

Occupational Health India (OHI) -ToxicsWatch Alliance

Press Release

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Union Minister of Mines, Steel & Labour briefed on the need to ban asbestos

New Delhi: At a meeting with Union Minister of Mines, Steel & Labour today, a delegation of occupational health and child rights groups briefed him on the need to ban asbestos in India. Pictures attached.

The minister was informed that more than 50 countries have banned production, use, manufacture and trade of the hazardous mineral fiber, Asbestos. These countries are: Algeria, Czech Republic, Iceland, Malta, Seychelles, Argentina, Denmark, Ireland, Mozambique, Slovakia, Australia, Egypt, Israel, Netherlands, Slovenia, Austria, Estonia, Italy, New Caledonia, South Africa, Bahrain, Finland, Japan, Norway, Spain, Belgium, France, Jordan, Oman, Sweden, Brunei, Gabon, South Korea, Poland, Switzerland, Bulgaria, Germany, Kuwait, Portugal, Turkey, Chile, Greece, Latvia, Qatar, United Kingdom, Croatia, Honduras, Lithuania, Romania, Uruguay, Cyprus, Hungary, Luxembourg and Saudi Arabia. All the 27 countries of European Union have banned it.

The minister's attention was drawn towards the notification of Union Ministry of Labour and Employment dated January 23, 2012 constituting an Advisory Committee of 13 members to prevent exposure to asbestos by the workers in pursuance of the judgment of Hon'ble Supreme Court.

There are four terms of reference (TOR) of this Advisory Committee.

Two of these TORs deal with 'ILO guidelines' and 'fresh resolution passed by ILO'. The reply does not recognize that the 'fresh resolution passed by ILO' refers to the above mentioned June 2006 resolution.

In January 2012, Union Ministry of Labour set up this Advisory Committee to implement Supreme Court order issued 17 years ago since International Labour Organization (ILO) has also made certain specific directions vide its Resolution of 2006 introducing a ban on all mining, manufacture, recycling and use of all forms of asbestos.

In compliance of the six specific direction with the order of Hon'ble Supreme Court dated January 27, 1995 in the Writ Petition (Civil) N.

206 of 1986 to maintain the health record of every worker up to minimum period of 40 years from the beginning of the employment for 15 years after the retirement or cessation whichever is later.

Hon'ble Court directed the Union and state governments in the Consumer Education and Research Centre (CERC) vs Union of India case "to review the standards of permissible exposure limit value of fibre... in tune with the international standards reducing the permissible limit".

In its 1995 judgement, Supreme Court of India has held that "The development of the carcinogenic risk due to asbestos or any other carcinogenic agent does not require continuous

exposure. The cancer risk does not cease when the exposure to the carcinogenic agent ceases, but rather the individual carries the increased risk for the remaining years of life. The exposure to asbestos and the resultant long tragic chain of adverse medical, legal and societal consequences, reminds the legal and social responsibility of the employer or producer not to endanger the workmen or the community or the society.

He or it is not absolved of the inherent responsibility to the exposed workmen or the society at large. They have the responsibility-legal, moral and social to provide protective measures to the workmen and to the public or all those who are exposed to the harmful consequences of their products. Mere adoption of regulations for the enforcement has no real meaning and efficiency without professional, industrial and governmental resources and legal and moral determination to implement such regulations.”

The minister was informed as to how Dr. R.B. Raidas, Deputy Director General, Directorate General of Factory Advice Service & Labour Institutes. (DGFASLI) revealed that 36 out of 1000 workers have been found to be suffering from asbestos related diseases. He revealed that DGFASLI had studied some 8, 000 workers and found that some 228 workers were exposed. But he expressed his ignorance about whether they have been compensated. He shared this information at the 3-day International Meet on Climate, The Workplace and the Lungs”. Dr H N Saiyed, former Director, National Institute of Occupational Health (NIOH), Ahmedabad stated that paying compensation to the victims of asbestos related diseases is a long process. He added, asbestos does not have a threshold limit. The best way to stop the diseases is to stop its use. Politicians are hiding behind absence of data which is not being collected. He shared this at the conference. This conference was organized by Maulana Azad Medical College, New Delhi organised by Centre for Occupational and Environmental Health in partnership with Drexel University, School of Public Health, Collegium Ramazzini, Ministry of Environment & Forests, Ministry of Labour and Employment, Government of India and Heart of England, NHS Foundation Trust in December 2012.

