"MONITORING" ENVIRONMENTAL POLLUTION AND ASBESTOS EXPOSURE IN GUJARAT

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Industrial investment is highly sought after by the Gujarat State. As one of India's most industrialized states, it is strong in engineering and electronics and produces petrochemicals, fertilizers, pharmaceuticals, drugs, dyestuffs, and textiles. After the Government of India introduced the New Industrial Policy in 1991 (intended to create economic reform in the industrial sector), the state of Gujarat aggressively promoted and facilitated new industrial development through concessions and subsidies.[1] In 2007, nine manufacturing units or factories were reported to use asbestos, producing asbestos-cement sheets and pipes. Most of these factories employ only a few full-time workers, although one employs over 200 workers. Three of these factories still use dry processing, while the remaining six use wet processing. The State Director of Industrial Safety and Health claims that factory medical records over the past 40 years, including pulmonary function tests, blood and urine tests and chest X-rays, demonstrate that asbestos is safe and exposure is actually very limited. He said asbestos was controlled mechanically by using wet processing techniques and personal protective clothing and claimed that workers using the wet processing are not susceptible to disease: "Because of all of this, we have had no cases in the last three years. This is the achievement of the IHL [Industrial Hygiene Laboratory]." Based on their records, the department identified only two cases of asbestosis in 2002/2003.*

Officially, Gujarat factory workers who are exposed to asbestos are examined bi-annually by a Factory Medical Officer. This examination includes pulmonary function tests and chest X-rays and health records are maintained for each worker (for up to 40 years). In addition, the work environment is monitored, and workers are provided with safety equipment and masks. Despite the fact that it is the industries themselves which control the dust collection systems, the State of Gujarat is proud of its safety record and argues that it is able to detect disease at an early stage. Gujarat is therefore portrayed as "number one in terms of safety"†and other states seek to emulate its performance.

Gujarat's performance and occupational health levels are also believed to have been influenced by God. State officials point to the fact that there have been no major accidents – like Bhopal – in this state. This is because "God is here in Gujarat, who takes care of all these things." To date, disaster management has not included spirituality and this is a "missing dimension." Spirituality will make you "more aware of your soul who is running your body and taking care of your own health." If workers and industry "believe in God, trust in God and work with God, then production, health and safety would be in a good condition." Having spirituality means that, even if unsafe conditions prevail, the workers will be "well aware" and accidents will not happen. Telepathy and sensors in their bodies will enable workers to guess that something is going to happen and to take preventative action. Following this line, some State doctors argue that the majority of illness is psychosomatic and stems from the stressful conditions workers experience. But if they can achieve a mental balance and supreme energy from their spirituality, then they will be in a much better position to deal with this. Termed "Disaster Management with a new and unique approach," this approach means that workers are themselves to blame for their illness and therefore should seek compensation through their beliefs and increased religious piety.

Bharuch houses one of the biggest industrial estates in India. Although the Department of Industrial Safety and Health monitors the asbestos factories there, it does not have the equipment to record the presence of airborne fibers when conducting annual inspections of factories. Department representatives are, however, aware of the difficulties associated with controlling fibers and keeping factories 100% safe, and of the manner in which developed countries "get themselves safe while sending hazardous industries to developing countries."

A manager of an asbestos-cement factory argued that "if asbestos is safely produced, then there are no problems." This company reported that it had had no sick workers and no complaints after medical check-ups in the past 15 years. In a demonstration of the manager's lack of concern for asbestos hazards, he took us into the factory – where several young bare-chested men were weaving strings of asbestos yarn into ropes without gloves or masks – and fetched a handful of asbestos fibers for us to see. Throwing the fibers onto the ground, he reached into his pocket with the same (unwashed) hand and passed us all cotton masks for our mouths. Alongside us, the storage drum for the glycerine-based wetting agent was completely empty and was clearly not being used. These actions contravened the Gujarat Factories Rules, 1963,‡ but neither the factory manager nor the official State factory inspector who accompanied me, seemed concerned.

This is a demonstration of "unofficial" government policy. The flouting of regulations is a widespread and well-recognized feature of India's industrial development.[2,3] "In the Indian context, some things have no relevance" said a representative of the Asbestos Information Centre (AIC) during an interview in Delhi; it is of interest to note that the business card of this individual indicated that he also represented the Asbestos Cement Products Manufacturers Association. He continued:

"the mistakes [made by European countries] stem from the use of blue and brown asbestos which were used during the period of ignorance with high concentrations. But now levels of workplace exposure are controlled. There were no precautions and people used the material very freely. Now people understand and precautions have been taken. India's environmental pollution [control] is very advanced and based on international levels. No asbestos

** One doctor working in Gujarat does not, however, accept these figures. He comments that he "cannot expose the government," but that he has come across more than 10 cases of asbestosis in the past few years.*

† Interviews with government officials from the departments of Industrial Safety and Health and the Industrial Hygiene Laboratory.

