

6. ASBESTOS ACTIVISM IN CASALE MONFERRATO

“OUR STRUGGLE FOR JUSTICE, DECONTAMINATION, RESEARCH”

Romana Blasotti Pavesi, Bruno Pesce, Nicola Pondrano¹

The trial of top management figures from the Swiss and Belgian Eternit multinationals finally started in Turin on 10th December 2009. (In Italy, the Eternit multinationals owned five asbestos processing facilities: a large factory in Casale Monferrato and smaller facilities in Cavagnolo, Rubiera, Bagnoli and Siracusa.) We, the victims in Casale, have been waiting for the top management of the Eternit group to face justice for 25 years, a long period of passionate struggle during which we won cases against local managers and campaigned for the national asbestos ban, which was achieved in 1992. The Italian General Confederation of Labour (CGIL) and the Association of the Asbestos Victims' Families (AFeVA), have always pursued, stubbornly and uncompromisingly, three main aims: justice, decontamination and research.

On trial in Turin are the Swiss tycoon Stephan Schmidheiny and the Belgian Baron Louis de Cartier de Marchienne; both are charged with willfully and knowingly neglecting safety rules and willfully causing permanent environmental damage. The case has attracted worldwide attention and is by far the most significant of the handful of criminal actions indicting asbestos industry executives.

What makes this trial unique is the sheer size of the judicial effort and the number of victims involved: the painstaking inquiry led by Public Prosecutor Raffaele Guariniello has resulted in a dossier running to 200,000 pages and nearly 3,000 asbestos victims have been named. Running in concert with the criminal trial is a civil suit involving around 6,000 people seeking compensation from Eternit: asbestos victims and family members. Of the victims identified in the trial, around two thirds have already died; with 75% of these deaths being recorded in Casale Monferrato, where environmental exposure has led to 500 deaths of residents from mesothelioma, while occupational exposure has caused the deaths of more than 1,000 workers from asbestosis, lung cancer and mesothelioma (recorded up to 2008). To these horrific figures we can add about 1,000 people who have died since 2007; Eternit will have to answer for these deaths in a further trial.

In Italy, more than 1,000 mesotheliomas per year are being recorded. Just in Casale Monferrato alone, a small town of 36,000 inhabitants, up to 45 cases a year are diagnosed; significantly, only 20% of those now being diagnosed with mesothelioma were former asbestos workers. Hopefully the number of deaths will soon start to decline.



Photo from documentary: Dust - the Great Asbestos Trial
Members of the public gallery weigh every word of the proceedings - most are relatives of victims.

¹ Romana Blasotti Pavesi is the President of AFeVA; Bruno Pesce (email: vertenzamianto@gmail.com) is asbestos litigation coordinator of AFeVA and former Secretary of the CGIL in Casale Monferrato from 1979 to 1984; Nicola Pondrano (email: n.pondrano@inca.it) is the CGIL branch Secretary for Casale Monferrato. Translated from Italian by Elena Pertusati.

Leading up to what has become the biggest trial in Europe centred on “mass asbestos fatalities,” there has been a relentless effort to combat asbestos hazards, concentrated on two fronts: union action to protect workers’ health and individual rights, and collective action to protect not only workers but the whole community.

Of particular importance in campaigns on behalf of the workers has been the role of the workers’ union, especially the local union branch (Camera del Lavoro) in Casale, and INCA–CGIL, (the CGIL’s welfare society). Gaining official recognition and compensation for occupational asbestos-related diseases proved to be contentious and involved complex medico-legal procedures. Although the first asbestosis case had been recognized in Casale in 1947, it was 1987 before mesothelioma alone (occurring without asbestosis) was recognized by the Industrial Injury Compensation Agency (INAIL).

Collective action within the plant and outside, led initially by the Trade Unions, soon drew the support of environmentalists and asbestos victims. Local Authorities, however, did not join the campaign till the 1980s.

Below is a synopsis of the fight against asbestos in Casale Monferrato, a community struggle which has contributed to launching the trial of the Eternit executives.

1st Stage: the 1960s

In the 1960s, arduous, dusty or noisy work conditions were normally used as bargaining chips to get wage improvements. Consequently, the negotiation of “cash settlements” to resolve problems arising from working conditions was a normal occurrence.

