

Fighting Back: Victims' Action Groups and the Ban Asbestos Movement

By Geoffrey Tweedale and Jock McCulloch

At the Asbestos Victims Support Group we offer victims emotional and practical support. Asbestos victims do not want charity or sympathy. They have been denied the right to a happy and healthy retirement. They have been disabled by a material they were told was safe ... That same material is now killing them.

Charlie Kavanagh, Liverpool Asbestos Group, quoted in *The Asbestos Hazards Handbook* (London Hazards Centre, 1995).

Let us wind the clock back to the 1960s. Asbestos was known to be a killer, causing asbestosis, asbestos-related lung cancer, and mesothelioma. These asbestos-related diseases (ARDs) were killing workers not only in asbestos factories but also those in other occupations. Yet between 1960 and about 1980, world production of asbestos soared. The asbestos multinationals – Johns-Manville, Turner & Newall, Cape Asbestos, Eternit, and James Hardie – were powerful enough to influence the media and scientific debate. Most leading asbestos scientists had links to the industry. The asbestos industry's critics were dismissed as subversives or accused of having links with trade unions and personal-injury lawyers. Because the industry was immune to litigation, victims had few claims to compensation and they had no voice. No longer.

The fight back began in New York in 1964, when Professor Irving Selikoff – a major figure in the history of asbestos – staged a conference that publicised mesothelioma and the risks of both industrial and environmental exposure to the mineral. Selikoff had links with the labour movement and in the early 1960s his research gave the public something that it had lacked – objective information about the asbestos hazard. This was also a period when deaths from ARDs, especially mesothelioma, were beginning to 'take off'.

By the 1970s, the first victims' action groups had appeared and a recognisable anti-asbestos movement. The first groups appeared in Britain and the USA, where most of the world's asbestos had been used. The invariable driving force behind the foundation of these groups was the physical and emotional damage caused by asbestos either to individuals or to that individual's close family. The experience of Nancy Tait (1920-2009) provides a classic example. She was married to a telephone engineer, Bill Tait, who died of mesothelioma in 1968. Mrs Tait launched a battle to establish a connection between his death and the asbestos to which he had been exposed. Not until 1972 did the authorities admit that Bill Tait's mesothelioma was due to occupational exposure, at which point the employers offered her a paltry £4,000 (which she refused). The experience of fighting the systematic obstructionism of employers, the government, and the medical community transformed Tait into an asbestos activist, who attempted to highlight the dangers of asbestos and fight for better compensation. In the early 1970s, she researched, lobbied, and helped victims from her house in north London. In 1978, spurred by her work lobbying the

government and outraged by the fact that the asbestos industry was pouring money into its own lobbying efforts, Tait formally launched the world's first victims' action group – the Society for the Prevention of Asbestosis & Industrial Diseases (SPAID).

Asbestos also damaged the health of Glasgow lagger John Todd (c.1921-2004), besides killing his father and several members of his family. He began raising health and safety concerns as early as 1959, when he was spraying asbestos, and by the 1960s he was actively campaigning for better working conditions. In 1967, he made the memorable comment that soon it would be impossible to cremate laggings because they had so much asbestos in their lungs. In the 1970s, Todd's own disability from asbestosis did not prevent him campaigning. A tenacious individual, he had a fractious relationship with the Glasgow trade unions of which he was a member: however, his unremitting efforts led to the foundation of Clydeside Action on Asbestos in 1986. The founding chairman was Robert Crockett, a 60-year-old joiner with ARD, who did not long survive the start of the group. Six years later, another organisation sprouted in Glasgow – Clydebank Asbestos Group – after the death of another worker, David Dyball, from mesothelioma.

The UK shipyards bred campaigning groups in Hull, Liverpool, Manchester, and Belfast. These were invariably founded by victims of ARD. For example, Richard 'Dick' Jackson, began work in the Hull dockyards in 1947 as a lagger and founded the Hull group in 1983. He died of mesothelioma in 1994. Another victim was Robbie Brown, who was a worker at the shipyards in Belfast. He founded Justice for Asbestos Victims in 2002 – only a few months before his death. Shipyard workers were influential in the foundation in 1979 of the White Lung Association (WLA) in San Pedro, California. These included workers from the labour movement in Long Beach, San Diego, and San Pedro – alongside Jim Fite who had worked at General Motors in California. After the group had expanded, in 1984 it transferred its activities to a national office in Baltimore – another major shipping and industrial area. In Japan, victims of ARD were concentrated in the naval yards at Yokosuka. The relief funds and support groups that developed to deal with the fall-out over ARDs in Yokosuka paved the way for the launch in 1987 of the Ban Asbestos Network of Japan.

