

Overcoming the Challenges of Banning Manufacture and Trade of Mercury Added Skin Lightening Products under the Minamata Convention

Zero Mercury Working Group input to the invitation to submit information regarding mercury-added cosmetics pursuant to COP decision MC-5/5

28th June 2024

The ZMWG and EIA appreciate the opportunity to submit information regarding the challenges in preventing the manufacture, import and export of mercury added cosmetics listed in part A of Annex I of the Minamata Convention, as well as on measures to address these challenges. Much of the background was originally researched and published by [ZMWG in 2019 Enforcement report](#) and the [EIA 2023 Mercury report](#), information which has now been enhanced and updated accordingly.

Acknowledging that this report does not use the form provided by the Secretariat, Annex A indicates which parts of this report provide input to the relevant section.

While the input on challenges and respective measures is presented below, we would respectfully suggest that some elements may need to be prioritized.

The following elements could be considered as part of a potential programme of work to strengthen the implementation and enforcement of the provisions of the Convention banning the manufacture and trade of mercury added cosmetics. More details on those can be found within the chapters below and mainly under chapter 3.10 on capacity building.

ZMWG priorities for action – towards a programme of work to strengthen enforcement of the mercury bans on cosmetics under the Minamata Convention.

The elements, depending on available resources, should include, but not be limited to:

1. Legal reforms need to be in place

- a. Ensure law on banning manufacture and trade of mercury added SLPs is in place**
- b. To the extent possible, ensure interagency collaboration**
- c. Ban production and trade of mercury added compounds known to be added to SLPs**
- d. Establish detention lists**
- e. Regulate certain digital services to support Hg SLP production and trade bans**
- f. Regulate advertising and retail sales of Hg SLPs to protect consumers and ensure product safety**
- g. Adopt complementary voluntary approaches –e.g. Product Safety Pledge**

The first priority should be to ensure that all parties have laws in place addressing the Minamata requirement for banning the manufacture and trade of mercury added cosmetics.

Relevant legal requirements should further be developed to complement these provisions including promoting interagency collaboration, regulating the production and trade of mercury added compounds, establishing detention list, regulating certain aspects of digital services and regulating advertising and retail sales of Hg SLPs to protect consumers and ensure product safety as well as adopting complementary voluntary approaches.

2. Infrastructure and Capacity building

a. Field measurement instruments

b. Training marketing surveillance authorities/customs/inspectors/police

Having the regulatory framework in place is of utmost importance. It's also important to ensure that the enforcement tools are made available to systematically screen, detect and prosecute violations. This should include the potential for utilizing a variety of options for reporting qualitative or semi-quantitative screening results from handheld devices (such as XRF instruments) to monitor the presence of mercury in SLPs and other products that have already been banned.

At the same time, competent authorities, including health and consumer agencies as well customs, inspectors and police, should be trained in the use of testing devices and provided the necessary resources to conduct market surveillance and ensure that national internal coordination is prioritised. Furthermore, authorities will need to be made aware of the SLP mercury related concerns and trained on the use of the relevant instruments and methodologies.

3. Raise Awareness

a. Health/environmental/consumer affairs government/enforcement agents

b. Health care professionals and academia

c. Consumer awareness networks and targeted public

As mentioned above, raising awareness first among relevant government agents will be important for strengthening implementation and enforcement.

Such programmes will need to then be complemented by those targeting healthcare professionals such as dermatologists, pediatricians and others, as well as academia.

Consumer awareness should follow targeting relevant members of the public e.g. young women

4. Implementation / Regional and Global cooperation/coordination

a. Regional

b. Global – Minamata Secretariat / Interpol

The regional and global cooperation of the relevant authorities will need to be implemented at different levels and concerning different services. Furthermore, the Minamata Convention could consider cooperating with other international organisations e.g. Interpol to further target illegal trafficking of mercury, mercury compounds and mercury added cosmetics; OECD on implementing product safety pledges for mercury SLPs.

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1 Introduction

1.1 Overview

Mercury-added skin lightening products (SLPs) are a global mercury crisis warranting immediate international, national and local action. Based on the Zero Mercury Working Group's (ZMWG) and the Environmental Investigation Agency's global research, it's clear that mercury is still widely prevalent in many skin-lightening products in many countries worldwide and that some people and populations worldwide experience relatively high exposures to mercury from the use of such skin-lightening products.

