

"The facts will eventually test all our theories, and they form, after all, the only impartial jury to which we can appeal."

Louis Agassiz

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NOTES FOR AN ADDRESS

BY

THE HONOURABLE MARCEL MASSE

M.P. FOR FRONTENAC

MINISTER OF ENERGY, MINES AND RESOURCES

TO THE 11TH INDUSTRY-GOVERNMENT CONFERENCE OF THE
ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA (AIA/NA)

ALEXANDRIA, VIRGINIA

SEPTEMBER 16, 1986

As delivered

1. Introduction

Thank you, Mr. Chairman. Good afternoon, ladies and gentlemen.

I am pleased to have this opportunity to address the 11th Industry-Government Conference of the Asbestos Information Association, North America.

This meeting brings together representatives from many groups with a compelling interest in asbestos — the scientific community, the labour movement, government regulatory agencies, and the industry itself.

The conference has proven to be a valuable forum for the exchange of findings and opinions on the important issues which affect the asbestos industry on this continent, and indeed, throughout the world.

As Minister of Energy, Mines and Resources Canada and the Member of Parliament for the Quebec riding of Frontenac, a centre of asbestos industry activity, I have a special interest in the future of asbestos.

It is a future to which the Government of Canada is now firmly committed.

2. Message

Clearly a major turning point in the global debate over asbestos has been reached. For the Government of Canada, it occurred in late June, when the International Labour Organization Conference in Geneva agreed upon a convention supporting the controlled use of asbestos over an outright ban.

The ILO convention did not come as a surprise to Canada, but it did come as a welcome endorsement of a position we have held for years. Our position is this: that the mining, processing, transportation, handling and manufacturing applications of chrysotile asbestos pose no undue risks to workers or the general public if regulations setting low level exposure limits are properly enforced.

The vast majority of governments and international institutions have come to similar conclusions. The notable exception, of course, is the Environmental Protection Agency in the United States.

Canada remains a strong advocate of the responsible use of asbestos. We have powerful scientific evidence — evidence gathered on two continents — which concludes that chrysotile asbestos can be used safely under controlled conditions. We believe that this unique mineral still has much to contribute to the life and industry of the world.

3. Background

Canada has had more than one hundred years' experience with asbestos. At one time we were the world's largest producer of the mineral. In the 1970s the Soviet Union surpassed Canada in output, but we remain the world's largest exporter. Indeed, Canadian exports account for some 50 per cent of the Free World's asbestos requirements. We are proud of that fact.

Canadian and American asbestos interests are closely linked. In 1985 the United States imported about 42 million U.S. dollars worth of raw asbestos fibre from Canada, while Canada imported from the United States some 22 million U.S. dollars worth of products containing asbestos. These are not big numbers in terms of the total trade which takes place between our two countries. But their impact upon Canada is significant.

We could easily double the amount of asbestos we now produce, an amount which was valued at almost \$300 million American dollars in 1985. However, concerns over health and regulation, coupled with the effects of the recession, have led to a decline in our American and European markets in recent years.

Since Canada exports 95 per cent of its asbestos fibre production, the decline has had severe results. More than half of our industry's labour force is on permanent or temporary layoff.

The Canadian asbestos industry and Canadian asbestos workers support strongly the Government of Canada's efforts to promote the controlled and safe use of this important commodity.

Our common challenge is to transform health and regulatory doubts about the use of chrysotile asbestos into widespread awareness and acceptance of the controlled use principle. Canada is not promoting this approach solely because of our economic interest in this commodity. We are promoting this approach because it is scientifically sound.

We are committed to asbestos because it is a valuable commodity that can be used safely. We have the hard evidence to prove it.

4. Current Situation

It has been three years now since the U.S. Environmental Protection Agency announced its intention to propose rulemakings to ban and phase out the use of asbestos. This protracted EPA threat to asbestos use in the United States — which intensified in late January with the issuance of formal proposals to ban asbestos — has had a negative impact on asbestos markets here and abroad.

