September 25, 2013

Peter Salovey, Ph.D.
The Yale Corporation
c/o The Office of the Secretary
PO Box 208230
New Haven, CT 06520-8230

Re: Stephan Schmidheiny

Dear Dr. Salovey:

I represent AFEVA, the Asbestos Victims and Relatives Association (Associazione Familiari Vittime Amianto), an association of victims who have suffered asbestos-related disease and death arising from the Eternit Company’s asbestos plant in Casale Monferrato, Italy. In 1996, Yale University awarded Stephan Ernst Schmidheiny, the former owner of Eternit Company, an honorary Doctorate of Humane Letters. In 2012, a court in Italy found Mr. Schmidheiny guilty of causing the deaths of thousands of Italian citizens and causing an environmental disaster and sentenced him to 16 years in prison. In 2013, the Turin Court of Appeals affirmed the conviction, actually increasing the sentence by two years to a total of 18 years. Mr. Schmidheiny was tried in absentia and remains a free man today.

The honor bestowed upon Mr. Schmidheiny by Yale University is inconsistent with the serious crimes for which he has been convicted and is inconsistent with the actual history of Eternit’s catastrophic operation in Casale Monferrato, which has left more than 2,000 people dead from mesothelioma and other asbestos-related diseases and has left the environment contaminated with lethal asbestos. Yale University was likely unaware of Mr. Schmidheiny’s past when it honored him in 1996, but these new facts that have come to light will, we hope, cause Yale to rethink, and ultimately rescind, the honor bestowed on Mr. Schmidheiny.

For many years, Casale Monferrato was the home of one of the Eternit Company’s asbestos-cement products manufacturing plants. As late as 1981, this plant was still using annually 15,000 tons (30,000,000 pounds) of asbestos, 90% of which was chrysotile (white asbestos) and 10% of which was crocidolite (blue asbestos). Various cohorts of asbestos-exposed workers and residents have consistently shown
significantly increased risks for asbestos-related disease, including mesothelioma, an unusually rare, aggressive and almost invariably fatal cancer. These studies have documented epidemics of mesothelioma and other asbestos-related diseases among the Eternit workers themselves, among the wives of the workers and among people who did nothing more than live in the area around the factory. One of these studies (Maule et al. (2007)) found more than a quintupling of the risk for malignant mesothelioma among non-occupationally exposed residents who lived as far away from the factory as 11 kilometers.

The trial court in Italy noted that Mr. Schmidheiny was involved in the 1976 Neuss Conference, which was held in Germany for managers of the Eternit Company. The attendees of that Conference implemented a strategy on how to address the then widely surfacing news that asbestos was linked to chronic and fatal diseases such as asbestosis and mesothelioma. In its 800-page decision (which is difficult to summarize in only a few sentences), the trial court noted that Mr. Schmidheiny was “fully aware [in 1976] of the epidemiological studies which had been stressing the causal link between breathing asbestos fibers and the onset of [disease].” The trial court found that in 1976 Mr. Schmidheiny “tried to play down the danger by ambiguously giving credit to unfounded

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4 C Magnani et al., *Increased risk of malignant mesothelioma of the pleura after residential or domestic exposure to asbestos: a case-control study in Casale Monferrato, Italy*, Environ Health Perspect 109:915-919 (2001).
7 Trial court decision, page 495.
8 Page 497.
uncertainties on the aetiology and outcome of the diseases." Mr. Schmidheiny and Eternit determined that "the production and marketing of asbestos cement products could continue without putting at risk the physical integrity of the people in contact with dust." The court determined that Eternit’s marketing of asbestos as a safe product if it was correctly handled "was knowingly false, and by that [the Court] means knowingly in view of the knowledge the defendant and his consultants already had in 1976, since he [Schmidheiny] himself stated he was reasonably aware of the dangers to health, as had been widely proved by Dr. Selikoff and other researchers." Mr. Schmidheiny “personally took part in the plan aimed at promoting misinformation” and that “[t]he aim was to keep public opinion (workers, trade unionists, reporters, politicians and asbestos cement product consumers) in the dark as to the great danger linked to inhaling the fibers of the mineral being processed in the plant.”