Their toxic trade and subsequent use of mercury added SLPs are widespread geographically, with many informal participants who are often unknowingly supporting a decentralized illegal activity. Coupled with that, there is insufficient or non-awareness of health risks and illegal sales of mercury added SLPs—both via local marketplaces and online— which occur through an enormous and growing global market of legal SLP sales. The market for skin-lightening products is increasing as the demographics of users continues to expand, making it one of the fastest-growing beauty industries globally.

Today, mercury is the second most common form of heavy metal poisoning in the world. One of the highest exposure sources is from mercury SLPs and based on recent studies it appears to be much more of a prevalent exposure risk globally, likely used by millions of people around the globe, than previously acknowledged.

One recent study concludes that: "...most individuals who use these products apply skin-lightening items primarily on their face, typically from <1 to 3 times per day, for less than a year, and in quantities of 11–50g per month. From this generalized conclusion, we can estimate mercury exposure for 1 y to be 150 μ g mercury."¹

This and other studies point to the need for the Minamata Convention to prioritize exposure reduction from mercury added SLPs compared to other exposure sources. According to the authors:

"From the 2018 UN Global Mercury Assessment, it was determined that in populations with background exposures to mercury, levels of the chemical in blood, hair, and urine are generally <5 μ g/L, 2 μ g/g, and 3 μ g/L respectively.⁴ In the current study, we observed that most of the biomarker measures (i.e., median values) in users of skin-lightening products greatly exceeded the aforementioned levels found in background populations."

A related recent study echoed these concerns:

Niladri Basu, the review's senior author and a professor of environmental health sciences at McGill University in Montreal, has been studying mercury exposures for years, but this focus on skin-lightening products is new. "I can tell you how much mining and fossil fuel combustion contribute to mercury pollution," he says. But scientists do not know the extent to which cosmetic products contribute to the global mercury burden. "It's going to be significant because there are tens, if not hundreds, of millions of people who use these products," says Basu.²

Despite the current ban under the Minamata Convention on the manufacture and trade of cosmetics containing mercury levels over 1 ppm, the advertising, often illegal sales and global proliferation of

¹ This study's conclusions are based on the compilation, synthesis, and analysis of a data set that consists of 787 skin-lightening products (manufactured in 33 countries and purchased from 20 countries worldwide) and 1,042 mercury biomarker measurements taken from 863 individuals, along with supportive information on usage patterns from 3,898 individuals and self-reported health impacts from 832 individuals.

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9881649/>

dangerous mercury-added SLPs continues relatively unabated. There are three routes of illegal commerce in mercury SLPs³:

1. Illegal domestic production--Manufacture of illegal SLPs within the country
2. Online sales-- Sellers offering illegal SLPs through online platforms
3. Illegal imports-- Trade of illegal SLPs across international borders

At the same time, the use of mercury compounds, used in their manufacture of mercury SLPs, remains unregulated and consequently uncontrolled—contrary to the Convention's Objective:

“...to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.”

To address this global proliferation and toxic trade in mercury compounds and mercury-added SLPs, there needs to be a strong focus on banning mercury compound use in SLPs and reducing production, supply, demand and their overall use simultaneously. As discussed below, online platform liability reform is necessary; enforcement is a serious challenge that needs to be addressed comprehensively, and there is a need for new legal and voluntary frameworks, capacity building, and interagency and international cooperation. Importantly, this global challenge needs to be addressed as a Minamata Convention priority.

1.2 Background

Introduction

The Minamata Convention on Mercury represents a major milestone in global efforts to reduce the adverse impacts of mercury, including the recent Minamata Convention decision at the Fifth Conference of the Parties (COP5) to ban manufacture and trade of all mercury-added cosmetics, primarily SLPs by 2025. Currently, under Article 4 of the Convention, Parties are not allowed to manufacture, import or export cosmetics, including skin lightening products, with a mercury content over 1ppm.

