

Movement Solutions

**BAN ASBESTOS PHENOMENON:
THE WINDS OF CHANGE**

LAURIE KAZAN-ALLEN

ABSTRACT

The shift in the public perception of asbestos from “magic mineral” to “deadly dust” owes much to the mobilization by asbestos victims, ban-asbestos activists, health and safety campaigners, and individuals concerned about the global asbestos death toll. Cognizant of the proven links between asbestos and disease, governments of industrialized countries banned further use, as a result of which consumption shifted to developing countries; between 2000 and 2010, asbestos use in Asia grew dramatically. In the face of a powerful industry lobby, members of the ban-asbestos network have lobbied national governments to outlaw asbestos use, challenged industry propaganda, and cooperated with social partners on coordinated multinational initiatives. Major developments in the campaign to end the mining, sale, and use of asbestos which have taken place over the last 50 years are delineated in this paper.

Keywords: asbestos, ban, grass roots

In the mid-20th century, a British author wrote: “The past is a foreign country: they do things differently there” [1]. This is certainly true when it comes to the public perception regarding asbestos. For over a hundred years, asbestos was highly prized and widely used. Indeed, in Canada it achieved an almost iconic

status and was referred to as “white gold”; elsewhere it was nicknamed: “the magic mineral.” Unfortunately, the properties that made asbestos so versatile had serious drawbacks—human exposures to asbestos could and did cause debilitating illnesses and premature deaths. Nowadays, asbestos is categorized as the world’s worst industrial toxin, and markets for the “deadly dust” continue to shrink.

One of the most effective tools of the global asbestos lobby was the concept of “controlled use of asbestos.” According to the industry, asbestos could be used safely if workplace conditions were regulated to minimize hazardous exposures. History has shown that despite national legislation, industry guidelines, and government enforcement, achieving the “safe use of asbestos” has proved to be impossible. For this reason, in the 21st century nothing short of “no use” is acceptable to civil society. This change has been the result of years of consensus building by asbestos victims, trade unionists, community activists, health and safety campaigners, medical and legal professionals, and concerned citizens who have reached out not only to the grass roots but also to governments, international agencies, and other entities concerned with occupational and environmental issues.

The seismic shift in attitudes regarding asbestos is clearly illustrated by the grass-roots movement that has arisen in the Indian town of Muzaffarpur. The commencement last year (2010) of construction of a facility to produce asbestos-cement products generated high-profile protests outside the building site. In 2011, a huge public rally was held in the state capital to demonstrate opposition to this project. As a result of the public hostility to the factory, a temporary halt on development work has been imposed. It has recently emerged that much of the impetus for the community revolution against asbestos in Muzaffarpur came from teenage students at a local government school. Having learned about the asbestos hazard in science lessons and textbooks, Hare Krishna and Sonam Singh educated their parents and neighbors about the potential impact the factory could have on the town. According to one report:

Villager Vinod Kumar Singh said his teenage daughter, Sonam, took the lead in convincing her mother and other women in the village. “She literally forced us to oppose the set-up of the factory,” he said. Sonam says she will not stop educating villagers “until everybody comes out to oppose” the factory. “If the government allows the factory they should first burn our school books in which they teach us about the deadly effects of asbestos,” said Sonam [2].

There can be no doubt that the ban-asbestos movement, which had for decades lingered on the outer fringes of society, has now become mainstream.

QUANTIFYING THE CHANGES: MAJOR INDUSTRY PLAYERS

When global asbestos production peaked in 1977 at 4,793,451 tonnes (t), 80 percent of output came from Kazakhstan and Russia (40%), Canada (32%), and South Africa (8%); lesser amounts were mined in Zimbabwe (273,194 t), China (200,000 t), Italy (149,327 t), Brazil (92,773 t), the United States (92,256 t), Australia (50,601 t), and Swaziland (38,046 t). The domination of asbestos markets by Canadian producers that persisted during the 20th century ended that same year (1977) when, for the first time, production in Kazakhstan and Russia (1,896,018 t) surpassed Canadian output (1,055,668 t). Canada was never again to regain the number one spot, and its current output is reliant on dwindling production from a virtually exhausted opencast asbestos mine. An international consortium is attempting to obtain financing from the Quebec government to finish work on a new asbestos underground mine in the town of Asbestos. Should this project go ahead, millions of tonnes of asbestos will be exported to Asian countries in the coming decades.¹

