

BRITISH ASBESTOS NEWSLETTER

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Reflecting on the 20th Anniversary of Britain's Asbestos Ban

by Laurie Kazan-Allen

Since chrysotile asbestos – the most common type of asbestos ever used – was banned in the UK (1999),¹ more than 85,000 Britons have died from the asbestos related-diseases of mesothelioma, asbestosis, asbestos-related lung cancer and cancers of the stomach and larynx.² Britain has the highest asbestos-related disease and mesothelioma mortality rates in the world.³ According to Cancer Research UK “[British] mesothelioma mortality rates have increased by 887% since the early 1970s.”⁴

Quantifying the Hazard

The most recent Health and Safety Executive (HSE) mesothelioma mortality data were released in early July 2018 and provided confirmation that the country's widespread and unregulated use of asbestos throughout the 20th century still constituted a health hazard not only to workers but also to members of the public.⁵ In 2016, there were 2,595 deaths from mesothelioma, a 10% increase since 2010 (2,360) despite predictions that the national epidemic would peak at 2,040 per year by 2016. The reality of the situation is much graver than had been acknowledged by the authorities; the HSE figures for 2016 were 27% worse than forecast.⁶

While 85,000 deaths in 20 years are bad enough, this figure could be a dramatic underestimate of the true impact asbestos exposures have had in Britain. There are two main obstacles to gaining an accurate picture: the difficulty in identifying most asbestos-related diseases and the impossibility of distinguishing asbestos-related lung cancer from other types of lung cancer. In order to surmount the latter challenge, estimates are usually made for the number of asbestos-related lung cancers in relation to the number of mesotheliomas. Generally, the HSE estimates that there is one case of lung cancer for each of mesothelioma. The figure of 85,000 was calculated using HSE data and the ratio of 1:1. If, however, a ratio of 5:1 had been used – a practice followed by the compilers of the Global Burden of Disease Study 2016⁷ – total asbestos mortality in the 20 years since the ban would have exceeded 250,000! Whether it is 85,000 or 250,000 British asbestos deaths over the last two decades, some sectors have been more affected than others, with metal plate workers, construction workers, plumbers, electricians and carpenters at greater risk⁸ and significant increases in mesothelioma mortality between 2016 and 2017 in the following areas in England and Wales: the East Riding of Yorkshire (+56%), Wales (+17%), Merseyside (+16%), North Yorkshire (+16%), Kent (+13%), Essex (+12%), Greater Manchester (+12%) and South Yorkshire (+8%).⁹

National Asbestos Legacy

As the asbestos prohibitions failed to mandate the removal of asbestos-containing products, most of the seven million tonnes of asbestos used in the country during the 20th century remain in place.¹⁰ Research undertaken by the Asbestos in Schools (AiS) Group¹¹ in 2015 established that 85+% of schools contained asbestos:

“much of it in the most dangerous types of asbestos materials, where toxic fibres are readily released as the materials degrade over time or are damaged. In many locations such materials are vulnerable to damage by children and staff. As a consequence, teachers, support staff and former pupils are dying of mesothelioma, the deadly cancer almost always attributable to the inhalation of asbestos fibres.”¹²

Feedback from asbestos victims' support groups around the country suggested that more women were now being diagnosed with asbestos-related diseases than previously; many of them had worked in public buildings such as schools or hospitals believed to have contained asbestos. Data released in 2017 by the Unison trade union quantified the repercussions of occupational asbestos exposures at schools. Between 1980 and 2015, 335 primary and secondary school teachers, eight school secretaries, eight nursery nurses, 18 school midday assistants and 24 teaching assistants died of the asbestos cancer, mesothelioma.¹³ Appalled by these statistics, Unison head of education Jon Richards said:

“The cuts in schools budgets and the fragmentation of the school system have undermined how health and safety risks such as asbestos are managed.”¹⁴

An article on the Birmingham Mail website uploaded on May 20, 2019, headlined “Nearly 90 per cent of Solihull schools contain asbestos – revealed,” suggested that, if anything, conditions had worsened since the AiS first flagged up this issue:

