

April the 11th 2022 Eternit Hearing

By

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All the companies in the Casale area are guilty or rather, under suspicion of having used asbestos not as a raw material, but in their production cycles, in some way or to some extent.

This is what the hygiene chemist **Prof Danilo Cottica** said. His CV is impressive: besides being a fixed term professor at the universities of Pavia and Brescia, and a lecturer in a Master's program at the University of Padua, he was president of the Italian Association of Industrial Hygienists and of the organization that coordinates the Associations of Industrial Hygienists globally. He is one of the defense expert witnesses for Stephan Schmidheiny, the Swiss entrepreneur accused of the willful murder of 392 people from Casale killed by asbestos, now being heard at the Eternit Bis trial at the Court of Assizes in Novara,.

Prof Cottica began by recalling that asbestos, " has been widely used all over the world, both as "raw material" (Eternit products, ed.), and as "auxiliary material" in various production plants, and as "protective agent" (clothing, gloves and so on) because of its qualities ". The expert witness indicated the many fields in which the mineral was used: yarns, ropes, felts, insulation, paints and sprays, blankets, gloves, seals, fireproof clothing, talc, cardboard, insulation, theater curtains, ironing boards, filters, braking elements, stove linings, safes, fireproof doors... A long list. After a general introduction, Prof Cottica detailed the Casale area, showing a 1999 publication dedicated to the history and architecture, art and traditions, characters and economy of Monferrato. In one of the chapters, a table of the main companies in the area is published. The consultant listed practically all of them, matching them to specific sectors: refrigeration, mechanical construction, metallurgy, wood, rubber and plastic, textiles and clothing, food, cement factories, construction and trade. He speculated that, in some of these firms, there may have been "auxiliary" use of asbestos in materials needed for production and equipment.

The expert witness illustrated his position: in general, "asbestos in Casale was not only used at Eternit, but in many other industries". Hence the subsequent consideration that "the possible exposure" of people who developed mesothelioma, may have occurred "also in environments other" than Eternit. Dr. Cottica admitted that he had no proof and certainty that in all the companies mentioned have been used materials or tools in which asbestos was present, "but - he ventured - it can't be ruled out, my hypothesis is as good as any other, it is a hypothesis".

Eternit was, however, the only factory in the area to have used asbestos as a raw material, for 80 years.

Another consultant of the defense, **Professor Engineer Giuseppe Nano**, at the Polytechnic of Turin and Milan, and author of numerous publications, said that the company had invested heavily in the modernization of plants since the early Nineteen Seventies, by taking steps to ensure greater safety. In the expert witnesses opinion, "any innovative intervention and improvement of production, even if not specifically aimed at safety" had a "positive impact for the environment, reducing dustiness".

Prof Nano then added that "the interventions were made according to the rules of the time," using "the best technologies" that "produced a decrease in pollution." In a 1987 report, even the Labor Inspectorate, had noted that "Eternit, at the beginning of 1974, had initiated a vast plan to restructure and modernize the plants." A plan which, in the consultant's opinion, was carried out in accordance with the "best practices" of the time, with "the support provided by the Swiss Group to the Italian plants".

Dr Robock was mentioned as "responsible for consulting activities in the field of technical prevention measures, measurement of risk agents and regulatory updating". After an inspection at the Casale plant in January/February 1976, Dr Robock had made observations on some critical features, indicating precise improvement solutions, for example on the suction and ventilation systems. Cross referencing several sources, Professor Nano reconstructed the passage from dry to wet processes, the evolution from the "general suction" method (i.e. wall-mounted fans aka *ventoloni* that expelled the air from the workshops on the side of the Lanza Canal) to that of "localized suction" with the positioning of "hoods" for each tool, which had to capture the dust at the point where it was generated. In his opinion there was no danger for the workers who were "always at a distance from the tool". Another important point raised by the expert concerned the wastewater treatment plant; a plot of land of over three thousand square meters had been purchased for this purpose, and is accounted for "in a document dated October 29, 1976". "Previously-, he underlined – there had been no water treatment ". In fact, there was none because it was not mandatory: it became compulsory with the entry into force of the Merli Law in May 1976, five months before the purchase of the area. At that point Eternit had to build the purification plant, which became operational in 1980. After comparing images taken at the plant in 1978 with other images of the Luce institute film dating back to the Thirties, Nano reiterated that "Eternit implemented the best operating practices for the time", with the result that "the level of exposure to fibers had decreased and the Swiss Group had managed to contain the concentration of fibers below the required threshold levels". Finally, Professor Nano added that, in any case, "in 1984, the Eternit Group's strategy was to replace asbestos with alternative fibers as quickly as possible by placing new products on the market that were asbestos-free".

