

IPEN ZMWG Statement on Waste

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Thank you Mr. Chair, IPEN and ZMWG would like to provide statements on waste and contaminated sites:

Wastes containing mercury represent an important challenge and threat, especially to developing and transition countries. Some suggest that it may be desirable to refer all mercury waste issues to the Basel Convention. They say that the new Mercury Convention does not need its own waste-related provisions. We disagree.

In our view, responsibility to protect public health and the environment from mercury exposure will rest with the new Mercury Convention. This includes mercury released from wastes. It will be very important for the INC to carefully examine elements of the waste issue to eliminate any confusion or lapses in regulatory control between the two regimes.

We note several questions raised by controlling mercury in wastes:

- 1) Will elemental mercury used as a raw material in a process or product be a waste or a commodity?
- 2) How low should mercury levels be in wastes and contaminated sites before it can be declared „clean“

Delegating responsibility for waste action levels to the Basel Convention has happened previously. We would like to note the frustrating experience with regard to clean-up levels of POPs.

For the past 10 years, Basel Convention bodies have not been able to set up health-based standard for persistent organic pollutants in wastes known as low POPs content levels. This happened because the Stockholm Convention passed responsibility to set up such levels to the Basel Convention. This failure has resulted in unsafe management of wastes containing persistent organic pollutants. We should not repeat this sad history in the mercury treaty.

Officials at the national and intergovernmental levels who will be responsible for the new Mercury Convention will hold much greater expertise on the public health and environmental consequences of mercury exposure than will those responsible for Basel Convention implementation. The Mercury Convention must retain responsibility for determining the definition of mercury-contaminated waste and for establishing action levels.

Another factor concerning the Basel Convention is the relevance of the treaty to certain aspects of the mercury lifecycle. Information supplied by the Basel Convention in INC.1/INF/3 indicates that the Basel Convention:

- Is not equipped to address issues such as the mining or trade in primary mercury.

- Does not regulate the transboundary movements of chemicals or products and would not impose trade restrictions on elemental mercury or mercury compounds.
- Does not regulate the remediation of contaminated sites affecting public and environmental health.

It should further be noted that the Basel Convention lacks a financial instrument. Any decision to refer all mercury waste issues to the Basel Convention may have the unintended consequence of making national interventions to control mercury wastes ineligible for financial support from the Mercury Convention financial mechanism.

Finally, we note that the lack of specialized understanding of mercury-related issues within the Basel Convention may have other unintended consequences. For example, the current Basel Convention Draft Technical Guidelines on Mercury Containing Waste states that:

“It is possible to use other types of incineration to treat mercury waste and collect mercury.”

We note that mercury is not destroyed by combustion and believes waste incineration is not a suitable technology for treating mercury wastes.

For these and other reasons, IPEN and ZMWG believes the Mercury Convention must include robust provisions to address mercury wastes in order to adequately protect human health and the environment, and in order to ensure the new treaty will be successful in actually reducing the total amount of mercury circulating in the global environment.

On Contaminated Sites:

The treaty should establish a mechanism to identify, manage and remediate mercury contaminated sites. It can also promote best available techniques and practices for preventing mercury contamination from spreading and for controlling and remediating contaminated sites.

Of utmost importance in any discussion of contaminated sites is the role of the polluter or the generator of the waste in the remediation of contaminated sites. The polluter-pays principle needs to be recognized, and mechanisms must be developed to operationalize this principle in the instrument.

Thank you.