

(Photo of José Dirceu)

"MENSALÃO" A thesis of the German law to convict Dirceu?

Middle East. The USA is harvesting what they have seed.

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(Figure)

ASBESTOS KILLS

(but Brazil ignores it)

Responsible for 100 thousand deaths every year, and banned in 66 countries, the product used in roof tiles and even in the textile industry, has in this country a powerful lobby.

Your Country.

The truth hidden in the roof

HEALTH – The third largest producer of asbestos, Brazil ignores the ill effects of the mineral.

By Rodrigo martins

The discussion on the banning of the product, which has already been prohibited in 66 nations, drags on for two decades.

Scenery – In Italy, the owners of Eternit were convicted for 15 years imprisonment. While here...

A large march will be held in Paris, on October 13th, to remember the victims of asbestos, and to press the governments that have not prohibited the exploration and use of the product, to take an attitude. One of the main targets of the campaign will be Brail, the third largest world producer of the mineral, classified by the World Health Organization (WHO) within the main group of carcinogenic substances. More than 125 million workers are exposed to asbestos all over the world, and approximately 107 thousand die, annually, from diseases related to its noxious fibers. France, that will host the manifestation, has banned the mineral 16 years ago. Other 65 countries followed the same road. In the list there are the United States, all nations of the European Community, many of the Southern Hemisphere, including our neighbors Argentina, Chile and Uruguay.

Amianthus (or asbestos) constitutes a group of fibrous minerals widely used by the industry, thanks to its important and remarkable proprieties. The material is an excellent thermal and electrical insulation, and is resistant to friction. It is not without reason that it is used in more than 3 thousand products, from building materials to automotive parts (brakes and head gaskets). In Brazil, 96.7% of the asbestos is used by the fibrocement

industry, in the manufacture of roof tiles and water tanks. It is a profitable business that reaches 2.5 billion Reais annually.

The discussion on the banning of the substance in Brazil has been dragging for more than two decades. Presently, the Federal Supreme Court analyses four direct actions of unconstitutionality (ADIN), sponsored by the industry, that have as purpose to cancel the legislation of four states that have prohibited the use of asbestos. As noted by columnist Claudio Bernabucci, in the 714th issue of *CartaCapital*, a resounding silence followed the two public hearings held at the Court to discuss the theme, on the 24th and 31st of August. "The media gave little or no attention to the explosive issue that, in other countries, has marshaled deeply the community", declared the political scientist graduated by the La Sapienza University of Rome.

In February of this year, the two owners of the Eternit multinational were convicted by the Court in Turin, Italy, to 16 years of imprisonment, plus the payment of 95 million Euros in reparations. The plaintiffs of the action represent 1,830 dead and 1,027 workers that suffer from diseases caused by asbestos. During the legal process it was evidenced that the Swiss magnate Stephan Schmidheiny and the Belgian Baron Louis de Cartier de Marchienne, founders of Eternit, knew, for decades, of the ill effects caused by the minerals, and hid them in order to preserve the business.

The problem is so serious that the WHO and the International Labor Organization (ILO), connected to the United Nations, recommended the banning of any type of asbestos and sponsor campaigns for the end of the so called "sanitary catastrophe of the XX century". Following the International Association of Social Security, at least 3.5 thousand British persons die annually due to exposure to asbestos. In the USA, it is estimated that more than 10 thousand die per year.

The Brazilian scenery is still foggy, due to the "epidemiologic blackout" caused by the undernotification of cases of diseases and of deaths. "We may count only what is included in the national information system relative to mortality. But we know that a large number of deaths related to asbestos is not mentioned in the Certificate of Death, or is not informed by the hospitals", affirms Guilherme Franco Netto, the director of the Environmental and Workers Health Surveillance of the Ministry of Health. Even so, from 2000 to 2010, the employees of said department identified at least 2.4 thousand Brazilian citizens who died due to diseases connected to the mineral.

