

## **ZMWG Intervention On Waste, 26 September 2017**

Under Article 11, there are three categories of waste: (1) waste consisting of mercury or mercury compounds; (2) wastes containing mercury or mercury compounds, such as used thermometers or other mercury products; and (3) wastes contaminated with mercury or mercury compounds, such as industrial wastes or contaminated soil.

For the first two categories, we do not see the value of establishing thresholds. Virtually all governments have declined to set thresholds for these wastes. We believe all waste elemental mercury and waste mercury products should be regulated under the Convention, thus no threshold is necessary or appropriate. There may be tailored management standards developed for these wastes, but Convention jurisdiction would still attach in order to apply these standards.

In addition, setting thresholds for these wastes would pose unnecessary but substantial challenges for developing countries regarding measurement and testing related to thresholds. Thresholds may also provide an incentive for unscrupulous waste managers to dilute wastes for the purpose of applying less stringent waste management standards, a standard practice in illegal trade in hazardous wastes.

Should an expert group be formed to consider thresholds for the third category of wastes, civil society participation as observers should be expressly provided, similar to the BAT/BEP expert group previously established by the INC.