

## 15. ETERNIT IN FRANCE

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### A Brief History

Eternit produced and sold asbestos-cement products in France for 75 years – from 1922 until 1997 (the year of the French ban). For much of this time, asbestos-cement production and marketing in France were controlled by a cartel in which Eternit acted in conjunction with the French multinational Saint-Gobain (through its subsidiary Everite). The first Eternit plants were built in 1922 at Thiant and Prouvy (twin cities in the North département) followed by factories at Vitry-en-Charollais (Paray-le-Monial, Saône-et-Loire dép), Vernouillet (Triel, Yvelines dép), Caronte (Bouches-du-Rhône dép), Saint-Grégoire (Rennes, Ille-et-Vilaine dép) and Terssac (Albi, Tarn dép). While the Prouvy and Caronte factories have been shut down, the Vernouillet site houses the head office of the Eternit holding company; the four other factories were converted (in 1996-97) to the production of non-asbestos fibro-cement.

The apogee of the asbestos-cement empire occurred in the seventies, when Eternit was employing more than 5000 people and producing more than 600,000 tons of asbestos-cement products per annum. In 1970, for example, the levels of employment and production for the various plants were: Prouvy and Thiant 2360 and 260,000 tons; Vitry-en-Charollais 1182 and 180,000 tons; Caronte 668 and 72,000 tons; Saint-Grégoire 724 and 130,000 tons (the factory in Albi was not opened until 1971).

Until 1965, Eternit also operated the Canari asbestos mine, on the coast of Corsica, where around 300,000 tons of asbestos were extracted. Eternit has left on this site a true ecological disaster; part of the bay has been filled with asbestos waste.

The French Eternit branch also developed asbestos-cement production in what were then French colonies. Factories were established in Senegal (company Sénac), Algeria (subsequently shut down, Algeria having reduced then banned asbestos use) and Indochina (Vietnam). Eternit also participated in enterprises in Morocco (company Dimatit) and Tunisia (company Si-coac).

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<sup>2</sup> In 1993, Bernard Votion is listed as a “qualified person” but in earlier publications of CPA he appears as belonging to Eternit.

### “Controlled Use” According to Eternit

Eternit has enormously contributed to misinformation about the hazards of asbestos. It was clearly one of the pillars of the “Chambre Syndicale de l’Amiante” (Union of Asbestos Producers) and the “Association des Producteurs d’Amiante-ciment” (Association of Asbestos-cement Producers). In the sixties, these groups recruited the Cabinet Valtat (the public relations firm “*Communications Economiques et sociales*” established by Marcel Valtat) to organize the promotion of asbestos, publishing brochures with telling titles like “*Vivre avec l’amiante, fibre de la terre*” (living with asbestos, earth fibre). During the eighties, the hazards and effects of asbestos were becoming increasingly difficult to hide so the Cabinet Valtat created (officially in 1984) a formidable lobbying tool they christened “*Comité Permanent Amiante*” (Permanent Asbestos Committee (CPA)). From 1984 until 1996, the year that ANDEVA was created, the CPA essentially determined all government decisions on asbestos. It succeeded in gathering together asbestos manufacturers, ministry representatives, medical doctors and trade union representatives in a structure financed by the asbestos industry in order to promote “controlled use of asbestos.” In 1993, the Eternit representatives in the CPA were H. Leclercq director of the Thiant factory and B. Votion.<sup>2</sup>

The efforts to promote the myth of controlled use were unfortunately not matched by initiatives to improve workers’ safety and environmental care. Indeed, one could justifiably claim that if the money invested in propaganda had been used for safety and prevention we would today witness fewer casualties due to Eternit asbestos. The CPA brochures praise the marvellous efforts of members of the asbestos industry in France to improve safety in their plants. As an ironical detail and fruit of clever lobbying, in 1985 the French Ministry of Environment awarded a clean technology prize to Eternit!

Reality sometimes strikes back: in 1995 the national TV channel France 2 managed to film an ordinary worker’s day in the Thiant plant (H. Leclercq’s plant) and viewers discovered that bags of raw asbestos were opened

with a knife, then manually emptied by a worker into a mixing machine; the worker wore no respiratory protection, the only means of dust removal being an aspirator device installed above the mouth of the mixer. A physician working in the nearest hospital, located in Denain, estimated his service was witnessing around 30 new mesothelioma cases every year.

### Eternit and French Justice

Despite a number of challenges, to date Eternit has remained essentially untouched by justice in France.

