

CELEBRATING THE ASBESTOS BAN IN CANADA: AND WHERE TO GO FROM HERE

Alec Farquhar, Coordinator, Asbestos Free Canada

October 16, 2020

Occ-Tober webinar series

A historic moment in Canadian history

- Workers and members of the public have been hard hit by more than a century of asbestos exposure in Canada and around the world. Current estimates are that from 107,000 to 222,000 people are now dying annually worldwide from asbestos diseases. This includes from 2000 – 4000 Canadians; with an estimated annual cost to the Canadian economy of over \$2.3 billion based on the low end figure. The bulk of the exposures have been occupational.
- In Canada and most of the developed world, we are now at or perhaps past the peak of deaths. This is because the highest level of exposures happened several decades ago and many of the cancers, especially mesothelioma, have very long latency.
- After a 40 year struggle, a crucial breakthrough came at the Building Trades convention in May 2016 when Prime Minister Justin Trudeau committed to an asbestos ban. As of December 30, 2018, his government delivered. For people like me, who have been involved since the early 1970s, it was an almost unimaginable moment considering the barriers we faced over 40 years ago.

Objectives

- Provide an overview of how we achieved the Canadian ban on asbestos
- Identify the challenges we faced and the strategies we developed
- Look toward the future

The context and history of the campaign for an asbestos ban

- Canada (and within Canada, mainly Québec) was the first global scale asbestos producer, beginning in the 1880s. By some estimates over half of the asbestos ever used in the world came from Québec. Another way to see this is that Canadian asbestos has killed many thousands of people around the world.
- So our campaign for an asbestos ban ran head-on into powerful historical, political and economic realities in Québec. This meant that while we never gave up on a national ban, for many years most efforts were at the provincial level.

Context and history - 2

- Provincial level campaigns, generally led by the labour movement and asbestos disease victims and their families, and growing public awareness, combined with the growing economic costs and risks of using asbestos, have led to major reductions in use in Canada since the 1980s.
- Internationally, the remaining asbestos industry has been led by Russia, which exports primarily to Asia, where asbestos is still used extensively for asbestos cement roofing and other products.
- In recent years, the main uses in Canada have been brake pads and asbestos cement water and drain pipes. These products were legal until 2018.

Context and history - 3

- In addition, a lot of asbestos remains in place in buildings and in the broader environment. CAREX Canada estimates that around 150,000 Canadian workers are still exposed to asbestos, with construction workers the most important group. Exposures occur in older schools, hospitals and other institutional buildings; along with residential settings. And there are significant exposures during waste disposal, where asbestos may be included (often illegally) in the ordinary waste stream.
- Major progress has been made since the 1980s in workers' compensation and occupational health and safety regulation, but little progress until recently on a national ban.

Results of provincial and local campaigns

- Most provinces had campaigns, sometimes at the individual workplace and union level, sometimes at the provincial level, for improved exposure prevention and lower occupational exposure limits for asbestos. These were quite successful.
- We also campaigned for workers' compensation for asbestos related diseases, especially mesothelioma and lung cancer.
- There were campaigns and fundraising as well for asbestos disease health care, as well as for occupational health services and advocacy services for asbestos disease victims. These campaigns were often focused locally, in Sarnia, Hamilton and other centres with extensive exposures. OHCOW played a very major role in all of this.

Results - 2

- 1993 – approval of schedule 4 to the *Workers' Compensation Act* (now *Workplace Safety and Insurance Act*) in Ontario. Irrebuttable presumption of work relatedness for asbestosis and mesothelioma. This has facilitated compensation to many workers and families facing the devastating consequences of preventable asbestos exposure.
- Steady reduction of the occupational exposure level for asbestos.
- 2005 – **Ontario Regulation 278/05, Asbestos on construction projects and in building and repair operations.** This and previous regulations have provided a framework which has resulted in proper remediation of asbestos hazards in many major exposure situations. Not so much on smaller projects.
- Similar measures have been undertaken in other Canadian provinces and at the federal level.

