Beyond South Africa's Asbestos Ban

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Piet Matosa, President, BWI Africa & Middle East Region

An Overview

The development of asbestos mining in Canada and South Africa aound 1880 reduced costs and spurred the manufacture of asbestos products. Mining and production of asbestos in the United States, Italy and Russia followed soon after.

It was not until 1906 in England that the first reference to pulmonary fibrosis in an asbestos worker appeared. Excess deaths in workers involved with asbestos manufacturing applications were reported shortly thereafter in France and Italy, but major recognition of asbestos-induced disease began in England in 1924.

The final regulations to enforce the prohibition of the use of asbestos in South Africa were gazetted in March 2008 after decades of campaigning. South Africa prohibited the use, processing or manufacturing of any asbestos or asbestos-containing products.

Economy

South Africa was one of the major suppliers of asbestos to the world, having produced 97% of the world's crocidolite and 100% of the amosite and was the fifth-largest producer of chrysotile, accounting at one point for 3% of the value of South Africa's mineral exports.

Pressure included that of Zimbabwe's leading asbestos product manufacturer, Turnall Fibre Cement, which attempted to convince the South African government to drop a draft Bill proposing a total ban on the use of chrysotile. Turnall Fibre Cement believed the ban would have unprecedented effects on its export earnings, with exports to South Africa having earned the company R22-million in 2007.

Health Implications

Asbestos has serious and life-threatening health hazards, in the form of **mesothelioma** and **asbestosis.**

South Africa has a high incidence of mesothelioma, with data suggesting that 400 to 500 patients are diagnosed with mesothelioma a year.

Asbestosis and pleural diseases primarily affect people who have worked with asbestos in mining, manufacturing, and building maintenance debris removal. This includes those who worked in mining and milling in the mining industry, in transporting and loading asbestos, by rail and through harbours, factory workers in asbestos products manufacture, such as pipes, building materials and brake linings, and those exposed to asbestos in power stations, locomotives, ships, boiler rooms, buildings and fire insulation, and, in some cases, carpentry and roofing activities.

Very little is known of the impact of asbestos-mining in communities in Mpumalanga province, specifically in the Barberton area, and in Swaziland.

Human Rights Abuses

Even in the 1960s, according to the Truth and Reconciliation Commission, asbestos mining companies hindered the release of scientific research on the mineral. The Health and Human Rights project also indicated that the role of the private sector in human rights abuses was not appropriately investigated, and that the two industries which were guilty in this regard were the pharmaceuticals and the mining industries.

Compensation

Not only having to contend with these illnesses, it has also not been an easy battle for miners and communities in South Africa to get compensation from mining companies that previously mined asbestos.

Employers generally do not want to report such cases, and doctors may either not take on an occupational history or do not want to get involved in the paperwork that reporting for compensation purposes requires. Claimants also have to wait such a long time for their cases to be assessed. As a result, there is widespread disillusionment with the compensation system among all who come into contact with it.

Legislation

1. Occupational Act of Health & Safety, Act No. 85 of 1993 requires all South African property owners to survey their properties at regular intervals and maintain an inventory of all asbestos that forms part of the structure of workplace, building, plant or premises.

2. DoL Asbestos Regulations R155, 2002 – Contractor regulations regarding presence of asbestos in workplaces. The regulations prohibit an employer or a self-employed individual from carrying out work that will put any person at risk from asbestos exposure.

3. DoI, Criteria for registration as an asbestos contractor in accordance with asbestos regulations of 2002.

4. DEAT Asbestos Regulations R341, 2008 - Regulations for prohibition, manufacturing, import and export of asbestos and asbestos containing materials.

The clean up

1. While regulations are in place to protect employees and the public, many companies are not properly informed regarding the legislation passed by government. The main risk now is to people working with asbestos material in places such as power stations, ships, boiler rooms, heating plants, steam pipes, roofing repair and demolition areas, as well as those environmentally exposed in former mining areas.

2. There is uncertainty of just how long it is going to take to get rid of the mineral, as the entire country is covered with asbestos roofing sheets, for instance. One major challenge, is the cost implication, related to the removal of asbestos from all properties, and the further multimillion-rand claims of employees who will suffer with asbestos-related diseases.

3. The rehabilitation of mines in the country is a rather expensive operation. The Department of Environmental Affairs and Tourism indicates that communities are exposed to asbestos fibres in areas where asbestos was mined, and where abandoned mining structures are situated. Airborne fibres are also a result of asbestos spillage on roads, and from asbestos materials used for homes.

4. The Department of Minerals and Energy has a programme in place to deal with mine rehabilitation and the State is to provide funds for the rehabilitation of ownerless mines in South Africa.

Current Clean ups

1. The Gauteng province, Human Settlements Department, has embarked on a programme to replace all asbestos roofing of poor households. The **5 000 houses** situated in Mamelodi which were severely damaged by hailstorm will be repaired as a matter of urgency following the appointment of 3 contractors in March 2014. The province had set aside **R100 million (7 m Euro)** to repair damaged roofs. A key problem is to ensure that asbestos roofs be disposed of in such a way as to prevent them being resold.

2. The Department of Mineral Resources has rehabilitated **13 mine sites** in the period ending 31 March 2013. A total of 284 jobs were created as part of the programme and this is more than the 260 initially projected for the year. 169 jobs were created in the Northern Cape Province, 101 jobs were created in Limpopo Province and 14 in Gauteng Province.

3. The job creation element of the rehabilitation programme is one of the key requirements for all the rehabilitation projects. This contributes to some of the priorities of the National Development Plan. The rehabilitation programme had a positive impact on communities where the projects are; this includes economic growth due to sourcing labour and material locally. The programme also results in improved health and well-being of communities.The rehabilitation programme reduces exposure of asbestos fibres from historical asbestos mine sites which reduces risks of human and animal exposure

4. A report on the estimated state liability for rehabilitation of derelict and ownerless mines has been completed by actuarial scientists commissioned by the Department which is currently under consideration.The recommendations will assist the Department in planning the rehabilitation programme, with a lucid indication of the resource requirements. An annual review of the liability has also been completed.

Thank You!

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