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# FINAL PROJECT REPORT: BT – EEB PROJECT January-June 2010

## Ban Toxics!

Activities on Japan Export Ban, Mercury Storage, and Support for the European and Zero Mercury Working Group Global Campaign on Mercury.



## **I. The Projects**

From January to June 2010 Ban Toxics (BT) with the support of the European Environmental Bureau (EEB) undertook activities that were intended to complement EEB and Zero Mercury Working Group's (ZMWG) global campaign on mercury. BT focused on three major issues: developing a campaign to induce Japan to install a mercury export ban; continuation of promoting storage of excess mercury in the Philippines; and support of EEB's global mercury campaign.

Each project had specific activities and objectives. The following is a brief description of the objectives and activities. The following section contains the tabulation of the activities and results achieved.

### ***1. Japan Export Ban***

The concept for this project was to take advantage of a growing trend of banning elemental mercury exports. This trend started in 2008 with the European Union and the United States. There was a need to utilize the momentum generated by these two major global powers, and continue it. There were several key reasons for choosing Japan: first, Japan is part of the economic bloc of G-7; second, it is a staunch ally of the United States; third, it is an economic and political power in the Asian region where many environmentally unsound practices on mercury occur; and lastly, it's tragic experience with the Minamata poisoning.

On a practical level, a major factor is that Japan is presently one of the major players in the export of mercury. In 2006 and 2007 Japanese exports of elemental mercury averaged at 250 metric tonnes annually. Japanese mercury ends up in established mercury trading ports such as those in the Netherlands and Hong Kong, where the mercury is further traded and with Japan having very little control or monitoring on where and how their mercury is used.

Pushing Japan to enact a mercury export ban would provide a considerable impact not only on mercury trade but will also reverberate to the upcoming INC negotiations towards a mercury treaty.

Last 2009, BT began engaging local NGOs in forming a civil society coalition that could push the Japanese government to begin to consider the concept of an export ban on elemental mercury. Aside from performing the task of coordination among international and Japanese NGOs, BT also provided the Japanese NGOs documentation of trade, prepared briefing papers for discussion, as well as drafting of press releases and statement on the issue of the mercury export ban.

The following activities were developed for the Japan Export Ban Project:

- Liaise and coordinate with Japanese NGOs, ZMWG, and other allies on actions to push Japan to institute an export ban on elemental mercury similar to the US and EU.
- Prepare lobby briefs, press releases, statements, and other supporting documents needed by Japanese allies with the campaign.
- Provide policy and strategic advice to Japanese NGO allies on how to move forward with campaign on export ban.
- Help EEB/ZMWG to identify a Japanese NGO, which could be funded in the future to organize relevant activities in Japan towards the INC 2.
- Help EEB/ZMWG to identify more Japanese NGOs who could potentially conduct fish testing of large tuna and prepare a report prior to INC 2.

## ***2. Mercury Storage Philippines***

EEB has continued to support Ban Toxics in promoting terminal storage in the Philippines (Storage Project). The first achievement of the Storage Project was the culmination in October 2009 of the first ever national forum on terminal storage for mercury, which brought together government agencies and critical stakeholders to begin discussing solutions towards addressing mercury surplus in the Philippines.

A key output of the national workshop was the establishment of national working group to take the initiatives and concerns raised in the national forum forward. The Storage Project sought to continue the gains achieved and to also support the Asian component of the ZMWG work in supporting the Asian region in finding a regional solution for its expected excess mercury.

The following activities were designed for the project:

- Initiate and provide secretariat support to national working group on mercury waste storage.
- Engage local government units; raise their awareness on the issue; assist in the development of local ordinance on mercury storage.
- Engage civil society groups and other stakeholders; raise their awareness on the issue; assist in the development of local ordinance on mercury storage.
- Information, education, and communication: Prepare at least 2 press releases, 1 press briefing, and 2 radio interviews.
- Follow up developments of the Basel Technical Guidance Document on ESM of mercury waste (including UNEP mercury storage).

