

Thank you, Mr. Chair. I'm speaking on behalf of the International POPs Elimination Network (IPEN) and the Health Care Without Harm (HCWH).

IPEN and HCWH acknowledge with thanks the effort of the Secretariat to identify the salient points that should be included under Article 7 on mercury-added products.

Coming from a developing Asian country, the Philippines, we deem it important for the treaty to provide robust guidance and regulation that will help protect our people from the sale of mercury-added products in the market. For example, despite the vigilant effort by our government through the Food and Drug Administration, the AlerToxic Patrollers of the EcoWaste Coalition, a member group of IPEN, were able to purchase banned mercury-tainted skin whitening creams in some local drug stores and beauty shops, which prompted a government-led raid of these shops last December. In 2010 alone, our FDA banned 28 brands of skin lightening products for containing elevated levels of mercury that pose "imminent danger or injury to the consuming public." Two of the skin lightening products that were tested and consequently banned, for instance, contain 1,000 and 3,000 parts per million (ppm) of mercury.

We note that the text of the draft elements paper allows the continuing production, sale, and use of all mercury-containing products except those specifically listed in Annex C. We believe this approach will not effectively prevent continued mercury releases and continued exposure to mercury by workers and consumers from mercury-containing products that are not listed. It also does not address possible new uses of mercury that may emerge after the Convention is adopted. IPEN and HCWH therefore believe it would be better for Article 7 to use the negative list approach.

If, however, the positive list approach is used, the Annex C list should be expanded to include mercury-containing: pesticides, biocides; paints and pigments since these are significant dispersive uses. The Annex C list should also include mercury-containing creams and soaps since these pose a very serious direct public health threat.

Finally, Article 7 should further include provisions to promote research and development on sustainable, non-toxic, alternatives to products that contain mercury with special emphasis on addressing the needs of developing countries and countries with economies in transition.

Thank you for your consideration and good morning.

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