

# Plenary Presentation

## **3.8 WHITE LUNG ASSOCIATION:**

### **ASBESTOS MUST BE BANNED THROUGHOUT THE WORLD**

JIM FITE

*National Secretary of the White Lung Association*

On behalf of President Paul Safchuck and the National Board of Directors, I bring you the most heartfelt Greetings. We want to thank Dr. Silas Bortolosso, the Mayor of Osasco and Fernando Gaberia and Eduardo Jorge, from ABREA, (Associacao Brasileira dos Expostos ao Amianto), Dr. Joao de Souza Filho, (Secretary of Health of Osasco, and Fernanda Giannasi (Coordinator of the Ban Asbestos Network in Latin America) for their brilliant organization of this event and their most gracious hospitality. We thank the International Ban Asbestos Secretariat and Mrs. Laurie Kazen-Allen for their support of this event.

We wish to share our experience as workers who have been diseased by asbestos. The use of asbestos in the United States has caused millions of deaths, cost over a trillion dollars in personal and property damage, and has contaminated over 20% of the buildings and 30% of the water systems. Autopsy studies, conducted in New York City, showed that over 90% of the general public had asbestos fibers (and therefore anti-inflammatory reactions/disease) in their lungs. Published reports in Texas showed asbestos fibers in the lungs of over 40% of the infants who died of Sudden Infant Death Syndrome. Our country faces a massive health epidemic as a result of asbestos use. Last year over a quarter of a million disabled workers applied for compensation or filed legal action to recover medical and other expenses for asbestos related disease. Over 100,000 of the 2.7 million living asbestos victims died in 1999.

Our experience clearly demonstrates that asbestos must be totally banned. We believe this ban must be a global cooperation effort. This effort will compensate the victims and decontaminate the property. The White Lung Association (WLA) has thousands of personal statements and tens of thousands of scientific documents that testify to the need to ban asbestos. Workers who were diseased by asbestos founded the White Lung Association. We were founded in San Pedro, California, on December 17, 1979. We are a non-profit organization. Our mission is to educate the public to the hazards of asbestos exposure. There is no safe level of asbestos exposure. It is cost-prohibitive to work with asbestos safely.

My story is similar to that of the other founders. Most of us worked in one of the shipyards, we came from different trades but we were all active in our unions. Although asbestosis was compensated in many state and federal worker compensation programs, almost no one was "diagnosed". A review of state compensation records of this time show less than a dozen cases of asbestos related disease that were compensated. Over a million deaths were misdiagnosed as heart attacks, non-asbestos cancer, pneumonia, etc. In 1979, the shipyard operators and other employers were using asbestos in water pipe and pipe/duct insulation, plaster, abrasive pads, mastics, cement boards, vinyl tiles, etc. Hundreds of thousands of tons were placed in the U.S. society each year until the late 1980's.

The federal Occupational Safety and Health Administration, (OSHA), first regulated work with asbestos in 1972. During the seventies different uses of ACM were banned. These included spray insulation on structural steel (1973), pipe insulation (1976) and spray plaster for building interiors (1979). Almost all employers denied that they used asbestos. The industrial hygienists generally parroted the industry propaganda that workers could safely breathe millions of fibers each hour. There was widespread ignorance amongst the workers. Laboratory standards and testing equipment were crude and expensive. Today, if someone wants to know if something is asbestos, there are dozens of labs in the phone book. Today, analysis is standardized and can be specified down to the molecular structure for as little as three hours average wage. Laboratory testing was expensive in 1979; management could look you in the eye and say “this is not asbestos”. It was hard to prove otherwise. In 1979, we did not know even if we were sick from mesothelioma or asbestosis. Many doctors made false diagnoses. Most labs were unable to detect asbestos in construction materials.

Brave scientists like William Hueber and Irving Selikoff, revealed the health disaster caused by asbestos use. But the transmission belt of knowledge did not reach into the bottom of a ship. In 1973, an oil refinery worker in Texas, was granted the right to sue the asbestos manufacturers and distributors due to the fact that they did not tell him of the hazards of working with asbestos. The labels were only affixed to some materials in 1964. His attorney proved that the asbestos companies knew of the dangers of asbestos exposure decades before they warned anyone working with it. In 1979, there were moves amongst shipyard workers for health evaluation. There were also scattered lawsuits in various state and federal courts. In 1979, there was so much exposure, so much death and disease, little compensation and very little truth told about the role of asbestos. In 1979, over 400,000 workers received daily exposure to airborne asbestos of over 5 million fibers each working hour.

Although the U.S. Public Health Service launched a media campaign to urge testing for older shipyard workers, most of us did not have contact with a doctor who could tell asbestosis from coalmine pneumoconiosis. Our unions were faced with shipyards that were closing. The liability became known, first in the insurance community and then by the shipyard owners. Shipyard work, particularly repair and demolition, was exported to other countries.

