IPEN Views on a Global Mercury Treaty

In 2009, governments of the world agreed to start negotiations on a global mercury treaty with the goal of finishing by 2013. After consultations and input from NGOs in all regions of the world, IPEN has adopted the following policy statement that explains why a global treaty on mercury is needed and that puts forward a civil society vision for the treaty.

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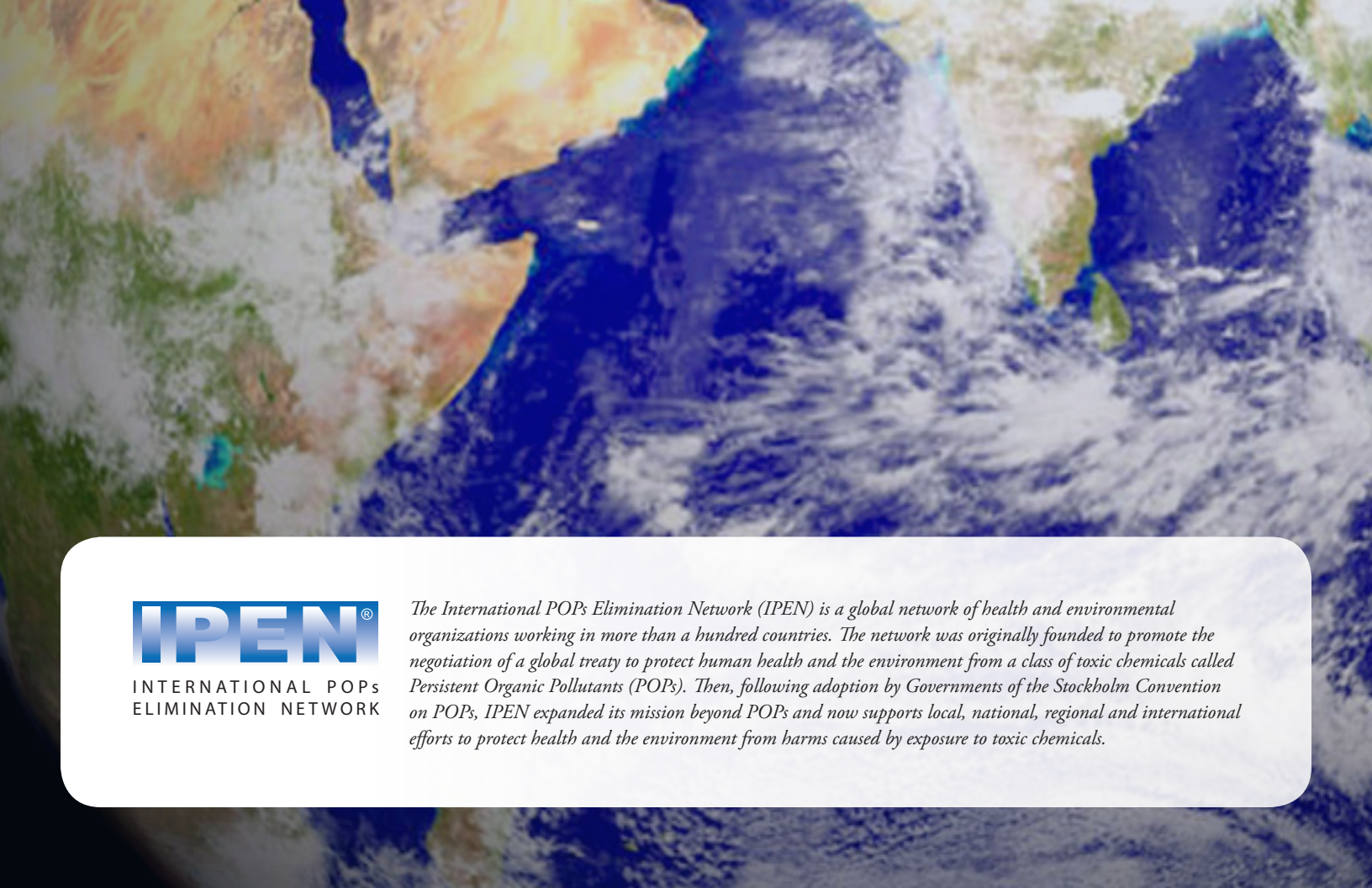
INTERNATIONAL POPs ELIMINATION NETWORK