Mercury-added skin-lighteners are sold as creams, lotions and soaps. Recent testing by the Zero Mercury Working Group (ZMWG), academia and governments around the world indicates that hundreds if not thousands of mercury-added SLP are available in the global market. Unfortunately, the most effective ingredients, which include mercury compounds and hydroquinone, etc. may be the cheapest, and that induces many manufacturers to use them in products, despite their well-documented toxic hazards.

Non-compliant mercury SLPs are not only widely available, but testing demonstrates that the same brands are often found to be sold in several countries or are available via e-commerce platforms accessible from multiple countries. The same brands were found to contain high mercury levels on several consecutive sampling occasions, in different years, and purchased from both physical shops and via e-commerce platforms.

Health risks

Mercury is known to local, state, federal, and international agencies as toxic and a risk to human health. People who use mercury-based SLPs have higher mercury exposures than others in the general population,⁴ and consumers can expose other people living in the household.⁵ SLPs containing mercury have been shown to present significant health risks, especially to pregnant women and other sensitive populations.

³ Preventing the Illegal Production and Trade of Mercury-Added Skin Lightening Creams, Presentation, David Lennett, Natural Resources Defense Council, March 2022

⁴ Carrie Dickenson, et al. 2013. Elevated mercury levels in pregnant women linked to skin cream from Mexico. Am J Obst Gyn. 209(2): e4-5.
<https://www.sciencedirect.com/science/article/pii/S0002937813005176>

⁵ Lori Copan, et al. 2015. Households from the Use of Skin Creams Adulterated with Mercurous Chloride (Calomel). Int J Environ Res Public Health 12(9):10943-54. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4586653/>

Mercury can readily enter the body via absorption through the skin, inhalation or orally. Regular use of mercury added SLPs reduces the skin's resistance to bacterial and fungal infections and can lead to rashes, skin discoloration and blotching. Long-term exposure may also damage the eyes, lungs, kidneys, digestive, immune and nervous systems.

Regular application of SLPs containing mercury can lead to skin damage, while long-term exposure to high levels of mercury in cosmetic products can cause serious health consequences, including damage to the eyes, lungs, kidneys, digestive, immune, and nervous systems.⁶ For more information, see the World Health Organization SLP fact sheet.⁷

Despite substantial health risks, of mercury compounds in SLPs are used to lighten the skin by suppressing production of melanin and acting as a bleaching agent, often in combination with other hazardous bleaching agents. Various mercury compounds that may be added to SLPs include mercuric iodide, mercury oxide, mercurous chloride (aka calomel), ethyl mercury, phenyl mercuric salts, ammoniated mercury, or mercury iodide. Based on packaging, it appears that major manufacturing of mercury-added SLPs is occurring in Pakistan, Thailand, Jamaica, China, Bangladesh, Mexico among several other countries.

Colourism

A global industry estimated to be worth \$32.1 billion by 2024,⁸ skin lighteners and whiteners are most often marketed to people of color. The widespread use of SLPs – with or without mercury – is further concerning because they are a symbol of societies grappling with internalized racism and colorism. Due to the lack of ingredients disclosure on the labels, users are often unaware of the toxic ingredients in mercury-added SLPs and the harm they pose to their health. It is not only just exposure to mercury itself, but the entire life cycle of mercury that adds to both the cumulative and disproportionate impacts on communities of color.

Around the globe, racist beauty standards are driving the use of toxic SLPs. There's a clear link between racism and the use of cosmetics, particularly SLPs. This practice was inherited from colonization--where historically people were taught to dislike their skin color. Structural racism has fueled strict beauty ideals that encourage the use of SLPs.

E-commerce

The proliferation, trade, advertising and sales of mercury added SLPs are sold through local markets and online, but e-commerce is particularly concerning given the explosion in online purchasing, during and after the pandemic. Internet sales of mercury added SLPs often involves illegal activity by online platforms, decentralized third party sellers and producers hiding in the shadows.

E-commerce has played an increasing role in meeting consumer needs. At the same time, consumers have come to rely on e-commerce platforms for compliance with product safety laws. However, testing shows that e-commerce giants have failed to ensure that cosmetics sold through their sites directly or by third-party sellers are free of toxic and illegal substances like mercury.

Violations of health, consumer, environmental and safety laws facilitated by e-commerce sites not only threaten public health, but also create an uneven playing field since “brick and mortar” stores must comply with domestic laws that may be evaded by non-domestic sellers. E-commerce further complicates the implementation of legislation, and associated inspections and sanctions for non-compliance.

