

HOW WE WON AN ASBESTOS BAN IN CANADA: LESSONS FOR ACTIVISTS

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A historic moment in Canadian history

- Workers have been hard hit by more than a century of asbestos exposure in Canada and around the world. Current estimates are that from 107,000 to 222,000 people are now dying annually worldwide from asbestos diseases. This includes from 2000 – 4000 Canadians; with an estimated annual cost to the Canadian economy of over \$2.3 billion based on the low end figure. Unfortunately this has included a number of CUPE members.
- In Canada and most of the developed world, we are now at the peak of deaths. This is because the highest level of exposures happened in the 1970s and many of the cancers, especially mesothelioma, are very long latency.
- After a 40 year struggle, a crucial breakthrough came in May 2016 when Prime Minister Justin Trudeau committed to an asbestos ban. As of December 30, 2018, his government delivered. For people like me, who have been involved since the early 1970s, it was an almost unimaginable moment considering the barriers we faced over 40 years ago.

Objectives

- Provide an overview of how we achieved the Canadian ban on asbestos
- Identify the challenges we faced and the strategies we developed
- Look toward the future
- Highlight lessons for injured worker and occupational health and safety activists

The context and early struggles

- Canada (and within Canada, mainly Québec) was the first global scale asbestos producer, beginning in the 1880s. By some estimates over half of the asbestos ever used in the world came from Québec. Another way to see this is that Canadian asbestos has killed thousands of people around the world.
- The roots of the asbestos industry in Canada run very deep. In Québec, it was a strategic presence for more than a century. It found its way into the psyche of Québec's "Silent Revolution" generation, including former Prime Minister Pierre Trudeau, through the 1949 Asbestos Strike. This strike was a major moment when francophone Québec began to assert itself against economic and political domination by the anglophone minority.
- So any campaign for an asbestos ban ran head-on into powerful historical, political and economic realities in Québec. For people in Québec itself, challenging the asbestos industry was likely to be career ending. Basically a conspiracy of silence reigned there for more than a century.

Context - 2

- All three major national political parties (Conservatives, Liberals, NDP) supported the industry because of its importance in Québec. On the other hand, the provincial wings of these parties outside Quebec were much more open on the asbestos issue. This meant that national campaigns for an asbestos ban were hopeless until quite recently. So while we never gave up on a national ban, most efforts were at the provincial level.
- The hazards of asbestos have been widely known since the 1960s. In Ontario, diseases from the Johns-Manville asbestos cement factory in Scarborough made headlines in the 1970s. Ontario had a minority government from 1975 – 1981, with the NDP as Official Opposition. In this environment, labour/community campaigns led to the Dupré Commission in the early 1980s, a review of the hazards of asbestos.
- As asbestos diseases began to increase through the 1970s and 1980s, workers' compensation claims and related costs began to rise. At the same time, litigation in the United States began to cost asbestos producers billions of dollars. Most of the major manufacturers went bankrupt. This had significant impacts in Canada.

Context - 3

- Provincial level campaigns, generally led by the labour movement and asbestos disease victims and their families, and growing public awareness, combined with the growing economic costs and risks of using asbestos, have led to major reductions in use in Canada since the 1980s. Internationally, the remaining asbestos industry has been led by Russia, which exports primarily to Asia, where asbestos is still used extensively for asbestos cement roofing and other products.
- In recent years, the main uses in Canada have been brake pads and asbestos cement water and drain pipes. These products were legal until 2018. In addition, a lot of asbestos remains in place in buildings and in the broader environment. CAREX Canada estimates that around 150,000 Canadian workers are still exposed to asbestos, with construction workers by far the most important group. Unfortunately this also includes Ontario schools, hospitals and other institutional buildings where CUPE members work. And of course many CUPE members work in waste disposal, where asbestos may be included (often illegally) in the waste stream.
- Major progress has been made since the 1980s in workers' compensation and occupational health and safety regulation, but little progress until recently on a national ban.

Provincial and local campaigns from the 1970s to 1990s

- As mentioned above, with national action blocked, the focus was provincial and local. We tended to choose one or more current issues where progress could be made. Often we leveraged success in one province into campaigns in other provinces.
- Most provinces had campaigns, sometimes at the individual workplace and union level, sometimes at the provincial level, for improved exposure prevention and lower occupational exposure limits for asbestos. CUPE played a major role in this.
- We also campaigned for workers' compensation for asbestos related diseases, especially mesothelioma and lung cancer.
- Especially in Ontario, there were campaigns for asbestos disease health care, as well as for occupational health services and advocacy services for asbestos disease victims. These campaigns were often focused locally, in Sarnia, Hamilton and other centres with extensive exposures.