Since 1995, global output has hovered at about 2 million tonnes with production levels rising in some countries: in Russia and Kazakhstan from 808,400 t in 1995 to 1,230,000 t in 2009 (+52%); in Brazil from 170,000 t in 1995 to 288,000 t in 2009 (+69%), and in China from 263,000 t in 1995 to 380,000 t in 2009 (+44%). According to the most recent data available, asbestos mining is now concentrated in five countries: Russia, China, Brazil, Kazakhstan, and Canada.

QUANTIFYING THE CHANGES: NATIONAL ASBESTOS CONSUMPTION

A brief look at some salient statistics reveals just how much has changed in the first decade of this century (Table 1).

There has been a 41 percent decrease in the number of asbestos-consuming countries and more than a threefold increase in the number of countries banning asbestos use. An analysis of the timing of national bans is informative (Table 2). In the last nine years, the number of national bans adopted exceeded the number achieved over the previous 20 years. Perhaps by 2020, even countries like China, India, and Russia will have acknowledged the deadly hazards of exposure to all types of asbestos and banned its use.

¹As of August 16, 2011, the status of this project remains unknown; two Quebec Government deadlines which required investors to come up with \$25 million in private financing were not met. A new deadline is pending.

Table 1. Comparison of Asbestos Regulation and Use for 2000 and 2010

	2000	2010 ^a
Number of national bans in place	18	55
Number of asbestos-consuming nations	66	39
Distribution of asbestos consumption ^b (proportion of global use):		
Asia	47%	64%
Europe	35%	26%
South America	10%	8%
Africa	6%	—

^aThe consumption data here were received in 2010 from the United States Geological Survey and refer to asbestos use in 2009 as an indication of likely usage in 2010.

^bOnly countries using more than 500 tonnes of asbestos a year were included.

Table 2. Implementation of National Bans^a

Period	Interval Years	National bans adopted	
		Total	Number per year
1982-1991 ^b	10	8	0.80
1992-2001 ^c	10	15	1.50
2002-2010 ^d	9	32	3.55

^aSee information on national bans available at:

http://ibasecretariat.org/alpha_ban_list.php and http://ibasecretariat.org/chron_ban_list.php

^bThe 8 countries which adopted asbestos bans during the period 1982-1991 (in chronological order) were: Sweden, Denmark, Iceland, Norway, Israel, Switzerland, Austria, and the Netherlands.

^cThe 15 countries which adopted bans during the period 1992-2001 were: Finland, Italy, Germany, Brunei, Kuwait, France, Bahrain, Poland, Belgium, Saudi Arabia, UK, Ireland, Latvia, Chile, and Argentina.

^dThe 32 countries which adopted bans during the period 2002-2010 were: Spain, Luxembourg, Uruguay, Australia, Honduras, South Africa, Japan, Slovenia, Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Hungary, Lithuania, Malta, Romania, Portugal, Slovakia, Egypt, Jordan, Gabon, Seychelles, Croatia, New Caledonia, South Korea, Oman, Algeria, Qatar, Mozambique, Mongolia, and Turkey.

SHIFTING PERCEPTIONS—HOW DID THIS HAPPEN?

For decades, vested asbestos interests maintained a stranglehold on national asbestos debates; in some countries they still do. Raising public awareness of the asbestos hazard required redefining the questions being asked and the voices being heard in national dialogues. In democratic countries the one thing that can be relied upon to change government policy is sustained public pressure. That asbestos has been banned in 55 countries owes much to the collaborative efforts of asbestos victims' groups, trade unions, nongovernmental organizations and members of the global ban-asbestos community.

Ten key landmarks in the evolution of the ban-asbestos campaign are highlighted here.

Denmark Introduces the First Ban on Asbestos (1972)

Denmark's initial asbestos restriction was on its use in insulation material. Thirteen years later, the ban was extended to some asbestos-cement products, with further restrictions on asbestos-cement ventilation pipes and roofing being introduced in 1986, 1987, and 1988. The staged approach to phasing out asbestos use adopted in Denmark was to become the norm, with most countries first banning crocidolite and amosite (amphibole fibers) and later banning chrysotile asbestos (serpentine).