On 18<sup>th</sup> December 1997, the Court of Appeal of Mâcon ruled Eternit guilty of “*faute inexcusable*” (“inexcusable fault”), concerning the diseases of several workers from the Paray-Le-Monial factory. Since then, Courts of Appeal have sanctioned Eternit for more than a thousand occupational disease incidences, including hundreds of deaths. Each of the Eternit plants has been condemned. One should observe though that, due to a flaw in the law, Eternit took the blame but hardly paid any compensation; in fact, most of the damages were settled by the health insurance system. Nevertheless, the Fund for Indemnification of Asbestos Victims (FIVA) has started a number of recursory actions concerning domestic and environmental asbestos victims of the Eternit plants.

In 1996, ANDEVA filed, in a civil suit, a “*plainte contre X*” (“complaint against unknown persons”), for involuntary injuries and homicides, *abstention délictueuse* (willful failure to act [to protect persons in imminent danger]) and poisoning; this suit was aimed at all persons responsible for the asbestos health catastrophe: the asbestos product manufacturers, the public health and labour authorities, the medical doctors that had collaborated in the process.

Although some fifteen years have elapsed since the ANDEVA suit no individual has been held responsible for the crimes listed in the complaint. However, In November 2009, M. Joseph Cuvelier, son of the founder of Eternit France, director of the Eternit asbestos-cement group from 1971 till 1994, came under investigation by *juge d'instruction* (examining judge) Marie-Odile Bertella-Geoffroy for “involuntary injuries and homicides.” He is mainly accused of having failed to implement safety and protection measures for workers exposed to asbestos dust in Eternit factories. These enquiries are still ongoing.

### The Lives Destroyed by Eternit.

Figures cannot describe the sum of dramas, personal tragedies, rage, despair, resignation and humiliation that resulted from Eternit’s carelessness, mendacity and greed. The testimonies and comments below give some idea of the harm the company has inflicted.

CARONTE. Michel Salard<sup>3</sup> worked for 22 years in the Caronte Eternit plant, in Port-de-Bouc, near Marseille. As a result, he now has pleural plaques. His wife Zoé, used to wash his working clothes, covered with asbestos dust; she shook the dust off before washing them. Today she suffers from mesothelioma which was diagnosed in 2008. He tells their story:

“I worked 22 years at Eternit Caronte with asbestos. Zoé, my wife, washed my working clothes; 29 years after the plant was shut down, we discovered she had mesothelioma.

Asbestos dust was everywhere in the plant; when we were re-cutting the broken asbestos-cement tiles, when we cleaned the machines and the air shafts on Saturday ... the ventilation system was insufficient.

Today there are many victims among the workers but also among their families.

Over the years workers’ union delegates and the hygiene and safety committee requested that our working clothes be washed by our employer. They constantly refused, arguing that ‘*Eternit is not a laundry ...*’

So it was my wife who washed my clothes covered with the dust brought from the plant. She used to shake them before washing them. She breathed asbestos fibres day after day, month after month, year after year, for 19 years. Today she is very seriously ill. She is not the only one, I know of three wives of Eternit workers who fell ill. There are certainly others.

The FIVA<sup>4</sup> has started a recursory action against Eternit at the civil court of Aix-en-Provence, invoking article 1384 from the Civil Code.<sup>5</sup> The action is being examined by the court.

The ‘inexcusable fault’ of Eternit has been many times recognized by courts but Eternit has suc-

<sup>3</sup> Testimony published in the Andeva bulletin No. 34, January 2011.

<sup>4</sup> The Fund for Indemnification of Asbestos Victims (FIVA) has awarded compensation to Zoé Salard.

<sup>5</sup> Article 1384 from the French Civil Code says essentially that a person is responsible not only for the damages s(he) causes directly but also for the damages caused by persons under his/her responsibility and for products in custody.

ceeded in escaping financial punishment, exploiting administrative negligences from the Social Security Organisation.”



THIANT. In the centre of the photo above is pictured René Delattre, who died of mesothelioma in 2007; immediately behind him is Robert Wuilbeaux who died of mesothelioma in 2005; both worked at the Thiant factory and were very active in the Thiant branch of the victims association: Comité Amiante Prévenir Et Réparer (CAPER) (Committee for Asbestos Prevention and Compensation).

Mireille, Robert’s wife, tells her story:

“My husband Robert Wuilbeaux started working at Eternit on the 26<sup>th</sup> of October, 1953 at the age of 16, in order to help support his family. He spent 42 years working there. He worked as a moulder for 30 years, before switching to hoist driver. In 1995, he went into pre-retirement, for a well-deserved rest.

In 1998, like all the employees having worked with asbestos, Robert received an appointment for an occupational medical check-up. He did not want to go, I had to push him.

