

IT IS THE ZERO HOUR FOR ASBESTOS IN COLOMBIA

Six bills to prohibit the use of asbestos in Colombia have been placed before the country's Congress since 2007. The conflict between activism and industry was won by the business sector five times; however, the collective effort which has led the fight against this mineral finally convinced congressmen to pass a law to that effect on the grounds that it was crucial for the health of all Colombians, following the example of 64 countries which had already prohibited the use of that deadly mineral fiber.

By: Magda Páez Torres

Photos: Alberto Sierra, Ximena Serrano

Paradoxically, I began to write this article beneath some sheets of asbestos in my parents' house. They had just found out that they had been living with a silent enemy for decades. The fact is that asbestos has formed part of the daily life of many families in Colombia, who, unaware of its negative impacts on health, have kept it near to them in the form of pipes, tanks, roof tiles and brake pads, among more than 3,000 products.

It was in the 1930's that the first warnings about the danger of asbestos were heard. That happened in the United Kingdom, where a health inspector was making a survey of

workers in a factory which produced this mineral and found that there was a link between exposure to that material and the onset of pulmonary cancer. That warning led to investigations in the United States and France. Those, in turn, set off a whole chain of studies which began to alert people to the illnesses caused by asbestos (also known as "*amiante*" in Spanish), such as mesothelioma, throat cancer, asbestosis and lung cancer, among others.

Colombia took a long time to prohibit the use of asbestos, even though the World Health Organization and the International Labour Organization had issued warnings and statements about it, like Convention C162 (1986) by the latter and 64 countries had already banned the use of that deadly fiber. Juan Carlos Guerrero and Ana María Torres, researchers at the Faculty of Political Science, Government and International Relations of the Universidad del Rosario, have followed the trail of the effort to prohibit this mineral in Colombia.

According to their findings, in 2007, the first of the six bills to prohibit the use of asbestos was placed before the Colombian Congress. The first five initiatives failed. However, at the time this article is being written, the whole of the sixth bill



was passed by the Congress (the first time that happened) and it only awaits the signature of the president of the country, after which asbestos will finally be banned in Colombia from January 1, 2021 onwards.

“I believe that what has happened in Colombia is the same as in all the other countries: the people who run the asbestos industry have organized a pretty strong lobby to prevent any legislation that would halt its use,” says Professor Guerrero, who adds that there is no longer any excuse for further delays, since the same companies have acknowledged that they have already made plans to replace the fiber.

Guerrero relates that the asbestos lobby used all sorts of ridiculous arguments to block the abovementioned bills, like that of a congressman on the Seventh Commission of the Senate, who claimed that it would not be possible to replace the asbestos used in brake pads, because the mountainous topography of the country would rule out the use of another material: it was a way of misleading public opinion.

Other legislators argued that there were no conclusive studies to prove that asbestos is dangerous in Colombia, a claim that was obviously mistaken as well. “The call for a specific study of its use in the country was meant to delay the prohibition of asbestos. It had no validity, because it is not true, as some of the lobbyists said, that Colombians have a special gene which makes us immune to the diseases caused by asbestos. We are like human beings in the rest of the world, and what has been proven about the danger of using this fiber on a world level, wholly applies to us. In addition, we do have a study of the case of Colombia by the National Cancer Institute and several academic groups,” Guerrero points out.

Ironically, a Liberal Party congressman, Pedro Muvdi Arangüena, placed two bills before the Congress (in 2007 and 2009) to promote the use of this mineral in the construction of subsidized housing, but they did not prosper. Nevertheless, it showed that there were times when some sectors zealously defended the continued use of the mineral.

The victims of asbestos

According to the data of the environmental NGO, Greenpeace, which were cited in the study by Guerrero and Torres, Colombia produces nearly 700 tons of asbestos each month, which are extracted from Las Brisas mine, in the municipality of Campamento, Antioquia.

