To
Shri Kundan Kumar
Sub Divisional Officer
Muzaffarpur
Bihar

Sub- Reference to letter dated 22\textsuperscript{nd} December & 11\textsuperscript{th} August, 2010 about the hazardous asbestos plant in Chainpur-Bishunpur, Marwan, Muzaffarpur

Sir,

This is with reference to your letter dated 22\textsuperscript{nd} December, 2010 seeking submission from the villagers on the issues related to health hazards from the proposed asbestos cement factory. This is in pursuance of the letter of Khet Bachao Jeevan Bachao Jansangarsh Samiti submitted to the District Magistrate, Muzaffarpur on 11\textsuperscript{th} August seeking to stop this hazardous asbestos factory from being constructed in the fertile agricultural field in the vicinity of densely populated residential area. This 11\textsuperscript{th} August letter signed by hundreds of villagers was endorsed by Ajit Kumar, the local MLA.

The Samiti was formed in July 2010 to protest against the illegal and illegitimate construction of the toxic factory. The villagers have been demanding immediate stopping of the factory of Balmukund Cement and Roofing Ltd (BCRL). This demand was highlighted by the demonstration of All India Krishak Khet Mazdoor Sangathan also.

The agitation began when we came to know that the company has misled the villagers by telling them that an agro-based factory will be set up. It also misled the Union Environment Ministry through its Environment Impact Assessment report saying that the village land in question is “barren”. There is a legitimate ground for the protest against acquisition of agricultural land for hazardous asbestos factory. The chronology of the action taken by the villagers is enclosed.

We have taken lessons from the text book of Biology and Chemistry taught in Class Xth and XIIth, which reveals that asbestos causes incurable diseases like asbestosis, lung cancer and mesothelioma. The Class Xth textbook is titled \textit{High School Jiv Vigyan} published by Bharti Bhavan Publishers & Distributers, Patna in 1994. It is authored by Prof Vivekanand Banerjee, former Head, Department of Biology, Science College, Patna University and Dr Gopal Krishna Verma, former Head, Department of Zoology, CMP College, Allahabad University. At page no. 166 of the textbook refers to diseases caused by asbestos.

The Class XIIth textbook is titled \textit{Inter Rasayan} published by Bharti Bhavan Publishers & Distributers, Patna in 1976. It is authored by Dr Awadesh Kumar Singh and Dr Anil Kumar Sinha. At page no. 2-345 the textbook categorically says, “Asbestos is a particulate pollutant of the atmosphere. In the process of
preparation of asbestos sheet, the asbestos particles become airborne. If one
breathes such air for a long period it causes asbestosis disease”.

Taking note of the fact that public concern, regulations and liabilities involved
have ended the use of asbestos from the developed countries, residents of
Chainpur- Bishunpur, Block Marwan, Muzaffarpur wonder, "why is it that the
concern of the developed countries that have banned asbestos not relevant for
us?."

"Experimental as well as epidemiological studies proved asbestos as carcinogen
as well as co-carcinogen. Risk assessment and control of occupational exposure
are very poor in developing countries like India," said Dr Qamar Rehman, a
renowned toxicologist, formerly with Industrial Toxicology Research Centre,
Lucknow. There are no industrial physicians and virtually no environmental and
occupational health centres in Bihar.

Let us look at the reasons as to why we are opposing the proposed asbestos
cement factory. The reasons are as follows:

1. Balmukund Cement and Roofing Ltd, Bihar started the construction
without taking villagers into confidence about the hazards from asbestos.
The Environment Impact Assessment (EIA) report was not made available
in Hindi. This EIA report is factually incorrect. The Public Hearing which
was conducted was fake.
2. The problem of asbestos related diseases like asbestosis, mesothelioma
and lung cancer is a cause of serious concern. All forms of Asbestos
including the “chrysotile” (White) Asbestos to be used in the factory is
carcinogenic in nature.
3. The White Asbestos (Ban on Use and Import) Bill, 2009 is pending in the
Raiya Sabha
4. Orders of National Human Rights Commission, Kerela Human Rights
Commission and the application to the Bihar State Human Rights
Commission
5. Letter dated 24 December from Dr Sanjay Chaturvedi, Head, Dept of
Community Medicine, Faculty of Medical Sciences, University of Delhi,
Delhi
6. International experience on asbestos issue and World Health Organization
(WHO), the International Labour Organization (ILO) and the International
Trade Union Confederation (ITUC), representing 176 million workers in
151 countries have all called for an end to the use of any form of
asbestos, including chrysotile asbestos, which represents 100% of the
global asbestos trade.
7. National Experience with Asbestos Industry

