

#1 CHRYSOTILE ASBESTOS AND CANADA'S RESPONSIBILITY IN THE INTERNATIONAL TRADE OF HAZARDOUS SUBSTANCES

Proposed by CFUW Oakville

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada, and the Provinces and Territories of Canada, to implement a ban on the mining, use, and trade of all forms of asbestos.

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to support the inclusion of chrysotile asbestos in Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to protect human health and the environment by working with other nations to promote shared responsibility and cooperation in the international trade of hazardous substances.

BACKGROUND

This proposed resolution addresses Canada's commitment to protect the health and environment of Canadians and to live up to its international responsibilities as a party to multilateral environmental agreements such as the Rotterdam Convention.

Chrysotile Asbestos and Human Health

Chrysotile asbestos, the only form of asbestos currently mined in Canada, is used in construction to strengthen building materials, as an insulator, and as a flame retardant. It is well recognized that all forms of asbestos, including chrysotile asbestos, cause lung cancer, asbestosis, mesothelioma, and other serious health problems, and that there is no safe level of exposure (Office of the Auditor General of Canada (OAG) 2007; OAG 2008; Canadian Cancer Society (CCS) 2009).

Direct exposure to chrysotile asbestos occurs during mining and milling, processing into products, construction, repair and demolition, and transportation and disposal. Even those not working directly with asbestos are exposed to asbestos dust on the clothes and skin of plant workers when they return to the family home, through environmental exposure, and when asbestos-containing construction materials are damaged or cut by the end user, a common practice in developing nations. Asbestosis, mesothelioma and related diseases may take 20 to 40 years after exposure to develop, causing frequent misdiagnosis and poor monitoring of patients due to the long latency period between exposure and illness.

The World Health Organization (WHO) and the International Labour Organization (ILO) have called for a ban on the mining and use of all forms of asbestos (WHO 2006; ILO 2006). Although the United States (U.S.) still imports and uses chrysotile asbestos, the American Public Health Association and other U.S. bodies are working to ban it (Shannon 2009). More than 40 countries, including Australia and all European Union

members, have banned the use and trade of all types of asbestos and promote non-carcinogenic alternatives (WHO 2006). Worldwide environmental, women's, labour, and health groups have joined together to call for action on banning chrysotile asbestos (Canadian Environmental Law Association 2008).

Although the use of chrysotile asbestos has decreased in developed nations due to severe restrictions or bans and the development of safer alternatives, demand from the developing world is growing; Canada exports more than 95% of its production to such countries. If chrysotile asbestos is too dangerous to be used by industrialized countries that have worker safety programs and environmental protection laws, it is surely too dangerous to be exported to developing nations, like India, that have lax workplace safety standards.

The Rotterdam Convention

In 1989, prompted by concerns over the potential risks to human health and the environment posed by the international trade in certain hazardous chemicals and pesticides, the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations jointly formed a voluntary "Prior Informed Consent" (PIC) procedure. In 1992, the Rio Earth Summit called for the adoption of the PIC as a legally binding instrument. This instrument became the **Rotterdam Convention on the PIC Procedure** (Rotterdam Convention Secretariat 2008). Canada ratified the agreement in 2002 as one of the Convention's founding parties, and by 2004 the Convention had received sufficient signatories to enter into force.

Annex III of the Rotterdam Convention (the PIC List) currently contains 41 pesticides and chemicals, including all forms of asbestos except chrysotile (Rotterdam Convention Secretariat 2008). Parties to the Convention are not banned or restricted from using or producing any chemical listed in Annex III; the Convention's provisions come into force only when a party wishes to export the chemical. The exporting party is legally required to provide the government of the importing nation with sufficient information to enable an informed decision on managing the trade and use of the chemical. The exporting party must clearly label the product and must receive explicit permission from the government of the importing nation before shipment.