The same NGO reports that 256 Colombian companies have used asbestos in their products: the best known are the Eternit, Incolbest and Toptec companies. It is also estimated that asbestos has claimed more than 500 victims in Colombia, a figure based on the data compiled by the lady senator Nadia Blel, who was responsible for the bill which now awaits endorsement by the president of Colombia. However, the number of those affected by asbestos may be larger, since such cases are underreported.

The first person who sounded a public alert to the dangers of asbestos and called for its prohibition was Ana Cecilia Niño, a journalist who suffered from mesothelioma, due to the fact that she spent her childhood near an asbestos factory in Sibaté, Cundinamarca. She led the fight with a strong activism until her death in January, 2017. After she died, her husband, Daniel Pineda, carried on with the campaign, and founded the Ana Cecilia Niño Foundation, which played a leading role in promoting the bill which prohibits asbestos.

Despite the many cases of asbestos-caused diseases which are known, the asbestos industry, on a world level, has financed studies to refute the scientists who have warned of the health dangers of asbestos, as happened in Canada, one of the main exporters of the mineral, which finally prohibited it in 2018. "This has sparked a very long debate, where the different arguments have clashed. In our opinion, what has led many countries to take a serious view of the scientific studies which hold that the use of asbestos is hazardous have been the declarations of international agencies like the World Health Organization and the International Labour Organization, which have led to strong waves of prohibition and regulation," remarks Professor Juan Carlos Guerrero.

Other Latin American countries, like Argentina, Chile and Brazil (a major producer of asbestos) have also said "no" to the continued use of this mineral in their industries and they took the lead which Colombia followed in finishing off this long-pending task.

A decisive ruling

Although the Colombian Congress has committed itself to replacing or prohibiting asbestos, collective actions by the civil society had already won several rounds of this fight. Four municipalities in the country (El Colegio, Cundinamarca, and Chivatá, Samacá and Tibasosa, in Boyacá) set an important precedent: they banned the use of the mineral; in some cases, in public works projects, and in others, completely. A bill to that effect was even lodged in



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the capital of the country. What is more, the Governor's Office of Boyacá joined the campaign, prohibiting the use of asbestos in public contracts in the whole of the region.

Another glimmer of hope for Colombia was a ruling by a judge in February 2019, which ordered the future replacement of asbestos in the country within a term of five years, in response to a collective law suit lodged at the Administrative Disputes Court (*Tribunal Contencioso Administrativo*) of Cundinamarca in 2006. In the opinion of the researcher Ana María Torres, that ruling had a great symbolic importance, even though it was made in a lower court, that is, it might be overturned on appeal. "It was essentially a way to pressure the Ministry of Work and the Ministry of Health and Social Protection to undertake measures to promote the replacement of the use of asbestos. The ruling did not detail how the process of replacement should be undertaken. It did not mention a plan for adapting the workforce in factories where it is an input for production, whereas the bill the Congress passed does speak of that. That is why the ruling may be regarded as a gesture which, in some way, helped to get the bill passed in the Congress," she explains.

Among other stipulations, the ruling orders that the general population should be taught about the hazards related to

exposure to asbestos; a survey should be made to find out how many companies use asbestos in their production processes and the number of workers who are exposed to the mineral, along with the towns located near those companies; and a program should be organized to adapt the workforce in Las Brisas mine and monitor the concentrations of asbestos in the area where it is exploited.

One of the “buts” set forth by the congressmen who opposed the prohibition of asbestos was precisely that the workers in those factories would lose their jobs. In the opinion of Professor Guerrero, on the other hand, that was an excuse on the part of those who were interested in keeping their businesses going, since the same companies recently admitted that since 2015 at least, they have had a plan of industrial reconversion that will replace asbestos in their factories.

What the judge who ruled on the “popular action” law suit did not take into account was the sensitive subject of how to replace the asbestos which is already installed in buildings or found in different products. Fortunately, that was covered by the bill which the Congress passed on June 17, 2019, which orders the State to draft a public policy to replace the asbestos in such cases in a maximum term of five years.

