

# Canada's 'Rogue Nation' Position on Asbestos

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*Global Ecological Integrity Group (GEIG) International Conference  
Human Rights and Duties: Supporting Biological Integrity for Public Health*

*Prague, Czech Republic, July 11-16, 2011*

# Epidemiology

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The study of the distribution and determinants of disease in populations and its application to the control of health problems

- Primordial *prevention* (*policy intervention*)
- Primary *prevention* (*avoid exposure*)
- Secondary *prevention* (*early detection*)
- Tertiary *prevention* (*rehabilitation*)

# Epidemiology

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**Our job is to **inform policy** with a view to reducing harms by preventing disease and premature mortality at the community level**

# The **MISSION** of those working in Public Health

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- *The **MISSION** is to ... maintain, enhance, and promote health in communities worldwide ... work to protect the public health interest above any other interest ...*

**But, ....**

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*What to do when there is a clash  
between evidence and ideology?*

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*The evidence ...*

# Asbestos: What is asbestos?

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- *Asbestos is a natural mineral with unusual qualities. It is strong enough to resist high temperatures, chemical attack and wear. A poor conductor, it insulates well against heat and electricity*
- *Asbestos crystals become long, flexible, silky fibres, so it can be made into a wide variety of forms. It can be spun into yarn, woven into cloth or braided into rope. Asbestos can also be added to materials as diverse as cotton and cement*
  - *This combination of properties gives asbestos performance capabilities that are difficult to match*

# What has asbestos been used for?

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- **Asbestos has been used over the past 4,500 years. The ancient Greeks wove it into oil lamp wicks, funeral shrouds and ceremonial tablecloths. During the 1800s, it insulated the hot engines, boilers and piping that powered the Industrial Revolution**
- **For half a century, until the 1980s, asbestos was used in office buildings, public buildings and schools. It insulated hot water heating systems, and was put into walls and ceilings as insulation against fire and sound**
- **Asbestos has also been widely used in transportation and electrical appliances, frequently mixed with, and encased in, other materials**
- **Asbestos is also found around the house, used in clapboard; shingles and felt roofing; exterior siding; pipe and boiler coverings; compounds and cement including caulk, putty, roof patching, furnace cement and driveway coating; wallboard; textured/ latex paints; acoustical ceiling tiles and plaster; vinyl floors; appliance wiring; hair dryers; irons/ironing board pads; flame-resistant aprons and electric blankets; and clay pottery.**



# Asbestos Types and Associated Fibres

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- Serpentine

- White (Chrysotile asbestos accounts for approximately 95% of asbestos found in buildings in the USA)

- Amphibole

- Brown

- Blue

- Other materials

# Producing Nations

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- *In 2006, 2.3 million tonnes of Chrysotile asbestos were mined worldwide, with Russia, China, Kazakhstan, Canada, and Brazil producing 93% of this.*

# History of health concerns and regulation

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- *For thousands of years, asbestos has been associated with lung problems and premature death. Over the past 100 years, evidence has accumulated to implicate all types of asbestos in the causation of asbestosis, lung cancer and mesothelioma, among other health conditions.*
- *The IARC, WHO, ILO, Cancer, Public Health and Labour bodies decry the use of asbestos internationally. In Canada, we virtually do not use it, but see fit to mine and export it.*

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*The ideology ...*

# Canada's double standard on asbestos

Government says known carcinogen is too risky for use in Canada, but that doesn't prevent it from pushing chrysotile sales abroad

COLIN L. SOSKOLNE  
AND DAVID V. BATES

Many of us are aware of asbestos remediation programs in schools, offices and public buildings. These programs are designed to safely remove asbestos, formerly used in the construction of buildings, because of its proven link to cancer and lung disease.

The inconvenience associated with remediation efforts is regarded as necessary to protect people's health, especially the health of younger people. Exposure today can result in cancers and lung diseases several decades later.

This inconvenience to Canadians pales, however, in contrast to the hardship experienced by people who buy chrysotile asbestos from us and thereby continue to risk illness and premature death.

