

PHASE III PROJECT PROPOSAL

Santos, State of São Paulo, February – October 2007

ACPO-Associacao de Combate aos POPs/ Zero Mercury Campaign

Background

Mercury is highly toxic, causing damage to the nervous system at even relatively low levels of exposure. It is particularly harmful to the development of unborn children. It collects in human and animal bodies and can be concentrated through the food chain, especially in certain types of fish. It is well-known that mercury travels throughout the atmosphere, contaminating European and global food supplies at levels which seriously threaten human health, wildlife and the environment.

In Brazil mercury is not extracted, but totally imported. Brazil is consuming an average of 80 tones of mercury/year officially, but other sectors estimate this amount in 300 tones. Main uses in the country include chlor-alkali industry (6 companies still use mercury-cells – each company with several mercury-cells sets in different plants, in dental amalgam, measuring devices in healthcare and other products such as CFL. Mercury is also used in artisanal and small scale gold mining - although its use is officially forbidden by law.

Above uses have caused high mercury pollution in air, water and soil. For example, the chlor-alkali plant case in Cubatao/SP that contaminated rivers and soil around with mercury, the case of the fluorescent lamps recycling plants which mercury emissions were verified by the state environmental agency of Sao Paulo, or the excessive contamination of the Amazon Basin with mercury due to the artisanal and small scale gold mining activities.

Current Gaps

1. Environmental and health concerns regarding mercury have been poorly addressed at the national level
2. Lack of regulatory/implementation mechanism for chlor-alkali, gold-mining, lamps, dental amalgam, measuring devices – health, an other mercury-containing equipment and processes.
3. Lack of public awareness program in the country.
4. Lack of data on mercury use, release and trade in Brazil
5. Low priority by the government.
6. Lack of public financing to NGOs work on chemicals and consequent low NGO's involvement in that area.

Furthermore, a new scenario emerged after¹ the 24th Meeting of the UNEP Governing Council in Nairobi, held on February 5-9 2007. No concrete agreement was established between world governments; however a process

¹ This present proposal has been completed after the 24th UNEP GC, so the outcomes of the meeting are considered.

was put in place, towards a global solution and in view of reducing and eliminating mercury use and emissions. As the result of such adjournment, the pressure on governments needs to be intensified, mainly in developing countries, to avoid postponing once more a favorable decision to eliminate the mercury use and emissions. During the negotiations, Brazil supported a globally binding instrument for mercury.

Objectives, Actions, Deliveries Phase III:

In continuation of Phase II, ACPO will build on its experience gained through the last years of the project and work towards the aim of global elimination of mercury demand, supply and emissions.

ACPO will maintain its activities related to its Chemicals program in Brazil and will continue following the developments of the Global Mercury Program/UNEP. We will continue to coordinate the chemicals working group, searching for spreading the theme to those social actors capable to multiply the global discussion on mercury.

Besides keeping Chemicals Working Group in action, we identified the need of creating a National Network on Chemicals that covers the Mercury global issues too.

It is necessary that NGOs put more efforts to guarantee that Brazil keeps up with its decision to support a global action towards a legal binding instrument (LBI) for mercury. For that, it is necessary that the environmentalists reinforce the dialogue with the Ministries of Environment, Health, Foreign Relations, Science & Technology and Industry & Commerce, as well as its political articulation with the National Congress and National Councils such as Environment and Health.

Based on that, our proposal for Phase III project is to strengthen the lobby for a mercury LBI and a National Mercury Policy with the Legislative and Executive Powers, and to monitor some judicial actions on mercury (chlor-alkalis and mercury lights) in progress. The objective is to press government, companies and public opinion on the necessity of an international instrument and the establishment and implementation of a National Mercury Policy, aiming at eliminations of mercury in several areas, products and services.

1. Identify legal alternatives of eliminating mercury uses mainly on chlor-alkali and gold mining

The objective here is to put pressure so that a Public Hearing is organized at the National Congress to identify legal alternatives of eliminating mercury uses and reducing mercury emissions in the Brazilian territory, with emphasis on chlor-alkali plants and gold mining. Other relevant national events will also be followed up.