## ***3. Contribution to the European/Global Campaign:***

To complement EEB and ZMWG's global mercury campaign, BT was tapped to actively participate in the global and European campaign on mercury, as relevant. As a developing country partner of ZMWG, BT through its allies in the Asian region can

help create pressure in developing a robust globally binding treaty. By setting up local initiatives that raises the issue of mercury in line with EEB and ZMWG policy objectives, deliberations at the intergovernmental negotiating committee by countries impacted by the initiatives are expected to be supportive of the global work on mercury.

The following broad activities were developed for this project:

- Help create pressure in the region, for a robust globally binding treaty following the INC deliberations.
- Participate actively at the ongoing European campaign as and when it is required.

## II. PLANNED ACTIVITIES AND RESULTS ACHIEVED

Planned Activities	Results Achieved
<b><i>Japanese Mercury Export Ban</i></b>	
<ol style="list-style-type: none"> <li>1. Liaise and coordinate with Japanese NGOs, ZMWG, and other allies on actions to push Japan to institute an export ban on elemental mercury similar to the US and EU.</li> <li>2. Prepare lobby briefs, press releases, statements, and other supporting documents needed by Japanese allies with the campaign.</li> <li>3. Provide policy and strategic advice to Japanese NGO allies on how to move forward with campaign on export ban.</li> <li>4. Help EEB/ZMWG to identify a Japanese NGO, which could be funded in the future to organize relevant activities in Japan towards the INC 2;</li> <li>5. Help EEB/ZMWG to identify more Japanese NGOs who could potentially conduct fish testing of large tuna and prepare a report prior to INC 2</li> </ol>	<ul style="list-style-type: none"> <li>✓ Liaised with Mr. Takeshi Yasuma of Citizens Against Chemical Pollution (CACP) and Mr. Shigeharu Nakachi of Toxics Watch Japan on the mobilization of Japanese NGOs to push for Japanese Export Ban. This resulted in identifying and in the recruitment of Mr. Yasuma and CACP to be part of ZMWG.</li> <li>✓ Participation of CACP in select ZMWG strategy calls.</li> <li>✓ CACP is identified as lead organizer for activities at the upcoming INC2; and lead NGO in Japan to conduct fish testing.</li> <li>✓ Continued coordination with Japanese NGOs and ZMWG on export ban campaign trying to establish linkages with the various Minamata victims organization.</li> <li>✓ Assisted CACP in dealing with Ministry of Environment regarding response to CSO Statement on mercury.</li> <li>✓ Assisted Mr. Yasuma in developing the following: <ul style="list-style-type: none"> <li>- Powerpoint presentation on Minamata Legacy of Japan and Japan's need to have an export ban;</li> <li>- Briefing paper based on the CACP Preparation; and</li> <li>- Development of poster for use in the INC1 booth depicting the need to have a Japanese Export Ban.</li> </ul> </li> </ul>

