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## DEBATES and PROCEEDINGS

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### **Bill No. 604 – *The Public Health (Asbestos right-to-know) Amendment Act***

**Mr. Forbes:** Thank you very much, Mr. Speaker. I really appreciate the opportunity to rise to talk on this issue. It's a very important one and one that's been in the news, and rightfully so, because it's one that affects families, workers, young people right around the world. But here in Saskatchewan we have an opportunity to do something that is outstanding and meets the needs of so many folks and shows true leadership in the field of public health.

So it is my honour to enter into this debate today around Bill No. 604, An Act to amend The Public Health Act, 1994 to provide access to information relating to Asbestos in Public Buildings. And much has happened, much has happened since November 1st when this was introduced first in the House and the speech that my colleague from Saskatoon Massey Place gave on November 8th.

And so it is something special, and we really hope that we can see movement, more movement on this. Clearly I think that all members in the House see the value that something has to be done in this area. I know the government has done some things but we could be doing so much more. And so today I'll reflect on that and reflect on some of the things that have happened and some of the things where we should go and why we should be doing exactly that.

You know, interestingly, Mr. Speaker, when it was first read, Bill No. 604, the short title was The Public Health (Asbestos right-to-know) Amendment Act. But since that time it's become known as Howard's law because of what has happened tragically to Howard Willems since that time. Because as my colleague was giving his speech, just right around that time, Howard passed away. And that is a sad, sad thing and many folks felt the pain and expressed their condolences to the family, and I know that both sides of the House feel that way and the ministers have expressed that as well.

It's a tragic thing when we have something that — asbestos — that in so many ways was

promoted unknowingly as something that would offer so much to the world of industry and to our modern world, but found out to be later such a deadly carcinogen. And that's just a tragic, tragic circumstance that we are left now with a legacy of that, that houses, homes, office buildings, schools, hospitals, all have asbestos in various degrees if they were constructed prior to the '70s.

And it's a sad tale of how things can go awry and we're left with what to do with it afterwards, and many folks who are left to pick up the pieces and unknowingly suffer as Howard had done. He was an inspector that would go into many buildings and unknowingly was exposed to asbestos, and then many years later the results of that exposure came home to roost. And then just in a few short years, it played out to his death just a few weeks ago.

So his family and many of his friends and many of his colleagues at work and many people in this province and around the country feel a deep, deep commitment to continue that work and making sure that we get it right. And there has been a lot of material, and I'll review some of that material over the next short while here that we have in the House to talk about that.

And we do want to just again pass our condolences on to Brenda, his wife, and the family. And of course on that day, on November 1st . . . It was a tragic set of circumstances that have played out over the last couple of weeks, but we hope that from that something positive can happen. I know that Howard, and it was remarked at his funeral last week, about how he was a true social activist — that he was working more not just for his own sake, not out of a sense of anger, not a sense of, why did this happen to me? Because he knew about asbestos before it happened to him. And that's sort of the irony that many of us feel and we experience in this House when things happen to us that we've been working on, and then we get that personal connection and it strengthens our resolve to make sure we do right.

So, Mr. Speaker, I want to say for Howard and his family that we will continue that battle. And I know that people like Bob Sass who has worked hard in this government, he was in the employ of the occupational health and safety section of the Ministry of Labour — Department of Labour as it was known then in the '70s — and worked under Allan Blakeney and worked hard to develop leading legislation and regulations around occupational health and safety.

And we think that's just a recent time for many of us who are in this Chamber because we think of the '70s as, that's not that long ago. But at that time many of the things just weren't dealt with, and asbestos was one of them. And of course Bob led the way in terms of having registries done and making sure people knew where they were, but they were internal. They were internal to government and how to handle it was internal. And so clearly there was more work to be done and he would be the first to say that, and that's why he still plays a leadership role in this area and he feels so very, very strongly about that.

Of course people were introduced in the House on November 2nd. Marianne Hladun, the

vice-president of the Prairie section of Public Service Alliance of Canada, of which Howard was a member. And he was very active in his union, and that's how I believe Marianne got to know Howard and Brenda — but not only that, they were good friends. I know they've done so much work. Particularly, I know Marianne would be thinking a lot about this today in terms of Ukrainian issues, and Nashi is an area that, a cause she feels strongly about. But she feels equally strongly about that, and was here.

