



## TECHNICAL ASSISTANCE ON ASBESTOS - GEORGIA

### 1 Background

Breathing in asbestos fibres can cause life threatening diseases, such as asbestosis, mesothelioma and lung cancer. All types of asbestos have been reviewed by the World Health Organization (WHO)'s International Agency for Research on Cancer and declared carcinogenic to humans. For more information on the health risks of asbestos, visit: <https://www.canada.ca/en/health-canada/services/air-quality/indoor-air-contaminants/health-risks-asbestos.html>.

On December 15, 2016, the Government of Canada announced a government-wide strategy to manage asbestos in Canada. A number of risk management measures are already in place for asbestos in Canada; however, additional controls are required to implement a comprehensive ban on asbestos. A key element of the strategy was to develop new regulations under the Canadian Environmental Protection Act, 1999 (CEPA) to prohibit asbestos and products containing asbestos. On October 17, 2018, the Prohibition of Asbestos and Products Containing Asbestos Regulations were published.

Table 1 below provides the timeline of the Government of Canada's regulatory development process to prohibit asbestos and products containing asbestos and links to relevant documents:

Table 1:

Activity	Date
Announcement of a government-wide strategy to prohibit asbestos in Canada: <a href="https://www.canada.ca/en/innovation-science-economic-development/news/2016/12/government-canada-asbestos.html">https://www.canada.ca/en/innovation-science-economic-development/news/2016/12/government-canada-asbestos.html</a> .	December 2016
Publication of <a href="#">a mandatory survey to collect information</a> on the manufacture, import, export and use of asbestos and products containing asbestos for the 2013 to 2015 calendar years.	December 2016
Publication of <a href="#">a Notice of Intent (NOI) to develop regulations respecting asbestos</a> (followed by a 30-day comments period).	December 2016
Publication of a <a href="#">consultation document</a> describing the proposed regulatory approach to prohibit asbestos and products containing asbestos (followed by a 45-day comments period). Feedback received in response to the consultation document was considered in the development of the proposed regulations.	April 2017
Webinars on the consultation document.	May 2017
Publication of the <a href="#">proposed Prohibition of Asbestos and Asbestos Products Regulations and the proposed related amendments to</a>	January 2018

<a href="#">the Export of Substances on the Export Control List Regulations</a> for a public comment period of 75 days.	
Webinars on the proposed Regulations and related amendments.	February 2018
Publication of the <a href="#">final Prohibition of Asbestos and Products Containing Asbestos Regulations and related amendments</a> to the Export of Substances in the Export Control List Regulations.	October 17, 2018
Coming into force of the Regulations and related amendments.	December 30, 2018

The [Export of Substances on the Export Control List Regulations](#) is an existing instrument that controls exports of substances on the Export Control List in [Schedule 3 of CEPA](#) and is used to implement domestic measures that allow Canada to remain in compliance with the Rotterdam Convention, the Stockholm Convention, the Minamata Convention, and domestic export policy. This instrument is amended to prohibit exports of asbestos and products containing asbestos, as part of the comprehensive ban on asbestos.

## 2 Technical Assistance Needs - Expertise

### 2.1 Development of an inventory of asbestos containing materials stock in Georgia

In Canada, the purpose of the Regulations and related amendments to the Export of Substances on the Export Control List Regulations is to:

- Prohibit new asbestos and products containing asbestos from entering the Canadian market after the coming into force of the Regulations.
- Prohibit the sale and use of any remaining stockpiles of asbestos not integrated into a structure or infrastructure, and products containing asbestos not used before the day in which the Regulations come into force (inventories of products containing asbestos).
- Prohibit the export of asbestos and products containing asbestos

The Regulations do not apply to asbestos integrated into a structure or infrastructure before the day on which the Regulations come into force (such as asbestos integrated into buildings and civil engineering works), or to products containing asbestos used before the day on which the Regulations come into force (such as equipment installed in a facility, vehicles, ships, and airplanes)

We used the consultation document (listed in table 1) to obtain information on stocks in Canada to assess the impact of prohibiting the use and sale of products containing asbestos in inventories (such as cement pipes and brake pads). Complete information on stocks is not available.

## 2.2 Evaluation of socio-economic impacts in case of prohibition of asbestos containing materials

To evaluate the socio-economic impact of a ban on asbestos, a Regulatory Impact Analysis Statement (RIAS) was developed and published for comment with the proposed Regulations on January 6, 2018: <http://gazette.gc.ca/rp-pr/p1/2018/2018-01-06/html/reg3-eng.html>. On October 17, 2018 a final RIAS was published with the final Regulations: <http://gazette.gc.ca/rp-pr/p2/2018/2018-10-17/html/sor-dors196-eng.html>

## 2.3 Trainings on and sharing experience of the best models of European and other developed countries on environmentally sound management of asbestos containing materials

The final Regulations and related amendments: <http://gazette.gc.ca/rp-pr/p2/2018/2018-10-17/html/sor-dors196-eng.html>

## 2.4 Trainings for introduction of methodologies for identification of articles containing Asbestos

Methodologies for identification of uses of asbestos and articles containing asbestos in Canada include:

