

# **The Clémenceau : asbestos could have been removed in France**

**Address to the Monitoring Committee of the Indian Supreme Court  
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Aircraft carrier Clémenceau, launched in 1957, was laid up in 1997. It was built by hundreds of workers at Brest on the French National Defence naval yards, in the west of France. Many of those workers are now sick from asbestos or deceased from asbestos-related illnesses. This also applies to sailors and mechanics, including officers, who have served on board the ship.

For ten years now, the French justice has admitted the “inexcusable fault” of the Ministry of Defence, in over 500 legal actions treated by the specific jurisdiction of social security ruling on cases concerning the victims of occupational asbestos-related illnesses formerly working on the Clémenceau and other French Navy ships during the last 50 years.

Far from drawing lessons from it regarding the removal of asbestos from ships, the French government chose to transfer the hull of former aircraft carrier Clémenceau to India for asbestos removal and dismantling, in defiance of International Conventions ratified by France (Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal) and the European regulation on the supervision and control of shipments of waste within, into and out of the European Community (EEC/259/93), which includes the Basel Convention in European law.

The present communication deals with the two following issues:

1. What do we know of the asbestos contained in the Clémenceau?
2. Could the removal of asbestos in France have been made in a way safe for both the workers and the environment?

## **I. What do we know of the asbestos contained in the Clémenceau?**

### ***The official statement***

Here is, as stated in his February 1<sup>st</sup> 2005 letter to the President of the association Ban Asbestos [encl 1]-, the information revealed by the assistant director of the civilian and military cabinet of the Ministry of Defence concerning the alleged conditions of asbestos removal from the Clémenceau:

*“The asbestos removal done in Toulon military harbour is the removal of visible asbestos, that can be reached without cutting out or overhauling the ship, so as not to jeopardize its integrity. As a matter of fact, it is necessary to preserve the ship’s structure to be able to export it towards a breaking yard. In practice, 90% of asbestos is removed. The remainder, approximately 22 tons, will be treated in India by the company Luthra Group, under the supervision of the French company Technopure, in charge of the removal in Toulon.”*

Shortly thereafter (March 22<sup>nd</sup> 2005), in India, the co-ordinator of the Indian company Shree Ram Vessel, contacted by the firm SDI to carry out the dismantling of the ship, declared:

*«98% of the asbestos is being removed in France and treated. The remaining 2% is within the ship and cannot be removed without destroying its integrity. Since it is within the ship and part of the structure, it cannot be declared a waste. It will become a waste only after stripping in India. To a specific query, they admitted that the asbestos in the ship could be in the region of 10 – 15 tonnes.»*  
[SCMC, 22 of march, 2005]

Information issued by various Ministry of Defence authorities first reported an initial global weight of asbestos on the ship varying from 220 to 250 tons. [Encl. n°2]

During a press conference held on December 22, 2005, the Ministry spokesperson claimed that 115 tons of asbestos had supposedly been removed from the Clémenceau, thereby implicitly confessing, according to his own estimates, that is 10 times the amount announced to the SCMC by the Indian company Shree Ram Vessel. The Shree Ram Vessel estimate has been based on information given by SDI.

Last but not least, in a press release issued by the Ministry of Defence and circulated by the French Embassy in India on January 6<sup>th</sup>, 2006, the estimates were changed once again:

*“The asbestos removal operations resulted in the extraction of 115 tons of asbestos-containing material out of the estimated 160 tons. Approximately 45 tons of asbestos-containing material therefore remain.”*

These estimates made public by the French authorities seem suspect after such frequent variations. But they were to be radically questioned by the revelations of Jean-Claude Gianino, Executive director of Technopure, when he testified in front of the SCMC on January 6<sup>th</sup> 2006. Having removed 70 tons, he estimates that between 500 and 1000 tons of asbestos still remain on the ship, among which a huge part could have been removed in France.

The French State had no rigorous defence to oppose its detractors. All the more since French regulation rules that all buildings containing asbestos must be technically diagnosed for asbestos with great accuracy, so as to determine the location and form of the material (limpet spraying, insulating tiles, asbestos cement, transit, suspended ceilings...), its physical state, the exposure risk for the workers and the environment in the event of an intervention (decree-law of February 7<sup>th</sup> 1996, section R.1334-22 and R.1334-28 of the public health Code). Regarding ships, asbestos diagnosis and prevention operations are regulated by the decree-law of June 16, 2000. The marking of asbestos containing materials and products before dismantling [order January 2, 2002, encl3] has never been produced by the Ministry of Defence to back its assertions. Similarly, no explanation was given by the Ministry, during various hearings by the Courts, as to the varying estimates of the quantity of asbestos still remaining within the ship.