“Almost ninety per cent of the schools that Solihull Council is responsible for contain asbestos, according to official figures. A Freedom of Information (FoI) request by the Local Democracy Reporting Service (LDRS) revealed that 46 of the 53 schools are understood to have the material inside the buildings. Twelve sites are listed as containing crocidolite – also known as blue asbestos – which is considered the most harmful type of the substance.”¹⁵

Civil Society Fight-Back

In 1999, when the UK banned asbestos, asbestos-related diseases were still a fairly obscure topic subsumed under the banner of occupational health and safety. It did not help that the word “mesothelioma,” was virtually unknown and unpronounceable by members of the general public. It was largely due to the campaigning efforts of asbestos victims' groups, many of which had been founded before the ban had been adopted,¹⁶ and their supporters that the right to live a life free from asbestos exposure became part of a national discussion about human rights, social justice and environmental sustainability. Initiatives such as Action Mesothelioma Day,¹⁷ the annual Parliamentary Asbestos Seminar,¹⁸ periodic meetings of asbestos victims' groups and the Parliamentary Asbestos Sub-Group, outreach projects to doctors and clinics, public rallies and interactions with international ban asbestos campaigners and victims' groups¹⁹ were crucial in publicizing the issues at hand and attracting support from new sections of civil society. Despite the myopic vision of British politicians during the Brexit turmoil, the work of asbestos victims' groups and charities continued apace.

Lessons Learned

The UK asbestos ban was significant even though by the time it was implemented national asbestos consumption had fallen from a high of ~165,000 tonnes/per year (1960) to 529 tonnes in 1999.²⁰ Unfortunately, the long delay in acting – the British Parliament had been warned about the occupational asbestos hazard as long ago as 1906²¹ and Denmark, Norway, Sweden and Iceland had already banned various uses of asbestos in the 1980s²² – meant that avoidable exposures had endangered the lives of generations of Britons. Even now, there is no national policy or measures encouraging asbestos remediation such as have been adopted by Poland or the Netherlands,²³ and the UK lags far behind its neighbors in looking after those people at high risk of contracting asbestos-related diseases.²⁴

Amongst the lessons learned in the UK's fight for asbestos justice are the following:

- The UK asbestos ban was just the first of many steps on the road to obtaining asbestos justice for victims, providing timely and appropriate medical care for the injured and decontaminating the national infrastructure.
- Victims, their families and communities played a vital role in the campaign to improve conditions and safeguard the rights of all the injured.

- No one ever gave asbestos victims something they didn't fight for; this included compensation for their injuries and state-of-the-art medical treatment. The failure to recognize and compensate thousands of individuals suffering from asbestos-related lung cancer is a national disgrace as is the fact that not one asbestos company executive has ever been held to account in the UK. Indeed, Colin Hope,²⁵ the Executive Chairman of T&N plc – the largest British asbestos conglomerate of all time – received a knighthood from the Queen in 1996.²⁶
- Wherever rights have been obtained, they will be attacked;²⁷ complacency is not an option. Asbestos awareness raising initiatives must be repeated periodically to reach new workers until all asbestos-containing products have been eradicated and all asbestos waste has been safely disposed of.
- Asbestos victims' groups and charities, trade unionists, MPs, MEPs, local councillors, Mayors, civil servants, journalists, personnel at government agencies and groups such as the Forum, the Asbestos in Schools Group, the Joint Union Asbestos Committee, the Hazards Campaign all have a part to play.

Marking the Ban's 20th Anniversary

When the first issue of the British Asbestos Newsletter (BAN) was published in May, 1990 information of value to asbestos victims by and large remained in the hands of corporations, trade associations, government agencies, civil servants, legal professionals and other vested interests most of whom were determined to keep control of key documents and relevant data. The World Wide Web, although it existed, was the preserve of a handful of techies and the appearance of social media platforms like Facebook, Twitter, YouTube and Instagram was some years away.