There were a total of 1,298 deaths caused by malign neoplasia of the pleura (the membrane that covers the lungs), 109 by pleural plaques, 156 by pneumoconiosis and 827 deaths by mesothelioma. This last one is a rare and incurable malign tumor, which normally causes the death of the patient less than one year after the diagnosis. In the medical literature, almost all cases of mesothelioma occur with workers that had contact with asbestos.

This was what happened with Gisélia Vicentin's husband, who died four years ago, three months after being diagnosed with the disease. Aldo Vicentin worked at the Eternit warehouse in Osasco (SP) from 1964 to 1968. He helped to unload the trucks that brought asbestos to the company. After that, he graduated in the School of Law and worked in other industries, without any contact with asbestos. Only after his retirement, in 1995, he knew that several work mates of the old plant where he worked when a young man began suffering from diseases.

"Touched with the situation, Aldo helped to found the Brazilian Association of Persons Exposed to Asbestos" (ABREA), but used to say that he was the only one of the group that was lucky not to be contaminated. However, the diseases take decades to show itself", tells Gisélia. In June 2008, on the same day when the panel of the Federal Supreme Court discussed a temporary restraining order granted by the Minister Marco Aurélio Mello, to suspend the prohibition of asbestos in São Paulo, he entered INCOR (Heart Institute – Translator's remark) for a delicate surgery. He barely had time to celebrate the result of the decision that maintained the validity of the law in São Paulo until the analysis of ground for action. Vicentin had his left lung, the diaphragm and pleura surgically removed. With strong pains and difficulty to breathe, he died one month after.

"Aldo knew that he was set to die. Before entering the hospital, he prepared all details for the deathwatch and gathered the documents so that I could prosecute Eternit", declares the widow, with trembling voice. On August 13th, the Labor Judge André Eduardo Dorster Araújo condemned Eternit to pay a 300 thousand Reais reparation to Vicentin's family. The company appealed against the sentence. This is one of the rare cases when the Brazilian Justice condemned a company of the sector. Normally, the industry tries to extend the maximum the course of the suit and offers out of court settlements to the victims and their families. More than 4.5 thousand settlements were celebrated in the last 20 years.

(Photos):

The Cana Brava mine produces more than 254 tons per year. At least one third supplies the domestic market.

Victim: Gisélia Vicentin fights so that the teach of the husband Aldo does not remain unpunished

Today, working in the board of directors of ABREA, Gisélia was invited to represent the Brazilian victims in the march against asbestos in Paris. "After the suffering of Aldo, I feel that it is my obligation to continue with his fight".

All actions submitted to the Federal Supreme Court for maintaining the use of asbestos were entered by the national Confederation of Industrial Workers (CNTI), with the support from the Brazilian Institute of Chrysotile (IVC) that congregates executives of the asbestos industry and worker's unions, in an odd symbiosis between employers and employees. The cases have as target to cancel the restrictions to the commerce of products containing the mineral in the states of São Paulo, Pernambuco, Rio de Janeiro and Rio Grande do Sul.

"It is a defense of the workers. The industry employs, directly or indirectly, more than 170 thousand workers", says the workers union representative Emílio Alves Ferreira Júnior, president of the National Committee of Asbestos Workers at the CNTI and one of the directors of the IBC (Brazilian Institute of Chrysotile). "Besides, the companies operate with strict safety standards. While the law establishes that the work environment may only have 2 breathing fibers per cubic centimeter (cm³), we have an agreement that establishes the limit of 0.1 fibers per cm³. We have a workers committee in each company to check it, with assured employment stability. We are not suicides." I doubt.

Ferreira Júnior would not be able to compute how many of these 170 thousand workers will die prematurely due to the contact with asbestos.

The legal basis is practically the same in all cases: the Union is the competent party to legislate on mining and the state laws may not supersede the federal law Nr. 9.055, of 1995, that authorizes the exploration and use of the chrysotile asbestos. Brazil has presently only one mine of asbestos in activity, in the municipality of Minaçu, in the state of Goiás. It is the property of Sama Minerações Associadas, an open capital company controlled by the Eternit Group. Until the mid-1990s, the mining operations were shared with Brasilit, of the Saint-Gobain French group. With the probability of prohibition of asbestos in the whole Europe, Brasilit started investing in alternative fibers, and abandoned the exploration in Minaçu, leaving as inheritance a large number of workers that were exposed to asbestos.

