

SAFE AND RESPONSIBLE USE OF CHRYSOTILE ASBESTOS FROM POLICY AND LEGISLATIVE FRAMEWORK OF CANADA

I. CHRYSOTILE MANAGEMENT AND CONTROL AGENCIES

Governmental agencies

In Canada, the chrysotile is also an inter-agency matter and managed by different agencies. In addition, at the state level, not only in the states with asbestos mines e.g. Quebec, the state authorities are the vital management units over the asbestos safety in the offices, schools and workplaces. Management contents of chrysotile include the issuance and implementation of regulations on safety for workers, safe transportation and storage of chrysotile materials, products, waste products and sewage therefrom.

Department of Employment and Social Development manages chrysotile safety at the construction sites and repair of buildings.

Department of Health manages the minimum safety conditions for the laborers, proportion of chrysotile in the products; asbestos safety in the residential areas and schools.

Department of Transport manages the transportation of materials and asbestos products by motorized vehicles, import and export activities.

Department of Environment manages the standards of environment, dusts and wastes of asbestos. At present, these standards are mainly based on the standards for dust air sampling of US Environment Protection Agency (EPA)¹.

Department of Industry manages the matters in relation to the consumers, use of safe labels and publishes information on the product package.

Customs agency also involves in management of products, exported and imported materials.

Non-governmental organizations

Asbestos Management Plan is implemented nationwide. Private organizations, NGOs, and schools manage asbestos at their works and headquarters e.g. management of waste, materials,

¹ Ontario Regulation 278/05 at www.ontario.ca/laws/regulation/050278, accessed on 5 Sept 2015

working conditions, health safety conditions at the public areas in accordance with the regulations of the Federation and the local states.

The Canadian Cancer Society continuously gives petitions to elimination of chrysotile use.

The Canadian Society for Asbestos Victims – CanSAV is a quite crowded organization. They demands remedy for occupational diseases related to the asbestos. This Society also gives advice to the victims and their families on the diseases relevant to the asbestos and their rights.

Canadian Mesothelioma Foundation (CMF) includes CanSAV, University Health Network (UHN), Occupational Health Clinics for Ontario Workers (OHCOW), etc, addition to assisting the victims in disease treatment, this Foundation often publishes the reports in relation to the policy on safe use of chrysotile.

Especially, the Ban Asbestos Canada (BAC) is a leading NGO in mobilizing the authority to end production, import and export asbestos and finally ban the use of asbestos absolutely.

II. POLICY FRAMEWORK

At the end of 2011, Canada remains only two asbestos mines located in Quebec, which are now in suspension of operation. In September 2012, Québécois Parti took the win of election in Quebec province. This Party realized the promise with the electors, i.e. after the new government of Quebec was elected, a credit \$58,000,000 to be financed for one of these two mines for its further operation in 20 was cancelled. Then, the Federal Government of Canada notified that they would not oppose to include the asbestos in the list of toxic substances under the Rotterdam Convention².

Despite no prohibition order having been issued, the Government of Canada and its states has paid billions of dollars for absolute removal of asbestos from schools, factories and trade centers. The Government of Canada has also imposed some regulations on use of asbestos. According to the Canada Department of Health, the selling of pure asbestos and products including or containing asbestos fibers which are hazardous substances must comply with the Hazardous Products Act. In addition, the asbestos wastes discharged into the environment from exploitation and crushing must comply with the Canadian Environment Protection Act.

The main acts on chrysotile include the following:

- Hazardous Products Act, with regulations on Ingredient Disclosure List (SOR / 88-64);
- Canada Consumer Product Safety Act with asbestos products regulations (SOR / 2007-260);

² <http://www.asbestos.com/mesothelioma/canada/> accessed on 5 Sept 2015

- Canada Environment Protection Act with Asbestos Mines and Mills Release Regulations (SOR/ 90-341), Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations (SOR-2005-149);
- Canada Labor Code with Occupational Health and Safety Regulations (SOR / 86-304);
- Transportation of Dangerous Goods Act with Transportation of Dangerous Goods Regulations (SOR / 2011-60).

III. LEGISLATION FRAMEWORK ON CHRYSOTILE ASBESTOS IN CERTAIN FIELDS

Import and Export

For import, advertising and marketing in Canada territory, “Ingredient Disclosure List” (SOR / 88-64) of Hazardous Products Act and “Asbestos Products Regulations” (SOR / 2007-260) of Consumer Product Safety Act are applicable. They closely bind the selling of products which are totally made of asbestos and consumer products which contain high risk and are made of or contain asbestos fibers.

Under these regulations, crocidolite amphibol and other asbestos products, if they are pure, shall be prohibited. Any products containing 0.1% of dry weight must declare this information on the Material Safety Data Sheet.

Canada Environment Protection Act (CEPA) has “Export List Control” (referred to as Annex 3), where many forms of asbestos are listed. For example, crocidolite asbestos may be found in Part 2 of the list of these exported substances. The substances listed in Part 2 are subject to the international conventions such as Stockholm Convention and Rotterdam Convention on the prior informed consent and accordingly there must be consent from the importing country before exporting. However, the chrysotile is still absent from Part 2. In other word, export of chrysotile of Canada is not limited. In COP7, Canada agreed to include the chrysotile in the list of substances subject to the prior informed consent procedures and possibly CEPA will make amendment accordingly.

