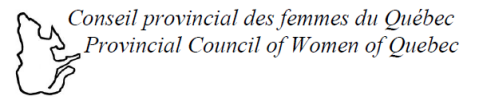
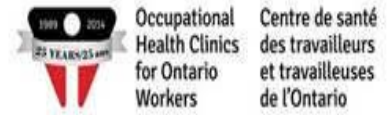




Canadians for A Safe Learning Environment





December 6, 2016

The Right Honourable Justin Trudeau, P.C., M.P.

Prime Minister of Canada

Langevin Block

Ottawa, Ontario

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Transmission: Original by email

Dear Prime Minister Trudeau:

Re: In support of a comprehensive ban on asbestos in Canada - Proposal to establish an Expert Panel to review Asbestos Management Regime in Canada

We, the undersigned organizations and individuals, submit the following letter urging you to establish an expert panel to assess the adequacy of asbestos management and address any challenges to phasing out asbestos in Canada.

Over the past few months you have received numerous letters from Canadians calling on the Canadian government to implement a comprehensive asbestos ban. We have seen the devastating and growing trend of people dying from asbestos related diseases such as mesothelioma and various cancers. The loss of human life resulting from asbestos exposure will not stop unless strong regulatory steps are taken to prevent exposure to asbestos.

The letters from the public have called for a comprehensive ban on asbestos. To make progress towards a ban on asbestos, the government can take key regulatory steps immediately. The Canadian Environmental Law Association (CELA) submitted a letter to you dated April 7th, 2016 in which we noted that regulatory measures under the *Canadian Environmental Protection Act* (CEPA) can be taken to prohibit the use of asbestos in products. In addition, amendments should be made to Canada's National Pollutant Release Inventory to require all facilities to report on their asbestos releases and transfers. The government should also enact Bill 292, which was introduced as a Private Members bill to amend the Canada Labour Code. The Bill proposes to establish

an occupational disease and accident registry for Canada, including workers exposed to asbestos. These immediate measures would halt asbestos use in products and enhance knowledge about the amount of asbestos being released or transferred by facilities across Canada.

A roadmap of the remaining elements to achieve a ban on asbestos is also needed, particularly since the provincial governments have authority over aspects such as protection of workers from asbestos, and management of waste containing asbestos.

We are also recommending the government establish an expert panel to assess the adequacy of asbestos management and address any challenges to phasing out asbestos in Canada.

Rationale for Expert Panel on Asbestos

We acknowledge that establishing an expert panel specific to asbestos does not follow the normal practice of regulating toxic substances in Canada. In fact, current regulatory tools to achieve a prohibition on toxic chemicals exist in the *Canadian Environmental Protection Act* (CEPA) and the *Canada's Consumer Products Safety Act*. Consequently, we would not normally call for the establishment of an expert panel to phase out a toxic substance. However, we believe that for asbestos, an expert panel is warranted because of the complexity of issues which must be taken into consideration to achieve a comprehensive ban. These include:

- a) *Health evidence on asbestos exposure is on the rise* – Asbestos related diseases result from the long latency period between exposure and the onset of disease, and can occur after as much as 40 years after exposure. In the past, mining and processing of asbestos, the manufacturing of products and building with asbestos, were the main source of asbestos exposure. Today, coming in contact with asbestos from asbestos containing materials (ACM) is the main source of exposure to asbestos.
- b) Asbestos related diseases in Canada are increasing. According to Statistics Canada, the number of new cases of mesothelioma, a rare form of cancer caused by

exposure to asbestos in the workplace, increased from 335 cases in 2000 to 580 cases in 2013. Some other asbestos-induced diseases include lung cancers and asbestosis (with estimates of at least 1900 new cases annually).

- c) *Evidence of harm to workers and public health* - According to CAREX Canada, a national carcinogen surveillance program, approximately 152,000 Canadians are exposed to asbestos in the workplace. Workers involved in renovations (carpenters and cabinetmakers) represent the largest group of workers exposed followed by workers in construction sector.¹ Workers in all sectors are exposed to asbestos through the breakdown of fibres due to aging or compromised ACM in the buildings they work on – particularly but not exclusively hospitals, schools, libraries, military and government buildings. Family members and members of the public may also be exposed to asbestos through bystander exposure.
- d) *Inadequate regulatory measures to control asbestos* – CEPA’s Asbestos Mines and Mills Release Regulations (SOR/90-341) and the *Canada Consumer Products Safety Act’s* Asbestos Products Regulations (SOR/2007-260) are two regulations that aim to manage asbestos releases in industrial settings and specific consumer products in Canada. In addition, provinces and territories in Canada have regulations setting asbestos exposure limits for workers and environmental protection (waste management). However, the current regulatory regime in Canada has not undergone comprehensive review to determine the level of efficacy or identify potential gaps in the approach to manage exposure and address the phase out of asbestos.
- e) *On-going manufacture, import and use of asbestos in products* - Despite the growing evidence of harm associated with asbestos exposure, and despite the growing number of countries who have recognized this danger², Canada continues to manufacture and import products that contain asbestos. In 2014, Canada imported a number of goods containing asbestos including friction materials, tubes and pipes, corrugated sheets and panels, paper, millboard, and clothing. Statistics Canada estimated that approximately \$2.6 million of brake pads containing asbestos entered Canada in 2011.

