

Minister of Health



Ministre de la Santé

APR 19 2016

Ottawa, Canada K1A 0K9

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Dear Mesdames Nadarajah, Untershats and Lozanski:

This is in response to your environmental petition no. 387 of December 9, 2015, addressed to Ms. Julie Gelfand, Commissioner of the Environment and Sustainable Development (CESD).

In your petition, you raised concerns regarding Canada's continued use and imports of asbestos.

I am pleased to provide you with the enclosed Health Canada response. I understand that the ministers of the Environment and Climate Change and of Public Services and Procurement will be responding separately to questions that come under the purview of their respective departments.

I appreciate your interest in this important matter.

Yours sincerely,

A handwritten signature in cursive script that reads "Jane Philpott".

The Honourable Jane Philpott, P.C., M.P.

Enclosure

c.c. Ms. Julie Gelfand, CESD

The Honourable Catherine McKenna, P.C., M.P.
Minister of Environment and Climate Change

The Honourable Judy Foote, P.C., M.P.
Minister of Public Services and Procurement

Canada

Environmental Petition No. 387 – Health Canada Response

Subject: Concerns about Canada's continued use and import of asbestos

Petitioner: Canadian Environmental Law Association and Canadian Association of University Teachers

Review of current management tools:

Question 1 (a): Environment Canada's description of Asbestos under the List of Toxic Substances under CEPA still refers to chrysotile as less dangerous than other types of asbestos. The current listing of asbestos under the List of Toxic Substances under CEPA should address all forms of asbestos. Please outline the regulatory and non-regulatory measures undertaken under CEPA and other legislation in Canada for all types of asbestos.

Response:

Health Canada regulates the importation and sale of most consumer products containing asbestos under the *Canada Consumer Product Safety Act* (CCPSA). In addition, the *Hazardous Products Act* (HPA) sets out labelling and information requirements for hazardous products, as defined under the HPA, intended for use in a work place.

The safety of consumer products in Canada is governed by the CCPSA. The CCPSA provides HC with modern tools and techniques to strengthen protection of human health or safety, and brings Canada's consumer product safety system in line with key trading partners such as the U.S. In addition to the 35 product-specific and enabling regulations under the Act, the CCPSA's general prohibition places responsibility on industry to ensure that the consumer products they manufacture, import, sell or advertise in Canada do not pose a danger to human health or safety.

The *Asbestos Products Regulations* (APR) under the CCPSA distinguish between two classes of asbestos products – those containing crocidolite asbestos and those that do not contain any crocidolite asbestos. The importation, advertising or sale of any asbestos product that contains crocidolite is prohibited under the APR *except* for five types of asbestos products and where specific requirements are met, including that the person who uses the product in a reasonably foreseeable manner cannot come into contact with airborne asbestos from the product. For non-crocidolite asbestos products, the APR prohibit the import, advertising and sale of products for use in modelling or sculpture, products for use in simulating ashes or embers, and any product composed entirely of asbestos. The APR also specify strict conditions for the importation, advertising and sale of the following non-crocidolite asbestos products: textiles worn by a person, products for use by a child in learning or play, drywall cement or compound, and products that are sprayed.

The CCPSA came into force in June 2011, replacing Part I and Schedule I of the HPA dealing with consumer products. The objective of this new legislation was to modernize and strengthen product safety laws, to give the Government additional powers to take action when products pose a danger to human health or safety, and thereby further protect the health and safety of Canadians.

With respect to hazardous products as defined under the HPA, all hazardous products imported or sold in Canada and intended for use in a work place must be accompanied by a product label and a safety data sheet that contains information about the hazards of the product and safety precautions. Should the hazardous product contain asbestos, the HPA stipulates that this must be disclosed as well as health and safety information regarding the use, handling and storage of that product.

In addition, Health Canada provides information to Canadians regarding the health risks of asbestos on the Healthy Canadians website at <http://healthycanadians.gc.ca/healthy-living-vie-saine/environnement-environnement/air/contaminants/asbestos-amiante-eng.php>.