The fight to unearth and publicize resources of benefit to people suffering from asbestos-related diseases was time-consuming, complex and necessitated the creation of a network of individuals and organizations with a commonality of purpose, willing to progress the fight for asbestos justice.²⁸ The establishment of individual victims' groups in asbestos hotspots throughout the country and the formation of the Asbestos Victims Support Groups Forum UK were pivotal in providing both the voice and public face of the injured. The work of asbestos charities such as the June Hancock Mesothelioma Research Fund, the Mick Knighton Mesothelioma Research Fund and Mesothelioma UK not only raised vital funding for research but also provided a gateway for the injured and their families to access the medical, practical and moral support they deserved.

The holding of the biennial meeting of the International Mesothelioma Interest Group in Birmingham in 2016 was an indication that a critical mass had been achieved in the UK of individuals and institutions engaged in mesothelioma research. The existence of a plethora of clinical trials now (2019) ongoing in the UK is a mark of how far we have come in changing the medical landscape from one of hopelessness to one of cautious optimism, with one leading medical expert having expressed the hope that mesothelioma would one day become an acute condition rather than a fatal disease. While much remains to be done, in 2019 the country with the worst incidence of the signature asbestos cancer, mesothelioma has finally become an active participant in the fight to develop new treatments and possible cures. Whereas in 1999, mesothelioma patients were told they had a lifespan measured in months, by 2019 some of them were living far longer. Mesothelioma Warrior Extraordinaire Mavis Nye marked the 10th anniversary of her asbestos cancer diagnosis on June 4, 2019.²⁹

On the 20th anniversary of the UK asbestos ban and having written 109 issues of the British Asbestos Newsletter containing 400,000+ words, we feel that it is time to call it a day. It has been a privilege to work with all of those who have battled for asbestos justice in the UK over the last 30 years. Thank you for your support and best of luck. The struggle continues!

Appendix A

Chronology of Some Significant Landmarks in Britain's Search for Asbestos Justice

- 1898 Lady Factory Inspector Lucy Deane described the “evil effects of asbestos dust” in a workplace setting.³⁰
- 1906 Dr. Montague Murray informed the Departmental Committee on Industrial Diseases of the asbestos death in April 1900 of a worker from the carding room of an asbestos factory; he was the last of ten workers from this department to die – they had all been about thirty years old.³¹
- 1924 The death of asbestos textile factory worker Nellie Kershaw was the first to be officially recognized as having been due to an asbestos disease with the Coroner finding her death had been caused by “asbestos poisoning.”
- 1927 The first detailed report of a case of asbestosis, which included the naming of the disease and a description of “curious bodies” in lung tissue, was published in a paper by W. E. Cooke.
- 1930 The “*Report on the Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry*” was published by Dr. E.R.A. Merewether and C.W. Price.
- 1932 *The Asbestos Industry Regulations 1931* came into force.
- 1945 The Chief Inspector of Factories warned shipbuilding and ship repairing industries of the hazard posed by asbestos dust in insulation products used on ships.³²
- 1952 Upon the death of asbestos factory worker Nora Dockerty (aged 31), her father brought a claim against her employer; the case was settled with a payment of £375. This was the first known claim at common law in England for asbestosis.
- 1955 Dr. Richard Doll published research documenting an excess of lung cancer in heavily exposed long-term asbestos workers.
- 1957 A trade association named the Asbestosis Research Council was set up by leading UK asbestos companies Turner & Newall, Cape Asbestos and British Belting & Asbestos to manipulate the national asbestos debate; it continued to do so until 1990.
- 1965 Publication of a paper “*Mesothelioma of pleura and peritoneum following exposure to asbestos in the London area*” by Muriel L. Newhouse and Hilda Thompson confirmed the link between environmental exposure to asbestos in London and the occurrence of mesothelioma in local residents.
- 1968 The Standing Medical Advisory Committee’s Standing Sub-Committee on Cancer released: “*Control of the cancer hazard due to asbestos to the general population.*”
- 1970 *The Asbestos Regulations 1969* came into force.
- 1971 *The First International Conference of Asbestos Information Bodies* took place in London.³³
- 1973 The Monopolies Commission published: “*Asbestos and certain Asbestos Products: A Report on the Supply of Asbestos and certain Asbestos Products.*”³⁴
- 1976 A report on the Hebden Bridge asbestos massacre was released by the Parliamentary Commissioner for Administration; Nancy Tait published a booklet entitled: *Asbestos Kills*.
- 1978 The Society for the Prevention of Asbestosis and Industrial Diseases (SPAID), later renamed the Occupational and Environmental Diseases Association (OEDA), was formed by Nancy Tait, mesothelioma widow; Nancy had been supporting asbestos victims for years prior to the formalization of SPAID.
- 1979 “*The Advisory Committee on Asbestos: final report*” was published.
- 1979 “*Asbestos Killer Dust*,” a key resource by Alan Dalton “for workers and community groups fighting the hazards of asbestos,” was published by BSSRS Publications Limited.
- 1982 The ground-breaking TV documentary about asbestos factory worker Alice Jefferson entitled: “*Alice – A Fight for Life*” was broadcast.
- 1983 The Hull Asbestos Action Group was set up by former asbestos lagger Dick Jackson.
- 1984 Dr. Robert Murray was awarded £500 in damages plus legal costs of over £20,000 by a High Court jury for “libellous comments” made in “*Asbestos Killer Dust*.” The book’s

