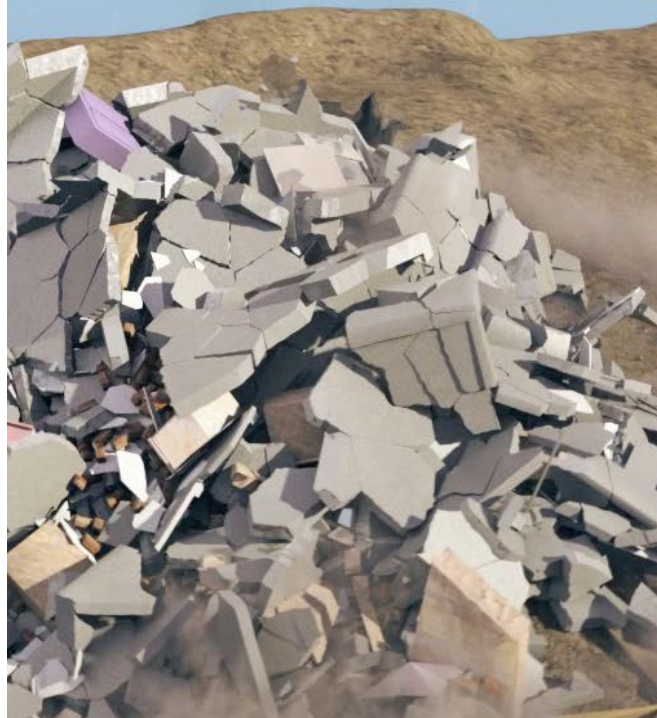


COMMUNITY AWARENESS & KNOWLEDGE OF ASBESTOS THREATS & CONSEQUENCES: Industry, Information & Regulatory Capture

NOVEMBER 2021

Asbestos Awareness Australia



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Industry, Information & Regulatory Capture

Background

There have been no nationally coordinated mass media asbestos risk or public health asbestos awareness campaigns conducted in Australia over the last 60 years.¹ Today, the continuing risks from asbestos contained within our homes, workplaces and community and the death counts from asbestos-related diseases are rarely discussed in public forums or discourse.

Accordingly, the asbestos crisis in Australia is one that the public barely knows about.

We posit that the most compelling theories or arguments to explain the limited public communication on asbestos dangers and consequences, the correspondingly poor levels of public knowledge, and the minimal responses by policy makers to asbestos threats and related deaths are:

1. Industry capture.
2. Information capture.
3. Representational capture.

Industry capture occurs when politicians and others are unduly influenced by the interests of the industry, either consciously or otherwise.² When the relevant decisions concern public health law and policy, the adverse human consequences can be immense.³

¹ This fact was confirmed in an email the Asbestos Safety and Eradication Agency.

² Ayelet Berman, 'Industry, Regulatory Capture and Transnational Standard Setting' (2017-2018) 111 *American Journal of International Law* 112.

³ See, e.g., Lundy Braun, Anna Greene, Marc Manseau, Raman Singhal, Sophie Kisting and Nancy Jacobs, 'Scientific Controversy and Asbestos: Making Disease Invisible' (2003) 9 *International Journal of Occupational Health and Environmental Health* 194, 194; Ayelet Berman, 'Industry, Regulatory Capture and Transnational Standard Setting' (2017-2018) 111 *American Journal of International Law* 112, 113.

Information capture arises when policy matters are being considered and industry provides one sided or biased information.⁴ Berman suggests this process can occur subtly and results in informational imbalances that allow the industry to unduly influence the policy outcomes and tilt them towards their interests.⁵

Ayelet describes representational capture as an ‘imbalance in the representation of the competing interests, such as between commercial and public interests.’⁶

Scholars note that issues associated with industry, information and representational capture are not limited to policy processes. These persons highlight concerns when monied and vested interests use their vast circles of power to influence settings beyond policy matters, such as research, the scientific communities, and the media.

