

Eternit March the 28th , 2022 Hearing

By

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On Monday, March 28, the last of the family members (c 90) of the 392 victims of asbestos, were heard at the Eternit Bis trial, held in the Court of Assizes in Novara.

Short - at times very short - testimonies, answering questions as to whether or not there were asbestos roofs on their houses and/or garages and chicken coops, if they or their relatives had worked at Eternit mostly at the Ronzone plant before 1976. Why focus on these issues? Because, as we know, the defendant Stephan Schmidheiny is called to answer for what happened in the decade between 1976 and 1986: before that he was not formally the manager of Eternit, therefore he has no responsibility for any misconduct dating back to previous years. The aim of the defense: to introduce the idea, or even just instill the question, that the fibers that caused the 392 deaths from mesothelioma occurred some other time, not in the period for which the Swiss entrepreneur is liable (*posizione di garanzia*).

Given the careful and legitimate choice of witnesses called by the defense, the answers were obvious; however, some added inconvenient elements for the defense and did so spontaneously.

This is only one of the theses which defense lawyers Astolfo Di Amato and Guido Carlo Alleva raise such as the ones Schmidheiny's defense already argued extensively on March 23rd in the Court of Assizes in Naples, where another Eternit Bis case is being heard. That case is for six workers of Bagnoli Eternit plant and 2 members of the community. The Naples case is soon to reach a verdict.

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Francesco Rubino spoke about his mother **Angela Mastroianni**, who died of mesothelioma describing her life. The defense asked where she lived: "For a few years in Via XX Settembre, later in Via del Turchino". The defense lawyers are not from Casale and, therefore, do not know where the streets are. As a result they insisted: were there asbestos artifacts in Via XX Settembre? "Well - sighed the witness – that was where the Eternit plant was! A hundred meters from our house, trucks coming and going, to and fro...". The defense had no more questions, it could end there. For Dr Gianfranco Colace, the Prosecutor, there was more; he asked the witness: "Do you remember the plant?" "I worked there for a couple of years, I was at the Storage Warehouses in Piazza d'Armi, but sometimes I had to go to the Ronzone Plant. I also remember well where they crushed pipes and other stuff, which were left scattered on the ground...". The Prosecutor asked more questions: "Is that the place where the famous bulldozer was?" "Yes, yes, there was the bulldozer that crushed the asbestos waste, on that square, where the kindergarten is now ". "Did you ever see the bulldozer at work?" "Sure, it was out in the open!". "By chance, do you also remember the fans along the wall of the plant?" "Yes, they turned very slowly." "Did you know the workers who worked in the plant?" "Well, I don't remember, I worked at Eternit for a short time, then I found something better and I ran away, there was too much dust, I was afraid for my health. We used to hear of people who went to the Pavia [Hospital] to be examined because they were out of breath". "Was there dust at the warehouses in Piazza d'Armi too?" "Of course it was inevitable!" "And what about masks?" "No masks." Esther Gatti, one of the plaintiffs' lawyers, asked for more details: "When were you employed at Eternit, when did you see these things?" "Between mid-1977 and 1980."

Marisa Gasperin, sister of **Maria Cristina Gasperin**. "We lived in Via Celoria". "Were there an asbestos cement roofs?" "I don't remember, but asbestos cement was everywhere." "Did your sister work at Eternit?" "No, in a fridge manufacturer, she was an accountant".

Luciano Liberalon son of **Alberto Liberalon**. "My father lived in Santa Maria del Tempio, then at Rotondino, four years in Padova and again in Casale". The defense lawyers asked if there were asbestos roofs in the farmhouse of Santa Maria del Tempio: "Well, I was very young, a child, I can't say". Prosecutor Colace instead focused on the house at Rotondino: was it close to Eternit? "Roughly 250 meters as the crow flies". "Do you remember the plant?" "Yes, I remember it. And, yes, there was dust, especially in the evening... I used to go to the soccer field behind the *Canottieri*, to play soccer, and I would see the workers coming out on their bikes, dust would rise from the street...".

Carmelo Mangani, father of **Mirco Mangani**. "My son was a bricklayer like me and we worked together. There were asbestos sheets that had to be moved around... I'm 84 years old, and I'm here, but my son Mirco is dead. I also lost another child, to cancer. That's all I have to say." Nothing else left to say. He leaves, shaking his head and leaning on his cane.

Sergio Borio, son of **Maria Manoli**. "My mother lived on Via Verona; when I remember... no, there was no asbestos yard, it was just plain soil."

