

# Quebec and Canadian governments end their historic support of the asbestos industry

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Quebec's asbestos mines have operated for 130 years and made Quebec a world leader in export of asbestos over the past century. Even though the scientific evidence was overwhelming that use of asbestos was causing epidemics of asbestos-related diseases and death, the Quebec and Canadian governments continued to give the asbestos industry unquestioning financial and political backing.

This legitimization of the asbestos trade by the Quebec and Canadian governments had disastrous repercussions around the world. Canada was more than a major asbestos exporter; it played a key strategic role as leading propagandist in denying the scientific evidence and in arguing for continuation of the global asbestos trade.

As industrialized countries recognized the deadly health effects of asbestos and ceased to be customers, Canada successfully targeted developing countries as a source of new markets for asbestos sales. As a consequence, world asbestos sales have stayed steady at around 2 million tons of asbestos a year for the past two decades.<sup>1-3</sup>

Canada created and aggressively promoted the marketing message that chrysotile asbestos, unlike other forms of asbestos, poses virtually no threat to health. Lobbyists, funded by the Quebec and Canadian governments and the asbestos industry, circled the world, bearing the Canadian flag, claiming that chrysotile asbestos could be, and was being, used under 'safe, controlled conditions', and was an excellent product for developing countries.

Due to its credibility and expertise on the world stage, Canada succeeded in playing a pivotal albeit malignant role at United Nations (UN) gatherings, helping to defeat efforts of health experts to end or restrict use of asbestos. Canada has, for example, blocked the listing of chrysotile asbestos as a hazardous substance under the UN Rotterdam Convention for over a decade, thus allowing its continuing global trade without even minimal safety restrictions.

Canadian Prime Minister Stephen Harper and former Quebec Premier Jean Charest rebuffed appeals, made to them by scientists and health professionals around the world, to respect the scientific evidence and stop promoting the use of asbestos.<sup>4,5</sup>

Thus it was a dramatic breakthrough when, in a period of just three weeks, the newly elected Parti Québécois (PQ) government of Quebec and the Canadian government announced that they were ending their support of the Quebec asbestos industry.

The new Premier of Quebec, Pauline Marois, leader of the sovereigntist PQ, which won the September 4, 2012 election, stated near the end of the election campaign that she would cancel the \$58 million loan that former Premier Jean Charest had given just two months earlier to three investors to enable them to open the Jeffrey underground asbestos mine.

The open-pit Jeffrey mine (which was the Johns-Manville mine for most of the 20th century) had, after 130 years in operation, exhausted its asbestos deposit and shut down. The underground mine was 90% completed in the 1990s at a cost of \$135 million, when the company went bankrupt and work halted. With the \$58 million loan from Charest, the investors planned to open this mine and produce and export 250,000 tons of asbestos a year for 25 to 50 years, thus making Canada the second largest asbestos exporter in the world, after Russia.

Private investors were not willing to invest the required funds to complete the Jeffrey underground mine. The other remaining asbestos mine in Quebec, run by LAB Chrysotile at Thetford Mines, had declared bankruptcy and shut down after a landslide made further work at its mine impossible. Asbestos mining had thus completely ceased in Quebec since October 2011. It seemed that, not for health reasons, but because of supply problems and environmental and financial crises, the Quebec asbestos industry was finally at an end.

At this point, however, former Premier Charest intervened to save the Quebec asbestos industry and on June 29, 2012, gave a \$58 million government loan to cover 70% of the costs to open the Jeffrey mine.

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The Parti Québécois, that is now the new government of Quebec, stated on August 28 that, if elected, it would cancel this loan and use the funds instead for economic diversification of the asbestos mining region.

On September 14, 2012, before the new Quebec government had even taken office, federal Industry Minister Christian Paradis called a press conference to announce that the Canadian government would end its support of the asbestos industry, would give \$50 million to help the region diversify its economy and would stop blocking the listing of chrysotile asbestos as a hazardous substance under the Rotterdam Convention. The announcement was all the more surprising in that Paradis represents the asbestos mining region of Quebec and is a long-time, fervent promoter of the asbestos industry.

In the space of just three weeks, the political and financial support that the asbestos industry had for decades enjoyed from the Quebec and Canadian governments, thus suddenly terminated.