As a beacon of civilization, should Canada be concerned with such matters?

How immoral it is that Canadians are involved in pushing a product, no longer considered safe in Canada, to countries less advanced in protecting public health.

Clearly, we should be disgusted that our federal government is complicit in concealing the harm from asbestos in exporting it. Given that the asbestos fibre type from Quebec — known as chrysotile — poses a cancer risk to humans, we certainly should not be permitting its extraction and worldwide distribution.

Yet, our government is directly engaged in mining, marketing and exporting chrysotile asbestos products abroad, to countries without our institutionalized awareness of the harms caused by asbestos.

## Big business in Quebec

The province of Quebec, rich in asbestos reserves, remains the world's

“We need to acknowledge that, by selling chrysotile asbestos, Canada is engaged in a duplicitous act based on a double standard: chrysotile asbestos is not safe enough for Canadian use, yet it is safe enough for Indonesians and others outside of our borders!”

fourth largest producer of chrysotile asbestos. Quebec's political influence with the federal government is exploited by chrysotile stakeholders for economic advantage. Stakeholders promote the product through deception, aided and abetted by academics, paid handsomely to downplay the health hazards, both locally and abroad. Spurred on by the interests of asbestos shareholders, the pro-asbestos propaganda ignores both the social and health consequences of chrysotile asbestos.

Last month, a chrysotile asbestos marketing and promotion exercise took place in Indonesia. There, the asbestos lobby, supported by its pet scientists, argued ad nauseum at an “international scientific symposium” that the new and improved, name-sanitized “chrysotile” is safe for use in Indonesia. This exercise was sanctioned by the Canadian government. Canada provided its logo, embassy, and our tax dollars to perpetuate a lie about a toxic product we will not use here, but that we export, harming the health and well-being of people abroad.

The government of Canada produced

a colourful program announcement.

Speakers included Clement Godbout, chairman of the International Chrysotile Institute (the new asbestos-free name of the Quebec-based Asbestos Institute); some Canadian government mines official (from Quebec); a representative of the Russian asbestos industry, Dr. Ericson Bagatin, who works closely with the Brazilian asbestos lobby; an Indonesian asbestos industry person, and perennial asbestos industry-paid consultants, Drs. David Bernstein and John Hoskins. The program was rounded off by selected Indonesian bureaucrats.

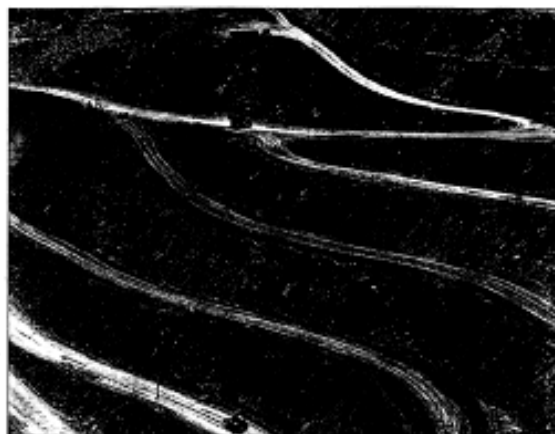
In an impressive-looking invitation, issued under the auspices of the Canadian embassy, anyone who had any questions or conscience at the end of this affair was welcomed to a networking cocktail party.

## A one-sided gathering

Notably absent was Dr. Zulmiar Yanri, head of the occupational safety and health centre for Indonesia. Also missing was Dr. Douglas Henderson, an Australian pathologist whose appointment and expertise were instrumental in the decision to dismiss Canada's case against the French asbestos ban at the World Trade Organization a few years ago. The reason for Yanri's absence was that she had wanted to bring Henderson's objectivity to this otherwise biased event. And, when her suggestion was rejected by the sponsors, she expressed her solidarity to the cause of public health by not attending.

This is but one example of pro-asbestos bias operating at the highest levels of our government. There are many more examples from India and Brazil, Mexico and Chile.