Key progress in Ontario

- 1993 – approval of schedule 4 to the *Workers' Compensation Act* (now *Workplace Safety and Insurance Act*). Irrebuttable presumption of work relatedness for asbestosis and mesothelioma. This has facilitated compensation for 26 years now, to many workers and families facing the devastating consequences of preventable asbestos exposure.
- Steady reduction by MOL of the occupational exposure level for asbestos.
- 2005 – **Ontario Regulation 278/05, Asbestos on construction projects and in building and repair operations**. This and previous regulations have provided a framework which has resulted in proper remediation of asbestos hazards in many major exposure situations. Not so much on smaller projects.
- Similar measures have been undertaken in other Canadian provinces and at the federal level.

Progress - 2

- In the late 1990s, due to extensive public pressure and media coverage, resources were given by the Mike Harris government to Ontario's network of occupational health clinics (OHCOW) and Office of the Worker Adviser to deal with asbestos cases in Sarnia, Ontario, the most significant location of asbestos exposure. Funds were even provided to unions to participate in the partnership on behalf of the victims. This resulted in detecting more than 400 lung cancers and mesotheliomas in Sarnia.
- Additional resources to address other asbestos disease clusters across Ontario.
- Funding for mesothelioma programs at Toronto's University Health Network Hospital and at the Ottawa Hospital. Additional funding for the UHN program from building trades unions, employers and the Canadian Mesothelioma Foundation. There are also centres of excellence in other provinces of Canada.
- Ongoing screening initiatives to improve detection of asbestos related cancers. Over 1000 Sarnia workers are involved in ongoing low dose CT scan screening.
- Remediation and/or removal of asbestos from many Ontario buildings.

Growing support for a national ban

- From the 1970s to the present time, support for a ban has steadily increased. This has been a complex process, especially in Canada's federal system of government where important responsibilities for occupational exposure regulation rest with the provinces and territories.
- Asbestos victims and families, working with the media and social partners, played a large role in increasing public awareness. It would be impossible to list all of those who contributed, but one of the most important has been Sandy Kinart of Sarnia. Her courageous husband Blayne allowed graphic photos of his journey with mesothelioma to be taken by Louie Palu and shared with Canadians in the Toronto Globe and Mail early in the 2000s. This moved many to support a ban. This was a turning point.
- <https://louiepalu.photoshelter.com/portfolio/G00001mnqF7ol.5w>
- Sandy remains very active. Tragically, Blayne's brother Harold died of mesothelioma in 2018.

Support for a ban - 2

- The stories of victims drew support from a broad range of social partners. This included unions at the forefront, especially the building trades, auto, chemical, education and public sector workers whose members were grievously affected. CUPE was among the most active unions.
- Support also came from health professionals, political parties and individual Members of Parliament and Provincial Legislatures. This support was often across party lines. Some politicians such as Pat Martin (NDP) and Chuck Strahl (Conservative) had been personally exposed. Environmental, public health and First Nations organizations were important allies. Even some employers were supportive.
- Many Canadians were ashamed that our asbestos was being exported to other countries such as India and used in appalling conditions. Canadian film-makers and journalists travelled to these countries to document all of this. This helped to win support from those who cared about Canada's international profile.
- The end result was a growing public consensus that Canada had to take action.

Canada moves toward a ban

- Only in this century has the tide really started to turn in favour of a Canadian ban. Two of Canada's three national parties, the Liberals and New Democratic Party, changed their national policies on asbestos in 2010. This resulted from significant internal and external pressures. Essentially, both parties concluded that it was untenable to maintain support of such a toxic industry and that the political cost of doing so outweighed any potential political damage in Québec.
- This culminated in public statements by Liberal Party leader Michael Ignatieff and then in historic speeches by NDP leader, the late Jack Layton and his successor, Tom Mulcair, on Parliament Hill in May 2010 at a rally sponsored by Canada's Building Trades. Building Trades members had carried black coffins to Parliament for that rally.
- However, the governing Conservative Party remained opposed to a ban.

