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CAUSA, SED UTILITAS OFFICIUMQUE FUIT

STATEMENT FROM THE COLLEGIUM RAMAZZINI TO THE COURT IN PAKISTAN

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The Collegium Ramazzini is an international scientific society that examines critical issues in occupational and environmental medicine with a view towards action to prevent disease and promote health. The Collegium derives its name from Bernardino Ramazzini, the father of occupational medicine, a professor of medicine of the Universities of Modena and Padua in the late 1600s and the early 1700s. The Collegium is comprised of 180 physicians and scientists from 35 countries, each of whom is elected to membership. The Collegium is independent of commercial interests.

Introduction

The world is at a late stage in the process of ending the tragedy of asbestos use. Over 60 countries all over the world have banned new uses of all forms of asbestos, consistent with the recommendations of the World Health Organization and the International Labor Organization calling for global bans since 2006. But asbestos use still remains at one third of its all-time high, at about 1.2 million m.t./year. Most of this (85%) is used in Asian countries, where the impossibility of protecting construction workers and citizens from the deadly dust is overwhelmingly apparent. The most recent estimate of the death toll from asbestos worldwide is 255,000 annually.

The last of the global asbestos corporations got out of the business in 1999, leaving the industry to national and a few regional companies. The worldwide industry coordinates its messaging with propaganda largely directed by the asbestos mining companies serving the world market from Russia and Kazakhstan. The Russian government strongly supports the asbestos trade, even using trade pressures over rice from Thailand and tea from Sri Lanka to discourage these countries from banning asbestos. In Vietnam, Russian and Kazakh asbestos interests have bought roofing plants and organized a trade association to oppose government efforts to ban asbestos in fiber-cement roofing. Asbestos mining interests also hired a spy to conduct surveillance of public health workers who were trying to ban asbestos and obtain compensation for asbestos victims in Asian countries.

The Problem

At least 90 percent of all asbestos used worldwide is in construction materials, asbestos-cement sheet (including corrugated roofing and flat sheets), pipe, and water storage tanks. In moving to ban asbestos, Thai authorities have found that non-asbestos roof tiles cost only 10 percent more than asbestos and increase the cost of building a town house by only US\$65, less than one percent of the total construction cost. The volume of scrap asbestos building waste from demolished structures in Japan will exceed 1 million tons/year for the first quarter of this century. Brazilian economists calculate that the initial price advantage of asbestos construction materials is more than offset by the added cost of hazardous waste disposal at the end of the product life cycle, under regulations now in effect in Brazil. This information on the technical and economic basis for banning asbestos was published by the World Health Organization (1).

Construction materials are of particular concern, because of the large number of workers in the construction trades, the difficulty of instituting control measures, and the continuing threat posed by in-place materials that eventually require alterations, repair, and disposal. Very high levels of airborne asbestos have been recorded where power tools were used to cut asbestos-cement (A-C) products. Renovations and repairs in buildings containing A-C materials can also endanger building occupants. In many countries today, these materials are removed only at great cost by specially trained and certified workers wearing full enclosure protective clothing "space suits"; the careful disposal of the asbestos waste material creates another enormous problem, as buildings age and have to be demolished.

The airborne concentrations of asbestos that construction workers experience, using power tools to cut A-C pipe and sheet, can be extremely high, over 250 fibres/cc. This contrasts with daily average occupational exposure limits of 0.1 f/cc in many countries and a short-term peak exposure limit in the US of 1.0 f/cc. The demolition of A-C wall panels and other structural elements can cause very high exposures for workers and building occupants, while causing long-term contamination in buildings and surrounding areas. Maintenance work on A-C pipes

entails danger for utility workers throughout the service life of the pipes. The use of high-speed disc cutters created exposures averaging 92 f/cc for workers repairing underground A-C pipes. The World Trade Organization, in supporting the right of France to ban asbestos, rejected the claim that “controlled use” of asbestos-containing construction materials is realistic (2).

There are dangers throughout the life cycle of asbestos used in construction materials. The World Bank has described this, in urging the use of safer building materials (3):

“From the industrial hygiene viewpoint, asbestos creates a chain of exposure from the time it is mined until it returns to the earth at the landfill or an unauthorized disposal site. At each link in the chain, occupational and community exposures co-exist. Workers in the mines are exposed to the fibres while extracting the ore; their families breathe fibres brought home on their work clothes. Workers in the mills and factories process the fibre and manufacture products with it; their families are also secondarily exposed. Communities around the mines, mills and factories are contaminated with their wastes; children play on tailings piles and in contaminated schoolyards; transportation of fibre and products contaminates roads and right-of-ways. Tradesmen who install, repair and remove asbestos-containing materials are exposed in the course of their work, as are bystanders in the absence of proper controls. Disposal of asbestos wastes from any step in this sequence not only exposes the workers handling the wastes but also local residents when fibres become airborne due to insufficient covering and erosion control. Finally, the cycle is often repeated when discarded material is scavenged and re-used in the absence of measures to remove asbestos-containing materials from the waste stream and dispose of them properly.”