Claudio Baldin, widower of **Adele Meneguz**. "My wife lived in Salita Sant'Anna, then in Casale Popolo and in Ticineto, in 2010, when we got married, until 2014, when she passed away. Yes, her father had worked at Eternit. And in Casale Popolo there was an asbestos roof, he told me he had it removed in 2000." Anything else? Dr Colace wants to know if he remembers the Casale Plant. "I do. I am a chemist. After graduation, I had received a job offer from engineer Bontempelli [Ezio Bontempelli, industrial hygienist, was head of the Sil laboratory, *Servizio Igiene e Lavoro* -- Hygiene and Labor Service -- set up by the Eternit Company, which coordinated monitoring in all plants in Italy]. I met him in an office next to the lab. He told me that my job would be to check the deposit of fibers in the filters... I cannot say more precisely, because at that time I was considering another job opportunity, at the Santo Spirito Hospital. I chose the hospital, both for financial reasons and because, at that time, there was talk of asbestosis among those who worked at Eternit. Mesothelioma was mentioned later, from the 1979-1980s onwards...". "Did you know any other people who developed the disease? "Yes, yes, in Casale it is known... In particular, a friend of mine, Franco Demichelis, who worked at Eternit... and my aunt: she never worked at Eternit, but her husband did."

Isabella Cadin, widow of **Edoardo Montiglio**. "My husband lived in Via del Carmine". "Was there asbestos? I don't know. We got married in 1996 and, before that, I lived in Friuli". "What about your holiday home in Terruggia?" "No, not even there, I don't know of any asbestos. My husband had a pharmacy, near the hospital". Were the house and the pharmacy close to the Eternit plant? "Well... what do you mean by 'close'?" she asks looking puzzled. Everything in Casale is relatively close. She thinks and answers: "Not far, maybe a kilometer...".

Patrizia Patrucco, **Renata Ottone's** daughter. Many of her family members worked at Eternit: "My grandfather, my father, and my aunt, and one of my sisters". The Prosecution focuses on her father, Renata Ottone's husband: "He worked there 1985-86, at the pipe workshop, then unfortunately he had heart problems and, because of asbestosis, he could not undergo all the treatments that were required. Yes, he suffered from asbestosis, every now and then he went to Alessandria to monitor the progress of the disease then at a certain point he didn't want to go anymore. He took his work uniform home to be washed, until the very end", in 1986.

Lucia Botto, daughter of **Mirella Padovani**. "There was asbestos in the two houses where she lived: in one the roof of a shed, in another they said that powder had been spread in the courtyard, to make it compact. "My aunt, my mother's sister, worked at Eternit. Before getting married, yes, she and my mother shared a house".

Piero Bocchio, son of **Liliana Prete**. "My mother lived in Via Luparia, in Via Massaia, in Valentino. No, sir, there were no asbestos roofs. She was a furrier, she never used asbestos."

Mauro Santolli, son of **Emilio Santolli**. "My father lived in Via Visconti all his life, there was the warehouse, that is, the Eternit warehouses. And there was also the *Dopolavoro Eternit* (the Workers' Social Club), named after Adolfo Mazza [the engineer who bought the patent of the "*eternit*" in 1907, invented by the Austrian Ludwig Hatscheck, and established the first plant in Italy, in Casale]". "Was your father an asbestos worker?" "No, never, he was a tiler". The house in Via Visconti "was ten meters from the Eternit warehouse, which was the other side of the road. We lived on the third floor: I looked out and saw the silos, the pipes, the corrugations, they moved them with a forklift... They were there until the warehouses were dismantled". The warehouses were purchased by the City of Casale in the bankruptcy proceedings in 1986: the acquisition was overseen by Councillor Paolo Ferraris, Councillor Vincenzo Ottone started the reclamation project and Councillor Gino Merlo completed it. The facility now houses Polo Fieristico (the Fair and Exhibition Center i.e. the *Palafiere* that in 2018 was named after former mayor Riccardo Coppo) and Cinelandia (multiplex cinema).

Giuliana Caprioglio, daughter of **Angelo Caprioglio**. "My father has always lived in Roncaglia, he worked at the company "Come" in San Maurizio, they made washing machine drums. Their roof was not made of Eternit, they were tiled. In 1979/80, a stable was built next to the house and the roof was made of corrugated iron.