As the researcher Juan Carlos Guerrero notes, this has been one of the most complex issues for the different countries which have prohibited asbestos. “If there is something really dangerous for human health, it is the removal of asbestos, due to the risks it implies. There are even countries which have decided not to remove it if the products made with asbestos fiber do not show clear fractures, because otherwise it would require highly trained teams and a whole set of complex devices to remove that material. This is a controversy which will clearly be seen in Colombia soon, following the prohibition of the production, exploitation, use and commercialization of that mineral,” he points out.

The triumph of activism

Collective initiatives have been crucial in the different steps which led to the prohibition of asbestos in Colombia. Even though the road to it has been long and rocky, the stumbling blocks have not stopped the leaders of this fight from persisting in their aims. “The ruling and the passing of the bill resulted from activism on the part of the victims and several organizations of the civil society, like Greenpeace, all with the support of lawyers and academics. There have even been judges who, for example, have lodged such appeals at the Inter-American Court of Human Rights, employing interesting legal arguments.

There has been a great effort to exert pressure,” Guerrero explains.

The achievements of some towns in Boyacá and its departmental government, which have taken the lead in prohibiting asbestos, is also an evidence of the persistent work of these activists, who focused on informing and warning the public about the hazards of this material.

“At the present time in Colombia, we are seeing how there is a very big spread of collective actions on very diverse and different issues. It’s logical that that should happen now that the country is advancing towards its post-conflict stage. The fact that Colombia has been able to put the armed conflict behind it is going to represent a big challenge, which is opening the Pandora’s Box on all the problems it faces: fracking, asbestos, education, mining and so forth,” Guerrero says.

There is no doubt that the communications media have been a key tool in enabling the messages of the activists to reach the power structure and the citizenry. “The power of the media has meant that the general population is aware of the risks to which we are exposed with this mineral fiber, which does not only affect the workers in asbestos mines and factories, but all of us. The coverage of this issue by the media has helped the movement to grow and exert a stronger pressure,” Torres adds.

That being so, the prohibition of asbestos is a double triumph for the country; an achievement for the whole of Colombia, due to the ban on the use of this fiber, and a clear blow by the emerging force of collective action. “There may be politicians who are afraid of all this, because an active citizenry, which is alert to the work of our legislators, may be uncomfortable for some actors, but it may also be an opportunity for politicians to try to get on the same wavelength of those activist citizens. It is an interesting time in terms of the evolution of a representative and participatory democracy,” Guerrero concludes.