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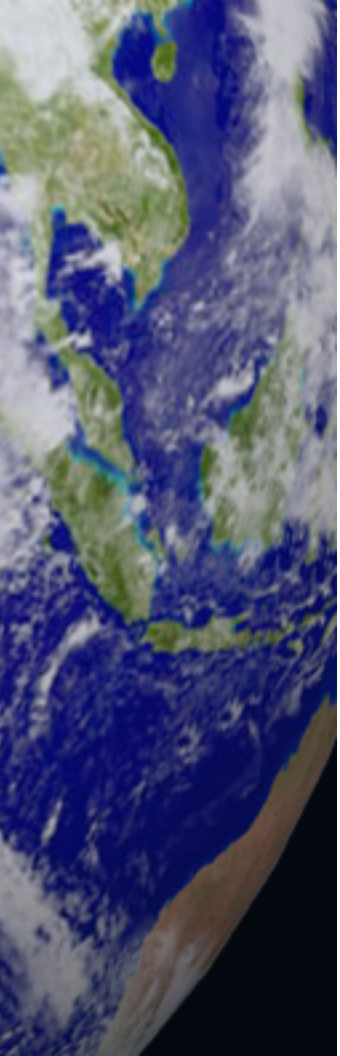
INTERNATIONAL POPs
ELIMINATION NETWORK

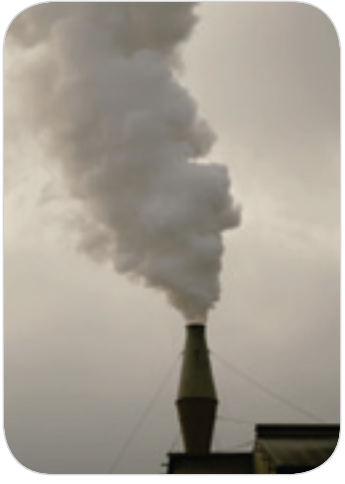
The International POPs Elimination Network (IPEN) is a global network of health and environmental organizations working in more than a hundred countries. The network was originally founded to promote the negotiation of a global treaty to protect human health and the environment from a class of toxic chemicals called Persistent Organic Pollutants (POPs). Then, following adoption by Governments of the Stockholm Convention on POPs, IPEN expanded its mission beyond POPs and now supports local, national, regional and international efforts to protect health and the environment from harms caused by exposure to toxic chemicals.



IPEN Views on a Global Mercury Treaty

Mercury is a toxic substance of global concern that causes significant harm to human health, wildlife and ecosystems. When mercury is released to the environment, it travels with air currents and then falls back to earth, sometimes nearby the original source and sometimes far away. Mercury can drain from soils to streams, rivers, lakes and oceans and it can also be transported by ocean currents and migratory species.

When mercury enters the aquatic environment, it can be transformed by micro-organisms into a more toxic form, methylmercury. In this form, mercury enters the food chain and accumulates and bio-magnifies in aquatic organisms including fish and shellfish, and also in the birds, mammals and people who eat them. In some fish species, concentrations of methylmercury can be up to a million times greater than what is present in the water that the fish inhabit.[1]



While approximately one-third of the mercury that enters the global environment comes from natural sources such as volcanoes, two-thirds or more comes from human activities.[2] Moreover, since the start of the industrial era, the total amount of mercury circulating in the world's atmosphere, soils, lakes, streams and oceans has increased by a factor of between two and four.[3] These unnaturally high levels of mercury in the environment disrupt ecosystems and can cause harm to human health in all regions of the world.

