

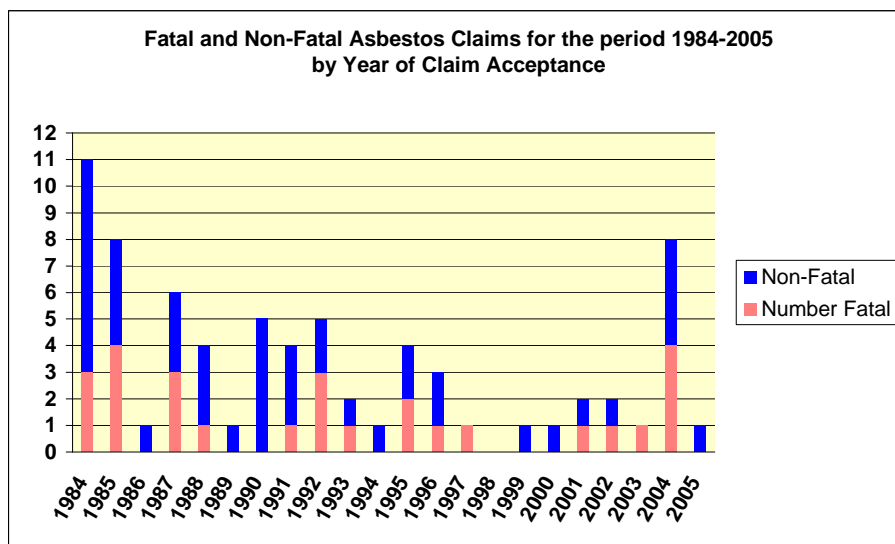
**RESEARCH FLASH**  
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**Oregon Asbestos-Related, Accepted Disabling Claims 1984-2005**

Many industrialized countries have banned the use of asbestos. This fibrous, mineral compound was one of the first hazardous air pollutants subject to the Clean Air Act of 1970 (Section 112). Its use in the United States is legal, but it is monitored and regulated by the federal and state Environmental Protection Agencies and the Occupational Safety & Health Administration.

Asbestos use continues to spark controversy 35 years after passage of the Clean Air Act. In fact, asbestos use is the subject of a bill currently before the Senate - S852. The bill, sponsored by Senator Arlen Specter of Pennsylvania, is entitled "Fairness in Asbestos Injury Resolution Act of 2005" or the "FAIR Act of 2005." It would establish a special fund for compensation of all claims for asbestos-related diseases and a federal office to administer the fund. The act would provide the exclusive remedy for asbestos-related claims not already at trial.

In Oregon over the last 21 years, there have been 72 accepted disabling workers' compensation claims related to asbestos exposure. These are claims where the source or secondary source of injury was asbestos, or the nature of injury was asbestosis. The following graph shows the distribution of claims by year of claim acceptance, and the number of those claims that were fatalities.



Changes to Oregon Law in 1991 require that in order for a claim to be considered compensable, it must be determined that the work-related exposure is the major contributing cause of the disease. Asbestosis and asbestos-related conditions often take many years to manifest. It is frequently difficult to determine where the worker was employed when the exposure to asbestos occurred, or which employer was responsible in the case of multiple instances of exposure. In addition, when an exposed worker dies, the surviving family may not realize the death could have been work related, thus causing a delay in filing a claim. These factors contribute to the complexity of studying trends in asbestos-related diseases.

There is a spike in asbestos-related claims accepted in 2004. Upon further review, it was found that all of the fatalities had occurred in previous years, but the claims were not reported until 2004. Asbestos exposure in the non-fatal claims occurred at least 25 years before the claims were reported. These gaps also help explain why asbestos remains a subject of continued study, debate, legal, and societal concern today.

Here are some links to related websites, including a summary of Senate Bill 852:

Library of Congress Link to S852 summary: <http://www.congress.gov/cgi-bin/bdquery/z?d109:SN00852:@@L&summ2=m&>

OSHA: <http://www.osha-slc.gov/SLTC/asbestos/index.html>

Environmental Protection Agency (EPA) Link: <http://www.epa.gov/region6/6pd/asbestos/asbestos.htm>

"Occupational Hazards" article: <http://www.occupationalhazards.com/articles/13323>

Source: Information Management Division  
Contact: Juli Ross-Mota, 503-947-7359 or Rhonda Thompson, 503-947-7310