The various forms of capture can influence decisions and actions independently, but more commonly intersect and result in large imbalances in power, knowledge, and capacity between industry, government, and community stakeholders.⁷

Industry Capture

In Australia, James Hardie Industries Ltd “James Hardie” and CSR Ltd “CSR” are large publicly listed companies that are well positioned to lobby policy makers for policies that best serve their commercial and reputational interests.⁸ For example, Howell et al found that James Hardie had intimate connections with the New South Wales Government and that its lobbying was incisive and effective.⁹

⁴ Ayelet Berman, ‘Industry, Regulatory Capture and Transnational Standard Setting’ (2017-2018) 111 *American Journal of International Law* 112, 113.

⁵ Ayelet Berman, ‘Industry, Regulatory Capture and Transnational Standard Setting’ (2017-2018) 111 *American Journal of International Law* 112, 113. See also Asbestos House 25, 152.

⁶ Ayelet Berman, ‘Industry, Regulatory Capture and Transnational Standard Setting’ (2017-2018) 111 *American Journal of International Law* 112, 114.

⁷ We welcome the submission of other credible theories to explain the present policy and public health settings around legacy asbestos.

⁸ See, e.g., Matt Peacock, *Killer Company* (Harper Collins Publishers, 2009) 54, 70. Russell who was employed as a safety engineer and officer at the Camellia plant of Hardie’s was asked by Peacock “How did they get away with it for so long?” He answered ‘It just got covered up. It was kept secret. James Hardie Industries Ltd was fairly influential.’

⁹ Gwyneth Howell and Rohan Miller, ‘Spinning Out the Asbestos Agenda: How Big Business Uses Public Relations in Australia’ (2006) 32 *Public Relations Review* 32, 265.

There is nothing inherently wrong with corporate lobbying, but when political processes are not properly balanced and managed, growing engagement and collaboration by policy makers with industry can undermine the public interest and impair trust in political institutions.¹⁰

The patterns of industry capture are highlighted by other scholars when discussing the history of asbestos:¹¹

- **Peacock argues that James Hardie ‘dominated key institutions in the public health bureaucracy, both state and federal, and influenced the crucial tasks of setting safe standards and monitoring dust and disease.’¹²**
- **Layman suggests that Australian ‘[g]overnments were powerful promoters of the asbestos industry and powerful developers at one remove; certainly, far more effective at promoting than at regulating the industry’.¹³**
- **Douglas and Van den Borre contend that a powerful asbestos industry has consistently sought to play down the health risks, and this explains the low levels of public awareness and the low media profile of asbestos threats.¹⁴**
- **Soeberg et al conclude that the asbestos ban in 2003 in Australia was ‘a significant victory for the trade union movement’ ... [but] ‘unfortunately represented a story of the lack of political will by governments at Federal and State levels to act in the health interests of their community.’¹⁵**

The extent to which James Hardie Industries and CSR continue to influence asbestos disease and public health policy decisions and research outcomes in

¹⁰ See, eg, Ayelet Berman, ‘Industry, Regulatory Capture and Transnational Standard Setting’ (2017-2018) 111 *American Journal of International Law* 112, 113.

¹¹ “Killer Company” 70; Lenore Layman, ‘The Asbestos Industry in Australia’ in Lenore Layman and Gail Phillips (eds), *Asbestos in Australia: From Boom to Bust* (Monash University Publishing, 2019) 83 “Asbestos in Australia”; Jock McCulloch and Geoffrey Tweedale, *Defending the Indefensible: The Global Asbestos Industry and its Fight for Survival* (2008, Oxford University Press, Oxford) 31, 263 “Defending the Indefensible”. McCulloch and Tweedale note that James Hardie Industries Ltd Inc was sheltered by tariff barriers and aided by government contracts.

¹² Killer Company 70.

¹³ Lenore Layman, ‘The Asbestos Industry in Australia’ in *Asbestos in Australia* 6.