The court summarized the history as follows: “Undoubtedly, the defendant Mr. Schmidheiny contributed to the causal events and processes which led to the events that followed and which he stands accused of. Thanks to the misinformation which he knowingly promoted, the production of asbestos cement continued in Italy for another decade before it was altogether stopped. As a result, the management of the productive activities became a protracted crime as continued willful negligence of safety precautions against accidents at work . . . leading to the disaster.”

Given Yale University’s own important, long-standing role in the research and treatment of asbestos-related disease, we hope that Yale will seriously consider this petition. Yale’s own Occupational and Environmental Medicine Clinic has long been at the forefront of treating asbestos-exposed workers in Connecticut and has published numerous articles in the peer-reviewed literature arising from its researchers’ efforts. I have seen Yale’s exceptional work on asbestos-related disease firsthand,
as many of my firm’s local clients have been treated or seen at the Clinic over the course of the past 30+ years and several of Yale’s excellent doctors have testified as expert witnesses on behalf of asbestos victims. It would certainly be in keeping with Yale’s long and valued tradition of helping asbestos victims if it took another look at Mr. Schmidheiny’s case and revoked the honorary degree that was so clearly unwarranted.

On behalf of the affected citizens of Casale Monferrato and all the asbestos victims who have suffered incalculable loss at the hands of the Eternit Company and Stephan Schmidheiny, AFEVA respectfully makes the following five requests:

1. We request that Yale University rescind Mr. Schmidheiny’s honorary degree. This is an appropriate, and not unprecedented, action that has been used by universities in the past when new information comes to light regarding its honorees.

2. We request an opportunity to address The Yale Corporation at its first meeting of the academic year, which we understand will occur sometime in late September or early October. We understand that your time is valuable, but we would appreciate the opportunity to make our plea in person so we can further explain the history of the situation in Casale Monferrato.

3. We request that Yale University release a list of the donations made to Yale by Stephan Schmidheiny, members of the Schmidheiny family, the Eternit Company and the Avina Foundation (Mr. Schmidheiny’s foundation).

4. We request copies of any meeting minutes from the 1990s wherein discussions occurred concerning the decision to award the honorary degree.

5. We request a copy of the complete citation from the 1996 commencement program that awarded Mr. Schmidheiny the honorary degree.

While we understand that Yale University is a private entity and is not subject to the usual freedom of information requests, we hope that
Yale will opt to make the right decision and release the requested information to us.

We are joined in this petition by the largest independent U.S.-based victims’ group, the Asbestos Disease Awareness Organization (www.asbestosdiseaseawareness.org) and its president and CEO, Linda Reinstein, whose own husband died from mesothelioma in 2006. We are grateful for their support of our efforts.

Lastly, I have enclosed a copy of a statement from AFEVA that they wanted me to share with the Yale community, which includes a list of numerous experts from around the world who have joined in AFEVA’s plea. I have also enclosed a copy of a story about this matter that appeared in the Yale Daily News on September 8th, in case you have not yet seen it.

Thank you for your consideration of our requests and I look forward to hearing from you soon.

Yours very truly,

Early, Lucarelli, Sweeney & Meisenkothen, LLC

Christopher Meisenkothen
On June 3rd 2013, Stephan Schmidheiny, former owner of the Eternit Company, was sentenced to 18 years of prison by the Turin Court of Appeals, having been convicted of causing an “environmental disaster” by exposing thousands of workers and citizens to asbestos from his Italian plants. The judges on appeal agreed with Chief Prosecutor Raffaele Guariniello’s conclusion that Schmidheiny, who was fully aware of the lethal dangers of asbestos, was guilty. The Appeals Court concluded that the lethality of asbestos was well understood among directors of leading companies in the asbestos industry, including Eternit, years before Schmidheiny took over as chief executive of Eternit.

Before the American public became aware of the dark side of Mr. Schmidheiny’s career, he was awarded an honorary “Doctorate of Humane Letters” by your world-renowned university in 1996. Based on the latest judicial decision, we formally request that Yale University consider stripping convicted criminal Schmidheiny of the great honor you bestowed on him, since his proven misconduct resulted in the death of more than 2,000 citizens in the Casale Monferrato Municipality alone. The day will come when Mr. Schmidheiny will have to serve the sentence imposed by the Italian court; in the meantime we consider this honor highly unacceptable.