Formation of the First Support Group for Asbestos Victims (1978)

Asbestos widow Mrs. Nancy Tait formalized her work on behalf of British asbestos victims when she set up The Society for the Prevention of Asbestosis and Industrial Diseases (SPAID) [3]. Nowadays, there are about 100 asbestos victims' support groups in Europe, North and South America, Asia, and Oceania. The majority of these groups were founded by asbestos victims or their relatives to provide much-needed assistance for the injured; the new voices they brought to national asbestos dialogues have revolutionized the public perception of the asbestos hazard.

Formation of Ban Asbestos Network (1991)

Activists who took part in meetings in 1991 and 1992 at the European Parliament and in 1993 in Milan recognized that any campaign to ban asbestos must be conducted on a global scale. Having heard reports by speakers from several countries, it became apparent that the strategy employed by vested interests to forestall the introduction of national regulations and protect valuable asbestos markets was identical the world over. To combat the propaganda onslaught, a concerted multilateral effort to ban asbestos was needed; the

formation of the Ban Asbestos Network provided a means to facilitate cross-border cooperation.

Overturn of U.S. Asbestos Ban (1991)

Twenty years ago, industry lobbyists succeeded in quashing the United States asbestos ban. Amongst the litigants involved in the attack on the ban were: the Government of Canada, the Province of Quebec, the Asbestos Information Association, the (Canadian) Asbestos Institute, and Cassiar (Asbestos) Mining Corporation (Canadian). The involvement of the asbestos stakeholders in this lawsuit is a classic example of how asbestos lobbyists have neutralized actions by governments, adverse scientific findings, and unwanted criticism. Since the industry lobby succeeded in reversing the U.S. ban, lawsuits have remained one of their favorite weapons.

France Bans Asbestos (1996)

In June 1996, the French Minister of Labor, Health, and Social Affairs announced the imposition of a ban on the manufacture, import and use of asbestos fiber and asbestos-containing products, which would come into force on January 1, 1997 [4].² This ban was of huge significance, not only because France had been the third largest importer of asbestos worldwide and a strong supporter of the pro-asbestos lobby, but also because France was the eighth out of 15 European Union (EU) member states to ban asbestos.³ The shift in favor of the pro-ban countries made an EU ban more likely.⁴

Global Asbestos Congress: Past, Present, and Future (2000)

The Global Asbestos Congress 2000 was the first opportunity for asbestos victims, campaigners, community activists, medical specialists, scientific experts, engineers, politicians, civil servants, and concerned citizens from around the world to come together to explore the disastrous impact of hazardous asbestos exposures. The four-day event, which was held in Osasco, Brazil, marked the emergence of the ban-asbestos campaign onto the global stage. It set the precedent for much of what was to come and revealed the latent power of the virtual global ban-asbestos network.

² The ban legislation was included in French Decree 96-1133.

³ European Union Member States which had banned asbestos before France were: Denmark, Sweden, Austria, Netherlands, Finland, Italy, and Germany.

⁴ In 1999, Commission Directive 1999/77/EC banned the use of asbestos in Member States as of January 1, 2005. See: <http://hesa.etui-rehs.org/uk/dossiers/files/D1999-77-EN.pdf>

World Trade Organization (WTO) Rules in Favor of French Ban (2001)

The landmark verdict by the WTO's Appellate Body, which upheld a decision made in 2000, validated the rights of Member States to prohibit the import and use of goods that contain carcinogenic substances such as chrysotile asbestos [5]. The WTO case marked a sea-change from which there was no turning back; no longer could asbestos stakeholders intimidate governments into not acting in the best interests of their citizens. After the WTO decision, any country which chose to ban asbestos could do so free from the fear of an expensive lawsuit.