Since the French government maintained its national ban on asbestos, the scientific evidence of the danger from low-intensity exposure to asbestos has



The Johns-Manville open asbestos pit mining operation in Asbestos, Que.

been reinforced. Indeed, there is every reason to link chrysotile asbestos exposure to a variety of lung cancers and other lung disease risks. With increasing global concern regarding asbestos, the government of Canada has become a pariah for its active support of this hazardous industry.

Government of Canada support for the Quebec asbestos industry has deep roots. The simple reality is that the federal government supports the Quebec asbestos mining industry presumably for political gain.

Concerned scientists and citizens need to unify to shut down an industry that has caused death and destruction at home and abroad. We need to acknowledge that, by selling chrysotile asbestos, Canada is engaged in a duplicitous act based on a double standard: chrysotile asbestos is not safe enough for Canadi-

an use, yet it is safe enough for Indonesians and others outside of our borders!

By not condemning our government's support of the chrysotile asbestos industry, Canadians become complicit in both harming and killing innocent victims abroad. Canada must join the dozens of countries in Europe, Latin America, Asia and Africa that have banned asbestos.

In May, our government is supporting yet another feel-good international conference on chrysotile asbestos, this time in Montreal. When will its collaboration with the asbestos industry cease?

Colin L. Soskolne is an occupational and environmental epidemiologist and professor of public health sciences at the University of Alberta.

David V. Bates is professor emeritus of medicine at the University of British Columbia.

# The Ethical Public Health Practitioner

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- Brings ethics to the grass roots ...
- “Do unto others as you would have them do unto yourself or your loved ones” (Golden Rule)
  - *Do your level best in the public interest*
  - *Call people on it when you find them not performing in the public interest*
- In accordance with **norms** of the field
- **Transparency** of collective values
- **Solidarity** on global health threats
- **Accountability** for actions taken

# The **FUNDAMENTAL PRINCIPLES** of **BIOETHICS** include:

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## **RESPECT FOR AUTONOMY**

- **Requires respect for individual rights and freedoms**  
*(voluntary vs. involuntary exposures)*

## **BENEFICENCE**

- **Requires doing good**

## **NON-MALEFICENCE**

- **Requires doing no harm**

## **JUSTICE**

- **Requires the fair and equitable allocation of resources to all without discrimination**

# Other public health principles

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- Protect the most vulnerable in society
  - *Beneficence*
- Involve communities in our research
  - *Respect for autonomy*
- Serve the public health interest above any other interest
  - *Beneficence and non-maleficence*



# The **FUNDAMENTAL PRINCIPLES** of **BIOETHICS** include (under Justice):

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- **ENVIRONMENTAL JUSTICE**

- *Who is taking the risks?*
- *Who is deriving the benefits?*

- **THE POLLUTER PAYS**

- *incentive to internalize costs*

# The principle of **SOLIDARITY**

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- **This requires concerted action, especially on matters of a global nature**

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*Yet ...*

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*“Industry’s offensive against the regulation of health and safety hazards uses academics to downplay or deny the seriousness of the hazards...”*