Other groups flourished in asbestos disaster areas. The catalyst for the foundation of the Asbestos Diseases Society in Perth, Western Australia, was the large number of ARD cases from the blue asbestos mine at Wittenoom. A key individual in the development of the Society was Robert Vojakovic, a Croat who had worked at Wittenoom for only three months. Vojakovic did not die from the effects of Wittenoom asbestos, but many of his colleagues did. Other Australians who were hit by ARDs lived in the Latrobe Valley in Victoria, where coal-fired power stations were a source of asbestos exposure and a trigger for the Gippsland support group. In South Africa, Concerned People against Asbestos was a direct reaction to the disastrous impact of mining and milling in the small towns of the Northern Cape. One of the supporters of the Canadian anti-asbestos movement was the Victims of Chemical Valley (VOCV), which was started in 1999 in Sarnia, Ontario, by surviving spouses of workers from the Holmes Foundry and Owens Corning factory. In France, a powerful spur to the creation of the National Association for the Defence of the Victims of Asbestos (ANDEVA) was provided by former workers, mostly women, at the Amisol asbestos textile factory in Clermont-Ferrand. ANDEVA also included teachers/students who were protesting against the presence of sprayed asbestos inside

university buildings, such as Jussieu in Paris. An Italian group was similarly composed of former workers at an Eternit asbestos-cement factory in Casale Monferrato. In Brazil, workers at a similar Eternit factory were the driving force behind the country's first asbestos action group.

A family tragedy sometimes spurred action. Mesothelioma deaths in two families, the Jonckheeres and the Vandenbroukes, were the catalyst for the formation ABEVA in Belgium in 2000. Xavier Jonckheere told a Brussels asbestos conference in 2005 (after asbestos from a local Eternit factory had killed his parents and brother): 'You can't remain unmoved [after your family have been] poisoned, yet lead a quiet life. It's a question of injustice'.

As outsiders to medical circles and government bureaucracies, these groups had first to educate themselves and then write their own literature. In 1976, Nancy Tait was awarded a Churchill fellowship which allowed her to travel abroad to meet international experts. She then wrote a paperback booklet *Asbestos Kills*, which she published in 1976 and then updated. Tait emphasised the dangers of white asbestos, the problems with environmental exposure, and she attacked injustices in the compensation system. Alan Dalton (1946-2003) published an activists' handbook, *Asbestos Killer Dust* (1979), which he dedicated to 'the many working-class people who have been murdered by the asbestos industry and to those beginning to fight back'. In France, by the mid-1970s a group of research staff led by toxicologist Henri Pézerat (1929-2009) and trades unionists had formed a syndicate to demand measures to deal with asbestos. The syndicate published *Danger! Amiante* (1977), which became an important text for the 'social movement' that succeeded in pushing the French government towards a ban on asbestos and the recognition of mesothelioma as an occupational disease.

When industry doctors and experts attended inquests and trials they suddenly found that victims' action groups had developed significant expertise. Tait's organisation acquired an electron microscope, which was deployed to good effect at inquests and compensation proceedings. OEDA's expertise was significant enough to influence changes in the UK compensation system. In 2005, the extension of compensation to asbestos-related lung cancer cases (where no asbestosis was present) represented a significant victory for the lobbying efforts of Tait's organisation. Other groups also became highly expert organisations. In Australia, the Asbestos Diseases Society grew into a professional operation with more than 8,500 members and eight full-time staff in its Perth offices.

Inevitably, these campaigns groups were attacked. The asbestos industry published a critical *Commentary* on *Asbestos Kills* that took Tait to task for her 'extreme view'. Alan Dalton was sued for libel and bankrupted by Dr Robert Murray, the medical adviser to the Trades Union Congress (who later worked for the asbestos industry). In 2008, ANDEVA was sued for defamation by the asbestos industry's main public relations body – the Chrysotile Institute (CI) in Canada – for statements that had appeared on ANDEVA's website about the CI's role in the global pro-asbestos lobby. The CI dropped the case in the following year. Fernanda Giannasi, a Brazilian Labour Inspector opposed to asbestos use, faced similar pressures from the Brazilian and Canadian industry.

