

Asbestos – not wanted in the world

Australia



Strong action by the seamen's union won the day when the Maritime Union of Australia (MUA) called on dockers in December 2000 not to handle any asbestos cargoes in a bid to speed up the banning of asbestos in Australia.

The Australian debate had been rekindled by the publication of a lengthy National Industry Chemicals Notification and Assessment Service (NICNAS) report on chrysotile asbestos in February 1999. The NICNAS came out in favour of an full-on ban on asbestos, leaving government to set a date for the ban to enter into force.

Then, virtual silence for nearly two years. The National Health and Safety Commission was deadlocked over the time frame for an asbestos ban. The employers' and government representatives simply wanted to phase it out over a period of years. The Australian Confederation of Trade Unions (ACTU) wanted a total ban sooner rather than later.

Australia has one of the highest rates of mesothelioma in the world. Forecasts are for 16,000 asbestos-related mesothelioma and 40,000 lung cancer deaths between 1987 and 2010. The mortality rate from asbestos-related diseases is currently running at some 3,000 workers a year - more than mortality from all work injuries combined. Recent years have seen a rise in recorded mesothelioma deaths among 20-40 year-olds. Given the long latency periods for mesothelioma, this suggests that environmental exposure is also a major health concern. That is why trade unions want a register of asbestos-containing buildings drawn up and a national programme of asbestos removal.

Trade unions have been fighting for years to get asbestos banned and recognition for victims' occupational diseases. They succeeded in getting the Wittenoom, Barbara and Baryulgil mines shut down, and all production of the mineral was halted in 1983 in Australia. But asbestos is still being imported, mainly for the manufacture of friction materials (brake linings) and heat-resistant seals. The main asbestos user is Bendix Mintex, which was still importing 1,500 tonnes of asbestos ore in 2000. The Australian construction industry seems not to use asbestos cement.

The unions won the right to stop work if asbestos use rules are violated. But the exposure limit set by the NOHSC is still very high (1 fibre/ml). Some states

and territories may set lower limits. Unions are also campaigning for an asbestos research institute to be set up in New South Wales to support victims and develop better management strategies.

In December 2000, trade union lobbying led the main asbestos user (Bendix Mintex) to reach a deal on replacing asbestos with other less dangerous products. A spate of lawsuits against past and present asbestos-using firms have finally persuaded employers that an asbestos ban is inescapable. Recently, one of the main asbestos using companies, James Hardie, had to set up a 300 million AUS\$ fund to underwrite the compensation payable to 400 victims who were suing it.

Finally, on 14 March 2001, the National Occupational Health and Safety Commission (NOHSC) served notice of its plans to propose a total asbestos ban. The Commission is a tripartite body with key responsibilities in the development, running and assessment of prevention programmes in Australia, and powers to propose new regulations. The NOHSC has published three reports on the health assessment of alternative materials to asbestos, a technical assessment of alternatives to asbestos, and an initial economic impact assessment of the measures proposed¹. Before even being published in March, the NOHSC statement of intent had the backing of five Australian States and Australia's leading asbestos-related products industry group. On 11 April 2001, the remaining states and territories fell into line, and the federal government pledged to support an asbestos ban, which should be effective from 31 December 2003.

Brazil

Brazil is a comparatively recent asbestos ore producer. The first mine at São Felix do Amianto à Poções in the State of Bahia was only opened around 1940. It was declared exhausted and closed in 1967, leaving a real environmental disaster in its wake. A much larger mine was later opened up at Minaçu in the State of Goiás. Multinational corporations' investments received state backing under the military dictatorship. All independent trade union activity was classed as "subversion"². The first legislation controlling asbestos use was not enacted until the late 80s. The first - woefully lacking - limitation was set in 1989 in a national agreement on safe asbestos use. In 1993, a group of left opposition MPs tried to get asbestos banned on the basis of the first systematic data revealing the extent of asbestos exposure health problems suffered by Brazilian

¹ All downloadable from: <http://www.nohsc.gov.au/NewsAndWhatsNew/MediaReleases/mr-140301.htm>.

