

## REPORT FROM THE ASBESTOS FRONTLINE: 2013

Laurie Kazan-Allen<sup>1</sup>

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The global campaign for asbestos justice has had a remarkable year. For far too long, civil society mobilization on the humanitarian and environmental disasters caused by asbestos had languished on the outer fringes of public consciousness and government concern. With Brazilian Supreme Court and European Union asbestos hearings, a damning Appeal Court decision in a landmark European asbestos lawsuit and the adoption of deadlines for the eradication of asbestos contamination by governments in Brussels and Canberra, substantial progress has been made. Over the last twelve months, new voices have been added to national asbestos debates and new links have been forged amongst groups which share the same objectives: a global ban on asbestos and justice for all asbestos victims. Measures have been implemented to raise asbestos awareness, obtain justice for victims, mandate the use of preventative measures, expose industry propaganda and confront asbestos stakeholders. Developments which took place last week make a useful starting point for today's report from the asbestos frontline.

### **June 3, 2013: Asbestos Crime and Punishment**

On Monday afternoon, an Italian Appeal Court issued its verdict in the landmark criminal case against Swiss billionaire Stephan Schmidheiny, Belgian Baron Louis de Cartier de Marchienne and Eternit asbestos conglomerates from Switzerland and Belgium. Under Italian law, the death of the 91-year-old Belgian a fortnight previously, ended proceedings against him and Etex, the multinational which had overseen operations at asbestos-cement plants in Italy. With the dismissal of these defendants from the case, Italian claimants will now have to launch civil actions in Belgium for compensation.

The Turin Appeal Court's verdict surpassed that of the lower court as it upped Stephan Schmidheiny's prison sentence from 16 to 18 years and awarded damages for asbestos environmental pollution in Naples and Rubiera, localities which had been excluded from the first instance judgment. The Court increased the level of compensation due to some organizations and municipalities including the town of Casale Monferrato; its first instance damages of €25 million have been raised to €31m. The Appeal Court held Schmidheiny liable for damages to 2,889 victims exposed to Eternit's asbestos from June 1976 until 1986. As the two defendants were jointly and severally liable, Schmidheiny was, the verdict said, responsible for paying all the court costs.<sup>2</sup> The defendant's lawyers have already announced that an appeal will be made to the Supreme Court.<sup>3</sup>

This case has immense implications not only for the guilty parties but for businessmen the world over whose pursuit of profits endanger human life and pollute the environment.

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<sup>1</sup> Laurie Kazan-Allen is the Coordinator of the International Ban Asbestos Secretariat and the Publisher/editor of the British Asbestos Newsletter. She can be contacted by email at: [lka@btinternet.com](mailto:lka@btinternet.com) The text of this paper was the basis for a presentation made on June 14, 2013 at the "Asbestos-Related Disease Claims" conference.

<sup>2</sup> Kazan-Allen L. *2013 Appeal Verdict in the Great Asbestos Trial*. June 6, 2013.  
<http://ibasecretariat.org/lka-2013-appeal-verdict-in-great-asbestos-trial.php>

<sup>3</sup> Allen D, Kazan-Allen L. editors: *Eternit and The Great Asbestos Trial*. 2012.  
<http://ibasecretariat.org/eternit-great-asbestos-trial-toc.htm>

## **June 4, 2013: Asbestos Mobilization of Civil Society**

On Monday and Tuesday, a meeting took place in Busan, formerly the center of Korea's asbestos textile industry, between Korean and Japanese asbestos victims and their families. Over 100 delegates participated in the sessions amongst which were eight mesothelioma sufferers and one lung cancer victim. Speakers who addressed the meeting included local politicians, academics, trade unionists and asbestos victims' representatives from Tokyo, Amagasaki and Sen-nan regions, Japan and from Busan and Chung-nam regions, Korea. Subjects under discussion included: the operations of workers' compensation and relief schemes for non-occupational asbestos victims in Japan, legal developments in lawsuits against the Japanese government, an ongoing mesothelioma claim by a Japanese widow, advances in Japanese healthcare collaboration for the treatment of mesothelioma patients, Korean asbestos litigation, results of health examinations for at-risk residents from Busan City, mobilization of public support and an update on the work of the BANKO<sup>4</sup> Busan Committee.

