Response to the Report of the Panel to Review the Asbestos Management Program at the University of Toronto

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Context and Background

The University of Toronto is committed to providing a safe environment for our community to study and work, and to increasing awareness of health and safety issues. We adhere to best practices as we work to meet the University's future needs for our core mission of teaching and research.

It is against this backdrop that in February 2018, the University asked three experts with extensive academic knowledge and industrial expertise in public health, occupational epidemiology and occupational hygiene to review the way we handle materials containing asbestos. The panel's mandate was to examine and evaluate U of T's Asbestos Management Program on all three campuses and other owned properties, to make recommendations on best practices and to ensure the program complied with regulations. The University committed to making public the panel's report and our response. The panel met with staff members involved in the Asbestos Management Program, Health and Safety, other staff as appropriate, and with representatives of both student and employee groups. The panel also received extensive written comments. The panel requested, and was granted time to conduct, a thorough review of the large volume of material that it received. The committee submitted its report Feb. 22, 2019.

The comprehensive report assesses the University's Asbestos Management Program and provides excellent background on asbestos and its effects. We will look to its recommendations as we continue to examine our practices and increase awareness in our community of existing resources. We appreciate the time and care given to this report by the committee members. Its chair, epidemiologist Jack Siemiatycki, is a professor of social and preventive medicine at École de santé publique de l'Université de Montréal (ESPUM) and the principal scientist at le Centre de recherche du Centre hospitalier de l'Université de Montréal. The panel's other members are from the Division of Occupational and Environmental Health at U of T's Dalla Lana School of Public Health. Andrea Sass-Kortsak is an associate professor and occupational hygienist with a PhD in epidemiology and extensive experience in graduate professional training and Roland Hosein is an adjunct professor who is the former vice-president of environment, health and safety at General Electric Canada Company Inc. (see biographies in Appendix A). We also are grateful for the time and support given to the panel by staff, and the members of our community who contributed written submissions and met with the panel.

The panel concluded that the University's Asbestos Management Program meets, and in several respects exceeds legal requirements and serves the University well. The panel found U of T's Environmental Health and Safety staff were highly trained, qualified and competent. The report also makes a number of recommendations (Appendix B) to clarify and further improve certain aspects of the program. Those include recommendations regarding oversight of external parties, education and communication that the University will take steps to implement, as outlined in our response. We also will work to clarify roles and responsibilities within the University in response to the panel's findings.

Asbestos is a naturally occurring substance. It is only hazardous if it is airborne. It is most hazardous if it is inhaled in high quantities over long periods. Asbestos was in common use until the 1980s and is present at most institutions that have buildings dating from this time. During major renovations, it is standard practice at U of T to remove materials that contain asbestos. That work is done in an enclosed site and is strictly regulated. The University also maintains a detailed database of locations where asbestos is known to be present. In our buildings where asbestos is contained, it does not present risk to occupants, and this is why we only do abatement when there is a major renovation.

The creation of the expert panel review followed questions regarding the University's handling of construction work involving asbestos at the Medical Sciences Building. The University put in place new measures in response to those concerns, including increased inspections of construction work, random air samples and weekly updates to building users on the progress of renovations.

We are committed to continuing to make improvements in our Asbestos Management Program, and in all aspects of Environmental Health and Safety to serve our community.

Actions

The expert panel report includes 10 recommendations that involve improvements in oversight, education, exposure limits and communication (see Appendix B for the list of recommendations). Based on the observations and findings of the panel, we will take the following actions, which we have grouped here under four themes in order to consider them in a broader context.

Oversight

Outside contractors – Recommendations #1 and #8

The University has taken steps to increase our supervision of all contractors who do work on our three campuses that may require them to handle materials containing asbestos. We also have improved the way in which we monitor this work, including increasing the presence of third-party consultants to monitor asbestos abatement and expanding air sampling tests.

Going forward, the University will require contractors measuring asbestos levels to follow a standard measurement approach. This requirement will be included in Requests for Proposals.

Roles and Responsibilities – Recommendations #2, #5 and #6

The University of Toronto is a large and diverse organization operating on three campuses, as well as other owned sites. This diversity is central to our pursuit of excellence, but as the panel members have noted, it also may create confusion and unwelcome complexity. We are committed to taking a number of steps to address possible confusion as identified in several of the committee's recommendations.

