## Asbestos Health Damage Relief

### Overview

**Purpose:** The purpose of this Act is to provide prompt relief to persons who sustain health damage from asbestos, etc. in view of the special characteristics of asbestos health damage.

**Effective dates:**
- Establishment of funds: Feb. 10, 2006
- Provision of relief benefits and special survivor benefits: Mar. 27, 2006
- Collection of expenses from business operators: Apr. 1, 2007
- Extension of payment period of medical expenses, etc.: Dec. 1, 2008
- Addition of designated diseases (revision of Cabinet Order): July 1, 2010

* The entire system to be reviewed within 5 years.

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### Relief benefits for those who are not subjected to labour insurance compensation

**Business operators**
1. All business operators
   - Utilization of labour insurance collection system
2. Additional expenses collected from business operators that meet certain requirements (those strongly related to asbestos)

**The government**
- Contribution for funds from FY2005 supplementary budget
- Bearing all of the business expenses for the year the fund was established, and half of business expenses from FY2007 on

**Local public entities**
- Contribution of the amount equivalent to 1/4 of the government for the fund for a certain period

### Asbestos Health Damage Relief Foundation

Environmental Restoration and Conservation Agency

- Proposal of judgment
- Notification of judgment result
- Minister of the Environment
- Hearing opinions
- Central Environmental Council

* Designated diseases arising from exposure to asbestos (mesothelioma, lung cancer, asbestosis with severe respiratory inadequacy, diffuse pleural thickening with respiratory inadequacy)

### Relief measures for bereaved families of workers who died without receiving labour insurance compensation

**Victims and bereaved families of the deceased victims**

- Application, Request
- Authorization, Benefits

**Asbestos Health Damage Relief Foundation**

Environmental Restoration and Conservation Agency

- Proposal of judgment
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### Benefits

- Relief benefits for those who are identified as being affected by mesothelioma or lung cancer due to asbestos
  - Medical expenses (co-payment)
  - Medical treatment allowance (¥103,870 per month)
  - Funeral service fee (¥199,000)
  - Relief benefit adjustment money
- Benefits for bereaved families
  - Special survivor condolence money (¥2,800,000), special funeral service fee (¥199,000)

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### Provision of special survivor benefits

1. **Subjects:** The deceased families of deceased workers due to specified diseases, etc. (including special affiliates) that lost their right to receive the compensation benefits for deceased families under the Labour Insurance Act due to the expiration of prescription.
2. **Amount of benefits:** Special survivor pension ¥2.4 million in principle per year
   - Bereaved families that are not subjected to the provision of special survivor pension are provided with lump sum payment
3. **Resource:** It is burdened by the Accident Account of Special Account for Labor Insurance

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### Notes

* The entire system to be reviewed within 5 years.
Outline of the Act on Partial Revision of the Act on Asbestos Health Damage Relief

1. Extension of the payment period of medical expenses and medical treatment allowance

<Revised Act> The payment period of medical expenses, etc. will be extended by changing the commencement date of payment from the "date of application" to "commencement date of treatment".

<table>
<thead>
<tr>
<th>Commencement date of treatment</th>
<th>Date of application</th>
<th>At Present (or date of death)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Up to three years prior to the application)</td>
<td></td>
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<tr>
<td>(medical expenses, etc)</td>
<td>Current Act</td>
<td>Revised Act</td>
</tr>
</tbody>
</table>

* In case medical expenses, etc. are less than the amount of special survivor condolence money (approx. ¥3 million), the difference is provided as relief benefit adjustment money.

2. Treatment of the deceased persons who have not applied for the relief benefits after the system commenced

<Revised Act> Measures will be taken to enable families of the deceased persons who have not applied for the relief benefits after the effective date to receive relief benefits.

[Current Act] No relief → [Revised Act] Provision of special survivor condolence money, etc. (approx. ¥3 million)

Effective date (March 27, 2006) Died without applying for the relief Special survivor condolence money, etc. (approx. ¥3 million) will be paid to families of the deceased

* Application must be made within 5 years after the death

* The cases where diseases were proved to be caused by asbestos by anatomy after death, etc. are assumed.

3. Extension of the period for requesting special survivor condolence money and special survivor benefits

"March 27, 2009 (3 years after the effective date)" → "March 27, 2012 (6 years after the effective date)"

3 year extension

4. Expanded coverage of special survivor benefits

<Revised Act> The coverage of the benefits will be expanded.


Special survivor benefits Gap Bridging the gap Compensation benefits for bereaved families (Labor Insurance Act)

* The deceased families of those who died before March 26, 2006 that lost their right to receive the compensation benefits for deceased families under the Labour Insurance Act due to the expiration of prescription within five years after the effective date will also be covered (new "gap" measures).

5. Others

mó Investigation of offices, etc

The government will thoroughly implement Investigation of offices where asbestos were used and disclosure of the results.

mó Effective date

The Act will come into force as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.