Mercury, especially when it is in the form of methylmercury, is highly toxic to humans. Human

embryos, fetuses, infants, and children are particularly vulnerable because mercury interferes with neurological development. When a pregnant woman or a woman of reproductive age eats food contaminated with methylmercury, the toxic contaminant crosses the placental barrier and exposes the fetus. Studies indicate that concentrations of methylmercury in the fetus are higher than those in the mother.[4] Mercury is additionally present in human breast milk which exposes the infant early in life. Children who eat mercury contaminated foods during their early years are also affected. Mercury adversely affects a child's growing brain and nervous system. This exposure can diminish cognitive and thinking abilities, memory, attention, language acquisition, fine motor skills and visual spatial skills.[5]

Adults are also harmed by exposure to mercury. The human populations most exposed to mercury are often the poor and the most vulnerable, especially indigenous peoples, Arctic communities, island dwellers, coastal communities and others who depend on fish or other seafood for their protein. Workers can also be highly exposed to mercury, especially small-scale artisanal gold miners and their families. Additionally, mercury exposure harms numerous organisms in the environment and can disrupt ecosystems.

1 Health Canada: http://www.hc-sc.gc.ca/ewh-semt/pubs/contaminants/mercur/q47-q56_e.html

2 U.S EPA http://www.epa.gov/mercury/control_emissions/global.htm

3 Health Canada: http://www.hc-sc.gc.ca/ewh-semt/pubs/contaminants/mercur/q1-q6_e.html

4 Stern AH, Smith AE (2003). An assessment of the cord blood: maternal blood methylmercury ratio: implications for risk assessment. Environ Health Perspect. 111(12):1465-70.

5 US EPA: http://www.epa.gov/mercury/effects.htm

▼ Small scale artisanal gold miners pan for gold in Indonesia.

GLOBAL MERCURY PROJECT 2007

Mercury is released to the environment from many sources including: mercury-containing products and devices, product manufacturing sites, industrial processes, mining activities, metal refining, coal combustion, cement kilns, waste dumps and incinerators, contaminated sites, crematoria and many others. Products that contain mercury are still widely produced and traded globally even though substitutes and alternatives are available for most of them including thermometers, blood pressure measuring devices, barometers, batteries, electrical switches and many types of electronic equipment.

Cost-effective substitutes are not yet available for some other mercury-containing products such as fluorescent lights, but alternatives are being developed and there are opportunities to significantly reduce mercury releases by better controlling the amount of mercury used and released during fluorescent light production and by better managing disposal of the product at the end of its useful life.

Very large quantities of mercury continue to be used in industrial processes such as chlor-alkali plants and catalytic processes even though good alternatives exist. Large quantities of mercury are also used in small scale gold mining even though this causes extremely high levels of pollution and exposure. Many dentists continue to use mercury amalgams even while others have discontinued this practice and use satisfactory alternatives. Finally, in some cultures, mercury continues to be used in traditional medicines, religious ceremonies and/or works of art.

With the growth of medical and scientific knowledge about mercury and its significant harmful effects on human health and ecosystems, there is now an international consensus on the need to take action to minimize and eliminate mercury exposure from anthropogenic sources. Because mercury travels long distances in the environment and is traded globally, no country or region acting alone can protect its people and its environment from the harms caused by mercury contamination. Developing countries can be especially impacted because they often lack the capability to control mercury-containing products, mercury surpluses, and mercury wastes that may enter their countries through trade. In addition, they may also lack the capacity to properly manage mercury wastes and remediate mercury-contaminated sites.

An international, legally-binding treaty is therefore needed to develop and implement a fair and equitable global plan of action that can effectively control and minimize mercury releases to the environment, prohibit uncontrolled trade in surplus mercury, minimize with the aim of eliminating, where feasible, production and trade of mercury-containing products, and initiate other measures necessary to ensure significant total global reductions in mercury contamination.

The Treaty

The goal of the global mercury treaty should be to protect human health, wildlife and ecosystems by eliminating where feasible anthropogenic sources of mercury and methylmercury. The treaty should achieve this by controlling industrial processes that use and/or release mercury; phasing-out the manufacture and sale of mercury-containing products and devices; controlling global mercury supply and trade; properly managing mercury wastes; and taking other necessary measures. Its aim should be to reduce the total quantity of mercury circulating in the global environment to pre-industrial levels.

