



Quebec Commission of Inquiry into the asbestos situation, its management and asbestos mine tailings in Quebec

Brief submitted by Kathleen Ruff, RightOnCanada

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I wish first of all to thank the Commission for its commitment to respecting rigorous science, to including all points of view, to practising high standards of transparency and requiring all to act respectfully. I thank the Commission for inviting me to participate in one of its sectoral meetings.

It is, I believe, important to examine with honesty how and why government policy on asbestos has gone so badly wrong. This is not in order to be negative, but because, if we wish these deficiencies to cease, we must identify them and require that the necessary changes be made so as to ensure that these deficiencies will cease.

A) Government policy must be based on independent scientific evidence

The scientific evidence has been established for decades that all forms of asbestos cause deadly diseases and that use of asbestos should stop. The government of Quebec and the government of Canada rejected the recommendations of the Quebec, Canadian and world scientific community. For decades the two governments created, funded and, jointly with asbestos mining companies and unions representing asbestos workers, acted as directors of an organisation that promoted the sale of chrysotile asbestos (the Asbestos Institute, later renamed the Chrysotile Institute). The policy on asbestos of the Quebec and Canadian governments was controlled by the asbestos industry, not independent science. The governments adopted the industry's position that chrysotile asbestos can be safely used and that exposure of workers to 1 fibre of chrysotile asbestos per cubic centimetre of air (1 f/cc) causes no harm. Not a single reputable scientific body in the world supports this position. The government's policy was opposed by the World Health Organization, the International Agency for Research on Cancer, the International Commission on Occupational Health, the Union for International Control of Cancer, the Canadian Medical Association, the Canadian Cancer Society, the World Federation of Public Health Associations, the Quebec Cancer Society, the Quebec Public Health Association, and others.

The recommendations¹ of the National Institute of Public Health of Quebec (Institut national de santé publique du Québec - INSPQ) on what the government's policy on asbestos should be were rejected, even though the legal mandate of the Institute is to advise the government on public health policy and even though the Quebec College of Physicians recommended² that anyone involved in the asbestos issue should be guided by the expert information

provided by the INSPQ. The recommendations of Quebec's regional directors of public health were also rejected.

All the parties involved in setting this policy – the industry, the workers, the two levels of government - had a vested interest in the sale of asbestos. The government ministry in charge of asbestos policy at the Quebec and federal level was the Ministry of Natural Resources, which had an interest in selling asbestos, and not the Ministry of Health.

Twenty years ago, the government mandated the BAPE to examine the issue of Magnola 1, a project to extract magnesium from the asbestos mining wastes. The BAPE recommended against the project, citing concerns of environmental harms. The government rejected the BAPE's recommendation and the project went ahead but then failed and closed down, with the loss of \$300 million of public funds.

We thus have a decades-long history of the government's asbestos policy having been captured by the asbestos industry with no independent oversight and rejection of advice from the government's own health authorities.

Fundamental changes must be made to the way government policy is decided to ensure this does not happen again.

Recommendation 1:

That the Quebec government's policy regarding asbestos and the asbestos wastes be developed, monitored and regularly assessed in a transparent manner by independent, reputable experts who have no conflict of interest. Particular attention should be paid to health and environmental concerns.

Recommendation 2:

That government health authorities, in particular the INSPQ and the government's directors of public health, be included and play a meaningful and significant role in developing, monitoring and assessing the government's policy regarding asbestos and the asbestos mining wastes, particularly with regard to health and environmental impacts.

B) Government policy should be based on the full costs of projects

In the past, the Quebec and Canadian governments did not include the full costs of asbestos mining and use. Billions of dollars of health care costs, as well as the human suffering, and the costs of removing or remediating deteriorated asbestos in public buildings, homes and infrastructure were outsourced and continue to be outsourced onto the backs of tax-payers and citizens. Tens of millions of dollars were paid by the government to rebuild Route 112 after it collapsed due to asbestos mining activities. Costs to tax-payers for repairing roads are greater when asbestos was used in the roads.

Recommendation 3:

That the government include the full costs when considering any projects to commercialize the asbestos mining wastes, particularly health and environmental impacts caused by moving the asbestos wastes, and the creation of pollutants harming air, soil, water, wildlife, farm animals and down-stream communities as a consequence of chemical processes that would be used to extract minerals from the wastes.

C) Government agencies dealing with asbestos should be transparent, evidence-based and accountable

The Commission Commission for occupational standards, equity, health and security (La Commission des normes, de l'équité, de la santé et de la sécurité du travail - CNESST) is responsible for protecting workers from harm. Asbestos is the biggest cause of death for workers in Quebec and across Canada. The CNESST has therefore adopted a policy of zero exposure to asbestos for workers. However, the CNESST's regulation governing occupational exposure to chrysotile asbestos is 1 f/cc, the exposure standard selected by the asbestos industry and one that is ten times higher than the Canadian exposure standard and one hundred times higher than the standard in some European countries. The scientific evidence is clear that Quebec's asbestos exposure regulation is unacceptable and negligent.

In a 2005 report¹, the INSPQ recommended that the Quebec government end its policy of promotion and increased use of chrysotile asbestos and that Quebec's asbestos exposure standard be made stricter because the 1 f/cc standard allowed workers to be exposed to harm. For 15 years the CNESST has turned a deaf ear to these recommendations. The CNESST has chosen to protect the interests of the asbestos industry and not the health of workers.

In 2017 the CNESST held a public consultation on whether Quebec's asbestos exposure regulations should be made more rigorous and said that their recommendations would be released in spring 2018. But the CNESST has been deadlocked on the issue. Mediation efforts have failed. What is extremely troubling is that the CNESST has given no explanation for why it refuses to support the recommendations of Quebec's health authorities regarding asbestos exposure standards. It is believed that the refusal is because while having a stricter standard would better protect workers' health, it might make projects regarding the asbestos wastes less economically viable .