¹⁴ Thomas Douglas and Laura Van den Borre, ‘Asbestos Neglect: Why Asbestos Exposure Deserves Greater Policy Attention’ (2019) 123 *Journal of Health Policy* 516, 516; James Huff, ‘Industry Influence on Occupational and Environmental Public Health’ (2007) 13 *International Journal of Occupational Health and Environmental Health* 107. See also *Defending the Indefensible* 15, 50.

¹⁵ M Soeberg, D Vallance, V Keena, Ken Takahashi and J Leigh, ‘Australia’s Ongoing Legacy of Asbestos: Significant Challenges Remain Even After Complete Banning of Asbestos Almost Fifteen Years Ago’ (2018) *International Journal of Environmental Research & Public Health* 383, 384.

Australia today is open to debate. Certainly, these companies have ample resources to ensure their voices are heard in political, corporate and academic domains,¹⁶ personal injury claims are still opposed vigorously,¹⁷ these companies may still influence asbestos disease research developments, and the short-term commercial interests of both corporations are likely advanced by restricting public debate and knowledge.

From a public relations perspective, James Hardie and CSR now seek to promulgate an image of sustainability and social responsibility.¹⁸ Adverse publicity concerning their role in the asbestos crisis could damage their reputation and could encourage higher numbers of future personal injury claims.¹⁹ Conversely, as the Supreme Court of South Australia noted in *Amaca Pty Ltd v Werfel* [2020] SASCFC 125 “the Werfel Case”, mass media public campaigns and warnings on the threats of legacy asbestos targeted at tradespersons, homeowners, occupants and others in homes could minimise incidences of future harm by alerting people to the risks.²⁰

James Hardie and CSR would no doubt like to move on with the least possible damage to their commercial outcomes and reputation, but the real question is whether this is assessed on a short or longer-term basis. While the funding of mass publicity campaigns and warnings on the risks of *in situ* asbestos and further contributions to research of asbestos related diseases may not *prima facie* fit with their short-term profit objectives, such investments would make longer term commercial sense by assisting to reduce the number of future tort claimants²¹ and through enhancement of their longer-term reputations and social licenses. As emphasised in the Werfel Case, ‘a corporation may accept that it is necessary to take some steps to ensure long-term reputation, and sustainable profits, at the expense of its business short term profits.’²²

¹⁶ See, eg, James Hardie Industries Ltd, 2019 Annual Report 4.

¹⁷ See, eg, *Werfel v AMACA v The State of South Australia* [2019] SAET 159 (“Werfel Case”).

¹⁸ See James Hardie Industries Ltd, 2019 Annual Report 14, 17; CSR Ltd, Annual Report 2019 19.

¹⁹ See, eg, *Killer Company* 87, 317.

²⁰ *Amaca Pty Ltd v Werfel* [2020] SASCFC 125 [].

²¹ See, eg, *Werfel* [317].

²² *Werfel Case* [293].

Information Capture

McCulloch and Tweedale suggest James Hardie, CSR and others were determined to continue selling asbestos regardless of the health risks, and used strategies of concealment and misinformation to enable this.²³

Others who have examined the asbestos industry in Australia and elsewhere examine and describe the processes resulting in information capture.²⁴ For example, Baun et al suggest the

‘asbestos industry deployed a range of international strategies to control the population and dissemination of knowledge about asbestos. Such strategies include direct suppression of data from industry-sponsored research, selective publication of research findings, and the systematic use of scientific knowledge to create uncertainty.’²⁵

Smyth notes that vested interests in the asbestos industry – the keepers of the secret – acted to thwart public disclosure in manifold ways. The industry managed its intelligence and its image very carefully, engaging public relations firms and establishing medico-scientific bodies to do its bidding. He suggests that contacts within the industry were reluctant to blow the whistle, the unions were compromised or complicit, publishers and broadcasters did not want to rock the boat, and asbestos executives curried favour with media management.²⁶ Our research suggests similar patterns continue today. Union and media commentary on asbestos matters in Australia remains highly limited.