These bilateral discussions illustrate the increasing channels of communication between groups campaigning on similar issues. Japan's mobilization on asbestos began over 30 years ago; the relatively recent Korean campaign has profited from the advice and support of Japanese colleagues. Representatives of asbestos victims groups from France, Belgium and Switzerland were at the Turin courthouse on June 3 to show support for Italian victims; lawyers and researchers from France, the Netherlands, Belgium, Switzerland and the UK assisted the Italian prosecutors with the research for this case. Years of capacity building and dialogue has produced a new era in cross-border cooperation and information sharing.

## **June 5, 2013: Quantifying the Global Asbestos Challenge**

Asbestos trade statistics released on Wednesday substantiate allegations that when it comes to asbestos there is no such thing as equality. While most developed countries have banned or reduced their use of this acknowledged carcinogen, consumption continues to increase in Asia.<sup>5</sup> In 2011, Asian countries used 1,319,702 tonnes (t) of asbestos; the provisional figure for 2012 increased by 6% to 1,395,628t with Asia accounting for a whopping 71% of all global consumption; (in 2011 this figure was 64%). Looking more closely at the data we see that within the region there are different national patterns of consumption. While increased usage of 53%, 31% and 30% respectively for India, Vietnam and Indonesia were observed over the last year, significant decreases were recorded for Malaysia (-65%), the Philippines (-39%) and Thailand (-29%) (Table 1).

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<sup>4</sup> BANKO: Ban Asbestos Network of Korea

<sup>5</sup> It is relevant to note that according to the U.S.G.S. data, asbestos use in the U.S. rose by 62% from 961 tonnes (t) in 2011 to 1,560t in 2012.

**Table 1. Asian Asbestos Consumption: 2012 versus 2011**

	2011 (tonnes)	2012 (tonnes)	Change %
China	637,735	530,834	-17
India	321,803	493,086	+53
Indonesia	124,049	161,824	+30
Thailand	81,378	58,008	-29
Sri Lanka	61,095	54,704	-1
Vietnam	60,424	78,909	+31
Malaysia	6,761	2,350	-65
Philippines	3245	1,970	-39

Given that all asbestos is a human health hazard and that there is no “safe use” of asbestos, there can be no doubt that in the years to come we will see a tidal wave of asbestos-related deaths in Asia.<sup>6</sup>

### **June 6, 2013: Exposing Asbestos Propaganda**

On Thursday, a New York Appeal Court upheld a 2011 decision which ordered an "in camera" (private) review of correspondence between asbestos defendant Georgia Pacific (GP) and its counsel Stewart Holm related to GP-funded litigation-driven "research" intended to cast doubt on the health risk of exposures to chrysotile asbestos.<sup>7</sup> GP's argument that internal documents relating to eleven articles published in scientific journals, including the *Annals of Occupational Hygiene*,<sup>8</sup> were covered by attorney-client privilege was dismissed by the judges who unanimously decided that, as the company may have been engaged in fraud or misconduct, a special master should be allowed to inspect the files.<sup>9</sup>

The verdict highlighted the non-disclosure of the full nature of the relationship between David Bernstein and GP:

“For articles lead-authored by David M. Bernstein, Ph.D., and co-authored by Holm, the only disclosure was that the research was ‘sponsored’ or ‘supported’ by a grant from GP... there were no grant proposals, and Dr. Bernstein was hired by GP on an hourly basis. Nor did the articles reveal that Dr. Bernstein has been disclosed as a GP expert witness in

<sup>6</sup> Kazan-Allen L. *Asian Asbestos Conference Report 2009*. IBAS, 2009.

[http://ibasecretariat.org/hk\\_report\\_web\\_fin.pdf](http://ibasecretariat.org/hk_report_web_fin.pdf)

Kazan-Allen L. *Killing the Future – Asbestos Use in Asia*. IBAS, 2007.

[http://ibasecretariat.org/india\\_asb\\_time\\_bomb.pdf](http://ibasecretariat.org/india_asb_time_bomb.pdf)

Allen D, Kazan-Allen L. editors: *India's Asbestos Time Bomb*. IBAS, 2008.

[http://ibasecretariat.org/india\\_asb\\_time\\_bomb.pdf](http://ibasecretariat.org/india_asb_time_bomb.pdf)

<sup>7</sup> New York Appellate Division June 6, 2013 in the Matter of New York City Asbestos Litigation.

