

Rotterdam Convention: 3rd Time Lucky?

by Laurie Kazan-Allen, Coordinator
the International Ban Asbestos Secretariat

As international momentum grows for a worldwide ban on asbestos, global asbestos pushers are, even now, finalizing their defensive strategy to prevent the listing of chrysotile as a toxic substance under the Rotterdam Convention. Having succeeded in blocking United Nations recommendations on two previous occasions, there is little doubt that asbestos stakeholders will repeat their obstructive behaviour at the Conference of the Parties to the Rotterdam Convention to be held in Geneva in October 2006.¹

Much has changed, however, since the pro-asbestos lobby's last attempt to stonewall the listing of chrysotile under the PIC protocol.² On April 28, 2006, International Workers' Memorial Day, trade unions highlighted the urgent need for a global asbestos ban; at demonstrations, rallies, information sessions and marches all over the world this issue was given the highest priority. Simultaneously, support for labor's demands to ban asbestos were forthcoming from other sectors of civil society, including asbestos victims' associations, community groups, international bodies and politicians from 42 countries who issued a petition stating:

“In the spirit of humanity and equality, we declare that each human being has the right to live and work in a healthy environment. It is not acceptable that a substance which is too harmful to be used in the European Union is used in Asia, Africa and Latin America; it is not acceptable for an industrialized country to dump asbestos-contaminated ships in a developing country. A global asbestos ban is the first step in the campaign to rid humanity of the threat it faces from asbestos. As Parliamentarians we will endeavour to lobby national governments, regional and international bodies and work with international labor, NGOs, groups representing asbestos victims and others to secure a global ban. The time for action is now!”

On May 5, 2006, a letter written by a Senior Official from the World Health Organization (WHO) confirmed a huge shift in the organization's position. Whereas formerly the WHO's focus on asbestos was directed “towards assessment of the health risks of different types of asbestos and substitutes,” the WHO has now concluded that:

1. all types of asbestos cause asbestosis, mesothelioma and lung cancer;
2. there is no safe threshold level of exposure;
3. safer substitutes exist;
4. exposure of workers and other users of asbestos-containing products is extremely difficult to control;
5. asbestos abatement is very costly and difficult to carry out in a completely safe way.

This Summer, the WHO began a consultation exercise on a draft policy paper on the elimination of asbestos-related diseases; the objective of this policy being

“to integrate the conclusions of risk assessments of asbestos carried out under the auspices of WHO, to outline the magnitude of the problem of asbestos-related diseases and to provide general recommendations for their elimination through regulatory, engineering and medical interventions.”³

Simultaneously, the International Labor Organization announced plans to tackle the global nature of the asbestos problem with Dr. Jukka Takala, Director of the ILO’s SafeWork Programme saying:

“Asbestos is the most important single factor causing death and disability at work, some 100,000 fatalities a year... There is no ‘safe use’ of asbestos... the ILO should have a campaign of its own to eliminate future use of asbestos, and properly manage asbestos in place today...

The task is now to increase the number of countries that have already eliminated future asbestos use from the present 40 countries to at least 100 in the coming 10 years. This should certainly reduce the asbestos use radically. The priority order is to concentrate on the present biggest producers, importers, and users of any kind of asbestos.”

On June 14, 2006, the ILO adopted a Resolution Concerning Asbestos which stated:

“the elimination of the future use of asbestos and the identification and proper management of asbestos currently in place are the most effective means to protect workers from asbestos exposures and to prevent future asbestos-related disease and deaths...”

The WHO and the ILO have joined a rapidly expanding list of international organizations, including the World Trade Organization, the Collegium Ramazzini, the European Union, the United Nations and the World Bank, that have recognized the tragic impact asbestos has had on human health. Europe is all too familiar with the tragic repercussions of widescale asbestos use. Weeks before statistics detailing a 15% rise in the incidence of asbestos-related disease⁴ in France were announced, the French Government called for a global asbestos ban. Junior Employment Minister Gerard Larcher told a meeting of delegates from the ILO’s 178 member states:

“France strongly urges the International Labour Organization to host a far-reaching debate with a view to rapidly ending the use of this material which has caused a major catastrophe.”⁵

On previous occasions, there was little doubt that Canada orchestrated the opposition to the inclusion of chrysotile on the PIC list. On May 23, 2006, the Parliamentary Secretary to the Canadian Minister of Natural Resources, Christian Paradis, reaffirmed Canada’s entrenched position vis-à-vis chrysotile, saying: “It is the position of the Government of Canada not to list chrysotile under the Rotterdam Convention.”⁶ In his speech to an

asbestos industry conference organized by the Chrysotile Institute, Paradis said that his Government did: “NOT promote the sale of this fibre... the Government promotes the safe use – and NOT the sale – of chrysotile.” And yet, in early 2006, the Canadian High Commission in Johannesburg expressed concern about the South African Government’s proposed asbestos ban which could impact adversely on asbestos markets worth \$5 million in Africa.⁷ That such a high-level Canadian official attempted to interfere in a sovereign country’s legislative process, citing the rules of the World Trade Organization, is not part of the diplomatic remit but is most definitely the behavior of a traveling salesman. In March 2006, the Canadian embassy in Jakarta donated the sum of \$4,000 to a local trade association, the Indonesian Association of Cement-Fibre Producers, for an industry-run pro-asbestos show event. Is this generosity an expression of diplomatic beneficence or yet another commercial decision?

To add insult to injury, in his speech Paradis also emphasized the humanitarian reasons for Canada’s leadership of the pro-chrysotile lobby:

“Because of this work – because of Canada applying safe-use principles on an international level – facilities in many countries now have fibre concentrations as low as the ones I just cited for mines in Quebec.