²³ Defending the Indefensible 15.

²⁴ Killer Company 70; Chris Smyth, ‘Uncovering the Story: Asbestos in the Media’ in Asbestos in Australia 122; Jock McCulloch and Geoffrey Tweedale, *Defending the Indefensible: The Global Asbestos Industry and its Fight for Survival* (2008, Oxford University Press, Oxford) R Proctor, *Cancer Wars: How Politics Shapes What We Know and Don’t Know About Cancer* (Basic Books, New York, 1995). The important question that Smyth does not directly address is whether these same patterns exist today.

²⁵ Lundy Braun, Anna Greene, Marc Manseau, Raman Singhal, Sophie Kisting and Nancy Jacobs, ‘Scientific Controversy and Asbestos: Making Disease Invisible’ (2003) 9 *International Journal of Occupational Health and Environmental Health* 194, 200.

²⁶ Chris Smyth, ‘Uncovering the Story: Asbestos in the Media’ in Asbestos in Australia 115, 126.

More broadly, several published sources highlight examples of the industry providing funding or creating positions in return for silence, or using threats against or disparaging employees, researchers, doctors, lawyers, and plaintiffs.²⁷ These strategies are largely designed to control or capture the content included within published research material and the information given to policy makers, regulators, and the public.

The information and messaging on asbestos threats within public forums has remained remarkably consistent over the last 50 years. In prior papers, we highlight the key messages developed in the 1970's by public relations firms in the United States for use with industry participants within public communications. We describe these messages as half-truths and misconceptions that are intended to downplay the risks of asbestos exposure outside of workplaces and to mask the scale of deaths from asbestos-related diseases.²⁸

Many of the same key messages were agreed as part of a public relations action plan in Australia between James Hardie and Eric Whites Associates in 1978. .²⁹

The long-term strategy of this action plan was to reassure users that asbestos cement products were safe, with negligible health risks.³⁰

The public relations action plan included a labelling program for architects and major users explaining that health problems associated with asbestos cement relate to 'heavy exposure to dust over a protracted period'.³¹

²⁷ See, eg, Killer Company 79, 167; Defending the Indefensible 96-97; John Gordon, 'The History of Asbestos Litigation' in Asbestos in Australia 227; P Brodeur, *Outrageous Misconduct: The Asbestos Industry on Trial* (Pantheon, New York, 1985).

²⁸ See, eg, Jock McCulloch and Geoffrey Tweedale, *Defending the Indefensible: The Global Asbestos Industry and its Fight for Survival* (2008, Oxford University Press, Oxford) 197 "Defending the Indefensible"; G Markowitz and D Rosner, "'Unleashed on an Unsuspecting World": The Asbestos Information Association and Its Role in Perpetuating a National Epidemic' (May 2016) 106 *Public Health Then and Now* 834.

²⁹ See, eg, Jock McCulloch and Geoffrey Tweedale, *Defending the Indefensible: The Global Asbestos Industry and its Fight for Survival* (2008, Oxford University Press, Oxford) 197 "Defending the Indefensible"; G Markowitz and D Rosner, "'Unleashed on an Unsuspecting World": The Asbestos Information Association and Its Role in Perpetuating a National Epidemic' (May 2016) 106 *Public Health Then and Now* 834.

³⁰ Werfel Case [243][245].

³¹ Werfel Case [242].

Similarly, the agreed content for a handyman's leaflet was to emphasise that if the safety rules were followed "dust concentrations remain well within the accepted safe levels".³²

So, to summarise, the emphases in the agreed messaging between James Hardie executives and its public relation team in 1978 were that:

- Asbestos products are generally safe when used normally or in position.
- Health issues associated with asbestos generally only arise following long periods of exposure.

