

The Brazilian Asbestos Mafia Counterattacks: the Last Battle

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Abstract

A ground-breaking Brazilian court ruling in 2004, worth approximately \$160 million to thousands of asbestos victims, sparked retaliation by chrysotile (white asbestos) stakeholders in Brazil. More than \$1 million was spent on spreading pro-asbestos propaganda in the Brazilian media. Objections by ABREA, the association representing Brazilian asbestos victims, to the falsehoods being spread by the campaign were upheld by the Brazilian Propaganda Regulation Council which banned further industry act

Transcript of Presentation

Introduction

I wish to thank the organisers especially Sugio Furuya who was with us in 2000 in Osasco at the GAC in Brazil. I am very happy to be here in Japan. I thank for your hospitality and kindness and your support. I also thank the translator and hope he will be patient.

The Title

The title of this paper can appear very aggressive so please let me explain the background to this title. I have been criminally charged in Brazil for saying similar things about the Brazilian Asbestos Industry. I was criminally charged but I won the case. It was my first criminal charge and I was, of course, afraid to be found guilty and be jailed. But now I have more experience with such things and have had a lot of lawsuits and criminal charges brought against me by this industry.

Threshold Limit Values (TLVs)

When I heard Kyla talking at the beginning of this session, I remembered something I learned years ago from Dr. Castleman's book on Asbestos. It was very useful for me and maybe it will be useful for you too. During my 21 years at the Labour Ministry, asbestos companies have charged me about the TLV when I inspect a factory with a lot of dust in the environment and which has higher readings than our Brazilian TLV permits (the TLV in Brazil is 2 f/cc ; this is one of the highest TLVs in the world).

When I read Dr. Castleman's book, I found a response to industry's complaints; it says: if you kill your boss a little every day, you will be charged with murder but if your boss kills you, a little every day, this is called: TLV. The concept of TLV is absurd and it does not matter if we are working in conditions where there are 1 f/cc or 0.5f/cc; these are **not** safe conditions.

Recent Brazilian Developments

Yesterday I mentioned a ground-breaking ruling which the Brazilian Asbestos Victims Association (ABREA) achieved against Eternit.¹ The sums of compensation look very small compared to those

¹ Previously Eternit belonged to the Swiss Eternit Group; nowadays it is Brazilian-owned.

won in the U.S. and elsewhere but for us this good ruling, which is worth \$160 million to 2,500 victims, is important.

In reaction to this court ruling, Eternit, supported by the Brazilian Asbestos Institute (a local branch of the Canadian Asbestos Institute), launched an aggressive mass media campaign, which cost more than \$1.3 million, to publicize the many virtues of chrysotile asbestos. On billboards, on TV, in newspapers and in magazines, including the in-flight magazine on Varig, the Brazilian airline, they proclaim:

- asbestos in Brazil generates 200,000 jobs;
- a doctor says: the truth should be spoken: both the production and utilization of asbestos in Brazil respects ILO's regulations and conventions;
- chrysotile asbestos respects life and contributes to Brazilian development;
- there is only one truth: chrysotile asbestos is the cheaper solution to the Brazilian population's habitation problems;
- Brazilian chrysotile asbestos is a different type and has different uses than asbestos in the USA;
- chrysotile is one of the country's most important natural resource;
- we know how to use asbestos safely in Brazil!



Amianto Crisotila. Respeitando a vida, fazendo o Brasil crescer. O Amianto Crisotila do Brasil, diferente do tipo e da forma como foi utilizado na Europa e nos Estados Unidos, é um dos mais importantes minerais do país. A sua versatilidade de aplicação é fundamental para a vida moderna e para um país que precisa de matérias-primas essenciais para a promoção de mudanças importantes no seu atual quadro social. Hoje, no Brasil, sua exploração, comercialização e aplicação em produtos são altamente controladas e estão de acordo com as mais exigentes normas da Organização Internacional do Trabalho. Com o apoio de trabalhadores e empresários, o Amianto Crisotila gera mais de 200 mil empregos e garante renda e divisas para o Brasil, sendo exportado para diversos países do mundo, como México e China. E, o mais importante, o Amianto Crisotila está no mercado há mais de 60 anos e tem sido utilizado para produzir telhas, caixas d'água, tecidos, lonas de freio, entre outros. **O Amianto Crisotila é um mineral de exploração e aplicação controladas, responsáveis e bom para o Brasil.**

CRISOTILA Brasil
www.crisotilabrasil.org.br

VERDADE SEJA DITA:

A PRODUÇÃO E A APLICAÇÃO DO AMIANTO CRISOTILA NO BRASIL
RESPEITAM AS NORMAS DA ORGANIZAÇÃO INTERNACIONAL DO TRABALHO.



