



## Open Letter to Asbestos Users

July 30, 2014

To: Asbestos Consuming Companies, Governments,  
Consumers and Citizens

### **Re: Can You Afford Cheap Asbestos?**

Dear Sir or Madam,

Industry apologists argue that asbestos remains an indispensable boon to populations in developing countries who could not survive without asbestos-containing products.

It is true that asbestos products are, for the moment, still cheaper than safer alternatives; however, when you factor into the equation healthcare bills, the cost of lives lost, and costs incurred for dealing with and disposing of hazardous material, the fiscally sound decision is to use asbestos-free materials.

In recent years, we have seen a cavalcade of pro-victims' decisions in several jurisdictions which indicate that courts are aware of and in favor of claims by those whose lives have been damaged not only by negligent employers but also by governments which failed to take timely action to prevent deadly exposures.

In 2012, a Marseilles Court recognized the culpability of the French Government in an asbestos case; recently a Japanese Court has done likewise. As we speak a case is progressing through the judicial system of The Netherlands on behalf of a Dutch citizen Klaas Jasperse, a former factory worker now suffering from mesothelioma. The legal action against the Dutch State was instigated for its negligence in failing to protect employees in a timely fashion from the asbestos hazard.

In a landmark ruling on July 24, 2014, the European Court of Human Rights unanimously found that the Government of Malta had, between 1968 and 2003, failed to protect ship

repair yard workers from exposure to asbestos.<sup>1</sup> The infringements for which the government was condemned were: violating Article 2 (right to life) of the European Convention on Human Rights, and violating Article 8 (right to respect for private and family life) of the Convention. The Maltese Government was ordered to pay compensation to the claimants.

In the United States major companies have been bankrupted by their asbestos-related liabilities; in the UK, Japan, Italy, Australia and elsewhere major corporations are facing a tidal wave of litigation as the number of asbestos-related claims increase. Companies and governments which refuse to act on this hazard will find themselves facing massive bills for the damage done to employees, citizens and the environment in the years to come

As this letter is being written, the Brazilian Supreme Court continues its deliberations on the issue of whether the use of asbestos can continue in a democracy whose constitution acknowledges a citizen's right to life, health and the dignity of labor. This being the case, how can the Brazilian asbestos policy, where the ruling class comes from the Labor Party (PT) and the Workers Unions, permit the use of a known carcinogen?

There are no excuses or defenses for guilty parties when international agencies tasked with protecting public and occupational health long ago agreed that the most effective way to reduce the incidence of asbestos-related diseases is to prohibit the use of asbestos.

In this climate, inaction on the asbestos threat is no longer an option. Comprehensive prohibitions must be enacted as a matter of urgency, actions must be taken to support those already exposed and measures implemented to remove the threat from national infrastructures.

Signed,

Fernanda Giannasi

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<sup>1</sup> European Court of Human Rights. *Brincat and Others v. Malta*. July 24, 2014. [http://ibasecretariat.org/brincat\\_and\\_others\\_v\\_malta\\_july\\_2014.pdf](http://ibasecretariat.org/brincat_and_others_v_malta_july_2014.pdf)