Results - 3

- In the late 1990s, due to extensive public pressure and media coverage, resources were given by the Harris government to Ontario's network of occupational health clinics (OHCOW) and Office of the Worker Adviser to deal with asbestos cases in Sarnia, Ontario, the most significant location of asbestos exposure. Funds were even provided to unions to participate in the partnership on behalf of the victims. This resulted in detecting more than 400 lung cancers and mesotheliomas in Sarnia.
- Additional resources to address other asbestos disease clusters across Ontario.
- Funding for mesothelioma programs at Toronto's University Health Network Hospital and at the Ottawa Hospital. Additional funding for the UHN program from building trades unions, employers and the Canadian Mesothelioma Foundation. Centres of excellence have also developed in other provinces of Canada.
- Ongoing screening initiatives to improve detection of asbestos related cancers.

Growing support for a national ban

- From the 1970s to the present time, support for a ban steadily increased. This has been a complex process, especially in Canada's federal system of government where important responsibilities for occupational exposure regulation rest with the provinces and territories.
- Asbestos victims and families, working with the media and social partners, played a large role in increasing public awareness. It would be impossible to list all of those who contributed, but one of the most important has been Sandy Kinart of Sarnia. Her courageous husband Blayne allowed graphic photos of his journey with mesothelioma to be taken by Louie Palu and shared with Canadians in the Toronto Globe and Mail early in the 2000s. This moved many to support a ban. This was a turning point.
- <https://louiepalu.photoshelter.com/portfolio/G00001mngF7ol.5w>
- Sandy remains very active. Tragically, Blayne's brother Harold died of mesothelioma in 2018.

Support for a ban - 2

- The stories of victims drew support from a broad range of social partners. This included unions at the forefront, especially the building trades, auto, chemical, education and public sector workers whose members were grievously affected.
- Support also came from health professionals, political parties and individual Members of Parliament and Provincial Legislatures. This support was often across party lines. Some politicians such as Pat Martin (NDP) and Chuck Strahl (Conservative) had been personally exposed. Environmental, public health and First Nations organizations were important allies. A number of employers were supportive.
- Many Canadians were ashamed that our asbestos was being exported to other countries such as India and used in appalling conditions. Canadian film-makers and journalists travelled to these countries to document all of this. This helped to win support from those who cared about Canada's international profile.
- The end result was a growing public consensus that Canada had to take action.

Canada moves toward a ban - 3

- By 2015, support was increasingly mainstream. Following a major round of new coverage of asbestos disease, editorials appeared in our two national newspapers:
- **Toronto Globe and Mail** – July 2015 – “The next logical steps are a ban on asbestos and a comprehensive plan for its safe removal from homes, schools, office buildings and cars.”
- **Toronto Star** – July 2015 – “Providing accurate warnings is a useful first step. But what’s really needed is a total ban, coupled with a national asbestos removal program.
- Thus the stage was set for our national elections in October of 2015, which brought Pierre Trudeau’s son Justin and his Liberal Party to power. In May of 2016, in a historic announcement in Ottawa at the Building Trades convention, Justin Trudeau committed to ban asbestos in Canada.

Some lessons from asbestos activism

- Stories from asbestos victims and family members in Canada and internationally have been a crucial element throughout. This put a human face on the issues.
- The international and national dimensions of the struggle were mutually supportive. Asbestos, which in Canada affected mainly white working class workers in the first wave of exposures, was also an early example of environmental racism as the industry shifted its marketing to Asia, where toxic exposures often affected vulnerable populations the worst.

Lessons - 2

- Within the labour movement, the asbestos issue has attracted support from the full range of labour organizations, including the building trades as well as the industrial, education and public service unions. This included unions which may not work together on other issues.
- Important employers stepped up and joined our efforts.
- A diverse community of activists has developed since the 1970s across Canada. This has provided a context within which newly affected people could quickly find their place and bring new energy. Journalists and film makers helped focus and dramatize the issues.
- Public health officials, health researchers and health professionals played an important continuing role.

Lessons - 3

- Relationship building over the long term with the media, public health, government regulators, elected politicians, political parties and other key players, paid off. Many government officials and politicians have played important roles at various key moments.
- We succeeded in our vision of making the asbestos issue a “big tent”, attracting broad support from the public versus being seen as a narrow labour and asbestos victim issue. Just for example, a visit to Ontario in April 2019 by a delegation from Italy’s epicentre of asbestos exposure, Casale Monferrato, was hosted by the official organizations and charities of the Italian Canadian community and featured a reception addressed by the Italian Ambassador and the Mayor of Toronto.

