

**Statement on Waste Thresholds  
of Zero Mercury Working Group (ZMWG)  
Minamata COP 4.2 – 22<sup>nd</sup> March 2021, Bali, Indonesia**

Thank you Madam Chairperson,

Regarding waste thresholds, we believe this COP can make some progress on waste thresholds without convening a contact group, if the consensus recommendations of the expert group are acceptable to Parties. Specifically, the expert group recommended no thresholds for ASGM tailings, since ASGM tailings management will be addressed under a Party's ASGM National Action Plan under Article 7, which does not require or presume a threshold will be applied. Moreover, adopting a threshold approach to ASGM tailings would present enormous technical and resource challenges, given the typical remote ASGM locations and the limited sampling capacity of ASGM miners.

Consensus was also achieved regarding thresholds for industrial mine tailings, applying a two-tier approach that addresses both human health and ecological risks tailored to the particular waste management scenario of disposal in tailings impoundments. In this case, basing a threshold approach on one waste management scenario makes sense because that is the way these wastes are managed.

However, consensus was not achieved regarding thresholds for Category C wastes. We participated as observers in the expert group and agree with the experts who believe 25 ppm is not sufficiently protective of human health in the developing world. Category C wastes are managed in many different ways. And in the developing world, much of the waste management is uncontrolled, resulting in open dumping and unlicensed disposal. People can come in direct contact with wastes, including Category C wastes, in a variety of ways:

- Open dumping or air dispersion of waste into residential areas;
- Residential structures adjacent to or on disposal sites;
- Informal pickers and/or children accessing disposal sites;
- Landspreading near residential areas; and/or
- Reuse as fill and other reuse scenarios allowing for direct exposure.

For these situations, 25 ppm is not good enough. And we are not equipped here in Bali to develop a different number. Therefore, the COP should delay consideration of the Category C threshold issue for another time. And if intersessional work is contemplated, it should be accompanied by clear direction to take these exposure scenarios into account.

Thank you.