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Welding Rods - Overview

When the intense heat of a welder's torch burns into a metal surface, the welder and those in the area can be exposed to toxic fumes that may have serious adverse health consequences.

Fumes from metallic elements used on welding rods can trigger the development of debilitating conditions like Parkinson's disease, and toxic welding rod fumes can sometimes even be fatal if long-term illnesses develop -- including lung cancer, kidney disease, and acute metal poisoning. In addition to the chemical dangers posed by substances on the welding rods themselves, fumes emitted during the welding of older, paint-covered metals can be particularly dangerous.

When exposure to toxic welding fumes is caused by the carelessness of another person or company, anyone injured as a result should be aware of their legal rights.

Proving Toxic Welding Rod Injury

As with many types of personal injury cases, to be successful in a welding rod injury claim, you and your attorney must prove it was "more likely than not" that your injury was caused by the negligence of another person or company. In a situation like an auto accident, this may be as straightforward as proving that a car hit your car from behind, and that your injuries resulted from this accident. In the case of welding rod injuries, however, proving an injury often requires experienced attorneys and input from medical doctors, safety consultants, and other experts.

For example, suppose you believe that you were exposed to toxic welding rod fumes at your workplace, and that this exposure has caused you medical problems. In order to establish this cause-and-effect, your attorney might hire doctors, toxicologists, workplace safety experts, and machinery/product safety consultants. These experts may examine both you and the conditions surrounding your injuries, in order to determine what happened, and whether your injuries could have been prevented.

The defendant(s) in your case will likely hire its own attorney, with its own set of doctors and experts. Often, these experts will come to an entirely different conclusion than that of your attorney's experts. Defense experts may suggest that your injury was caused by something other than exposure to toxic welding rod fumes, or that you haven't been injured at all. They may also argue that even if you were injured by exposure to toxic welding fumes, it wasn't their fault. For example, your employer may argue that it did everything within its power to ensure a safe workplace, but the respiratory safety equipment was faulty, so the manufacturer of that equipment is responsible for your injuries.

"Negligence" or "Strict Liability"?

Your attorney may proceed under two distinct legal theories in order to prove that you were injured by toxic welding rod fumes. Under a "negligence" theory of liability, your attorney will seek to prove that someone owed you a legal duty of reasonable care, failed to fulfill that duty, and caused you to suffer injury as a result. A negligence theory of liability is used most often when someone's action (or failure to act) was the main cause the injury, as opposed to a product or piece of equipment.

Learn [more](#) about negligence.

In addition to claiming that a person or business was negligent in allowing you to be exposed to injury, your attorney may also argue under a theory of "strict product liability." Under this theory, the manufacturer of a product containing the toxic substance that injured you (or the manufacturer of a faulty product designed to protect you) may be held liable if it can be shown that the product was somehow unreasonably unsafe under the circumstances.

Learn [more](#) about strict liability.

Damages for Welding Rod Injuries

The effects of welding rod injuries, most notably development of Parkinson's and respiratory disease, can be permanent and irreversible. Although the law seeks to place you in the position you were in before the injury, this may not always be possible. In such cases, economic compensation thought to be equivalent to your damage is awarded. If your welding rod injuries were caused by the fault of another person or company, you may be able to recover for both the economic and noneconomic consequences, including:

- the cost of past and future medical care;
- the cost of necessary rehabilitation;
- lost past and future wages;
- lost earning capacity and related fringe benefits; lost enjoyment of life;
- emotional distress; and
- past and future pain and suffering.

In certain cases involving serious and long-lasting medical illness, the spouse and children of a person injured by toxic welding rod fumes may also be entitled to a legal remedy for damages to their relationship.

Learn [more](#) about damages in injury cases.

Getting Legal Help

If you or a loved one are experiencing the symptoms of Parkinson's disease, or any other possible side effects from toxic welding rod exposure, you should first seek immediate medical attention. You may also wish to speak with an experienced attorney to discuss your legal right to compensation for your injuries.

There may be several different people or companies responsible for your exposure to toxic substances. To ensure that you receive fair and just compensation for your injuries, it is important to consult with a qualified toxic exposure attorney, who will know which parties may be liable for your injury, and how you should proceed with your case.

Go [here](#) to learn more about an attorney's role in a personal injury case.

To find an experienced attorney, use the "Find a Lawyer" tool on this page, or click [here](#) .

See also:

- [Welding Rods & Parkinson's Disease](#)
- [Legal Responsibility for Toxic Exposure](#)
- [Toxic Exposure in the Workplace](#) (Employee Rights Center)

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