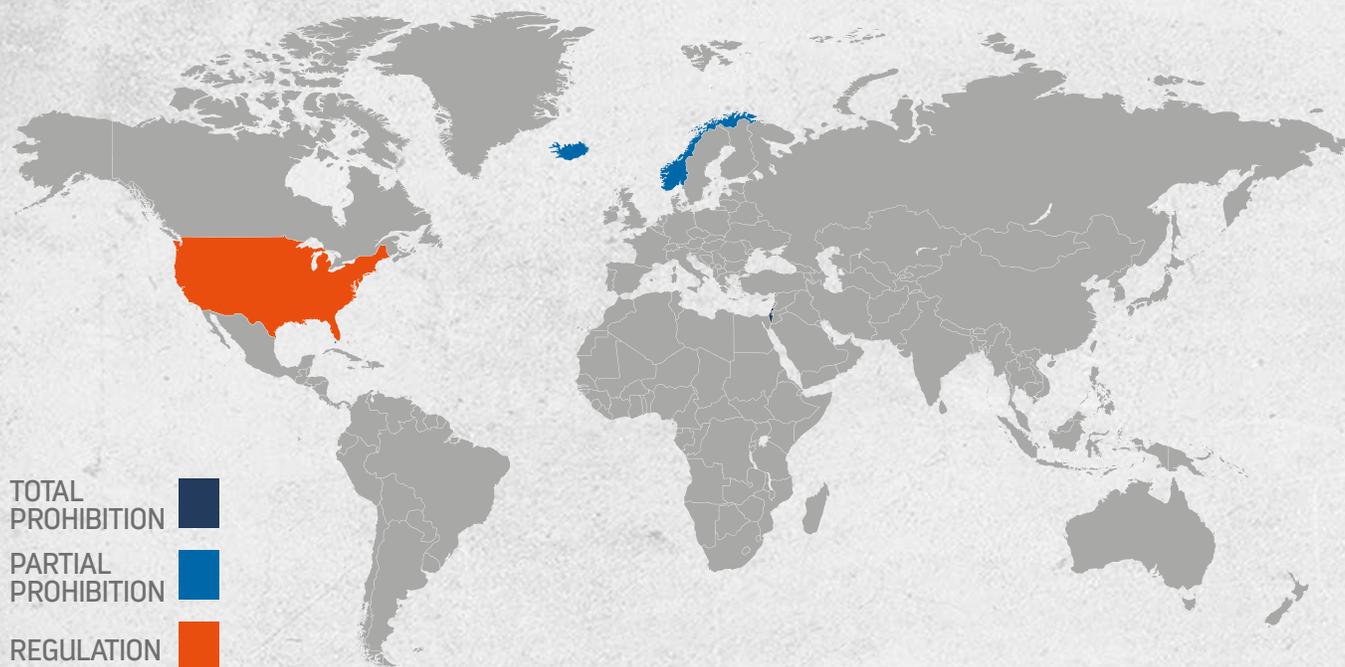
The path has been blazed. Nowadays, there is a public which is informed and has a critical spirit, which, perhaps thanks to the feat of those who insistently fought for the prohibition of asbestos, may be able to believe in the power of an active citizenry. ▣

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PROHIBITION AND REGULATION OF ASBESTOS IN THE WORLD BEFORE 1986

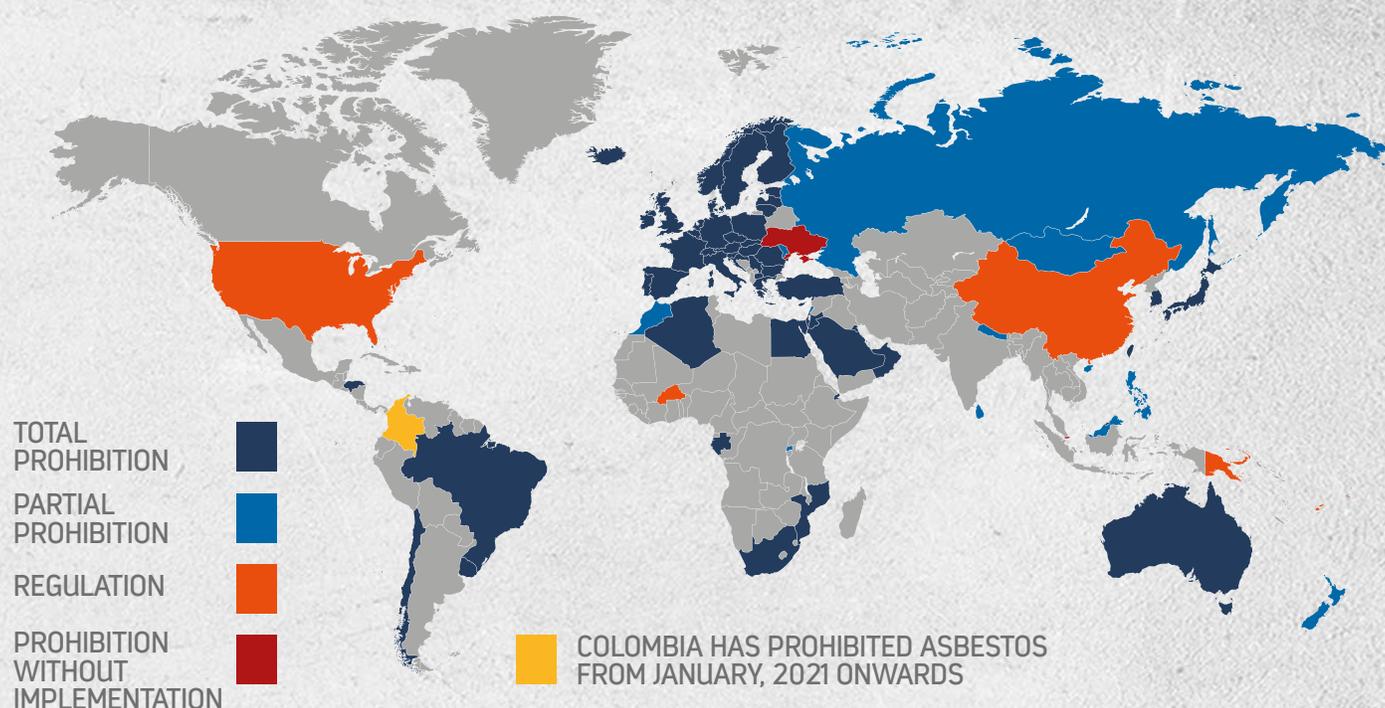
Before the International Labour Organization's Convention C162 (1986)



