

FILE NAME: Eternit (ETER)

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AN INTERNATIONAL SOCIETY

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October 19, 1998

MM. Sr(a). Dr(a). Juiz(iza) de Direito da Vara Criminal

Dear Judge:

We are writing to protest the effort of Eternit S.A. to get the Criminal Court of the Regional District of Pinheiros to prosecute Work Safety Engineer Fernanda Giannasi for defamation under the Penal Code. The basis for the company's petition to the Court is a publicly distributed letter entitled "Misleading Propaganda of the Asbestos Industry in the Medical Journals of the Third World". In this article, it was charged that the industry's propaganda campaign was intended to "facilitate activities which are no longer allowed in the home countries of the industries, because of the fact that asbestos is banned in 11 countries."

Eternit is a perfect example of this. Eternit is a subsidiary of Saint Gobain Pont-a-Mousson, a French multinational corporation. When asbestos was banned in France last year, St. Gobain converted its asbestos-cement building products plants to make glass-fiber-cement products. Evidently for financial reasons, St. Gobain has not transferred this technology to Brazil, where Eternit still mines asbestos and makes asbestos-cement building products.

Dr. Giannasi's letter went on to criticize Eternit for promoting out-of-court settlements with hundreds of former employees of its asbestos operations. She criticized Eternit and the doctors Eternit hired (who had formerly been approached by an asbestos victims' organization with no funds to pay for their services) to become part of the medical scheme established in these settlement documents drawn up by Eternit's lawyers.

We understand that civil courts in Brazil have now stated that these settlement arrangements were unethical and have no legal standing. We agree with Judge Carlos Eduardo Ferraz de Mattos Barroso (3ª. Vara Cível da Capital) that these settlements are highly questionable because they have been made between a powerful economic group and factory workers who clearly suffer from inadequate understanding and legal representation. We agree with Judge Alexandre David Malfatti (27ª. Vara Cível da

Capital) that Eternit devised a sneaky trick in order to get people to sign extra-judicial documents which would give up the victims' rights to sue Eternit for compensation for occupational disease, disability and the company's negligence.

The Society for Occupational and Environmental Health is an international professional organization of scientists, doctors, engineers, and other professionals who are working to protect workers and society in general from workplace health hazards. We are extremely concerned that an asbestos company has gone to criminal court to prosecute and silence Fernanda Giannasi, an occupational health professional who is known and respected all over the world. Dr. Giannasi has been a tireless protector of the health of her fellow citizens in the face of tremendous opposition from employers during her 15 years at the Ministry of Labor. We urge the Criminal Court to dismiss the ridiculous charges Eternit has tried to institute against her. This response from the Court would not only permit and encourage Dr. Giannasi to continue her valuable work in Brazil. It would also send a message to foreign corporations that Brazil is not going to accept the role of being a dumping ground for discredited, hazardous industries.

Respectfully,

The Officers, Board Members, and membership of the Society for Occupational and Environmental Health

Richard A. Lemen

Mike Williams

Wendell Russell  
Treloar

Nicholas A. Afford

Charles Levenson

Barry S. Long



# American Public Health Association

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Mohammad N. Akhter, MD, MPH  
*Executive Director*

October 16, 1998

Exmo. Sr. Dr. Juiz de Direito da Vara Criminal do Foro Regionalde  
Pinheiros  
Rua Filinto de Almeida, 69  
05439-030 Pinheiros, Sao Paulo  
BRASIL  
Processo No. 561/98

Dear Sir:

On behalf of the American Public Health Association (APHA), I am writing to protest the effort of Eternit, S.A. to prosecute Fernanda Giannasi, a Work Safety Engineer for the Ministry of Labor, for fulfilling the responsibilities of her profession to protect the health of workers from the dangers of asbestos.

APHA, consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, opposes dangerous working conditions and efforts to undermine the rights of workers. Workers have the right to a safe and healthy workplace and to the due process of law when those rights have been violated. The behavior of Eternit, S.A., to both intimidate workers into giving up their rights and to bring a criminal prosecution against such a dedicated professional whose work is crucial to the people of Brazil, is reprehensible.

The global economy has contributed to the mobility of industries and jobs in the world market. However, it is imperative that toxic or hazardous products banned in one location are not also exported elsewhere, along with the diseases and disabilities they bring. It is also imperative that knowledgeable and dedicated health professionals and labor representatives be allowed to carry out their responsibilities to protect the health and safety of workers.

We join the effort by the Society for Occupational and Environmental Health and urge you to dismiss these charges against Fernanda Giannasi so that she may continue to carry out this important work.

Sincerely,

Mohammad N. Akhter, MD, MPH  
Executive Director

MAN/dh

# T & G *Bany. We/Ph*

## CENTRAL OFFICE

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Your Ref: -  
Our Ref: asb98.20  
Date: 9 November 1998  
Contact: A J P Dalton  
Extension: 3505 / 3507

*Win  
Win!  
A*

### To whom it may concern

**The Eternit (Brazil) lawsuit against Brazilian Labour Inspector and Safety Engineer, Fernanda Giannasi – Eternit (Brazil) is a subsidy of the French multinational, St Gobain.**

1. I enclose a detailed account of this travesty of justice.
  2. This brave Labour Inspector, who spoke at the UK Parliamentary lobby against asbestos in February 1998 (her fare was paid by the UK Trade Union Congress), has exposed in public the horrific 19<sup>th</sup> century conditions for Brazilian asbestos workers (*J. Occ. and Env. Health*, Volume 3, pages 150 – 157, 1997).
  3. She should be awarded a medal, not the threat of a defamation lawsuit! An attack upon her is an attack upon all Labour and Factory inspectors' worldwide. It is an attack on trade unions and communities who have fought the deadly hazards of asbestos over many years. And, most of all, it is an attack - and a grave insult - to, the memory of past, current and future sufferings of **all** asbestos-disease victims worldwide!
  4. For these reasons it must be resisted with the **full** international force of public opinion and action. Eternit (Brazil) and St Gobain (France) must be forced to approve the following manifesto:
    - \* Withdraw the legal action at once.
    - Apologise in public to Fernanda Giannasi and pay in full her legal, and any other, expenses.
    - Ban the use of all asbestos in all their companies' worldwide and make full and appropriate payment to any asbestos-victims they are responsible for.
- I have sent this letter to the UK TUC, International trade unions, members of Parliament, MEPs, NGOs etc. and many other contacts. I suggest the following forms of action:
- \* That the workers in Eternit (Brazil) and St Gobain (France) be approached for support to this manifesto.
  - That demonstrations take place outside Eternit (Brazil) and St Gobain (France) plants with letters to Chief Execs demanding this manifesto be supported.
  - That each country demonstrates outside the Brazilian and French Embassies (or equivalent) with these manifesto demands.
  - That letters / e-mails / faxes of support and action are sent to her: Fernanda Giannasi, Avenida Jandira 647/Apto. 114-04080-004-Moema, Sao Paulo, Brazil.

In the UK, and the EU, we recently beat the Canadian asbestos lobby and we will beat the Brazilian / French asbestos industry victimisation of Fernanda. History is on our and her side!

**A J P Dalton, BSc, AMIEMgt, FIOSH, RSP**  
**Health and Safety Co-ordinator and author of *Asbestos Killer Dust* (1979).**