It was difficult to press for changes in working practices and quite unthinkable to question the use of a raw material, such as asbestos, for health reasons. It was considered “normal” for workers to get ill and eventually die: after all they “were but workers” and their superiors at that time were inclined to accept that “survival of the fittest” was the natural order of things for the working class.

2nd Stage: the 1970s

1968 was not only famous for student protests; with the development of the process which was intended to lead to the unification of the unions and the approval of new legislation (aka the Workers’ Bill of Rights in 1970) millions of workers all over Italy fought to improve the working environment and to safeguard workers’ health in factories. In Casale, this struggle was helped by a significant commitment of doctors and researchers to both minimize risk to workers and to ascertain new cases of asbestos-related diseases as they arose. In this

era, all trade union platforms included specific demands, originating at plant level, concerning environmental and health issues in the workplace. There were some improvements at the Casale factory.

3rd Stage: 1979-1998

The real struggle against the continued use of asbestos started in the 1980s, when an industrial economic crisis led to a change in public opinion and trade union efforts to improve workplace health and safety were no longer as effective. In 1986, Eternit shut down its operations in Italy. By this time, because of its role in promoting workers’ rights (particularly, since the end of the 1970s) the union had achieved a degree of credibility and “authority” amongst the workers – only much later would it win the respect of the public. Actually, the transition from action to improve conditions to a full questioning of the asbestos risk was not easy. However, in Casale there was no real clash between advocates of job protection and environmentalists – between workers and a trade union which was by then working together with the environmental associations towards the common objective of eliminating the use of asbestos. Of course, the workers were very worried about their jobs and it was pertinent to remind some environmental activists that a worker’s pay packet was not an “optional extra” but a basic need.

This 3rd stage can be divided as follows:

•1979

Thanks to the work of Nicola Pondrano, who was then the new person in charge of the INCA-CGIL office, and Dr. Daniela Degiovanni that led to asbestos-related diseases and the consequent right to benefits being recognized by INAIL, there was a strong development of medico-legal procedures (persons sufficiently disabled to receive benefits from INAIL were entitled to seek further compensation in a civil court). There were hundreds of cases, with the majority having successful outcomes.

• 1981-1983

When INAIL accepted a request by Eternit to be exempted from paying an insurance premium to cover asbestosis/silicosis risks (implying that the factory was risk-free in that respect), it was decided to sue in the civil courts. The outcome of this suit was a verdict confirming asbestos risks in all the Eternit workshops, and including some worrying references to pollution within the town itself. Following an appeal by Eternit this verdict was finally confirmed by the High Court in 1989.

• **1984**

INCA and CGIL local union office (camera del lavoro) organized the first conference on asbestos-related diseases.

• **1986**

Eternit went into receivership and then bankruptcy: after 80 years' activity and having had, at times, nearly 2,000 employees, Eternit decided to throw away what was by then a “squeezed lemon,” leaving 350 workers jobless and failing to keep the promise of a new plant and the possible conversion to “asbestos free” technology. Then came a proposal from SAFE (Eternit France) to re-open the plant employing asbestos again, but the trade union turned it down.

• **1987**

The first epidemiological study (by Turin University and the Casale Local Health Authority) revealed a virtual massacre: 200 deaths due to asbestos exposure among Eternit workers. Further research, this time on family members and local residents, was conducted. As a result, Mayor Riccardo Coppo banned asbestos in the Casale area: it was the final blow to any attempt to reconcile us with asbestos.

• **1988**

The Association of the Asbestos Victims' Families (AFeVA) was founded and its chairmanship given to Mrs Romana Blasotti Pavesi, a passionate activist who has lost both her husband and daughter to asbestos disease. This was followed by the formation of the Asbestos Lawsuit Committee which drew together the main local associations in the struggle against asbestos.

• **1989**

A second meeting entitled “No Asbestos” was organized by CGIL in Casale Monferrato. Here, they put forward a draft proposal for legislation to ban asbestos and to establish a national fund for all asbestos victims, i.e. covering both occupational and environmental exposure. CGIL supported the proposal on a national level and involved the CISL and UIL trade unions. Six months later they presented a common national platform for the banning of asbestos.

• **1992**

After three years of sits-ins in front of the Parliament building in Rome, demonstrations and petitions, Act 257 was approved. It banned asbestos throughout Italy. The Act was a big success but it provided no funding for victims.