Information about health risks from asbestos in an occupational setting is available from the Canadian Centre for Occupational Health and Safety at the following link: <http://www.ccohs.ca/oshanswers/chemicals/asbestos/effects.html>.

Question 1 (b): Was a review conducted on the effectiveness of current management measures to address the concerns associated with asbestos? If so, when was the review conducted and describe the results of the review and how the public was engaged in that process? If not, why not?

Response:

Health Canada regularly monitors the marketplace in order to verify whether consumer products being sold in Canada are compliant with requirements under the CCPSA and its associated regulations, including the APR. Health Canada also tracks trends in complaints and incidents with consumer products to help inform its compliance and regulatory activities. Most recently, Health Canada's survey of mineral kits and collectable loose rocks available on the market resulted in three recalls and three stop sales issued for non-compliant products. Further details on this compliance and enforcement project are available on the Health Canada website at <http://www.hc-sc.gc.ca/cps-spc/pubs/indust/asbestos-amiante-eng.php>.

Question 1 (c): If the Public Works and Government Services Canada (PWGSC) is investing money into asbestos abatement from federal buildings, why does the federal government continue to allow the use of asbestos in new construction projects, in the forms of pipes and other materials?

Response:

Under the APR, cement pipes containing crocidolite asbestos are permitted to be imported, advertised and sold in Canada only if strict conditions are met. These products are used in very specific applications and exposure to the general public is

expected to be very low. All other consumer products containing crocidolite asbestos that could be used as part of a construction project are prohibited.

Cement pipes and other construction products containing asbestos, if considered a hazardous product as defined under the HPA, must be accompanied by a product label and a safety data sheet that contains information about the hazards of the product and safety precautions, including health and safety information regarding the use, handling and storage of that product.

Question 1 (d): Saskatchewan was the first province in Canada to implement a law requiring all public buildings that contain asbestos to report it to a provincial registry. Will the government of Canada develop a national registry of buildings containing asbestos? If so, when will the process be initiated? If not, why not?

Response:

It is my understanding that my colleague, the Minister of Public Services and Procurement, will be answering this question.

Question 1 (e): Recent changes to Health Canada's website removed references to chrysotile being less dangerous than other types of asbestos. Is Canada considering a change to the current *Asbestos Products Regulations* to no longer distinguish between different types of asbestos? If not, why not?

Response:

The Government of Canada recognizes that the main health risks associated with all forms of asbestos relate to inhalation of asbestos fibres, which can cause cancer and other diseases.

The Government of Canada helps protect Canadians from asbestos exposure by regulating the sale of certain high-risk consumer products made of asbestos or that contain it through the APR. The Government will carefully consider whether further controls of asbestos are necessary.

Question 1 (f): Does the federal government pursue active initiatives and programs to educate the public about the dangers of asbestos? If so, please provide details of these initiatives. If not, why not?

Response:

The Government of Canada provides Canadians with information on the health risks associated with asbestos exposure, as well as protective actions people can take to reduce their exposure primarily through its "Health risks of asbestos" webpage at <http://healthycanadians.gc.ca/healthy-living-vie-saine/environnement-environnement/air/contaminants/asbestos-amiante-eng.php>.

For worker-specific outreach, the Canadian Centre for Occupational Health and Safety is a federal agency that also features information on the health risks of asbestos on its website: <http://www.ccohs.ca/oshanswers/chemicals/asbestos/effects>. This website

explains how exposure to asbestos can be dangerous to health and advises Canadians on how to prevent exposure to asbestos and how to take action to protect health if they suspect they may be at risk of exposure to asbestos in the workplace.

Question 1 (g): Has the government applied the precautionary principle in developing regulatory and non-regulatory measures on asbestos, particularly as it pertains to products? If so, please provide details on its process. If not, why not?

Response:

Since 1979, the Government of Canada has put into place a number of regulations to control the importation and sale of asbestos products to protect Canadians. Through the enforcement of these regulations, the Government helps to protect Canadians from the potential health risks associated with those products.

The sale of pure asbestos and certain high risk consumer products that are composed of or contain asbestos fibres is strictly regulated under the APR under the CCPSA.

