

2ND INTERNATIONAL ASBESTOS SEMINAR:
A WORKER'S HEALTH APPROACH
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THE INTERSECTION OF MEDICINE AND THE LAW
REGARDING ASBESTOS

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Brazil needs to be congratulated on the banning of asbestos.

Legal cases go back to England in the 1930s.

Industry fought payments.

My own work of 50 years.

The legal landscape in the USA is changing.

40 years experience in doing medical/legal case reviews.

First successful case in USA – 1973

Borel

Two types of disease

- Non-malignant, i.e., asbestosis
- Malignant, i.e., lung cancer, mesothelioma, laryngeal cancer, ovarian cancer, GI etc.

In USA it is rare now to see asbestosis cases or have them come to court.

This will not be true in the developing world, e.g.,
Brazil, Colombia, Sri Lanka, etc.

Demolition and asbestos removal – a serious potential source of exposure.

In the USA removals can be done illegally and are at times prosecuted.

Department Of Justice criminal cases.

Clearly, governments must have an agency committed to prosecute criminal action and to enforce workplace exposure regulations, even after a ban.

Cancers will be the most obvious and prominent, especially mesothelioma. But in developing countries one should expect all types of cases.

Legal systems vary around the world.

In the USA there are two kinds of law suits:

- Worker's Compensation
- Third Party Law Suits

Worker's compensation varies state by state with some states severely limiting recovery.

(Had been partially the cause of industries moving.)

Third party suit outcomes are quite variable.

Almost all tried by a jury; not bench, trials.

Industry fights back in many ways:

- Create “impossible” medical barriers
- Change laws
- Discredit/remove witnesses
- Taint the scientific literature
- Outright lies
- Dishonest witnesses and lawyers
- Spying

Lies about asbestos:

- The biopersistence fallacy
- Chrysotile is safe
- “Controlled use”
- Chrysotile does not cause...
- It is not in our product
- It is not enough to cause disease

There are good reasons why some 60 countries have totally banned asbestos.

Merewether and Price - 1930

Men and women, different products, ventilation,
respirators, education

Lung Cancer – Hueper - 1942

Mesothelioma – Wagner – 1960

“Legal” limits

These are clearly not protective.

“...it is prudent to set the standard for carcinogenic substances substantially at zero...and no consideration can justify allowing inhalation of any concentration which is avoidable.”

Corporate Asbestos Medical Director, 1956

“...our own conclusion...is that there is no safe level.
The safe level is nil and anything above the safe level
represents certain risk.”

Corporate Asbestos Medical Director, 1965

OSHA 2014 Website

This clearly appears to be true – 1 day cases.

Where medicine and the law intersect, while doctors need not study law, lawyers and judges need to study science.

The best lawyers on both sides have educated themselves about the hazards of asbestos but generally only one side searches for the truth.

“...the truth will set you free.”

John 8:32