**J. of Public Health Policy  
September, 1983**

# VIRTUES OF PROFESSIONALS

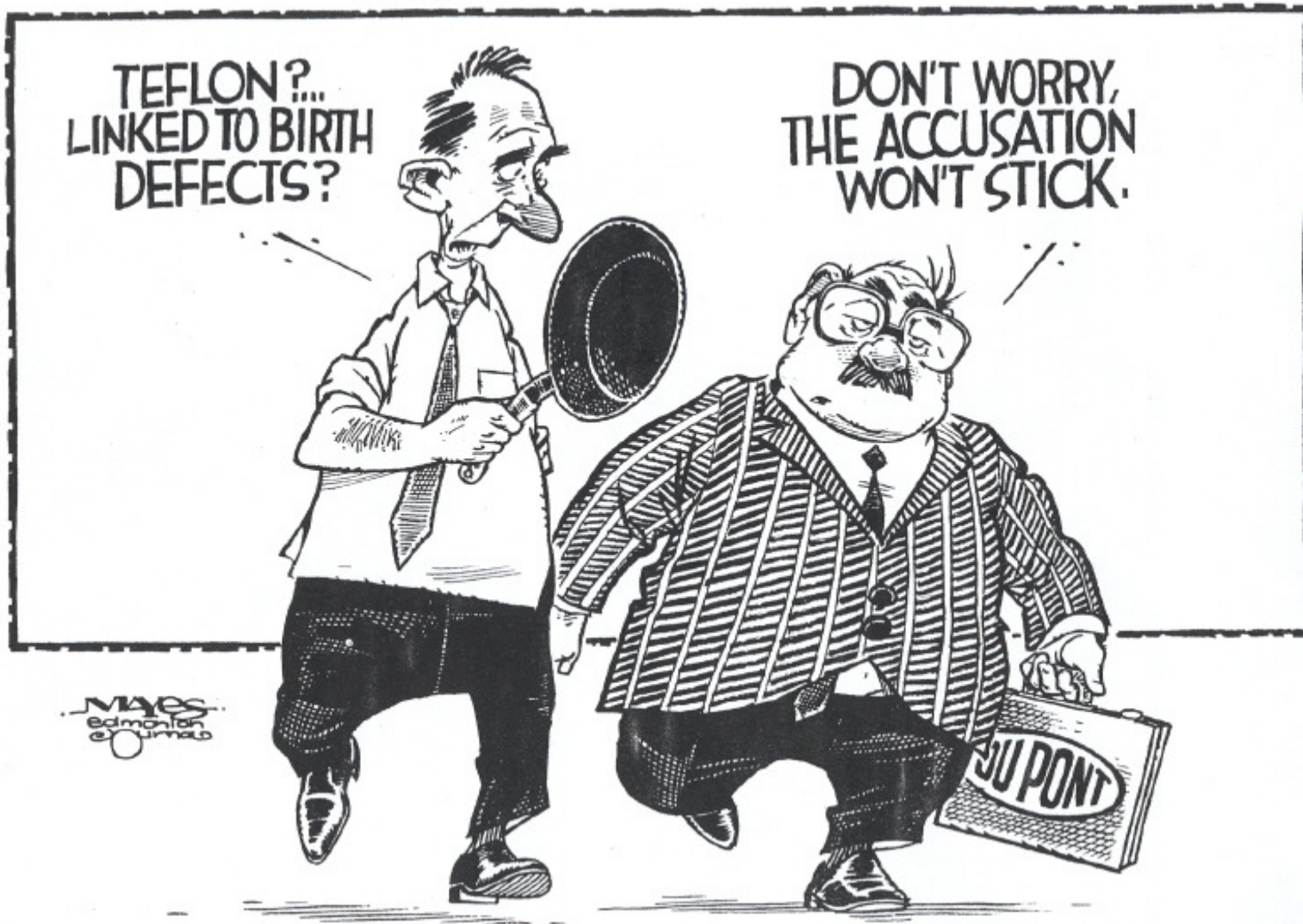
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- Humility** – Respect the input and opinions of others / Self-effacement
- Fidelity** – Honour one's commitments / Promote trust
- Justice** – Act fairly
- Patience** – Take time to hear others' viewpoints
- Industry** – Do your level best / Excel
- Veracity** – Tell the truth / Be honest
- Compassion** – Empathize
- Integrity** – Demonstrate good moral character
- Serve** – Protect the most vulnerable / Serve the public interest
- Prudence** – Err on the side of caution / Demonstrate good judgment

# Manufacture of doubt

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- **David Michaels' work** (2005, 2008)
- **Devra Davis' work** (2007)
- **Lorraine Mallinder, *Deadly Secret***  
In: Canada's History (Apr – May, 2011)
  - They demonstrate the fomenting of **uncertainty ... and of malfeasance**  
→ ***The policy-maker's conundrum***



# Judge Miles W. Lord, 1982

On *“Corporate Ethics and Environmental Pollution”*:

