



February 11, 2011

Normand Paulin, eng.
Director of Occupational Safety
Director of Prevention-Inspection
Occupational Health & Safety Commission of Québec
1199, rue de Bleury, 7e étage
Montréal, Québec, H3B 3J1

Dear Mr Paulin:

We are deeply disturbed that you are participating in a project aimed at promoting increased export of asbestos to India and other Asian countries as a substance that can be “safely used” and will not cause harm to public health in those countries. In light of the fact that there is no scientific proof to support this misrepresentation, we believe that your participation, as the lead professional consultant for the project, violates the Quebec Code of Ethics of Engineers.

The Code states: *In all aspects of his work, the engineer must respect his obligations towards man and take into account the consequences of the performance of his work on the environment and on the life, health and property of every person.* (2.01)¹

The Code specifically states: *The engineer shall express his opinion on matters dealing with engineering only if such opinion is based on sufficient knowledge.* (2.04)

As a professional, you have an obligation to heed current reputable scientific and medical knowledge. This obligation is particularly strong in areas where you lack specialized expertise, such as health risks of asbestos.

It would be a violation of your Code of Ethics to construct a bridge, claiming it is a “safe bridge” while ignoring evidence provided by the leading specialized experts who all warned you that the bridge would collapse and cause loss of life.

In the same way, it is a violation of your Code of Ethics, in our opinion, to participate in a project claiming that “safe use” of asbestos is possible, when Quebec's specialized medical experts, as well as national and international experts and the World Health

¹ Code of Ethics of Engineers

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=%2F%2FI_9%2FI9R3_A.htm

Organization have all warned that “safe use” of any form of asbestos is not possible and will cause loss of life.

What is particularly unethical, is that this supposed “safe use” of asbestos project, for which you are acting as the professional expert, addresses only 0.1% of the life of Quebec's asbestos (when it arrives at the factory overseas) and excludes 99.9% of the life cycle of the asbestos, when the asbestos-containing products are cut, hammered, sawed, renovated and demolished, exposing hundreds of thousands of unprotected people to harm. This constitutes unacceptable deception and negligence.

As a professional engineer and consultant to the project, you are misleading people by collaborating with this deception and negligence and are endorsing an inferior, inadequate and extremely limited standard of protection for people in developing countries, which will result in loss of life.

In Quebec, the regulations you enforce as Director of Occupational Security at the CSST cover 100% of the life cycle of asbestos. While the project you are involved in gives the false impression that it deals with the whole life cycle of asbestos in India, in reality, it excludes 99.9% of the life of asbestos, once it has been placed in buildings and schools.

This double standard, by excluding essential elements of protection required in Quebec, constitutes discrimination and violates the Code of Ethics of Engineers and the Quebec Charter of Rights & Freedoms.

When questioned on this deception and this double standard at meetings in Quebec City and in Delhi, you had no answer. At these meetings, Minister Clément Gignac² and Assistant Deputy-Minister, Jean Séguin, washed their hands of the problem, saying that 99.9% of the life cycle of Quebec's asbestos is not their concern.

While they may refuse to recognize any responsibility, you do not have that luxury. Your professional Code of Ethics forbids you from lending your role and reputation as an engineer to a deceptive project that will lead to loss of life.

The Quebec College of Physicians recommends that anyone dealing with the asbestos issue should be guided by the Quebec National Institute of Public Health (INSPQ), pointing out that the INSPQ has the medical competence and the legal mandate to provide decision-makers with necessary advice regarding the asbestos issue.³

The government is refusing to heed the advice of the INSPQ, the Quebec Medical Association, the Canadian Cancer Society, as well as the advice of its own Directors of Public Health, who have informed the government that “safe use” of asbestos is not

² <http://fmsd-quebec.org/wp-content/uploads/Gignac-letter-to-Dec.-15-20101.pdf>

³ Collège des médecins du Québec, Communiqué
<http://www.newswire.ca/fr/releases/archive/January2011/18/c3273.html>

possible and that the project, if it goes ahead, will result in a significant increase in asbestos-related diseases amongst workers and the population, both in Quebec and overseas.⁴

The Occupational & Environmental Health Network of India has directly asked you not be be complicit with this deceptive project to pretend that asbestos can be “safely” used in India.⁵

The Order of Engineers of Quebec states - *The engineer's four professional values are: competence, ethics, responsibility and social commitment.*

We believe that your participation in this misleading, inadequate and discriminatory project violates these professional values, as well as specific provisions of the Code. We also believe that you are acting in areas outside your competence as an engineer.

We ask that you withdraw from the role you are presently playing as a lead consultant regarding the risk to public health posed by export of asbestos to India and that you recommend that the advice of the appropriate experts be sought, namely Quebec's directors of public health and the INSPQ.

Since this issue is extremely urgent, we request your immediate response.

Sincerely,



Kathleen Ruff, author, *Exporting Harm: How Canada markets asbestos to the developing world* <http://www.rideauinstitute.ca/file-library/exportingharmweb.pdf>; senior human rights adviser, Rideau Institute

Fernand Turcotte, M.D., MPH, FRCPC, Professor Emeritus of Public Health, Faculté de médecine, Université Laval, Québec

Éric Notebaert, M.D., MSc, CSPQ. Professeur Agrégé, Faculté de Médecine, Université de Montréal. Urgentologue, Hôpital du Sacré-Cœur de Montréal; director, Canadian Association of Physicians for the Environment

Abby Lippman, PhD, Professor, Department of Epidemiology, Biostatistics and Occupational Health, McGill University, Montréal

⁴ Directeurs de santé publique du Québec <http://www.rightoncanada.ca/?p=963>

⁵ Lettre du 28 janvier 2011 [lettre](#)