To protect human health and ecosystems, the treaty should:

- Have, as its objective, to protect human health, wildlife and the environment from mercury by eliminating where feasible anthropogenic sources and releases of mercury;
- Recognize particularly vulnerable populations such as children, women of child bearing age, indigenous peoples, Arctic communities, island and coastal dwellers, fisherfolk, small-scale gold miners, the poor, workers, and others;
- Have a broad scope and address the entire mercury life-cycle;
- Aim to control all anthropogenic mercury sources and all human activities that release significant quantities of mercury to the environment;
- Establish an adequately funded and predictable financial mechanism with new and additional resources sufficient to enable developing countries and countries with economies in transition to fulfill their treaty obligations without compromising their poverty reduction goals;

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- Use elimination-based control measures subject to possible limited, time-bound exemptions to phase-out all products and processes that contain or use mercury, and in the interim, establish standards and controls for those products and processes that remain;
- Reduce and minimize global commercial demand for mercury;
- Reduce global mercury supply by banning primary mercury mining; mandating permanent, secure, monitored storage for existing mercury stockpiles and all mercury that is recovered from chlor-alkali plants; and restricting the trade of mercury generated from remaining sources;
- Establish effective controls on international trade in mercury and mercury-containing products;
- Mandate environmentally sound solutions for the management of wastes that contain mercury and mercury compounds including measures to prevent mercury from entering municipal, medical and industrial waste streams;
- Address the remediation and reclamation of existing mercury-contaminated sites;
- Expedite the phase-out of mercury use in the healthcare sector;
- Promote alternatives to the use of mercury dental amalgams with the aim of eventually eliminating this practice;
- Ban mercury-containing pesticides;
- Establish Best Available Techniques (BAT) for coal-fired power plants, cement kilns, and other combustion processes that release mercury to the environment with an agreed schedule for its phased-in application; aim to phase-out any of these sources when good alternatives are feasible, available and affordable;
- Promote the use of renewable, alternative energy sources as a substitute for coal-fired power plants that release mercury to the environment;
- Institute effective measures to reduce and eliminate where feasible the use of mercury in gold mining;
- Minimize the use of mercury in laboratories, schools and other institutions; prohibit inappropriate uses; and incorporate information on mercury toxicity and proper techniques for handling mercury in school curricula;
- Prohibit new uses of mercury;
- Promote research and development on sustainable, non-toxic, alternatives to products and processes that contain or use mercury with special emphasis on addressing the needs of developing countries and countries with economies in transition;

- Ensure that developing countries and countries with economies in transition do not become dumping grounds for mercury wastes and excess mercury supplies;
- Establish mechanisms for capacity-building and technology transfer;
- Require each Party to establish and implement a National or Regional Treaty Implementation Plan; include in the plans inventories of mercury supplies, sources, wastes and contaminated sites;
- Ensure that civil society has an active role in the development and implementation of the treaty including the opportunity to participate in the development and implementation of National or Regional Implementation Plans;
- Establish mechanisms to improve, provide and exchange knowledge and information about:
  - Mercury emissions, supply and use;
  - Human and environmental mercury exposure;
  - Environmental monitoring data;
  - Socio-economic impacts of mercury use, emissions and controls; and
  - Alternatives for mercury uses in products, processes and other sources;
- Ensure that all scientific information about mercury is regularly updated and is made available and easily accessible to the public in a timely manner and in appropriate formats and languages;
- Establish a reporting mechanism that requires Parties to periodically update their national mercury inventories and report on progress in implementing National or Regional Implementation Plans and treaty obligations;
- Establish mechanisms for evaluating the effectiveness of the treaty including global monitoring of mercury in the environment and in humans;
- Establish and maintain a global fish monitoring network to assess progress in reducing the quantity of mercury circulating in the global environment and to gather the information necessary to enable government health agencies to carry out effective risk communication and outreach strategies to populations that consume fish;
- Establish effective and enforceable treaty compliance provisions.