⁶ Agency for Toxic Substances and Disease Registry, Public Health Statement for Mercury (March 1999)

<http://www.atsdr.cdc.gov/PHS/PHS.asp?id=112&tid=24>

⁷ [Mercury in skin lightening products \(who.int\)](http://www.who.int/news-room/fact-sheets/detail/mercury-and-human-health)

⁸ <https://iris.who.int/bitstream/handle/10665/330015/WHO-CED-PHE-EPE-19.13-eng.pdf?ua=1>

Unclear division of liabilities exist in the e-commerce supply chain. Many governments face the challenge as to whether online platforms are defined as a publisher or retailer. Laws enacted decades ago to promote internet commerce treated internet platforms like newspapers, exempting them from liability for illegal/unsafe product sales. However, internet platforms today are not like newspapers because they profit from each product sale; they control content of website and terms of sale and they often retail the product directly to consumers and represent foreign sellers who have no physical or financial presence in country.⁹

Online retailers are likely the primary distributors of mercury-added SLPs. Their frequent lack of accountability, labelling and warnings make it difficult to detect and avoid adulterated products. Moreover, in cases where the third-party seller on the platform is located outside the country where the product is purchased, the online platform is typically the only option for a consumer seeking legal redress for injuries incurred from using an unsafe product. The same may be true for regulatory agencies enforcing consumer, health and safety laws, regulations and policies.

E-commerce often cuts across the boundaries of a country's product, environment, and health and safety regulations. Regulating E-commerce is further complicated by the fact that online platforms offer and market products from different sellers in different countries. Products that are banned in a country (or region) where compliance controls are relatively efficient may still be available to the same buyers purchasing via a different country over the internet. A product is often not physically sourced or registered in the same country as the buyer and, consequently, may be perceived to be beyond the purview of the compliance mechanism established by the national jurisdiction. Issues of unclear liability may then arise, and tracking down the original manufacturer often proves to be extremely difficult.

E-commerce further complicates the implementation of regulations and associated inspections and sanctions for non-compliance, with its structure adding to the complexity of any investigation. Unclear division of liabilities exist in the E-commerce supply chain with platforms often claiming exemption from "secondary liability." The illegal production and trade of mercury-added SLPs may often continue unimpeded because of inadequate regulation, weak enforcement, and inefficient in-country, bi-lateral, regional and international cooperation, not to mention inadequate resources devoted to this issue. This lack of accountability removes incentives for platforms to ensure product safety, resulting at best in episodic efforts to remove illegal products.

Summary

In summary, the global availability and demand for mercury-added compounds and SLPs remains robust, whether purchased online or in local markets. Preventing illegal production and trade will be a long-term activity for all governments and the Minamata Convention, which cannot succeed without interagency collaboration and a globally coordinated effort on simultaneously reducing supply and demand. Called the ASGM of products, mercury added SLP trade and sales will persist into the foreseeable future long after all other Minamata Convention Article 4 banned products are eventually eliminated. Passing a law or issuing regulations will not be enough. Closing the regulatory loopholes and enforcing regulations will be necessary to curtail mercury added SLPs which is the most challenging product use to eradicate and will pose public health risks for years to come.

2 Challenges

The challenges in preventing the manufacture, import and export of mercury added cosmetics, namely mercury added SLPs, concern several areas including those listed in the COP 5 decision. These include developing a comprehensive regulatory framework designed to effectively ban the manufacture and trade of mercury added cosmetics as well as developing the support for national governments to ban the retail sales, advertising and offering of sales, while taking the respective enforcement of these measures to ensure compliance.

