

Asbestos fly-tipping in London

Fly-tipping, the dumping of waste materials illegally, is a big problem throughout the UK. Worryingly, large amounts of deadly asbestos have been fly-tipped in the greater London area recently.

In Bexley in April a massive load was dumped in Leafield Rd, a small slip road off the North Cray Rd. The local authority was alerted on a Sunday and closed the lane, putting up warning signs.

On the Monday the fire brigade was called in to damp down the dust. Part of the main road was closed as fire fighters from three areas put on full protective equipment, including breathing apparatus, and spent nearly three hours making the scene safe.

Specialist contractors then carefully removed the waste to a licensed land fill site, damping each layer down further as they removed it.

The council then contacted nearby allotment holders and a scout group to alert them to the possibility of contamination and sent specialist teams in to investigate. The council suspects the rubble to be a demolished factory roof. The whole incident was captured on CCTV but unfortunately the pictures are not good enough to identify the guilty parties.

In Ilford, also in April, there were two incidents of asbestos fly-tipping. Several bags of asbestos waste were dumped in the first. In the second a much larger quantity was dumped in a private service road near the Ley St car park. Children started playing with the second load



PHOTO: SUE GOODALL

Clean-up after asbestos fly-tipping in Bexley.

before the council was alerted. The council then called in specialist contractors who damped the area down to control the spread of dust and removed the asbestos to a licensed site

In Merton in March a large load of waste reported to contain asbestos was dumped in Prince George's Rd. On analysis it didn't contain asbestos but local residents were very concerned until they were told otherwise.

All London boroughs regard fly tipping as a problem. The rubbish mainly comprises builders' rubble, garden waste, white goods (fridges, etc.) and tyres. The object is to avoid the cost or effort of

dumping special wastes at licensed land-fill sites. Most of this is environmentally damaging and also risks the health of workers and the general public as asbestos is a cause of cancer. Because of this it is also extremely expensive to clean up.

Mick Holder, of the London Hazards Centre, says "Questions must also be asked about the danger caused by the cowboy companies' removal works both to their workers and to the general public. Asbestos removal and disposal is a highly dangerous operation and should be done properly, controlling any possibility of the spread of dust and including safe disposal to a licensed tip. These firms are clearly willing to risk lives and must be caught urgently."

Part of the problem is that asbestos cannot be identified visually and must be examined under the microscope. As asbestos was generally used in products mixed with cement or plaster it takes specialist analysis to establish the true risk.

In London, until 1996, the London Waste Regulatory Authority (LWRA) by and large had control over waste disposal including fly-tipping. Since the LWRA was absorbed into the Environment Agency there hasn't been a single body looking at the issue. The Greater London Authority and the Mayor have fly-tipping on their agenda and there have been discussions about how their aims might best be achieved. The issue of who might be in control of this has yet to be decided. Currently fly-tipping incidents are dealt with at borough level.

Taking Bromley as an example there are 10-12 fly-tipping incidents involving

asbestos every year. If this is typical of Greater London area then there would be well over 300 asbestos fly-tipping incidents every year.

Bromley says they only have a problem with asbestos cement sheeting being fly-

tipped, i.e. corrugated sheeting used for roofs or walls in garages and factories. They have had five incidents recently after a quiet period and the amounts dumped tend to be reasonably small. Asbestos fly-tippers tend to use the same sites used to dump other

waste. To combat this Bromley Council has introduced an enviro-crime reward scheme for information on fly-tippers. They have had one successful conviction not involving asbestos and say they have a couple more in the pipeline.

New Labour going backwards on safety

Hope flared for a moment when David Blunkett announced that the Government would publish a bill on corporate accountability. But examination of the fine print showed that there was no reason to celebrate.

For one thing, the Government has not actually promised to introduce legislation into the House of Commons but only to publish the text of a bill at some point in the future. For another, the Government is not proposing to introduce custodial sentences for company executives and directors found to have caused workplace death and injury through negligence. If it does anything at all, the Government will merely introduce a new means of levying fines on companies. This is not at all the reform demanded by the entire trade union movement and embraced by the Labour Party. The whole point of calling for the introduction of custodial sentences is that the threat of imposing even large fines does not really act as a deterrent.

