The world urgently needs an EU mercury export ban

Brussels, 11 May 2005

Dear Environment Delegate,

With this letter we[1] would like to underline the importance of a strong Environmental Council Decision, foreseen for the 24 June 2005, with respect to the Community Strategy on Mercury, as presented by the European Commission in January 2005. From our information, different opinions exist among the Council working group on environment on the proposed export ban on mercury, by 2011 at the latest. This letter is intended to explain the urgent need and justification for this highly important measure.

It is well known that mercury has no respect for national or regional boundaries, travelling long distances through the atmosphere, and contaminating both the European and global food supplies at levels posing a significant risk to human health. It is therefore clear that, since present measures are not adequate to sufficiently reduce the risks from mercury, further actions must be undertaken.

Responding to a 2002 request from the Council of Ministers, the European Commission prepared a Community Mercury Strategy that will lead to substantial reductions in both EU and worldwide mercury pollution and exposure. Reducing global mercury supply and demand is the cornerstone of this Strategy, which recognises that the EU must take a leading role in addressing these problems. This leadership role is not only a recognition of the EU responsibility for its share of the global problems, but also a pragmatic realisation that there is little point in reducing mercury demand simply within the EU, only to continue exporting large quantities of mercury to the developing world where it will be used under far less stringent controls, released, and ultimately be transported back into the EU environment and wind up, for example, in the fish EU citizens consume.

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[1]Environmental NGOS include

The **European Environmental Bureau, (EEB)**, www.eeb.org, is a federation of more then 140 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.

Greenpeace, www.greenpeace.org , is an international independent, campaigning organisation that uses non-violent, creative confrontation to expose global environmental problems, and force solutions for a green and peaceful future. Greenpeace's goal is to ensure the ability of the Earth to nurture life in all its diversity

The **Ban Mercury Working Group**, www.ban.org/Ban-Hg-Wg/, is an international coalition of 27 public interest non-governmental organisations from around the world formed initially in 2002 by 2 US based NGOs, the Basel Action Network (www.ban.org) and the Mercury Policy Project (www.Mercurypolicy.org). working to end pollution from the toxic metal -- Mercury.

European Public Health Alliance Environment Network (EEN), http://www.env-health.org/ is an international non-governmental organisation advocating environmental protection as a means to improving health and well-being. Member groups and organisations represent health, environment, women, health professionals and others. The group has a diverse membership, 29 members with 5 international organisations, 10 European networks and 14 national/local organisations, including non-governmental organisations, professional bodies representative of doctors and nurses, academic institutions and other not-for-profit organisations.

And with the support of NGOs from the USA (Natural Resources Defence Council), India (Toxics Link), China (Global Village of Beijing), Brazil (Association for Combats against the POPS).

Now that this important Communication is on your agenda, we would like to share with you our views with respect to the export ban on mercury, and explain why this ban is critical for the development of an effective Environment Council Decision – even if other mercury exporters are not yet taking an active role.

The proposed ban of EU mercury exports should be implemented as soon as possible, preferably by 2008 as originally proposed in earlier Commission drafts but also by the Luxemburg Presidency[2], but certainly not later than 2011, for the following reasons:

1. **The EU is the world's largest mercury exporter, and most of this mercury goes to the developing world.**

The EU exports more mercury overall, and more to the developing world, than any other region of the world, and government trade documents clearly show this. From 2001 to 2003, EU countries exported more than 3,000 tonnes of mercury – some 30% of global consumption[3] – to non-OECD countries. Merely to cite a few examples, in 2003 alone, Spain exported 92 tonnes of mercury to Colombia, 53 tonnes to Peru, and 171 tonnes to Iran. Between 2001 and 2003, Spain and Germany exported 464 tonnes to Singapore, from where it was likely traded throughout Asia. From 2001-2003, Spain and the UK exported 470 tonnes of mercury to India, accounting for most of that country's imports.[4]

As the world's primary mercury exporting region, EU leadership in dealing with global mercury problems is an economic and moral imperative. Strong EU leadership will not only encourage other countries to reduce mercury consumption; it will also encourage further global trade deliberations needed to significantly reduce the role of mercury as a global pollutant in the international economy.