¹ CAREX Canada. http://www.carexcanada.ca/en/asbestos/occupational_estimate/

² See: http://www.ibasecretariat.org/chron_ban_list.php

f) *Limitations for Surveillance and Monitoring: Enhancing Right to Know* - Over the years, many groups and individuals, including workers, have expressed support for increased transparency and access to information on asbestos. These include the creation of a federal building registry that would provide information about presence and use of asbestos in federal government buildings, a victims' registry to account for people exposed to asbestos, and improvements to reporting releases and transfer of asbestos under Canada's National Pollutant Release Inventory. However, advancement in these areas has been limited. Improved data collection on asbestos is, thus, essential to inform the policy and legislative reform to manage asbestos in Canada and to provide important information to people afflicted with asbestos related diseases.

The experience of Australia in establishing an Asbestos Management Review Process provides a good model for Canada for undertaking a review of the regulatory regime for asbestos management. Australia was experiencing a growing number of deaths associated to asbestos related diseases such as mesothelioma. In response, Australia initiated a review of the efficacy of the asbestos management regime in October 2010 with an aim '...to make recommendations for the development of a national strategic plan to improve asbestos awareness and management'.³ Australia's review process resulted in the establishment of the Asbestos Safety and Eradication Agency Act 2013 (the ASEA Act) and the creation of a National Strategic Plan for Asbestos Management and Awareness. These measures established the necessary framework for reducing asbestos exposure in the environment and to human health in Australia.

History with Expert Panels on Asbestos in Canada

The establishment of a review panel to assess the efficacy of control measures for asbestos will advance the effort to protect workers and the public from asbestos exposure and facilitate discussions on environmental management.

There have been two expert panels on asbestos established in Canada.

³ Australian Government. 2012. Asbestos Management Review - June 2012.

The Royal Society of Canada established an expert panel on Asbestos Risk based on a request by Health Canada in 1996. The Royal Society Expert Panel was tasked with reviewing a report from France titled: *Effets sur la santé des principaux types d'exposition à l'amiante* ("Effects on Health of the Main Types of Exposure to Asbestos"), prepared by the Institut National de la Santé et de la Recherche Médicale (INSERM) in June 1996. The Expert Panel review focused on a single question: Is the characterization of risks associated with exposure to asbestos in the above-mentioned report scientifically sound (i.e., supported adequately by available data)? The Expert Panel report "A Review of the INSERM Report on the Health Effects of Exposure to Asbestos" was released in November 1996.⁴

In 2007, Health Canada established the Chrysotile Asbestos Expert Panel. The Chrysotile Asbestos Expert Panel completed its report, titled "Chrysotile Asbestos Consensus Statement and Summary" in 2008 following meetings held in Montreal, Quebec between November 13-14, 2007.⁵

Neither of these Expert Panels focused on the efficacy of the regulatory controls in place, nor did the reports result in any significant regulatory changes to asbestos management in Canada. The findings by both expert panels on asbestos, however, confirmed the harm to human health associated with asbestos exposure, particularly in occupational settings.

Consequently, we submit that an expert review panel to evaluate the efficacy of the current management of asbestos and to provide recommendations on how to achieve a comprehensive ban is necessary.

⁴ Royal Society of Canada. Expert Panel on Asbestos Risk. 1996. A Review of the INSERM Report on the Health Effects of Exposure to Asbestos. Accessed at http://www.rsc.ca/sites/default/files/pdf/publication_asbestos_en.pdf

⁵ Chrysotile Asbestos Expert Panel. 2008. Chrysotile Asbestos Consensus Statement and Summary, prepared for Health Canada. Accessed at <http://www.preventcancer.ca/wp-content/uploads/2009/04/asbestosreport-en.pdf>.

Terms of Reference for the Proposed Panel

We submit the following issues should be considered in the terms of reference for an expert panel:

- i) Scope/Mandate and timeframe
- ii) Key principles to guide the review process
- iii) Composition of Panel members
- iv) Incorporation of public engagement
- v) Report and Recommendation

We would be pleased to provide additional comments and recommendations on these items in the coming weeks in support of initiating a review process in Canada.

We hope your government will give serious consideration to our proposal. We look forward to your feedback.

If you wish to discuss any aspect of this proposal, please do not hesitate to contact us.

Yours truly,



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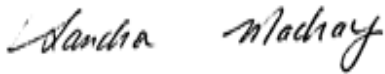


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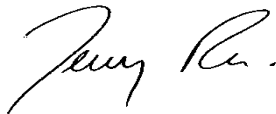
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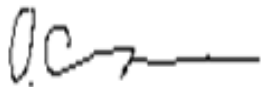
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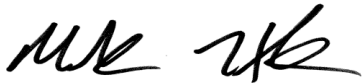
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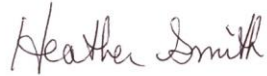
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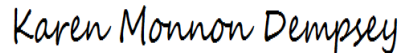


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