Edward W. Keyserlingk, LL.M., Ph.D. (retired); former Director, Biomedical Ethics Unit, Faculty of Medicine, McGill University; former Public Service Integrity Officer, Government of Canada; former member of the Law Reform Commission of Canada

Jean Zigby, MD, CM, CCFP, Palliative Care Specialist, Family Physician; President, Canadian Association of Physicians for the Environment

EXAMPLES OF HOW THE PROJECT IS INCOMPATIBLE WITH THE STANDARDS SET BY YOUR PROFESSIONAL CODE OF ETHICS

- The initiative claims to be aimed at guaranteeing rigorous, controlled “safe use” of Quebec's asbestos overseas, equivalent to standards in Quebec. The initiative, however, only addresses 0.1% of the life cycle of the asbestos, when the asbestos would be used in factories to make asbestos-cement construction materials. Once these materials are dispersed amongst hundreds of thousands of people, there is no possibility of ensuring rigorous, controlled use of the product. As the CSST states, asbestos-cement materials are not safe if they are cut, sawed, hammered, broken, deteriorate or are demolished. The CSST has strict and costly regulations governing such activities. The project excludes all these protective requirements, thus endorsing inferior and incomplete protections for workers and populations in developing countries. As the CSST has documented, most workers who die from occupational exposure to asbestos are construction workers. The initiative excludes 99.9% of the life cycle of asbestos, where workers and the public are exposed to harm. The project is thus misleading and unethical.
- The initiative is based on position of the asbestos industry, namely that exposure up to 1 f/cc of chrysotile asbestos is not harmful. The WHO, the INSPQ, Quebec's Directors of Public Health, the Canadian Cancer Society and reputable medical authorities completely disagree and state that there is no safe exposure level for chrysotile asbestos. The exposure level of 1 f/cc permits ten times higher amounts of exposure than is permitted by the rest of Canada, the US and Europe and is a hundred times higher than the exposure level permitted by certain European countries. The CSST, in fact, calls for zero tolerance to asbestos fibres in Quebec. Adopting the standard that exposure to 1 f/cc is “safe” is contrary to reputable scientific knowledge and is thus misleading and unethical.
- A two-year study carried out in Quebec by the CSST and Quebec government health agencies showed a zero success rate in compliance with required safety standards in the small number of factories in Quebec still using asbestos.⁶ To pretend that developing countries, where there is little awareness and few resources or safety regulations, will succeed where Quebec itself has failed is neither credible nor ethical.
- Quebec's directors of Public Health point out that it is not possible to practise required safety measure in Quebec because there is no system in effect that traces where asbestos has been placed. The project does not include a system to trace where asbestos-cement products will be placed, thus making practice of safety measures impossible. The project is thus misleading and unethical.

⁶ Amiante: Projet provincial, <http://www.santepub-mtl.qc.ca/Publication/pdftravail/projetamiante.pdf>

**RELEVANT SECTIONS OF THE CODE OF ETHICS WHICH WE BELIEVE
ARE CONTRAVENED BY YOUR PARTICIPATION IN THE PROJECT**

2.03. Whenever an engineer considers that certain works are a danger to public safety, he must notify the Ordre des ingénieurs du Québec (Order) or the persons responsible for such work.

2.04. The engineer shall express his opinion on matters dealing with engineering only if such opinion is based on sufficient knowledge and honest convictions.

3.01.01. Before accepting a mandate, an engineer must bear in mind the extent of his proficiency and aptitudes and also the means at his disposal to carry out the mandate.

3.01.03 An engineer must refrain from practising under conditions or in circumstances which could impair the quality of his services.

3.02.01 An engineer must fulfill his professional obligations with integrity.

3.02.02. An engineer must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession.

3.02.04. An engineer must refrain from expressing or giving contradictory or incomplete opinions or advice, and from presenting or using plans, specifications and other documents which he knows to be ambiguous or which are not sufficiently explicit.

3.02.08. The engineer shall not resort nor lend himself to nor tolerate dishonest or doubtful practices in the performance of his professional activities.

Occupational Health & Safety Commission of Quebec REGULATIONS REGARDING ASBESTOS-CEMENT PRODUCTS

http://www.csst.qc.ca/NR/rdonlyres/0D80E598-4E59-41E3-A863-F2E8F6564EAD/933/dc_100_701.pdf

In 2001 alone, the Occupational Health & Safety Commission of Quebec (CSST) identified 84 deaths caused by occupational diseases, of which 63 were related to inhalation of asbestos fibres. **We must take action ...**

The CSST intervenes at construction sites and work places.
Did you know that ...

- When an employer does not file a notice, or files a notice **without indicating that there are asbestos-containing materials at the construction site, the CSST takes the employer to court** and publishes in newspapers the judgement handed down
- **At construction sites and work places where asbestos dust might be released, when the CSST notes situations in which preventative measures are not being applied, the CSST orders a stop of all work? You can take action ...**

The architect or the engineer intervenes at the outset when drawing up plans and estimates

If work will be carried out on asbestos-containing materials or near such materials, when new asbestos-cement products are being installed:

The architect or engineer indicates in his plans and estimates:

- that the work must be carried out in compliance with section 3.23 of the Safety Code for construction work "Work that may release asbestos dust";
- the contractor must provide proof of his competence to carry out such work;
- the contaminated waste material must be transported to a site that is specialized for burying asbestos-containing materials
- if the work involves the removal of asbestos, a final check of the work carried out must be done by professionals before the protective barriers are removed

During work involving the installation of new products

The contractor is required to indicate in writing the exact placement of these materials in a document that is transmitted to the owners of the building.