Canada moves toward a ban - 2

- The shift accelerated in Québec, led by courageous researchers and public health officials who were willing to take an unpopular stand – including Dr. Fernand Turcotte, who joined our ban asbestos campaign. Finally, in 2012, the Parti Québécois government ended financial support for the asbestos industry and shifted its focus to transition.
- By 2015, support was increasingly mainstream. Following a major round of new coverage of asbestos disease, editorials appeared in our two national newspapers:
- **Toronto Globe and Mail** – July 2015 – “The next logical steps are a ban on asbestos and a comprehensive plan for its safe removal from homes, schools, office buildings and cars.”
- **Toronto Star** – July 2015 – “Providing accurate warnings is a useful first step. But what’s really needed is a total ban, coupled with a national asbestos removal program.
- Thus the stage was set for our national elections in October of 2015, which brought Pierre Trudeau’s son Justin and his Liberal Party to power. In May of 2016, in a historic announcement in Ottawa at the Building Trades convention, Justin Trudeau committed to ban asbestos in Canada.

Some lessons from asbestos activism

- Stories from asbestos victims and family members in Canada and internationally have been a crucial element throughout. This put a human face on the issues.
- The international and national dimensions of the struggle were mutually supportive. Asbestos, which in Canada affected mainly white working class workers in the first wave of exposures, was also an early example of environmental racism as the industry shifted its marketing to Asia, where toxic exposures often affected vulnerable populations the worst.
- Although initially a national ban appeared hopeless, provincial and local activists began to link up and several successive national ban asbestos campaigns emerged, subsided and then emerged again, often with some of the same people involved. Basically we never gave up. One crucial activist in this was Andie Chenier of CUPE, who was a vital participant in Ban Asbestos Canada.

Lessons - 2

- Within the labour movement, the asbestos issue has attracted support from the full range of labour organizations, including the building trades as well as the industrial, education and public service unions. This included unions which may not work together on other issues.
- A diverse community of activists has developed since the 1970s across Canada. This has provided a context within which newly affected people could quickly find their place and bring new energy. An example of this was the important work by Stacy Cattran and Leah Neilsen in Sarnia in 2011 and 2012, when after the death of their father from mesothelioma they helped put hundreds of people in the streets at a time when the tide was already starting to turn.
- Journalists and film makers helped focus and dramatize the issues.
- Public health officials, health researchers and other health professionals played an important continuing role.

Lessons - 3

- Relationship building over the long term with the media, public health, government regulators, elected politicians, political parties and other key players, paid off. Many progressive government officials and politicians have played important roles at various key moments.
- We succeeded in our vision of making the asbestos issue a “big tent”, attracting broad support from the public versus being seen as a narrow labour and asbestos victim issue. Just for example, a recent visit to Ontario by a delegation from Italy’s epicentre of asbestos exposure, Casale Monferrato, was hosted by the official organizations and charities of the Italian Canadian community and featured a reception addressed by the Italian Ambassador and the Mayor of Toronto.

Canadian Asbestos Ban Regulation

- The [*Prohibition of Asbestos and Products Containing Asbestos Regulations \(the Regulations\)*](#) and the related amendments to the [*Export of Substances on the Export Control List Regulations*](#) (ESECLR Amendments) were published in *Canada Gazette*, Part II, on October 17, 2018. The Regulations and ESECLR Amendments came into force on December 30, 2018.
- The regulations prohibit the import, sale, and use of asbestos, and the manufacture, import, use and sale of products containing asbestos of all types, including chrysotile.
- There are small but important exclusions, particularly to allow for the remediation of the 800 million tonnes of mining residues in Quebec. Processing into magnesium is an option which has raised significant concerns. Asbestos Free Canada and other organizations have called for a rigorous environmental and occupational health review. This includes a specific focus on ensuring a safe occupational exposure level (Québec still has an occupational exposure limit for asbestos 10 times higher than the rest of Canada).

Where does Canada go from here?

- The social partners which have worked towards a ban are now advocating for a comprehensive asbestos strategy for Canada, led by a national agency (similar to Australia's) responsible for implementation. Our coalition is called Asbestos Free Canada. CUPE is on our steering committee.
- The proposed strategy includes:
 - A registry of all current exposure locations, with related risk assessments and plans for safe maintenance, remediation and ultimate removal of that asbestos.
 - Protection of the public and workers in asbestos remediation, including safe and environmentally sound disposal of asbestos wastes. This includes a move towards the lowest possible occupational exposure levels.
 - A registry of Canadians exposed to asbestos and their health status, linked to the location registry, to support screening and early medical intervention to minimize health impacts. This should include a specific registry for mesothelioma victims.