[http://ibasecretariat.org/nyc\\_appellate\\_court\\_ruling\\_jun\\_6\\_2013.pdf](http://ibasecretariat.org/nyc_appellate_court_ruling_jun_6_2013.pdf)

<sup>8</sup> The four journals which published these eleven papers were: *Inhalation Toxicology* (four articles), the *Journal of Occupational and Environmental Hygiene* (four articles), the *Annals of Occupational Hygiene* (two articles) and *Risk Analysis* (one article).

Ruff K. *Scientific articles intended to cast doubt on harm caused by chrysotile asbestos, were potentially part of a crime-fraud*. June 7, 2013. <http://www.rightoncanada.ca/>

<sup>9</sup> Ax J, *Company must turn over documents in asbestos litigation appeals court*. June 7, 2013.

[http://newsandinsight.thomsonreuters.com/New\\_York/News/2013/06\\_-\\_June/Company\\_must\\_turn\\_over\\_documents\\_in\\_asbestos\\_litigation\\_appeals\\_court/](http://newsandinsight.thomsonreuters.com/New_York/News/2013/06_-_June/Company_must_turn_over_documents_in_asbestos_litigation_appeals_court/)

NYCAL since 2009, that he had testified as a defense expert for Union Carbide Corporation in asbestos litigation, or that he had been paid by, and spoken on behalf of the Chrysotile Institute, the lobbying arm of the Quebec chrysotile mining industry.”

Despite various attempts over the years to inform scientific journals of the lack of candour by some industry-linked authors, even reputable journals continued to publish, what the man on the Clapham omnibus might call, tainted research. Commenting on the NYC ruling, a former editor of one of the journals affected said that he still did not think that the papers “were dishonestly presented.”<sup>10</sup>

### **June 7, 2013: Confirmation of the Asbestos Hazard in Schools**

On Friday, the Committee on Carcinogenicity (CoC) issued its findings on the relative vulnerability of children to asbestos.<sup>11</sup> The Committee concentrated on two issues: whether, following asbestos exposure, children could be more likely than adults to subsequently develop the asbestos cancer mesothelioma because they would have more of their expected lifespan ahead of them (typically, mesothelioma has a latency of 30-50 years); and whether children could be more vulnerable because of physical immaturity.<sup>12</sup>

By unanimous agreement it was decided that the mesothelioma risk for children is higher because of the increased time available for the disease to develop. The CoC agreed that, following similar exposure to asbestos, a five-year-old is 5.3 times more likely to develop mesothelioma by the age of 80 than a 30-year-old: “we conclude that exposure of children to asbestos is likely to render them more vulnerable to developing mesothelioma than exposure of adults to an equivalent asbestos dose.” The CoC was unable to reach a conclusion regarding the vulnerability of children due to physical immaturity; however, a leading paediatrician told the CoC that as the juvenile lung is particularly susceptible to injury, serious lung damage sustained below the age of four would be permanent.

There can be no doubt about the import of these findings for Britain’s asbestos in schools policy. The government’s long-standing obfuscation about the nature of the risk posed by asbestos contamination of our educational infrastructure has finally been exposed thanks to the dedication of the Asbestos in Schools Group, a civil society coalition of asbestos victims, trade unionists, technicians and NGO campaigners.

### **Emerging Trends**

Other trends which have emerged over the year that deserve mention in this annual round-up are:

- the transition of leadership of the global asbestos campaign from Canadian to Russian stakeholders;

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<sup>10</sup> Email received by Laurie Kazan-Allen on June 7, 2013.

<sup>11</sup> Committee on Carcinogenicity. *Statement on the Relative Vulnerability of Children to Asbestos Compared to Adults*. June 7, 2013.

<http://www.iacoc.org.uk/statements/documents/Asbestosinschoolsstatement.pdf>

<sup>12</sup> Press release. Government advisory committee on cancer conclude Children are more at risk from exposure to asbestos. June 6, 2013.

<http://www.asbestosexposureschools.co.uk/>

- declarations in Europe and Australia of deadlines by which asbestos pollution will be eradicated;
- high-profile asbestos hearings in Latin America, Europe and Australia.