The Government's initiative was lauded by the great and the good, e.g. the Institute of Directors, perhaps because the possibility of gaol sentences was removed. Sadly the TUC joined in this uncritical applause, apparently failing to note that the Government was not planning to introduce the policy wanted by the trade union movement. Most individual unions took a much stronger line, reiterating support for custodial sentences.

Also missing from Blunkett's announcement or that of any other

minister was any mention of the long promised Safety Bill. This was expected to introduce some tightening of employers' duties and some improvements in safety representatives' rights. Instead we are to have a consultative document from the Health and Safety Commission seeking views on the legal rights of safety representatives. This has already been delayed for several months but is expected to appear later this year. This might seem on the surface to be some progress but is actually no more than a repeat of a very similar exercise carried out a few years ago. However, unconfirmed reports indicate that it may even suggest some weakening of the role of safety reps.

The Government has further backtracked on proposals to bring in a duty on employers to investigate accidents at work. Instead of introducing a statutory duty, the Government has opted to issue guidance leaving it to employers to comply voluntarily. This is not much good. Good employers will already investigate accidents properly. Bad ones, who might have been motivated to obey the law, will carry on as before. The TUC has been moved to protest over this.

Regulation 22 of the 1999 Management of Health and Safety at Work Regulations protects employers from being pursued in civil courts for failing to carry out risk assessments or any other breach of duty under the Regulations. The Tories originally included this when the regulations first became law in 1992 against the provisions of the EU Directive. When this was brought to Labour's attention in 2000, ministers agreed that the UK would notify

the EC of its intention to remove the civil liability exclusion from the regulations. In February this year the Health and Safety Commission reported that the changes "are likely to take effect in Spring 2003." Well, it hasn't happened yet.

The Government is also dragging its feet by failing to issue the long awaited Code of Practice on smoking at work. There is now undisputable evidence that passive smoking causes illness. The Code of Practice is supported by both the TUC and the CBI. But the Government is listening to some recidivist elements in the catering industry and has now held up the Code for 5 years.

Another area where people need to be vigilant is employers' liability for accidents and illness at work. The Government has undertaken a review at the behest of the insurance industry which is alarmed at the growth in compensation payments and would like employers' liability to be diluted. If this occurred it would affect every worker in the country. The Government's first response did not indicate that they had many changes in mind but there will be continuing pressure from the employers and the situation needs to be monitored carefully.

Very recently news has been broken by the civil service union Prospect that the Health and Safety Executive faces significant cuts and redundancies over the next few years. Prospect says that the Government's own targets for the reduction of workplace deaths and injuries will become unattainable. There will be further reductions in the frequency of workplace inspections by HSE inspectors, already standing at an absurdly low level.

While there was some progress on health and safety in Labour's first term, by and large this has now petered out and there are even signs that we might start going backwards. Every trade unionist should be prepared to take action to stop this from happening.

Asbestos claim success

Despite some recent changes to speed up mesothelioma claims for Industrial Injuries Disablement Benefit through the Department of Social Security (DSS) system, asbestos victims are still finding it difficult to establish that they have a prescribed industrial disease and subsequently to obtain compensation.

The London Hazards Centre was recently contacted by a Battersea pensioner Terry Bradshaw, a former painter and decorator, who had a tumour removed from his lung in 1999 after seeing specialists at Bolingbroke, Royal Brompton and St George's Hospitals. A radiology report in July 1999 concludes (he has), "Pleural plaques typical of asbestos exposure and some evidence of limited asbestosis," but understandably focuses on a soft tissue mass, which subsequently turned out to be lung cancer. At that point Terry and his family concerned themselves with the medical treatment he was about to endure; Terry, who is now 80, has nothing but praise for his medical team.

He did apply for benefit in 1999 but was turned down; then, on the prompting of his doctor, he reapplied in 2002. Given his medical and work history this should have been straightforward. However, claiming benefit for asbestos-related "ordinary" lung cancer is never simple.