Other Considerations

The reduction and elimination of mercury sources should be rapid, orderly, and just. Provisions may be phased-in over a period of time, but there should be no unnecessary delays.

Meaningful international action to reduce and eliminate mercury sources and supply should not be delayed until a global mercury treaty is adopted and enters into force. Rather, adequately funded international mercury control programs should be carried out starting immediately.

There should also be resources for extensive environmental monitoring in all regions to establish a baseline and to expand the availability of regionally-relevant information.

Because mercury is a global problem that impacts all regions of the world, all countries have important roles to play in both the negotiation and the implementation of a global mercury treaty.

The mercury treaty and its implementation should be complementary to other relevant international instruments including the Stockholm Convention on Persistent Organic Pollutants; the Basel Convention on Transboundary Movements of Hazardous Wastes; the Rotterdam Convention on Prior Informed Consent; the Strategic Approach to International Chemicals Management and others. Appropriate synergies with these instruments should be developed.

The mercury treaty should include provisions that will enable it to be expanded at a future date to also control other toxic metals such as lead and cadmium, or other pollutants of similar global concern, without compromising the robustness of the mercury treaty.

All countries should contribute to treaty implementation to the extent they are able.

Developed countries should commit to providing sufficient new and additional financial resources and technological assistance to fully enable developing countries and countries with economies in transition to fulfill their treaty

JOCELYN NOKSANA

Frank Pokiak, a hunter and beluga monitor, works in partnership with hunters and scientists from Fisheries and Oceans Canada (including Lisa Loseto, pictured here) to measure contaminant levels in beluga whales as well as potential impacts on their health. ▶

obligations. The treaty should include provisions for its Conference of the Parties to review: whether funding levels are sufficient; whether recipients are using funds effectively; and whether actions taken result in full compliance with the provisions of the treaty.

The treaty negotiating process should be open and transparent. Provisions should be made to enable meaningful participation by relevant NGOs and other public interest stakeholders.

Mercury-related phase-out transitions should proceed through a planned and orderly regime that is designed to keep economic and social costs to a minimum and to avoid disruptions and dislocations. In some cases, there may be need for transition assistance and/or other aid to specific groups of workers or communities who currently depend for their livelihood on activities that release mercury to the environment.

Wherever possible, the responsibility for mercury-related phase-outs and clean-ups should be consistent with the Polluter Pays Principle where costs are shared by responsible parties with special attention to the private sector.

THONY DIZON

An informal recycler in the Philippines uses a hammer to break CFL bulbs while a child observes at risk of exposure. ▶

Action on mercury should be consistent with the Precautionary Principle. It should rely on a weight-of-evidence approach with special consideration given to the risks to fetuses, children, and other vulnerable populations.

The treaty should incorporate other relevant Rio Principles including: Right to Development (3); Environmental Protection in the Development Process (4); Eradication of Poverty (5); Priority for the Least Developed (6); Capacity Building for Sustainable Development (9); Public Participation (10); Compensation for Victims of Pollution and other Environmental Damage (13); State Cooperation to Prevent Environmental Dumping (14); Internationalization of Environmental Costs (16); Women have a Vital Role (20); Indigenous Peoples have a Vital Role (22); and others.

Monitoring and oversight of treaty implementation and financing should be conducted by independent bodies that are publically accountable.

Regional specialized centres and a network of specialized facilities should be set up to provide assistance in the collection and management of mercury-containing wastes. There should be a ban on the disposal of these wastes in landfills and solid waste dumps. A uniform system should be established for registering and reporting on their collection, transportation and processing.

A clearing-house mechanism for mercury should be established. It should provide direct access to relevant information about mercury including: practical experiences, scientific and technical information; and other information that can help facilitate effective scientific, technical and financial cooperation and capacity-building. Civil society groups should be considered partners and an important source of information for the clearing-house.