Howard's sister was introduced, Audrey Berlovan. And Audrey gave a powerful, moving speech to the SFL [Saskatchewan Federation of Labour] that actually — I believe it was on the Wednesday morning — talking about Howard and his struggle. And then they had a fundraising drive to help the organization for asbestos, SADAO [Saskatchewan Asbestos Disease Awareness Organization]. And it was amazing to see how the people came forward to support that effort and making sure that the call for an asbestos registry does not fall silent but it has the necessary resources to move forward.

And so I just want to acknowledge those folks. And Jesse Todd, Howard's son, and his daughter-in-law was here as well to see my colleague and his first reading and the bill come forward.

So, Mr. Speaker, there is a lot to say about this. I want to take a moment to take a look at Bill No. 604. And it's interesting because, as I will reflect today, some of it's not current, the whereases, just because so much has happened. But I do think it's important to go through it. The preamble talks about:

WHEREAS the Government of Saskatchewan has lists respecting public buildings that contain asbestos;

WHEREAS these lists must be accessed individually through freedom of information requests pursuant to The Freedom of Information and Protection of Privacy Act;

WHEREAS asbestos that is not properly encapsulated poses a public health risk;

And that's a given. We know that it must be properly encapsulated.

WHEREAS the availability of information about asbestos allows individuals to make informed decisions regarding their health and safety.

I want to go back to the fact that now we know that the Ministry of Labour actually has created this. I believe it was on November 10th or 12th, created a public registry where they put the list and — that actually Howard and SADAO had called for — had published them, put them up on the Internet. Now interestingly, I had seen those lists. And of course they were scanned and put up, and they're not very accessible. I don't know if you've had an opportunity to read them. They're not like a database where you could search for Saskatoon schools. You would have to read the whole list and see what's in Saskatoon. Now schools aren't on that list because they're not a provincial government building. They belong to the local school boards. But for example, that's not on that list. And I also believe, and we'll be asking about this further, but Sask Housing unit buildings are not on

that list too. I'm not sure why that's the case. But some things are not on.

But they're not easily accessible. You know in this day and age, when we see websites and databases that are really engaging, easy to read, and helpful to the reader, so you get the information you get, this is kind of the opposite of that. It's the opposite of that. It's very hard to read. It's grainy. You have to know what you're looking for. It's not helpful.

And I know, and we've had questions and I'll maybe get to this further down the road, but we've asked the minister about asbestos several times. In fact I asked him last March about this. And it was asked again in early November. And of course his response, and it has been a consistent response — but we disagree with it fundamentally — is that he says it's best practices not to let people know. That everyone should just make an assumption that if it's an older building then you should assume that it's got asbestos and you should be aware of that.

Now, Mr. Speaker, there's a couple of things that we have . . . Several parts of that argument we think is false or faulty, because not everyone can estimate the age of a building properly. When you're saying the cut-off is the late '70s, how can you tell a building that was built in '85 versus a building that built in '75? We're not all that up on architectural styles, and they may look all the same, you know. So there's some problems with this. An older building may look newer. It depends how they're kept up, if they've been modified, if they've done anything to the facade. So you really can't tell the age. So if he's implying that somebody should ask about the age of the building, then that's false.

As well, you know, Mr. Speaker, not many people really are aware of asbestos and are aware of where asbestos is. And there's many myths about asbestos. So if it's left up to the individual to become an asbestos expert, they may not. And I think that if we have a good registry, then with an engaging platform where people want to read or feel these are things we should know about buildings, then we could go a long way in educating the public. We could go a long way to educate the public. And I think that's important. I think it's naive just to assume that we will let people really essentially fend for themselves. I think that that's laden with problems and it's just . . . I'm not sure, when the minister or the ministry talks about best practices, what they're referring to, and if this is an established best practice and whether it is actually hard research. Is there research that people behave better when they don't know hazards than they do know hazards? It doesn't make a lot of sense. It doesn't make a lot of sense that if people aren't aware of hazards, that they will engage in behaviours that will protect them from that hazard. So I don't know where that that kind of line of thinking is coming from.