In 1984 the Industrial Injuries Advisory Council finally recognised asbestos can cause cancers of the lung other than mesothelioma. Even conservative epidemiology estimates asbestos causes as many lung cancers as mesotheliomas; others say it is 3-5 times as many. Comparing the number of claims for the two different categories of asbestos-related cancer it is likely that for every lung cancer diagnosed, between 6 and 52 are missed every year. Also although the numbers receiving this benefit for mesothelioma over the years has ranged from 23% to 53% of those with the diseases; for lung cancer fewer than 7% receive benefit.

The Department of Work and Pensions recognises lung cancer as prescribed industrial disease PDD8 if there is accompanying evidence of one or both of a) asbestosis and b) unilateral or bilateral pleural thickening – very strictly defined. We can only speculate about why Terry's claim failed first time around: It may have been due to ignorance of the different diseases or inefficiencies and biases in the social security system. He did not appeal then because according to the notes made by a DSS doctor he was inappropriately advised by a CAB worker that he could not appeal if he could not identify the employer(s). The Fairchild judgement may have been hanging over civil claims at this point but never affected these social security claims.

When he claimed again in 2002 he was again rejected. This time there was no excuse. Linda Walker, his niece, who helped filled in the forms, clearly ticked the box PDD8, and states the previous claim was for asbestosis and lung cancer. The authorities appear to have rejected a claim for bilateral diffuse pleural thickening, when he has and was claiming for something more serious. A Medical Appeal Tribunal in April 2003 overturned this unreasonable decision and Terry, who worked all his life in the building industry, is officially acknowledged to have been made ill by his work and can be assessed for benefit. In his case it is mainly his persistence and that of his niece that achieved the result. Many workers fall through the net.

WORKERS MEMORIAL DAY

Special banner created for Workers' Memorial Day march through the City of London.



Horse-drawn hearse leads marchers through the City of London on Workers' Memorial Day.

Protesters delivering petitions to Downing Street on Workers' Memorial Day.



PHOTOS: LHC

When smoke ran like water

Devra Davis, Visiting Professor of Public Policy at Carnegie Mellon University and Senior Advisor to the World Health Organisation, has successfully linked environmental and workplace safety issues in When Smoke Ran Like Water. Subtitled Tales of Environmental Deception and the Battle Against Pollution, her book records some of the key struggles she has been involved in combating the effects of industrial pollution on both human health and the environment.

She begins with her earliest experiences in her home town of Donora, a steel town in Pennsylvania. She recounts how the polluted atmosphere created by the production process ravaged the health of both workers and citizens and persisted long after the works had closed down. In one weekend in 1948, smoke from the furnaces aided by unusual weather conditions killed off 18 people.

Among other examples of the effects of air pollution, she examines the famous smog in London in the winter of 1952. She reveals that this killed 12 000 people, some four times the official estimate.

Professor Davis analyses the statistics on the incidence of breast cancer in the United States and shows how the increase in the disease can be linked to industrial pollution, possibly the increased use of pesticides. She emphasises the importance of political action to tackle the problem, that more is required than just carrying out research.

She also looks at the links between industrial pollution and reproductive health and examines the evidence for an overall decline in human fertility in advanced countries. She explains how industry public relations efforts have been so effective in creating the impression that there is no problem that fundamental research needed to get at the truth is not being carried out.

Professor Davis is equally trenchant about her experiences of the political process in the United States. She records that she held a number of posts with the Clinton administration but that every time her status grew within the government, her power to bring about real change shrank. She notes wryly that ultimately she was so far inside the government that she could not do or say anything to criticise what was going on. One can only speculate what it must be like for an independent scientist who tries to deal with the Bush administration.

The message which comes across from this book is extremely clear. It is that industrial pollution is doing massive injury to human health and the environment. The research evidence for this conclusion

is well established and in the public domain. But corporate interests have intervened to obfuscate the arguments and deflect attention away from the action needed to deal with the situation.

