

Meeting the Needs of Asbestos Victims

Moderator: Sugio Furuya

Asbestos victims have many pressing needs caused by their symptoms, their incapacity to work and the marginalization which their illnesses bring them and their families. In most Asian countries, asbestos victims remain invisible and uncompensated; few of the injured have their occupational illness recognized and even fewer receive compensation. The purpose of this session was to provide a platform for victims to voice their experiences and indicate ways in which sufferers could be supported.

One of the most efficient means of delivering compensation to asbestos victims is to be found in New South Wales, Australia where the Dust Diseases Tribunal (DDT) fast-tracks asbestos litigation. Judge John O’Meally, President of the DDT, told delegates:

“The Tribunal sits at any hour on any day at any place to receive evidence from plaintiffs too ill to travel. Bed-side hearings for plaintiffs who are terminally ill are also common. The legal practitioners in the Tribunal are generally skilled and experienced in handling asbestos cases. Sometimes there are cases with less than 4 hours between (the) filing of a statement of a case and a conclusion.”

In order to streamline the legal process, the DDT had adopted some unusual rules:

- while the Tribunal could reconsider any matter, rules of evidence might be dispensed with for matters deemed not to be in genuine dispute or which might cause expense and delay;

- if a party refused or neglected to make an admission on issues such as a diagnosis, when this had been established by evidence, cost penalties applied;
- historical evidence and general medical evidence given in one case might be used for another;
- issues of a general nature once determined, could not be relitigated or reargued without the Tribunal’s leave;
- there was no time limitation for bringing proceedings.

The grief and anger experienced by those who have lost a loved one to asbestos motivates many campaigners now working on behalf of victims. In her comments to the plenary session, Kazumi Yoshizaki [77] eloquently explained the impact her Father’s suffering had on the family; the depth of her loss fueled her determination to see a worldwide asbestos ban and to help others for whom any ban would be too late. In Japan, she said, victims had been at the forefront of a national asbestos campaign, led by the Japan Association of Mesothelioma and Asbestos-related Disease Victims and their Families. This group was founded in February 2004 as a result of the initial contact between two asbestos widows brought together by suffering and loneliness. Reaching out to others in similar situations, they realized the comfort which could be drawn from sharing their experiences and the improvements which could be gained for victims by raising awareness of the national asbestos epidemic. The Association – which now had 11 branches nationwide – was made up of patients suffering from asbestos-related cancers and respiratory diseases and family members who continued to support each other, lobby government for better medical care and financial support and educate the public about



Park Young Gu speaking and, from the left, Kazumi Yoshizaki, Ahn Jong Joo and Sugio Furuya

the reality of the asbestos tsunami which was engulfing the country. The Association had played a leading role in major asbestos events such as:

- the Global Asbestos Congress in Tokyo 2004;
- BANJAN mass meetings and protests in Tokyo 2006 & 2009;
- workshops and conferences with Korean victims in Tokyo, Seoul and Busan 2007 & 2008;
- the International Conference on Mesothelioma in São Paulo, Brazil 2008.

In Japan, the mobilization of the victims had made the asbestos issue front page news and ended the invisibility of the suffering caused by occupational and environmental exposures to asbestos.

Among his co-workers, 33 died before the age of 60, including his wife. Among the living, 27, including Mr. Gu, had contracted asbestos-related illnesses.

The comprehension of the impact asbestos has had in Korea is a recent phenomenon which has been spurred by the work undertaken by asbestos victims. The next two speakers, members of Ban Asbestos Korea (BANKO), described the tragic human consequences and the steps taken to raise public awareness of the hazard.

Park Young Gu worked in the Jeil Asbestos Textile Company from 1970 to 1978; this company was founded in 1970 by Japanese investors who transferred asbestos production to Indonesia in the 1990s. At the Jeil factory in Busan where the speaker worked:

“There was so much dust I could not even see. At first we just got work clothes and simple masks. There was no dining hall, we had to carry our own lunch to the workplace.... During break time or night shift, we even slept on the asbestos sheets that we made.”



