

**Professional activities intertwined with my personal life.**

**Public authorities failed to protect Jim at the time.**

**Will the European Commission of Ursula von der Leyen (EU-EC) make future victims? Or not?**

Sunday, January 1, 2023 at 00h00. We toast the New Year with friends in the living room. A few minutes later, the bell rings on the smartphone: a video call from Kelly\*, a close acquaintance. Some friends also know her, come around the screen, wishes are exchanged, but it is clear that something is wrong. When we ask about it, she says that her husband Jim\* was diagnosed with mesothelioma about two months ago. He also appears on the screen. Normally a lively, hard-working fifty-something, now obviously not in good health. We continue to talk with him a bit, he tells about the diagnosis and his life expectancy. And also that the doctor asked him if he had been in contact with asbestos: the answer was "Yes." We wish them well, put down the smartphone and continue to chat over one last glass. It's late, everyone goes home, we go to sleep. A couple of hours. I wake up and think of Jim. How is it possible, I ask myself?

The next day I go back in time in my mind: 25 years ago. I was working then as an expert at the State Secretariat for the Environment. One of the dossiers was the ban on placing asbestos on the market. Asbestos, then called 'magic material', was first mined in 1879. The main producers are Canada, Australia, Russia, South Africa ... In Belgium, the following companies were active in marketing asbestos-containing products: Eternit, Alfit, Coverit, JM Ballmat, Modernit and SVK. In addition, asbestos cement was imported on a large scale. The material had many applications, especially in the construction industry: from the spraying of steel vaults to corrugated sheets on coteries. So the economic stakes were very high.

The first observations of health problems date back to 1898. It took until 1965 before the direct link between exposure to asbestos fibers and mesothelioma was generally accepted. For your information, it takes between 10 and 60 years after exposure before one becomes ill; the average is 30 to 40 years.° Nevertheless, it took until the 1990s for European countries to come up with a ban: in Belgium, it was not until February 3, 1998 - 100 years after the first health problems were identified - that the Royal Decree was promulgated "restricting the marketing, manufacture and use of certain dangerous substances and preparations (asbestos)". In fact, it was a total ban with some limited exceptions for industrial applications: e.g., sealing rings in high-temperature processes.

I still remember the process of coming up with this Royal Decree (R.D.): the pressure from corporate lobbies was enormous. It was on our radar from the start of the State Secretariat (summer 1995), but so the R.D. ended up taking 2.5 years. Businesses came to the Cabinet pleading for postponement and/or weakening. A classic was (and still is today in the case of other banned products): 'Agree to a ban on marketing in Belgium, but let us continue production so that we can still export the products'. For example, one of the companies indicated that they planned to phase out and stop production in our country anyway, but when I asked if they would do the same in their companies in other European countries (Britain) and in non-European countries, the answer was 'As long as there is no ban there, we will continue'. What is the name for this? Corporate non-social responsibility? Even then, the concept of 'international solidarity' existed mostly on paper.

Early this century, the European Union (EU) as a whole followed suit with a blanket ban on the marketing of products containing asbestos from 2005. But even during that policy-making process, lobby groups continued their actions. This time, not only from companies, but also from exporting countries. Canada, for example, filed a case with the World Trade Organisation to stop these regulations. Unlike a lot of other cases where free trade prevails, a reasoned ruling has followed here that vindicates the EU.

A concept that is increasingly coming to the fore is 'the cost of in-action'. Nowadays, this is mostly debated around the climate crisis, but in the Netherlands some 25 years ago, it was calculated that if the ban on marketing asbestos-containing products had been implemented as early as 1965, there would have been 34 000 to 52 600 fewer victims of mesothelioma (by 2030). Not to mention the other associated diseases and their economic and human cost. Mutatis mutandis in Belgium: a good chance that our good acquaintance Jim would not have become a victim in the event of a ban from 1965 onwards. Moreover, many more victims like Jim will follow in the years to come, due to contact with asbestos used in our buildings in the past, among others (think of careless demolition work during renovations, fires in old buildings,...). It reminds me of a comment made by Kelly during our video call on New Year's night: "But everyone has come into contact with asbestos anyway. It is not always clear where asbestos is!" It proves that there is still a lot of work to be done in raising awareness as well.

Just a quick note that there is a new danger in the meantime. Through e-commerce, products containing asbestos such as grooming creams, brake discs, sandblasting materials ... are being imported from countries outside the European Union. Increased surveillance is needed. This requires providing inspection services with people and ICT equipment. Small problem: these kinds of measures are considered "politically unprofitable" and thus no or insufficient budget is provided.

Some of the data above come from the [first report](#) 'Late lessons from early warnings: the precautionary principle 1896-2000', published by the European Environment Agency in 2001. A [second report](#) was published more than a decade later (2013). These reports include other substantiated dossiers: benzene; PCBs; antimicrobials; MTBE as an alternative to lead in petrol; TBT as a marine antifouling agent; beryllium; DBCP pesticide and male fertility; and so on. Each of the dossiers presents substantiated evidence based on scientific data that we have known for a long-time what the effects on humans and the environment (may) be. I hold my heart for the moment when one of my other family members, friends, acquaintances, neighbours ... gets bad news because of exposure to one of those substances.

Meanwhile, we are years down the line. Thousands of new substances have been put on the market whose effects on humans and the environment we know little or nothing about. The [Stockholm Resilience Institute](#) has calculated that the planetary limits, say the carrying capacity for these 'novel entities' (including plastics) has been exceeded. The researchers recommend urgent action to reduce the damage associated with exceeding the limit by reducing the production and launch of novel entities.

The precautionary principle has often not (been) applicable, i.e. if there is a risk of serious or irreversible damage, then the lack of full scientific certainty should not be used as a reason to delay action. Are grandchildren of Jim and Kelly, of relatives, friends, acquaintances or neighbours, going to have to find out within 30-40 years that they have contracted another cancer from in-action? Read the European Environment Agency reports on it. Leukaemia? Vaginal or prostate cancer? Breast cancer? Liver cancer? Etc.

The danger of in-action is a very topical issue. Within the European Union, in principle, human and environmental health are better protected from hazards of chemicals by REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals), a European regulation adopted in 2006. This EU regulation has not been revised for almost 20 years, even though - as already indicated - thousands of new chemicals are widely produced and used by industry. Just think of certain polymers and endocrine disruptors such as PFOS, for which there is currently no regulation.

The Commission initially announced the publication of the REACH revision for 2022. Nothing seen for now. Lobby groups seem to have succeeded in delaying the publication of this revision by a year, making it impossible to complete an ambitious revision during the current European Commission's legislature (cf. the dissolution of the European Parliament and elections in spring 2024). The European administration has done its job, everything is ready. There is currently one woman who can show 5 minutes of political courage: the President of the European Commission, Ms Ursula von der Leyen. If she and her Commission decide to publish the proposal for revision early this year (2023) then member states and parliament can get to work to bring everything to a successful conclusion before the elections. Which side are you on, Ms von der Leyen ? The side of the Jim's in the future?

\* Kelly and Jim are fictitious names.

° In addition, exposure to asbestos fibers can also cause diseases such as asbestosis (a type of black lung) and various types of cancers (in addition to lung cancer, lung cancer and others).