<b>Mercury Storage Project</b>	
<p>1. Initiate and provide secretariat support to national working group on mercury waste storage.</p> <p>2. Engage local government units; raise their awareness on the issue; assist in the development of local ordinance on mercury storage.</p> <p>3. Engage civil society groups and other stakeholders; raise their awareness on the issue; assist in the development of local ordinance on mercury storage.</p> <p>4. Information, education, and communication: Prepare at least 2 press releases, 1 press briefing, and 2 radio interviews.</p> <p>5. Follow up developments of the Basel Technical Guidance Document on ESM of mercury waste (including UNEP mercury storage)</p>	<p>✓ Key stakeholder in 2nd Meeting of the National Working Group on Mercury Storage, which the Department of Environment and Natural Resources organized as a continuation of the 1st national meeting on terminal storage organized by BT and the DENR called “Developing Solutions: Managing Mercury and Mercury Contaminated Wastes in the Philippines.”</p> <p>✓ Assumed lead position in national NGO working group on proper disposal of electronic waste, which includes discussion of environmentally sound storage of CFLs and Hg-containing devices.</p> <p>✓ NGO representative in multi-stakeholder process in developing terminal storage options for Hg-containing devices, equipment, and products in healthcare facilities.</p> <p>✓ Continued discussion with large institutional Hg-waste generators, i.e. schools, and government, on properly disposing of their Hg-waste through storage.</p> <p>✓ Identified supportive local government that could operationalize terminal storage requirements of the Philippines.</p> <p>✓ Increased public awareness on mercury issues such as safety, phase-out and storage, through the following:</p> <ul style="list-style-type: none"> <li>- 1 National TV interview on mercury poisoning (via ABS-CBN TV)</li> <li>- 3 radio interviews with DZAR on issue of Hg poisoning and need for proper storage (January and February 2010). DZAR has at least 2 million listeners. And a radio interview with Radio Veritas the official Catholic Church radio, on the issue of mercury phase-out (February 2010).</li> <li>- 11 press releases on mercury exposure, storage, and trade</li> </ul>

	<p>restrictions (Please see list of media releases in Annex 1).</p> <ul style="list-style-type: none"><li>✓ Developed comments and coordinated submission of Basel Technical Guidelines on ESM of Mercury Waste drafts and had these submitted to the Basel Secretariat.</li></ul>
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<b><i>European /Global campaign</i></b>	
1. Help create pressure in the region, for a robust globally binding treaty following the INC deliberations.	✓ Participated in INC1; developed briefing papers on issues of: storage, Hg products in schools, and ASGM situation in the Philippines (Please see Annex 2).
2. Participate actively at the ongoing European campaign as and when it is required	<ul style="list-style-type: none"> <li>✓ Assisted in developing the Say...aaaHg! action at INC 1 in Stockholm, and developed design for posters and printed the posters for use in INC 1.</li> <li>✓ Underwent Lumex training at INC 1 and assisted in conducting Lumex testing of INC 1 delegates under the Say...aaaHg! action.</li> <li>✓ Promoted ZMWG in the UNEP Inception Workshop on ASGM held in Manila from 19-21 January 2010.</li> </ul>

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## **ANNEX 1 – PRESS RELEASES**

### List of *Ban Toxics!* Press Releases

(October 2009 – June 2010)

- III. Oct-05-2009 – Group tags DepEd to provide safe workplace for teachers.
- IV. Oct-14-2009 – IMPROPER MERCURY DISPOSAL, ‘DISASTER IN TIMES OF CALAMITY’; Civil society organizations call for mitigating measures to prevent further health and environmental damages.  
[http://www.noharm.org/seasia/news\\_hcwh/2009/oct/hcwh2009-10-14.php](http://www.noharm.org/seasia/news_hcwh/2009/oct/hcwh2009-10-14.php)
- V. Feb-15-2010 – Mercury poisoning victim files case against school; Accountability and damages for injuries sought:
  - a. Philippine Daily Inquirer (news item), Feb-15-2010.  
[http://newsinfo.inquirer.net/inquirerheadlines/metro/view/20100215-253379/Teenager\\_sues\\_school\\_for\\_neglect](http://newsinfo.inquirer.net/inquirerheadlines/metro/view/20100215-253379/Teenager_sues_school_for_neglect)
  - b. Covered by ABS-CBN’s TV Patrol World, Feb-18-2010
  - c. The Philippine Star (Consumerline, column by Ching Alano), Feb-25-2010  
<http://www.philstar.com/Article.aspx?articleId=551994&publicationSubCategoryId=80>
- VI. Feb-17-2010 – Group calls on Sec. Lapus and DepEd to eliminate toxic trap, prohibit mercury use in schools
- VII. The Philippine Star (Consumerline, column by Ching Alano), Feb-25-2010  
<http://www.philstar.com/Article.aspx?articleId=551994&publicationSubCategoryId=80>
- VIII. Mar-09-2010 – Group calls on new DepEd head for quick action on mercury issue.
- IX. May-18-2010 – Green group lauds DepEd Sec. Valisno for initial action on mercury, urges stronger steps before school opening.
- X. Jun-10-2010 – Environmental NGO teams up with La Salle Greenhills for healthy, mercury-free schools.

