

NEWSLETTER

Newsletter from the Asbestos Institute

For safe and **responsible**
use of chrysotile

Number 1, April 2002

Great Britain, France, U.S.A.: **People are waking up**

For many years now, the anti-asbestos lobbies aided by the producers of alternative products and by media hype, have caused people to panic in the face of the so-called dangers of products containing chrysotile. These pressure groups have persuaded some fifteen countries to impose an almost total ban on asbestos products and to adopt legislative measures that are out proportion to the problem. But more and more people are questioning the validity of these measures and are objecting to the prohibitive costs, worried that the arguments used by the anti-asbestos groups are deceptive, if not outright lies.

The strategy followed by the movement in favour of banning chrysotile is a remarkably simple one. Using statistics concerning the number of workers suffering from lung illnesses that are attributable to heavy exposure to different types of asbestos, these groups call for the product to be banned, under the supposition that this will offer a simple, long-term solution to the problem. Their reasoning is seasoned with statements from victims and their families, and contains a long list of countries that have already banned asbestos (usually false; but who checks the truth of this type of statement?). They attempt to raise national sympathy by linking asbestos to giant international industrial companies that are devoid of any conscience about the way in which they treat both their workers and the population. Numerous ecological militants, non-governmental organizations and some unions are fooled by this message and support this movement without question. But most of all, the producers of alternative products, companies that specialize in removing asbestos, and legal firms who all want their share of the bonanza have all joined this movement that first saw the light of day in America, then spread to Europe and has now reached Asia and Latin America.

This all-out offensive against asbestos is exasperating more and more citizens who are shocked by the cost of this overkill. For example, a new law in the United Kingdom due to be enforced this year requires all commercial property owners to identify and officially record all asbestos containing materials (ACMs). The owners are already under pressure to remove the ACMs that are identified. Their workers have been panicked by the Authorities into believing they are being exposed to a major health hazard. Lawyers are advertising for these workers to contact them so no win no fee cases for compensation can be brought against the employer. The cost of this operation, nation-wide, is estimated at US\$115 billion. In France, people are questioning the lack of public debate surrounding the 1997 ban on asbestos, as well as the role played by the media and groups representing the victims of poor working conditions in the past. In the United States, two important publications urge the American government to halt the avalanche of legal claims that has already caused several large industrial firms to go bankrupt - without any financial compensation having been paid to workers who are in need.



The Asbestos Institute



Brief historical background... and strategy

Countries in the European Economic Community no longer work chrysotile mines and the demand for this fibre has gradually decreased, given the reduced demand for basic infrastructure and agricultural buildings. It should be remembered that, following the Second World War, Europe used almost 25 million tons of asbestos during rebuilding and modernizing. Numerous companies, mainly in France, Great Britain and Belgium, were important importers of all types of asbestos fibres, often without paying any attention to the health and safety of workers engaged in making the products and in the pulverization of insulating mixtures. In view of the protests about industrial illnesses caused by the absence of control measures, these companies have chosen to use alternative materials. But the marketing of these products has not been without problem because their higher price and lower durability have made them uncompetitive with asbestos products. Unless there is a total ban on asbestos products, these companies will see their market share reduced considerably. Great efforts, supported by generous financial contributions, have been made to destroy the reputation of chrysotile by linking present use to victims of past products and uses. Worse still, bolstered by their financial resources, the anti-asbestos groups have established contacts with associations representing "asbestos victims" in other countries and have recruited spokespersons from Brazil and India to spread their deception and invoke fear of chrysotile, with the sole objective of eliminating market competition.

In Great Britain

In the '90s, politicians and union leaders joined the battle waged by the multinationals; they were represented by the Asbestos Information Council and supported by the Association of Manufacturers Against Asbestos, as well as by the Asbestos Removers Contractors Association, which all held great sway with the Health and Safety Executive (HSE) responsible for regulating this work. Sensing large fees, legal firms joined the fray, one in particular was responsible for the permanent secretariat of the British Asbestos Newsletter and the international secretariat of *Ban Asbestos*.