Victims' action groups initially led a precarious existence. They were initially staffed by volunteers. Eventually, as the asbestos crisis deepened, city and local authorities offered small subsidies, which were supplemented by appeals, raffles, bequests, and donations. Tait's organisation was funded for about twenty years by local authorities; so too were Scottish organisations, such as the Clydebank Asbestos Group. Some support came from the trade union movement. For example, ADFa in New South Wales was supported by the Australian Manufacturing Workers Union (AMWU), which provided an office for its first meetings. However, victims' groups and activists have not always felt that their interests have been well represented by trade unions – indeed, that was one reason why the groups were established. Similarly, although many groups have developed links with personal-injury lawyers, the relationship has not always been easy. The White Lung Association, for example, has been a fierce critic of some American asbestos attorneys.

Victims' action groups found a welcome ally in the media. Campaigning journalists played a key part in publicising the asbestos scandal, especially in highlighting the problems of compensation. Nancy Tait developed contacts with Angela Singer at the *Guardian* and with 'Nationwide', the daily news magazine on BBC TV. John Todd's plight was publicised by journalist Laurie Flynn, who in 1974 wrote a series of articles in the *Socialist Worker* about the horrors of the lagging trades. One journalistic effort was particularly hard-hitting. In 1982, Granada TV in Britain transmitted *Alice – A Fight for Life*, a two-hour documentary that was screened at prime viewing time. 'Alice' was mesothelioma-stricken Alice Jefferson. Viewers saw her agonising struggle for compensation and the problems faced by others. For the first time, official strategies for paying (or more usually, not paying) compensation were exposed.

An equally devastating portrayal of the American asbestos industry, *Outrageous Misconduct* (1985), was written by journalist Paul Brodeur. He focused particularly on asbestos victims and their struggle (with the help of the trial lawyers) for compensation through the court system. As one reviewer put it: 'Even the confirmed skeptic will find astonishing Brodeur's account of the asbestos industry's avaricious inhumanity ...' Investigative journalism also had an impact in other countries. In Australia, Michael Gill in 1988 produced a television documentary, which publicised the mesothelioma case of Cornelius Maas and exposed the inside story of how asbestos mine owners CSR refused to settle the claim. In France, magazines such as *Sciences et Avenir* and journalists such as François Malye helped loosen the industry's stranglehold on information.

Doctors and scientists increasingly supported the critics of asbestos. These included Henri Pézerat in France, Morris Greenberg in Britain, and David Ozonoff, David Egilman, and Barry Castleman in the USA. Ozonoff, a professor of environmental health at Boston, reviewed the history of the asbestos medical literature and put that knowledge to good use as an expert witness in numerous trials. Egilman, a maverick occupational health physician, also built up a vast archive and expertise in the subject. From the 1980s, environmental consultant Barry Castleman appeared regularly in the courtroom at the request of the plaintiffs' bar. He produced *Asbestos: Medical and Legal Aspects* (1984) – a standard text that is now in its 5th edition.

In the 1990s, victims' action groups began to develop global links and to focus increasingly on the banning of asbestos worldwide. Groups appeared in Brazil, South Africa, Nicaragua, Chile, India, Peru, and even Canada. In 1991, campaigners gathered in Strasbourg at the European Parliament, where they decided to form a federation of international groups. Thus was born the Ban Asbestos Network (BAN). During the 1990s, as the movement grew, meetings took place in cities as far afield as Milan and Sao Paulo. During the World Trade Organisation (WTO) case brought by a Canada over the French ban on asbestos, BAN became part of a coalition of interests that succeeded in having the Canadian challenge rebuffed. BAN has enjoyed scientific support, particularly from the Collegium Ramazzini – a global group of occupational health physicians that has supported calls for the banning of asbestos.

In 1999, the International Ban Asbestos Secretariat (IBAS) was established to campaign for a global ban on asbestos and justice for victims. A key individual in its operation is Laurie Kazan-Allen, based in London, who since the 1990s has also published the *British Asbestos Newsletter*. For twenty years, it has documented in impeccable detail, the unfolding compensation scandal in the UK and the steady rise in asbestos-related deaths. IBAS, working with BAN and the groups discussed above, has organised and co-ordinated global conferences on asbestos in Sao Paulo (2000), Tokyo (2004), and Hong Kong (2009). International events, workshops, and rallies have been organised across six of the seven continents. A range of publications has been issued, with some translated into Japanese, Chinese, Bengali, Farsi, Portuguese, Italian, Flemish, and French. In 2008, for example, *India's Asbestos Time Bomb* (pp. 71) was published to assist the injured and raise awareness of the asbestos hazard.