We are not interested in the destruction of a human being, but in the pursuit of truth. And the truth of the matter is that there is no “honor” in the conduct of Mr. Stephan Schmidheiny.

AFEVA, Associazione Familiari Vittime Amianto

(Asbestos Victims and Relatives Association)

Casale Monferrato, Italy

Il coordinatore Bruno Pesce
Il 3 giugno 2013 Stephan Schmidheiny, ex-proprietario di Eternit, è stato condannato a 18 anni di reclusione dalla Corte d’Appello di Torino, per il reato di disastro ambientale doloso permanente, avendo esposto migliaia di lavoratori e cittadini all’amianto nei suoi stabilimenti italiani. I giudici dell’Appello hanno riconosciuto fondata l’accusa del Procuratore Raffaele Guariniello, per il quale Schmidheiny era pienamente consapevole del pericolo letale dell’amianto. La Corte ha concluso che la nocività dell’amianto era ben conosciuta presso le principali compagnie dell’industria, Eternit inclusa, ben prima che Schmidheiny diventasse amministratore dell’Eternit.

Prima che il pubblico americano potesse conoscere il lato oscuro della carriera di Schmidheiny, è stato insignito della laurea honoris causa in Lettere dalla vostra prestigiosa università nel 1996. Sulla base degli ultimi riscontri giudiziali, chiediamo formalmente che l’Università di Yale valuti di ritirare al criminale condannato Schmidheiny l’importante onorificenza che gli avete riconosciuto, dal momento che la sua accertata condotta ha causato la morte di più di 2000 persone nel solo comune di Casale Monferrato. Verrà il giorno in cui Mr. Schmidheiny dovrà adempiere alla sentenza del Tribunale Italiano; nel frattempo riteniamo una tale onorificenza del tutto inaccettabile.

Non siamo interessati alla demolizione di un essere umano, ma alla ricerca della verità. E la verità, in questo caso, è che non c’è nulla di “onorevole” nella condotta del sig. Stephan Schmidheiny.

AFEVA, Associazione Familiari Vittime Amianto

(Abestos Victims and Relatives Association)

Casale Monferrato, Italy

Il coordinatore Bruno Pesce
Le 3 juin 2013 Stephan Schmidheiny, ex-propriétaire d'Eternit a été condamné à 18 ans de prison par la Cour d'appel de Turin, pour avoir causé une catastrophe humaine et environnementale permanente par tromperie, en exposant des milliers de travailleurs et d'habitants à l'amiante dans ses usines italiennes. Les juges de la Cour d'appel ont reconnu le bien-fondé de l'accusation portée par le procureur Raffaele Guariniello : Schmidheiny était pleinement conscient du danger mortel de l'amiante. La Cour a conclu que le nocivité de l'amiante était bien connue par les principales sociétés de cette industrie, y compris par Eternit, bien avant que Schmidheiny ne devienne administrateur d'Eternit.

Avant que le public américain n'ait pu avoir connaissance de ce côté obscur de la carrière de Schmidheiny, votre prestigieuse université lui avait décerné le titre de Docteur honoris causa des Lettres en 1996. Sa condamnation ayant été confirmée par la Justice, nous demandons publiquement à l'Université de Yale d'examiner la possibilité de retirer à M. Schmidheiny, condamné pour ce crime, la distinction honorifique importante que vous lui avez décernée, sachant qu'il est avéré que sa conduite a causé la mort de plus de 2000 personnes dans la seule commune de Casale Monferrato. Un jour viendra où M. Schmidheiny devra exécuter le jugement du tribunal italien : d'ici là nous considérons qu'une telle distinction honorifique est totalement inacceptable.

Notre objectif n'est pas la démolition d'un être humain, mais la recherche de la vérité. Et la vérité, dans ce cas, est qu'il n'y a rien d'"honorable" dans la conduite de Monsieur Stephan Schmidheiny.