In February 2018, the Quebec Public Health Association, the Quebec Medical Association, the Quebec Cancer Society, the Quebec Asbestos Victims Association, Quebec's directors of public health and other organisations called for Quebec's asbestos exposure standard to be made ten times stricter (0.1 f/cc).

In addition to failing to protect workers from harm, as is its duty, this demonstrates an absence of democracy and an absence of transparency in the way the CNESST conducts itself.

The CNESST states that its policy is zero tolerance for exposure to asbestos. This policy lacks credibility and is in complete contradiction with the CNESST's failure to end its indefensible exposure regulation that allows Quebec workers to be exposed to excessively high levels of asbestos.

Pious words are meaningless when they conflict with the reality of what regulations permit.

A [report](#) by Radio-Canada's Enquête showed the shocking failure of the CNESST to take action when notified that workers were being exposed to excessive, illegal levels of asbestos at a work site.

The CNESST has told the Commission that it will be calling for its asbestos exposure standard to be made stricter. However, we do not know what this will be. It also does not address the underlying problem of a lack of transparency and accountability at the CNESST.

Recommendation 4:

That the government initiate an independent review of the CNESST to propose reforms to make the CNESST more transparent and effective in fulfilling its mandate to protect workers

from harm in a manner that is evidence-based and just.

Recommendation 5:

That the government with no further delay implement the recommendation of the government's own health authorities and change the regulation for occupational exposure to asbestos to 0.1 f/cc

D) An environmental impact review must include all environmental impacts

The environment is a unified and whole reality. A review of environmental impacts of projects to extract minerals from the asbestos mine tailings must include all environmental impacts. Citizen groups have expressed their concerns to the Commission that the BAPE's mandate does not include the environmental impacts of using a chlorine electrolysis process to extract magnesium from the asbestos mining wastes.

Recommendation 6 :

That the Commission review this issue or, alternatively, that the Commission clearly state in its report that this issue has been excluded and needs to be addressed.

E) Social and political climate in the asbestos mining region

The Commission of Inquiry is doing an excellent job of creating a climate at its hearings that respects evidence and requires all to conduct themselves in a courteous manner. The Commission wishes, however, that its work will be relevant and effective in the real world outside the hearing room. The Commission cannot, therefore, it seems to me, close its eyes to important realities regarding asbestos in the region that is the subject of its work.

One key reality is that, after years of being told by the Quebec and Canadian governments, by the asbestos industry and by asbestos lobby organisations based in Quebec, such as the Chrysotile Institute, the Pro-Chrysotile Movement and the International Chrysotile Association, that chrysotile asbestos can be safely used, there exists a social and political climate in the region which supports the use of asbestos, in spite of the fact that this view has been rejected as false by the world's and Quebec's health authorities. Chrysotile asbestos represents 100% of the global asbestos trade and 95% of all asbestos sold in the past century.

The social and political climate in the region thus has always supported the continued mining, use and export of asbestos. In December 2010 the Quebec government mandated the Regional Conference of Elected Officials of the Estrie region (Conférence régionale des élus - CRÉ de l'Estrie) to advise the government whether to give a \$58 million loan to open the Jeffrey underground mine. The CRÉ de l'Estrie unanimously recommended³ that the government give the loan. It also recommended that the federal and Quebec governments create a fund to develop new products using chrysotile asbestos and that the regional, federal and provincial governments work together to rehabilitate the image of the asbestos industry and to counteract the harmful effects of world campaigns of disinformation against asbestos.

This support for asbestos use and belief in a world plot against asbestos has not changed. Local political leaders and organisations such as the International Chrysotile Association and the Pro-Asbestos Movement make accusations that very powerful, rich, anti-asbestos organisations with ulterior motives, who take every opportunity to denigrate the region, to denigrate asbestos and to abuse public hearings such as those being held by the Commission, have been operating in Quebec and Canada for a long time and pose a threat to the interests of the region.

No evidence is provided. Those who have opposed asbestos mining, use and export are Quebec's health authorities, organisations like the Quebec Medical Association, asbestos victims and human rights advocates. But these allegations succeed in creating an ugly climate of anger and resentment, which will certainly have a negative impact on whether it will be possible for the recommendations that the Commissions will eventually hand down to be accepted and implemented in an effective, constructive manner.

Recommendation 7:

That the Commission in its report encourage recognition in the region of the overwhelming scientific consensus that chrysotile asbestos causes harm to health and that its use should be banned and that the Commission seek to diffuse the climate of suspicion and resentment by rejecting the idea that those, such as Quebec's health experts, who opposed the mining, use and export of asbestos, are not disrespectful of the region and are not part of a dishonest anti-asbestos lobby.

¹ AVIS. L'UTILISATION DE L'AMIANTE CHRYSOTILE AU QUÉBEC. Institut national de santé publique du Québec. 2005.

² Amiante : Le Collège des médecins du Québec réfère ses membres et le public aux connaissances scientifiques et médicales actuelles. Communiqué, le 18 janvier 2011.

³ LA CRÉ DE L'ESTRIE REND UN AVIS FAVORABLE AU MAINTIEN DE L'INDUSTRIE DU CHRYSOTILE DANS LA RÉGION! Communiqué, le 10 décembre 2010.

Kathleen Ruff, director, RightOnCanada.ca. Recipient of the medal of the Quebec National Assembly to thank her for her perseverance in the fight to stop the mining of asbestos in Quebec and Canada and to ban its use and for her contribution to the health of the workers and citizens of Quebec.