

Awash with Mercury

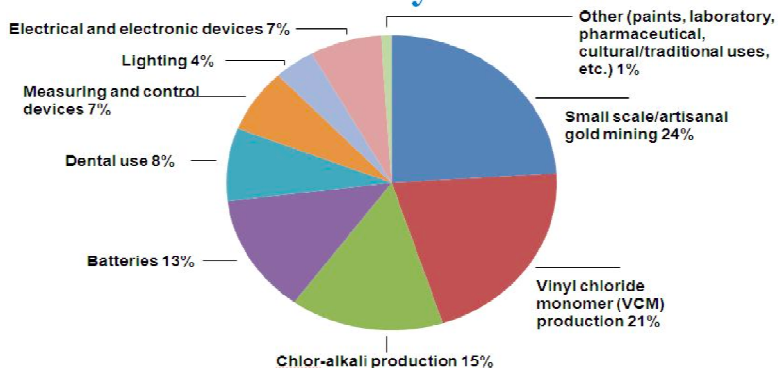
All mercury currently used in products or processes will eventually become waste. The development and passage of a treaty on mercury will push this eventuality sooner, and will greatly affect developing nations and countries with economies in transition. Seeing the potential repercussions of mercury in waste the UNEP Governing Council passed Decision 25, para. 27, identified mercury-containing wastes as one of the main issues to be considered by the Intergovernmental Negotiating Committee (INC) on mercury.

What are mercury wastes?

Mercury wastes can be categorized as follows:

- A. Waste consisting of elemental mercury (elemental mercury characterized as waste by national law);
- B. Waste containing mercury (mainly solid or in sludge form):
 - From products containing mercury;
 - From industrial processes or sources;
- C. Waste contaminated with mercury.

How Mercury is Used



United Nations Environment Programme Chemicals Branch, DTIE, Summary Of Supply, Trade And Demand Information On Mercury, Requested by UNEP Governing Council decision 23/9 IV, November 2006, Table 2.

How should the Mercury Treaty deal with mercury wastes?

For some countries the answer is to leave the issue of “waste” to the Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and its Disposal,¹ which has identified various types of mercury wastes under its jurisdiction.²

However, the Mercury Treaty INC should not wash its hands of the waste issue. The more pragmatic approach is for countries to understand the specific scope and limitations of the Basel Convention from a legal and

¹ An international environmental treaty that deals with the disposal of toxic wastes. There are 175 countries party to the Basel Convention.

² The Basel Convention is finalizing Technical Guidelines for the environmentally sound management of mercury wastes.

practical basis, and determine what the Mercury Treaty should address to ensure environmentally sound management. This exercise needs to be done in order for the Mercury Treaty to establish the overall policy framework.

Treaty Control Measures

The Mercury Treaty provides an excellent opportunity to leapfrog the shortcomings of the Basel Convention (see ZMWG Brief on Basel). In this regard it is crucial that the Mercury Treaty:

1. Restrict mercury trade and prohibit mercury waste dumping from developed to developing countries for disposal, recycling, recovery, and direct re-use.
2. Provide a clear mandate to the Mercury Treaty COP to determine and address the legal and technical gaps between the two treaties and consult with the appropriate Basel body in resolving areas of overlap.
3. Provide predictable and efficient financial support to help Parties meet the environmentally sound management and storage goals of the Mercury Treaty.
4. Establish strict storage requirements and ensure that sequestered mercury is not reintroduced into global commerce.
5. Develop or establish environmentally sound management obligations specific to the disposal of mercury-containing products taking into account emerging information and ongoing research activities on safe disposal options.

A wholesale relegation of the issue to the Basel Convention would be too hasty and could possibly result in an ineffective approach to managing the global mercury waste challenge.