AFEVA, Associazione Familiari Vittime Amianto

(Asbestos Victims and Relatives Association)

Casale Monferrato, Italy
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Erica Frank  Professor and Canada Research Chair, University of British Columbia  Canada
Jeong-ok Kong  Korea Institute of Labor Safety and Health  Korea
Sunsik Kim  Special Researcher in Osaka City University  Korea
Jock McCulloch  Professor, School of Global Urban and Social Studies, RMIT University  Australia
Louise Vandelac  Professor, Institute of Science and the Environment, Department of Sociology, Montreal  Canada
Bernard Coupé  PhD in Economics, Erasmus University, Rotterdam  Netherlands
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Hilda Palmer  Coordinator of Greater Manchester Hazards Center  Manchester  UK
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Daniel M. Berman  Ph.D., B.A., Author "DEATH ON THE JOB", Occupational Health Activist, Yale, Class of 1964  California  USA
Kathleen Ruff  Founder, RightOnCanada.ca  Canada

Institutions listed for identification purposes only

AFEVA, Associazione Familiari Vittime Amianto

(Asbestos Victims and Relatives Association)

Casale Monferrato, Italy:
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<thead>
<tr>
<th>Supporter Name</th>
<th>Supporter Qualification</th>
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<td>Robert Katzko</td>
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<td>Tracy Ford</td>
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The sun had just come out when graduation ceremonies began on Old Campus on a wet May morning in 1996. While a huge labor demonstration on the New Haven Green shook some students and their families, little of the clamor made it through Phelps Gate.

The Yale Concert Band played Wagner and Berlioz as graduates proceeded through the gates of Old Campus. Before students returned to their colleges and professional schools to receive their degrees, University President Richard Levin presented eight honorary diplomas to artists, doctors and innovators who had been selected from hundreds of candidates.

Among them was Stephan Schmidheiny.
“You have helped to create an attainable vision of a global economy based on sustainable, ecologically sound development,” read Levin, according to the ceremonial citation.

Seventeen years later, this June, in a courtroom in Italy, the atmosphere was tense as the judges filed into the courtroom. Some wore notes of protest clipped to their shirts, while others draped themselves in Italian flags emblazoned with a demand for justice.

Absent that day, as he had been at each of the dozens of court dates that preceded this one, was Stephan Schmidheiny.

“In the name of the Italian people, the Turin court of appeal issues its sentence,” the tribunal’s presiding justice read from the verdict. “This court finds the defendant, Stephan Schmidheiny, guilty.”

Schmidheiny probably wasn’t a familiar face to most Yale students. The Swiss businessman — 48 when he walked across the stage at Yale, 65 today — was well-known in the budding field of sustainable development from his forestry operations in Latin America and his advocacy for “eco-efficient” business practices, but archival searches indicate he had only visited Yale twice.

“He’s not shy, but he’s always been low-profile, definitely,” said Sean McKaughan, who chairs the board of the Panama-based Avina Foundation, a group founded by Schmidheiny that funds sustainable development projects in Latin America. Avina is one of his main philanthropic endeavors, and the billion-dollar endowment he set up in 2003 to support it led Forbes to declare him “the Bill Gates of Switzerland.”

Schmidheiny’s low profile elevated in 1992. That year, in anticipation of the United Nations “Earth Summit” to be held in Rio de Janeiro where he would be the voice of business and industry, Schmidheiny authored Changing Course, a book that outlined his belief that environmentally conscious business practices were not only feasible, but were an opportunity for growth and profit. In the book’s final pages, chairmen and CEOs of the world’s largest corporations co-signed a letter announcing their intention to “chang[e] course toward our common future.”

He was widely seen as someone who “had walked the talk,” according to William K. Reilly, who headed the Environmental Protection Agency. Reilly later introduced Schmidheiny’s name into consideration for an honorary degree while serving on the Yale board of trustees.

“He’s a very progressive man, and personally, he’s a very sympathetic man,” said Reilly. His book Changing Course, Reilly added, “was a key document that was widely cited going into Rio in 1992.”

Unstated in Schmidheiny’s book, however, was how he had personally changed course.
Before he put aside a billion dollars to promote sustainable development, before he received his honorary degree from Yale, before he spoke to the U.N. or bought his first tract of forest, Schmidheiny led the Swiss Eternit Group, one of the world’s largest producers of asbestos cement.