And I think that really in many ways I know that too, that there seems to be some concern about liability, that if the government starts identifying all the buildings and the state of asbestos in the building, then that's a problem because of liability. I don't necessarily agree. Again it's the style and clarity on the website about this, is how this database should be read, that everybody should have some caution but that these are the buildings with asbestos; these buildings do not have asbestos. And if they do have asbestos, what is the current state of the asbestos? Is it encapsulated or not?

So I think, Mr. Deputy Speaker, it's not, it's not too much to assume that the public, if they're using a platform that is well engaged, a website that's well engaged and easily read, that people will appreciate that. And those who have come there for that knowledge will say, I can find out what I need to find out and I have a sense of comfort with that.

So I think this needs, I think it needs to be . . . The current website that the government has, while it's a step forward, I think that it could be done so much better. And I've taken a look at the health region from Regina, their contribution to it as well. And again it's more scanned documents, and I think that it needs to have much more attention.

I don't know whether somebody has been assigned to this, whether it's a full-time position or whether it's something that's done off the side of the desk, whether it's been looked at since it went up. Because clearly it may be that the government feels it's up and now it's done and it won't need to be updated until the next person asks for more information.

So I think that speaks to the whereas, and again I just want to say, "Whereas the availability of information about asbestos allows individuals to make informed decisions regarding their health and safety." Clearly in this day and age we know people really do want the information. They really do want the information. And they don't want to have a government make those decisions for them and say, it's better you don't know. It's better you don't know. No, I think it's better that they do know and they can act accordingly.

So what this goes on to call for, and of course I said the short title is The Public Health (Asbestos right-to-know) Amendment Act. It's interestingly since Howard's passing that there has been a movement afoot that wants it to be known as Howard's law, and I think that's a fair thing. I think that's important because Howard in so many ways was the face of this movement and I think will continue to be the face of this movement. Because when we tragically feel what Howard and his family have gone through, we all ask ourselves, do we want this to happen repeatedly again and again in Saskatchewan? And unfortunately it does. Unfortunately it does, you know.

On April 28th we will have the reading of the names of people who've died because of a workplace . . . because of the workplace. I won't say it's an accident because that kind of implies that something happened. But in Howard's case and many people's case, there was no accident. They just happened to come in contact with something that should have been encapsulated or should have been protected. So, Mr. Speaker, last year we knew there were 14. I don't know how many there were this year, but clearly each one of those families feels the pain of what this means. They're very aware of what asbestos can do to a family and what it can impact them in terms of whether it's a father or a brother, sister or mother. It's important that we do this type of thing.

Goes through this, and it's an amendment to The Public Health Act. And that's very interesting and I think rightfully done so. I know that there was some discussion. We had met with Bob and Brenda and Howard on this issue, and when Cam and I talked about this, we talked about the various ways, what would have the best impact for the people of Saskatchewan. And of course some people think it might be best with labour and be best

with occupational health and safety. And that would not be a wrong place to go, but it would be limiting the number of people who would be impacted by this. And clearly occupational health and safety has limited resources as well. We know that in terms of the number of inspectors that they have, the impact could be much better felt if right across the province we had health inspectors look after this and public health people.

And you look at who's calling for this, and I know my colleague talked about the medical, CMA, the Canadian Medical Association, and the cancer, Canadian cancer association, are very aware of this issue and are calling for, calling for more work to be done in this area.

So that's why it is part of The Public Health Act. I think it's critical that we realize this has moved beyond just to workers, but it's about workers' families. It's about kids in schools. It's about people in hospitals. And of course we had the situation last year of potential problems in Humboldt with St. Mary's Villa. And so we just have to be aware of that and be cognizant of it. It's much bigger than just a workplace thing, even though the workplace is a critical place and we've seen so many people come into contact and pay a horrible price for that.