Yet an examination of the evidence submitted by the EPA in support of its position shows that its proposals cannot be sustained by an impartial examination of the full range of current scientific evidence.

The dependence of the EPA findings on a limited and increasingly dated group of studies is regrettable. The omission of important studies and of evidence inconsistent with the EPA thesis makes its conclusions suspect. Certainly, the legal requirement of proof of unreasonable risk is not found in EPA documentation.

The Government of Canada believes that due consideration of the internationally-recognized 1984 Report of the Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario would have been warranted. Indeed, it would have been expected.

Based on four years of study and sworn testimony by an international Who's Who of experts, the Ontario Royal Commission Report recommends the controlled-use regulatory approach for chrysotile asbestos.

The Commission states – and I quote – "There is no evidence of significant health risks to the general public from exposure to asbestos in the ambient air and in buildings unless the person is working in the immediate vicinity of loose asbestos that is being disturbed. The health risk posed by asbestos is therefore a workplace health risk rather than a general public health risk." Unquote.

At this juncture, I should note that Ontario is not an asbestos producing province. In fact, the Government of Ontario closed its only asbestos producing mine in 1977 after six months of production because the operation could not meet the prescribed hygiene limits for worker exposure. This demonstrates the strong commitment made to worker protection in Canada.

The Government of Canada regrets that another comprehensive report of international stature was not included in the EPA assessment. I refer to the Doll Report, which was published in 1985. This review of the medical evidence, commissioned by the United Kingdom Health and Safety Executive and conducted by the world-renowned cancer expert, Sir Richard Doll, has significantly affected views on banning and substitution.

Building upon the Ontario Royal Commission report, the Doll study essentially draws the same conclusions: that asbestos is not an environmental problem, that asbestos insulation in buildings does not present a hazard to occupants, and that the risks from chrysotile asbestos in the workplace are generally low. The European Economic Community has adopted the controlled-use principle in its regulatory approach for chrysotile asbestos. Unlike the EPA, the EEC does discriminate between asbestos fibre types.

The Government of Canada is aware that an environmental health criteria document on asbestos prepared by the International Programme on Chemical Safety for the World Health Organization will soon be released. The conclusion of this major report, which was prepared by a Task Group of international experts – including a representative from the Environmental Protection Agency – is most relevant to the EPA's proposals on asbestos. If this important document becomes available during the rule-making process, the Government of Canada will request that it be admitted into the record.

The EPA makes a number of assumptions and draws conclusions concerning the health risks associated with exposure to fibrous substitutes. The Ontario Royal Commission, however, determined that "it (is) better to regulate a known hazard rigorously than to compel the use of substitutes whose hazardous nature, being unknown, is not subject to a similar degree of rigour."

The EPA, on the other hand, simply assumes that if it is not asbestos, it is inherently safer.

The International Labour Organization, in its recent convention on asbestos, requires that the 'competent authority' evaluate the safety of all substitutes. Indeed, the ILO conference unanimously adopted a Canadian resolution which

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will establish a group of experts to review potential health hazards associated with all fibrous materials and to develop international standards of use.

The evidence to date on biological activity of other fibres, and the human studies relating to the glass fibre and mineral wool industries, has not been reassuring. The bottom line is that substitutes could be less safe than asbestos itself because in most cases their use is neither regulated nor controlled. Thus, they should undergo thorough pre-market testing, and where the potential for adverse health affects are demonstrated, appropriate regulations and controls should be implemented in their industrial applications.

We agree with Professor Arthur Langer, of the Mount Sinai Medical Centre in New York. Professor Langer believes it is not in the interests of the health and safety of workers and the public to apply the code of "guilty until proven innocent" to asbestos, while other fibres are judged "innocent until proven guilty."