### Different motivations

The motivation of the Quebec and Canadian governments for their abandonment of the asbestos industry could not, however, be more different.

Quebec Premier Pauline Marois made it clear that her decision was made for health reasons. She pointed to the evidence put forward by Quebec's own health authorities that all asbestos poses a health risk and 'safe use' is not possible. Asbestos is an industry of the past, she stated, and the scientific consensus that asbestos should no longer be mined or used is overwhelming and should be heeded.

The Canadian government, on the other hand, did not end its support for the asbestos industry for health reasons. On the contrary, it said it wished the industry to continue, but it would be pointless for the federal government to continue supporting an industry that the Quebec government was closing down. Minister Paradis condemned Premier Marois' decision to end asbestos mining as having 'negative ramifications in terms of the prosperity, both current and future, of my region.' He went on to state that it would be 'illogical' for the Canadian government to refuse to allow the listing of chrysotile asbestos under the Rotterdam Convention since there would no longer be an asbestos industry in Canada.<sup>6</sup>

What is, in fact, illogical, is why the Canadian government would make an announcement about the next Conference of the Rotterdam Convention, which takes place at the end of April 2013. No votes will be taken at the Conference; decisions are made by consensus. At the Conference, Canada will simply stay silent and not oppose the recommendation to list chrysotile asbestos. Why the need for a dramatic

press conference to make the sudden announcement now?

A probable reason is that intense negotiations are currently underway between Canada and the European Union (EU) to conclude a Comprehensive Economic and Trade Agreement, which Prime Minister Harper has made a top priority. Three issues of concern have been identified by the EU: the Alberta oil sands, the seal hunt and asbestos.<sup>7</sup>

Another contributing factor is that the Canadian government has received severe criticism, both at home and abroad, over the past few years for its support of asbestos and, in spite of Prime Minister Harper swearing his dedication to defend the asbestos industry in the last federal election campaign in May 2011, his party won only five of the seventy-five seats in Quebec.<sup>8</sup> The asbestos issue was causing the Canadian government a lot of grief and virtually no rewards. The election of the new PQ government in Quebec, with its promise to cancel the loan to the Jeffrey mine, offered an opportunity for the Canadian government to show dramatically that it had stopped supporting the asbestos industry, thus eliminating an obstacle in the trade negotiations and avoiding further criticism at home and abroad, while at the same time telling voters in the asbestos mining region that it was all the fault of the new Quebec government.

The Canadian government thus continues to maintain its policy that chrysotile asbestos can be safely used.<sup>9</sup> In spite of requests from occupational health experts, the federal government refuses to change its regulations, which permit occupational exposure to high level of chrysotile asbestos fibres (1f/cc), ten times higher than permitted in Europe, the US or any industrialized country.<sup>10</sup> Fortunately, most Canadian workers come under provincial regulations, which set a limit of 0.1f/cc.

As well as denying the scientific evidence relating to asbestos, the Canadian government also denied the economic evidence when it claimed that the asbestos industry would have contributed to economic prosperity. Asbestos mines in Quebec have declared bankruptcy and shut down, leaving behind extensive environmental devastation that will cost Quebec taxpayers many millions of dollars to remediate. Asbestos-related diseases continue to constitute 70% of occupational disease cases compensated by Quebec's Occupational Health & Security Commission.<sup>11</sup> Furthermore, research by Quebec's National Public Health Institute (INSPQ) shows that only 21% of mesothelioma cases, for example, are awarded compensation from the CSST.<sup>12</sup> The millions of dollars of health care costs for the majority of cases are therefore paid by the public health care system, funded by taxpayers.

When the Jeffrey mine (previously the Johns-Manville mine) declared bankruptcy in the 1990s, Quebec taxpayers lost \$50 million of public funds that the government had invested in the underground mine. The marketplace wanted nothing to do with this underground asbestos mine. Private investors refused to come up with the \$83 million needed to complete it and render it operational. Furthermore, over past years, the salaries of the remaining few hundred asbestos miners in Quebec had been slashed, as well as their health benefits and pension funds. As a condition of the loan given by the previous Quebec government, workers had to sign a five-year contract, which provided what the local union president termed 'starvation wages'.