The panel noted issues related to the division of responsibilities for health and safety among three vice-presidential portfolios, suggesting it could compromise oversight and accountability. The University will take steps to more clearly articulate the areas of responsibility for each of the three vice-presidential portfolios in this regard. The consolidation of all responsibility for the Asbestos Management Program in a single portfolio would have other unintended effects. For example, under the current structure, the individuals responsible for construction projects have the health and safety of that work monitored by staff from a separate portfolio. The individuals monitoring the work do not report to the same person as the individuals that do the work. Such separation of functions provides for checks and balances.

We will more clearly articulate the roles, responsibilities and reporting lines of those involved in the University's Asbestos Management Program, and for all Health and Safety services. We have already

taken steps to update some organizational charts to clarify potential areas of confusion identified by the panel. The updated charts clarify that the Health and Safety Officers (HSOs) at University of Toronto Mississauga and University of Toronto Scarborough have a reporting line into the University's central Environmental Health and Safety (EHS) Office.

The University is conducting a review of the relationship among its three campuses. Administrative structure is one of the areas being studied as part of the tri-campus review, which began last spring, and is considering questions relating to campus leadership, administrative responsibilities, and reporting lines.

The University has recently increased the resources for its EHS, and it will continue to strengthen its commitment in this area. The panel was aware that we have hired an Occupational Hygiene Technician (OHT) to facilitate our ability to triage issues including asbestos matters. EHS has also hired a Joint Health and Safety Committee (JHSC) manager to focus on JHSC compliance and engagement and to strengthen the internal responsibility system under the Occupational Health and Safety Act. The JHSC Manager is a resource for each JHSC, providing information on legislated requirements, and it also acts as a liaison between EHS and each JHSC for issues that require further attention or follow-up including asbestos matters.

Education – Recommendations #3, #4 and #10

The University will take steps to improve health and safety training for department heads, deans, chairs, directors and managers. This will include creating a toolkit for new leaders to ensure they are aware of their duties, and the relevant training and information materials available on the University's Environmental Health and Safety website.

The University will work to raise awareness of the role of the joint health and safety committees. The University also is working with its unions and employee groups to submit an application to seek approval from the Ministry of Labour to establish a multi-workplace joint health and safety committee, a measure designed to improve oversight and co-ordination.

The University has training and educational resources available not only on asbestos, but on other important areas of health and safety. We will take steps to promote to our community existing information and to develop new products as needed that can be used for a variety of audiences.

We will continue to make available materials on a variety of health and safety topics, including this report, which will be posted on the Environmental Health and Safety website.

Occupational Exposure Limit - Recommendation #7

The University follows best practices in all aspects of its Asbestos Management Program. Despite the fact that its requirements do not apply to the University's operations, as a benchmark the University considers the Occupational Exposure Limits set out in Ontario regulations 833 and 490/09, which specify a single Occupational Exposure Limit for all workers who work with or around asbestos of 0.1 f/cm3. As the panel notes, our Action Limit is already set at 50 per cent of the Occupational Exposure Limit at 0.05 f/cm3, which is more stringent than legal requirements.

Communication – Recommendation #9

As a large, research-intensive university, it is imperative that we work continuously to update and add to the many world-leading facilities we have on our three campuses. Construction and renewal are vital for the University's core mission of teaching and research, but there is no doubt it can be stressful and disruptive for members of our community. We will develop toolkits and templates for communications for staff and business managers to use during major construction projects, modelled on the lessons learned during the major lab renovation project at the Medical Sciences Building. The toolkit will include information about approaches for communicating to our community, including the use of regular updates or newsletters to building occupants, and messages to other users and postings on site.

Conclusion

The safety of our students, faculty and staff, and all those who use our campuses is our highest priority. We know our community shares our concern for this issue, and we will be transparent as we work to implement changes, improve awareness, and increase our education and outreach efforts.

We again want to thank all those who took part in this review and members of the panel for their work and their dedication.

Appendix A: Panel Members

The panel was comprised of three individuals with advanced subject-matter expertise. They were chosen following an open call for nominations. As required by the terms of reference for the review, the chair was a member external to the University.

