



Friends of the Earth
Les Ami(e)s de la Terre



CAPE
Canadian Association
of Physicians
for the Environment

Association Canadienne
des Médecins
pour l'Environnement
ACME

September 8, 2021

Chemicals Management Division, Environmental Protection Branch
Prohibition of Asbestos and Products Containing Asbestos Regulations team
Environment and Climate Change Canada

Dear Chemicals Management Division and the Prohibition of Asbestos and Products Containing Asbestos Regulations team at Environment and Climate Change Canada:

We are disturbed by the fact that asbestos-containing products and asbestos samples continue to be sold in Canada.

On July 6, 2021, we informed Environment and Climate Change Canada (ECCC) officials that asbestos-containing products, such as gloves, ironing boards, kitchen items, tiles, etc., continue to be sold by eBay Canada. In an email sent on August 5, 2021, Inessa, on behalf of *The Prohibition of Asbestos and Products Containing Asbestos Regulations* team of the Chemicals Management Division, Environmental Protection Branch, ECCC, informed us (see her email below) that Canada's Regulations prohibiting the sale of asbestos and asbestos-containing products do not apply to items being sold today that have been used prior to December 30, 2018.

We find this interpretation of the Regulations extremely troubling. Asbestos fibres, released into the air, cause harm to human health regardless as to whether the asbestos-containing item was used prior or subsequent to December 30, 2018. In fact, items that were used prior to December 30, 2018 are more likely to be in a deteriorated condition and thus more likely to release fibres and thus pose a greater threat to the health of Canadians who purchase the items today. Furthermore, some of the items being sold, such as asbestos gloves, are new and have never been used. See, for example the invitation on the eBay website stating: "Hello, you are bidding on a new unused pair of Asbestos gloves."

With regard to the statement by Inessa that the asbestos items being sold by eBay are exempt because they were used prior to December 30, 2018, we note that [Information on the Prohibition of Asbestos and Products Containing Asbestos Regulations](#) on the ECCC website

states the following:

*"These regulations do not apply to asbestos **integrated into a structure or infrastructure before December 30, 2018**. This includes:*

- *asbestos integrated into buildings and civil engineering works*
- *products containing asbestos used before December 30, 2018 (such as equipment installed in a facility, vehicles, ships and airplanes*

However, it is prohibited to sell and use processed asbestos fibres or products containing asbestos that remain in inventory and are not installed before December 30, 2018 unless:

a specific exclusion applies to the activities, or a permit has been issued."

We note that the **exemption applies to products that have been integrated into buildings and civil engineering works and products that have been installed in a facility, vehicles, ships and airplanes.**

This is not the case with regard to the items being sold on Canada E-bay that we brought to your attention. They are independent, single items, such as asbestos-containing ironing boards and gloves. **These are not items that were integrated into a structure or infrastructure before December 30, 2018.** We therefore believe that they do not fall under the exemption and no permit has been issued for their sale.

In order to provide Canadians with effective protection from asbestos harm, we believe that the government and, in particular, ECCC and *the Prohibition of Asbestos and Products Containing Asbestos Regulations* team have a responsibility to stop the continuing sale today of asbestos and asbestos-containing products.

We therefore ask that:

- ECCC take action to stop the continuing sale in Canada of new, unused asbestos-containing products and asbestos-containing products that were used before December 30, 2018 but were not integrated into a structure or infrastructure.
- ECCC clearly inform the Canadian public through its website, media releases, social media and other means that the sale of asbestos-containing products, such as ironing boards and gloves, that were used before December 30, 2018 but that were not integrated into a structure or infrastructure, is prohibited.
- If ECCC lawyers believe there is any doubt or loophole in the *the Prohibition of Asbestos and Products Containing Asbestos Regulations* as to whether the sale of such products is prohibited, that ECCC officials request the current Minister and/or the Minister appointed after the September 20, 2021 election to amend the regulations so as to close the loophole.
- ECCC ask e-Bay Canada to cease selling asbestos-containing items, whether the items were used before or after December 30, 2018. The items being sold by Canada E-bay are individual items shipped by post or courier (thus exposing others in addition to the recipient to risk of harm) and are not integrated into a structure or infrastructure and are not exempt from federal government regulations banning the sale of asbestos and asbestos-containing items.

