

SILVANA MOSSANO

There was dust, dust everywhere, a lot of dust. Nicola Pondrano, whose life has been lived in the fight against asbestos dust, saw all that "*pouvri*", as it is called in Casale and the surrounding area, brushed it off his overalls with a compressed air jet, swept it up with a broom, breathed it in and took it home. "When I think about that time, I feel bad, because I know that I didn't protect myself enough. I know what could happen to me, but I would never forgive myself if something were to happen to my daughter". And what could happen to his daughter? Pondrano, who worked at Eternit in the Ronzone district from 1974 to 1979, would come home and his little girl would jump on his lap. "I let her play with my hair": he enjoyed pulling out those "white spots" trapped in his father's hair.

THE FIRST WITNESS

On Monday 13 September, Nicola Pondrano was the first witness of the Eternit Bis trial, in the Novara Court of Assizes, wilful intention (aka voluntary manslaughter or wilful murder in other legal systems) of 392 people from Casale who died of mesothelioma caused by asbestos. From 1979 onwards although outside the factory and a full time union official, Pondrano has continued to fight asbestos: in his testimony he referred to his role as contact person for the CGIL's Union Assistance and Welfare Office], in the hundreds of cases that have been brought to court on behalf of workers. In 1988 he played an active role in setting up the Afeva association (Associazione famigliari e vittime amianto - Association of Asbestos Victims and Families) with Bruno Pesce, "headed by an extraordinary woman Romana Blasotti Pavesi: Her husband, who had been a worker at Eternit, died, then her sister, nephew and, the greatest sorrow, her daughter Maria Rosa". on 27 August 2004 Romana, the indomitable and charismatic president and mother courage, read the letter her daughter had written announcing to a crowded public assembly that like her father, aunt and cousin, she too had developed mesothelioma.

Pondrano was heard for over five hours, with one brief interruption, and described the working environment of the Eternit factory that was in Casale for 80 years, until it closed in 1986. The largest in Italy, and the oldest.

WORKING CONDITIONS

What were the working conditions?

The witness told the court, presided by Chief Justice Gianfranco Pezone (with Justice Manuela Massino, and the Jury (aka *popular judges*), a symptomatic episode: "Piero Marengo ... was about fifty years old, but looked over seventy... sitting on a bag containing asbestos, eating a salami sandwich during his lunch break. He saw me, I was young, about 25 years old, and he said to me: "What did you come here for? Have you come to die too?"

"ASBESTOS IS NOT DANGEROUS".

Did people perceive the dust related deaths? "For a long time, we thought people fell ill with pulmonary asbestosis; workers started speaking about mesotheliomas at a later stage, towards the end of the 1970s. We were asking ourselves what was mesothelioma? In 1978 we learned that our workmate, the warehouse worker Giannina Vitale, had been diagnosed with mesothelioma; she died when she was about fifty years old. And did the Company, urged Public Prosecutor (PP) Gianfranco Colace, inform you of the risks of the disease? Did they list precise precautionary measures? "In the payroll,' Ponderano explained, 'once, I would say in 1977, they enclosed a leaflet, yellowish or greenish in colour, which minimised the danger of asbestos compared to other substances. A copy of that "leaflet" disclosed by the Eternit management was recovered by the investigators and is in the trial file. The prosecutor projected it on the screen in the Assize Court. Here is a thought-provoking excerpt: "As a material, asbestos is not dangerous at all - it is written -; handling it does not cause damage. This is a very important difference that distinguishes asbestos from other substances or finished products whose simple physical contact can cause damage, even if of different order of magnitude: radioactive substances, certain chemical products and the like'.

It gives one food for thought, and makes one shudder: the sort of off-handish self confidence with which these statements were circulated, because – and by now it was the second half of the 1970s - the Eternit workers did not know, but the top management of the asbestos companies did, and they knew the results of worldwide scientific studies that for decades had already associated asbestos fibres with mesothelioma and lung cancer. Companies were aware that a decade before that reassuring leaflet, a scientist called Irving Selikoff had revealed the carcinogenicity of asbestos; and it cannot be said that they did not know who Selikoff was, because they had waged a fierce battle to smear him.

Reassurance, then, from the management: asbestos is not dangerous. However, lot of death notices were stuck on the wall of the Eternit plant (with the names of workers printed on them who were "still young," Ponderano reported, "between 50 and 55, before the age of retirement")? In response to this legitimate question, the 'leaflet' should have been recalled, which led to a concluding remark: the warning, that is, that it is smoking that is harmful, it is smoking that causes cancer.