### **From Russia, with Asbestos**

For decades a well-financed and wide-reaching campaign to protect existing markets and develop new ones has benefited from the political leadership, economic resources and strategic thinking of Canadian asbestos industry and government stakeholders. The closure of the Chrysotile Institute in April 2012 and the change of Quebec's political leadership five months later signalled the end to Canada's asbestos industry.<sup>13</sup> Over the last few years, however, vested interests have been working behind-the-scenes to mobilize support at home and abroad for Russia's chrysotile industry. Having collaborated closely with the Canadians and having taken professional advice from public relations specialists, a slick, multifaceted and multilingual campaign has been developed which aims to cast doubt on the scientific and medical consensus that all types of asbestos cause cancer. At the meeting of the United Nations Rotterdam Convention in May 2013, it was the Russian-led veto on listing chrysotile which ensured that no restrictions would be placed on the worldwide trade in this deadly product for the foreseeable future.<sup>14</sup>

### **Plans for National Eradication of Asbestos Threat**

On March 14, 2013, the European Parliament adopted a Resolution on Asbestos-related Occupational Health Threats and Prospects for Abolishing all Existing Asbestos by a resounding vote of 558 in favour, 51 against and 5 abstentions.<sup>15</sup> Commenting on this vote, Stephen Hughes, the Member of the European Parliament for Durham & Blaydon, said "Parliament has today set a clear deadline for the total eradication of asbestos by 2028."<sup>16</sup> One week later, the Australian Parliament followed suit when the Asbestos Safety and Eradication Agency Bill 2013 had its second reading.<sup>17</sup> On June 3, 2013, legislation to set up the [Australian] Asbestos Safety and Eradication Agency was enacted. One of the most important objectives of the new Agency is the removal of all asbestos from Government and commercial buildings throughout Australia by 2030.

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<sup>13</sup> Kazan-Allen L. *The Rise and Fall of the Chrysotile Institute*. May 1, 2012.  
<http://ibasecretariat.org/lka-rise-and-fall-of-chrysotile-institute.php>

Kazan-Allen L. *Canada: No More Asbestos!* September 16, 2012.  
<http://ibasecretariat.org/lka-canada-no-more-asbestos.php>

<sup>14</sup> Kazan-Allen L. *The Rotterdam Convention 2013 – An Activist's Diary*. May 21, 2013.  
<http://ibasecretariat.org/lka-rotterdam-convention-an-activists-diary-may-2013.php>

<sup>15</sup> European Parliament resolution of 14 March 2013 on asbestos related occupational health threats and prospects for abolishing all existing asbestos. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0093+0+DOC+XML+V0//EN&language=EN>  
 European Parliament. Summary of text adopted 14/3/2013.

<http://www.europarl.europa.eu/oeil/popups/summary.do?id=1253941&t=d&l=en>

<sup>16</sup> Hughes, S. *Asbestos still a major threat to citizens in Europe and beyond*. March 18, 2013.  
<http://www.publicserviceeurope.com/print-article.asp?id=3230>

<sup>17</sup> Kazan-Allen L. *Asbestos Life and Death in Australia*. May 15, 2013.  
<http://ibasecretariat.org/lka-asbestos-life-and-death-in-australia-2013.php>

## New Voices, New Forums for the Asbestos Debate

In recent months, groups in Russia, India, Indonesia and Turkey began to make their views known on scandalous asbestos practices and exposures which are part of daily life in their countries. In Brazil, a country which has pioneered many ban asbestos initiatives, the fight for asbestos justice reached the Brazilian Supreme Court while in the European Union and Australia governments continued their efforts to tackle deadly asbestos legacies. Noteworthy events from last year include:

June 15, 2012: The Asbestos Toxic Tour took place during the People's Summit of Rio+20, the 2012 United Nations sustainable development summit in Brazil. Activities on this day included a demonstration outside an asbestos-cement factory and a bilingual dialogue both of which were designed to highlight the deadly threat posed by the continuing production and use of asbestos in Brazil.<sup>18</sup>

July 15, 2012: The Asbestos Hazard Alert Campaign was mounted by members of the Indonesian Ban Asbestos Network in Bandung, West Java, Indonesia.<sup>19</sup>

August 24-31, 2012: Asbestos hearings were held in the Brazilian Supreme Court during which experts representing the interests of the industry and those presenting the views of public and occupational health safety campaigns gave evidence.<sup>20</sup>

August 27-29, 2012: A Workshop on the Elimination of Asbestos-related Diseases took place in Volgograd, Russia.<sup>21</sup>

September 17-18, 2012: A conference entitled "Europe's Asbestos Catastrophe," and Asbestos Hearings at the European Parliament, Brussels, Belgium were held.<sup>22</sup>

