

To

Shri Nitish Kumar
Hon'ble Chief Minister
Government of Bihar
Patna

05 July, 2019

Subject-Kudos to Bihar Govt's policy against carcinogenic asbestos factories

Dear Sir,

Greetings from Ban Asbestos Network of India (BANI)-ToxicsWatch Alliance (TWA)!

This is to express our deep sense of appreciation for declaring in the State Assembly that Bihar Government will not allow construction of carcinogenic asbestos factories in the state on 1st July, 2019. This announcement of yours is a vindication of the anti-asbestos struggle by villagers of Muzaffarpur, Vaishali and Bhojpur. BANI- TWA has been part of this struggle for safeguarding public health.

We submit that the death toll of children in Muzaffarpur has revealed that asbestos cement sheets are quite unhealthy building materials. The fact remains children did not die specifically because of it but this unsafe and hazardous roofing material surely contributed to deterioration of their health.

We submit that your observation with regard to carcinogenic white chrysotile asbestos mineral fiber is consistent with what is published on National Health Portal (NHP)¹, Centre for Health Informatics (CHI), National Institute of Health and Family Welfare (NIHFW), Ministry of Health and Family Welfare (MoHFW), Government of India. The National Health Portal states that "All forms of asbestos (chrysotile, crocidolite, amosite, tremolite, actinolite and anthophyllite) are in use because of their extraordinary tensile strength, poor heat conduction, and relative resistance to chemical attack. Chemically, asbestos minerals are silicate compounds, meaning they contain atoms of silicon and oxygen in their molecular structure. All forms of asbestos are carcinogenic to humans. Exposure to asbestos (including chrysotile) causes cancer of the lung, larynx, and ovaries, and also mesothelioma (a cancer of the pleural and peritoneal linings). Asbestos exposure is also responsible for other diseases such as asbestosis (fibrosis of

¹ Asbestos-related diseases, National Health Portal, Centre for Health Informatics (CHI), National Institute of Health and Family Welfare (NIHFW), Ministry of Health and Family Welfare (MoHFW), Government of India, <https://www.nhp.gov.in/disease/non-communicable-disease/asbestos-related-diseases>, accessed on May 4, 2019

the lungs), and plaques, thickening and effusion in the pleura.”² It observes that “Exposure to asbestos occurs through inhalation of fibers in air in the working environment, ambient air in the vicinity of point sources such as factories handling asbestos, or indoor air in housing and buildings containing friable asbestos materials.”

We wish to draw your urgent attention towards the order of Kerala Human Rights Commission (KHRC) that has ruled that exposing Indians to asbestos is a human rights violation. This paves the way for the eventual complete ban on asbestos and its products. On January 31, 2009, the KHRC ruled that the government should take steps to phase out asbestos roofing from all schools in the state. Bihar government can act of this recommendation as well. Given the ubiquitous presence of the fiber, there is no alternative to getting it banned in right earnest.

We submit that so far Government of India has ignored Supreme Court’s order of 27 January, 1995 in Writ Petition (Civil) No. 206 of 1986. The Court observed: “The development of the carcinogenic risk due to asbestos or any other carcinogenic agent, does not require a 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, remains the legal and social responsibility of the employer or the producer not to endanger the workmen or the community of 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 efficacy without die professional, industrial and governmental resources and legal and moral determination to implement such regulations.”

We submit that all the central ministries and state governments were supposed to incorporate specific directions of the Court given in its verdict of 27 January 1995 and reiterated on 21 January 2011 with regard to fresh ILO Resolution of June 14, 2006 introducing a ban on all mining, manufacture, recycling and use of all forms of asbestos besides WHO’s resolution of 2005 seeking elimination of future use of asbestos but it has been ignored so far. The Court referred to the In the "Encyclopaedia of Occupational Health and Safety", Vol-1, published by International Labour Office, Geneva, the latest 4th Edition, 1991 that provides definition of asbestos-“Its Pathology has been stated at page 188 in Vol-1, which is as follows:- "The retained fibres in the alveolar region are 3 um or less in diameter but may be up to 200 um long. Animal experiments strongly point to the longer fibres, 5 um and over, as being much more fibrogenic than shorter fibres. A proportion of the longer fibres, especially amphiboles, become coated with an iron Protein complex producing the drumstick appearance of asbestos bodies. All types of asbestos cause similar fibrosis”³ (Supreme Court, 1995). Drawing on the Encyclopedia, it recorded that “The signs and symptoms of asbestosis are similar to those caused by other diffuse interstitial fibroses of the lung. Increased breathlessness on exertion is usually the first symptom,

² Asbestos-related diseases, National Health Portal, Centre for Health Informatics (CHI), National Institute of Health and Family Welfare (NIHFW), Ministry of Health and Family Welfare (MoHFW), Government of India, <https://www.nhp.gov.in/disease/non-communicable-disease/asbestos-related-diseases>, accessed on May 4, 2019

³ (1995), Order of Supreme Court, Writ Petition (Civil) N. 206 of 1986, 27 January

sometimes associated with aching or transient sharp pains in the chest.” Hon’ble Supreme Court has recorded that “whenever asbestos fibres are used for insulation and other purposes, the possibility of asbestosis among workers due to inhalation of asbestos fibres cannot be ruled out”⁴ (Supreme Court, 2005). It noted that these materials are highly dangerous to human health, if inhaled or if contacted with skin surface.