‡ Gujarat Factories Rules, 1963, Schedule XVII specifies that the number of workers exposed to asbestos should be kept to a minimum, that the area of activity should be clearly demarcated and indicated by warning signs restricting unauthorized access, the need for exhaust ventilation in any room where asbestos production takes place, the use of protective clothing and breathing apparatus, the regular testing of ventilation equipment, separate accommodation for personal clothing, washing facilities, a prohibition against the employment of young people and smoking, regular air monitoring – conducted once every shift and entered in a special register (A-252 – A-258).

is seen in the entire factory, no-one touches it."

These comments clearly do not apply to daily practice at the factory described above, where many people are exposed to asbestos every day and there are few attempts to control it or to limit workers' exposure. Indeed, as one NGO worker pointed out, monitoring is, in effect, a means of protecting the industry. For example, if a victim complains to the Pollution Control Board, it is most likely that officials from this board will take a bribe from the factory and the case will not be investigated. Even if the factory is "officially closed," this happens on paper only, because the factory only has to write a promissory note explaining that the problem will be addressed in order to revoke the closing order. In practice, work continues as normal. This lack of effective control over exposure is also reflected in the regulations around polluting industries. Companies which are considered to be polluting have to submit Environmental Audits every 6 years. But it is the act of monitoring – rather than the content of the reports – which has significance. Once submitted, these Environmental Audits are not scrutinized or analyzed. Thus the Gujarat Pollution Control Board is reported to have commented that despite receiving over 700 Environmental Audits, there have been no irregularities and no need for follow-up action.

The AIC is thus partly correct when it argues that "in the Indian context, some things have no relevance." These "things" are workers' exposure to asbestos, fulfilling legislative requirements, monitoring of the environment and industries' commitment to "safe production techniques." The latter are manifested as symbolic performances in which it is the appearance of doing that matters rather than a commitment to environmental or occupational health. This appearance of doing is ultimately about facilitating economic growth at all costs. A retired Justice from the High Court of Gujarat explained that there is, in fact, an unspoken agreement between industry and the State which hinges on the assumption that economic growth is critical for India:

"The argument from the government usually is development and they use the word sustainable development, but the emphasis is on development. Their usual argument is that if there is development, then there will be employment, production and generation of the benefits of development. And the government will for some time condone the breaches. That is how things are happening. They say that we don't have the option to develop or not to develop. For example, if the Blue Lady had not come to India it would have gone to China and many other ships would be diverted to China. Ship-owners would think that China is the place where there would not be difficulties and if you were to compete with China, we would have to compete on all aspects...So we have to make sacrifices for development. The argument boils down to: do we want to develop or not develop? If you go by all these standards, you can't develop. Therefore you have to balance something, compromise something."

This compromise – at the expense of the workers – is also demonstrated in the case of the Digvijay Cement Company. In 1997, the workers from the Digvijay Cement Company approached an Ahmedabad NGO explaining that they were experiencing breathing problems and complaining about asbestos-cement roofs. Although the NGO had no "deep scientific knowledge" about this, after reading up on the topic its members agreed that asbestos is dangerous. The NGO arranged for the workers to call a journalist from the Times and showed them how to write a simple letter to the High Court.

On October 8, 1997 Anilkumar Mohanlal Poddar sent a letter to the Gujarat Pollution Control Board stating that the Digvijay Cement Company was manufacturing asbestos and other allied products and that these caused serious health hazards to people working there and residing in the vicinity. His father, who had worked for this company, had died of lung cancer in August 1996. Poddar argued that particles of asbestos and cement could be seen floating in the atmosphere and were also visible in the water provided by Digvijay Cement to its residential colony. In his Affidavit, he commented that asbestos fibers were present in the drinking water, that waste asbestos was being dumped at the rear of the factory, that land was being denuded, that workers were denied knowledge of their company medicals and finally that, as a result of all these factors, people residing in the vicinity of the factory were also prone to asbestos diseases. Many other workers and residents of Ranip town supported Poddar's claims and wrote accompanying letters to this effect, requesting immediate remedial action.

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Should this not be forthcoming, the people of Ranip threatened to "resort to mass agitation" and also take the company to the criminal court for culpable negligence.