- The publication of a mandatory survey notice issued under section 71 of the Canadian Environmental Protection Act (CEPA). The survey required industry to submit information on the manufacture, import, export, and use of asbestos and products containing asbestos during any calendar year from 2013 to 2015. (<http://www.gazette.gc.ca/rp-pr/p1/2016/2016-12-17/html/notice-avis-eng.html#nl2>).
- A review of the import and export data collected by Canada Border Service Agency using HS Codes.
- A review of the Trade Data (import and export data) prepared by Innovation, Science and Economic Development Canada: <https://www.ic.gc.ca/app/scr/tdst/tdo/crtr.html>
- A review of the Environment and Climate Change Canada (ECCC)'s National Pollutant Release Inventory: <https://pollution-waste.canada.ca/national-release-inventory/archives/index.cfm?lang=en>.
- A review of the United States actions on asbestos, including:
  - Scope of the Risk Evaluation for Asbestos: [https://www.epa.gov/sites/production/files/2017-06/documents/asbestos\\_scope\\_06-22-17.pdf](https://www.epa.gov/sites/production/files/2017-06/documents/asbestos_scope_06-22-17.pdf)
  - Problem Formulation of the Risk Evaluation for Asbestos: [https://www.epa.gov/sites/production/files/2018-06/documents/asbestos\\_problem\\_formulation\\_05-31-18.pdf](https://www.epa.gov/sites/production/files/2018-06/documents/asbestos_problem_formulation_05-31-18.pdf)

- A review of the European Union Regulations, including: <https://echa.europa.eu/substances-restricted-under-reach>
- A review of the Australia Regulations (at the Federal and State level), including:
  - Customs (Prohibited Imports) Regulations 1956: <https://www.legislation.gov.au/Details/F2015C00779/Html/Text>
  - Customs (Prohibited Exports) Regulations 1958: <https://www.legislation.gov.au/Details/F2013C00432>
- Consultation with stakeholders.

## **2.5 Development of recommendations on replacing asbestos with safer alternatives and developing economic and technological mechanisms to stimulate the economically smooth replacement**

As prohibitions on asbestos exist in more than 50 countries, it is believed that alternatives to asbestos are readily available in most cases. Other than a handful of specialized applications (i.e., military, nuclear), we are unaware of any application for which alternatives are not available.

## **2.6 Development of an action plan on the reduction and finally prohibition of asbestos and articles containing asbestos**

See table 1.

## **2.7 Organisation of stakeholder meetings**

The first step is to identify potential stakeholders and establish a stakeholder database. To identify potential stakeholders we first identified the uses of asbestos in Canada and products containing asbestos imported in Canada (see section 2.4). We also identified stakeholders who were interested in asbestos, based on correspondence received from them.

In the Canadian Stakeholders database, stakeholders include provincial and municipal governments, the Department of National Defense, non-Governmental organizations, industry (nuclear, chlor-alkali, construction, cement, vehicles, etc.), industry associations, labour organizations, museums, laboratories, individuals, etc.

In Canada, we invited all stakeholders listed in our database to a webinar on the consultation document and on the proposed Regulations. Stakeholders were invited through email and paper mail out (when emails were not available).

## 2.8 Development of public awareness raising activities

In Canada, we informed all stakeholders included in our database about the publication of all documents (mandatory survey, notice of intent, consultation document, proposed Regulations and final Regulations). We also informed the general population via social media (Facebook and Twitter).

## 2.9 Additional information

Some issues were identified during the development of the Regulations. We received comments indicating that:

- asbestos was used in asphalt until the 90s and old asphalt containing asbestos may be re-used in road infrastructure (instead of being landfilled).
- replacement parts for specialized military equipment and nuclear facilities may contain asbestos.
- degradation of equipment containing asbestos may result in asbestos in certain products.

Other elements to consider:

- Asbestos and products containing asbestos in transit (with regards to the World Trade Organization's Trade Facilitation Agreement).
- As asbestos is a naturally occurring substance, it may be present in raw material including sand, stone, rock, talc, etc.

## 3 Technical Assistance Needs - Implementation

The final Regulations and related amendments were published on October 17, 2018 and will come into force on December 30, 2018. Implementation of the Regulations will start at the end of 2018. As implementation takes place, further information can be shared.

### 3.1 Conduct training workshops for major and different stakeholders (Ministry of Environmental Protection and Agriculture, Ministry of Health and Social Affairs, Custom Service of Ministry of Finance, private sector and etc.)

As implementation takes place, further information can be shared.

### **3.2 Improvement of laboratory capacities for identification, enhancement of Control and Monitoring system and etc.**

As there is no internal capacity within the Government of Canada to analyze samples for asbestos content, ECCC will put in place a contract with a third party accredited laboratory.

### **3.3 Assessment of issues associated with asbestos and asbestos containing waste management and development of relevant capacities**

In Canada, in most cases, waste containing asbestos is managed at the provincial level.

The movement (export, import or transit) of hazardous waste and hazardous recyclable materials that are transported across international borders is regulated by the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*.

### **3.4 Establishment of reporting and information sharing system to facilitate sound management of asbestos**

Permit and reporting templates will be developed and available to stakeholder before the end of 2018.

### **3.5 Promotion of decision making regarding export-import at the national level**

When the final Regulations were published, stakeholders received a notification. In addition, social media (Facebook and Twitter) was used to inform the general population in Canada of the publication of the new Regulations.