

## IPEN Quick Views for the Mercury Treaty COP 2

November 2018

The following summarises IPEN positions on key issues that will arise at COP 2 in November 2018.

### Mercury supply sources and trade (Article 3)

- IPEN is calling for a global initiative *to globally ban all imports and exports of mercury irrespective of the Treaty requirements*. Parties that do not have any significant trade in mercury could take this step immediately without any impact on national accounts and help build a coalition to ban the global mercury trade. Parties that do trade mercury should recognise that most of it ends in ASGM and is released as a global pollutant. They should be encouraged to join the EU and US mercury export bans.
- The international trade in *mercury compounds* should be prioritised for control. As supplies of elemental mercury are reduced, cinnabar (mercury sulphide) mining and trade is growing. Paragraph 13 of Article 3 provides the ability for the COP to establish an additional Annex to make certain *mercury compounds* subject to the trade restrictions of article 3 para 6 and 8 if the Convention objectives are compromised by such trade in compounds. Currently only mercury of  $\geq 95\%$  by weight is subject to these trade restrictions. The COP should immediately develop a new Annex to list and restrict the trade in cinnabar (mercury sulphide).

### Effectiveness evaluation (Article 22) meeting doc MC/COP.2/13

- Mercury biomonitoring of fish and humans should be a priority, funded activity for the Parties to establish global baselines of current mercury contamination levels around the world. The sooner baselines are established, the more accurately it can be determined if the actions of the Treaty are effectively lowering global mercury levels. If they are not, then more urgent action will be required.
- An expert group on Effectiveness Evaluation has met intersessionally and developed a report for COP 2. They recommend more extensive monitoring with a commonly accepted methodology (yet to be agreed); however, some Parties have the view that funds are better spent on activities to reduce mercury pollution than on monitoring. Both are necessary and IPEN *seeks to ensure that funding is available for biomonitoring* – particularly in developing countries where data is very limited. IPEN also has a proven methodology for human hair sampling that could be adopted as an inexpensive, easily implemented tool for data gathering in developing countries to contribute to effectiveness evaluation on the Treaty.

### Waste thresholds (Article 11) meeting doc MC/COP.2/6

- Article 11, paragraph 2 of the Treaty requires Parties to identify and manage mercury wastes in an environmentally sound manner (ESM). Three types of ‘waste’ are considered: i) elemental mercury which is treated as a waste because it has been retired from trade, confiscated or there are no allowed uses (e.g. surplus Hg from chlor-alkali plants); ii) mercury added products; and iii) waste contaminated with mercury. For i) and ii) identification is relatively easy and application of thresholds is a lower priority (and not necessary for ii) if products are correctly labelled). For iii) there is an urgent need to establish thresholds and they should be strict to ensure that mercury waste does not escape treatment and impact on human health and the environment due to weak regulations.
- IPEN proposes that *waste contaminated with mercury at a concentration of more than 1 ppm should be deemed “mercury waste.”*
- IPEN *opposes any definition of mercury waste by ‘leachable thresholds,’* as this dictates a management option of landfill disposal, which is not environmentally sound.

- Incineration and landfill of mercury waste should be prohibited to prevent further releases. They are not environmentally sound disposal methods for mercury.

#### **Releases (Article 9)** meeting doc MC/COP.2/4

- Guidance on Best Available Techniques / Best Environmental Practices (BAT / BEP) for sources of releases (new and existing) and on the preparation of inventories of release sources is required by the COP 'as soon as is practicable' under Article 9 para 7 a) and b). A draft decision has been proposed for COP 2 to delay the start of development of such guidance until at least COP 3 on the basis that only 3 countries have submitted information to the Secretariat on the source of their releases.
- IPEN's position is that *development of inventory and BAT / BEP guidance can begin immediately and there is no need for further delay*. Ironically, the guidance to develop inventories on releases is exactly what is needed by many Parties to document their release sources and send them to the Secretariat. There is sufficient expertise currently available to develop guidance on BAT / BEP and inventories, and this should not be delayed further at COP 2. The issue of country submissions needs to be decoupled from the guidance development process.