The treaty should give special attention to the needs of small-scale artisanal gold miners. It should facilitate their access to effective and appropriate technologies that minimize or, where feasible, avoid the use of mercury. Where that proves to be impractical, the treaty should promote the establishment of programs to assist them in securing alternative livelihoods. The treaty should include provisions to enable and promote the effective participation of public interest, health and environmental stakeholders in treaty implementation.

The treaty should provide for public information, awareness and education, especially for women, children, workers, small-scale gold

miners, the poor, marginal people and the least educated. It should also provide this for indigenous peoples, Arctic communities, islanders, coastal people, fisherfolk and others who rely on fish or other mercury-contaminated foods for their nutrition.

New research should be supported, as needed, to expand knowledge about sources of mercury and about the transport mechanisms that carry mercury to remote locations. The public should receive timely access to relevant governmental and private sector data on mercury hazards, mercury sources, and alternatives to mercury-containing products.

New research should also be supported to develop effective, non-toxic, affordable alternatives to mercury-containing products, mercury-dependent industrial processes, and other activities that release mercury to the environment.

A mechanism should be established to identify, manage and remediate mercury contaminated sites. This may include appropriate compensation for affected workers and communities.

The treaty should call upon its Parties to give full consideration to the significant health and environmental impacts caused by the transformation of mercury in soils into methylmercury when dams are built and new areas are flooded.

Sensitive testing technologies and methodologies should be made readily available for identifying mercury contamination of environmental media, food and people.

IPEN Engagement in the Intergovernmental Negotiating Process

IPEN will participate in the Treaty negotiating process and its subsequent implementation.

IPEN has established a Heavy Metals Working Group (HMWG) to help the Network address issues relating to mercury, lead and possibly other heavy metals. The IPEN HMWG will support the Network's effective participation in the mercury treaty negotiations and also in treaty implementation after it enters into force. All IPEN Participating Organizations (POs) with an interest in global mercury treaty negotiations are encouraged to join the IPEN HMWG and contribute to its work.

During the negotiations, IPEN will:

- Facilitate the active engagement of its POs in the negotiating process and maintain close, cooperative working relations with other relevant international NGOs and NGO networks including the Zero Mercury Working Group (ZMWG), Health Care Without Harm (HCWH), the Basel Action Network (BAN), the Global Alliance for Incinerator Alternatives (GAIA), the International Society of Doctors for the Environment (ISDE), and others;
- Develop IPEN policy positions relating to the mercury negotiations and build understanding and support for those policies among NGOs and organizations of civil society in all regions;
- Develop strategies and resources to promote and enable mercury-related activities in all regions;
- Promote efforts to educate and engage the general public in all regions about the toxic threats posed by mercury and about the importance of a mercury treaty with the aim of building international civil society support for an effective mercury treaty;
- Facilitate strategic, on-the-ground, NGO mercury-related activities and the collection of information that supports global IPEN interventions in the global negotiating process;
- Facilitate dialog in all regions between NGOs and representatives of their governments aimed at securing international support for a strong and effective mercury treaty;

- Cooperate with other NGOs, academics, and others with common goals;
- Work to expand and build the base for a diverse and informed global NGO and civil society coalition;
- Work to secure consensus agreements where possible on major issues both within IPEN and also with the ZMWG, HCWH, BAN and other engaged NGOs, NGO networks and academics;
- Secure NGO endorsements of this vision document: *IPEN Views on a Global Mercury Treaty;* and also continue securing NGO endorsements of the *IPEN Toxics-Free Future Declaration;* and
- Continue to build and strengthen IPEN.

Learn more about IPEN's Mercury-Free Campaign at
www.ipen.org/hgfree

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INTERNATIONAL POPs ELIMINATION NETWORK

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working together for a toxics-free future

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Design by Winking Fish. Mercury-Free logo by Gigie Cruz. Printing by Inkworks Press.
Printed on New Leaf Reincarnation Matte, a processed chlorine-free, 100% recycled sheet containing 50% post-consumer waste.