THE MANAGER REASSURES

The witness recalled that the reassurance was not only due to the 'note' in the pay packet. For example, recalled Ponderano, 'Dr Emilio Costa (Eternit manager and president of the "Asbestos Association" in London, which more than 340 industries in forty or so countries belonged to), invited to the Rotary Club of Casale as a speaker stated that asbestos (more precisely blue asbestos) was not harmful. An article on the subject appeared in the local newspaper and I immediately wrote a letter, on behalf of the workers' council, to refute those statements but it was never published.

ALL THAT DUST

In Ponderano's five hours of testimony, there was so much talk of dust that it seemed as if one could see it. The witness said how it was felt in the factory: 'It was a seventy-year-old factory, there was a lot of dust, a lot of humidity, a lot of heat. The first day I went to the "sheet workshop" I don't know how many bottles of water I drank, I could hardly breathe". And then there was 'the dust from

turning the pipes, what is now called powder, the most dangerous dust: it was unmanageable. We used to pick it up with a shovel and throw it in sacks, and I don't know what happened to those sacks full of dust". In the insulation of attics? In the levelling of football pitches and courtyards? Albino Defilippi, head of Arpa Piemonte's Regional Asbestos Centre, reiterated: "The real danger is the dust".

THE BEAUTIFUL BLUE OVERALLS

And there was dust on the overalls: "The overalls were responsible for what happened in Casale, for so many deaths. Back then, you wore your blue company overalls with pride, because you were proud to work at Eternit. You took the overalls home, dusty, and the women washed them. Poor women who also inhaled the *'pouvri'*. "Before leaving the factory, just to remove the "coarsest", they used the compressed air blow the dust away". The dust was blown off overalls as much as possible, but the dust rose up went up into the nose and throat and into the lungs.

WITH THE WORKER PRIEST

How did you react? "I met Father Bernardino Zanella, a worker priest, at the factory, and I teamed up with him; but it wasn't easy to discuss environmental health and working conditions at Eternit. We knew about the occupational diseases, but on the other hand, there were wages that were up to 30 per cent higher than in other companies, the allowance for dust, the tin of olive oil given as a gift, the bowling alley, the dance hall, the seaside holiday camp, the gold medal after 25 years of service and, perhaps, the hope of your children having your place after you had retired. An attempt was made to break "that deadly embrace of silence" by using the company notice board "to inform the workers - in those years around 1,200 - of the claims made and the answers received. Then, instead of crowded assemblies, where no one spoke, we organised them in small groups of people working in similar places (aka homogenous groups) and there, with fewer people, someone would talk about working conditions, problems, "I'm sick, I don't sleep, I spit blood". A sort of *dossier* gradually emerged. Ponderano recalls "I used to write by hand in block letters, Father Bernardino by typewriter."

They were reported to the management. And did they achieve anything? "A few technological improvements were introduced, but the dust problem was never really solved. We used to talk to the SIL (Servizio igiene e lavoro - Hygiene and Labour Service), directed by Ezio Bontempelli, but we had little faith in their results, because it was a company body.

"We would ask for measurements at particular times, when there was a fault, when the pipe couplings were being cleaned, when the sheets were being cut by hand or when the asbestos bags were being opened with a knife," continued the witness. And faults happened "almost daily. One day, the dust collection system was clogged; Mario Patrucco stuck his whistle in his mouth and called a strike on the spot, there was a fight with the foreman. Patrucco was fired".

THE CONSULTANT ON THE LADDER

The company later convinced INAIL (the National Workers' Compensation Body) that there was no more dust at Eternit, so there was no need to pay the insurance "premium" for accidents. Ponderano, at the time (early 1980s), was already a full time union official. "We discovered it by chance, we filed a complaint with the labour court of Casale, which ordered an expert's report. The

judge's consultant, Professor Michele Salvini from the University of Pavia, found the plant to be in order, swept, but was neither surprised nor impressed. "He had a ladder brought to him, climbed up and, using a small brush, slipped into plastic bags the dust that was lying on top, on the ledges of the electrical panels. He examined it: there was plenty of asbestos". The cases brought by the workers, who had initially been denied a compensation, were all won.

INADEQUATE MASKS

Prosecutor Colace focused] on the protection: "What about masks? Were there masks?". Ponderano: 'Yes, made of cloth suffocating. They weren't suitable for that kind of work, they were unbearable and, in the end, most of the workers didn't wear them anymore'.

CRUSHING IN THE OPEN AIR

But outside the plant? "There was an area, slightly removed from the main entrance and on the opposite side, and where there is now the "Verdeblu" kindergarten: there, in the open and without protection, the processing waste was crushed, by passing over with a shovel, that is the factory in Casale and those who came from the plants of Naples, Reggio Emilia, Cavagnolo. All waste products arrived there and were shredded and crushed in the open air by hand. They were loaded on the Aermacchi motor truck and, without tarpaulins, to be taken] to the factory, 400 metres away, and to the Hazemag mill: part of it] was used in the mixture for the production of manufactured products, sheets or pipes".