² Recent investigations reveal that some terrorist operations linked to political repression, like Bandeirantes Operation in which 1,200 people were subjected to prolonged torture between 1968 and 1970, were directly employer-funded (H. Contreiras, Segredos do porão, Isto é, 21 February 2001).



workers³. The parliamentary debate dragged on for two years. The asbestos lobby succeeded in getting chrysotile asbestos dropped from the bill (Act 9.055 of 1995), leaving only asbestos spraying under a complete ban.

Today, Brazil is a major asbestos ore producer. An annual output of 200,000 to 250,000 tonnes (figures for 1992-1997) ranks it as the fifth world producer after the Russian Federation, Canada, China and Kazakhstan⁴. Unlike Canada, which exports almost all of its output, Brazil is a huge asbestos user. An estimated three quarters of its production goes for a range of home market uses. About 85% of asbestos production is used to make asbestos cement (tiles, water tanks, tubes and pipes), the remainder being used mainly by the motor vehicle and textile (heat-resistant protective clothing) industries. The asbestos materials manufacturing base is thought to be highly dispersed into thousands of small firms, with an estimated 300,000 workers exposed. Most of its export sales are to Asian (India, Thailand, Japan), African (Nigeria, Angola) and other Latin American countries.

The federal government's dithering has led many local authorities to take steps to prohibit asbestos use within their jurisdiction.

Municipal governments led the breakthrough in 1997 with draft municipal legislation banning asbestos in the São Paulo industrial suburb of Osasco where an Eternit factory manufacturing asbestos-cement materials had long been sited and many workers had died of asbestos-related diseases. The law was passed in 2000, and the township of Osasco hosted Brazil's first international congress for an asbestos ban in September 2000. The October 2000 municipal elections were marked by considerable advances for Workers' Party (PT), which developed out of trade union opposition to the military dictatorship in the 80s. The number of PT-controlled town councils rose to 187 which, with over 28 million residents, accounts for about 18% of the Brazilian population. In the State of São Paulo alone, nearly a dozen municipal councils, often in large industrial towns, outlawed asbestos use. On 15 February 2001, the municipal council of São Paulo, which with Mexico is the most populous town on the American continent, passed a law banning any use of asbestos-containing materials in the construction industry. The movement is now spreading to many municipalities in other Brazilian states.

The legislative assemblies of several states have followed suit. Workers' Party MPs in the States of Mato Grosso do Sul (January 2001), São Paulo and Rio Grande do Sul (May 2001), and Rio-de-Janeiro (June 2001) have steered legislation through their own assemblies banning asbestos. Similar governmental

Asbestos lobby tries to silence Brazilian labour inspector

One of the leading lights in the movement to get asbestos outlawed in Brazil is labour inspector Fernanda Giannasi. She has come under repeated attack from the business community, and has even been threatened by the state security forces for her activism in favour of workers with asbestos-related occupational diseases (Fernanda is an organizer of the Brazilian Association of Asbestos Victims - ABREA).

Recently, the Montreal-based Asbestos Institute attacked Fernanda Giannasi in a letter to the Brazilian Labour Minister, specifically charging her with acting against Brazil's trade interests by arguing for the asbestos ban. The letter effectively concludes with a demand that she be punished, saying that if Fernanda takes lines on asbestos for which

she is not formally authorized by the Brazilian Ministry of Labour, the Asbestos Institute will ask the Ministry to "take the necessary measures so that Mrs Giannasi no longer abuses her professional responsibilities to promote her personal activities". The letter is signed by the Institute's Director, Mr Denis Hamel and dated 23 April 2001.

This kind of letter is a dangerous attempt to curtail the freedom of expression and independence of labour inspectors. The Brazilian Ministry of Labour did not take kindly to the Asbestos Institute's attempted bully boy tactics, and made no bones about it in statement from its press spokesman: "This meddling by international institutions is unacceptable. Our official Fernanda Giannasi is an experienced professional in this field"⁵.