The Black Lung Association and the United Mine Workers Union had gotten a compensation program for coal miners through the federal government. Textile workers were also trying to get both a union and compensation for bysinnosis. They had organized a benevolent organization, the Brown Lung Association. Since our x-rays had white spots on them and in solidarity with these organizations that helped us get started, we called ourselves the **White Lung Association**. Early in our development we received support from the Oil, Chemical and Atomic Workers, International Electrical Workers, International Brotherhood of Electrical workers, International Union of Marine and Shipbuilding Workers, the Asbestos Workers Union and the International Union of Machinists, their local affiliates and many other unions, churches and community groups. We were also supported by numerous worker oriented foundations and some levels of federal, state and local governments. Primarily, we were supported by thousands of asbestos victims.

Meetings often overflowed the halls and churches where they were held. Demonstrations, strikes and walkouts were frequent in these early years. In these years before the internet, the appearance of many people saying the same thing and sharing the same experience required them to be physically present. Although we were subjected to terrorist attacks, surveillance by Pinkerton spies, threats from powerful forces, investigations from Reagan's IRS, our message was undeniable and our mass support would not allow our elimination..

The general public was always our focus. Our misery, poverty, and maltreatment were important issues, but more important was to stop asbestos exposure for those following behind us. There was no cure for us, the only cure for asbestos disease is prevention. We formed a speakers' bureau and filled every union hall, church and school auditorium that could be found. We educated individuals about the hazards of asbestos and about their legal rights.

Our role was the education of the public and that we did with thorough and tireless energy. These efforts, combined with those of public health workers and unions, resulted in the formation of asbestos hazard education units in most government and union organizations. Seven years after our program began, the Occupational Health and Safety Administration (OSHA) began to strictly regulate asbestos use in the workplace. One of our main roles in this process was to produce articulate victims of asbestos exposure to verify and give personal testimony of the health horror caused by asbestos exposure.

One result of the educational efforts was the creation of a huge demand for legal representation. This created a separate section of business for trial attorneys. This business has been very successful for these attorneys. Ninety percent of the trial attorneys who got in the business by 1980 are millionaires today. Several billion dollars of compensation has passed through this section of the business community. Over the years, the asbestos victims' portion of the compensation dollar obtained through suing the asbestos companies has declined. In 1981, the asbestos victims got 60% of the compensation dollar and today they receive about 20% of the money generated as a result of asbestos compensation claims.

In 1981, Johns Manville, a huge corporation that represented one half of the asbestos business, declared bankruptcy. They faced only 16,000 compensation suits, but the company was cutting its losses. This signaled a change in policy by the asbestos industry. First, asbestos lawsuits would be consolidated in mass actions from which the attorneys could be paid and the victims denied. Secondly, the asbestos business would be exported. In 1984, Lloyds of London, who held much of the re-insurance for asbestos liability in the U.S., allowed "new Names" to assume the asbestos liability. In 1986, OSHA lowered the level of asbestos exposure in the workplace to 0.2-fibers/cubic centimeter. This was not safe but was very costly to business and required record keeping which could be used in future personal injury litigation.

We joined the Black Lung, the Brown Lung and several injured workers groups to sponsor a Congress of Disabled Workers in 1981 and again in 1982. These meetings produced model federal legislation to provide compensation to victims of occupational disease. This proposed program is highly popular with working people in the United States.

However, it has never been given serious consideration by any government or industry.

Following the creation of the model “Compensation Program for Occupational Disease Victims” and the unity of injured and diseased workers organizations, the White Lung Association voted in 1982 to emphasize its educational effort on the hazards associated with asbestos exposure of children. In particular we emphasized the asbestos exposure in schools. We developed a Public Service Announcement with the famous actor, Jack Klugman, warning of the danger of asbestos contamination of schools. This announcement, although strictly scripted with information from U.S. government agencies, was stopped by threats of lawsuits by the asbestos industry against the television stations and others. We redoubled our efforts in the education of parents and teachers. A Family Project was begun in 1983. Many of its members and staff were instrumental in writing and providing testimony for the Asbestos Hazard Emergency Response Act (AHERA). This act of congress regulated asbestos exposure in schools. During this time we also distributed thousands of pamphlets on the legal rights of schools, churches and state governments to sue the asbestos industry. We also aided many state and local governments, school districts, health care facilities, government agencies, unions and other groups in understanding their legal rights.

The Occupational Safety and Health Administration and the Environmental Protection Agency (EPA) passed severe standards of control for worker and environmental use in 1986 and 1987. This created a climate, in which the businesses of property decontamination, medical services, wastes hauling, disposal , etc., were created.

In 1984, the White Lung Association began the Asbestos Abatement Technical Information Project. The purpose of this project was to provide the most up-to-date and technical information to the general public. A primary component of the technical information project was a training program. This training program provided guidance to school districts throughout the United States. This program covered over one million students. Training was provided to unions, government agencies, community groups and businesses. The technical information program also provided inspection of buildings and assisted the scientific community with health effects surveys. By 1989, much of this material was codified in state and federal training requirements.