Anyway, Brasilit has, since 2002, totally abandoned the use of asbestos. "When the idea of danger became consolidated in the international scientific environment, in respect to all types of asbestos, the Saint-Gobain Group decided that all its companies that used asbestos should abandon it", says Carlos William Ferreira, corporate director of Brasilit. "The synthetic fibers are classified by the International Agency for Research on Cancer (IARC), of the WHO, as non carcinogenic and were official recommended by ANVISA. And the production costs are only 10% more expensive."

When Brasilit abandoned asbestos, there was a split among the manufacturers of roof tiles. Up to that time, all companies of the sector were members of the Brazilian Association of the Fibrocement Industry (ABIFIBRO), that began negotiating with the government a period for the manufacturers to adapt themselves before a complete prohibition of asbestos. Having found a substitute for asbestos, it was considered that the mineral had come to its end. But nothing was changed in the legislation and the other manufacturers decided to leave ABIFIBRO and to found the IBC, defending the "safe use! of the chrysotile, says João Carlos Duarte Paes, president of the association. "Brasilit decided to transfer technology to the competitors to abandon asbestos, but the group, led by Eternit, decided to continue the exploration and joined the Brazilian Institute of Chrysotile to work as a lobby for the asbestos."

The fight is a trade fight and is used, up to this date, as an argument of the defenders of asbestos. The companies that continue with the exploration of the mineral declare that the safety standards block the contamination of the workers. They accuse the opponents of asbestos of defending the business interests of Brasilit, which has been using alternative fibers for more than ten years. "It is a coincidence that the prohibition of use of asbestos has occurred specifically in the states where Brasilit has manufacturing plants", declared Élio Martins, president of the Eternit Group, in 2011.

"This is just an excuse", refutes Paes. "Eternit has produced, since 2007, a line of products with alternative fibers. Isdralit announced also in its site that it has three plants producing roof tiles without asbestos."

The federal government has not yet reached an agreement on the matter. In the public hearings held at the Federal Supreme Court, representatives of the Ministries of Health, of Social Security, and of Environment, recommended strongly the total prohibition of asbestos. The conclusion is that it is not worthy to maintain such a noxious activity. "The estimated costs, just for the treatment of patients that have developed cancer due to

asbestos, has been more than 291.8 million Reais in ten years. This value does not include the costs of ambulatory service and the treatment of other diseases connected to asbestos", says Franco Netto.

(Graph):

**Evolution of the world production of asbestos 1995-2007
In thousand tons**

Besides, Brazil spends more than 107 million Reais in the treatment of workers that become ill due to asbestos, points out Paulo Rogério de Oliveira, the General Coordinator for Supervision of Benefits due to Incapacity, of the Ministry of Social Security. Following his words, the workers of the sector retire after 20 years of work, this being the earliest retirement among all workers submitted to risk factors. "We will have expenses: we will either pay unemployment insurance fund to the workers, or will pay pensions, retirement and health care for millions that will be exposed to asbestos."

On the other hand, representatives of the Ministries of Mines and Energy and of Development, Industry and Foreign Trade (MDIC), declared that the prohibition of asbestos would cause losses to the Country. Antônio José Juliani, MDIC analyst, points out that Brazil exports 140 thousand tons of asbestos annually, and the prohibition would cause problems in the foreign trade. "We would lose approximately 80 million dollars per year with the exports, and would leave the Country dependent of a raw-material that should be imported. In order to produce synthetic fibers, we use polypropylene rosin, derived from petroleum", declared to *CartaCapital*. But, what about the health of the worker? "I was invited to discuss on economic impacts". The answer was probable a joke told by the member of the ministry. We will take it as so.