As the Italian justice system tells it, changing course wasn’t enough.

As president of the Swiss Eternit Group, Schmidheiny was responsible for several asbestos cement factories in northern Italy and Switzerland from 1976 until the late 1980s. In 2001, an Italian public prosecutor began investigating Schmidheiny after learning of the deaths of Italian workers who worked for Eternit in Switzerland.

In 2009, Schmidheiny was ordered to stand trial. With the support of unions and activists, the investigation shifted to focus on four Eternit plants in Italy. Citing internal company documents and medical reports, the prosecution alleged that Schmidheiny and other executives knew that breathing asbestos could lead to disease and death, but downplayed those risks to the public and failed to protect their employees.

It wasn’t just the employees who were harmed by asbestos, either. Epidemiological studies of Casale Monferrato, where Eternit’s largest Italian plant was located, showed that residents didn’t have to work at the Eternit plant to get sick. Even the wives of some asbestos workers contracted diseases like mesothelioma — a virtually untreatable cancer of the chest cavity — simply from washing their husbands’ clothes. Today, the vast majority of those dying of cancer in Casale never worked with asbestos.

The entire city had been contaminated.

In February 2012, Schmidheiny and a co-defendant were sentenced to 16 years in prison and nearly 90 million euros in environmental and medical damages. Their crimes, the court found, included causing an “intentional disaster.”

A year later, in June, an appellate tribunal imposed millions of euros in additional penalties and added two years to Schmidheiny’s sentence. (His co-defendant died before the appeal was filed.)

Schmidheiny, for his part, has maintained his innocence and has promised that he will “never go to an Italian prison.” While he did not agree to speak for this article, press releases issued by his representatives have referred to the verdict as “totally incomprehensible” and “scandalous,” and his defense team has announced that they will appeal the verdict to Italy’s highest court.
changing course

The story of Schmidheiny’s trial, however — and his philanthropy, his business career, and all the rest — isn’t just about what happened in a few factories in the 1970s and ’80s. Both Schmidheiny’s defenders and critics say that the trial is about an entire industry.

For nearly a century, asbestos could be found in everything. The fibrous mineral was easy to mine and cheap to process, and it lent its lightness and durability to hundreds of everyday products — including Eternit’s cement.

“It’s a marvelous mineral,” said Geoffrey McGovern, a researcher at RAND who has written about asbestos litigation and bankruptcy in the United States. “You can bend it, you can weave it, you can wrap it around things.” The only problem is that — with enough time and exposure — asbestos kills people.

As asbestos came into widespread use, though, few knew of its fatal consequences. Today, it’s widely known that prolonged breathing of asbestos can result in painful and sometimes fatal diseases like lung cancer and mesothelioma. Globally, about 100,000 people die from them every year.

In Schmidheiny’s telling, though, when he took the reins of the Swiss Eternit Group in 1976 at age 29, the company’s executives believed that asbestos could be used safely. In a 2008 article in the Swiss magazine Die Weltwoche, Schmidheiny recalled that his father, who preceded him as president of the Swiss Eternit Group, had believed as much himself, and that he cursed Irving Selikoff — an American doctor whose studies on asbestos diseases received global attention — and wrote him off as a quack.

Though Schmidheiny was more concerned than his father, having himself worked in an Eternit plant in Brazil, he said he believed that scientific evidence suggested that controlled use of asbestos was possible.

“At that time, I had no intention of replacing asbestos in my sphere of influence,” he said, according to Die Weltwoche.

By the end of his first year as chief executive, however, he has said he became convinced that the use of asbestos was unsustainable. He announced that Eternit would attempt to develop a replacement fiber for asbestos for use in its fiber cement. At the same time, Schmidheiny said, the Swiss Eternit Group would invest tens of millions of dollars into increasing safety at its Italian factories.

“You’re a 29-year-old that suddenly is telling the board that you’re going get out of the asbestos industry,” said McKaughan. “To a lot of businesspeople, the way that Stephan responded was seen as a model of social responsibility.”

As the story goes, Schmidheiny succeeded in reforming Eternit’s production methods by the 1980s. While the company still used asbestos, it cut back on asbestos use where
possible. But between Italy’s weak construction sector and the inability of Eternit’s new asbestos-free products to compete with cheaper asbestos products, the company tanked. The Italian Eternit operation went bankrupt in 1986.