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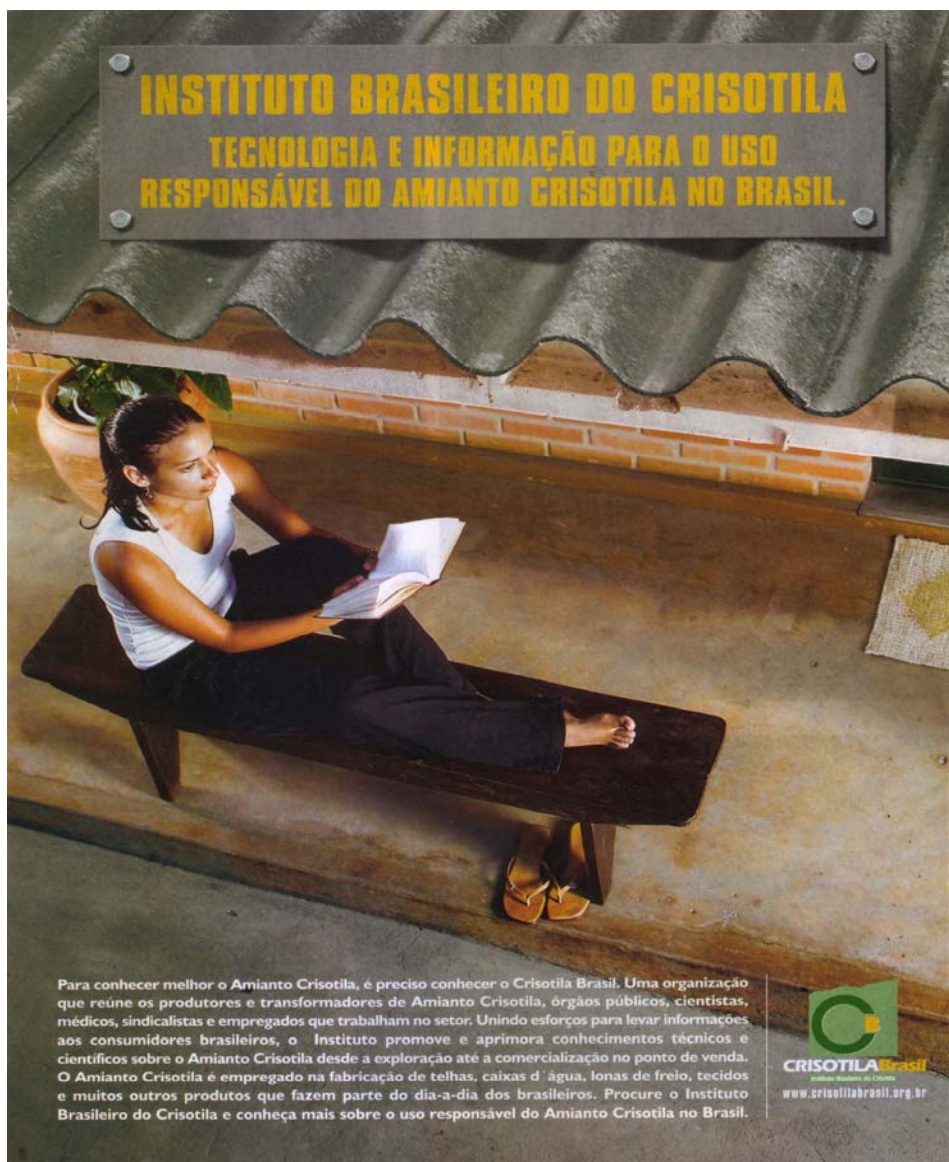

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ABREA's Reaction

ABREA denounced this propaganda as misleading to CONOR, the Brazilian Propaganda Regulation Council that adjudicates complaints about advertising.

[From slide:]

- 25/10/2004 – CONOR halts propaganda in radios, tvs, newspapers, magazines, outdoors
- 26/10/2004 – Chrysotile Institute appeals
- 27/10/2004 – CONOR maintains decision
- 28/10/2004 – Chrysotile Institute challenges CONOR at the civil court as an urgent matter
- 29/10/2004 – civil court doesn't accept the appeal and keeps prohibition
- 5/11/2004 – Chrysotile Institute changes the slogan to an institutional campaign
- 10/11/2004 – new propaganda featured in magazines, tvs



Only today I heard from our lawyer in Brazil that our complaint has been upheld. He wrote: “We have received a unanimous decision. The Chrysotile Institute propaganda is definitely banned... (even though) they came (to the tribunal) with a bunch of advisers... no judge accepted their points.”

Conclusion

At the same time as we were fighting against industry's propaganda campaign, Saint-Gobain used our opposition for their own commercial purposes; they published an advertisement in the most important newspaper in Rio de Janeiro which stated: Make like the media, say no to asbestos.

For decades, Saint-Gobain and Eternit worked together to exploit Brazilian asbestos and Brazilian workers. In December, 2004, the two companies split and now Brasilit, Saint-Gobain's subsidiary, is advocating an asbestos-free future.

Thank you.