- *“Corporations create 80% of our GNP. They, of all entities working, have the most potential for good or evil in our society.”*



*The **Four D's** applied to scientists studying that which does not support the status quo*

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- **DENY**
  - **DELAY**
  - **DIVIDE**
  - **DISCREDIT**
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- ***DISMISS***

# Hill concludes ... on causal inference

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- “All Scientific work is incomplete – whether it be observational or experimental. All scientific work is liable to be upset or modified by advancing knowledge. *That does not confer upon us a freedom to ignore the knowledge we already have, or to postpone the action that it appears to demand at a given time.*”

## **ETERNIT TRIAL: Prosecutor calls for 20 Years in Jail for Asbestos Billionaire, Turin, Italy, July 4th, 2011**

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- **In a criminal trial in Turin, prosecutor Raffaele Guariniello delivered a closing statement in the trial of asbestos magnates Stephan Schmidheiny and Belgian Baron Jean Louis Marie Ghislain De Cartier de Marchienne.**
- **'An appalling disaster' is how PP Guariniello described the events involving the asbestos multinational in the court room today.**
- **The Public Prosecutor's request to increase the jail sentences to be imposed on the accused took into consideration 'the incredible seriousness of the damages caused', and the serious degree of willful and direct intent; it is alleged that even though the accused were aware of the foreseeable risk of asbestos exposure, they chose not to take the preventative actions needed to safeguard the health of employees and local people.**
- **The trial is expected to conclude by the winter of 2011 with a ruling by the 3-judge panel. The defendants have not testified in the trial. Swiss billionaire Stephan Schmidheiny is estimated to be spending 10 million euros a year on legal defense and public relations services.**