We wish to also draw your attention towards what Government of India’s National Health Portal states: “The burden of asbestos-related diseases is still rising, even in countries that banned the use of asbestos in the early 1990s. Because of the long latency periods attached to the asbestos related diseases, stopping the use of asbestos now will result in a decrease in the number of asbestos-related deaths only after a number of decades. There is no safe use of asbestos and no safe limits set by WHO, ILO (International labour organization)”⁵. It discloses that “The prevalence of asbestosis in four cement factories (Ahmadabad, Hyderabad, Coimbatore and Mumbai) varied from 3% to 5%” and “In asbestos textile industry prevalence of asbestosis was 9% in workers having less than 10 years exposure, in contrast to the reported average duration of over 20 years”⁶ (National Health Portal, Government of India).

We submit that in a reply to the Parliament, Union Minister of Health and Family welfare stated that “The Ministry of Mines has informed that the Grant of fresh mining leases and renewal of existing mining leases for Asbestos are presently banned in the country on Health Grounds”⁷ (Union Ministry of Health and Family welfare, 2014). He also shared the findings of the Indian Council of Medical Research (ICMR), Union Ministry of Health and Family welfare which has “informed that major health hazards of asbestos include cancer of lung, mesothelioma of pleura and peritoneum and specific fibrous disease of lung known as asbestosis. All types of asbestos fibers are responsible for human mortality and morbidity....” This has been shared by the Union Minister for Health and Family Welfare in a written reply to the Parliament and released by Press Information Bureau, Government of India. This reply corroborates your observation in the State Assembly.

We commend the fact that you have factored in the lessons from the bitter protests of villagers led to the cancellation of asbestos based factories in Bhojpur, Muzaffarpur, Vaishali, West Champaran and Madhubani in Bihar. But the factories in Bhojpur’s Bihiya have managed to get relief from Hon’ble Patna High Court on a grossly procedural ground of violation of natural justice. This procedural error ought to be rectified and the operation of the two units of an asbestos company must be stopped. Its operation is a case of environmental health lawlessness. It has dumped hazardous asbestos waste in the agricultural fields and has been spewing toxic asbestos dust at night. It has violated every specific and general condition which has been

⁴ (2005), Order of Supreme Court, Writ Petition (Civil) No.79 of 2005

⁵ Asbestos-related diseases, National Health Portal, Centre for Health Informatics (CHI), National Institute of Health and Family Welfare (NIHFW), Ministry of Health and Family Welfare (MoHFW), Government of India, <https://www.nhp.gov.in/disease/non-communicable-disease/asbestos-related-diseases>, accessed on May 4, 2019

⁶ Asbestos-related diseases, National Health Portal, Centre for Health Informatics (CHI), National Institute of Health and Family Welfare (NIHFW), Ministry of Health and Family Welfare (MoHFW), Government of India, <https://www.nhp.gov.in/disease/non-communicable-disease/asbestos-related-diseases>, accessed on May 4, 2019

⁷ Asbestos Related Diseases, Ministry of Health and Family Welfare, Press Information Bureau Government of India, 21 February, 2014, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=104105> accessed on May 4, 2019

stipulated in the environmental clearance and the No Objection Certificate. It may also be noted that when a worker died in this factory, his family was given a compensation of Rs 5, 000. The factory seemed to have own the patronage of Bhojpur administration by donating asbestos roofs to it for its parking. This situation creates a compelling logic for medical investigation of the health status of the village and temple communities living in the vicinity of these units and the workers of these two factories owned by the same company. The probe can reveal the extent of asbestos related diseases in this area.

Given the fact that all asbestos based products have a life-span, it is natural that all asbestos based products are potential asbestos wastes. This state of sad affairs is crying for attention. At present Indian railways is removing asbestos cement roofs from all the railway stations and platforms in Bihar and in other parts of the country but it is not being disposed of in a scientific and safe manner. It is currently lying on railway platforms including at Patna Junction. This is endangering the health of all unsuspecting passengers.

In view of the above, we submit that Bihar government must consider putting an end to the use of the of all kinds of asbestos products that is being used and encountered daily, because none of the schools, offices, legislatures, courts, hospitals, automobiles, private and public buildings in our state are asbestos free. It must impose ban on procurement of asbestos based products, create a register of asbestos laden buildings and victims of asbestos related diseases besides setting up a compensation fund for them. It also creates a need to create a Master Plan for decontaminating all asbestos laden buildings including legislative and judicial buildings.

Therefore, it is necessary to initiate preventive action in order to protect present and future generations from the silent killer which is akin to a time bomb. It is also necessary to withdraw fake cases against anti-asbestos villagers and activists in Muzaffarpur and Vaishali. We will be glad to share more relevant information against asbestos of all forms including white asbestos (chrysotile) as well.

Thanking you in anticipation.

Yours faithfully

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*Ban Asbestos Network of India (BANI) has been working for freedom from asbestos related diseases since 2000. **ToxicsWatch Alliance (TWA) has been documenting environmental and occupational health hazards of industrial and urban activity since 2005.