

## **Kabwe Lead Poisoning Class Action against Anglo American South Africa: Lawyers File Detailed Evidence in Court**

- *Anglo's Kabwe mining operations caused widespread lead poisoning to the local community*
  - *Anglo rejected advice, on economic grounds, to clean-up the environment*
- *Anglo's attempt to shift blame to ZCCM is fundamentally flawed and contradictory*
- *Anglo's claim that natural lead and other sources are responsible also does not add up*
- *Anglo's arguments on lead toxicity are way out of line with international standards*
- *Anglo claims representative plaintiffs with astronomical blood lead levels have suffered no lead-related harm*

**LONDON AND JOHANNESBURG – 15 MARCH 2022** – Human rights law firms Mbuyisa Moleele and Leigh Day today announced they have filed detailed evidence, including reports from eminent internationally renowned medical and environmental experts, in the Kabwe lead poisoning class action against Anglo American South Africa Limited (“Anglo”). The claimants, members of communities in Zambia, are seeking permission from the Johannesburg High Court to proceed with a class action in South Africa. Anglo opposes the class action, claiming that it has no case to answer and that the court should not entertain a class action on behalf of foreign claimants. A hearing to decide the issue will take place later this year.

The lawyers first filed the class action lawsuit against Anglo, a subsidiary of London-headquartered multinational mining company Anglo American Plc (LSE: AAL, JSE: AGL), in October 2020 on behalf of a class estimated to comprise more than 100,000 individuals in the Kabwe District of Zambia. The class action seeks compensation for children, as well as for girls and women with lead poisoning who have or may become pregnant in the future. Young children, pregnant women and the unborn child are especially vulnerable to the effects of lead. Also sought is blood lead screening for children and pregnant women in Kabwe and clean up and remediation of the area to ensure the health of future generations of children and pregnant women is not jeopardised.

**Zanele Mbuyisa, Partner at Mbuyisa Moleele, said:** *“Anglo has consistently denied responsibility for the Kabwe tragedy. With this filing, we submit further strong evidence to demonstrate the inextricable link between Anglo’s operations and the ongoing contamination in Kabwe, supported by world-class expert witnesses and a wealth of evidence. This is in stark contrast to Anglo’s untenable lines of argument, which attempt to pin the blame on anyone but themselves.”*

**Richard Meeran, Partner & Head of the International Department at Leigh Day, said:** *“Anglo has been aware for decades of the scale and severity of lead poisoning to the children of Kabwe and yet it has done nothing to alleviate their suffering. This attitude is reminiscent of Anglo’s treatment of thousands of silicosis victims who were employed on its gold mines, happy to reap the financial rewards for its investors, but determined to avoid and delay justice to impoverished people affected by its shoddy and dangerous practices. This is entirely at variance with the human rights principles to which Anglo claims to subscribe.”*

In this latest filing, the lawyers advance extensive expert and documentary evidence, which they argue demonstrates the following:

1. Massive blood lead levels (BLLs) in thousands of children living in the vicinity of the Kabwe mine, which have been ongoing for generations and will have caused cognitive impairment of a large proportion of the population. These BLLs are orders of magnitude higher than the BLLs that have recently attracted US\$641 million settlement for communities in Flint, Michigan. Read more about that case [here](#).
2. As [communicated in July 2021](#), Dr Ian Lawrence – a doctor at the Kabwe mine from 1969 until the early 1970s – testified that Anglo knew of widespread severe lead poisoning in Kabwe as early as 1970. Despite this knowledge (including about the death of local children) Anglo decided, on economic grounds, not to implement advice on remediation of the environment, that Anglo itself had commissioned – following the investigation of Dr Lawrence – from Professor Ronald Lane, an eminent UK public health expert.
3. The 1975 thesis of Dr A.R.L Clark, a doctor at the mine, continued the research of Dr Lawrence. Dr Clark surveyed the blood lead levels (“BLL”) of children in Kabwe between 1971 and 1974. He found that the soil and air in Kabwe was already heavily contaminated before 1975, and that the BLLs of residents of the worst-affected areas of the town reflected this. The thesis proves that atmospheric lead emissions from the mine before 1975 were the primary source of lead pollution and that the elevated levels of lead pollution in these communities correlated with dangerously high BLLs.
4. The experts identify serious deficiencies in the control of dust emissions from the mine that existed throughout the period prior to 1974. An internal company document in 1970 described “*The Broken Hill Attitude*” as entailing a long-standing attitude of disregard and neglect in the operation of the Mine.
7. ZCCM operated the mine from 1974 to 1994. The lead produced during this period was only one third of that produced during the period when Anglo operated the mine.
8. Whilst Anglo gives the impression that its role in the Kabwe mine ended in 1974, its involvement continued for many years after 1974. For example, former Anglo veteran Jack Holmes remained on ZCCM’s Board until 2000 and, in 1995, gave a speech pointing to Anglo’s continued efforts towards playing a constructive role as a minority shareholder in ZCCM – including establishing “a much closer and more productive relationship with the current management of ZCCM.” Therefore, not only did Anglo have no reason to believe that ZCCM would run the mine any differently, or that ZCCM would clean-up the local environment (when Anglo itself had not done so), Anglo must have known this was so.
9. Based on the work of Dr Clark, together with examination of the mine’s internal affairs, consideration of the comparative levels of lead production during the different periods of operation of the mine, and their own atmospheric dispersal modelling, the claimants’ experts conclude that the present lead contamination of the soil and dust and in the blood



of the communities in Kabwe District emanated mainly from the Kabwe lead smelter and waste dumps prior to 1974. The pattern of lead contamination in Kabwe District is not consistent with natural or other sources of lead being significant causes of the contamination.

10. Consequently, Anglo's attempt to blame its successor, ZCCM, for the present lead contamination does not stack up. Furthermore, it is contradictory for Anglo to argue, on the one hand, that elevated soil and blood lead levels are not due to the mine and, on the other hand, to accuse ZCCM of "recklessness and neglect" over its handling of the mining operations and failure to clean-up – especially when the deficiencies alleged against ZCCM by Anglo essentially also existed when Anglo was in control, and Anglo also opted not to clean-up.
11. International standard-setting bodies, including the WHO and the US Centers for Disease Control, conclude that there is no safe level of lead and that at BLLs lower than 10ug/dl, lead can cause cognitive impairment – in particular, IQ deficits – and behavioural problems. These conclusions are based on published and peer-reviewed epidemiological studies. The claimants' world leading medical experts confirm these conclusions. Anglo's medical experts are well known opponents of these conclusions and have expressed opinions that are very much on the fringe.
12. 9 of the 12 representative plaintiffs for the class have BLLs exceeding of 45ug/dl, the level at which chelation therapy intervention for lead poisoning is medically required. 2 of them have BLLs exceeding 100 ug/dl. These are astronomical levels by any standards. Yet Anglo's medical experts conclude that none of the representative plaintiffs have sustained lead-related harm. Such an assessment and treatment of patients would certainly not be acceptable in the United States – where Anglo's experts practise – or anywhere in the Global North.

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#### **About Mbuyisa Moleele and Leigh Day**

Mbuyisa Moleele is a Johannesburg-based law firm led by Zanele Mbuyisa. Leigh Day is a leading international law firm specialising in human rights and mass environmental tort claims. The two firms have a proven track record of collaborating on complex international class actions, including the gold miners' silicosis litigation against Anglo and AngloGold Ashanti, which led to the establishment of the landmark Qhubeka Trust in 2016. The class action lawsuit against Anglo America South Africa, launched in October 2020, is being funded by Augusta Ventures, the UK's largest litigation fund by volume of claims.

More information about the class action lawsuit can be found at [www.childrenofkabwe.com](http://www.childrenofkabwe.com).



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