It is without question that the opportunity to have a decent job is an important element of health for an individual and for a community. But the Canadian and the previous Quebec governments were misleading Quebecers when they claimed that asbestos mining offered a viable economic future for the workers and the community, just as they were misleading the world when they claimed that asbestos can be safely used in developing countries.

It is ironic that the Canadian government's support for asbestos has often been explained as being motivated by a desire to please Quebec. We are presently witnessing the Canadian government attacking Quebec for closing down the asbestos industry.

The contrast between how the asbestos issue has been handled in Quebec and at the federal level is stark on other levels also. The Quebec government's top public health officials spoke out clearly and publicly to oppose the previous Quebec government's plan to revive the asbestos industry; they challenged the government's misinformation about asbestos; they documented the way the Quebec population continues to be exposed to asbestos harm; and they defended public health, even though their message was in direct opposition to government policy.<sup>13</sup>

The Quebec government's authoritative National Public Health Institute (INSPQ) has published more than a dozen studies that document the harm to health that asbestos has caused, and continues to cause, in Quebec itself. The INSPQ has shown that the Quebec government's policy of 'safe use' of asbestos is scientifically unsound and impossible to implement. The INSPQ has officially opposed the government's 'safe increased use' of chrysotile asbestos policy.<sup>14</sup>

At the federal level, the situation could not be more different. Not a single public health official has spoken up to defend the scientific evidence on asbestos risk. The only position that federal health officials are allowed to publicly endorse is the government's position that exposure to high levels of chrysotile asbestos fibres causes no harm to health and that

chrysotile asbestos can be safely used. Consequently, federal public health officials stay silent on the asbestos issue.

Misinformation, minimizing and suppressing information on asbestos risk, is put forward on the Health Canada website and requests from leading health experts and organisations, such as the Canadian Cancer Society, to correct the politicized misinformation have been rejected.

Only through the filing of an Access to Information request did Canadians learn that, since 2006, officials at Health Canada had recommended to the Canadian government that it should support the listing of chrysotile asbestos as a hazardous substance under the Rotterdam Convention – advice that the Canadian government ignored.

Health officials in the Canadian government are gagged. Even though their mandate is to protect health, they are not allowed to support scientific evidence to protect public health, if the scientific evidence does not conform with the government's political agenda. The asbestos issue is a disturbing example of this political corruption of public health policy.

Health officials have a duty to put forward, without fear or favour, the clear, scientific evidence on health risks, even when – or especially when – this information goes against vested interests. It is a duty that health officials and health agencies, under the control of the Canadian government, are not allowed to fulfill.

### Impact of advocacy by health professionals

The fact that the Quebec government's health officials did not stay silent on the politically sensitive asbestos issue and instead put forward the scientific evidence, showing that 'safe use' of asbestos is not possible, was a significant factor in changing public awareness and public policy on asbestos in Quebec. In addition, statements and letters, signed by health professionals and medical organisations in Quebec and around the world, such as the recent Position Statement on Asbestos of the Joint Policy Committee of the Societies of Epidemiology,<sup>15</sup> calling on Quebec to respect science and health and stop asbestos mining, were widely covered in Quebec media and had considerable impact.

Asbestos victims and health activists from Asia also made their voices heard, when a solidarity delegation from Asia visited Quebec in December 2010, calling on the Quebec government and the Quebec population to cease exporting asbestos and asbestos propaganda to Asia and other parts of the world.

The voice of health experts, combined with the human reality brought by asbestos victims and health activists from Asia, had a powerful effect. All the Quebec political parties, except for Charest's Liberal

Party of Quebec, changed position and called for an end to asbestos mining and for assistance to be provided for alternative, sustainable economic development.

### The Rotterdam Convention

Although the Canadian government has ended its long-time obstruction of the Rotterdam Convention for perverse reasons, this decision is nevertheless important and welcome.

The Rotterdam Convention was created to control trade in chemicals and pesticides that are hazardous to human health and the environment. In particular, the Convention aims at providing a measure of environmental justice by giving developing countries – where, increasingly, hazardous substances are shipped and where resources to monitor and manage such hazardous substances are limited – the right of Prior Informed Consent.

The Convention thus poses an obligation on countries that export a hazardous substance, such as Canada, and provides a right to countries where the hazardous substance would be sent.