In the meantime, Schmidheiny got involved with other ventures. He had already purchased his first tract of forest in Chile four years earlier, and began to build a new company around forestry and wood products. In 1984, he established FUNDES, a philanthropy to support small businesses. He served on several corporate boards throughout the 1980s, and starting in 1988, began selling off the Swiss Eternit Group’s remaining factories. In 2006, he established a fund to make compensation payments to Eternit workers sickened by asbestos.

“One of his proudest life achievements was to rid his family of asbestos,” said Reilly, the Yale trustee.

And so Stephan Schmidheiny entered a new phase of his life. Embracing a lifelong concern for the environment, he advised the U.N., championed “eco-efficiency,” and founded the Avina Foundation. He spoke to industrialists and students alike, visiting Duke, Columbia, and Harvard — and, on a few occasions, Yale.

Victory for victims

But two courts in Turin declared that Schmidheiny was more aware of the danger of asbestos than he would ever admit. Alberto Ogge, the chief justice of the appellate court, even compared Schmidheiny’s culpability in the deaths of Eternit’s workers to Hitler’s responsibility for the Holocaust.

In Britain, the epidemiologist Richard Doll “exhibited a clear association [between asbestos and lung cancer] in 1955,” said Benedetto Terracini, an epidemiologist at the University of Turin who testified for the prosecution and helped conduct several studies of Casale Monferrato in the 1980s and 1990s. “If we want to fix a date in which persons of the industries should have known, I would say early 1960s,” he said.

The prosecution claimed that internal records make the case even clearer. They cited company documents from a 1976 meeting of European asbestos company executives, including Schmidheiny, in which lung cancer and mesothelioma were acknowledged to result from working with asbestos.

“In most European countries, you have to adapt your safety standards to the level of technical knowledge,” said Laurent Vogel, a lawyer and a researcher for the European Trade Union Institute who has written about the trial. “The level of harm could have been reduced significantly.”
Barry Castleman, an American asbestos expert who testified for the prosecution, said he thought Schmidheiny’s actions were not just illegal under Italian law, but morally offensive.

“They didn’t go through the little bit of trouble to at least say, ‘Look, we’re going to provide you with work clothes, we’re going to launder them at the plant and provide you separate lockers,’” said Castleman. While European asbestos companies were not under the same legal obligation to warn their employees as American companies, Castleman said, they still bore a moral responsibility.

“They were mum because they were cheap and no one was making them spend the dollar,” he said.

The trial began in late 2009. For the next 26 months, dozens of researchers, politicians, and former asbestos workers would take the stand. The trial’s conclusion was broadcast around the world. As the verdict was read, Schmidheiny’s lawyers grimaced and kneaded their faces.

Laurie Kazan-Allen, the coordinator of the International Ban Asbestos Secretariat, was among those Italians and international activists who cheered the verdict. During the trial, her group published a book of monographs on various aspects of Eternit’s history and environmental damage. It features a cartoon of a seven-headed hydra of Eternit executives perched atop a blood-drenched Earth.

“It’s inspiring, amazing, just extraordinary,” she said of the verdict. “Next to the Renaissance, it’s one of the most important things that Italy has ever done.”

Kazan-Allen said that other prosecutors have been watching the trial in Turin closely. She imagines other asbestos producers were, too.

“They would have to be deaf, dumb, and blind not to be worried,” she said.

**A bizarre verdict**

But on the other side of the courtroom, Schmidheiny’s defenders speak of a different and chilling effect. Columns and editorials in Swiss newspapers have declared Italy an investment risk and called the verdict “class warfare.”

For Schmidheiny’s defenders, the trial is about scapegoating one man for the sins of an entire industry, many of whose titans are dead. An open letter signed by more than 100 Latin American businessmen has referred to the proceedings in Italy as a “flawed political trial.”
“Most of the countries where asbestos processing is prohibited have found solutions to deal with the casualties,” wrote Peter Sehurmann, a spokesman for Schmidheiny, in an email. “Those states have set up programs to compensate affected people and to safely dispose of asbestos. Italy is the only country which tries to solve the tragedy by a criminal lawsuit.”