2. **An EU export ban, coupled with other international actions as specified in the EU strategy document, will significantly reduce the disproportionate impacts of mercury exposure in the developing world caused by abundant mercury supplies, inadequate resources to enforce existing regulations and virtually no incentive to upgrade outdated technologies.**

This mercury exported to non-OECD countries is largely consumed in poorly controlled and outmoded or illegal activities. According to the best information available, most of this mercury is destined for either battery production, use at chlor-alkali plants, or small-scale gold mining.[5] All three of these activities, as practiced in much of the developing world, result in substantial exposure to workers and their families, and pollution of the local and global environments.

Small-scale gold mining is the area of highest global mercury consumption (estimated at 800 tonnes in 2004)[6]. As much as 95% of all the mercury used in small-scale gold mining is released to the environment. Similarly, chlor-alkali plants operating in India and elsewhere in the developing world release typically 10-50 times more mercury on a routine basis than plants operating in the EU-15 countries.[7] The use of mercury in battery production appears to stem primarily from the continued manufacture of mercury oxide batteries containing 33-50% mercury,[8] which OECD countries banned many years ago.

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[2] http://register.consilium.eu.int/pdf/en/05/st07/st07986.en05.pdf

[3] COM (2005) 20 final - Extended Impact Assessment, on the Community Strategy on Mercury.

[4] See UN statistics at http://unstats.un.org/unsd/comtrade/ and Eurostat statistics at http://europa.eu.int/comm/eurostat/ "external trade."

[5] Maxson, P. (2004). *Mercury flows in Europe and the world: The impact of decommissioned chlor-alkali plants*. Report by Concorde East/West Sprl for DG Environment of the European Commission.

[6] Veiga MM, Maxson PA, Hylander L, "Origin of mercury in artisanal gold mining." Paper accepted 12 August 2004 for publication in 2005 in the *Journal of Cleaner Production* (Elsevier).

[7] There are regular reports of plants releasing even more. For India, for example, ref. R. Agarwal presentation on 22 April 2005, "Towards a mercury free world" conference, Madrid. For Russia, ref. ACAP. 2005. *Assessment of Mercury Releases from the Russian Federation*. Arctic Council Action Plan to Eliminate Pollution of the Arctic (ACAP), Russian Federal Service for Environmental, Technological and Atomic Supervision & Danish Environmental Protection Agency. Danish EPA, Copenhagen.

[8] Maxson, P. (2004). *Mercury flows in Europe and the world: The impact of decommissioned chlor-alkali plants*. Report by Concorde East/West Sprl for DG Environment of the European Commission.

3. This prohibition on mercury exports will contribute to decreasing demand for mercury due to an eventual price rise.

An EU mercury export ban, signalled several years in advance, would have direct effects on global commerce. Decrease in the quantities of mercury readily available to the market would lead to an increase in the price. For many low-technology uses such as small-scale gold mining, higher prices have been demonstrated to encourage direct reductions in mercury uses and releases.[9] In fact, the GEF/UNDP/UNIDO Global Mercury Project, which has worked with small-scale gold miners for many years, has strongly advocated an EU export ban as an effective way to reducing mercury demand in small-scale gold mining[10].

Opponents of an export ban argue that new production of mercury might be triggered to fill in any gap in market demand. Besides ignoring a range of EU initiatives proposed to help curb mercury demand, this argument lacks merit since it ignores the limited ability, for both technical and political reasons, of mercury-producing countries to expand their output. Algeria's capacity has long been limited to about 450 tonnes per year, with 2004 output far below that at around 150 tonnes. Algerian production even up to present capacity would not be expected without serious government investments in equipment and management, which seems unlikely in view of competing and generally more profitable, alternative investments in Algerian resource development such as hydrocarbons.[11]

In a similar way, the mining complex in Kyrgyzstan has rarely in recent years produced as much as 600 tonnes in one year[12] — although having a nominal capacity of 1000 tonnes. For varied reported reasons – including recent difficulties with flooding and maintenance, complex mining conditions, potential exhaustion of the higher quality ore reserves and tension over mercury production with neighbouring Uzbekistan – this country often produces well under 600 tonnes, making any increase above that unlikely. Indeed, an attempt to privatise the Kyrgyzstan complex in August 2003 failed due to lack of interest from investors[13].