Digvijay Cement filed an Affidavit-in-Reply, in which it declared that Poddar's allegations were "completely baseless" and that this letter had been written out of "spite and vengeance" because his father was dismissed for "gross and serious irregularities." The Affidavit-In-Reply states that: "In our factory, we are maintaining the safe dust exposure limits as prescribed under the Factories Act, 1948. Hence there is no chance at all for the persons residing in the vicinity/colony to contact diseases like cancer or TB due to the exposure of asbestos/cement dust." It also denied that asbestos particles were present in the water or air while specifying that, according to the WHO, the ingestion of asbestos particles was not dangerous and denied that the surrounding areas had been decimated of vegetation.

In its defense Digvijay Cement argued that:

"The process of manufacturing in the plant is so devised by engineering controls, automation and full proof [foolproof] enclosures to ensure that the asbestos fibres do not become air borne at any stage of production. The asbestos fibres are not used in dry form. The asbestos is used in wet form and therefore does not get air borne. Even the use of asbestos in wet form in manufacturing process is carried out in air tight enclosures as a result of which the asbestos fibres do not become air borne. After the asbestos is bonded with cement for manufacturing sheets and pipes, the asbestos fibres do not get air borne. Thus, the process of manufacturing is so devised that the asbestos fibres do not get air borne nor the workmen are exposed to the environment containing asbestos fibres. ... It is submitted that the workers cannot contract disease like lung cancer or TB due to exposure to asbestos/cement dust since all safety precautions as required by Factories Act have been taken and the workers are not exposed to asbestos or cement dust. I say that every worker is examined medically once a year. The chest x-ray of all workmen is taken once in a period of three years. It is, therefore, submitted that the view that industry of the answering respondent can cause air pollution and diseases like lung cancer and TB is absolutely theoretical and speculative. ... The use of asbestos and industries manufacturing asbestos products are not banned in India nor even most advanced and industrialized countries like, America, Canada and other European countries."

In a case such as this, the judge has the discretion to invite someone to be *"Amicus Curie"* or "Friends of the Court" and to participate in the case. When the court called the Paryavaran Mitra (Friends of the Environment) NGO to be *Amicus Curie* in the case against the Digvijay Cement Company, they immediately agreed and their lawyer requested that a national institute be commissioned to prepare a report. Despite the fact that Digvijay Cement reacted strongly against such an assessment and report, the NIOH was contracted by the Gujarat High Court to assess the health hazards. It conducted air sampling at three sites around the Digvijay factory and concluded that: "Fibre concentrations in the vicinity of the factory were very low and adverse health effects i.e. asbestosis, lung cancer and mesothelioma of pleura and peritoneum have not been confirmed at these levels."[4]

Paryavaran Mitra then contested this report as it was seen to "favour industry." The NIOH had recorded asbestos fiber concentrations which ranged from 0.0043 to 0.0055 fibers/ml. A spokesperson of the NGO argued that the report was neither "reliable nor scientific" because it did not include factors such as wind direction, and other micro-meteorological factors.[5] Although the NIOH had taken samples for 24 hours, it had done this 20-30 feet above ground level and not, as Paryavaran Mitra pointed out, at breathing level. It had also not investigated water and soil contamination and had overlooked the production process, ignoring cutting and grinding activities. The High Court was, however, happy to accept the conclusions reached by the NIOH on the basis that it had been trusted to do this type of study in the past and stated that "We, therefore, prefer to place reliance upon the report of the NIOH." The only thing to come out of the NIOH report was that air particles should be monitored and the report recommended that the company itself undertake regular monitoring so that the records could be produced on demand if necessary. That was the end of the issue. With regular monitoring, Digvijay Cement was able to continue operating as normal. The High Court decided that the grievance voiced by Anilkumar Mohanlal Poddar "does not appear to be completely acceptable." The Gujarat Pollution Control Board should, however, carry out quarterly inspections of the premises and, if necessary, instruct Digvijay Cement on any necessary remedial measures (order dated 20/04/1999 for SCA/8617/1997 special civil application No. 8617 of 1997, Suo Motu versus Gujarat Pollution Control Board). As is clear from this example, the primary focus is on monitoring, but there is little attempt to challenge any assumptions which frame the manner in which monitoring is carried out. Instead, monitoring is seen as an end in itself.

These examples demonstrate how the State Government of Gujarat, in seeking to attract foreign investment and international exchange, has avoided regulating capital and industries.[6] Industries have thus been given a free reign and have been able to bypass their social and environmental obligations, under the guise of "monitoring" the presence of asbestos fibers and wet production procedures. Given the absence of the State in the arena of occupational health and environmental pollution control, NGOs have sought to address these issues (cf. Lipschultz, 2004). These have, however, been subject to control by the State through conventional and innovative means, such as threats of western bias, inadequate technology to measure asbestos exposure, the emphasis on monitoring and by framing asbestos risk as a controllable process.