The Rotterdam Convention includes a Chemical Review Committee (CRC) whose members are chemical management experts. It is the CRC that recommends the addition of a chemical to the Annex III PIC List, or its removal. The final decision requires a unanimous vote of the parties present at a Conference of the Parties (COP); thus, any party to the Convention present at a COP can prevent the inclusion of a chemical on the PIC List.

There have been four separate attempts (COPs 2003, 2004, 2006 and 2008) to include chrysotile asbestos in Annex III, as recommended by the CRC; Canada has blocked each of these attempts. At the latest COP, held in October 2008, 120 of the 130 signatory countries supported the addition of chrysotile asbestos to Annex III. Once again, Canada vetoed action on the recommendation, this time supported by India, Kyrgyzstan, Kazakhstan, Vietnam, Ukraine, Pakistan and the Philippines – all countries with a vested commercial interest in chrysotile asbestos. The next meeting (COP5) of the Rotterdam Convention will be held in 2011.

Canada's Current Position on Chrysotile Asbestos

Canada is among the top five nations still producing and exporting chrysotile asbestos. Quebec is the only province in which chrysotile asbestos is mined, and there is only one mine currently in production. China has recently discussed an investment of \$40 million to complete an underground expansion of the Jeffrey Mine in return for a 50-year lease (Ruff, 2009, Oct.16). Although the industry employs fewer than 500 people in Canada, it receives extensive direct and indirect support from the Governments of Canada and Quebec, including funding of the Chrysotile Institute (formerly called the Asbestos Institute). The Chrysotile Institute seeks to expand the mining and use of chrysotile asbestos in Canada, and actively advertises and promotes its use in the developing world (OAG 2007; OAG 2008). The Chrysotile Institute claims that chrysotile asbestos is less dangerous than other forms of asbestos and that it can be handled safely (Chrysotile Institute, undated).

Although the Government of Canada acknowledges that all forms of asbestos, including chrysotile, are carcinogenic, it insists that its controlled-use approach, which relies on regulations to reduce occupational exposure to acceptable levels, is effective (OAG, 2007). In 1997, the Government of Canada and asbestos producers signed a memorandum of understanding stating that producers would supply chrysotile asbestos only where "regulations, programs and practices equivalent to Canada's are in place" (OAG 2008). The Chrysotile Institute and the Government of Canada both claim that Canadian producers only export to companies that use chrysotile in a manner that is consistent with Canada's controlled-use approach, but that importing governments are responsible for enforcing regulations and Canadian producers cannot act as inspectors (OAG 2007). The Government of Canada does not know if any company in Canada has ever refused to export to countries without adequate worker safety procedures (OAG 2008).

Canada's controlled-use position presupposes that importing nations have the knowledge, desire and means to monitor and control the handling of asbestos, but the sad truth is that the governments of many developing nations do not or cannot enforce acceptable standards of safe asbestos handling. Video clips produced by independent journalists show raw Canadian asbestos fibre being handled by workers in India, using bare hands and no masks while asbestos dust floats visibly in the air (Fung 2009, Daubs 2008). The premise that it is possible for **any** nation to handle asbestos safely has been strongly disputed. The World Health Organization issued its call for a ban on the mining and use of all forms of asbestos precisely because it believes the risks cannot be controlled by technology or the regulation of work practices: "Continued use of asbestos cement in the construction industry is a particular concern, because the workforce is large, it is difficult to control exposure, and in-place materials have the potential to deteriorate and pose a risk to those carrying out alterations, maintenance and demolition" (WHO 2006). Even Canada, with all its knowledge and resources, has a poor record of protecting those who are exposed to asbestos through renovations and its removal and disposal (Bitonti, 2009).

Canada's promotion of the use of chrysotile asbestos, and its continued export to developing nations, are a source of conflict between Canada and the international community. Canada has previously initiated challenges to France's ban of chrysotile asbestos with the World Trade Organization and contested a U.S. ban through the U.S. Courts. Canada lost both its initial challenge, and its appeal, of France's ban, but won its

lawsuit in the U.S. (Bitonti, 2009). Canada's continued defiance of the CRC's recommendation, and its opposition to the will of the vast majority of Convention parties to add chrysotile asbestos to Annex III, undermine the future viability of the Rotterdam Convention. This intransigence also diminishes the relatively strong moral voice that Canada had earned from its past leadership on issues of international human rights (Liotard et al, 2006).