So we're glad to see it go into the public health amendment Act. And it's interesting because we really have two ministers involved now, because we've both the Health minister, who administers, who's responsible for The Public Health Act, and the Minister of Labour, who's involved through occupational health and safety, and the people who've led and been responsible for this file to date. But we are hoping to see more and more that it will become a public health issue and take on its bigger role in health because of its place in public buildings and that it becomes, people become aware of it in their own homes.

Now as you know, that . . . So what this talks about, it talks about asbestos and how it's defined in The Occupational Health and Safety Regulations, talks about an:

“electronic registry” means a website or other electronic means where information regarding public buildings that contain asbestos and the details of its encapsulation is maintained.

So that's what that's about. It talks about public buildings because we're not talking about private buildings. We're talking about public buildings:

owned and operated by the Government of Saskatchewan, including Crown Corporations;

[and as well] owned or operated by a regional health authority as defined by The Regional Health Services Act;

that house a school or educational institution that comes within the ambit of The Education Act, 1995.

So we're really talking about those. The Government of Saskatchewan is a big player,

obviously clearly that. And as well, the health buildings that are owned or operated by the regional health authorities because they have so many. We move beyond much more than hospitals. It could involve clinics. It could involve long-term care facilities, that type of thing, and that they clearly need to be part of that. And as well, schools because clearly our most vulnerable are youth. We sure hope they're not coming in contact with asbestos. But we hear that there are schools out there that still have issues with asbestos.

And it is a challenge because we actually . . . And I'm a big fan of old schools. And we had a class here yesterday from Caswell and, as I said yesterday that I taught in that school and my kids went to that school. And I can still see the water pipes underneath there, wrapped up in insulation. And I can still see the letters, asbestos, on there. And you walk by that and you know, but I love that old school and I sure would hate to see anything happen to it. But we've got to take care of that and make sure it's done well.

So, Mr. Speaker, I think this is important. And then the minister, this is the action:

The minister, in accordance with this section, shall make information available through a website or other electronic means regarding public buildings that contain asbestos.

And:

Every registry or listing of public buildings that contain asbestos that are currently in the control of the Government of Saskatchewan or any of its agencies shall be made available on the electronic registry mentioned in subsection (1).

Now as I said, and I see the minister . . . We've got many ministers in the House but as again, I don't think Sask Housing units are on that list. When we looked over the list it was interesting, and you know I have an eye for Sask Housing. I didn't see that Sask Housing buildings were on that list. Now I'm not sure why that was missing in the original freedom of information request from the government.

It was good that we . . . I know Howard and Bob and Brenda were very surprised at the speed in which they got that response, which is a good thing. But we then saw some holes in it and we don't know why that is. Sometimes when you ask a freedom of information request, if you don't word it just right, because Sask Housing we know is not what we think of a Crown in the sense of SaskTel or SaskPower — more of an agency. So I don't know why that is the case but we'll be asking more details about that.

So that's the review of the bill and we think that it's important that we get this right.

But you know, we've spent many times talking about this piece of legislation in the House. And as I said, you know, the minister has often talked about, and I just want to quote from November 1st when the Minister of Labour, and he said that in his answer, and I quote:

The concern that they have with maintaining a central registry is it may create a false sense of security. The assumption should be there that whenever dealing

with a building that there is asbestos there and that appropriate steps be taken . . . [and] that people ought not rely on a registry that may be incomplete or may not have accurate information. We know that the vast majority of our schools that were built during the 1950s and 1960s contain asbestos.

And now he talks about working and maintaining good practices in that area. But again, that I just feel that we cannot rely solely on the idea of assuming that people who are coming in the buildings are aware of asbestos. They may just not even have . . . [inaudible] . . . Now he says '50s, '60s. And if you know Caswell School and other schools in my riding, they're not built in that generation. They were added on. There was a renovation that caused them to have the asbestos in there.

I want to take a minute. I want to talk a bit about the editorial that appeared in The StarPhoenix because I think that was a very thoughtful editorial, and it's really helpful when you have that third perspective. You know, we're in here, and as you know, we have the thrust of debate and we take sides and sometimes we get too wrapped up. And it's also very good to have a perspective, somebody else's perspective. And I appreciate editorials. I may not agree with them, and clearly they're there to spark more thought, more reflection on the issue.

