



January 13, 2017

Director
Chemical Management Division
Environment and Climate Change Canada
Place Vincent Massey
351 Saint-Joseph Boulevard, 10th Floor
Gatineau, Quebec
K1A 0H3

Subject: Notice of Intent to Develop Regulations Respecting Asbestos

Dear Sir or Madam:

The Industrial Minerals Association – North America (IMA-NA) is a trade association created to advance the interests of North American companies that extract and process industrial minerals used throughout the manufacturing and agricultural industries. North American industrial minerals, including those imported to or exported from Canada, play an integral role in fostering economic prosperity and the high standard of living that we enjoy.

We understand that the Government of Canada soon will develop regulations respecting asbestos. IMA-NA supports efforts to eliminate harmful exposure to asbestos, in Canada and elsewhere. We support the prevention of harmful exposures to asbestos, but there must be clarity and sound science to ensure that common rock fragments and soil are not mistakenly included in any regulations ultimately adopted (see Attachments 1 and 2). These common naturally occurring rock and soil-forming materials have been studied and have, in rulemakings and peer-reviewed literature, not been found to cause asbestos-related disease (see Attachments 3, 4 and 5).

In 2007, the United States Senate unanimously passed the *Ban Asbestos in America Act of 2007* (S. 742)(see Attachment 6). That legislation properly defined asbestos and asbestiform minerals, requested federal studies to determine any changes needed to concentration levels based on risk as well as differentiating asbestos and other materials, and requested the development of test protocols that would differentiate asbestos fibers in the natural, mixed-dust environment from elongate nonasbestiform cleavage fragments. We believe this information may be helpful to Environment and Climate Change Canada and Health Canada as they develop regulations respecting asbestos. In effect, it is essential that good science be applied and clarity exist with respect to what is, and what is not, “banned.”

As a practical matter, Environment and Climate Change Canada and Health Canada must consider what a “ban” encompasses. Establishing a zero percent tolerance for all materials could prove to be technically infeasible in practice. Certifying that anything is 100% free of a naturally occurring material is neither logical nor scientifically possible. We note with approval that in the Section 71 survey the Departments used to elicit data on asbestos that they employed a threshold for reporting “at a concentration greater than 0.1% by weight (w/w%) in a mixture, product or manufactured item.” There is a logical basis for the 0.1% by weight threshold as it is used for the identification of carcinogens and consequent preparation of Safety Data Sheets under the United Nations Globally Harmonized System of Classification and Labelling of Chemicals. IMA-NA believes the Departments were prudent in using this threshold in the Section 71 survey and that it makes eminent sense for them also to employ the 0.1% by weight threshold in any regulatory “ban” on asbestos. The Departments also should consider specific limited exemptions in the regulations (e.g., defense, aerospace, research, chloro-alkali production, etc.). It is important that any new standards or limitations must be risk-based.

The unintended consequences of defining an “asbestos containing product” as one exceeding 0% concentration likely would have a negative effect on the freight transportation industry, the chemical manufacturing industry, homebuilders, the non-residential construction industry, agriculture, producers of construction aggregates (crushed stone, sand and gravel), to name just a few. These industries alone combine to employ millions of workers in direct jobs, and many more indirectly, and contribute scores of billions of dollars to the Canadian and North American economies annually. Progress would cease if these industries and their workforces were forced to shut down because of unenforceable and unrealistic regulations that are not created based on sound risk assessment and technical feasibility.

While we urge Environment and Climate Change Canada and Health Canada to move forward in eliminating exposures to harmful asbestos, we caution against eliminating 100% of a naturally occurring material. While asbestos as a naturally occurring material cannot truly be “banned,” prudent steps can be taken to prevent unhealthy levels of contamination in those rare instances when it can be found. Effective testing protocols are key and research is needed to determine the specific geological areas where harmful asbestos may be found.

Thank you for taking time to consider these comments. IMA-NA would be pleased to meet with Environment and Climate Change Canada and Health Canada to explore these issues further.

Sincerely,



Mark G. Ellis
President

Attachments – as stated