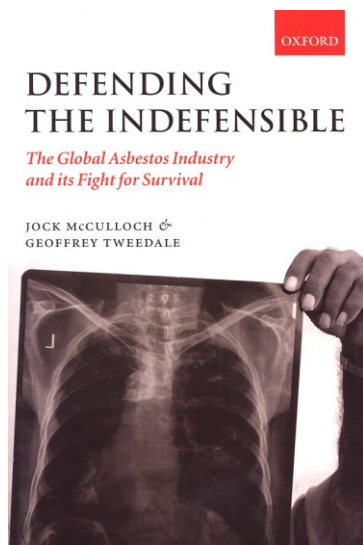
For many years, the victims' action groups (listed below) and IBAS have been branded by industrial interests as extremists or as front organisations for greedy attorneys. These groups have also been attacked for having little understanding of science or the developing world. However, by 2005 – when the EU had implemented a ban on the mineral – the position of these groups was close to the government consensus in the industrialised world (and that of key international bodies, such as the World Health Organisation, the WTO, and the ILO) that asbestos was too hazardous to manufacture and that 'controlled use' of the product was a myth. In 2010, the Collegium Ramazzini restated its call for a ban on asbestos. In the same year, news of the Quebec government's plan to reinvigorate Canada's asbestos trade was greeted with dismay by the Canadian Cancer Society and leading science journals, such as *Nature* and *The Lancet*. It is now the pro-asbestos lobby (supported by industry and led by Quebec's Chrysotile Institute) which is in the minority. Its long-standing defence of asbestos – that the risks of chrysotile are negligible and that workers have more to gain than lose by working with the mineral – has been discredited.

Victims' Action Groups

Date	Name	Country
1978	Society for Prevention of Asbestosis & Industrial Diseases (SPAID) [Occupational & Environmental Diseases Association after 1996]	UK
1979	White Lung Association	USA
1979	Asbestos Diseases Society of Australia	Australia
1983	Hull Asbestos Action Group	UK
1986	Clydeside Action on Asbestos	UK
1987	Ban Asbestos Network Japan (BANJAN)	Japan
1989	Associazione Eposti Amianto (AEA)	Italy
1990	Asbestos Diseases Foundation of Australia	Australia
1990	Asbestos Diseases Association	New Zealand
1991	Ban Asbestos Network (BAN)	International
1992	Clydebank Asbestos Group	UK
1993	Merseyside Asbestos Victims Support Group	UK
1993	Gippsland Asbestos-Related Diseases Support (GARDS)	Australia
1994	Greater Manchester Asbestos Victims Support Group	UK
1994	Association Nationale de Défense des Victimes de L'Amiante (ANDEVA)	France
1995	Dutch Committee of Asbestos Victims	Netherlands
1995	Brazilian Association of Asbestos Exposed (ABREA)	Brazil
1996	Concerned People Against Asbestos (CPA)	South Africa
1998	Asosiacon de Extrabajadores de La Nicalit (AEXNIC)	Nicaragua
1999	International Ban Asbestos Secretariat (IBAS)	International
2000	Belgian Asbestos Victims Group (ABEVA)	Belgium
2001	Association of Asbestos Victims (ACHVA)	Chile
2002	Ban Asbestos Network India (BANI)	India
2002	Association Against Asbestos – Program for Study of the Occupational Risks of Asbestos (AFA-PEART)	Peru
2002	Justice for Asbestos Victims	UK
2002	Comité d'Aide et d'Orientation aux Victimes de l'Amiante (CAOVA)	Switzerland

2003	Ban Asbestos Canada	Canada
2004	Asbestos Diseases Awareness Organization (ADAO)	USA
2004	Japan Association of Mesothelioma and Asbestos-related Disease Victims and their Families	Japan
2005	Philippines Ban Asbestos Network	Philippines
2005	Asbestos Victims Support Group Forum	UK
2008	Ban Asbestos Network Korea	Korea
2009	Asian Ban Asbestos Network	Asia
2009	Korean National Network of Asbestos Victims	Korea
2010	Northern Asbestos Support and Campaign Group	UK
2010	Asbestos Support Northern Ireland (ASNI)	UK
2010	Indonesian Ban Asbestos Network (Ina-Ban)	Indonesia

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Professor Geoffrey Tweedale (Manchester Metropolitan University Business School, UK) has authored *Magic Mineral to Killer Dust* (2001). Professor Jock McCulloch (RMIT, Melbourne) wrote *Asbestos Blues* (2002). Together they have co-authored a prize-winning study of asbestos, *Defending the Indefensible: The Global Asbestos Industry and Its Fight for Survival* (Oxford University Press, 2008).