

Asbestos Working Group Consultations
BACKGROUND PAPER
November 6, 2017

Introduction

From 2007 to 2016, there were over 600 worker deaths in BC related to asbestos exposures, with the majority of those workers dying before the age of 65. Asbestos-related diseases are now the leading cause of workplace deaths in British Columbia because of significant workplace exposures to asbestos 20, 30, or more years ago.

Over the past decades, as the dangers of asbestos became known, governments, industry and others have taken many steps to protect citizens from exposure to asbestos and to contain its detrimental impact on the environment. However, since asbestos continues to be found in many industrial, commercial and residential building materials, and in motor vehicle parts and other industrial and consumer products, it remains a significant health and safety and environmental issue.

The British Columbia government has therefore established a cross ministry working group that is examining whether there is more that it can be doing to ensure that both the people in British Columbia and the natural environment are adequately protected from the dangers of asbestos.

The Cross-Ministry Asbestos Working Group

The cross-ministry asbestos working group's mandate is "to identify, review and report on outstanding risks that asbestos poses for British Columbians and the environment, and on additional strategies and initiatives that the British Columbia government and its agencies could undertake to further protect people and the environment from the dangers of asbestos."

The working group is comprised of senior representatives from the ministries of: Labour; Environment and Climate Change Strategy; Health; and Municipal Affairs and Housing. WorkSafeBC is also represented on the working group.

Since its creation in February 2017, the working group has been reviewing available evidence to identify the nature and magnitude of outstanding asbestos risks for British Columbians and the province's natural environment, and has identified a number of initiatives that ministries and agencies are currently undertaking or are considering going forward.

As part of its mandate, the working group will consult with relevant outside stakeholders on the issues and potential initiatives, including business and employer representatives, the BC Federation of Labour, the BC Building Trades and other worker representatives, asbestos contractors, the Union of BC Municipalities, selected local governments, public interest groups, homeowners and their representatives, other appropriate stakeholders identified by the working group, and individual British Columbians.

The purpose of the consultations will be to seek the views of stakeholders and the general public and their advice on the outstanding risks that asbestos poses for British Columbians and the environment, and on any additional strategies and initiatives that government and its agencies could undertake to further protect people and the environment from the dangers of asbestos.

The Current Legal Framework

Several provincial government ministries, agencies and other levels of government play a role in the handling of asbestos.

Ministry of Labour/WorkSafeBC:

- The *Workers Compensation Act* and *Occupational Health and Safety Regulation* outline the requirements and related guidelines regarding identification, exposure, designated work areas and containments, and handling and disposal of asbestos at work sites.

Ministry of Environment and Climate Change Strategy:

- The Ministry regulates “waste asbestos” as hazardous waste if the waste contains friable (easily crumbled or powdered by hand) asbestos fibres or asbestos dust in a certain concentration (greater than 1% at time of manufacture or as determined in the Hazardous Waste Regulation). It also governs how asbestos is to be transported and disposed of.

Ministry of Health:

- The *Public Health Act* and regulations require reporting to medical health officers of pollution events that create a health hazard, and authorize public health officials to investigate and require that actions be taken to protect the public.

Local Governments:

- Local governments have the responsibility and the authority to establish and enforce standards of maintenance bylaws for existing buildings and to issue building, demolition and alteration permits.
- If asbestos is found over the course of a renovation or demolition, employers are required to hire a qualified abatement contractor to remove it. A qualified person must also certify that the worksite air is safe, following the completion of the asbestos removal work.

Within this legal framework, responsibilities are conferred upon many parties, including owners, contractors, employers, workers, inspectors, laboratories and others. In addition, the various ministries, agencies and local governments have their own compliance and enforcement powers.

In this context, there are potential issues and concerns about how well the current legal framework is working to protect people from asbestos exposure. This includes questions about whether the parties (including homeowners and other members of the general public) are sufficiently aware of asbestos risks and their obligations, how well the different ministries, agencies and local governments work together, and whether there are any regulatory and enforcement gaps.

The Working Group's Consultations

Homeowners and other members of the general public are invited to participate in the consultations. The following questions set out some topics that the working group is particularly interested in. However, please be assured that any and all feedback is welcome (see next page).

Asbestos Working Group – Question Guide*

- From what perspective are you interested in the issues related to asbestos?
 - Homeowner?
 - Worker?
 - Contractor?
 - Interested member of the general public?
 - Other?

- From your perspective, what issues and challenges do you see when it comes to the safe use, handling, abatement and disposal of asbestos? What suggestions do you have for addressing these issues and challenges?

- Do you believe that you know what you need to know about the safe use, handling, abatement and disposal of asbestos? Do you have any suggestions on how British Columbians could increase their knowledge and awareness of these issues?

- Have you had any dealings with others (e.g., homeowners, contractors, employers, workers, building inspectors, laboratories and anyone else) with respect to the safe use, handling, abatement and disposal of asbestos? Do you have any comments, issues or concerns about any of these dealings?

- Have you had any dealings with government or regulatory bodies that have responsibilities over asbestos (e.g., local governments, WorkSafeBC, Ministry of Environment, Ministry of Health) on any matters related to the safe use, handling, abatement and disposal of asbestos? Do you have any comments, issues or concerns about any of these dealings?

- One proposal that the working group is considering would require any worker who is working with asbestos to first receive training and then a provincially recognized certificate proving that the worker is qualified to work with asbestos. Do you have any comments, issues or concerns about this proposal?

- Another proposal that the working group is considering would require asbestos abatement contractors to be licensed, and to require that only licensed asbestos abatement contractors could be used for this type of work. Do you have any comments, issues or concerns about this proposal?

- Are there any other issues, including other possible asbestos initiatives that you would like to bring to the working group's attention?

Note: these questions are intended as a guide for the stakeholder consultations. However, please be assured that any and all feedback is welcome.