

## **December the 13<sup>th</sup> , 2021 Eternit Hearing**

### **Without the Eternit Plant there we wouldn't have had all those mesotheliomas in Casale**

by

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The 392 people from Casale and Monferrato who developed mesothelioma died seven to eight years earlier than the people who died in Piedmont between 1980 and 2015 due to other causes. The average age of death of the 392 victims named in the Eternit Bis trial where Stephan Schmidheiny is accused of murder was 69.6 years while the average age in Piedmont for death from other causes was 77.8 years. Exposure to asbestos, which causes mesothelioma, bringing forward the death of all those men and women: workers and Eternit workers, their families or members of the community, who breathed in the airborne fibres known to be carcinogenic since the middle of the last century.

"Ninety percent of mesothelioma deaths would not have occurred without exposure to asbestos," stated **Professor Corrado Magnani**, an expert witness for the Prosecution, when cross-examined by the defence on Monday, December 13. The other epidemiologist expert witness **Dr. Dario Mirabelli**, was also cross-examined. Early deaths of years. "How many years [did they lose]? Too many too many. All robbed from life, love, and community life" a plaintiff, Assunta Prato, one of the asbestos widows, posted on Facebook in an uncontrolled surge of pain and indignation.

#### **THE DEFENSE ON THE ATTACK**

Defence lawyers, **Astolfo Di Amato** and **Guido Carlo Alleva**, attacked in an attempt to demolish the Prosecution's theory (PPs **Dr Gianfranco Colace** and **Dr Mariagiovana Compare**). The first and main line of attack referred to the key arguments raised by the Prosecution's expert witnesses that will decide the outcome of the trial. This is why one of the defendant's Swiss lawyers was also present on Monday in the Court of Assizes to observe these crucial moments of the trial in person.

#### **INDIVIDUAL CASES**

In the first part of the hearing, expert witnesses Doctors **Massimiliano Bugiani** and **Pavilio Piccioni**, pulmonologists, Dr **Ferruccio Perrelli**, occupational physician (already heard on November the 15<sup>th</sup> ) were cross-examined. Lawyer Di Amato questioned them in a detailed and meticulous manner on individual cases, referring to the card with name, surname and personal history that the experts had drawn up for each one: where the victims lived, who else was present in the household, where they worked and how long for, when they developed the illness, when did they die. Di Amato focused on the conclusions of the consultants regarding the sources of exposure to asbestos that caused the mesothelioma. Above all, the role of the so-called *environmental exposures* was questioned, that is having lived in the area where for 80 years, from 1907 to 1986, when Eternit was active, with the plant in Via Oggero al Ronzone, the storage warehouses in Piazza d'Armi, the unloading of raw materials at the railway station, the landfill near River Po, the coming and going of trucks in the streets between the houses, even close to the centre.

## **WHAT IS THE IMPACT OF ENVIRONMENTAL EXPOSURE?**

A calm and meticulous Di Amato asked: "How can you say that environmental exposure played a significant role in the onset of mesothelioma in a specific person – he repeatedly insisted citing case after case -, when a major household exposure is also documented (*relatives or other members of the household who were Eternit workers - Note*) or when there is work related exposure (*such as working in the railways, or in the construction industry, mechanical, fridge manufacturing, or goldsmiths where there was asbestos even if not as raw material, or if they used industrial irons or hair dryers where lawyer Di Amato claimed there was asbestos, Note*)? ". Di Amato also pointed out that Inail, the national workers' compensation agency, had recognized the occupational disease to workers who had been exposed to asbestos for work outside Eternit. So, what is the effect of environmental exposure? And, above all: when did the person affected by mesothelioma breathe the fibre which caused the tumour?

## **INDUCTION: WHEN DID IT TAKE PLACE?**

Time, the exact time of exposure is one of his key arguments: the defence maintains the Prosecution (with the help of plaintiffs) must prove that the fibres that caused the 392 mesotheliomas were intentionally circulated in the so-called "period"- (known as *periodo di garanzia*) " which the current proceedings in the Court of Assizes is dealing with, that is, between 1976 and 1986, when the entrepreneur Stephan Schmidheiny directly managed the Italian Eternit. Witnesses and documents prove that the defendant had already been dealing with the family asbestos business since 1973, but formally, the head, was still his father Max who left the cement business to his son Thomas and the asbestos to Stephan, starting from 1976". The economic transactions with victims' families cover the period of exposure from 1973 (not 1976) to 1988: the factory in Casale was closed in 1986, but it was abandoned without any remedial action, full of asbestos that then flew all over the town. According to Schmidheiny's attorneys, the sum was not offered as compensation, but as a philanthropic gesture in favour of members of the community who had developed an illness. Compensation amounted to 30 thousand Euros. A corresponding 20 thousand Euros was paid into scientific research but that provision was discontinued after 2015.