October 12-13, 2012: A two-day event which included a conference entitled "An International Day of Asbestos Victims," a workshop and a demonstration was organized by the French umbrella group representing asbestos victims in Paris, France.<sup>23</sup>

November 19-20, 2012: The annual meeting of the Asian Ban Asbestos Network followed by the first international meeting of the Thailand Ban Asbestos Network and a demonstration outside the Canadian embassy took place in Bangkok, Thailand.<sup>24</sup>

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<sup>18</sup> Kazan-Allen L. *The Future we Want is Asbestos-free*. July, 2012.  
<http://ibasecretariat.org/lka-the-future-we-want-is-asbestos-free.php>

<sup>19</sup> Pratama D, Darisman M. *Indonesian Mobilization on Asbestos*.  
<http://ibasecretariat.org/dm-md-indonesian-mobilization-on-asbestos.pdf>

<sup>20</sup> Kazan-Allen L. *A Perfect Day*. September 3, 2012  
<http://ibasecretariat.org/lka-a-perfect-day.php>

<sup>21</sup> Speranskaya O. *Workshop: Elimination of Asbestos-related Diseases in Russia*. September 2012.  
<http://ibasecretariat.org/os-volgograd-workshop-report-sep2012.php>

<sup>22</sup> Kazan-Allen L. *Conference: Europe's Asbestos Catastrophe*. November 9, 2012.  
<http://ibasecretariat.org/lka-bruss-europes-asbestos-catastrophe-report-2012.php>

<sup>23</sup> Kazan-Allen L. *Storming the Asbestos Barricades*. October 18, 2012.  
<http://ibasecretariat.org/lka-storming-the-asbestos-barricades.php>

<sup>24</sup> Kazan-Allen L. *Report from the Asbestos Frontline*. November 30, 2012.  
<http://ibasecretariat.org/lka-report-from-the-asbestos-frontline-2012.php>

November 23-25, 2012: A fact-finding tour of Japanese asbestos hotspots including Tokyo, Yamaguchi, Yokosuka and Omiya, Japan took place.<sup>25</sup>

January 16, 2013: There was a mass demonstration in Patna, the capital of Bihar State, by Indian citizens protesting plans by Utkal Asbestos Ltd. to build an asbestos-cement factor in the village of Vaishali.<sup>26</sup>

April 26, 2013: British ban asbestos activists met in London to conduct the first demonstration outside a Russian embassy.<sup>27</sup>

April 28, 2013: The first public asbestos seminar was held in Istanbul, Turkey.<sup>28</sup>

May 6-10, 2013: At the sixth Conference of the Parties to the Rotterdam Convention, civil society groups confronted the asbestos mafia, in Geneva, Switzerland.<sup>29</sup>

### **Concluding Thoughts**

On June 9, 2013, mesothelioma sufferer Debbie Brewer died. Debbie had been diagnosed with mesothelioma in 2006 and had fought a very public battle against this deadly cancer ever since. She was a powerful online presence who worked tirelessly with others to develop a safe support network for the asbestos-injured. While honouring her memory, we must recommit ourselves to the global fight to end the asbestos epidemic. The only way to do this is to ban the use of all asbestos and to eradicate all asbestos contamination. An asbestos-free future is possible.

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<sup>25</sup> Kazan-Allen L. *Global Asbestos Congress 2004: Eight Years On*. January 2, 2013. <http://ibasecretariat.org/lka-global-asbestos-congress-2004-eight-years-on.php>

<sup>26</sup> Kazan-Allen L. *Indian Citizens Reject Asbestos*. January 28, 2013. <http://ibasecretariat.org/lka-indian-citizens-reject-asbestos.php>

<sup>27</sup> Kazan-Allen L. *Activists Challenge Russian Asbestos Stakeholders*. April 26, 2013. <http://ibasecretariat.org/lka-activists-challenge-russian-asbestos-stakeholders.php>

<sup>28</sup> Kazan-Allen L. *Turkey Marks International Workers Memorial Day*. May 2, 2013. <http://ibasecretariat.org/lka-turkey-marks-international-workers-memorial-day-2013.php>

<sup>29</sup> Kazan-Allen L. *The Rotterdam Convention 2013 – An Activist’s Diary*. May 21, 2013. <http://ibasecretariat.org/lka-rotterdam-convention-an-activists-diary-may-2013.php>