#### **Contaminated sites (Article 12)** meeting doc MC/COP.2/7

- Draft guidance on mercury contaminated sites has been partially developed by an expert group during the intersessional period but requires further work. IPEN *encourages Parties to accelerate this activity and ensure that a separate section on remediation of ASGM sites is developed within the guidance*, as this issue is not treated independently in the draft guidance.
- Finance for contaminated site investigation, management and remediation through the GEF, Specific International Programme (SIP) and other financial instruments must be maintained and expanded to address the proliferation of global mercury contaminated sites.

#### **Environmentally sound interim storage (Article 10)** meeting doc MC/COP.2/5

- Interim storage of mercury is focused on environmentally sound management (ESM) for the temporary commercial storage of mercury in global trade and, as such, facilitates the trade in mercury.
- In the absence of guidance on establishing permanent disposal (storage) facilities for 'waste' mercury, interim facilities may end up being used for both purposes by governments without adequate design considerations.
- The COP should direct resources to new guidance on permanent mercury disposal facilities to ensure that interim storage is not overwhelmed by large quantities of mercury or cinnabar that has been removed from the (legal or illegal) market pending its classification as 'waste or non-waste'.
- Upon closure, interim storage facilities should be assessed consistent with identification procedures for suspected contaminated sites.
- In the event that a facility is mercury contamination-free, a jurisdictional validation certification should be issued to ensure such a status is recorded.
- IPEN *supports the proposed decision to adopt the guidance on interim storage, but the need for permanent disposal guidance should be urgently considered*.

**Finance – the Specific International Programme (capacity building and tech transfer)** meeting doc MC/COP.2/9

- The SIP, which currently holds USD 1.28 million (plus 1 million Swiss Francs conditional on final resolution of the physical location of Secretariat), has held its first round of applications for Parties only. Five projects have been approved in total in Argentina, Armenia, Benin, Iran and Lesotho.
- Two decisions are being considered at COP 2. The first is whether and how non-Parties can apply for funds (at the moment this text is bracketed); the second is for COP to consider how to implement a review of the SIP scheme, which should take place following COP 3.
- IPEN *supports non-Party access to funds, but only if the project increases the capacity of the country to ratify and become a Party.*

**Capacity-building, technical assistance and technology transfer (Article 14)** meeting doc MC/COP.2/10

- IPEN, Japan, US and Nigeria contributed submissions on this issue, which can be found in meeting doc INF 5. A key issue for IPEN is to *reduce global mercury pollution by promoting alternatives to mercury polluting activities*. Instead of spending millions to make coal power plants less polluting, they should be replaced with renewable energy. Instead of incinerating waste using improved incinerator scrubbers, Parties should adopt waste source separation, recycling, composting and anaerobic digestion in a Zero Waste framework. Delegates are asked to consider this compilation of materials and IPEN plans to expand upon it intersessionally.

**Open Burning** meeting doc MC/COP.2/16

- This issue of mercury emissions from open burning has been raised repeatedly by the Africa region and others during negotiations. IPEN has contributed submissions on this issue along with Moldova, Nigeria and UNITAR. IPEN's submission is reflected in meeting doc INF 6. Again, this important issue is best addressed through waste management techniques outlined in the previous point, but with adequate technology transfer and capacity building to ensure that populations don't have to resort to open burning of waste. In the case of e-waste metals recovery, more effort must be made to formalise the recycling sector and use ESM methods. IPEN plans to continue to contribute relevant materials to the compilation intersessionally, which will be considered at COP 3.

**Finance rules (Article 23)** meeting doc MC/COP.2/14

- Some bracketed text remains in the financial rules at paragraph 3 (e) of rule 5 on contributions, essentially dealing with how to manage decisions on appropriate measures when payment schedules are not jointly decided or respected, taking into account the specific needs and the special circumstances of developing countries and, particularly, least developed countries or Small Island Developing States, or only those of least developed countries or Small Island Developing States. IPEN's position is *that the matter should be resolved to allow the financial rules to be finalised.*