Professor Davis is currently working in London and will be speaking at the Hazards Conference in September. If her speaking style is anything like her vigorous and effective writing, her session is bound to illuminate a range of absolutely crucial issues.

Devra Davis, When Smoke Ran Like Water, The Perseus Press, PO Box 317, Oxford OX2 9RU; tel 01865 860960; e-mail lizzie.curtin@theperseuspress.com; ISBN 1-903985-50-1; £14.99

Mobile Phones – the Truth about their Safety

Many researchers are clear that there is a real health threat from the use of mobile phones, however the National Radiological Protection Board (NRPB) would have us believe that there is no problem. What is the truth about their potential effects on health?

Radio frequency (RF) microwave radiation damages human tissue. RF radiation heats human tissue, much like the way microwave ovens heat food. Informed speculation believes this damages the DNA sequence inside our body cells.

Dr. Michael Klieseisen, working at the Neuro Diagnostic Research Institute in Marbella, discovered that a short mobile phone call alters the natural electrical activity of a child's brain. He said: "We never expected to see this continuing activity in the brain. We are worried that delicate balances that exist – such as the immunity to infection and disease – could be altered by interference with chemical balances in the brain."

The study was the first time that human guinea pigs were used to measure the effects of mobile phone radiation on children. The scans found that disturbed brain wave activity lasted for up to an hour after the phone call ended. Previously it had been thought that interference with brain waves and brain chemistry stopped when a call ended.

A research study report published this year, headed by Professor Leif Salford at Lund University, Sweden, has discovered that a couple of hours on a mobile generates, "an abundance of dead brain cells." The study was carried out on rat brains but he says, "We have good reasons to believe that what happens in rats' brains also happens in humans."

Professor Sebastian from Madrid believes that much research is based on flawed computer modelling and he says, "In effect the fields created are higher than we thought so it is likely that any health effects are also going to be greater. We

Dirt on the Environment Agency

The new community pollution magazine *Dirt** pulls no punches when it addresses the shortcomings of the Government's pollution watchdog, the Environment Agency. The editorial in the first issue states bluntly that the Environment Agency protects polluting industries and processes more than the people who suffer as a result of the pollution. The front cover features Environment Agency chief executive Baroness Young trying to persuade the public that housebricks containing dioxins are "absolutely safe" when Agency reports themselves suggest otherwise.

The magazine is being published to report on the campaigns by community organisations to resist the actions of polluters in their localities. The first issue is heavily weighted towards stories of landfill, incinerator and cement kiln campaigns. Future issues will offer a balance of technical, environmental, legal and medical information with the emphasis on grassroots campaigns.

A well as the stories, the magazine

contains a number of letters from toxics campaigners from around the country on the weakness of the Environment Agency. There are even a couple of letters from Environment Agency employees on the intolerable working conditions they suffer.

The magazine pinpoints the pollution record of the cement industry. Where previously, coal and coke were the fuels used to produce the high temperatures required in the manufacture of cement, there has now been a shift towards burning hazardous waste. There are plans to increase the burning of liquid toxic waste and solid materials, mostly tyres. There were already problems with cement kilns with the production of cement dust but there will now be an increase in toxic emissions as well.

Dirt particularly takes the Environment Agency to task over its poor record on prosecutions. It points out that the level of fines declined in 2001 over 2000, going down from £8532 to £6410 on average. The total amount of fines levied was £3.1 million in 2000 and £2.7

million in 2001, hardly enough to cause much concern to the polluters.

Dirt promises to be a valuable new tool for pollution campaigners, providing the stories and background information needed to mount successful campaigns. The notoriously feeble Environmental Agency will have to warch its step from now on, with a magazine ready to report on its failure to police polluters properly. *Dirt* will render a service to us all in carrying out this role.

**Dirt is published by the Centre for Environmental Protection (CEP), Working Lives Research Institute, London Metropolitan University. Editor: Alan Dalton, 3 Montpelier Grove, London NW5 2XD; tel 020 7485 2981; e-mail eve@ajpdhazeco.demon.co.uk. £4 per single issue, bulk (10 or more) orders to community groups at £1 per copy, individual subscriptions, four issues for £16 (inc. p&p), institutions and companies, four issues for £100 (inc. p&p)*

believe the effects to be cumulative and that in 10-15 years we are likely to see more cancers as a result of widespread mobile phone use."