Notably, these same emphases are reflected in the official messaging promoted in Australia fifty years later. The commonalities in content and emphasis suggests very high levels of continuing industry and information capture issues.

The risks of exposure throughout the Public Health Guidance document are repeatedly presented in ways that emphasise the duration of exposure. The only example of an asbestos-related disease given is asbestos-related lung cancer, with a stated emphasis on the long duration of exposure associated with this disease.³³ This commentary infers that health issues associated with asbestos generally only arise following long periods of exposure.

The Public Health Guide categorises the general risk to householders from exposure to asbestos as very low in normal circumstances.³⁴ This statement is equivalent to long-term messaging that risks of asbestos-related diseases are negligible and asbestos products are generally safe when in position.

The Public Health Guide states that occasional exposure to asbestos fibres (including during unsafe home renovation or demolition next door) is categorised

³² Werfel Case [242].

³³ Environment Health Standing Committee, enHealth, *Asbestos: A Guide for Householders and the General Public* (February 2013) 4.

³⁴ Environment Health Standing Committee, enHealth, *Asbestos: A Guide for Householders and the General Public* (February 2013) 18.

as a low risk to life, while frequent exposure to asbestos fibres (for example when builders or tradespeople use unsafe techniques) is characterised as high risk.³⁵

This presentation of the risks of exposure to asbestos on a relative basis show minimum thresholds of exposure are required to develop asbestos-related diseases.

The emphases agreed between James Hardie and its public relations team in 1978 and the present content on the Safe Work Australia webpage are even more stark.

When viewed on 27 October 2020, the Safe Work Australia webpage on asbestos stated that:

- Those ‘who get health problems from inhaling asbestos have usually been exposed to high levels of asbestos for a long time’.³⁶
- ‘The risk of contracting these diseases increases with the number of fibres inhaled.’³⁷

Once again, this website strongly emphasises the links between the length of exposure to asbestos and asbestos related diseases and fails to highlight the risks of developing mesothelioma from brief periods or low dose exposures. Scientific sources to support its present assertions are not provided.

Interestingly, documents from Safe Work Australia published in 2012 indicate that:

³⁵ Environment Health Standing Committee, enHealth, *Asbestos: A Guide for Householders and the General Public* (February 2013) 16.

³⁶ Safe Work Australia, ‘Asbestos’ viewed 20 June 2020 at <https://www.SafeWorkaustralia.gov.au/asbestos>. Notably, an earlier publication from Safe Work Australia indicated that ‘the main source of exposure to asbestos fibres are old buildings undergoing renovation or demolition’ with building maintenance employees, demolition workers and homeowners at risk of exposure.’ This publication also indicated that ‘Mesothelioma ... can develop from short or lengthy periods of low or high concentrations of asbestos, although exposures to asbestos fibres does not make the development of the disease inevitable.’: Safe Work Australia, *Asbestos-Related Disease Indicators* (October 2012) 1, 2.

³⁷ Safe Work Australia, ‘Asbestos’ viewed 20 June 2020 at <https://www.SafeWorkaustralia.gov.au/asbestos>. Notably, an earlier publication from Safe Work Australia indicated that ‘the main source of exposure to asbestos fibres are old buildings undergoing renovation or demolition’ with building maintenance employees, demolition workers and homeowners at risk of exposure.’ This publication also indicated that ‘Mesothelioma ... can develop from short or lengthy periods of low or high concentrations of asbestos, although exposures to asbestos fibres does not make the development of the disease inevitable.’: Safe Work Australia, *Asbestos-Related Disease Indicators* (October 2012) 1, 2.

