

# **Veterans Asbestos Claims Assistance**

**Veteran Outreach brought to you by Asbestos.com**



**Serving veterans affected by asbestos-diseases and collaborating  
with VSOs to assist veterans in their communities**

**888-327-8271**

# How we help veterans



- ★ Support Literature - Asbestos Diseases and VA Benefits
- ★ Connecting with experts - Doctors, VA and Legal Compensation
- ★ **Understanding VA Claims Evidence Development**
  - **Medical Diagnosis**
  - **Nexus Statements**
  - **Exposure Summaries**
- ★ Connecting with local VSOs

# Asbestos Exposure



- **Fibrous Minerals** - resistant to heat and corrosion
- Safe in solid form - dangerous when they release fibers
- **Latency Period** - The latent period for development of disease due to exposure to asbestos ranges from 10 to 45 or more years between first exposure and development of disease.
- Used in construction materials, insulation, pipe lagging, brake pads, clutch faces, flex gaskets, fireproofing, fire resistant PPE, Navy non-skid paint, cement

# Elements of a successful VADC claim

- Must have a **valid diagnosis and a Nexus statement**
- Must be able to prove exposure to asbestos during military service - a **majority of lifetime exposure**
- **Nothing is presumptive** for non PACT Act asbestos claims – must prove medical connection and military exposure
- **PACT Act 2022** does not mention the word “Asbestos”

## An Act

To improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

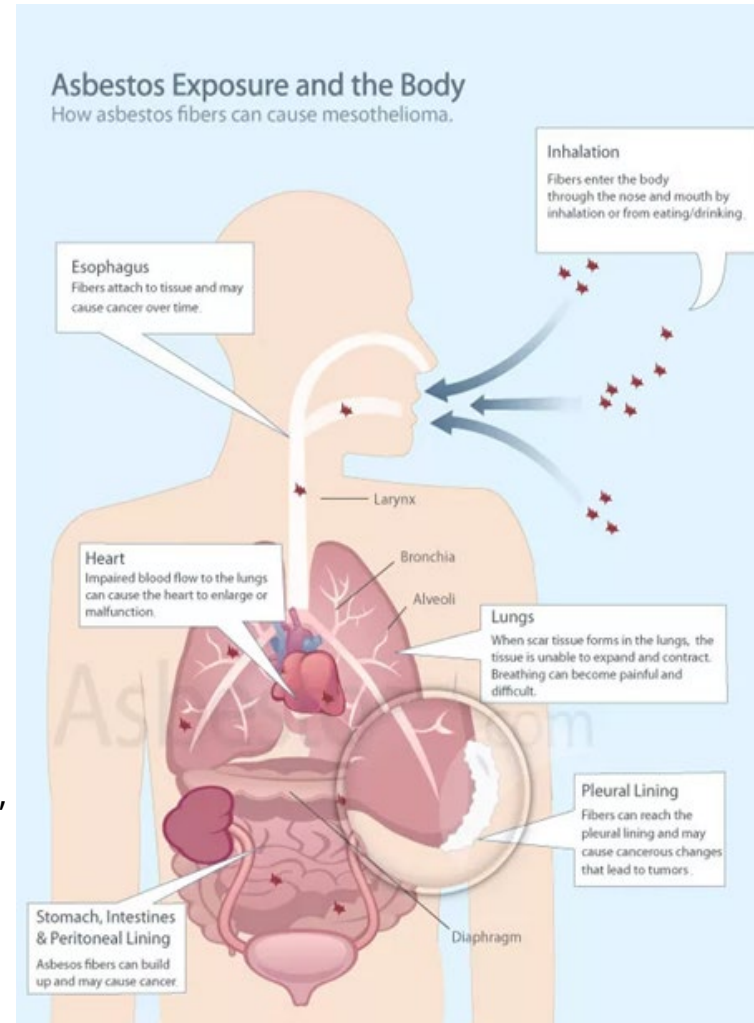
**SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022” or the “Honoring our PACT Act of 2022”.