The White Lung Association supported, promoted and participated in presentation of the “Breath Taken” exhibit from 1989-94. This collection of images of asbestos victims, information on the hazards of asbestos and forums on the dangers of asbestos use was presented in Boston, MA, Houston, TX, Fairbanks, AL, Las Cruces, NM, and San Francisco, CA.

Over the years the WLA helped build trade groups of asbestos abatement professionals and to establish policies for health groups, government agencies and unions. Strikes and demonstrations, in addition to agitation for safe conditions by state maintenance workers, including many members of the WLA, led to the first state requirements for personal protection equipment and procedures when working the asbestos ( Maryland). We agitated to prevent the use of prisoners and homeless persons in this work.

Throughout the 1980’s and into the 1990’s, the WLA exposed and opposed the

denial of compensation for asbestos victims. We opposed the creation of and abuses of the Manville Personal Injury Trust and other bankruptcy schemes meant to deny victims compensation. We opposed mass trials and settlements that reduced compensation payments. We filed many friend-of-the-court briefs in opposition to mass trials, class actions and other legal maneuvers meant to deny and defraud victims of their compensation. Our education efforts helped remove company doctors from compensation panels. We have provided information for many legal actions, which have maintained or restored the rights of asbestos victims. Company lawyers have tried to establish legal precedents that deny victims compensation if they die, deny compensation to family members, deny punitive damages, trick victims into accepting deferred payments of compensation, deny medical benefits or limit categories of diseases, which will be compensated. We opposed the company efforts to pay black victims different amounts than white victims. In these areas we have been successful.

Between 1991 and 1995, we were engaged in training sections of the U.S. Public Health Service and in the supervision of inspections for asbestos dangers in U. S. government buildings such as the Food and Drug Administration and the National Institute of Health campuses. More recently, we have provided research on a variety of projects concerning the history of asbestos exposure and the dangers of low level asbestos exposure. Our website was created in 1998. It is [www.whitelung.org](http://www.whitelung.org).

We have been unable to complete our task, adopted in 1995, to establish a Museum of the Hazards of Asbestos Exposure. We have been quite straightforward and sharp with attorneys who do a bad job in representing asbestos victims. Many attorneys continue to fight for the compensation of asbestos victims. Some continue to support the WLA. Others regard asbestos victims as just another meal ticket. They fear and hate the WLA. We have been active in educating the public to the need to preserve the toxic tort process and to support the brave efforts of good trial attorneys.

Some attorneys did not welcome the fact that we supported the compensation program for all occupational disease victims. However, we still support this program and feel it has more substance for the asbestos victims than the present system of compensation and litigation. We welcome joint work with any honest attorney, but we have always refused to become an adjunct of any business or other social organization. We have been offered many lucrative deals to exchange our independence. Our refusal has limited the funds that could be raised for our work. Some attorneys advise their clients to “stay away” from the White Lung Association. Speakers from the White Lung Association are often barred from meetings sponsored by attorneys. It is well known that the White Lung Association will oppose anyone, whether in sheep's clothing or showing wolf's fangs, if they try to cheat the asbestos victims.

Education about asbestos hazards has become codified and serviced by the businesses that arose from the code enforcement. This success has removed the basic income we received for our educational efforts. The donations from the legal and medical communities have been directed to other public health efforts. Education funds raised by unions are spent on their own programs. Government and foundation grants are concentrated on other problems. For decades it was important for society to hear of the needs of asbestos victims. Now those needs must compete with the needs of building

owners who have been economically injured by asbestos exposure.

Our organization has fallen on very difficult times, much of our literature and exhibits have been preserved only in public storage. Our offices have been moved to homes and our staff has been forced to find other employment. However, we continue our activity; having lived through tough times before, we are doing so again. The increase of victims from asbestos exposure has exceeded all estimates.

The amount of compensation for victims has greatly declined. This is due to the huge increase in victims and the fact that most asbestos companies are in bankruptcy. The public continues to suffer exposure due to lack of enforcement of laws. Libby, Montana is a horrible example of this exposure. Public Health funds have been slashed. We do much more and there is still so much more work to do.

We continue to service the general public, with information on the hazards of asbestos. We support the efforts of asbestos victims to publicize their plight and gain their just compensation. We strive to preserve the history of this tragedy and to draw lessons from it. **We strive for a global ban of asbestos.**

**WE WANT JUST AND EQUITABLE COMPENSATION FOR ALL ASBESTOS VICTIMS. WE STRIVE TO END THE DISEASE AND HARDSHIP CAUSED BY ASBESTOS USE.** We offer a voice for the asbestos victims. Our victories and the evidence of the scientific community are the fuel that keeps us going. To that fuel we can now add this magnificent gathering of active workers, victims and scientists. We are very grateful for this meeting and for our chance to participate. You may rest assured that every muscle and brain cell in the White Lung Association will support the proposals and goals of this meeting. The work here is of historic importance and we cherish our role in it.

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Contact: White Lung Association, PO Box 1483, Baltimore, MD. 21203.