³ The first Brazilian study on asbestosis cases dates back to 1956. Other studies were published in the 70s, but it was not until 1986 that the first national seminar on dangers of asbestos was staged by different national agencies (see *Revista Brasileira de Saude Ocupacional*, No 63, vol. 13-1988). Detailed information on Brazilian research into asbestos-related diseases is available in; René Mendes, *Asbesto (amianto) e doença*, on: <http://www.saudeetraballo.com.br/htm>.

⁴ Kazakhstan produces more or less than Brazil, depending on the source and reference year.

⁵ See *Correio Braziliense*, 4 July 2001.



bills are currently under discussion in the legislative assemblies of other states (especially Minas Gerais and Bahia).

A nationally-edicted countrywide asbestos ban is currently being debated by the Brazilian Parliament in response to draft legislation tabled by PT and Green Party MPs. The initiative has been met with fierce lobbying by asbestos interests. Environment Minister José Sarney has repeatedly pledged that asbestos will be outlawed before the term of the present executive expires in 2003. An initial statement to this end was made in July 1999 and the National Environmental Council (Conama) is engaged with the issue. But Minister Sarney has said that he has powerful forces to contend with. The asbestos lobby has particularly active links in two of the coalition parties which support President Cardoso: the Party of Brazilian Social Democracy (the President's own party), and the Brazilian People's Party, a political group set up by staunch supporters of the former military dictatorship. The rapporteur for the parliamentary committee tasked with discussing the draft legislation banning asbestos is a right-wing MP, Ronaldo Caiado, who makes no secret of his antipathy to the bill.

The Asbestos Institute (a Montreal-based front for the asbestos employers' interests) stepped up its lobbying activities and sent out a delegation in June 2001 to try and sway the federal Parliament. The Canadian pro-asbestos lobby disingenuously points the finger at "wealthy nations" seeking to promote substitute products, and put themselves across as champions of emergent countries' rights to development. *"These wealthy countries are (...) the ones with powerful transnational companies that made their fortunes over the years by using asbestos. Today, they are the ones fighting to ban it and they offer other products that are supposedly better for people. They leave disastrous years behind them. These are the same companies that made thousands of people work under terrible conditions where workers were exposed to inordinately dusty work environments, filled with fibres left in the air that were breathed into the lungs. This is why, years later, we still find workers who suffer from pulmonary diseases and lung cancer"*. The anti-imperialist rhetoric of this statement rings hollow given the extent to which the Asbestos Institute has helped cover up the actions of these multinational corporations during these "disastrous years". It is true to say that some multinational asbestos firms have embraced a sort of green capitalism, with self-righteous statements about social responsibility and environmental protection.

It is no less a fact that not all of these firms plan to make good the health and environmental disasters left in their wake. Yet other firms like Eternit-Etex opt for a double standard: asbestos for dominated countries, substitute products for dominant countries. And Canada is the leading exponent of that double standard, using barely 6,000 tonnes of asbestos but producing 500,000 tonnes of ore in 1994.

Chile

The production, import, export and use of all varieties of asbestos and asbestos-containing materials was outlawed by Decree 656 of 12 September 2000, which came into force in June 2001.

Article 2 bans the use of all asbestos-containing materials in the building industry. This is a major triumph for victims' associations, trade unions and environmental groups which have been battling for years to get asbestos banned.

A committee set up by the Ministry of Health to look into asbestos issues in 1999 concluded that asbestos could be replaced with safer materials. The Confederation of Building Workers was a major contributor to the debate, giving evidence that the set-up of the construction industry, based on routine use of subcontracting, made any controlled use strategy a non-starter. It faced the full-blown hostility of construction industry employers who did not want a firm date set for ridding the industry of all asbestos-containing material.

Exemptions are still allowed in some other sectors of the economy with prior Health Ministry authorization.

Chile has been Latin America's largest user of building asbestos⁶. A census carried out in 1992 found that 43.6% of houses had asbestos-cement roofing (compared to 24.5% in El Salvador, 17.9% in Mexico, 15.8% in Cuba and 10.4% in Ecuador). Most of it is public sector housing or the shanties lived in by the poorest in society. ■

⁶ C. G. Ramos, *Enemigo in casa, Qué pasa*, No 1377, September 1997.