• **1993**

Following eight years of committal proceedings, the first criminal lawsuit against the top management of Casale Eternit s.p.a. got under way. The end result was disappointing: though the defendants were found guilty, on appeal the acceptance of extenuating circumstances resulted in a decreased penalty – not one of them spent a day in prison. Moreover, statute of limitations considerations meant that 800 injured parties – sick or dead workers – were excluded from claiming damages in this trial. Luckily, compensation of about €3.6 million was obtained for those who were eligible. (In 2010, with the closing of the bankruptcy proceedings, €5.5 million was added.)

• **1998**

The decontamination project for 48 villages and towns in the Casale District commenced, thanks to public funding.

To date, decontamination has been completed on all public buildings and the former Eternit plant, which was demolished in 2006, exactly a century after it had been built. In that same place there will soon be a public park and a project of urban reconversion named EterNot, which will greatly improve the Ronzone neighbourhood. While over 50% of private sites have been decontaminated, there are still 500,000 square metres to decontaminate in the town. Aid grants cover 50% of the cost of replacing asbestos roofs and 100% of the cost for decontamination involving friable asbestos. For some time now, the amount of pollution in Casale has been the same as other towns. If the Local Authority handles the remaining decontamination successfully, in a few years' time the District of Casale might be the most completely asbestos-free area in Italy.

Our aims of achieving justice for victims and decontaminating the local environment have been firmly pursued over the years and partly fulfilled. Nevertheless, we cannot ignore the fact that there are still problems which have not been solved. Outlined below are our next challenges in fighting asbestos.

Establishing a National Fund for Asbestos Victims

Reference should be made to the French example (the compensation scheme operated by FIVA). Funding should be financed by both public and private contributions. It should grant equitable compensation to all asbestos victims, covering both occupational and environmental exposures, with acceptance of such compensation not exempting the guilty party (the polluter) from criminal liabilities.



Workers Memorial Day 2011, when hundreds of activists flocked to Italy from across the globe to show solidarity with the people of Casale Monferrato.

No to a Reduction of Penalties

Italy officially has over 2,000 asbestos-related deaths a year, as well as about 900 industrial accident fatalities. In spite of these dramatic data, the Italian Parliament is taken up by wholly different matters! By implication they are accepting the dreadful toll of industrial injuries. We need, on the contrary, to adopt greater rigour and commitment, to strengthen inspections and supervision, and relaunch the role of trade unions to provide safeguards. Don't let us forget that deaths from occupational illnesses and cancer are often silent deaths, in that they are infrequently the subject of public debate, even though victims suffer terrible pain and distress.

The Fight against Mesothelioma

Further scientific research and treatments are required. Exchanges with other countries are needed to develop more successful and accessible treatments (and therapy protocols). With this aim, in 2007, the Piedmont Region and the Ministry of Health decided to set up a Regional Asbestos Research Centre in Casale specializing in such areas as: the environment, health care, and IT (to set up a database of asbestos court cases, for example). We have made renewed requests for this project, which has a Scientific Committee headed by Prof. Benedetto Terracini, to be given the green light.

New European Policy

We need a more active role to be played by the EU and other international organizations in global efforts to ban asbestos (still not banned in around 75% of the world's

nations), and in the environmental decontamination of Europe. We also need new EU Directives to make it easier to identify liability and facilitate compensation procedures.

The avoidance of responsibility by multinational companies when they damage people's health or the environment is unacceptable. The possibility of legal actions and investigations to determine the damage must be extended. Since multinational companies, such as Eternit, have very complex organizations, we also need to simplify international procedures for investigations and the use of letters rogatory when submitting requests to foreign courts – it must be made easier to obtain compensation when lawsuits involve cross-border judicial systems.

Finally, by cooperation at an international level, national laws concerning the environment, health, compensation and welfare should be rationalized and made to conform to globally accepted norms.

We think that the current lawsuit against the Eternit top management will shed light on what led to the slaughter we have witnessed – expose an economic system that allowed easy profits to be made, with those making such profits apparently impervious to the harm they were inflicting on workers and communities. We are sure that the investigation carried out by PP Guariniello and the members of his team is in itself a huge contribution to this international battle of civilization.

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