Reason No 1: Balmukund Cement and Roofing Ltd (BCRL) headquartered in
Kolkata has indulged in fraudulent misrepresentation in its Environment Impact
Assessment (EIA) report by saying that the land acquired by the company is “barren”, the fact is that it’s a very fertile land. When the land was being acquired for the factory, the villagers were told that it is being procured for agro based small industry. Even now the factory site does not have any display board disclosing the purpose for which the construction began.

The company’s flawed and dishonest EIA report prepared by the project proponent reveals that 29000 tonnes per annum of raw asbestos fiber, a hazardous material will be imported from Canada, Brazil and Zimbabwe. The EIA report talks of good qualities of the killer fiber but hides its disastrous environmental and occupational health effects. The EIA report claims that the dust fibers will be kept below 0.5 fiber/cc but does not disclose that “safe” and “controlled” use of asbestos in any form is impossible. Oblivious of this the EIA report claims:

The industry will also carry out the monitoring of Asbestos concentration at work place as well as in stack gas emission. It will be taken care that the Stack Emission of Asbestos Fibre will not be more than 0.2 Fiber/cm$^3$ (fibre/cc) and Asbestos Fiber at work zone will not be more than 0.1 Fiber/cm$^3$ (fibre/cc).

Environmental Health Criteria 203 of UNO for Chrysotile Asbestos concludes, “Exposure to chrysotile asbestos poses increased risks for asbestosis, lung cancer and mesothelioma in a dose-dependent manner. No threshold has been identified for carcinogenic risks.” This criteria has been created by United Nations Environment Programme (UNEP), International Labour Organisation (ILO) and World Health Organisation (WHO).

Unmindful of this the EIA claims:

The emissions of particulate matter from the stacks will be maintained within the limit of 100 mg/Nm$^3$.

The emissions of asbestos fibre have to be maintained within the limit of 0.2 fibre/cc (Fiber/cm$^3$).

Such claims and promises of “safe” use have been demolished long back even by UN agencies.

It is noteworthy that the Shiva Test House, Patna which did the study for the EIA does reveal cursorily that “Construction site has a potential hazardous environment”, “Asbestos fiber will be used in the plant as a raw material is hazardous in nature, the industry will give information to the workers on hazards associated with asbestos.” There is no evidence to suggest that this has been done. It has ignored the adverse environmental and occupational health impacts of the proposed plant possibly because of the demands of the project proponent.
The communities in the vicinity of the plant are denied even this cursory treatment and information with regard to hazards from asbestos.

Under the circumstances, preventing the asbestos plant is better than suffering from asbestos related diseases with no possible cure in sight.

**Reason 2:** The problem of asbestos related diseases has been illustrated by all the countries that have banned asbestos of all kinds According to UK Government’s Health & Safety Executive, “Asbestos is a hidden killer that can cause four serious diseases. These diseases will not affect you immediately; they often take a long time to develop, but once diagnosed, it is often too late to do anything.” Asbestos exposure leads to diseases like mesothelioma, asbestos-related lung cancer, asbestosis, pleural thickening. Mesothelioma is a cancer which affects the lining of the lungs (pleura) and the lining surrounding the lower digestive tract (peritoneum). It is almost exclusively related to asbestos exposure and by the time it is diagnosed, it is almost always fatal. Asbestos-related lung cancer is the same as lung cancer caused by smoking and other causes. It is estimated that there is around one lung cancer for every mesothelioma death. Asbestosis is a serious scarring condition of the lung that normally occurs after heavy exposure to asbestos over many years. This condition can cause progressive shortness of breath, and in severe cases can be fatal. Pleural thickening is generally a problem that happens after heavy asbestos exposure. The lining of the lung (pleura) thickens and swells. If this gets worse, the lung itself can be squeezed, and can cause shortness of breath and discomfort in the chest.