Adoption of This Resolution Would Put CFUW in Good Company

The Canadian Cancer Society (CCS) states that all forms of asbestos cause cancer; recommends that the federal government phase out its use and export; and calls for the inclusion of chrysotile asbestos on the Rotterdam Convention's PIC List (CCS 2009). The Institut national de santé publique du Québec has stated that the claim of "safe controlled use" of chrysotile asbestos in Quebec is a myth; that the province's "safe level" of exposure is 10-100x more lenient than in Europe and the US; and has advocated against the Quebec government's policy of promoting the use of chrysotile asbestos (Dobbin 2009). The Canadian Medical Association has adopted a policy calling upon the federal government to eliminate the use and exportation of chrysotile asbestos (Rabson, 2009; Attaran *et al* 2008).

With the adoption of this resolution, CFUW would add its voice to the growing chorus of organizations and individuals opposed to the use and export of chrysotile asbestos. With this policy in place, CFUW could advocate for the passage of Bill C-399, which calls for the amendment of the Canadian Environmental Protection Act (CEPA 1999) to prohibit the mining and export of asbestos. CFUW could also press the Canadian government to do the right thing at COP5 in June 2011, where chrysotile asbestos will once again be under consideration for inclusion to Annex III. The time is right for CFUW to take action to prevent further human tragedy associated with asbestos use.

Canada's International Responsibilities - It's Not Just about Asbestos

Canada's position on chrysotile asbestos and the Rotterdam Convention is an egregious example of the harm that we can do other nations, and to our international reputation, when we allow self-interest in trade to interfere with the goal of protecting human health and the environment. The Rotterdam Convention is just one such agreement. Others include the Montreal Protocol on Substances that Deplete the Ozone Layer; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Stockholm Convention on Persistent Organic Pollutants. The United Nations Environmental Programme (UNEP) works to influence decision making in partnership with international organizations, governments, business and industry, and non-governmental organizations under the framework of these and other international conventions (UNEP 2007).

CFUW needs this policy to enable us to advocate for government action and policies that protect the health and environment of Canadians and our global community, and to demand that Canada's government meet its responsibilities under these and other international agreements.

BIBLIOGRAPHY

- Attaran, A., Boyd, D.R. & Stanbrook, M.B. (2008). *Asbestos mortality: a Canadian Export*. Canadian Medical Association Journal 179 (9) 871-872. Retrieved December 20, 2009 from <http://www.cmaj.ca/cgi/content/full/179/9/871>
- Bitonti, C.P.H. (2009). *Abstract: Exporting ignorance: Canada's opposition to the regulation of the international chrysotile asbestos trade under the Rotterdam Convention*. Asper Review of International Business and Trade Law, 9, 2009. Retrieved Nov 29, 2009 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1418075
- Canadian Cancer Society (13 December 2009). *Asbestos*. Retrieved December 18, 2009 from http://www.cancer.ca/Canada-wide/Prevention/Specific%20environmental%20contaminants/Asbestos.aspx?sc_lang=en
- Canadian Environmental Law Association (2008). *Environmental, Women's, Labour and Health Groups around the World call for Action to save the Rotterdam Convention*. Retrieved Nov. 11, 2009 from <http://www.cela.ca/newsevents/media-release/environmental-womens-labour-and-health-groups-around-world-call-action-save>
- Chrysotile Institute (undated). *Safety in the Use of Chrysotile*. Retrieved Nov. 29th, 2009 from http://www.chrysotile.com/data/Safety_use_Chryso-A_VF.pdf
- Daubs, Katie (2008, October 23-24). *Canada's Asbestos Time Bomb*. Ottawa Citizen. Retrieved Nov. 29, 2009 from <http://www2.canada.com/ottawacitizen/features/asbestos/index.html>
- Dobbin, Murray (2009). *Banning asbestos exports: the value of tilting at windmills*. Rabble.ca Oct 8, 2009. Retrieved Nov. 29, 2009 from <http://www.rabble.ca/news/2009/10/banning-asbestos-exports-value-tilting-windmills>
- Environment Canada (2006). *Rotterdam Convention*. Retrieved December 9, 2009 from http://www.ec.gc.ca/international/multilat/rotterdam_e.htm#add
- Fung, Melissa (2009, June 11). *Canada's Ugly Secret*. The National, CBC. Retrieved February 3, 2009 from http://www.cbc.ca/video/#/News/TV_Shows/The_National/Health/ID=1304445584
- International Labour Organization (2006). *Follow-up to resolutions adopted by the 95th Session (2006) of the International Labour Conference and other matters arising. Resolution concerning asbestos*. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_3_1_en.pdf
- Liotard, K., et al., (2006). *Chrysotile asbestos: Hazardous to Humans, Deadly to the Rotterdam Convention*. The Building & Woodworkers International and the International Ban Asbestos Secretariat (2006). Retrieved Nov. 29, 2009 from <http://www.bwint.org/pdfs/chrysotileasbestos.pdf>

