

Asbestos Victims Support Groups' Forum UK

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Supreme Court rules out asbestos exposure threshold for mesothelioma

In a landmark decision today, 9th March, involving the deaths of mesothelioma sufferers Diane Wilmore, exposed to asbestos at school, and Enid Costello, exposed to asbestos in a factory, the Supreme Court has handed down a judgment that low levels of exposure to asbestos can cause mesothelioma.

Both Diane Wilmore and Enid Costello won their cases in the High Court and the Court of Appeal. Both these decisions were appealed by employers who sought to establish a threshold of exposure which could rule out hundreds of potential claims for mesothelioma where there was low level exposure to asbestos. But, The Supreme Court has ruled that the current test that only requires a material contribution to the risk of developing mesothelioma should stand in such cases.

This case is just one of a long series of cases brought by insurers and employers seeking to deny their liability to pay compensation despite the fact that claimants were negligently exposed to asbestos and later developed the fatal disease, mesothelioma. Diane Wilmore fought her case despite failing health, dying just a day after she heard that the Appeal Court had upheld the High Court judgment.

Tony Whitston, Forum Chair, says:

"This case involved the wrongful exposure of two people to asbestos, which caused their deaths. There is no known safe level of exposure to asbestos. Arguments for a 'safe' threshold are everything to do with denying liability for compensation and nothing to do with protecting people. This case not only protects compensation for those who have been negligently exposed to low levels of asbestos, but also gives a warning to those who think that workplaces such as schools, which are heavily contaminated with asbestos, are low risk."

For further information tel. the Forum: 07748189837 or 0161 636 7555

Notes for Editors

Mesothelioma is a fatal tumour, principally of the lung pleura, for which the only known cause is exposure to asbestos

The Supreme Court case: Sienkiewicz (Administratrix of the Estate of Enid Costello Deceased) (Respondent) v Greif (UK) Limited (Appellant) Knowsley Metropolitan Borough Council (Appellant) v Willmore (Respondent).

This is a landmark judgment because many people who had low level exposure to asbestos, e.g. teachers, would have been unable to secure compensation had the judgment gone the other way. 45 teachers died from mesothelioma in the three year period 2006-2008. On average during this period 15 teachers died from mesothelioma each year.