What then was the result of all this action? The publication of the Peto report, which received extensive media coverage because it talked of 4,000 deaths a year caused by asbestos, but which extrapolated its figures from data concerning amphiboles. This report was commissioned by the HSE, but was financed by the

anti-asbestos lobby. As the journalist Christopher Booker¹ has noted, it is astonishing to see that the HSE subsequently commissioned other studies that showed the errors contained in the Peto report. One of these studies concluded that the risk attributable to chrysotile is virtually zero, and that was in spite of the fact that the HSE scientist was denied access to several vital papers showing that chrysotile was even safer. As a result, the 4,000 deaths a year that the new law banning asbestos was supposed to save do not in fact exist, and the sum of US\$115 billion that must be spent is a pure waste of money. This measure is the most onerous ever to be imposed on the British people! The HSE continues to refuse to hold a public debate on the subject even though it is unable to link a single death to the use of chrysotile cement throughout the hundred years of its use².

The British population realises that the HSE has been duped by a powerful lobby representing commercial interests that are now amassing millions of pounds sterling by taking an inventory of, and replacing, products containing chrysotile with products containing cellulose whose health risks are currently unknown. The public has a right to a reply from the government, and the HSE must admit that it has been misled by European multinationals and the British anti-asbestos lobby. The astronomical bill that is being imposed on the public is totally unjustified. What is more, it draws attention away from two fundamental problems: that of workers who now endure the results of the poor working conditions of the past, and the fact that the proposed replacement products have not been proven any safer than chrysotile.



In France

Following the outcry caused by the presence of asbestos at the Université de Jussieu and the subsequent media coverage, France adopted a series of measures aimed at eliminating all forms of asbestos in the country... as if the elimination of a naturally occurring substance were possible! The last in the series is a law prohibiting the sale of vehicles containing asbestos, when the majority of cars built before 1996 are fitted with brakes or clutches that use chrysotile based components. This new law, which places a further burden on motorists, and an unnecessary one at that, could provoke a debate on the French government's exaggerated response to this matter. It is to be hoped that the presidential election campaign will provide a forum for this debate.

More and more questions are being asked as to why France acted so rapidly and in such a cavalier manner to ban chrysotile in 1996. Unfortunately, the French press, which is rather inclined to dramatise facts and to support local industry, does not take up these questions. Also, the *Association interentreprises de médecine du travail* (AIMT) produced a file on asbestos in January 2002 that summarizes the current legal position in France. It draws its readers' attention to the conclusions of a report issued by the *Institut national de santé et de recherche médicale* (INSERM) concerning the fibres that are replacing asbestos, saying "All new fibres proposed as substitutes for asbestos, or for any other use, must initially be suspected of being pathogenic because of their structure."

A thesis for a Master's degree at the Université Paris VII, quoted by the AIMT, criticised the handling of the asbestos file as being more political than scientific³.

In their report, the group of experts from INSERM emphasised that they had attempted "to present a scientific opinion of the facts upon which a public debate and a decision by a competent body could be based." This debate, requested by the experts, never took place. The day after the report was presented, the *ministre du travail et des affaires sociales* announced a series of measures concerning, amongst other things, a ban on asbestos as of January 1, 1997. The Director of INSERM's *service d'expertise collective* still regrets that the subject was never discussed: "It is as though French people were not ready to hear both sides of the question. My impression is that the press caught the public's attention with a scoop but never really examined the topic."

Perhaps the time has now come to debate the chrysotile question. The Internet Web site, *Info-amiante*⁴, which provides information in French concerning asbestos, puts the question properly by stating it as "a **danger** that the entire scientific world judges to be **relatively slight** as far as asbestos made from serpentine fibres (chrysotile) that have been transformed, manipulated and controlled in such a manner that the dust count is negligible (mainly concerning chrysotile cement, now banned in France). The controversy concerns the threshold level, where certain legislations have set levels for artificial pollution that are lower than the naturally occurring levels." It is difficult to have a clear view of this scientific debate because the media, motivated by sales figures rather than a desire to truly inform its readers, tends to present a skewed view of the topic.