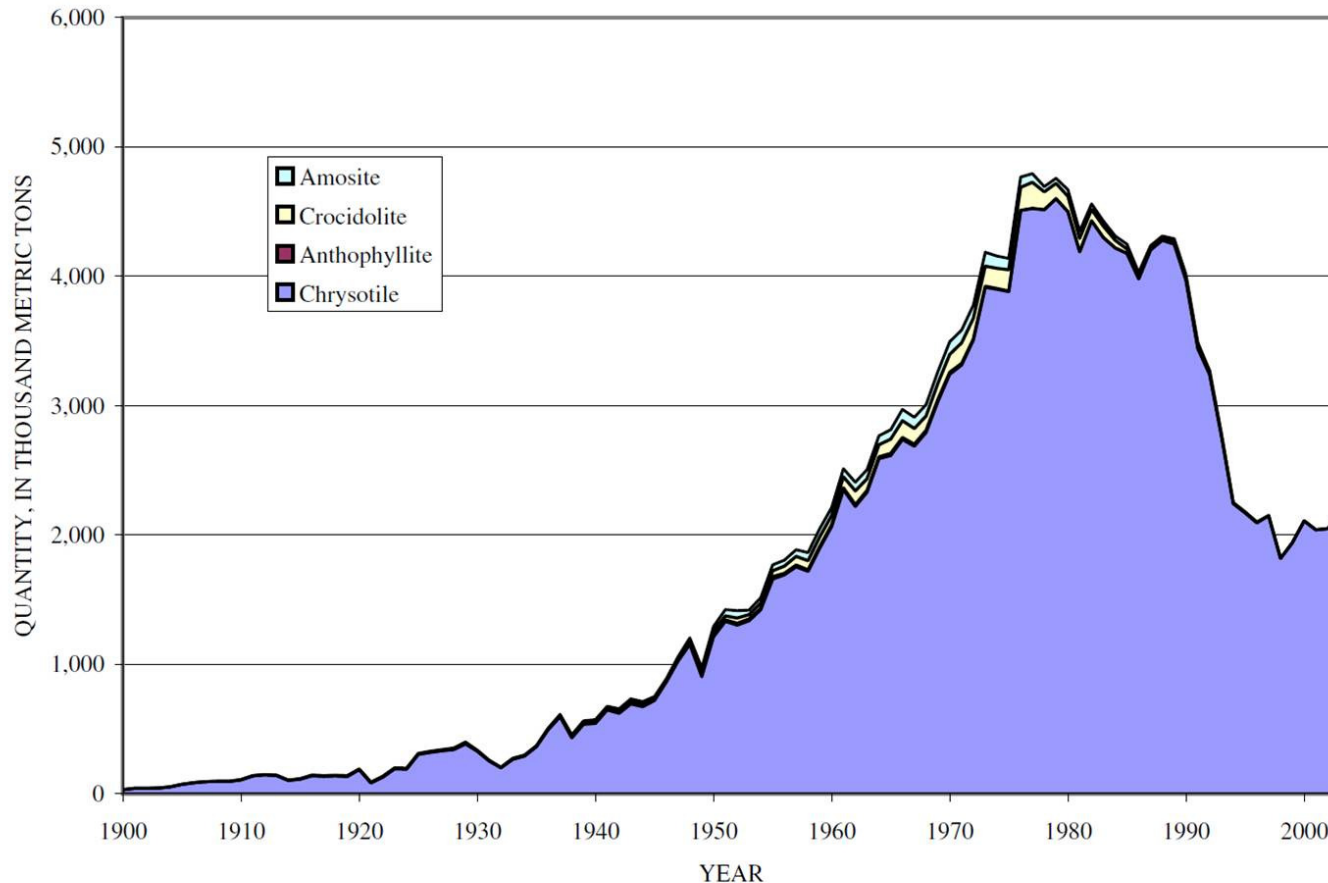
# The UN Rotterdam Convention

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- Adopted in 1998, and effective in 2004, a process that requires of all current 143 member countries:
  - A scientific review panel, democratically appointed, to assess whether chemical substances should be listed under the Convention
  - At a two-yearly Conference of the Parties (COP) to the Convention, unanimous political agreement is needed on recommendations from the scientific panel (the Chemical Review Committee)
  - If LISTED, the only requirement is for member countries that export listed chemicals to secure *prior informed consent* from importing countries, and to provide instructions on “safe use”

# Why CHRYSOTILE asbestos must be added to the RC list

95% of all asbestos produced was CHRYSOTILE asbestos and, for more than 25 years, CHRYSOTILE asbestos represents the ONLY FORM OF ASBESTOS traded in the world



**Figure 4.** World production of asbestos, by type, from 1900 to 2003. About 2.81 million metric tons (Mt) of amosite, 460,000 metric tons of anthophyllite, 173 Mt of chrysotile, and 3.92 Mt of crocidolite were produced from 1900 to 2003. Sources: U.S. Geological Survey, 1901-1921, 1924-1932, 1997-2005; U.S. Bureau of Mines, 1934-1996.

# Canada's Behaviour through the COP

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- *Because those who hold positions of power are accountable for the decisions they take, the more serious the consequences of the decision, the higher the level of accountability and transparency required. This is the foundation of human rights and democratic freedoms.*
- *So, when those who hold high positions of public trust take decisions that will cause a loss of life and refuse to provide any reason for their action, this is a serious violation of human rights and democratic accountability.*

# In fact, ...

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- *The government of Canada not only refused to allow Chrysotile asbestos to be put onto the RC's list of hazardous substances, it refused to give any reason either to the Canadian public in whose name it acts, or to the delegates taking part in the COP.*
- *Dictators feel no necessity to give reasons for how they wield power over others. The conduct by the Canadian government at the RC COP is a disturbing example of how a country that claims to be democratic showed total disregard for human rights and democratic accountability.*

# Indeed, ...

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- *The right to prior informed consent with regard to hazardous substances, as provided by the Convention, is a critical public health tool.*
- *It is a right that Canadians enjoy.*
- *The refusal of the government of Canada to allow developing countries to have that right is a disturbing example of a double standard, where those who are the most vulnerable, instead of being afforded the greatest protection from harm, are given the least protection.*