Paolo Gaia, son of **Maria Scarrone**. "I was 5 years old and we lived in via Morera, at Ronzone. Then, when I was 18, we moved to Cascine Rossi in Santa Maria del Tempio. Our house on Via Morera was not far from the plant, it was on the other side of the canal. Yes, I remember the factory, because as children we used to ride our bikes to the dam and we always cycled by it. We also used to go to the "La Morana" fountain, which was also near there". And was there dust? "Yes, there was dust, the grass was white with dust". Prosecutor Mariagiovanna Compare inquires: when was that? "At least from 1974 to 1979; then, when I was 15, I went to work and... had no time for play and games."

Maura Salvaneschi, daughter of **Albina Schiavolin**. "My mom was born in Altavilla, but she always lived in Casale. In the house on Via Bassano del Grappa, the roof was made of Eternit... there were many Eternit roofs everywhere..."

Gianni Allegro, son of **Arcangela Spallazzo**. "My mother was a housewife, my father a cement hauler: I never heard that he made deliveries to Eternit. Their house was on Via Crova." Eternit roofs? "In 2005 they dismantled the roofs of a shed in the courtyard next door where my parents also had their garage".

Roberta Lazzarini, widow of **Loris Zanabon**. "My husband lived in via Trieste, via Fiume, via Trino, corso Valentino, via Morera, via Ottolenghi and also via Gabrielli, next to the former Piemontese area [where the open-air crushing of scrap metal took place, editor's note]; I have lived there since 1991, I could see, at that time, a half-demolished building with an Eternit roof, surrounded by bushes". What did your husband do for a living? "He assembled furniture and, then, aerials, mended roofs and also insulating panels that contained asbestos."

Maria Grazia Patrucco, daughter of **Olga Bertolotti**. "My mother lived in a detached house in San Germano: there was the dust in the yard and on the bridge leading to the state highway, and also the corrugated roofs on the garage."

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Next hearing

On Monday, April 4, two defense expert witnesses (accounts and balances) will be heard.

Naples Trial

In the Eternit Bis trial in Naples (for 8 deaths in Bagnoli - 6 workers and 2 family members -, the same as the one taking place in Novara, for 392 deaths in Casale and its surroundings), defense lawyers Astolfo Di Amato and Guido Carlo Alleva asked for the acquittal of the defendant Stephan Schmidheiny, putting forward various arguments in his defense. They insisted on the actual awareness of risks known in the Nineteen Seventies, "completely different from the current one: in 1976, at a time when everyone was convinced that it was not necessary to ban asbestos, Schmidheiny called his managers and said that workers' health had to be protected to continue working: other companies did not". Another one of their arguments: the entrepreneur's lack of intention for the death of the victims [therefore no willfulness]. And, again, the uncertainty of establishing the precise moment in which, after the inhalation of the fiber, the so-called induction phase began: "We do not know how long it takes the fiber inhaled to arrive in the lungs and start the cancer growth: it is the phase that goes from exposure to asbestos to the next invisible development of the tumor, the so-called "induction". The defense lawyers maintain that this time cannot be calculated and, therefore, it is not possible to attribute to Schmidheiny the responsibility of the illnesses and consequent deaths: "It is an insoluble matter" they concluded.

The Public Prosecutors Giuliana Giuliano and Anna Frasca asked for a 23 years and 11 months sentence. In their indictment among other things, they highlighted the "dilapidated state" of the Bagnoli plant: "Investments had been made aimed at the productivity of the plant, which, as a result, also reduced the spread of fibers", but prosecutors recalling testimonies of top-level managers of Eternit, "no expenses were earmarked for maintenance: there was an incredible amount of dust!" They then spoke about Schmidheiny's actual knowledge: "as a good entrepreneur he rightly visited the plants and knew, as his brother Thomas testified, that asbestos had to be removed. They even talked about it at home, with his father". The public prosecutor, finally, stigmatized the defendant's trial behavior: "It's legitimate to

defend one's self, but Schmidheiny has never expressed any pity, never a word of sympathy to the families of the victims".

Plaintiffs' lawyer Laura D'Amico representing the Victims' Association, Afeva of Casale (also present in the Turin Eternit Bis trial), spoke underlying the role of the association, which has been active since its establishment in the 1980s, and of its relations with other similar groups in Italy and in the world, fighting to ban asbestos, which happened in 1992.

The next hearing will take place in Naples on **Wednesday, April the 6th** : brief replies are expected and the Assize Court, presided by Dr Concetta Cristiano, could deliver its verdict on that date.

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