# VA Asbestos Conditions

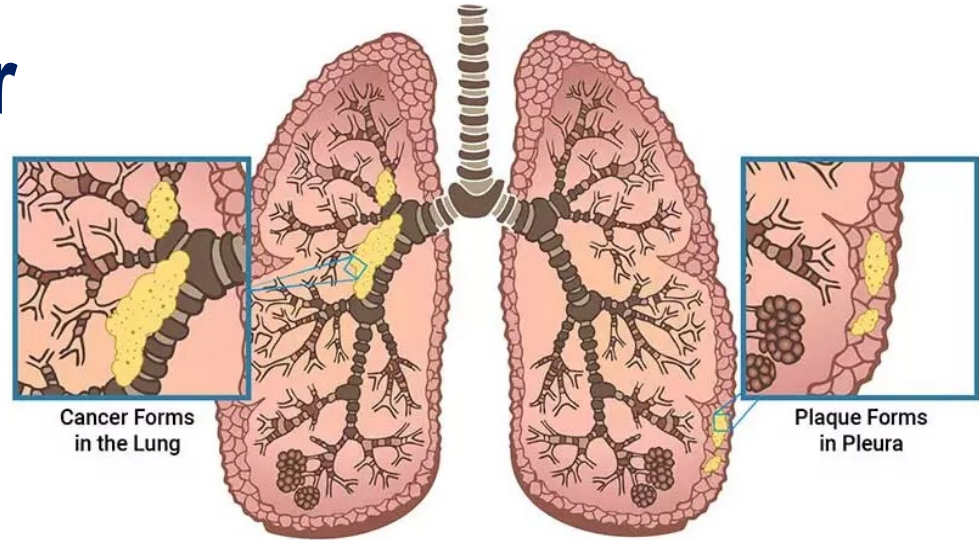
- fibrosis, the most commonly occurring of which is interstitial pulmonary fibrosis, or asbestosis
- pleural effusions and fibrosis
- pleural plaques
- mesotheliomas of pleura and peritoneum
- cancers of the
  - lung
  - bronchus
  - gastrointestinal tract
  - larynx
  - pharynx, and
- urogenital system, **except the prostate.**
- All persons with significant asbestosis develop cor pulmonale, heart disease secondary to disease of the lung or its blood vessels, and those who do not die from cancer often die from heart failure secondary to cor pulmonale.

[M21-1, Part VIII, Subpart iii, Chapter 7, Section A](#)



# Mesothelioma Cancer

- 4 Types
  - Pleural (lungs) 85%
  - Peritoneal (abdomen) 15%
  - Pericardial (heart)
  - Testicular
- **Veterans make up 30% of 2,500 DX each year**
- Pathology states malignant mesothelial cells = mesothelioma
- All veterans are eligible for civilian compensation in addition to VADC
- <https://www.asbestos.com/mesothelioma/>



# Diagnostic Testing

- All Veterans have had exposure to toxins including asbestos
- PACT VHA Expansion - Eligible for TERA Screening
  - Veterans should tell doctor about exposure to Asbestos – ask for CT
- Asbestos lung disease testing must have two components
  - Chest imaging - **CT scan with contrast is gold standard for dx**
  - Pulmonary Function Test (PFT) - Spirometry
- Pulmonary Lung Specialists are best trained to DX RLD
  - Can differentiate between COPD and Restrictive Lung Disease

# Nexus Statements

- Must include the connection between the current diagnosis and asbestos
- **Typically requires a diagnosis of an Asbestos Lung Disease**
- The opinion should be expressed as follows:
  1. “is due to” (100% sure)
  2. “more likely than not” (greater than 50%)
  3. “at least as likely as not” (equal to or greater than 50%)
- Must also **include a medical rationale** for making the conclusion
- **Evidence based** - refer to scans, pathology report, other existing asbestos related illness, consistent with latency period of exposure during service



# Asbestos Exposure Summaries

- Do not assume that the VA knows how a veteran was exposed to asbestos based on MOS
- Provide detailed summaries of the How, When and Where the veteran was exposed - duty locations, ships, specific equipment
- Buddy Statements and Pictures if possible