- ECCC pay particular attention to inform organisations that sell used items in stores or on line that the sale of asbestos-containing items, whether the items were used before or after December 30, 2018, is prohibited in order to protect Canadians from asbestos harm.
- ECCC reach out to its provincial and territorial counterparts and request their support and participation in this initiative to protect Canadians from asbestos harm.

We would be happy to support such an initiative in any way possible and we urgently await your response.

Sincerely,



Kathleen Ruff, director, RightOnCanada.ca; recipient, medal of the Quebec National Assembly for working to stop the mining, use and sale of asbestos

On behalf of:

NOTE: * indicates institutions are named for identification purposes only

Canadian Association of Physicians for the Environment, Dr. Anjali Helferty, PhD, Executive Director

Friends of the Earth Canada, Beatrice Olivastri, CEO

*Colin L. Soskolne, Ph.D., Professor emeritus, University of Alberta; Emeritus Fellow, American College of Epidemiology; Emeritus Fellow, Collegium Ramazzini, Recipient of the of the 2021 Research Integrity Award of the International Society for Environmental Epidemiology (ISEE)

*Christopher W. Lee, MD, FRCPC, Medical Oncologist, BC – Cancer

*Bruce P. Lanphear, MD, MPH, Clinician Scientist, Child & Family Research Institute; Professor of Health Sciences, Simon Fraser University, BC

Maureen Bourque, public health advocate, Saint John, New Brunswick

*Dr. John Calvert, Adjunct Professor, Faculty of Health Sciences, Simon Fraser University, Burnaby, B.C.

*Jim Brophy, PhD, Adjunct Assistant Professor, Department of Sociology, Criminology, and Anthropology, University of Windsor, Windsor, Ontario

*Margaret Keith, PhD, Adjunct Assistant Professor, Department of Sociology, Criminology, and Anthropology, University of Windsor, Windsor, Ontario

----- Forwarded Message -----

Subject: RE: Please respons
Date: Thu, 5 Aug 2021 17:48:30 +0000
From: Amiante / Asbestos (EC) <Amiante-

Asbestos@ec.gc.ca>
To: 'Kathleen Ruff' <kruff@starlynx.ca>
CC: Enviroinfo (EC/EC)
<Enviroinfo@ec.gc.ca>

Dear Kathleen Ruff,

Thank you for your interest in the [Prohibition of Asbestos and Products Containing Asbestos Regulations](#) (the Regulations).

The objective of the Regulations is to prevent new asbestos and products containing asbestos from entering the Canadian marketplace to protect the health of Canadians. As such, the Regulations prohibit the import, sale and use of processed asbestos fibres, a product containing processed asbestos fibres, and a consumer product containing asbestos in greater than trace amounts. The Regulations also prohibit the manufacture of products containing processed asbestos fibres and consumer products containing asbestos, with a limited number of exclusions.

The Regulations do not apply to asbestos that was integrated into a structure or infrastructure before December 30, 2018, or to a product containing asbestos that was used before December 30, 2018.

Environment and Climate Change Canada (ECCC) is responsible for, and committed to, administering and enforcing the Canadian Environmental Protection Act, 1999 (CEPA) and its regulations, including the *Prohibition of Asbestos and Products Containing Asbestos Regulations*.

Suspected illegal activities can be reported to ECCC Enforcement Branch by email at enviroinfo@ec.gc.ca. When ECCC enforcement officers become aware of information regarding an alleged non-compliance, they may conduct inspections in order to assess compliance. When there is sufficient evidence of non-compliance, enforcement officers may take appropriate action in accordance with the Canadian Environmental Protection Act: compliance and enforcement policy <https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/publications/compliance-enforcement-policy.html>

Thank you for bringing this to our attention. We have forwarded your email to ECCC Enforcement Branch for follow-up as appropriate.

Inessa

On behalf of

The Prohibition of Asbestos and Products Containing Asbestos Regulations team