Actions

- a. Visits to members of the National Congress that may support the mercury discussions, searching for moving the legislative power towards the review of Federal Law 9976/2000 on chlor-alkali plants, to require additionally the phase out of the mercury and asbestos electrolytic cells within a certain time.
- b. To promote simultaneously, during the visits above, the examination of mercury-free alternatives in Brazilian small-scale gold mining.
- c. Visits to environmental authority and Public Prosecutor in Rio de Janeiro to ask the compliance of the agreement with chlor-alkali plant (Panamericana) in relation to the phase-out of mercury cells, and the investigation about the intended transfer of mercurial waste from São Paulo to RJ by a São Paulo chlor-alkali plant, that is prohibit by the Rio de Janeiro legislation.
- d. Participate to meeting on elimination of mercury-containing medical devices at hospitals in the State of Sao Paulo – May 3rd 2007.

Deliverables

Position, comments to Members of the National Congress and the other meetings, reports.

2. Following Developments at the National Environmental Council (CONAMA)

One of the results of the Phase II Project was a Motion filed with CONAMA recommending the Brazilian Government to establish and implement a National Mercury Policy in all areas of concern. The motion also recommends that CONAMA re-starts its Fluorescent Lights Working Group so that the country may have as soon as possible a legal framework for the environmental management of the production chain, consumption and adequate destination of these lights, as well as for the research of new mercury-free technologies;

Actions

a. ACPO will follow up on this motion and push for its adoption by the National Environment Council and will participate to relevant meetings.

b. ACPO will promote with the CONAMA Health, Sanitation and Waste Management Technical Chamber the creation of a fluorescent lights legal framework covering the production, transport, use, disposal, destination and waste management in the mercury lights production chain in Brazil.

Furthermore ACPO will continue the dialogue with the Environmental Quality's Director (MoE) and the CONAMA Technical Chamber's Chair to establish the legal mercury lights framework as soon as possible.

Deliverables

Position paper/comments and input to CONAMA and relevant bodies.

Reports.

3. Public awareness

Considering the gaps in the country on awareness raising and only provided that resources are available from this grant:

a. ACPO will update, and publish the brochure on chlor-alkali which was developed in Phase II. This action will take place only in case of remaining resources. The brochure will be distributed to the National Congress' and Senate's members during the Public Hearing, if approved.

b. Project of publication of the UNEP's Time Bomb Report by the Ministries of Education and Health, according to the Phase II project deliveries.

c. Publication of a Communication to the Public in a nation-wide newspaper on the civil society's concerns about mercury contamination in the country.

Actions

a. Updating, review and publication of the ACPO's Zero Mercury brochure.

b. Execution of a separate project to publish and distribute the Time Bomb Report in Portuguese version sponsored by the Ministries of Education and Health.

c. Writing and contact newspapers to publish a Civil Society Communication or Note.

Deliverables

Updated brochure

Publication of Time bomb report by the respective ministries.

Newspaper communication publication.

4. Capacity building of ACPO

For the better work organization ACPO needs to develop a file compiling software to follow-up the civil actions and judicial representations with the Public Prosecutors.

Actions

- a. Maintenance and updating of the Homepage adding articles and press releases, including translations of international documents and news.
- b. Internal organization of the ACPO's mercury-related files.

Deliverables

Homepage updated.

Software.

5. Following up of the European/Global campaigns – follow up developments at local, national and regional levels in view of the preparation for the 25th UNEP Governing Council

The 24th Meeting of the UNEP Governing Council determined the creation of a working group to examine, among others, the adoption of international rules for mercury (trade control, emission goals, final storage, alternative technology transfer, etc.). The WG shall present recommendations in 2008.

Action

- a. Participation in the 24th Meeting of the UNEP Governing Council in Nairobi on February 2007 in Nairobi.
- b. Participation in the national scope mercury working group meetings (Min. of Foreign Relations, Min. of Environment etc) to discuss Brazilian position concerning the mercury legal binding instrument, presenting all the arguments/documents necessary to inform the civil society's point of view and influence the decision taking process.

Deliverables

Position papers, press releases and/or minutes from the meetings to input the global campaign.