**Service members at risk for asbestos exposure may include:**

- Those involved in demolition of asbestos-containing structures and/or removal of asbestos materials either before or after 1970.
- Navy Veterans who served on ships whose keels were laid before 1983.
- Navy Veterans who worked in shipyards from the 1930s through the 1990s when ACM was widely used in ship building and in construction materials.
- Navy personnel who regularly worked below deck before the early 1990s since asbestos was often used below deck and the ventilation was often poor.
- Navy Veterans who were frequently tasked with removing damaged asbestos lagging in engine rooms and those using asbestos paste to re-wrap the pipes.
- Veterans who handled damaged ACM.
- Pipe fitters, welders, boiler operators, building renovation and demolition specialists who worked in these occupations may have had exposure.
- Service members who served in Iraq and other countries who may have been exposed to asbestos when older buildings were damaged, and the asbestos released into the air.

Last Updated: May 2024

# Asbestos Exposure Summaries

## Questions to ask veterans to develop asbestos claim

1. Do you think you had more exposure during your service?
2. Where, when how were you exposed to asbestos?
  - a. If Navy or Coast Guard – Rating – is Highly Probable?
  - b. All Navy ships laid down before 1983 had asbestos (WRIISC Exposure to Asbestos PDF)
  - c. Shipyard or Drydock maintenance periods? Did you live on the ship?
  - d. What type of equipment did you work with?
  - e. Vehicle and/or equipment maintenance/ PMCS and or services?
    - i. Brakes, insulation, construction, demolition, BDA in combat?
  - f. Did you work outside of your MOS or work details doing maintenance etc?
3. What type of work did you do before and after military service?
4. Did you receive any training or PPE for handling asbestos in service and/or civilian career?

# Asbestos Exposure Summaries

- **Calculating asbestos exposure if there is civilian exposure**
  - VA looks at number of years of asbestos exposed work
- **Not all exposure is equal – must illustrate that to the VA**
  - 1 year on a Navy ship is  $365/24/7$  Exposure = 8,760 hours of exposure
  - 1 year in a factory (50 weeks/ 40 hr/wk) = 2,000 hours of exposure
- OSHA Asbestos regulations – 1971, 1976, **1983**, 1986 – each lowered the PEL – Permissible Exposure Limit
- [osha.gov/laws-regs asbestos](https://www.osha.gov/laws-regs/asbestos)
- Many civilian employers implemented asbestos safety procedures to avoid exposure liability – most began in late 1970's early 1980's
  - Helps to demonstrated less civilian exposure after safety regulations

# Exposure Summaries – Key Phrases

During my service in the Navy, I was never informed about the dangers of asbestos, and no breathing protection or any other protective gear or clothing was supplied.

My military records during my service in the Navy will not show any asbestos-related diseases due to the long latency period. This is consistent with M21-1, Part VIII, Subpart iii, Chapter 7, Section A - General Information on Claims Based on Exposure to Asbestos, **“Many people with asbestos-related diseases have only recently come to medical attention because the latent period for development of disease due to exposure to asbestos ranges up to 45 or more years between first exposure and development of disease.”**

My military exposure is consistent with M21-1 which acknowledges that **“disease-causing exposure to asbestos may be brief, and/or indirect.”**

# How to contact our team

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References/ resources

[asbestos.com/veterans-outreach/](https://asbestos.com/veterans-outreach/)

[M21-1, Part-VIII,-Subpart-iii,-Chapter-7,-Section-A---General-Information-on-Claims-Based-on-Exposure-to—Asbestos](#)

[M21-1, Part VIII, Subpart iii, Chapter 7, Section C - Evaluating Evidence of Asbestos Exposure](#)  
[va.gov/disability/eligibility/hazardous-materials-exposure/asbestos/](https://va.gov/disability/eligibility/hazardous-materials-exposure/asbestos/)

[va.gov/education/factsheets/asbestos-exposure](https://va.gov/education/factsheets/asbestos-exposure) WRIISC Exposure to Asbestos PDF