- author Alan Dalton and Hazards Bulletin were bankrupted by the verdict; the magazine relaunched under the title Hazards the same year.³⁵
- 1986 Clydeside Action on Asbestos was established in Glasgow, Scotland.
- 1990 The British Asbestos Newsletter was launched.
- 1992 The Clydebank Asbestos Group was set up in Glasgow, Scotland.
- 1992 The Cheshire Asbestos Victims Support Group was formed.
- 1993 The Liverpool and District Asbestos Support Group, later renamed the Merseyside Asbestos Victims Support Group, was set up.
- 1994 The Greater Manchester Asbestos Victims Support Group was established.
- 1995 June Hancock became the first claimant to succeed in winning a lawsuit for environmental asbestos exposure in the UK.
- 1995 The Lancet published a paper confirming the UK's increasing incidence of mesothelioma and warning that construction and maintenance workers were amongst those most at risk of contracting the disease because of occupational asbestos exposures.³⁶
- 1996 Hazards magazine accused the Health and Safety Executive of a "deadly decade of neglect" after it folded to industry pressure and axed a "Goodbye Dusty" asbestos initiative in the 1980s encouraging workers to "STOP WORK" rather than risk asbestos exposure.³⁷
- 1997 The June Hancock Mesothelioma Research Fund was established by June's children, friends and supporters.
- 1998 The first ban asbestos demonstration was held outside the Canadian High Commission in London.
- 1998 A mesothelioma telephone hotline was set up by Macmillan Nurse Mavis Robinson. The first issue of her booklet: *Mesothelioma: information for people with Mesothelioma and their carers* was published in 1999; subsequent issues followed.
- 1999 The Sheffield and Rotherham Asbestos Group (SARAG) was founded; the name was later changed to the South Yorkshire Asbestos Victims Support Group (SARAG).
- 1999 The second ban asbestos demonstration was held outside the Canadian High Commission in London.
- 2000 The Asbestos Victims Support Groups Forum (UK) was formed; the Parliamentary Asbestos Sub-Group under the Chairmanship of Mick Clapham, MP was established.
- 2001 T&N plc filed for administration under the UK Insolvency Act of 1986.³⁸
- 2002 The Mick Knighton Mesothelioma Research Fund was set up by Chris Knighton, Mick's widow.
- 2002 The Asbestos Action group was set up in Tayside, Scotland.
- 2002 The Derbyshire Asbestos Support Trust was set up.
- 2002 The House of Lords reversed iniquitous decisions in the *Fairchild* case, awarding compensation of £155,000, £115,000 and £155,000 to three claimants for mesothelioma contracted through multiple UK occupational exposures.³⁹
- 2002 The 58th Governing Council Meeting of the Asbestos International Association was held in London.
- 2004 The National Macmillan Mesothelioma National Resource Centre was launched with a grant from Macmillan Cancer Support.
- 2006 Asbestos victims' groups designated one day a year as "Action Mesothelioma Day" to raise awareness of asbestos cancer. Originally, the date for this event was in February; it was later changed to the first Friday in July.
- 2006 The House of Commons added a clause to the Compensation Bill re-establishing joint and several liability for negligent employers in mesothelioma cases, thereby reversing decisions by the High Court and the Appeal Court in the *Barker* case.⁴⁰
- 2006 The Hampshire Asbestos Support & Awareness Group (HASAG) was founded by the daughters of mesothelioma victim Dave Salisbury; the name of the group was subsequently changed to HASAG Asbestos Disease Support.
- 2006 Following a public consultation, Barrow Asbestos Related Disease Support (BARDS) was set up by Dr. Helen Clayson and colleagues; the name was later changed to Cumbria