Mesothelioma ... can develop from short or lengthy periods of low or high concentrations of asbestos, although exposures to asbestos fibres does not make the development of the disease inevitable.³⁸

This same document also acknowledged that:

Currently, the main source of exposure to asbestos fibres are old buildings undergoing renovation or demolition where building maintenance and demolition workers are employed. Homeowners renovating their own homes are also at risk of exposure to asbestos fibres.³⁹

The recent changes in the content and emphases on the Safe Work Australia likely arose from industry, business, and political pressures. These changes in content are an excellent example of apparent industry and information capture and regression in the public health debates around legacy asbestos threats in Australia over the last decade.

The Australian public will remain ignorant about the true risks and impacts of asbestos and are unlikely to take precautions. Meanwhile official messaging in Australia continues to emphasise that:

- **Legacy asbestos is generally safe.**
- **The dangers of asbestos-related diseases are largely restricted to those who have been exposed to asbestos over long periods.**
- **There are minimum dust thresholds below which exposure is generally safe.**

The fact that the present federal government's guidance provided to householders on asbestos related threats and the webpage of Safe Work Australia are still emphasising the same messages as those agreed between James Hardie and its public relation team in 1978, suggests industry and information capture around asbestos matters in Australia is as powerful, if not more so, than it was in the 20th century.

³⁸ Safe Work Australia, *Asbestos-Related Disease Indicators* (October 2012) 2. In this document, the cited sentence was preceded by the sentence outlined in Part VB.

³⁹ Safe Work Australia, *Asbestos-Related Disease Indicators* (October 2012) 1.

The similarities in the messaging used in the Public Health Guidance and on the Safe Work Australia webpage with the public communication strategies adopted by the asbestos industry and its public relations teams in the United States in the 1970s, suggests James Hardie has continued to successfully adopt the international industry strategies to deny liability in settings beyond workplaces. These half-truths or misconceptions, as we describe them, have been used for many decades by the industry and others globally to allay or minimise public fears around asbestos threats in non-occupational settings, such as homes.⁴⁰

Representational Capture

There are substantive representational imbalances reflected in the major structures governing asbestos policy and other decision-making processes in Australia. The interests of those with commercial and public interests to protect are reflected in the structures of:

- The Asbestos Safety and Eradication Agency “ASEA”.
- The Australian Mesothelioma Registry (AMR).
- Broader political domains.

The Asbestos Safety and Eradication Agency

The ASEA has a Council as its advisory body and the *Asbestos Safety and Eradication Agency Act* allows for the appointment of Council members with knowledge or experience of asbestos-related disease or persons representing asbestos disease support groups.⁴¹

⁴⁰ See, eg, *Defending the Indefensible* 111, 112, 270. McCulloch and Tweedale confirm that the Asbestos Information Committee in the United States recommended in the 1970s that the public be told that asbestos related diseases could only be caused by inhaling lots of dust over a long period and published a pamphlet in 1975 which argued that asbestos fibre was “locked in” and rendered innocuous by other products. McCulloch and Tweedale conclude that the arguments that only heavy exposure cases cause adverse health effects, asbestos is safely bonded into cement products, and any disease is historical, are familiar but cranky.

⁴¹ See also *Asbestos Safety and Eradication Agency Act* (Cth) s 32(3)(c)(d). These subsections allow the appointment of Council members with knowledge or experience of asbestos related diseases or the representation of, or the provision of support to, persons with asbestos-related diseases and their families.

At present, these categories are represented by one person with observer status only,⁴² with nine of the ten Council members (as at 2 June 2021)⁴³ representing corporate or government administrative interests. The final member is from the ACTU.⁴⁴

In the five-year review report of the ASEA in 2019, the asbestos diseases support groups and unions called for better representation on the ASEA Council, more systematic and focused action by the ASEA, and greater transparency by the ASEA.⁴⁵

We concur with these views. While a majority of the Council of the ASEA represent political and or commercial interests to protect, and these combined members outweigh the number of Council advisory body members whose primary interests is to prevent or minimise loss of life caused by asbestos-related disease, Council advisory body decisions that prioritise the saving of life are likely to be outvoted when commercial costs are involved.