### **What do those who worked on the Clémenceau have to say?**

Other people also have information on the topic: the workers who helped build the ship, service her, repair her; the marine engineers and seamen who served on board. These memories are all the more vivid since those workers have but belatedly become aware of the poisonous effect on their health. Many have died, others suffer from asbestosis and asbestos-related cancers. Many are also members today of asbestos victims associations.<sup>1</sup>

When asked to testify [encl. n°4], they revealed where the asbestos could be found on the Clémenceau:

*“I the undersigned, Etienne le Guilcher, certify having worked on board aircraft carrier Clémenceau as a marine engineer from 1961 to 1963. We inspected and disassembled the auxiliary centrifugal pumps,*

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<sup>1</sup> The network of associations for the defence of asbestos victims in France numbers roughly 16 000 members in 2006.

where there was asbestos. I also worked in the shaft alley and inspected turbines where asbestos blankets were present. We also worked on manifolds, valves, etc... All the joints were made of asbestos. The crew's accommodations were covered with asbestos tiles. Asbestos was everywhere on the ship: machines, boiler rooms (bow and aft), anchoring facilities, generators, diesel alternators, refrigerators, the tiller room, the galleys (the crew's, non-commissioned officers' and officers'), the crew's accommodation, catapults (cylinders and tanks); asbestos in the shape of blankets, braids, insulating joints in the bulkheads (marinite), in the gunnery, the fuel bunkers, security equipment (manifolds, pumps...).

It's hard to believe that we're letting India take on the responsibility for the dismantling of this ship that contains not 200 tons of asbestos, as asserted by the authorities, but at least a thousand tons, which is no piece of cake." (Etienne le Guilcher, President of the Brest Asbestos Victims Association, suffers from asbestosis, acknowledged as an occupational disease).

Here is another testimony:

*"I the undersigned, Mr Pringent Daniel, attest that I have worked as a sheet metal worker at the Brest Navy shipyards from 1965 to December 1999. I can certify – and so can my fellow workers from the workshop – that we have been exposed to asbestos when servicing and repairing the Clémenceau. [...] The light cutting of asbestos joints was done with shears, fly cutter, or steel-rule die. We wore paper masks for protection. We have just learned they are useless for asbestos-related work. I would also like to state that I suffer from asbestosis. Most of my work mates do. Some have died from it."*

These testimonies of former sailors and marine engineers having served and/or worked on board the Clémenceau prove that asbestos is scattered throughout the ship. They then made it all the more necessary to rigorously estimate the level of asbestos-contaminated material remaining on the hull of former aircraft carrier Clémenceau before any asbestos removal operation was undertaken.

This also means, without going into further detail, that other pollutants requiring specific attention in the event of the dismantling of the ship should have been carefully listed: PCB in cables, lead, etc...

## **II. Could the removal of asbestos in France have been made in a way safe for both the workers and the environment?**

We must recall here that the Basel Convention (article 4-9) will only allow transfer of hazardous waste

*"if the State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose the wastes in question in an environmentally sound and efficient manner."*

Before answering our second question, a brief reminder of the history of asbestos and its sanitary consequences is important as this history sheds light on the context in which France acquired solid experience in the removal of asbestos in safe conditions.

### ***Overview of the sanitary consequences of asbestos in France***

A recent report from the Senate wraps up 100 years of use of asbestos in France and its sanitary consequences [[[http://www.senat.fr/rap/o97-041/o97-041\\_toc.html](http://www.senat.fr/rap/o97-041/o97-041_toc.html)] ]. In spite of an accumulation of epidemiological and medical data showing, from the early 50's, evidence of the sanitary effects of this murderous fibre, France had to wait until 1996 for the State to react to this drama, when it eventually decided to forbid all forms of use, marketing or sale of

products containing asbestos (Act of December 26, 1996). Today we know that for a population of 60 million people, the mortality rate due to asbestos is the following:

*“Whereas 35 000 deaths can be linked to asbestos between 1965 and 1995, from 60 000 to 100 000 deaths are expected in the 20 to 25 years to come, due to the latent period of 30 to 40 years of the mesothelioma, to which can be added approximately 10% of the 25 000 lung cancers declared each year. In consideration of the fatal issue of all these malignant pathologies, scientists judge the epidemic to come as inevitable and irreversible, and as being liable to last until 2 030.”* [[http://www.senat.fr/rap/o97-041/o97-041\\_toc.html](http://www.senat.fr/rap/o97-041/o97-041_toc.html)]

The social movement that led to the awareness of the gravity of consequences of asbestos in France has pushed the public authorities to face their responsibilities, leading to a series of important decisions taken between 1996 and 2000: complete prohibition of asbestos; rules on the protection of workers and management of the existing asbestos; compensation law for victims of asbestos.

### ***French regulations and experience in the removal of asbestos and the management of asbestos waste.***

The prevention regulations led to planning the prevention on asbestos scrap yards, to researching the conditions most susceptible to avoid contamination for the workers and to prevent environmental pollution of the scrap yards. The Order of May 14, 1996 entitled *“containment and removal of asbestos: technical rules imposed on companies”* [Encl n°4.] very precisely defines the modalities of intervention. It outlines:

- Preparatory measures (initial pollution abatement before works with a full filtration system, powered down from the premises to be treated in order to permit a high-humidity treatment; containment of the scrap yard; placing of a tunnel made of five vestibules with showers for decontamination of the workers and equipment as sole access route for the workers);
- Collective protection of workers on site (the zone must be constantly maintained closed under depression with regard to outside atmosphere);
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- Individual protection equipment (waterproof clothing that may be disinfected or disposed of and air ducting respiratory protection machines);
- Specific qualifications for the companies.
- Strict inspection with records of all results found during surveillance.

The creation of these scrap yards has led to the observation of various problems linked either to the difficulty of containment or collective protection, or to the painfulness of wearing the individual protection equipment. Thus has the length of intervention been reduced to a maximum of two and a half hours. The heat also makes wearing this equipment very difficult. Ten years of experience have helped to identify the technical difficulties encountered on these scrap yards and places that most need of being verified in order to avoid contamination of the workers and the population.

Very strict rules also apply to the removal and management of the waste described in an enclosure [Encl. n°6].

In France, these asbestos removal operation are for the owners, as no recycling is possible.

Regarding the removal of asbestos on the Clémenceau, the company Technopure had made two offers to SDI and the State, the first one chosen by SDI & the French state one costing 3 million€ which enabled the removal of 70 tons (tonnage attested by registration vouchers in specifically designated waste disposal sites), the second one costing 6 million€ still concerning the removal of asbestos accessible without touching the boat's structure or materials said non-friable (partitions, slabs, etc...) containing asbestos. The removal of all asbestos from the Clémenceau, in respect of the rules in force in France, has been estimated to 30 millions €.<sup>2</sup>

### *A secular tradition of naval construction and reparation*

The experience gained in France regarding removal of asbestos in buildings, thermal power plants, trains, ships and other structures containing asbestos shows that the complete removal of asbestos in the Clémenceau could have been done in France by applying the rules and knowledge acquired.

This experience combines with a tradition of naval construction and reparation which upholds to this day successful scrap yards in France, whose installations can be made available for necessary operations regarding the ship's decontamination: dry dock installations, mechanization and technical equipment; know-how accumulated over decades in maintenance operations and ship reparation, know-how acquired over the past ten years in France on asbestos removal scrap yards. The Clémenceau has been serviced and repaired for more than 40 years in the shipyards of Brest or Toulon. It can thus without any major difficulties be decontaminated in France under the necessary conditions of security and with respect to the regulations in force.

### **Conclusion**

The decision to send the Clémenceau to the Bay of Alang without asbestos removal while the technical conditions necessary to the prevention of diseases linked to asbestos are lacking has raised public indignation in France and led parliamentary representatives to question the government on this issue. [Encl. n°7]. The lack of transparency during the decision-making process was also a source of worry.

The action led by Ban Asbestos France, Greenpeace and FIDH aims at forcing a State such as France to assume its industrial choices by entirely taking charge of operations of asbestos removal in France before sending the Clémenceau to Alang ship breaking yards, in respect to the rights of Indian and French workers to life and health, in conformity with the Basel Convention on transboundary movements of hazardous waste and international human rights standards.

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