Was this outside area, where the crushing took place, far from the houses?", the prosecutor inquired. "'The houses are there, close by, on the side, in front'. Didn't people complain? " Eternit workers and their families lived in eighty per cent of those houses."

On the big screen in the Courtroom - the main hall of the University, adapted for use as an Assize Court room - films were shown: the one from the Luce Institute's historical archive, the documentary "Indestructible" by Michele Citoni, telling the story of the places and working conditions in pictures.

The plaintiffs' lawyers - Laura D'Amico, Esther Gatti, Giacomo Mattalia, Laura Mara - pressed for an account of overalls, lockers, bags containing asbestos, and extraction systems.

Everything - words and photographs, documents and testimonies - confirms that the dust was there.

THE CASE

This is the powerful framework for the trial.

However, a frame is not enough. It is not enough to prove that there was a lot of dust, and that this dust certainly contained asbestos fibre, especially the dangerous crocidolite (used to make pipes), and that asbestos fibre causes mesothelioma.

In this difficult and extremely painful trial (because the lives of 392 people are awaiting the judgement, along with the hundreds of others who loved them), the Court has to establish whether the fibre, which insinuated itself subtly and silently into the lungs, triggering those 392

mesotheliomas decades later, can be traced back to the period between 1976 and 1986 when the defendant Stephan Schmidheiny was head of Eternit.

The core of the trial lies here and the defenders Astolfo Di Amato and Guido Carlo Alleva, also through apparently simple but extremely precise questions put to the witness Pondrano (and which will be addressed to other fact and expert witnesses), have shown that this is the main aim. They will demand to examine, legitimately and minutely, case by case. Who ate in the canteen, who swept the floors, who worked in the factory when there was dry processing (more dangerous) and who wet processing (introduced in the Schmidheiny period 1976-1986), who lived in the city, who lived outside, who had to do with the factory or who did not, who worked at Eternit and who also worked in other companies where asbestos was also used in some way, who died of mesothelioma and who died of a different tumour.

Outside the court, the heartbreaking and irreversible medical verdict is engraved in stone, with an unappealable diagnosis, in the Assize Court it is not enough: those names, distressing as it maybe to hear pronounced, with their wretched medical records, will have to prove the precise causal link between the disease and asbestos. That asbestos, spread between 1976 and 1986.

<https://www.silmos.it/cera-tanta-di-quella-polvere-alletearnit-ma-la-dirigenza-assicuro-che-lamianto-non-e-pericoloso/>

Lawyer Laura D'Amico for the plaintiffs and Afeva

Today (Monday the 13th of September 2021) the hearings of the *Eternit bis* trial in the Court of Assizes began with two witnesses, Mr. Nicola Pondrano as a former Eternit employee, then trade union official for the CGIL Union of Casale Monferrato, also as coordinator for the CGIL of Alessandria and Italy of asbestos related labour disputes and the protection of individual workers and their families.

The judges of the Novara Court of Assize were provided with useful information on the dangerous working conditions in all the departments of that plant, and the only partial improvements adopted by the company in the last years, while serious risks remained, for the community as well as the workers and their families.

The history of the movements revealing the dangers of asbestos and on national and international initiatives to the wider public was also retraced.

A regional official was also heard and provided information on the census of the presence of asbestos in the Casale area.

At the next hearing on 17 September, Ms Giuliana Busto and Mr Bruno Pesce from the Afeva association will be heard, as well as the current President of the Region Piedmont.

Further prosecution witnesses will follow, ending no earlier than the end of October with the the prosecutor's consultants

From Bruno Pesce for the schools

11/09/21, -

On Monday, September the 13th, at nine o'clock, the new Eternit trial resumes in the Court of Assizes in Novara the beginning of the actual trial phase, i.e., when the substance of the case is heard, starting with witnesses, expert witnesses. The hearings are still being held behind closed doors. They will continue on Friday the 19th of this month and on the Mondays, on the 4th, 8th and 27th of October, then on the subsequent Mondays.

This new case follows the extremely disappointing ruling by Court of Cassation for the previous trial, which stated that *wilful environment disaster* fell under the statute of limitations, even though the peak of victims by caused by Eternit's asbestos has not yet been reached: it was and is a massacre, caused by profit prevailing on the lives of workers and members of the community, the latter now the vast majority of new mesothelioma cases. Stephan Schmidheiny, the last owner of this large and powerful multinational, is called to answer for the death of 392 factory and community victims - a part of the slaughter.

In spite of the strong disappointment for the Court of Cassation's ruling and for the extremely lengthy justice system, we must continue our fight for truth and justice. The victims – and not only the Casale ones - demand it.

B.P.