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Dear Ms Moritani:

On behalf of the Zero Mercury Working Group\* (ZMWG), we are writing in reference to request for input on the draft Sourcebook for Mercury Storage and Disposal (Sourcebook). ZMWG has already stated some of the concerns expressed below previously via email and while attending the recent Vienna review committee meeting on the Sourcebook.

We have prepared specific comments in relation to the current draft of the Sourcebook. However, at this juncture the ZMWG has decided to withhold these comments as we see two critical issues that need to be clarified first. These issues are:

1. *Mandate of the Mercury Waste Partnership to develop the non-waste mercury components of the Sourcebook.*

It should be noted that the UNEP Global Mercury Partnership has identified eight priorities or partnership areas, namely:

- a. Reducing Mercury in Artisanal and Small-Scale Gold Mining;
- b. Mercury Control from Coal Combustion;
- c. Mercury Reduction in the Chlor-alkali Sector;
- d. Mercury Reduction in Products;
- e. Mercury Air Transport and Fate Research;
- f. Mercury Waste Management;
- g. Mercury Supply and Storage;
- h. Mercury Cement Industry; and
- i. Vinyl Chloride Monomer Production.

Each partnership area is thus given the jurisdiction to address their specific issues that can help current efforts to reduce risks from mercury. It is notable that the partnership areas for Mercury Waste Management and Mercury Supply and Storage are distinct from one another. The creation of two separate partnership areas and the designation of separate leads reinforces the fact that each partnership area is to proceed with its jurisdiction independently while serving to complement each other.

In fact, under the Overarching Framework of the UNEP Global Mercury Partnership, the roles and responsibilities are spelled out to ensure consistency across partnership areas, including to “Initiate and undertake activities under the partnership area, conferring with other partners as needed.” Any overlap or complementation presumably should be managed with UNEP’s assistance, the latter acting as Secretariat and administrative support.

Leading up to and during the Waste Partnership convened meeting in Vienna, it’s our view that the Supply and Storage Partnership has not been directly consulted with nor involved as a partnership area in the development of the Sourcebook, particularly, the non-waste mercury discussions.

We see this lapse of coordination and jurisdictional overreaching a cause of serious concern. Not only does it set the wrong precedent for the other partnership areas, it also invariably causes undue friction among partnership areas, especially with those that have very close or overlapping issues.

We also note the inconsistency in which the Sourcebook has approached issues beyond its jurisdiction. For instance, the ZMWG has consistently raised the need to address upstream issues, such as waste prevention, in discussing waste management and as an integral component of any waste management hierarchy Yet, this issue was readily swept aside.

The ZMWG position is in line not only with the prevailing approach to environmentally sound management (ESM), but is also consistent with the Waste Partnership’s Business Plan which emphasizes the importance of addressing the ESM of mercury waste “in the broad sense, lifecycle of waste management covers material procurement, production, product use, and waste collection, transportation, treatment and disposal.”

Unless there is a clear understanding among the Partnership areas on how to deal with overlapping issues and a practical way to resolve them, this issue of jurisdictional overreaching may continue to fester and potentially pose a stumbling block for partnership activities both now and in the future.

## *2. Treatment of Outstanding Policy Issues*

During the negotiations of the mercury waste provisions of the Minamata Convention government representatives and civil society organizations wisely agreed not to discuss thorny issues surrounding mercury waste management, e.g. acceptable threshold levels, appropriate disposal options, etc. in order to allow agreement on broader issues. Much of these highly contested issues were left to the Conference of Parties (COP) to resolve. Thus, Article 11.2 and 11.3.c were developed to allow for this delicate and sensitive discussion to take place.

The wisdom exercised by the negotiators is being undermined in the Sourcebook, as the document fails to respect the intent of the negotiators and the mandate of the Minamata Convention itself to have these issues dealt with at the COP level.

The untenable position of the Sourcebook becomes more evident when we consider that the Sourcebook is suppose to provide practical advice or help capacitate countries for environmentally sound management of mercury wastes. Given that the Minamata Convention itself has not yet elaborated on the threshold issues and specific requirements

for ESM of mercury wastes, the Sourcebook cannot dispense advise on these very matters. Any attempt to do so would be tantamount to pre-empting the COP from its task.

We are of the strong opinion that issues covered under Article 11.2 and 11.3.c should not be dealt with at the Partnership level, and instead be properly left to the COP as mandated under the Minamata Convention.

Unless a resolution is achieved among the Global Mercury Partnership on jurisdictional overlaps and treatment of pending issues for the COP, we see any further work on the Sourcebook as counterproductive.

Yours sincerely,

Michael T. Bender and Elena Llymberidi-Settimo  
International Coordinators

\* The Zero Mercury Working Group (ZMWG) is an international coalition of over 95 public interest environmental and health non-governmental organizations from more than 50 countries from around the world formed in 2005 by the European Environmental Bureau and the Mercury Policy Project. *ZMWG strives for zero supply, demand, and emissions of mercury from all anthropogenic sources, with the goal of reducing mercury in the global environment to a minimum. Our mission is to advocate and support the adoption and implementation of a legally binding instrument which contains mandatory obligations to eliminate where feasible, and otherwise minimize, the global supply and trade of mercury, the global demand for mercury, anthropogenic releases of mercury to the environment, and human and wildlife exposure to mercury.* For more information, please see: [www.zeromercury.org](http://www.zeromercury.org).