## ANNEX 2 – FACT SHEETS



## QUICKSILVER FORUM

JAPAN'S MINAMATA LEGACY AND THE NEED TO BAN ITS Hg EXPORT

Vol.1 No.1 May 2010

### **Japan and Mercury**

As the First UNEP Intergovernmental Negotiating Committee convenes in June 2010 and embarks on a monumental task of controlling mercury globally, an understanding of how Japan, a country intimately linked to the issue of mercury poisoning, handled the demands of Minamata victims and how it behaves globally on the issue of mercury is paramount. Does Japan's past and current rhetoric stand up to its responsibilities to the victims and to the global community?

In 1932, Chisso Corporation opened an acetaldehyde plant in Minamata, a small coastal community in Kumamoto, Kyushu. Throughout its 36 years of operation, methylmercury-containing wastewater was freely discharged into the bay, causing serious, intergenerational cases of mercury poisoning in Minamata.

The Japanese government has taken steps to repair the blemish of Minamata over the years. The last primary mercury mining was closed in 1974, and all mercury-based chlor-alkali plants were closed by 1999. Japan has also been supportive of international actions on mercury.



Photo by W. Eugene Smith and Aileen M. Smith © Aileen M. Smith

### **From 1932 to 2010 – The Minamata Struggle**

- 1932: Chisso began operation of the Minamata acetaldehyde plant. Mercury-containing wastewater was dumped freely into Minamata Bay.
- 1950's: Residents of Minamata began exhibiting symptoms of an unknown disease.
- 1956: The disease was officially recognized as Minamata Disease, although the cause remained unidentified.
- 1968: The Japanese government acknowledged that methylmercury from Chisso's factory wastewater was the cause of Minamata Disease. Chisso closed the acetaldehyde plant. Victims sued Chisso.
- 1977: The government set criteria for the recognition of Minamata Disease. Victims who were not recognized due to these criteria raised lawsuits against the government, Kumamoto Prefecture, and Chisso.
- 1987: The Kumamoto district court first recognized the responsibility of the Government and Kumamoto Prefecture as well as Chisso.

- 1995: The government offered a "final political solution" to address unrecognized victims, but did not acknowledge its responsibility.
- 2004: The Supreme Court of Japan denounced the inaction of the government and Kumamoto Prefecture regarding damage control.
- 2005: More unrecognized victims sued Government, Kumamoto Prefecture and Chisso.
- 2009: The Minamata Relief Law was passed. The controversial law was criticized by some groups for its inadequacies.
- 2010: The Kumamoto district court recommended a settlement, which many of the victims accepted. In order to end the half-a-century Minamata saga, Government decided based on the settlement to apply the relief to all unrecognized victims who are estimated to be more than 30,000.

### **Criticism of the Minamata Relief Law**

Majority of the victims accepted the law because of the aging victims who needed support quickly. Some groups, however, continued the struggle and still criticized the Relief law as:

*First*, it permits Chisso to split into two companies, a parent company for compensation and a subsidiary company for business, allowing it to escape from its obligations. When all victims under the law have been identified and compensated, the parent company Chisso will be dissolved, absolving them from any future responsibilities.

*Second*, the limited original criteria for recognition of the disease remain unchanged, although unrecognized victims are to be subject to the relief based on the law. Recognition is one of the most important factors for the essential solution.

*Third*, despite no comprehensive health study ever being made by the government, the law still does not require it. Thus nobody will be able to understand the full true picture of the Minamata Disease, including victims who could not disclose their disease for fear of discrimination, victims who already died without being

recognized, fetuses who died before delivery, and future victims, and it will vanish into the night forever.