Simon Best, editor of Electromagnetic Hazard And Therapy News Report, says that radiation can change dramatically over a single phone call. 'The Specific Absorption Rate (SAR) reading given by manufacturers is usually given at maximum emission levels," he says. "But, power levels, phone size, how you hold your phone and the position of the antenna will all affect SAR levels and how much radiation you absorb at any point in time. A call with a poor signal or low batteries can subject you to 100 times more radiation than one with good reception or high batteries."

Other perspectives

However, there are reports that offer different conclusions. One is a Danish study, published in February 2002 that

found mobile phones, even when used regularly for as long as 18 years, did not increase the risk of developing brain cancer or, as some people suggest, leukemia.

The World Health Organisation senior spokeswoman on radiation and cancer, Elisabeth Cardis, sums up this position by saying, "Based on current epidemiological evidence, there is no evidence of a strong association between RF exposure and cancer. One can't rule out that there is a risk, but if there is a risk to mobile phone users it would be very small. More research is needed."

The jury is out on mobile phones and likely to remain so for some time to come. Adopting a precautionary approach to their use is advisable in this climate of counter results and speculation.

Precautions

▲ Hold the phone a few centimetres away from your ear as the connection is made and during calls. Even one

centimetre can reduce your radiation exposure 20-fold.

- ▲ The angle of the handset makes a big difference, too. The vertical position allows the phone to transmit signals most efficiently. If a phone is laid horizontally, for example talking while in bed, it will need to emit significantly more radiation to work.
- ▲ Try not to obstruct the antenna, as this will cause the phone to power up.
- ▲ Enclosed spaces tend to trap and amplify radiation – if you are in a train or car, open a window and point the phone towards it.
- ▲ Take off metal-rimmed glasses and earrings while talking, as these can increase radiation by up to 20per cent.

BME group



PHOTOS: LHC

Trainees in Hackney on one of the Centre's black and minority ethnic courses.

Hazards Conference

The Hazards Campaign is gearing up for vigorous campaigning as the government continues to disappoint. The Hazards Conference in London in September will get to grips with increased lobbying by trade unions and safety campaigners.

The Campaign agreed the theme of the conference would be: "Keep up the Pressure" as we reckoned that by September our key demands on safety representatives rights and corporate killing legislation would not be met. We were not wrong.

Even if there was progress on the more moderate demands of the Hazards Charter, the rest of the government's agenda would ensure that workers would continue to see their safety standards deteriorate. New Labour's commitment to privatisation and the break-up of the welfare state, its maintenance of a

restrictive industrial relations framework and support for Tory anti-union laws, its continuing attacks on asylum seekers and all migrant workers; and its support for long hours and low pay all serve to undermine collective safety standards in our workplaces.

We hope that this year's conference will not just bring people together to discuss problems and share experiences but will generate increased activity over the coming year.

Early registration is as high as previous years. Places are limited so get your booking form in now.

*Info from: mail@lhc.org.uk
The 14th Hazards Conference, 5-7
September 2003, London School of
Economics*

Centre Training Days

The London Hazards Centre runs one-day training courses aimed at union safety representatives and others with a role in safety management at work. The courses cost £40 per person and are held at Islington Voluntary Action Council, 322 Upper Street, London N1 2XQ (fully accessible).

The forthcoming courses are:

- ▲ Tackling stress at work – Thursday 9 October 2003
- ▲ Introduction to workplace health and safety – Thursday 23 October
- ▲ Chemicals in the workplace – Tuesday 11 November 2003
- ▲ Introduction to risk assessment – Thursday 27 November 2003
- ▲ Women's health and safety at work – Tuesday 9 December 2003

Booking forms can be downloaded from our website, www.lhc.org.uk, or contact us on 020 7794 5999, mail@lhc.org.uk



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