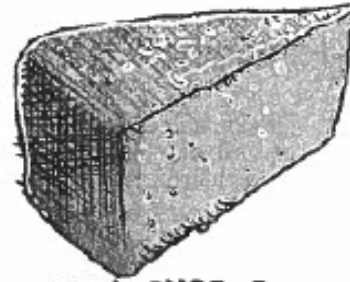
# OPINION

A12 MONDAY, JULY 4, 2011 / EDMONTON JOURNAL

## THE FACE OF CANADA ABROAD:



MAPLE SYRUP



OKA CHEESE



WHEAT



ASBESTOS

de Her  
artizans.com

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## Asbestos stance alarming

Re: "Harper parties in asbestos country,"  
*The Journal*, June 25.

Once more, we see the hard-heartedness of the Harper government. The federal Tories have again refused to agree to the placing of chrysotile asbestos on Annex III of the United Nations's Rotterdam Convention. This would have provided "informed prior consent" before countries could export the mineral.

Many countries have signed on but the Harper Tories insist on supporting the Quebec industry of mining and exporting this deadly substance. Their poor excuse is that the substance is safe, if handled properly.

The Tories know full well that many of the places where this asbestos is sent do not have good health standards for handling dangerous chemical substances.

It is totally immoral and unethical for the Canadian government to continue to support the asbestos industry.

*Catherine Garvey, Edmonton*

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# And from Peter McKnight

Vancouver Sun, July 9, 2011

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- **“A deadly disdain for science.”**
- **“This latest decision, in sabotaging the Rotterdam Convention, is characteristic of the Canadian government’s “defence of asbestos and, more generally, of their hostility toward science and truth.”**
- **“The Conservative Party's stance on asbestos - which drew worldwide condemnation - is just the latest example of the federal government's embrace of an alternate reality bereft of scientific evidence and morality.”**
  - **<http://www.vancouver.sun.com/health/deadly+disdain+science/5077717/story.html#ixzz1RcpOdt30>**

# Stop Canadian Death Export of Asbestos

PETER LEUPRECHT

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- EDITORIAL, International Journal of Occupational & Environmental Health  
<http://www.ijoeh.com/index.php/ijoeh/>
- Université du Québec à Montréal, Montreal, Quebec, Canada
- Dr. Leuprecht is Professor of Public International Law, former Director of the Montreal Institute of International Studies, former Dean of the Law Faculty of McGill University, and former Director of Human Rights and Deputy Secretary-General of the Council of Europe

# And, he makes the point that ...

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- From an ethical point of view, exporting a dangerous substance that is no longer accepted at home to other, mostly poor countries where it will sow death cannot possibly be justified.
- This is also a serious human rights issue. The export of asbestos threatens the human rights of people in the receiving countries, particularly the most fundamental human right: the right to life and the right to health.
- Human rights can be—and are being—violated not only by states, but also by non-state actors such as individuals, groups, and corporations.
- Corporate social responsibility and the responsibility of corporations with regard to human rights are high on the agenda of international institutions— and rightly so—especially the United Nations. As with other non-state actors, corporations and their leaders are accountable for human rights violations.

# In particular, he notes that ...

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- *The producers of asbestos, asbestos product-manufacturing companies, and the scientists, lobbyists, and financial interests supporting them do not accept the scientific evidence. They are operating a massive, Orwellian “denial machine” ... The CBC program documented how powerful interests are trying to deny global warming, supported by scientists—or rather pseudo-scientists—some of whom had previously worked for “Big Tobacco” and received donations from coal and oil companies. The parallel is striking: In the same way that some have attempted to deny the human health dangers of tobacco and the dramatic consequences of global warming, the producers and supporters of asbestos are trying to make us believe that it is not dangerous or that there are possibilities of its “controlled” and “safe” use ...*
- *Once again, we see science pitted against spin.*

# The principle of **SOLIDARITY**

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- **Non-compliance with this principle is arrogant and disrespectful; its presents a double-standard in breach of international norms that are foundational to applied ethical conduct.**
- **Hence the label “rogue nation”**



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# Discussion