So I think we're glad to see that the papers are thinking that this is an idea that we should take a look at. But of course they want it to go farther. So if I can quote a little bit from this, I think it would be helpful because again as I said, you know, since this month, the first of the month, this has been quite a month for asbestos and bringing it to the forefront, and the kind of things that have happened.

But this was an editorial that was from the 15th of November, and I'll just quote directly from it. This is The StarPhoenix on page 10: "Asbestos list no panacea." And it says, and I quote:

Rather than simply create a registry of buildings, it would be far more useful to require the listing to describe just where the asbestos-containing material is located, along with any measures taken to mitigate the risk of exposure. Also required should be regular inspection and testing of sites that contain asbestos, and to list on the public registry the date of such inspections.

So again this speaks to my point that it's more than just to say we've done it and walk away from it. You know, we've done that with too many things where really there needs to be . . . This is a serious, serious health hazard, public health hazard. And if we can turn this around and have more confidence in our public buildings because we know we've got the right thing, we're doing the right thing when it comes to asbestos, that would be great.

So what they're really doing is calling for a more rigorous, more full, more robust registry: one that is used, one that's maintained, and not one that's just put up one day and then said, you can do your search there. And I think that's actually a good idea.

Now obviously when we put private member bills out in front, it's a starting place. We think that we want to see that. But you know, and I believe the Deputy Speaker has put private member bills out there, so you're aware of the limitations of that. There's a money cost to it, so we can't be saying you should hire somebody to do this. That would be . . . We couldn't do that.

But I think we should pay attention to this idea. I think the registry should be, it should be a source of pride in this province. And people should say, take a look at our website and how we describe where asbestos is, what the state of the asbestos is in our public buildings. And it could be a source of, you know, this is what we feel. This is an indication of how we believe public health should be handled in Saskatchewan. And I think that we have a lot of the tools already in place. It just needs more work. So I think in many ways this editorial's right on. But I want to read the last paragraph:

The death of Mr. Willems and 14 others in Saskatchewan in the past year of asbestos-caused illnesses speaks to its deadly and long-lasting legacy, and the need for decisive action to mitigate its impact. However, creating a mandatory registry of buildings by itself isn't going to prove particularly useful.

And in many ways I agree with that because we need to do much more. We need to do much more. Our work of being vigilant is critical in this area. Who knew that we would be dealing with this kind of crisis, you know, 50 years ago? And I don't know, Mr. Deputy Speaker, if you've ever been to one of the asbestos mines in Quebec, Thetford Mines. I've been able to drive by and to see the town in the Eastern Townships. It's quite amazing actually. My wife and I were driving through. Beautiful, it's absolutely a beautiful place, a part of Quebec, the Eastern Townships. And then as you're driving into Quebec City, you'll go in past the mine sites.

And of course, you know, it sort of speaks to what we have to be careful with. If I may go off on a tangent here, we have to be careful with, in Saskatchewan, when we start talking about resource extraction. We have to make sure it's safe. And we have done that in many ways. We have to keep that vigilance up. But in Quebec they've paid a horrible price for going down that road of asbestos mining because on one hand they thought they were very fortunate in that they had really a monopoly on the world's market of asbestos, and only later were we able to determine that wasn't such a good thing. And you see towns that were based around it.

Thetford Mines is one where if you go in, I believe there's two or three mine sites there and they're open-pit mines. And if you've probably seen open-pit mines in the North with uranium where they're huge. They're so big. I mean it's hard to get a scale to them. But it's open-pit and they just go down and down. It's like drilling into the ground. And you wonder when you see these things, what were they mining here? What were they mining? And then you find out asbestos and the tragic legacy of that.

And of course, you know, Mr. Deputy Speaker, we do feel . . . We understand that, you know, in the race to support economies and the resource sectors are usually seen as such an important part, but we must remember public health. We must keep public health front

and centre. And so this is why I think that at this part of our . . . You know, the world's experience with asbestos and how we've come to determine that it's such a deadly carcinogen that we must do the right things.