Not surprisingly, European countries were the first to ban the mining, manufacturing, trade and use of this killer fiber. Asbestos is being promoted freely in our country whereas the developed countries are keeping away from it. Canada which is one of the bigger suppliers of asbestos has decontaminated its parliament (House of Commons) and has adopted a no home use policy. The Balmukund factory lists Canada as one of its suppliers.

In the matter of a serious unprecedented environmental and occupational health crisis with regard to possible asbestos related disease epidemic in our area, we are compelled to oppose this plant. Even if one asbestos fibre reaches the right place, it causes irreversible damage - leading to asbestosis, lung cancer or mesothelioma.

**Reason 3:** The White Asbestos (Ban on Use and Import) Bill, 2009 which is pending in the Rajya Sabha raises the issue of health hazards from asbestos. The Statement of Objects and Reasons of the Bill introduced on 31 July 2009 reads: “The white asbestos is highly carcinogenic even the World Health Organisation has reported that it causes cancer. It is a rare fibrous material that
is used to make rooftops and brake linings. More than fifty countries have already banned the use and import of white asbestos. Even the countries that export it to India prefer not to use it domestically. But in our country, it is imported without any restriction. Canada and Russia are the biggest exporters of white asbestos. In 2007, Canada exported almost Ninety five percent of the white asbestos it mined and out of it forty-three percent was shipped to India. It is quite surprising that our country is openly importing huge quantity of a product, which causes cancer. This is despite the fact that safer and almost cheap alternatives to asbestos are available in the country. Instead of importing a hazardous material, it will be better if we spend some money in research and development and use environment friendly product. In view of the above, there is an urgent need for a total ban on the import and use of white asbestos and promote the use of alternative material.” In view of this Bill, it is logical to resist the asbestos plant in our village.

**Reason 4:** National Human Rights Commission (NHRC) had passed an order in Case No: 693/30/97-98 recommending that the asbestos sheets roofing be replaced with roofing made up of some other material that would not be harmful. The Annual Report of NHRC 2003-2004 refers to a Report entitled “Asbestos – Health and Environment – an in-depth Study” submitted by the Institute of Public Health Engineers, India. This report creates a rationale to take steps to prevent asbestos exposure of any kind.

The Kerala Human Rights Commission (KHRC) has ruled that exposing school children to asbestos is a human rights violation. This paves the way for the eventual complete ban on asbestos and its products. On January 31, 2009, the KHRC ruled that the government should take steps to phase out asbestos roofing from all schools in the state. An application has been sent to the Bihar State Human Rights Commission drawing its attention towards the orders of KHRC and NHRC.

The exposure to killer fibers of asbestos constitute human rights violation of the exposed communities, there is an immediate need to protect the villagers from incurable lung cancer and other diseases.

**Reason 5:** In 2006 alone, there were more than 1,000 mesothelioma deaths (asbestos related fatal disease) in Japan. Some 10,000 people are dying of asbestos related diseases in the US. If the proposed plant is allowed, we will meet a similar fate. Taking cognizance of such deaths worldwide, one WHO document says, “Elimination of asbestos-related diseases should take place through the following public health actions: a) recognizing that the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos; b) replacing asbestos with safer substitutes and developing economic and technological mechanisms to stimulate its replacement; c) taking measures to prevent exposure to asbestos in place and during asbestos removal
(abatement), and; d) improving early diagnosis, treatment, social and medical rehabilitation of asbestos-related diseases and establishing registries of people with past and/or current exposures to asbestos.”

The ILO has passed a Resolution concerning asbestos adopted by the International Labour Conference at its 95th Session in June, 2006, calling for “the elimination of the future use of asbestos and the identification and proper management of asbestos currently in place as the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths.”

It is high time you took note of the imminent asbestos exposures to the residents, consumers and workers from the Asbestos Plant in our village and took immediate remedial measures.

**Reason 6:** A letter from Dr Sanjay Chaturvedi

**Reason 7:** In our country, mining of asbestos which used to be done in Rajasthan, Andhra Pradesh and Jharkhand is prohibited by banning non-renewal of pre-existing leases including chrysotile asbestos mines due to health hazards from its lethal fibers. Asbestos waste trade is also banned in India. Besides White Asbestos, all the other forms of asbestos such as Blue Asbestos, Brown Asbestos are banned in India.