Interjection by Japanese victims' representative, Mrs. Kazuko Furukawa



Launch of "baby powder hotline" by KFEM

Among his co-workers, 33 died before the age of 60, including his wife. Among the living, 27, including Mr. Gu, had contracted asbestos-related illnesses. Residents who lived near the Jeil asbestos factory had died from the asbestos cancer, mesothelioma as had others who lived near the sites of renovation projects and asbestos mines. The number of Korea's asbestos victims was increasing.

Sometimes a subject grabs the public imagination and catapults an issue out of obscurity and into the forefront of the national debate. Such were the reverberations of the "Asbestos Baby Powder Shock" in Korea which generated masses of media coverage after a TV program announced that baby powder marketed in Korea was contaminated with asbestos [78]. Describing the explosive effect this discovery had, speaker Ahn Jong Joo detailed the timeline for the unfolding of this scandal:

- March 30, 2009: Consumer Report program titled Shocking! – Asbestos Detection in Baby Powder was aired [79];
- April 1, 2009: The Korean Food and Drug Administration (KFDA) held a press conference and issued a press release confirming the import of contaminated talc from China and ordered an immediate recall and ban of a number of products;
- April 1: Baby Powder Scandal was the top item in the evening news;
- April 2: Baby Powder hotline opened by the Korean Federation of the Environment Movement (KFEM), the most influential NGO in Korea;
- April 2: Baby Powder Scandal was the top item in the morning news;
- April 2: the KFEM demonstrated in front of the KFDA headquarters, demanding an apology from Boryung Medical Company, a seller of the contaminated baby powder;
- April 1-22, the scandal featured on major TV programs and in daily newspapers;
- April 9: the KFDA prohibited the manufacture and sale of 5 cosmetic products containing asbestos talc

and unveiled a list of 1,122 medicines containing talc which were banned [80];

- April 16: the KFDA announced it would prosecute the CEO of Duksan Pure Chemicals.

Summarizing the outcome of the baby powder scandal in Korea, the speaker said that it had awakened consumer awareness of the asbestos risk, publicized the national ban and forced the government to declare a zero asbestos standard in baby powder, cosmetics and pharmaceuticals. The role of the media in disseminating news of this scandal had been crucial.

Panel Discussion

The voice of the victims was clearly heard during the panel discussion moderated by Chan Kam-hong, the Chief Executive of the Association for the Rights of Industrial Accident Victims (ARIAV), which featured contributions from four Hong Kong asbestos victims who spoke of hazardous exposures in the shipyard and construction industries [81]. While Mr. Leung Kam On recalled the provision of “basic and simple protective equipment such as masks,” he still became covered in dust during the workday. Shipyard workers Tang Chun Shing and Chan Tong were never told of the risks of working with asbestos and

never received any protective equipment or training. Describing everyday work tasks, Mr. Chan Tong said: “I always had to fix the pipes by hand... I slipped between the boilers. Of course I could easily inhale asbestos dust.” Mr. Lai Cheong Fook, who had worked in a factory making asbestos-cement products, said:

“I worked in a rural suburban area. We did not have equipment like masks. I worked for two decades from the 1960s to 1980s. We had no protection at all. I'd be facing upwards with an electric drill, of course with lots of dust. Not even gloves. We must have inhaled a lot of dust... We drilled holes, 'eating' the dust falling from the roof every day. All our hands were dusty. We even didn't have a piece of towel.”

The health of each of the participants had been affected by their illnesses; typical symptoms included loss of lung function, prolonged bouts of coughing and difficulty in walking. The perseverance of these sufferers and other Hong Kong workers similarly affected had been the driving force behind the campaigning work of ARIAV. In 1993, a major shift in government pneumoconiosis policy was brought about when one-off lump sum payments were replaced by a monthly compensation payout; in addition, the government now pays the bills for medical treatment and rehabilitation services [82].



Hong Kong asbestos victims with Chan Kam-hong (center)