The Convention was adopted in Rotterdam in September 1998. It entered into force on February 24, 2004. At meetings held in 1998, 2003 and in 2004, countries agreed to list 39 hazardous substances under Annex III of the Convention, which then necessitates that Prior Informed Consent be obtained and other safety provisions, such as warning labels, be implemented, before the listed substances can be exported. At these meetings, efforts were made to include chrysotile asbestos in Annex III, but a small number of asbestos-exporting countries, led by Canada, refused to allow this.

The Convention's scientific committee (the Chemical Review Committee), made up of approximately 31 experts named by different countries, therefore carried out a scientific review to determine whether chrysotile asbestos met the criteria of the Convention necessitating listing under Annex III. The role of the Chemical Review Committee is precisely to make such determinations and submit their recommendations for approval to the Conference of the Parties.

A scientist from Health Canada, named by the Canadian government, sat on the Chemical Review Committee. At the end of its review, the Committee concluded that chrysotile asbestos should be listed as a hazardous substance under Annex III. The Committee's review and its conclusion were sent to interested countries, including Canada, for their input, questions or objections. Canada had no objections, apart from asking that references to 'asbestos' be changed to say 'chrysotile'.<sup>16</sup>

The Committee's recommendation to list chrysotile asbestos in Annex III was put forward at the Conference of the Parties in 2006. The Canadian representative

immediately stood up and said Canada opposed the listing of chrysotile asbestos. Four other Parties to the Convention - Kyrgyzstan, Iran, India, Ukraine, Peru – then joined Canada in opposing the listing.

At the most recent Conference of the Parties in June 2011, five countries, at the beginning of the Conference, expressed opposition to listing chrysotile asbestos as hazardous. In the course of discussions to obtain consensus, however, these five countries - Kazakhstan, Kyrgyzstan, Ukraine, India, Vietnam – dropped their opposition. It seemed that finally consensus had been achieved. At this point, however, the leader of the Canadian delegation – who had stayed silent until this point – said that Canada would not allow listing of chrysotile asbestos and would give no reason for its refusal. The delegate stated that Canada agreed with the work and conclusion of the expert committee that had repeatedly recommended listing of chrysotile asbestos, but Canada would nevertheless oppose listing and would not discuss its opposition.

A United Nations spokesperson confirmed to the media that Canada stood alone in blocking the listing of chrysotile asbestos, when the more than one hundred other countries all agreed for it to be listed.<sup>17</sup>

Canada's role was thus egregiously destructive. It should be noted that the Rotterdam Convention requires decisions to be taken at the Conference of the Parties by consensus. Countries that are Parties to the Convention have a legal and moral obligation to follow a consensus process, which requires every country to put forward any concerns or objections it may have so that they may be examined, discussed and resolved and so that consensus may be achieved.

Canada refused to co-operate with the consensus process and instead imposed a veto.

The Rotterdam Convention, like its sister Conventions (the Basel Convention and the Stockholm Convention), which regulate different aspects of production and transport of hazardous substances, includes a provision for decisions to be taken by a two-thirds majority, should consensus prove impossible. However, unlike the Basel and Stockholm Conventions, brackets have been put around this provision in the Rotterdam Convention, which means that this provision will not come into effect until the brackets are removed. Various countries, however, refuse to allow the brackets to be removed. Without the possibility of a two-thirds majority decision being taken, countries can act in bad faith with impunity and, as Canada has done, can refuse to make any effort to achieve consensus, thus holding the world hostage by thwarting the Convention.

Despite its perverse motivation, the fact that Canada will no longer play the role of rogue state

in sabotaging the Rotterdam Convention is significant. Russia, the world's leading exporter of asbestos will be a Party to the Rotterdam Convention at its next conference in April 2013 and may seek to take on Canada's role of consensus destroyer on chrysotile asbestos. However, at the 2011 meeting, Kazakhstan, Kyrgyzstan and Ukraine, who usually hold a common position with Russia on the asbestos issue, bowed down to strong international pressure and agreed to the listing.

Russia likewise may find it difficult to stand up to international pressure, particularly from its important trading allies, such as the European Union.

Whatever happens at the 2013 Conference of the Parties, when the scientific committee's recommendation to list chrysotile asbestos is put forward for the fourth time, the absence of the lead saboteur, Canada, will greatly increase the chances of protecting health by listing chrysotile asbestos as a hazardous substance.

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