- Asbestos Related Disease Support (CARDS). In 2019, the group was relaunched as the Cumbria and Lancaster Asbestos Support and Advice Group (CLASAG) under the Barrow-based Disability First Centre.
- 2007 The Asbestos in Schools Group was formed by Michael Lees, whose schoolteacher wife Gina died from mesothelioma.
- 2008 Asbestos Support West Midlands was set up; the name was changed in 2016 to Asbestos Support Central England.
- 2008 Scottish MP John MacDougall, a colleague of Prime Minister Gordon Brown, died aged 60 of mesothelioma.⁴¹
- 2008 The National Macmillan Mesothelioma National Resource Centre registered with the charity commission as Mesothelioma UK, an independent charity dedicated to mesothelioma.
- 2009 *The Damages (Asbestos-related Conditions) (Scotland) Act* re-established the right of sufferers of pleural plaques in Scotland to pursue compensation after the disastrous House of Lords ruling in the *Rothwell* case (2007); these rights were never restored to English or Welsh claimants but were to those in Northern Ireland in 2011.⁴²
- 2010 The Association of British Insurers announced that £3 million for research into asbestos-related diseases would be donated between 2011 and 2013 by four insurance companies: Aviva, Axa, Zurich and the RSA.⁴³
- 2010 The Joint Union Asbestos Committee was set up; the Northern TUC Asbestos Support and Campaign Group was established in Hartlepool.
- 2010 Ban asbestos demonstrations outside the Canadian High Commission and the headquarters of the Quebec Government were held in London.⁴⁴
- 2012 Occupational safety and health campaigner Simon Pickvance died of mesothelioma.⁴⁵
- 2012 Asbestos Awareness and Support Cymru was started.
- 2013 The first ban asbestos demonstration outside the Russian Embassy took place in London.
- 2013 The Committee on Carcinogenicity recognized the elevated hazard posed by asbestos exposures to children.⁴⁶
- 2015 The Paul Readhead Asbestos Support & Awareness Group was set up by Samantha Cox, the daughter of mesothelioma victim Paul Readhead.
- 2016 *The Mesothelioma Handbook* by Dr. Helen Clayson was published on behalf of the June Hancock Mesothelioma Research Fund.
- 2016 The 13th meeting of the International Mesothelioma Interest Group was held in Birmingham.
- 2016 In the March budget, the Government announced a £5 million allocation for the establishment of a National Mesothelioma Research Centre with funds coming from banking fines.⁴⁷
- 2017 The Mavis Nye Foundation was set up by mesothelioma warrior Mavis Nye and her husband Ray.
- 2018 A settlement was reached in the British lawsuit brought by five ban asbestos activists against an asbestos spy, his handler and K2, the intelligence agency they worked for.⁴⁸
- 2019 A second ban asbestos demonstration was held outside the Russian Embassy in London.
- 2019 The final issue of the British Asbestos Newsletter was published; past issues will remain accessible on the website.

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