*Fourth*, those victims who were born after November 1969 are not eligible for compensation despite possibility of the mercury pollution still being present after Chisso's closure in 1968.

Finally, the law stipulates that persons for relief are to be identified within 3 years. A time limit should not be provided for application for relief given the persistent nature of mercury and some victims who still cannot disclose their disease.

### **Look Who's Exporting Mercury**

Japan is the only country in Asia apart from Kyrgyzstan that exports mercury, derived mainly from nonferrous metal smelters and recycling of mercury-containing products.

The volume of Japan's mercury exports reached its peak in 2006, when 250 metric tons of mercury valued at over ¥500M was exported to Iran (81.4 tons), India (34.5 tons), Netherlands (17.3 tons) and the Philippines (12.9 tons), among others. From 2006 to 2009, Hong Kong, Netherlands, Myanmar, Korea, Vietnam and Indonesia consistently imported mercury from Japan.

Despite these regular exports, there is no traceable system to identify the final destination and actual use of the mercury. Japan continues to sell mercury in spite of its horrendous Minamata legacy. Difficulty in storage of surplus mercury seems to be one reason for Japan's mercury export.

### **Sushi, Anyone?**

According to the survey of mercury concentrations in fish published in 2004 by the Fisheries Agency of Japan, the concentration of 10 out of 19 items exceeded the allowable limits for total mercury and methylmercury set as 0.4 ppm and 0.3 ppm respectively.

The Ministry of Health, Labour and Welfare (MHLW) of Japan repeatedly highlights the benefits of eating fish and shellfish. It emphasizes that children and adults other than pregnant women are unlikely to have health risk from mercury by eating fish and shellfish. A 2003 study by the National Institute for Minamata Disease (NIMD) surveyed a total of 3,686 residents in Minamata, Kumamoto, Tottori,

Wakayama and Chiba, which showed that the average total mercury concentration in hair was 2.55 µgrams/g for males, and 1.43 µg/g for females. The average hair mercury levels were highest in the samples from Chiba.

According to an NIMD study published in May 2010, based on the samples of about 30% of the total inhabitants of Taiji, a small whale-eating town in Wakayama Prefecture with a population of about 3,500, they have four times the national average mercury concentration in hair. Taiji gained worldwide attention and criticism after the release of the documentary film *The Cove*.

### **Recommendations**

Japanese and global NGO's are calling on the Japanese government to take a firmer, more active stance against mercury:

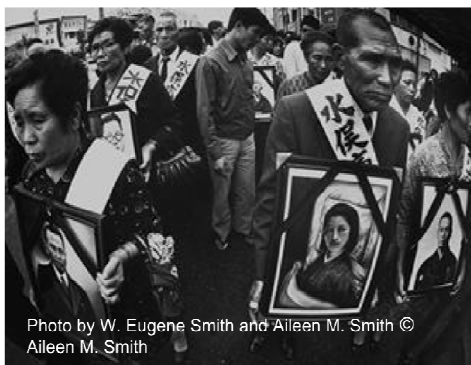
- Acknowledge fault and take responsibility in caring for victims so long as they exist.
- Stop Exporting Mercury. Enact a mercury export ban.
- Store Japanese Mercury. Create secure long-term storage for Japan's mercury surplus.
- Show good leadership to realize the International Mercury Treaty.

In May 1, 2010, PM Hatoyama attended the 54<sup>th</sup> annual memorial service for Minamata. He expressed that Japan will actively participate in the international treaty and will propose to name the treaty "Minamata Treaty".

***If Japan truly intends to take leadership of the groundbreaking treaty, it cannot simply do so by name. Japan MUST FINALLY MATCH ITS RHETORIC WITH ITS ACTIONS and be accountable to ALL VICTIMS OF MINAMATA and to the GLOBAL COMMUNITY TO WHOM IT SELLS ITS TOXIC SURPLUS MERCURY.***

-End-

*Photographs by W. Eugene Smith and Aileen M. Smith © Aileen M. Smith.*



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