COLOMBIAN NORMS

Number of the legislative bill Date of being lodged in the Congress	Legislative bill no. 199/07 House of Representatives January 31, 2007	Legislative bill no. 35/07 Senate July 24, 2007	Legislative bill no. 45/07 Senate July 31, 2007	Legislative bill no. 177/07 Senate November 30, 2007
HOUSE OF THE CONGRESS WHERE IT WAS FIRST LODGED	HOUSE OF REPRESENTATIVES	SENATE	SENATE	SENATE
RESULTS OF THE BILL	WITHDRAWN BY THE PROPONENT	ARCHIVED AT THE FIRST DEBATE	WITHDRAWN BY THE PROPONENT	ARCHIVED AT THE FIRST DEBATE
	NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES 1 congressman from the Partido Liberal Colombiano	NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES 1 senator from the Partido Polo Democrático Alternativo	NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES 3 senators from the Partido Político MIRA	NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES 1 senator from the Partido de la U

PROHIBITION AND REGULATION OF ASBESTOS IN THE WORLD BETWEEN 1984 AND 2018



Legislative bill no. 341/09 House of Representatives May 6, 2009	Legislative bill 97/15 Senate September 22, 2015	Legislative bill 34-85/16 House of Representatives July 27, 2016	Legislative bill 61/17 Senate - 302/18 House of Representatives August 2, 2017
HOUSE OF REPRESENTATIVES	SENATE	HOUSE OF REPRESENTATIVES	SENATE
WITHDRAWN BY THE PROONENT	ARCHIVED AT THE FIRST DEBATE	ARCHIVED FOR EXCEEDING THE LIMIT OF TWO PERIODS OF THE SESSIONS	PASSED AT THE FOURTH DEBATE
<p>NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES</p> <p>1 congressman from the Partido Liberal Colombiano</p>	<p>NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES</p> <p>1 senator from the Partido Alianza Verde 1 senator from the Partido Liberal Colombiano 1 senator from the Partido Opción Ciudadana 2 senators from the Partido Centro Democrático 2 senators from the Partido Conservador Colombiano</p>	<p>NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES</p> <p>1 congressman from the Partido de la U 4 congressmen from the Partido Alianza Verde 4 congressmen from the Partido Conservador Colombiano</p>	<p>NUMBER OF SPONSORS OF THE BILL, WITH THEIR RESPECTIVE POLITICAL PARTIES</p> <p>1 senator from the Partido Cambio Radical 2 senators from the Partido de la U 2 senators from the Partido Liberal Colombiano 2 senators from the Partido Polo Democrático Alternativo 6 senators from the Partido Conservador Colombiano 6 senators from the Partido Alianza Verde</p>