As per the survey of U.P. Asbestos Limited, Mohanlalganj, Lucknow and Allied Nippon Pvt Ltd, Gaziabad, (U.P), the lung function impairment was found to be higher in subjects exposed to asbestos fibers. This was the result of a Central Pollution Control Board (CPCB) sponsored project entitled "Human risk assessment studies in asbestos industries in India". This has been reported in the (2001-2002) Annual Report of Industrial Toxicological Research Centre, Lucknow. It has also been published in the 139th Report of the Parliamentary Standing Committee on Environment, Forests, Science and Technology and presented to the parliament on 17th March, 2005.

In 2004, the Occupational Health and Safety Centre, Mumbai, conducted a study among workers of Hindustan Composites, Ghatkopar in Mumabi, 22 per cent of those surveyed were found to suffer from asbestosis. Studies by Directorate General, Factory Advice and Labour Institutes (DGFASLI), Union Ministry of Labour has concluded that even in controlled conditions asbestosis workers continue to suffer and safety gear made no material difference in their condition.

It took note of Prevalence of Asbestosis and Related Disorders in an Asbestos Fiber Processing Unit in West Bengal as early as in 1996. The DGFASLI report is available at this URL: [http://www.dgfasli.nic.in/newsletter/jan_march_96.pdf](http://www.dgfasli.nic.in/newsletter/jan_march_96.pdf)

The potential for an epidemic of asbestos-related diseases in India is a growing concern. The ecological association between national death rates from diseases
associated with asbestos and historical consumption of asbestos has been established based on scientific and medical evidence. Historical asbestos consumption is a significant predictor of death for all people exposed to asbestos fibers. Given the ubiquitous presence of the fiber, there is no alternative to getting it banned in right earnest. Scientists, doctors, public health researchers, trade unions, activists and civil society groups have been working to persuade the government to give up its consistent and continued pro-asbestos industry bias and lack of concern for the asbestos-injured who die one of the most painful deaths imaginable.

Although the Supreme Court of India has ruled that the Government of India must comply with ILO resolutions, so far the ILO resolution (June 14, 2006) stating "the elimination of the future use of asbestos" has not been acted upon.

Earlier on August 18, 2003, the Mrs Sushma Swaraj, Union Minister of Health and Family Welfare informed the Parliament that: "...long-term exposure to any type of asbestos can lead to development of asbestosis, lung cancer and mesothelioma." This was not the first official acknowledgment of the asbestos hazard. Government of India's Office Memorandum NO.6 (6)/94 - Cement, (Sept 1, 1994) of the Union Ministry of Industry states: "The Department has generally not been recommending any case of Industrial License to any new unit for the creation of fresh capacity of asbestos products in the recent past due to the apprehension that prolonged exposure to asbestos leads to serious health hazards".

Prof. (Dr) S R Kamat, a renowned lung specialist, formerly Head, Department of Respiratory Medicine, KEM Hospital, Mumbai in the 5 surveys done in the country noted that large number of the subjects showed asbestos lung diseases. All of them showed breathing problem, many had cough, some had sputum, finger clubbing and chest pain. He observed, “Disabilities in such cases are permanent”.

The pattern of asbestos disease in our village is all set to follow the diseases pattern seen in the developed countries if the proposed plant is allowed.

Delay in stopping this asbestos plant is a victory for those who do not wish to put health and the environment ahead of commercial interests.

In the light of these findings and developments, in short we seek your immediate intervention to stop the construction of asbestos cement plants in our village.

We submit that the administration must also consider putting an end to the use of the of all kinds of asbestos products that is being used and encountered daily and take steps to make our villages asbestos free.
When the world is preparing and planning to get rid of all forms of asbestos, it will make us look stupid if we allow such asbestos plants to come in our midst.

Therefore, it is necessary to initiate preventive action in order to protect present and future generations from this silent killer fiber which is akin to a ticking time bomb in the lung.

We will be glad to share more relevant information against asbestos of all forms including white asbestos (chrysotile) to facilitate your decision to stop this poisonous plant.

Thanking You