

# French Socialist Party's Aubry charged over asbestos poisoning

**Pierre Mabut****17 November 2012**

Martine Aubry, the former first secretary of France's ruling Socialist Party (PS), was charged with manslaughter November 6 in the public health scandal over the use of asbestos by French industry. She faces accusations of having allowed its continued use even after scientific studies and European Union (EU) legislation revealed its role in causing lung cancer.

Examining magistrate Marie-Odile Bertella-Geoffroy said that Aubry did not take adequate measures that would have prevented workers from being exposed to the asbestos fibres and the consequent contamination.

French government scientists at INSERM (Health and Medical Research Institute) estimate that 100,000 workers will die from the contamination by 2025.

Asbestos has been used widely for over 80 years as a fire prevention material. Its role in causing lung cancer has been documented for decades, especially since the research done in the US by Selikoff, Chung and Cuyler in 1964.

Aubry is accused of blocking the application of EU directives to limit the use of asbestos in 1983, as director of labour relations at the Ministry of Labour under President François Mitterrand. The directives were only fully integrated into French regulations in 1987, when Aubry left the post. Her lawyers are contesting the charges, claiming that she devoted "the greater part of her life to protecting the rights of our citizens".

These charges are the first of their kind in France, although victims' associations have been pursuing for 15 years the punishment of industrial and political leaders whose policies caused the deaths of great numbers of workers.

Meanwhile, several multinational companies have been forced to pay compensation by administrative courts. Companies such as Valéo, Eternit and St.

Gobain, as well as the national railway SNCF and state electricity utility EDF, have been found guilty of neglect in the use of asbestos.

In February 2012, the largest trial for criminal responsibility in workers' deaths from lung cancer took place in Turin, Italy. The judge sentenced Eternit CEO billionaire Stephan Schmidheiny and Belgian Baron Jean-Louis de Cartier de Marchienne to 16 years' imprisonment for causing the deaths of 3,000 workers and inhabitants close to their factories.

France introduced "controlled use" regulations to limit exposure to asbestos dust in 1977, some 46 years after Britain and 31 years after the US. Martine Aubry is also accused of failing to analyse data from the State Health Insurance Office (CNAM) that would have revealed an epidemic in the making, in spite of the 1977 regulations.

Aubry protests that the data did not confirm an epidemic threat, and that few cancers were linked to asbestos in the 1980s. However, as director of labour relations, she should have been aware that asbestos-associated lung cancer developed over decades.

There were 35,000 deaths from asbestos-related illnesses between 1965 and 1995. In 2004, government legal advisors in the Council of State found the state responsible for a lack of specific regulation for asbestos before 1977 and its delay and insufficient character after that date.

By the 1990s, the French construction industry had become the biggest user of asbestos in Europe, at 80 kilos per inhabitant, with all public buildings affected. Its use was only banned in 1997. An administrative tribunal found in 2004 that "the state had carried out no study before 1995 in order to ensure that the measures taken were adapted to the serious and known risks posed by exposure [to asbestos fibres]".

French corporations were allowed to continue their deadly use of asbestos with the support of governments of the “left” and of the right, as well as the trade unions. Industry, government and the unions joined together in the Permanent Committee on Asbestos (CPA), a lobby set up in 1982 and disbanded in 1996, which aimed to obstruct efforts to ban the deadly fibre.

A Senate report confessed that the committee was “a model of lobbying, communication and manipulation”. Its aim was to block any further regulation on asbestos by “using, in the absence of the state, pseudo-scientific uncertainties” to undermine scientific studies by “the most serious Anglo-Saxon literature of the time”.

The report ridiculed the Ministry of Labour for “not understanding that the CPA was nothing more than the industrialists disguised with false noses”. However, this judgment itself understates the responsibility of the Socialist Party officials, as there is no reason to believe that they did not understand exactly the whitewash the CPA aimed to carry out.

The “controlled use” of asbestos policy was a fraud from the start with the complicity of President Mitterrand’s “left” government, which was supported by the trade unions, the Communist Party and the middle-class left.

Aubry denies participating in the CPA or knowing of its existence in the 1980s. However, a top civil servant in the labour relations department, Jean-Luc Pasquier, reportedly attended the CPA meetings with her full knowledge. He said, “I went there on orders.... She [Martine Aubry] was informed about all the sensitive files, and asbestos was among them. If she had wanted us to leave the CPA, she, like her successors, had only to decide it” (see “French workers demand justice over asbestos poisoning”).

The asbestos scandal highlights not only Aubry’s actions, but the foul role played by the “social partners”—i.e., the unions and employers’ groups who work with the state—in working out political deals with the Socialist Party. They worked to protect the profit margins of French industry at the expense of workers’ health and lives.

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