Let me emphasize that Canada's position of controlled use is consistent with the vast majority of governments and international institutions. That fact must have become apparent to all more than two months ago, when the 72nd annual conference of the ILO concluded its deliberations on the question of safety in the use of asbestos. By almost-unanimous votes of the government, worker and employer delegations from over 120 countries, the conference adopted a convention and recommendation that reflect a controlled use approach.

This is the guideline which the ILO has given the international community. Article 9 of the Convention confirms the basic premise that asbestos can and must be used safely in a controlled way – and again distinguishes between the health risks associated with different fibre types.

It states that exposure to asbestos shall be prevented or controlled through regulations prescribing adequate engineering controls and work practices, including workplace hygiene, and through special rules and procedures.

During deliberations of the Committee on Asbestos, a proposed amendment which would have provided that "the objective of the Convention should be the progressive elimination of asbestos," was withdrawn in the face of substantial opposition.

The thrust of the ILO Convention and Recommendation is to require that appropriate measures be established and practised to ensure there is safety in the use of chrysotile asbestos. The intent is not to ban.

5. Future

The regulatory initiatives of the United States exert a powerful influence upon the world. The EPA proposals to ban and phase out the use of asbestos, however, have been met with strong and united resistance by a number of governments – Canada among them.

The response has had considerable impact within U.S. government circles. I believe it has alerted American officials to the serious international consequences of the EPA proposals on asbestos.

We in Canada have suffered the dramatic consequences of this uncertain climate for the asbestos industry. To date, some 5000 jobs have been lost in the sector since 1979, 80 per cent of them in the region I represent. In the United States, this would be equivalent to 50 000 jobs lost. When confined to a small region it would take on the significance of a national crisis. I have witnessed the human drama caused by such unemployment and the social costs we have had to bear.

It is because the EPA documentation is obscure, deficient and contradictory that the Government of Canada urges the Environmental Protection Agency to quickly commence formal cross-examination hearings in order to consider all of the scientific evidence currently available.

Louis Agassiz, the great 19th century Swiss-American natural scientist, once said: "The facts will eventually test all our theories, and they form, after all, the only impartial jury to which we can appeal." Canada believes the facts have already tested and proven our theories on asbestos.

We have no intention of giving up on the principle of controlled use for asbestos. Indeed, we plan to escalate our efforts in promoting this sensible and responsible approach.

In 1984 we announced the establishment of the Asbestos Institute, jointly funded by the Government of Canada, the Government of Quebec, and the Canadian asbestos industry. The Institute has taken an active role in promoting market development for asbestos and asbestos-containing products, as well as disseminating information on its safe use.

The Asbestos Institute and the Government of Canada are working with the governments of developing nations and industries of those nations to assist them in achieving high standards of workplace regulation and compliance.

Canada is working with numerous governments to advance the controlled-use principle as endorsed by the ILO. We have sent missions around the world to increase awareness of the asbestos health issue, and we have offered technical and other information of interest to governments, unions and industry.

6. Conclusion

The battle for asbestos has been long and difficult, but much progress has been made towards a worldwide consensus that the mineral can be used safely.

Canada has a decided interest in promoting the principle of controlled use in order to ensure the survival of our asbestos industry. But we have a higher calling. It is to protect the health and safety of asbestos workers and the general public. That responsibility has always outweighed any economic consideration.

Regulatory agencies have a responsibility as well, and it is to proceed thoughtfully when considering proposals that greatly affect an entire industry. I know that the Environmental Protection Agency takes this responsibility seriously. I urge the EPA to quickly commence formal hearings so that its evidence on asbestos can be subjected to cross-examination and be tested in public, so that a decision can be taken on the basis of all the facts available. We are confident that the facts will support our case.

Canada and the United States have established a long and close relationship based on mutual trust and goodwill. We have always been able to work out our differences, just as we will over the issue of this important commodity.

But let the position of the Government of Canada remain clear. We are convinced that the finest contributions of asbestos have yet to be made, and we are committed to that end.