Where does Canada go from here - 2

- A mesothelioma health network, to ensure the best possible research and innovation in health care, including collaboration and support to other affected countries. This includes the proposal that Canada, whose asbestos has caused so much of the world's mesothelioma, become a world leader in funding research into the early detection and treatment of this dreaded disease.
- Support for transition for affected businesses, workers and communities. This will most significantly involve the challenging situation in the former asbestos mining centres in Québec and grappling with the proposal to extract magnesium.
- Research and innovation on safe alternatives to asbestos.
- Support for a global ban on asbestos, including support for listing chrysotile asbestos under the Rotterdam Convention.

What kind of movement will this require?

- It should remain a big tent movement, including the whole labour movement, public health and environmental organizations and asbestos victims and their families.
- The next phase will likely not be as dramatic but will be challenging. As with so many other issues, it will be all too easy for local and provincial governments to duck the challenge of eliminating asbestos from the built environment and punt the problem down the road to future generations.
- It will be important to find ways to dramatize the worst current exposure situations, which will often be to vulnerable populations, including First Nations, living or working in older buildings with unremediated asbestos.

Future involvement - 2

- Government programs and funding will be important, so that asbestos remediation is integrated with infrastructure renovation and renewal. Homeowners in particular should not be left with the responsibility of remediating asbestos entirely at their own expense.
- As with other types of toxic remediation and disposal, vigilance at the workplace and community level will be important. The people at this conference can play a major role.
- We also need to use the awareness generated by the asbestos ban to help ensure the prevention of future exposures to other hazardous substances – such as nano-particles, silica, polymerized sand, high tech ceramics and many new chemical hazards.
- Gradually, as we make progress on asbestos, asbestos activism will likely merge into broader environmental and occupational health and safety struggles.

Lessons for activists

- For every major hazard such as asbestos, you need your own strategy, versus ad hoc or crisis driven action. Sometimes you can use a crisis or dramatic exposure situation to energize a strategy and build support.
- Your strategy should be built on priorities. Using the education sector as an example: for an individual school, you might focus on one or two particularly hazardous exposure situations. For a school board, targeting one or more schools with the worst exposures. Often, addressing the problem in chunks can get you past resource issues and excuses by the employer. Try to get the employer to commit to a long term plan.
- Think about all the partnerships that will help you implement your strategy. In a workplace with more than one union, try to involve all the unions.

Lessons for activists - 2

- Try to link health and safety and workers' compensation. Don't look at your workers' compensation cases as just individual struggles – try to find patterns. For something like asbestos, you will find that even one serious disease case such as mesothelioma can galvanize action on prevention. Your members who fall victim to asbestos and their surviving families will often want to contribute to the struggle.
- Reach out to parents and others who use your schools and other public buildings. In PEI, for example, a very active parent group sparked a lot of media attention when they protested against exposures of their children to asbestos and lead.
- Especially on the level of a municipality or region, try to build support from other partners such as environmental groups. They will be especially concerned about exposures to the public during the remediation and disposal phases.

Lessons for activists - 3

- When possible, try to incorporate action on asbestos and other occupational hazards into the agendas of broader community coalitions, including victims' groups, environmental groups, cancer groups, public health groups and health professionals. This has happened very powerfully in Peterborough, for example, where the Medical Officer of Health has really stepped up and helped the local coalition connect with health professionals.
- An important benefit from participating in community coalitions is that it shows the public that unions don't just care about their own members, they care about the wellbeing of the whole community. This can benefit CUPE on a strategic level.

Thank you to all those who have contributed to winning a Canadian ban on asbestos!

- This has been a generations long struggle which at the beginning seemed absolutely hopeless.
- Thank you to the generations of asbestos victims, families, unions, employers, physicians, public health officials, researchers, journalists, elected officials, regulators and all others who have helped bring us to this historical moment in Canada!
- Thank you to CUPE, which has played a major role for decades.
- We have much to learn from the experience of other countries, such as Australia, as we embark on the next phase of our journey to deal with the legacy of asbestos both in Canada and the rest of the world.