In December 1999, he finally saw a pneumologist, had an X-ray taken, then a scan in January 2000. The results reveal pleural plaques. Three months later Robert learns that he has a 10% respiratory incapacity, due to the asbestos he inhaled all those years at Eternit. And progressively, asbestos gains territory and continues its slow destructive process.

From a 10% incapacity, Robert moved to 15% in September 2001 then 20% in March 2003. In October of that same year, comes the fatal diagnosis: Robert has developed pleural mesothelioma on the left side. He knew his days were

numbered. From then on, it was not living but surviving. He knew what was going to happen to him because he had seen other colleagues die...

Hell started then: chemotherapy, repetitive pleurisies, more and more frequent draining. From January 2005, my husband had nodules which required irradiation, radiotherapy. Then, in April 2005, a new scan and, an ice shower, the diagnosis of lung cancer on the right side. Hospital again; he had oedema in the lower limbs and could not walk anymore. To try to cure this new cancer he received heavy chemotherapy which he barely stood. This therapy attacked his nervous system; he would tremble, faint, vomit. His whole body was aching: head, belly, legs. He could not even drink; we would refresh him with ice lollipops.

On 1<sup>st</sup> October 2005, Robert died. If hell is a virtual place, I can say my husband lived through hell and suffering; and I did too during those last months when I stayed by his side.”

PARAY-LE-MONIAL. Maurice Papillon started working at the age of 16, and worked 31 years at the Eternit plant in Paray-Le-Monial. He died of mesothelioma in 1986, at the age of 47. His wife Jacqueline tells her story:

“I will start on the 15th March 1986 ... For some time, my husband had felt very tired, his body was aching and he had lost weight; this was the beginning of his Calvary! Having contacted a doctor and after a blood test, which of course was disastrous, he was hospitalised for more medical examinations, X-rays, scans, etc. First diagnosis: lung cancer! The doctor asked me to fetch the most recent X-ray from the factory for comparison. I’ll be brief on the ‘sociability’ of the medical staff at the plant! I go back with my pain, knowing already my husband is seriously ill. Then to Léon Bérard [Hospital] for a complete examination; I meet a professor who tells me ‘Your husband is full of asbestos dust, with cysts specific to asbestos, he has the asbestos disease’ (all this was orally stated, I never had a written statement); he explains to me the disaster of this disease.

I was 39 and had never heard about this: what was asbestos, asbestos disease? Our life was never the same after those days, the descent though illness, anguish, fear of dying, suffering ... during the last months Maurice lost 35 kilos.



Neither my children nor I will ever forget the physical degradation, the pain screaming each time we must look after him, his eyes where I read suffering and anguish, because he knew he was dying. 'At the age of 47, it is hard to go' were the only [words of] complaint I heard from his mouth throughout his illness. He did not wish to receive his friends: 'later when I'll feel better.' [He wanted] to keep his man's dignity. He died on the 5<sup>th</sup> of July 1986.

I lost my husband, my children lost their father, his mother lost her only son!

I was helped by a medical doctor who advised me to ask for an occupational disease acknowledgement. This I did, because by then I have a rage and a need to know the truth that will continue carrying me. In September 1986, the social security required an autopsy, after which the three doctor college from Dijon refuse [my application] because they claim he died from a digestive cancer. I raved; at that time there was no association to help me. I appealed and 2 years later, in 1988, a new college meets and declares the cause of the disease occupational. A door opened, it was a tsunami over Vitry [the town near the Eternit factory].

In 1995 the Paray-le-Monial [branch of] CAPER was created and I joined of course; our lawyers presented our first cases at the Social Security Court of Mâcon and jurisprudence emerges. The 'inexcusable fault' of Eternit is recognized; later in 2001 my husband's case is finally won; 'work to live and not to die.'

In my fight I was alone, distraught, a few times I wished to give up; I have been finger pointed and criticised, even by a doctor, because according to him I was doing this for money; but my pain, my sorrow, my family's pain, what did they make of that?

I was a housewife, with 3 children, studies to pay, daily duties, who cared about that? I stood up, I fought, I have no regrets and today my fight continues for those to come, because asbestos still kills."

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### Bibliography

Odette Hardy-Hémery: Eternit et l'amiante, aux sources du profit, une industrie du risque, Presses Universitaires du Septentrion, 2005.

**Postscript.** Zoé Salard died November on 1, 2011, a month before the civil court of Aix-en-Provence declared Eternit guilty of exposing her to asbestos. The recursory action against Eternit is the *first* one for environmental or domestic exposure in France.



Asbestos widows march in Dunkirk; April 2005; accompanying the march are Robert Wuilbeaux (far left) and Mireille Wuilbeaux (light blue jacket); towards the right of the picture (wearing the sash) is National Assembly Deputy Patrick Roy, who was also the mayor of Denain.