Remarks

It is useful to frame events in time: 1984 is the year in which Eternit filed for receivership and, two years later, for bankruptcy. Leo Mittelholzer, a senior executive and the last managing director of Eternit in Italy, testified at the Turin maxi-trial that, in fact, Eternit's competitors on the Italian market had been approached and there had been an agreement to produce an alternative material, thus eliminating the use of asbestos. The concerns of public opinion were becoming increasingly pressing and insidious for the sector. No agreement was found, because the changes would have involved an excessive cost, especially for smaller producers. In order not to lose market share, Eternit decided to continue its traditional production in Italy. That was when the then Mayor Riccardo Coppo, said after the unfulfilled Swiss promises on the imminent use of alternative fibers,: "They are making fun of us". However, the expert witnesses heard so far have reported positively conduct of the Swiss Group that behaved, as reported by Stefania Chiaruttini and Luca Minetto, as a good reference shareholder: it guaranteed financial support to the Italian Group, while respecting its

autonomy, and made appropriate investments that reflected positively on safety and the environment.

What did the expert witnesses say in this latest hearing on Monday, April 11. We learned that, even before the defendant Stephan Schmidheiny personally took over the management of Eternit, the Swiss Group, already led by his father Max, in 1973, 1974 and 1975 had implemented massive modernization of its plants and methods. One wonders, then, why, in spite of these conspicuous improvements, Stephan Schmidheiny (who had already been working in the sector for some years) felt the need to summon the top managers to the 1976 Neuss conference to represent a highly worrying situation. "Catastrophic" (verbatim quote). Some of those close collaborators came out of the meeting "shocked" (idem: verbatim).

Another remark stemming from Professor Cottica's witness: he indicated which were the industries in which asbestos could be used, even if not as a raw material, and hypothesized that, even in the Casale factories of various sectors, what the additional uses could be. So one wonders why in Casale and its surroundings there is a much higher incidence of mesothelioma patients and deaths than elsewhere? Were there no mechanical and metallurgical, textile and clothing, food and wood plants elsewhere in other major Italian industrial centers? As for the asbestos-cement roofs on houses and buildings, on sheds and garages, of which the defense lawyers asked dozens of victims' families about, yes, there were, as well as in every other place in Italy, because, as the professor pointed out, it was widely used. But, then, why are there more victims in Casale than in other cities?

Finally, it is true that mesothelioma has a long latency, even decades; the defense tends to blame the uncontrolled spread of fibers on those who had managed Eternit in the past, before the Nineteen Seventies, that is, before all the improvements that have been taken into account had been adopted. But, then, why did we go from a number of 15-25 new diagnoses of mesothelioma per year to about fifty? All of them contaminated in the distant past?

These questions need to be answered, otherwise the feeling would remain that they are just trying to sow doubts in the minds of the Court (Judge and Jury).

NEXT HEARINGS

The trial in the Court of Assize in Novara is now suspended and will resume in about a month.

The defense lawyers Astolfo Di Amato and Guido Carlo Alleva have announced the next consultants. This is the list of dates: on May the 16 th Professor Cottica will conclude and, immediately after, he will be followed by Professor Nicotera, scientific director of the National Center for Neurodegenerative Diseases in Bonn; on May the 23rd it will be the turn of Professor Gary Marsh, who comes from the United States, an expert in biostatistics and epidemiology at the University of Pittsburgh, in Pennsylvania; on May the 30th , cross for Professors Nicotera, Nano and Cottica.

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