¹ "Booker Notebook", Sunday Telegraph, London, U.K., January 13, 2002.

² "Booker Notebook", Sunday Telegraph, London, U.K., February 13, 2002.

³ Masters thesis written by Sonya Bertrand under the guidance of Jean-Michel Forestier, Editor of the newspaper "l'Assistance publique des hôpitaux de Paris" (APHP) and Paul Janiaud, Director of Unit SC 15 of INSERM. Presented on September 29, '97 at the UF Communication, Cinéma et Information, Université Denis Diderot (Paris VII)

⁴ <http://www.azimutconcept.com/amiante/index.htm>



In U.S.A.

In America, the chrysotile industry has succeeded in explaining that it has a right to exist by demonstrating before the courts that it does not expose its workers or the general public to significant risks. In 1991, the U.S. Court of Appeals accepted the soundness of its argument by reversing the ban imposed by the Environmental Protection Agency (EPA). Furthermore, following a conference that it organized in Oakland (California) in May 2001, the EPA is in the process of revising its entire risk analysis model, which presently does not differentiate between the various types of asbestos. Irrefutable proof as to the lower toxicity of chrysotile compared to amphiboles is becoming more and more difficult for the EPA to ignore.

However, it is the American judicial system that has beaten a large portion of the chrysotile industry and a good number of the companies that have used this fibre, in some way or another, in their production process. The American courts are also grappling with 500,000 indemnity cases representing the astronomical sum of US\$275 billion⁵.

Over the past twelve months, nine companies have been forced into bankruptcy because of legal action linked to asbestos, and numerous others are faced with the same fate. Many of these companies have never manufactured asbestos containing products, they have simply, over the course of time, been shareholders of companies involved in the transformation of asbestos.

What is most shocking in this judicial saga is that over half of the amounts awarded by the courts are paid to lawyers while the rest goes mainly to people who can show that they have been exposed to asbestos during their work, without it necessarily having any adverse effects on their health. The long delays due to the number of cases before the courts, workers who have, in the past, suffered health problems because of prolonged exposure to large quantities of asbestos often do not receive the compensation to which they are entitled. This is why the weekly magazine Fortune recently ran the headline "Asbestos lawyers are pitting plaintiffs who aren't sick against companies that have never made the stuff - and extracting billions for themselves."⁶

⁵ Rand Institute of Justice, quoted in the Wall Street Journal, February 11, 2002, p. A22.

⁶ "Asbestos lawyers are pitting plaintiffs who aren't sick against companies that never made the stuff - and extracting billions for themselves", Fortune, March 4, 2002.

And now ...

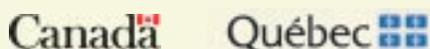
Unlimited recourse to litigation, the study begun by the EPA concerning various asbestos fibres and the ineffectiveness of insulation that replaced asbestos in the World Trade Centre structure are all new elements that should bring about a more objective study of chrysotile. In the U.S.A., as in Great Britain and in France, it is regrettable that it should take so long for the truth to extricate itself from all the commercial and economic considerations that have clouded the issue. We can only rejoice in the fact that some sixty countries that continue to safely use chrysotile, have resisted the often vicious and false attacks from the anti-asbestos movement, and now see their determination rewarded as the truth begins to emerge.

New Publication from the Asbestos Institute

A new 16-page booklet entitled "Saving lives with chrysotile asbestos" is now available. This publication will provide information about the properties of asbestos, the various types of asbestos, historical milestones in the evolution of the use of this material, the various stakeholders, the uses of asbestos, and the key safety practices governing its use. It is also intended to draw attention to the stakes involved in the fierce commercial war that pits chrysotile asbestos against industrial interests offering replacement products, generally referred to as substitutes. To obtain this publication, either call the Asbestos Institute, or download the document from our web site: www.chrysotile.com.

This Newsletter is available in English, French and Spanish.

The publication of this document was made possible with the help of our financial partners :



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