And so I think that as we, at this end of the tunnel, we can say we'd better start getting our registries together, and they'd better be rigorous and they'd better be full. And if we take cues from — whether it's the World Health Organization or whether it's the CMA or the Canadian Cancer Society or The StarPhoenix editorial board — they'd say, you know, we really have to wake up to this deadly legacy that we've got on our hands. And it's right around the world, but we could play a real leadership role here in Saskatchewan by doing the right thing, passing this private member's bill and even enhancing it.

I would call to say that we should go further than this, that in fact what The StarPhoenix is calling for would be only, you know, would be the best thing to do. But we have to get that platform. We have to get a website. We have to make it easily read. We have to make sure that people, when they go to it, there's an ease to read it so they don't get misinformation or they're not overwhelmed by it and say, you know, it's not being handled at all because I do believe that actually in the schools and in our health sector and our public buildings, that actually it is being looked after. And I think that, Mr. Speaker, it's an area, it's actually our moral responsibility to do this.

I don't know the other 14 people but when you look at the impacts it can have, and that's only just for the past year. You think of the number of years where this has happened. And you know, we just hear tragic stories about kids playing in open storage units where the insulation was asbestos, and they saw the white fibres flying. We need to clearly have to do more. And so, Mr. Speaker, I think that as we go forward and as we're in the final weeks of the session here before we end for Christmas, I think it would be absolutely the right thing to do.

So I think that we need to do more. I think that while the government has put together this voluntary registry as a signal that they're going to be engaged in this, and it's a good step forward, but clearly we can do so much more. And I really hope that we can get more resolution between who's really the leader here.

I'm hoping that the Ministry of Health will take the leadership because it is a public health issue. It's a public health issue. And while the good folks over at the Ministry of Labour have a lot of expertise to bring to the table, I think that we need to start thinking more on a broader perspective of this and really see that we can take this further down the road because I know this is what Howard and his family would want. But it's not out of, as I said, anger or a sense of vengeance, they are deeply committed to righting wrongs that have been done in our society, whether knowingly or unknowingly. We all know that this is out there. We all know this is a problem, and so we must act accordingly.

You know, Mr. Speaker, one of my quotes that I live by is Martin Luther King who once said, it's not the evil or the actions of the evil people that we have problems with because we know what they'll do. They will do the bad things. They will do the bad things. It's the appalling silence of the good people that we have to worry more about.

So in this House of 58 people, clearly it's our moral responsibility to do the right thing and to pass Bill No. 604 and then to take it even further, take the cues, the points that The StarPhoenix has raised and others have said. We need to make sure we get this right, and I think it's only appropriate that we do that.

So I'd encourage everyone in the next week or two to think more about this and, if we can get a chance to vote for this, I know we would be very happy to see this move forward as quickly as possible. I would urge us to do exactly that. We have acted in a cooperative manner before, and we've actually been recognized and commended for doing that. If there's areas of common ground where we can do the right thing, I think it's up to us to do the right thing. And we should be doing that.

I think that we've laid aside those arguments around what the best interests of people are to not to know. Nobody's defending that position anymore. Everyone is saying that we really should be doing as much as we can to resolve this deadly legacy that we have and that we can do. It's unfortunate because we know there'll be more deaths due to asbestos, but if we can curtail that and help that out a bit, then I think that's our moral responsibility to do that. And particularly if it comes to seniors who are in long-term care homes or if they're in hospitals or if they're in schools or if they're in the workplace, it's something that we should all strive to make sure we have that done.

You know, Mr. Speaker, we have this unfortunate, unfortunate other legacy that we have such a high injury rate and death-in-our-workplace rate in Canada. And this to me would be a clear signal that we are taking our responsibility to keep our workplaces and our public places as safe as we can.

So with that, I know that many of my other colleagues will want to speak to this bill, Bill 604, An Act to amend The Public Health Act, 1994 to provide for access to information relating to Asbestos in Public Buildings. It's a very outstanding bill. It's one that I think we need to pass, we need to act on. Much has happened since the introduction of the bill but there's much more that we can do, and I think that we should do what we can to pass Howard's law. So, Mr. Speaker, what I'd like to do is now adjourn debate on Bill No. 604. Thank you.