However, an opinion prepared by the economist Luiz Gonzaga Belluzzo, editorial advisor of *CartaCapital*, and another developed by Unicamp (University of Campinas) assure that the economic impacts are not important. First of all, because there are already several substitute to the asbestos. Second, due to the fact that the average cost of a roof tile made from alternative fibers is only 12% higher than the price of the one made with asbestos, a value that may be diluted, when analyzed to the total cost of the work. Finally, the lost work places may be compensated by the generation of employments in other segments. "There is no doubt in respect to the need to ban the use of asbestos in order to assure fundamental rights to the populations exposed to those fibers", declared Belluzzo.

Besides, experts contest the thesis of "safe use" of asbestos. "We have to demystify this misconception. There is no "light asbestos" that is not harmful to health", attacks the pneumologist Eduardo Algranti, a Fundacentro researcher and advisor of WHO on occupational health. "Yes, the chrysotile has a carcinogenic potential lower than amphibole asbestos, but it is also carcinogenic, and there are no safe levels of exposure to this substance. Even if it were possible to avoid contamination within the mine or fibrocement plants, there is no way to assure it during transportation, civil construction, or in the elimination of these products", he says. The physician mentions also a study performed with ambulatory patients at Fundacentro, that cares for employees of an old fibrocement industry in Osasco. "Of the 1,333 patients exposed to asbestos, 356 (26,7%) showed diseases related to asbestos, such as asbestosis and mesothelioma."

In spite of the warnings from experts and from the World Health Organization, the Eternit Group insists in selling the idea that it is possible to work with asbestos in a safe manner. Answering to the questions sent by *CartaCapital*, the company's press advisory department says that the strict controls, from the extraction up to the manufacture of products used by the population, "do not allow the liberation of fibers in a concentration higher than the one found normally in the atmosphere. Without concentration of fibers, there are no alterations". Besides, the company points out that no respiratory diseases related to asbestos were found in workers that started the mining of chrysotile asbestos during the last 30 years. "An eventual sudden and unnecessary substitution of the chrysotile asbestos in Brazil will force the closing of industries, with the consequent unemployment and shortage of supply in the market."

(Photo):

Marco Aurélio Mello granted a Preliminary Order on behalf of the asbestos industry, but his colleagues dismissed it.

(Photo):

Lobby. The companies of the sector do not spare efforts to "influence" the national media.

Fernanda Gianassi, an auditor of the Ministry of Labor and founder of ABREA, refutes the argument of absence of recent cases of diseases related to asbestos. "Several expert doctors declare that these diseases may take decades to appear, as it happened with Aldo Vicentin". Recently, the association presided by her brought a new action at the Federal Supreme Court to discuss the constitutionality of the law that authorizes the use of chrysotile asbestos. "It is a question of public health, and not of who is competent to legislate on a mineral. If the ministers decide to accept the action, we will not need state protection laws any more."

It will be difficult to overcome the lobby of the sector. The industry invests much money in the main communication media. *CartaCapital* refused one of these advertisements, although other publications have accepted the offer, conveniently. During the public hearings at the Federal Supreme Court, an outdoor placed at the Brasilia airport, tried to influence the visitors of the capital city towards the maintenance of the activity. The outdoor showed the logo of two outstanding magazines, *Época* and *Exame*, which granted awards to the Sama mining company. Besides, in the elections of 2010 alone, the company donated 1.9 million Reais to several political parties. Eternit, that controls one third of the fibrocement market, has contributed with more than 1.8 million Reais.

ERRATA:

"THE DIRECT ACTION OF UNCONSTITUTIONALITY (ADIN) AGAINST ARTICLE 2ND OF THE FEDERAL LAW 9,055/95, WHICH AUTHORIZES THE EXPLORATION OF CHRYSOTILE ASBESTOS IN BRAZIL, WAS SUBMITTED BY THE NATIONAL ASSOCIATION OF LABOR JUDGES (ANAMATRA) AND BY THE NATIONAL ASSOCIATION OF LABOR ATTORNEYS (ANPT), AND NOT BY THE BRAZILIAN ASSOCIATION OF PERSONS EXPOSED TO ASBESTOS (ABRIA), PRESENTLY PRESIDED BY ELIEZER JOÃO DE SOUZA."