In pursuance of a direction of the Supreme Court, the study in the shipbreaking industry had found that 16 % of the workers were suffering asbestos exposure but anonymous sources had revealed that the real figure was around 60-65 % but the same was downplayed to avoid panic.

The government agencies like Directorate General, Factory Advice Service and Labour Institutes (DGFASLI) took note of Prevalence of Asbestosis and Related Disorders in a Asbestos Fiber Processing Unit in West Bengal as early as in 1996.

The minister was briefed about Planning Commission’s 159 page report dated September 2001, which noted that “The workers are also exposed to a host of hazardous substances, which have a potential to cause serious occupational diseases such as asbestosis...” It has recorded that various studies conducted by the Central Labour Institute have revealed substantial prevalence of occupational health disorders amongst the workers such as Asbestosis. The prevalence rate for Asbestosis was reported to be 7.25%. It has been acknowledged that “At the same time the number of occupational diseases reported is very meager...This makes it evident that early identification of occupational diseases is required. It has recommended that “To meet these requirements, measures are needed for diagnostic facilities and appropriate training in the field of occupational health. Occupational health hazards and diseases to the workmen employed in asbestos industries are of great concern to the industries, Govt. and the public. The Honorable Supreme Court of India in its judgement dated 27th January, 1995 relating to the Public Interest Litigation No.206 of 1986 had given several directions concerning the protective measures to be taken against the hazards of

exposure to asbestos at workplaces such as mining and manufacturing activities. In the light of Supreme Court directives, it is proposed to launch a comprehensive programme for the protection of the health of the workers engaged in hazardous industries with adequate mechanisms for monitoring of work environment and diagnosis and control of disease.”

A petition submitted to the minister stated that the “Government of India is considering the ban on use of chrysotile asbestos in India to protect the workers and the general population against primary and secondary exposure to Chrysotile form of Asbestos” at page no. 28 of its concept paper at the two-day 5th India-EU Joint Seminar on “Occupational Safety and Health” during 19-20 September, 2011.

It is noteworthy that Dow Chemicals Company has set aside \$2.2 billion in compensation fund to address future asbestos-related liabilities arising out of acquisition of Union Carbide Corporation and its Indian investments in 1999. Many manufacturers of asbestos-containing products have gone bankrupt in USA as a result of asbestos litigation.

Union Ministry of Labour, Government of India should also set up a compensation fund to provide compensation to the asbestos victims of past exposure by making asbestos based companies liable for knowingly exposing workers, consumers and citizens to asbestos fibers.

The Ministry should be made to prevail upon the companies like Visaka Industries, Hyderabad Industries Limited, Ramco Industries Limited, Utkal Industries Ltd, Everest Industries Ltd, New Sahyadri Industries Ltd, U P Asbestos Ltd, Tamil Nadu Cements Corporation Limited, Kerala Asbestos Cement pipe Factory Limited, Sturdy Industries Ltd, Shakti Roofings Ltd, Assam Roofing Ltd, A Infrastructure Ltd and others to set up a compensation fund for victims of asbestos related diseases.

The minister’s urgent intervention has been sought to save the occupational health of workers from asbestos exposures that cause incurable but preventable diseases like lung cancer, mesothelioma and asbestosis. Copies of documents such as Labour Ministry’s Notification, ILO Resolution, 2006, WHO Factsheet on asbestos related diseases, Proceedings of the Conference on Occupational and Environmental Health and UNEP/ILO Data Card on Chrysotile/White Asbestos were also shared with the minister.

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