Canadian Asbestos Ban Regulation

- The [*Prohibition of Asbestos and Products Containing Asbestos Regulations \(the Regulations\)*](#) and the related amendments to the [*Export of Substances on the Export Control List Regulations*](#) (ESECLR Amendments) came into force on December 30, 2018.
- The regulations prohibit the import, sale, and use of asbestos, and the manufacture, import, use and sale of products containing asbestos of all types, including chrysotile.
- There are exclusions, particularly around remediation of the 800 million tonnes of mining residues in Quebec. Processing into magnesium is an option which has raised significant concerns. Asbestos Free Canada and other organizations have called for a rigorous environmental and occupational health review, including ensuring a safe occupational exposure level (Québec's OEL has been 10 times higher than the rest of Canada). The Quebec government launched a commission of enquiry in November 2019. It reported in July 2020, including a recommendation to lower the occupational exposure level.

Where does Canada go from here?

- The partners which have worked towards a ban are now advocating for a comprehensive asbestos strategy for Canada, led by a national agency (similar to Australia's) responsible for implementation. Our coalition is called Asbestos Free Canada.
- The proposed strategy includes:
- A registry of all current exposure locations, with related risk assessments and plans for safe maintenance, remediation and ultimate removal of that asbestos.
- Protection of the public and workers in asbestos remediation, including safe and environmentally sound disposal of asbestos wastes. This includes a move towards the lowest possible occupational exposure levels.
- A registry of Canadians exposed to asbestos and their health status, linked to the location registry, to support screening and early medical intervention to minimize health impacts. This should include a specific registry for mesothelioma victims.

Where does Canada go from here - 2

- A mesothelioma health network, to ensure the best possible research and innovation in health care, including collaboration and support to other affected countries. This includes the proposal that Canada, whose asbestos has caused so much of the world's mesothelioma, become a world leader in funding research into the early detection and treatment of this dreaded disease.
- Support for transition for affected businesses, workers and communities. This will most significantly involve the challenging situation in the former asbestos mining centres in Québec and grappling with the proposal to extract magnesium.
- Research and innovation on safe alternatives to asbestos.
- Support for a global ban on asbestos, including support for listing chrysotile asbestos under the Rotterdam Convention.

What kind of collaboration will this require?

- It should remain a big tent movement, including the whole labour movement, public health and environmental organizations and asbestos victims and their families. It should include the many employers who wish to do the right thing.
- The next phase will likely not be as dramatic but will be challenging. There are many challenges facing the federal and provincial governments, and it will be important to integrate and align our efforts on asbestos with broader initiatives such as infrastructure renewal and a broad focus on occupational and environmental exposures. We need to position this within the context of COVID19 recovery.
- It will be important to highlight the worst current exposure situations, which will often be to vulnerable populations, including First Nations, living or working in older buildings with unremediated asbestos.
- Consensus based standards through the Canadian Standards Association would be an important first step toward a consistent approach to asbestos management and remediation across the country.

Where we go from here - 2

- Government programs and funding will be important, so that asbestos remediation is integrated with infrastructure renovation and renewal. Homeowners in particular should not be left with the responsibility of remediating asbestos entirely at their own expense. But we will have to be very strategic about resources – with a long term strategy such as in Australia, we can find a cost-effective focused approach.
- As with other types of toxic remediation and disposal, vigilance at the workplace and community level will be important. The people on this webinar can play a major role.
- We also need to use the awareness generated by the asbestos ban to help ensure the prevention of future exposures to other hazardous substances – such as nano-particles, silica, polymerized sand, high tech ceramics and many new chemical hazards.
- Gradually, as we make progress on asbestos, asbestos activism will likely merge into broader environmental and occupational health and safety struggles.

Thank you to all those who have contributed to winning a Canadian ban on asbestos!

- This has been a generations long struggle which at the beginning seemed absolutely hopeless.
- Thank you to the generations of asbestos victims, families, unions, employers, physicians, public health officials, researchers, journalists, elected officials, regulators and all others who have helped bring us to this historical moment in Canada!
- A special thank you to everyone here, including many who have shared the difficult journey of mesothelioma patients, striving to give them improved outcomes.
- We have much to learn from the experience of other countries, such as Australia, as we embark on the next phase of our journey to deal with the legacy of asbestos both in Canada and the rest of the world.