Mittelstaedt, Martin (2009, December 13). *Quebec officials speak out against asbestos*. Right on Canada. Retrieved January 29, 2009 from <http://www.rightoncanada.ca/?p=415>

Office of the Auditor General of Canada (2007). *Canada's policies on chrysotile asbestos exports. Petition No. 179. Reply*. Retrieved Nov. 29, 2009 from http://www.oag-bvg.gc.ca/internet/English/pet_179_e_28915.html

Office of the Auditor General of Canada (2008). *Canada's use and export of chrysotile asbestos exports. Petition No 226. Reply*. Retrieved Nov. 29, 2009 from http://www.oag-bvg.gc.ca/internet/English/pet_226_e_30172.html

Rabson, Mia (2009). *Anti-asbestos vote buoys MP Martin: Doctors want it designated dangerous*. Winnipeg Free Press Dec 1, 2009. Retrieved Nov. 29, 2009 from <http://www.winnipegfreepress.com/local/doctors-want-it-designated-dangerous-anti-asbestos-vote-buoys-mp-martin-53929967.html>

Rotterdam Convention Secretariat (2008). *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade: Text and Annexes*. Retrieved December 14, 2009 from <http://www.pic.int/en/ConventionText/ONU-GB.pdf>

Ruff, Kathleen (2009, October 5). *Quebec's asbestos consensus crumbles*. The Star, (Toronto edition). Retrieved Nov. 29, 2009 from <http://www.thestar.com/news/quebec/article/704763--Quebec-s-asbestos-consensus-crumbles>

Ruff, Kathleen (2009, October 16). *A deadly industry that is about to die*. Ottawa Citizen Oct. 16, 2009. Retrieved Nov. 29, 2009 from <http://www.ottawacitizen.com/opinion/deadly+industry+that+about/2112340/story.html>

Shannon, E. (2009). *Public Health Association calls for Asbestos Ban*. Retrieved November 17, 2009 from <http://www.enviroblog.org/2009/11/american-public-health-calls-for-asbestos-ban.html>

United Nations Environment Programme (UNEP) (2007). *Trade-related Measures and Multilateral Environmental Agreements*. Retrieved February 2, 2010 from http://www.unep.ch/etb/areas/pdf/MEA%20Papers/TradeRelated_MeasuresPaper.pdf

World Health Organization (WHO) (2006). *Elimination of asbestos-related diseases*. WHO/SDE/OEH/ 06.03 Sept. 2006. Retrieved Nov. 29, 2009 from http://www.who.int/occupational_health/publications/asbestosrelateddiseases.pdf