Jack Siemiatycki, PhD is an epidemiologist and full professor in the School of Public Health at l'Université de Montréal, and is a Fellow of the Canadian Academy of Health Sciences. He has been involved in research on environmental and occupational causes of cancer for 40 years. He has conducted research on asbestos and cancer. He has been a Canada Research Chair, and currently holds the Guzzo-Cancer Society Chair in Environment and Cancer. In addition to his nearly 300 peer-reviewed publications, chapters and reports, he has been invited to sit on over 150 expert panels and boards in several countries for such agencies as Health Canada, U.S. National Cancer Institute, National Cancer Institute of Canada, World Health Organization, and the International Agency for Research on Cancer.

Roland Hosein, PhD, MSc is an adjunct professor in the Division of Occupational and Environmental Health at the University of Toronto's Dalla Lana School of Public Health, and former vice-president of environment, health and safety at General Electric Canada Company Inc. He has written and presented widely on the toxicology and epidemiology of inhaled gases, vapours and particles. He has participated in many not-for-profit boards and committees, including the Canadian Standards Association Board of Directors. His voluntary contributions have been recognized in many ways, including the Queen Elizabeth Diamond Jubilee Award.

Andrea Sass-Kortsak, PhD, CIH, ROH is an associate professor in the Division of Occupational and Environmental Health at the University of Toronto's Dalla Lana School of Public Health (DLSPH). She has a PhD in epidemiology and is a professional occupational hygienist, concerned with the identification of health hazards (including asbestos) in the workplace, the evaluation and control of the hazards and the development, implementation and evaluation of policy, programs and procedures to reduce risks. For over 30 years, she has been instrumental in the graduate professional training of occupational hygienists, including teaching courses covering a broad range of topics. Her research interests include the development of methods for improving estimates of exposure, the assessment of factors influencing workplace and environmental exposures and the assessment of occupational risk factors in disease development. She has held a number of senior academic administrative appointments, including most recently associate dean of academic affairs at the DLSPH.

Appendix B: Panel Recommendations

The Report from the Panel to Review the Asbestos Management Program at the University of Toronto includes the following list of recommendations and suggestions that the panel members say would be worth considering.

1. It is important to continue to monitor and closely supervise external building or renovation contractors undertaking work that might affect asbestos.

2. The University should revisit the organization structure as it relates to Environmental Health & Safety. In particular, it should review whether the organizational pyramid with three VPs at the top compromises any of the goals of the programs or transparency, management control/oversight or accountability. If so, consideration should be given to streamlining the organization.

3. The University should ensure that all relevant "Department Heads, Deans, Chairs, Directors and Managers" (Section 2.4) are aware of their responsibilities under the OH&S Act and the relevant Regulations (including specifically O.Reg. 278/05), and have the necessary training. This detailed training is particularly important for those who have faculty, staff or students who are located in buildings which contain asbestos, especially friable sprayed ACM.

4. The role of the JHSCs must be understood by all key University personnel, and its performance should be monitored.

5. The AM Program should be reviewed to ensure that all sections are consistent and reflect current University structure and practices. In particular, the organizational responsibilities and oversight of the program, as embodied for example in its Table 1, should be revisited and if necessary revised to clarify responsibilities among the various management/operational divisions/departments. This should be done in relation to each of the three campuses.

6. The key managers associated with the AM program (Occupational Hygiene & Safety and Hazardous Construction Materials Group) are well-qualified and experienced professionals. The University should assess whether professional staffing levels are sufficient to meet responsibilities and oversee programs.

7. In consultation with relevant stakeholders, the University should make explicit the levels of exposure that it considers acceptable in U of T buildings. These levels should be at least as stringent as those required by prevailing government legislation.

8. Unless there are compelling feasibility issues that preclude this, the University should contractually require that all contractors engaged to conduct asbestos measurement campaigns at the University should follow a standard measurement approach (to be determined in

consultation with relevant stakeholders, and covering issues like LOD, LOQ, sampling durations) and a standard format for presentation of such measurement results.

9. Internal communications about asbestos work, particularly major construction/remediation projects (including *Notice of Project* documents) should be widely and reliably disseminated to building occupants – faculty, staff, students and others. Communication strategies developed during the MSB incident should be maintained on a go-forward basis when major projects are being planned and executed.

10. The University should consider enhancing training and education strategies to ensure that all faculty, staff and students understand their responsibilities