Section 5A(i) of the Asbestos Safety and Eradication Act 2013 (Cth) states that ‘the systematic identification of material containing asbestos in the built environment and of asbestos dump sites’ is a priority of the National Strategic Plan and the Asbestos Safety and Eradication Agency is tasked to implement this plan.⁴⁶

The Asbestos Safety and Eradication Agency is responsible for implementing the National Strategic Plan and for annual reporting on the progress made by the federal, state and territory governments in achieving its stated objectives.⁴⁷

⁴² Vicki Hamilton is an observer of Asbestos Safety and Eradication Agency rather than a Council member. Vicki is the current CEO/Secretary of the Asbestos Council of Victoria/GARDS. See Asbestos Council of Australia, Bio for Vicki Hamilton OAM, viewed 27 May 2020 at <https://gards.org/bio-for-vicki-hamilton/>

⁴³ While Davis is referred to as an independent member, her work experience is primarily as an industry advocate. See Linked in, ‘Carolyn Davis’ viewed 27 May 2020 at <https://au.linkedin.com/in/carolyn-davis-7209aa14>. Similarly, the other independent member, Nancy Milne (a prior law partner) is now a professional non-executive director of corporations.

⁴⁴ The ACTU argues for various changes to the Council membership and processes: See *Review of the Asbestos Safety and Eradication Agency’s Role and Functions* (April 2019) 40.

⁴⁵ *Review of the Asbestos Safety and Eradication Agency’s Role and Functions* (April 2019) 39-40.

⁴⁶ *Asbestos Safety and Eradication Act 2013* (Cth) ss 5A(i)

⁴⁷ *Asbestos Safety and Eradication Act 2013* (Cth) ss 8, 29. See also Australian Government Asbestos Safety and Eradication Agency, *National Strategic Plan for Asbestos Management and Awareness 2014-2018*; Australian Government Asbestos Safety and Eradication Agency, *National Strategic Plan for Asbestos Management and Awareness 2019-2023*.

However, the Asbestos Safety and Eradication Agency has published three progress reports so far.⁴⁸

Australian Mesothelioma Registry

The AMR reports are published under the banner of the Australian Institute of Health and Welfare rather than an entity independent of the federal government. The specific algorithms used by the AMR assessors, the names of these assessors, and the identities of the associated expert panel, are not publicly accessible or available on request.⁴⁹ It is not clear whether these people have received any funding or been influenced by the industry, monied interests or government interests. It seems that there are no people suffering from asbestos-related diseases on the panel to ensure appropriate accountability and transparency. Hence, the processes can be controlled by anonymous experts or assessors who are appointed by persons with political and commercial interests to protect.

Broader political domains

Beyond the one observer on the ASEA Council, our researchers found that the voices of asbestos-related victims are largely restricted to meagrely funded advocacy and support groups.⁵⁰

⁴⁸ Australian Government Asbestos Safety and Eradication Agency, National Strategic Plan for Asbestos Management and Awareness: *Progress Report 2015-16*; Australian Government Asbestos Safety and Eradication Agency, National Strategic Plan for Asbestos Management and Awareness: *Progress Report 2016-17*; Australian Government Asbestos Safety and Eradication Agency, National Strategic Plan for Asbestos Management and Awareness: *Progress Report 2017-18*. See also Australian Government Asbestos Safety and Eradication Agency, *Case Studies of Significant Asbestos Removal Projects*.

⁴⁹ The Australian Institute of Health and Welfare cited copyright protections under the research contract with the Monash University assessors.

⁵⁰ The massive financial and informational imbalances between the industry and diseased workers and their families have been a consistent issue since the beginnings of the asbestos industry: see, eg, Chris Smyth, 'Uncovering the Story: Asbestos in the Media' in *Asbestos in Australia* 125.

Our Summary & Views

The limited amount of publicly available information and lack of open debate on asbestos matters in Australia point to careful control of the public communications and data collection processes. We posit that the lack of data, the limited and guarded public communications, and the absence of open policy debate on asbestos matters arise in large part due to industry capture, information capture and representational capture.