Mobilization of Ban-Asbestos Activism in Asia (2004–2011)

By the mid-1990s, aggressive marketing by asbestos sellers had increased asbestos consumption in Asian countries to such an extent that usage in Asia surpassed that in any other region. The Global Asbestos Congress 2004 (Tokyo), in conjunction with Asian Asbestos Conferences in 2006 (Thailand), 2009 (Hong Kong), and 2010 (Indonesia), facilitated the spread of the global ban-asbestos movement to Asia. The formation of the Asian Ban Asbestos Network (A-BAN) in 2009 proved to be highly significant. A-BAN members are working to raise awareness of the asbestos hazard in Asia through the production and distribution of multilingual information, the organization of bilateral and regional events, and the mounting of cross-border initiatives.

Italian Lawsuit Against Eternit Executives (2009)

In December 2009, court hearings began in the class action initiated by Turin Prosecutor Dr. Guariniello against Stefan Schmidheiny and Jean-Louis Chislain de Cartier De Marchienne, who worked for the Swiss and Belgian Eternit companies, respectively. The accused faced criminal charges relating to the asbestos-related deaths of 1,500-plus Italians who were occupationally or environmentally exposed to Eternit asbestos. This is the first time that such high-level executives have been indicted on this scale for alleged complicity in hazardous asbestos operations.

Solidarity Delegation from Asia to Quebec (2010)

This historic mission, spearheaded by A-BAN, took citizens from asbestos-importing countries to an exporting nation to appeal for exports of a known carcinogen to end. The delegation members included a mesothelioma victim, the grieving daughter of a mesothelioma victim, a trade unionist, a community activist, and campaigners from India, Korea, Japan, Indonesia, and Hong Kong. Their activities in Quebec, Montreal, and Ottawa were widely reported, as were the uncomfortable questions they asked, such as: "Why is it acceptable for Canada to ship to Asia a substance too hazardous to use at home?"

CONCLUDING THOUGHTS

Each of the developments cited above constituted a stepping stone along the ban-asbestos highway. These historic landmarks have been highlighted not only for their importance but also for what they reveal about the methods by which the asbestos industry continued to profit from a substance which was a known killer. How was this possible? After all, when we are children we soon learn that fire is hot, water is wet, and that dangerous situations are best avoided. How then could an industry which was totally dependent on a fiber classified by international authorities as a Class 1 carcinogen remain in business? How, indeed.

Yet despite the pandemic of asbestos deaths, the multitude of corporate bankruptcies, and the huge individual and societal costs resulting from asbestos exposures, industry propagandists continue to push their deadly product on unsuspecting populations. The asbestos industry heyday will never be revisited, and the industry that has caused so much tragedy is itself on life support. With increasing public mobilization, the expansion of personal injury asbestos litigation in new jurisdictions, judicial action against negligent company executives, and the pressure of market forces, asbestos is being consigned to the dustbin of discredited technologies. That this has been accomplished in the face of a ruthless and rich industry lobby that will spare nothing and no one in its pursuit of profits is a testament to the resolve of all those who have worked together to advance the goals of the ban-asbestos movement.

Editor's Note: For additional detail, see the website at <http://ibasecretariat.org/>

NOTES

1. Hartley, Leslie P., *The Go-Between* (London: Hamish Hamilton Ltd., 1953).
2. BBC News, "Student protest halts asbestos factory in Bihar, India," February 26, 2011, <http://www.bbc.co.uk/news/world-south-asia-12354285> (accessed March 28, 2011).
3. Geoffrey Tweedale and Jock McCulloch, International Ban Asbestos Secretariat, "Fighting Back: Victims' Action Groups and the Ban Asbestos Movement," January 31, 2011, <http://ibasecretariat.org/gt-jmc-fighting-back-action-groups-ban-asbestos-movement.pdf> (accessed April 3, 2011).
4. British Asbestos Newsletter, "Asbestos Banned by France," Issue 25, Autumn 1996, <http://www.britishasbestosnewsletter.org/ban25.htm> (accessed April 3, 2011).
5. British Asbestos Newsletter, "The WTO Speaks: Chrysotile is Bad for You!," Issue 39, Summer 2000. <http://www.britishasbestosnewsletter.org/ban39.htm> (accessed April 2, 2011).

Direct reprint requests to:

Laurie Kazan-Allen
 P.O. Box 93
 Stanmore, HA7 4GR England
 e-mail: lka@btinternet.com