And today, countries such as Brazil, Russia, China and India look to Canada for continued cooperation in promoting the safe use of chrysotile.

One must wonder, if Canada had not stepped up to the plate in 1984, who else at the time would have done so? And what might have been the consequences of Canada’s inaction?

We will continue to step up to the plate to face challenges such as those (sic) within the European Union who see commercial advantage in having chrysotile listed under the Rotterdam Convention...”

In years gone by, Canada’s support for the asbestos industry had gone virtually unnoticed by the Canadian public. They were not asked and were certainly not told of their Government’s generosity to the asbestos industry; since 1984, Ottawa has spent \$20 million supporting the Chrysotile Institute (CI), the asbestos industry’s trade association; the current level of federal funding for the CI is \$250,000 a year. In the bad old days, the asbestos industry had a monopoly of media coverage on the asbestos issue; recently, journalists in Canada’s English-speaking press have begun to investigate the close ties between the industry and Government. On August 25, 2006, Journalist Martin Mittelstaedt’s article *Ottawa Weighs Renovation of Third World Asbestos Policy*, which appeared in the *Globe and Mail*, exposed the hypocrisy of a country which no longer uses much asbestos flogging it to developing countries where it “is added to cement to make durable building materials, such as the roofing and wall boards commonly used in shantytowns and similar housing,” despite the fact that exposure to asbestos causes a range of deadly diseases. When Mittelstaedt interviewed Gary Nash, Assistant Deputy Minister at Natural Resources, he was told that the government does not promote the sale

of asbestos but rather encourages its “safe use.” “Canada is,” said Nash “performing a vital public-health service by encouraging safer asbestos use... Would you expect Kazakhstan to do it? Would you expect Brazil to do it? Who would you expect to do it, other than Canada.”

It could be argued that Nash has a vested interest in the financial viability of the asbestos industry; he was, after all the Founding President/Chief Executive Officer of the Asbestos Institute (now known as the Chrysotile Institute). In a memo referred to in the Mittelstaedt article, Nash petitioned the Canadian Government to continue its funding of the CI beyond the March 31, 2007 deadline, warning that failure to do so could seriously destabilize the fragile Canadian federation by upsetting voters in Quebec, the only Province still producing asbestos.

In light of Ottawa’s pro-asbestos bias, the statements by Paradis and Nash and Canadian opposition to the listing of chrysotile, it seems more than likely that the Canadian veto will once more be a feature of the discussions at the upcoming conference on the Rotterdam Convention. Canada’s self-serving behavior on asbestos contrasts badly with progressive steps being taken in the European Union (EU). On January 1, 2005, the new uses of all forms of asbestos were banned throughout all 25 Member States. On September 1, 2006, an initiative is being launched by the EU Commission and the Senior Labor Inspectors Committee to further minimize hazardous asbestos exposures of EU workers and the public:

"The campaign will be uniformly conducted in all Member States and focus on the removal work of weakly-bonded asbestos, the maintenance and removal work of asbestos cement and other tightly-bound asbestos products, and on the disposal of waste. The main target groups of the campaign are employers, employees and labour inspectors."⁸

In July 2006, the elimination of asbestos use was a key objective of the resolution adopted by delegates at the Asian Asbestos Conference in Bangkok. Representatives from asbestos-consuming developing countries agreed that a substance too hazardous for use in the developed world should not be used in their countries. Strategies for phasing out asbestos use were discussed and plans are on-going for future programs to protect Asian workers and societies from the scourge of asbestos. Placing chrysotile on the Prior Informed Consent List of the Rotterdam Convention would be a major step towards achieving this goal. By continuing its opposition to the listing of chrysotile, Canada could fatally undermine the viability of a multilateral environmental agreement designed to protect vulnerable populations from hazardous chemicals. Even Canadian MP Christian Paradis admits the Rotterdam Convention “provides a useful mechanism for information exchange for substances for which information might not otherwise be accessible, and for helping countries build capacity in controlling these substances.” Isn’t it time for Canada, a country jealous of its international reputation, to take that first step towards rehabilitation; supporting the listing of chrysotile would be a start.

¹ Smith C. *Don't Ask, Don't Tell? Preventing Information Exchange Increases the Risks of Chemical Exposures*. Int J Occup Environ Health. Jul/Sept 2006;12,3.

² The listing of a chemical does not amount to a ban; it requires that appropriate information is provided so that importing countries can make informed decisions on whether or not they can safely manage designated chemicals.

³ http://www.who.int/occupational_health/publications/asbestos_policy/en/index.html

⁴ On July 11, 2006, Ban Asbestos France published data on the number of cases of asbestos-related occupational disease which were diagnosed: 6134 in 2003 and 7071 in 2004.

⁵ Agence France-Presse. *France Calls for Worldwide Asbestos Ban*. June 5, 2006.

⁶ Notes for a Speech by Christian Paradis, MP. May 23, 2006.

http://www.nrcan-rncan.gc.ca/media/speeches/2006/200607_e.htm

⁷ Mittelstaedt M. *Ottawa Weighs Renovation of Third World Asbestos Policy*. The Globe and Mail. August 25, 2006. <http://www.theglobeandmail.com/>

⁸ Press Release:

<http://www.ttl.fi/Internet/English/Information/Press+releases/Asbestos+is+deadly+serious+prevent+exposure+warns+the+new+European+Asbestos+Campaign.htm>

European Asbestos Campaign 2006 website:

http://ec.europa.eu/employment_social/health_safety/slic_en.htm