The paucity and weaknesses of the public communications on asbestos threats are reflected in the levels of community awareness. Our household survey suggests that very few Australians properly comprehend the risks of *in situ* asbestos and the numbers of past and present deaths from asbestos-related diseases.

The industry and other monied interests have likely used their webs of influence with governments to promote policy and research strategies that limit public debate and knowledge, particularly regarding the death counts from asbestos-related disease and the full extent of the risks involved.

Our research suggests the industry has used its political and commercial power and connections to influence the content and dissemination of the public health guidance on asbestos in Australia. The risks of asbestos exposure in homes and gravity of harms involved are carefully understated in the online guidance to householders, this guidance is poorly disseminated, and copyright protections over the content make public discussion and criticism of it legally risky.

The changes in the content on the Safe Work Australia website provides intriguing (but tragic) insight into the continuing battle in Australia between presentation of the facts and science on asbestos versus common use of half-truths and misconceptions when this coalesces with the interests of political and commercial interests.

The content changes on the website have occurred despite of, rather than in conformance with, scientific developments. Scientific evidence to support the changes in content on the Safe Work Australia webpage does not exist. Quite to

the contrary. Scientific evidence on linkages between mesothelioma and low and brief periods of exposure to asbestos has grown since the 1960s and public health scholarly warnings on the linkages between mesothelioma and home renovations have increased markedly over the last decade. Hence, the gaps between the facts and science on asbestos, and the content presented in official communications in Australia are expanding.

The levels of industry, informational and representational capture have increased over the last decade. The present communication strategies and official messaging on asbestos threats in Australia are now closely aligned to those developed by the public relation teams of the industry in the 1970s in the United States.

The monied interests of the federal and state governments and the corporate sector dominate the ASEA Council, with no members from asbestos disease or advocacy bodies. This imbalance of representation diminishes the power and influence of persons and groups directly impacted and dying from asbestos related diseases and leaves powerful commercial and political bodies with the bulk of the influence and voice.

The stories of the families of the tens of thousands of Australians who have died from asbestos-related diseases, the thousands who are currently suffering from asbestos-related disease, and the vast numbers of people who are potentially at risk of these diseases have barely been heard or acknowledged in political or public forums.

It is likely that the governments in Australia have significant asbestos-related data that they are not releasing publicly; time will tell. If so, the lack of published information suggests a high degree of cover up and makes it difficult for scholars and the media to scrutinise and discuss the issues. When scrutiny by academics and media is limited, it is easier for policy makers and others to minimise accountability and to ignore or gloss over the deaths and other harms from the asbestos crisis in the noise of today's corporate, political and media environments.

Conversely, if governments do not have access to comprehensive data on the location of properties containing asbestos, they are arguably closing their eyes to

the scale of the asbestos crisis and attempts to blindly manage it without appropriate identification evidence is a high-risk strategy that is likely to cost many additional lives.

More than 100,000 Australians have likely died from asbestos related diseases from 1945 to 2020. In 2012, an Asbestos Management Review considered measures and policy settings to prevent or minimise further deaths, but none of the key recommendations made by this review have been implemented to date. We are not aware of any Royal Commissions or Senate enquiries that have considered asbestos related diseases and optimal policy settings to prevent future deaths.

Asbestos Awareness Australia Ltd

Asbestos Awareness Australia Ltd is a registered not-for-profit company limited by guarantee, is a registered charity, and has endorsement from the Australian Taxation Office as a gift deductible recipient. The company was set up:

- To enhance public awareness and knowledge of the dangers of asbestos threats.
- To promote measures and policies that prevent or minimise the harms from asbestos-related diseases.

To achieve these objectives, the company provides public access to widely sourced information on asbestos risks and impacts, including the associated medical, legal, and political debates.