Chrysotile asbestos accounts for over 95 percent of all the asbestos ever used, and it is the only type in international trade for the past 20 years. International authorities have concluded that chrysotile asbestos causes cancer and that no level of exposure can be considered free from cancer risk (4-6).

Criminality of Asbestos Use

The most prominent criminal prosecution of asbestos industry owner-executives has been in Italy. The defendants were owner-executives from Switzerland and Belgium who ran Eternit asbestos mines and A-C sheet and pipe factories in Italy and many other countries. One of the defendants died before the trial court issued its verdict.

Evidence showed that Swiss asbestos billionaire Stephan Schmidheiny was well aware of asbestos dangers from the time he took over as chief executive of the Eternit enterprise in 1976. He held training sessions that year to prepare his

managers on the issue of asbestos health hazards, so they could intimidate and deceive unionists and mislead concerned journalists and factory neighbors. He then sold or closed most of Eternit's worldwide asbestos businesses, putting the funds into a Swiss corporation, Anova. He hired a public relations firm to arrange the Italian bankruptcy in 1986 and to assure that all responsibility for harm in Italy would be confined to the Italian Eternit executives, and all liability would be limited to the old Swiss Eternit Group, which had little value and was essentially an empty shell .

Trial and appeal courts found Schmidheiny guilty of creating an environmental disaster and sentenced him to 18 years in jail. The case was thrown out on a legal technicality in its final appeal in 2014, on grounds that the statute of limitations barred prosecution for that offense more than 10 years after the Italian business closed in 1986 (7).

A manslaughter trial then proceeded against Schmidheiny in Turin resulting in conviction in May of 2019. Three more manslaughter and murder trials are proceeding against Schmidheiny in other regions of Italy, where thousands of deaths have occurred among Eternit workers and their family members and people with environmental exposure near the closed manufacturing plants.

Extensive corporate documents disclosed in legal discovery show that since the 1930s and 1940s, major firms in many industries (oil, chemical, shipbuilding, automotive, rubber, etc.), in addition to the big asbestos companies, were well aware of the deadliness of asbestos. But the workers were not warned or protected, and very few were compensated for disability and death. A "*conspiracy of silence*" enabled the use of asbestos to rise for decades during which workers had no idea of the delayed lethal danger of breathing the dust in the air at levels they often couldn't even see. The record of patently criminal corporate behavior was business-as-usual. Juries in US and Australian and Brazilian civil courts have assessed punitive damages against a number of corporations.

Asbestos and the Dadex Case in Pakistan

In January 2013, the Pakistan National Assembly's Standing Committee on Human Resource Development recommended that Pakistan ban the import and use of chrysotile asbestos. When the Chairman of the International Chrysotile Association expressed the opposition to that recommendation to Dr. Mahmood A. Khwaja (Senior Adviser, Chemicals and Sustainable Industrial Development, Sustainable Development Policy Institute of Pakistan), this brought a response from 143 public health scientists and organizations from thirty countries (8).

"The signers of the Statement:

* Condemn the dangerous misinformation that the International Chrysotile Association (a lobby group for the global asbestos industry) is disseminating in Pakistan, because this misinformation will cause unnecessary disease and death.

* Condemn the International Chrysotile Association for trying to undermine a public health initiative in Pakistan to protect the people of Pakistan from asbestos-related diseases and death.

* Emphasize that the scientific consensus is clear that all asbestos causes harm to health and that the use of any form of asbestos should be globally banned.

* Urge the Government of Pakistan to protect the health of its citizens by banning the import and use of asbestos, as the Pakistan National Assembly's Standing Committee on Human Resource Development has recommended."

In considering the Dadex case now before the Pakistan Supreme Court for further review based on the independent expert report submitted to the honorable Court, the Court has learned of the positions of leading authoritative international organizations, including WHO, ILO, and other United Nations bodies. Dadex, like asbestos-cement manufacturing plants all over Asia including Pakistan, has experienced occupational disease including cancer among the workers and asbestos pollution in the plant and at an external asbestos waste dumping site. Large waste dumps consisting of fine chrysotile asbestos fibers and small pieces of asbestos-cement are produced as a design feature of this industry, because breakage occurs in manufacturing, and the pieces of broken asbestos-cement sheets and pipes can't be recycled or sold.

Governments everywhere have been unable to properly protect manufacturing plant workers and construction workers using the products; similarly, governmental environmental authorities everywhere have proved inadequate to control pollution around asbestos factories and waste dump sites. This has been the case all over the world, and this is why it makes sense to ban asbestos and switch to safer alternative materials. Asbestos is a silent killer, a fine dust with no warning properties that causes cancer years after exposure occurs.

Conclusion

Public awareness that even environmental exposure causes mesothelioma has led the leading industrial countries and many others to ban asbestos. The asbestos industry is making its last stand in Asia, as long as governments will tolerate its business model and allow the needless, widespread construction of people's living and working environment with a deadly mineral.

In Brazil, the courts shut down the asbestos industry in 2017. The Supreme Court of Brazil decided that since asbestos use could not be controlled and the lethality of all

forms of asbestos was firmly established, its use would have to be stopped – and it was. The Supreme Court in Pakistan is now well placed to take similar action to close down this criminal industry in Pakistan.

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