smh.com.au/breaking_news & <http://www.mesorc.com> & <http://www.abc.net.au>

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The Editor welcomes contributions, comments and suggestions.

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