In addition, it is important to keep in mind that China's mercury production, recently reported at 600 - 650 tonnes annually, has long been devoted to satisfying booming domestic consumption.[14]

Moreover, any argument against the export ban ignores the political pressure to decrease, not increase, production that has already hit Spain, and will face other producing countries once the EU formally endorses the export ban. Indeed, the pressure has already begun, since shortly following the release of the EU Strategy, the UNEP Governing Council adopted a resolution in February 2005 calling upon governments and others to curb the primary production of mercury and the introduction into commerce of excess mercury supplies. This same resolution also requests UNEP staff to prepare a report on the global trade in mercury so that further options addressing this trade can be considered at the 2007 Governing Council meeting. Consistent with these UNEP Governing Council resolutions and the proposed EU export ban, we urge EU countries to initiate bilateral discussions on this issue with Algeria and Kyrgyzstan as soon as possible.

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[9] Veiga MM, Maxson PA, Hylander L, "Origin of mercury in artisanal gold mining." Paper accepted 12 August 2004 for publication in 2005 in the *Journal of Cleaner Production* (Elsevier).

[10] COM (2005) 20 final - Extended Impact Assessment, on the Community Strategy on Mercury, pg. 26

[11] COM (2005) 20 final - Extended Impact Assessment, on the Community Strategy on Mercury, pg. 25 and http://www.mem-algeria.org.

[12] "Regional awareness raising workshop on mercury pollution: A global problem that needs to be addressed," Kiev, Ukraine, 20-23 July 2004. Sponsored by the United Nations Environment Programme within the Inter-Organization Programme for the Sound Management of Chemicals, and organized jointly with the Ministry of Environment and Natural Resources of the Ukraine and the Institute of Occupational Health in Kiev. Proceedings issued by UNEP Chemicals, November 2004. Geneva.

[13] COM (2005) 20 final - Extended Impact Assessment, on the Community Strategy on Mercury, pg. 25-26

[14] China Non-Ferrous IndustryYearbook 2004, China Non-Ferrous Industry Association and (http://minerals.usgs.gov/minerals/pubs/commodity/mercury/mercumcs05.pdf).

4. Investigation into the temporary storage of EU chlor-alkali mercury is required.

As an integral part of the EU strategy to simultaneously address global supply of and demand for mercury, temporary storage of decommissioned mercury from the chlor-alkali industry should be investigated immediately and implemented in the near future. The need for such storage is not disputed by the industry association Euro Chlor, which has already begun to study the options available. Much of the estimated 12.000 tonnes of mercury in the EU mercury-cell chlor-alkali plants destined for decommissioning over the next 15 years will not be needed to meet shrinking global demand. Furthermore, the pursuit of temporary storage must incorporate the ultimate intention of permanent retirement. Otherwise this measure will only delay the use, releases and impacts of the surplus mercury, not prevent it. Storage areas must be secure sites, continuously monitored and located where intervention can take place immediately if necessary. Storage of this surplus mercury (and over time, mercury from other sources such as recycled products) builds upon the recent decision by the United States Department of Defense to store rather than sell its own 4,400 tonnes of excess mercury.

In conclusion, we wish to reiterate our wholehearted support for the mercury export ban which is at the very core of the European Commission strategy on mercury. The value of a strong and responsible EU commitment to addressing mercury problems on the global stage cannot be underestimated. The implementation of a strong EU strategy is needed to maintain the international focus on reducing world-wide mercury supply (i.e., phase-out mercury mining, store excess mercury supplies) and demand(reduce all uses, and end unnecessary and obsolete uses). This is a straightforward opportunity for the EU to continue to lead the way in reducing health risks to millions of its own citizens, and many more globally, that we cannot afford to miss.

Thank you in advance for your interest and support,

Yours sincerely,

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