## **THE PERIOD COVERED BY THE TRIAL**

In the Eternit Bis trial Stephan Schmidheiny is called to answer for 1976-1986. **Lawyer Di Amato recalled that, from 1974, the production cycle had switched from dry to wet, to reduce dust.** Logically contamination outside the factory should have also dropped. Did it happen? Inspections carried out by the Labour Inspectorate between 1976 and 1978 revealed numerous dust leaks from the plants, a lack of localized suction systems and a lot of dust everywhere in the factory. The Swiss Amiantus Centre itself had carried out an internal audit in 1980 and found a difficult situation. In 1983, Dr Michele Salvini, the expert appointed by the Industrial Court of Casale, found a lot of dust deposited on the highest parts of the machines and plants (the famous inspection with the ladder!). Moreover, as seen in photographs produced at the hearings, the "fans" continued to spew contaminated, unfiltered air outside. In the Petralit workshop, where custom-made pieces were manufactured, A-C sheets were handled with saws and other tools, generating dust. Above all, in the ex-Piemontese area, outside the plant located about a

hundred metres away, a mechanical shovel was used to crush waste in the open air, with considerable dispersion of fibres throughout the town. Crushing was functional to the Hazemag mill, installed in the factory during the period of Stephan Schmidheiny's management: a percentage of the shredded waste was re-used in the production mix. It was an ongoing activity using waste from the plants in Bagnoli, Rubiera and Siracuse and not just from the Casale plant. In the open-air area among the houses aka ex-Piemontese, the only *wet process* took place when it rained.

## **ALL EXPOSURES CONTRIBUTE TO THE DEVELOPMENT OF THE DISEASE**

Defence lawyer Di Amato demanded explanations and clarifications in view of the environmental exposure when living in Casale or in a radius of a few kilometres from the town, the more so given the seriousness of the accusation. The answers of the three PP's expert witnesses can be summarized as follows: they took all sources of exposure, household or professional (work related) into account in areas other than Eternit, but this does not exclude the role of environmental exposure at the time or later. Each exposure played its own role in causing the onset of the disease. The more exposures, the less our immune system can cope with them. And again: "Just as we know that even low doses of exposure can lead to mesothelioma, we also know that more intense and prolonged exposure increases the likelihood of cancer occurring".

## **ALL THOSE CORRUGATED ROOFS**

What about the roofs? What was the incidence of asbestos sheet roofing on warehouses, on public and private buildings, on chicken coops? Roofing that was legal to manufacture and install until the 1992 legal ban. "If the roofs are in a good state of preservation - the experts replied – they cause extremely limited airborne asbestos fibre pollution. Instead, when they begin to deteriorate and fray, they generate a risk that can contribute to the onset of disease." This is why an overall reclamation is required, and the area of Casale has carried out one of the largest in the world. Eternit roofs were (and still are) everywhere, not only where they were produced. However, the incidence of mesothelioma is much higher in Casale (and Broni or Bari, for example, where there were Eternit and Fibronit plants were) than in other cities where rooftops are the almost exclusive source of fibres.

## **"CUMULATIVE DOSE" QUESTIONED**

More than anything else, the numbers of cases and deaths speak to the grim picture. Epidemiologists Magnani and Mirabelli repeated some of the data from the studies that had been illustrated at length in the November the 29<sup>th</sup> hearing, answering the pressing barrage of lawyer Alleva's questions in a measured and unflappable manner, as the defence lawyer was anxious to refute the PP's expert witnesses interpretation and even sharply interrupted their explanations when they refuted his arguments. Lawyer Alleva questioned the fact that the "*cumulative dose*" of exposure plays a key role in the risk of mesothelioma: in the opinion of the defence, and its consultants, including Prof Canzio Romano, who was present at the hearings, the "induction" of mesothelioma (that is the time elapsing between exposure to asbestos and when the first cell in the body becomes ill) occurs within a very short period after initial exposure: subsequent exposures no longer have an effect, because by now the tumour is already there, although not yet visible and diagnosable. On the contrary, epidemiological studies show that risk varies substantially according

to the cumulative dose that takes all exposures into account: both the early and later ones. The defence pressed with other questions: if it is not possible to identify precisely that time, how can the defendant (in this case Stephan Schmidheiny) be held criminally responsible for a specific death? And again: is it possible to establish the precise moment when a given exposure modified the first cell that, by multiplying, was to become a tumour visible years later?

### **THE SIGNIFICANT EXCESS OF RISK**

The answers of the epidemiologists are in their studies - dozens of them - published in authoritative journals and confirmed by the international scientific community. For example, the study of male Eternit workers cohort showed that the risk of developing mesothelioma was 30 times greater than that of a male Piedmontese (of an equivalent cohort) with no work exposure. In other words, if the frequency of mesothelioma had been the same as that of the non exposed Piedmontese males, there would have been only one case and not the thirty that occurred in the workers' cohort: 29 of those 30 (i.e., 96.6%) are simply in excess. The analysis of the female Eternit workers shows an excess of 98%. And what about the general population? The study of data between 2010 and 2014 shows an excess of mesotheliomas equal to 92% compared to the overall population of Piedmont. "But these are epidemiological data and not referred to the individual case," replied defence Lawyer Alleva. Yes, true, was the PP's consultants' answer: since individual observation is not possible, in medicine we resort to epidemiology, based on the comparison between two populations, one exposed and the other not exposed. One can also create homogeneous subgroups (men, women, elderly, young people), but they are always groups for comparison. Hence, on the basis of the results illustrated by Magnani and Mirabelli, without that exposure to asbestos over 90% of the people examined would not have died of mesothelioma. In fact, had there been no Eternit plant, there would have hardly been any mesothelioma, if any, in Casale.

### **NEXT HEARING**

On Monday, December the 20<sup>th</sup>, Professor Irma Dianzani, geneticist, expert witness for the Prosecution and Professor Edoardo Bai, epidemiologist, expert witness for the Association *Medicina Democratica* (also a plaintiff in the case) will be heard.

<https://www.silmos.it/senza-leternit-non-ci-sarebbero-stati-a-casale-tutti-quei-mesoteliomi/>