Import:

Question 2 (a): Does Canada have a notification/screening process for asbestos imported for use or in products containing asbestos? If so, please provide details. If not, why not?

Response:

Canada, as Party to the Rotterdam Convention, has issued import responses under this treaty relating to the following forms of asbestos: crocidolite; tremolite; actinolite; amosite; anthophyllite. These import responses are made available online through the Rotterdam Convention Secretariat. Canada has indicated through this process its "consent under conditions" to the import of these forms of asbestos. The conditions established by Canada reflect the domestic restrictions on the import and sale of these forms of asbestos as established by the HPA as well as the APR under the CCPSA. Other Parties to the Rotterdam Convention are obligated to respect Canada's import responses when exporting substances to Canada that are listed under this treaty.

Question 2 (b): The State of Connecticut has prohibited "the introduction or delivery for introduction into commerce of any toy or other article for sale in this state marketed for the use of children under the age of sixteen containing asbestos". Children are at a higher risk of developing mesothelioma; exposure to even small amounts of asbestos in crayons and toys (i.e., fingerprint powder in crime scene kits), which can easily become airborne, will further increase that risk. What is the government's position on prohibiting asbestos from all consumer products, including children's toys? How would such a prohibition be implemented? For instance, could the current *Asbestos Products Regulations* be amended to achieve a prohibition of all asbestos in products?

Response:

Currently, the APR prohibit children's toys containing crocidolite asbestos, whether or not the crocidolite asbestos is tightly bound within the matrix of the product. In addition, non-crocidolite asbestos is prohibited from being used in consumer products for use by a child in learning or play *unless* it is tightly bound within the matrix of the product and cannot be released into the air. Furthermore, products that pose "a danger to human health or safety" as defined in the CCPSA are prohibited.

Health Canada regularly monitors the marketplace in order to verify whether consumer products being sold in Canada are compliant with requirements under the CCPSA and its associated regulations. Previous market surveys of asbestos-containing products, including toys, have shown a high level of compliance with the APR. When instances of non-compliance are found, the Department follows up with the company for appropriate action. See response to Question 1(b) describing the results of Health Canada's compliance monitoring activities of mineral kits and collectible loose rocks available on the market conducted in 2014-2015.

Health Canada is committed to helping protect Canadians against unsafe consumer products, including products containing asbestos, and will continue to monitor the marketplace and examine evidence regarding the safety of consumer products.

The Government will carefully consider whether further protective measures are necessary.

Review of Recent Studies:

Question 3 (a): A recent comprehensive report by the Scientific Committee on Toxicity, Ecotoxicity, and the Environment, found that "substitutes [of asbestos] are less harmful than commercial chrysotile, which in turn is less harmful than the asbestos amphiboles". Would the federal government reconsider its position on asbestos substitutes that it took in response to Petition No 226, wherein it stated: "many fibres used to replace "asbestos" may be as hazardous as or even more hazardous than chrysotile"?

Response:

A search of the organization's website did not provide details of any recent study (http://ec.europa.eu/health/scientific_committees/environmental_risks/sctee/index_en.htm).

The scope of risk assessments conducted under the Chemicals Management Plan does not include identification of potential substitutes for substances of concern. However, under the *Canadian Environmental Protection Act, 1999*, new substances which are potential alternatives for asbestos may be submitted for premarket review. Moving forward, the government is working with other jurisdictions and organizations (e.g. OECD) to identify tools and approaches that may be used for identification of alternatives to substances of concern.

Question 3 (b): In June 1, 2006, the ILO resolved that "the Asbestos Convention, 1986 (No. 162), should not be used to provide a justification for, or endorsement of, the

continued use of asbestos". Since then, the government of Canada has responded to all three petitions to the Auditor General in relation to asbestos by using the Asbestos Convention, 1986, to justify its previous asbestos exports. In considering the new resolution, will the government of Canada consider prohibiting the mining, use, import and sale of asbestos nationwide?

Response:

The Government of Canada recognizes that breathing in asbestos fibres can cause cancer and other diseases and has put into place a number of measures to protect Canadians from exposure to asbestos.

The Government will carefully consider whether further protective measures are necessary.