Indeed, one of the biggest reasons the verdict has disturbed so many is the downright strangeness of the Italian legal system. For starters, Schmidheiny was tried in absentia, a rarity in most of Europe and illegal in most circumstances in the United States. Then there’s the fact that Schmidheiny was tried before a criminal court for something American justice solves these days with negotiated payouts, or less frequently, lawsuits.

“The European way of thinking about these things is fundamentally different from American law,” said McGovern, the RAND scholar.

Except for a single federal prosecution of asbestos executives that ended in a not-guilty verdict, said McGovern, “within the realm of asbestos, it’s purely a civil case for monetary damages.”

The American system for processing asbestos claims may be uniquely efficient, however. In Italy, “basically, there’s no legal shield, no way to get compensation” from one’s employer for asbestos-related disease, according to Giovanni Comandé, a professor of comparative law at the Scuola Superiore Sant’Anna.

In Italy, however, there’s precedent for prosecution of asbestos manufacturers, said Vogel, who added that Italian prosecutors have filed dozens of such cases against them — to mixed verdicts, none of which came close to that issued in Turin — since the 1980s. Still, he said, public and political pressure played a significant role.

“In most other European countries, it would have been possible to prosecute the managers and owners of Eternit,” said Vogel. “The point is that there was no willingness from the public prosecution officials.”

**A question of honor**

Now, an Italian advocacy group is asking Yale to revoke Schmidheiny’s honorary doctorate. The Association for Asbestos Victims’ Families (AFeVA), an organization founded by residents of Casale Monferrato and unionized Eternit workers, has begun circulating a petition declaring that “there is no ‘honor’ in the conduct of Mr. Stephan Schmidheiny.”

Yale has never stripped any recipient of an honorary degree, and few universities have ever done so. Since 2007, three universities revoked degrees they awarded in the 1980s to Robert Mugabe, the dictatorial leader of Zimbabwe. At the outbreak of World War I,
Brown and the University of Pennsylvania revoked degrees they awarded to the Kaiser. They’ve been revoked for less, though; just last year, the trustees of Tufts University stripped Lance Armstrong of his honorary diploma after the seven-time Tour de France winner was found to have used performance-enhancing drugs.

Yale, so far, is standing by its decision.

“The decision to award this degree was made by a committee that considered Mr. Schmidheiny’s full record as a philanthropist who used his wealth to fund sustainable development in Latin America and elsewhere, and a path-breaking international advocate of change in the way businesses address environmental sustainability, as well as a businessman who inherited and dismantled a decades-old family asbestos processing concern,” University spokesman Tom Conroy said in an email. Referring to the pending appeal, he added, “Yale does not believe that the ongoing legal proceedings in Italy provide cause to reconsider the judgment made by the committee in 1996.”

Though few faculty or honorary degree committee members remembered Schmidheiny, and deferred to the University for comment, Reilly said he believed the degree was still merited.

“He’s a very self-possessed, thoughtful, intelligent guy,” Reilly said. “A statesman, not a malefactor.” Having traveled to Italy several times and witnessed widespread open burnings of garbage — a crime in Italy — go unpunished, Reilly said that he “was not an admirer of Italian environmental performance” and was deeply skeptical of the charges brought against Schmidheiny.

“I’m an American lawyer. I’d want to see if it stands up to scrutiny under American jurisprudence,” said Reilly. “To react prima facie to an Italian justice determination of criminal responsibility for something that happened 20 or 30 years ago would never be the basis for a revocation decision.”

Schmidheiny, for his part, has retired, and is said to by those who know him to be confident that the verdict will be overturned by Italy’s supreme court or by the European Court of Human Rights. Even if both courts were to let the present verdict stand, though, lengthy case backlogs mean that wouldn’t be known for years.

“Mr. Schmidheiny is doing fine and enjoying life as a retired person,” his representative wrote in an email. “He once said that he enjoys not being on stage anymore but rather sitting in among the audience where he can watch the world theatre, applaud the performers or leave at the interlude.”

But to Stephan Schmidheiny’s accusers, the show isn’t over. And he still has a role to play.

**Comments**