Transport and Storage

Raw asbestos is stored and transported as dangerous goods (Federal Transportation of Dangerous Goods Regulation (SOR/2011-60). For railway transportation, the asbestos drums must be sealed. Asbestos must be processed and provided to a rigid, waterproof, and covered container like a mobile tank car or railway hopper car. However, if the asbestos is soaked or fixed in a natural or artificial binder material, such as cement, plastics, asphalt, bitumen, or mineral ore and

or included in a manufactured product, they shall not be subject to complying with the afore said storage and transport standards.

Regulations on manufacturing of chrysotile containing products

The Federal Occupational Health and Safety Act sets forth a specific regulation on the asbestos: the Workplace Hazardous Materials Information System Regulation - WHMIS. WHMIS is the Canada's national hazard communication standard. The key elements of the system are cautionary labeling of containers, the provision of material safety data sheets (MSDSs) and worker education and training programs.

The asbestos exploitation and mill enterprises shall comply with the Asbestos Mines and Mills Release Regulations (SOR/90-341) under Canadian Environment Protection Act. These regulations restrict the maximum number of asbestos fibers which may be released during the milling process.

In the event of a malfunction or breakdown in the air pollution control equipment or the process equipment associated with the operations or storage, be exceeded for not more than 30 minutes, in the case of a single malfunction or breakdown; a total of one hour per month, in the case of crushing or milling operations or dry rock storage; and a total of two hours per month, in the case of drying operations.

Canadian Occupational Exposure Limit - OEL of asbestos dust.

Regulations on use of chrysotile-containing products

There is no specific regulation on trading asbestos-containing products but any enterprises, in production and trading them shall comply with the "Ingredient Disclosure List" (SOR / 88-64) under Hazardous Products Act and "Asbestos Products Regulations" (SOR / 2007-260) under Consumer Product Safety Act as applicable. They bind the marketing of a product that is entirely composed of asbestos and consumer products with high risk that is made of or contains asbestos fibers.

According to the Asbestos Products Regulations, advertisements, sales and importation of asbestos products are specified. These Regulations control the use of asbestos but not provide absolute prohibition.

Regulations on environment

The asbestos treatment in Canada is conducted in accordance with "Asbestos Waste Management Regulations", made under Section 84, Canadian Environment Act, accordingly:

Asbestos waste means solid or fluid material, discharged from the breaking heatproof plates in the construction works or wastes of producing process of the asbestos-containing products in which the asbestos components are available in the small elements. Also, according to the above

regulation, the asbestos waste is not considered as the hazardous industrial waste. However, due to the dangerous nature of asbestos dust, the law-maker provides specific regulation on this kind of waste in line with: non-generation of dust during collection, transportation and filling. Accordingly:

No person shall transport, store or handle asbestos waste unless it is completely wetted and is

- packaged in a plastic bag having a thickness of not less than 6 mil, sealed and placed inside a non-reusable drum having a capacity of not more than 205l;
- packaged in a plastic bag having a thickness of not less than 6 mil, sealed and placed inside another plastic bag having a thickness of not less than 6 mil and sealed; or
- packaged and placed in accordance with a method approved in writing by an Administrator.

If the bags are torn, repackaging is required.

No person shall transport asbestos waste in bulk in a vehicle to an approved asbestos waste storage facility or to an approved waste disposal site without first having obtained:

- Authorization in writing from an Administrator; and
- Consent from the person responsible for the approved asbestos waste storage facility or the approved waste disposal site that the person will accept delivery of the shipment of the asbestos waste in bulk form.

No person shall transport asbestos waste in a vehicle without a shipping document and unless the vehicle contains. The transportation vehicles must equip: at least 1 shovel; 1 broom, personal respiratory equipment, protective clothing adequate to protect the driver and any passenger in the vehicle from any harmful effects which asbestos waste may have on human life or health; and a supply of wetting agent and plastic bags sufficient to enable any required repackaging³.

The above general regulations of the Federation are detailed by the states with more restrictions.

Regulations on health and employees

Work safety is a regulation composed from various acts of Canada. The existing official version of this regulation is Canada Occupational Health and Safety Regulations, SOR/86-304.

According to SOR/86-304, the minimum safety condition for the production facilities in general and asbestos production premises in particular shall be inclusive of standard toilet room, shower

³ Asbestos Waste Management Regulations, NS Reg 53/95.

room and change room. The air in the work factory must be ventilated at least once per two hours, etc.

For the workers of asbestos industry, the maximum exposure limit to asbestos dust at federal level is 1f/ml for chrysotile and 0.1f/ml for crocidolite⁴.

In Canada, the workers with mesothelioma are compensated. It means that the patients may get money from the state authority if there is documentation proving their exposure to asbestos occurred at workplaces. However, it is estimated that less than a half of really affected people applies for compensation. According to the Canadian Society for asbestos victims, some Canadian citizens injured by asbestos do not claim for compensation because they do not have enough information and do not believe that the claim for compensation will be successful.

There is no specific regulation on compulsory medical examination but the employers with operation related to hazardous and dangerous substances shall consult a physician doctors to ascertain the necessity for that medical examination to the workers and the cost thereof shall be borne by the employers. In addition, the regulations on safety, number of hours exposing to the hazardous substance by the workers must be recorded and compulsorily reported to the state health Administrator and Ministry of Labor⁵.

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⁴ Source: Carex Canada, Sept 201

⁵ Canada Occupational Health and Safety Regulations, SOR/86-304, Section 10.7