⁹ Preventing the Illegal Production and Trade of Mercury-Added Skin Lightening Creams, Presentation, David Lennett, Natural Resources Defense Council, March 2022

With input from our colleagues from around the world, provided below are some of the challenges identified, which include but are not limited to:

For Regulators

- Inadequate financing
- Weak legal, regulatory and policy frameworks for regulation of cosmetics.
- Lack of regulation of trade of illegal cosmetics via online platforms.
- Lack of infrastructural capacity
- Lack of monitoring portable equipment such as the XRF equipment
- Lack of inter-governmental collaborations
- Lack regional collaboration in combating cross border trade of illegal cosmetics such development of regional strategies and standards.
- Lack of awareness programs for the stakeholders, consumers and the general public
- Lack of capacity to monitoring the health impacts of skin lightening products on users such as human biomonitoring.
- Lack of capacity to gather evidence on the status of trade of illegal cosmetics to inform policy.
- Lack of political will to address the issues

For Consumers

- Lack of awareness on the risks of the use of mercury SLPs
- Easy consumer access to [toxic] products
- Consumer emphasis on survival
- Colorism and discrimination against black skin colour

For Sellers

- Lack of information on the mercury content of SLPs.
- Capitalizing on the loopholes in the weak regulatory framework.
- Uncontrolled use of the internet

Example of remaining challenges: the case of the Philippines

Despite being a Party to the Minamata Convention and enacting policies banning mercury-containing cosmetics, illegal shipments of these products continue in the Philippines. Since ratifying the Convention in 2020, the FDA has banned over 90 brands of mercury-containing cosmetics. Civil society groups have found these prohibited products sold openly and covertly in various markets and stores in Metro Manila and other areas. From March to May 2022, the EcoWaste Coalition [monitored](#) this illicit trade in 26 cities and municipalities. Tests by [BAN Toxics](#) revealed mercury levels in some products as high as 81,600 ppm, far exceeding the legal limit.

3 Preventing the illegal production and trade of mercury added SLPs

Although the skin-lightening products industry generates billions of dollars annually, mercury added SLPs represent a tiny portion of this global inventory. Clearly, there is a need for governments to work collaboratively to better monitor their presence, adopt phase out legislation, and effectively enforce against their production, trade and use.

We suggest that governments collaborate with other stakeholders to create inventories of products with mercury, create (or enforce) legislation, and establish standards (e.g., contact information of manufacturer, country of manufacture, ingredient list) for imported products. There is also a need for all retailers (e.g., local markets, third party online sellers) to be monitored and required to not advertise for sale mercury SLPs and to remove mercury-added SLPs when they are identified.

To prevent the illegal trade in mercury SLPs, the following steps should be considered¹⁰:

- Create foundation for enforcement
- Build frontline capacity
- Cross border cooperation
- Enforcement operations
- Prosecution
- Education and outreach, and
- Global information and coordination mechanism

Tools for identifying illegal production include¹¹:

- Licensing/registration requirements to import/use mercury or mercury compound
- Registration/identification of importers facilitates follow-up enforcement
- Review/revise HS codes to identify mercury-added products and mercury compounds
- Labeling requirements for cosmetics requiring full ingredient disclosure written in the language of the receiving country.

Following is an overview of legal, institutional, educational and practical measures and policies that should be considered to reduce manufacture, trade and distribution of mercury-added SLPs.

3.1 Establishing/improving the legal framework

Laws and supporting enforcement policies should be enacted to curtail mercury added SLPs in line with the Minamata Convention restrictions on mercury in cosmetics. A legal gap analysis should be conducted to determine how the relevant provisions in the Minamata Convention - prohibiting manufacture and trade of mercury added cosmetics - would be integrated into national legislation and supporting regulation (e.g., laws governing cosmetics, product safety or general restrictions on hazardous chemicals). As discussed in more detail below, supporting measures could include such provisions as ingredient lists, licensing systems, detention lists, advisories and alert systems, fines and penalties, etc.

¹⁰ Preventing the Illegal Production and Trade of Mercury-Added Skin Lightening Creams, Presentation, David Lennett, Natural Resources Defense Council, March 2022

¹¹ Preventing the Illegal Production and Trade of Mercury-Added Skin Lightening Creams, Presentation, David Lennett, Natural Resources Defense Council, March 2022

In **India**, the [Drug and Cosmetics Act, 1940](#) (lastly amended in 2016) regulates the manufacture, sales and import of cosmetics containing mercury compounds. Unintentional mercury shall not exceed one parts per million (1ppm). As per the Customs Act, 1962 (52 of 1962), to export cosmetics there is a mandatory requirement of Material Safety Data Sheet and laboratory test analysis report to be attached with the products.

In **Uganda**, the [National Environment \(Management of hazardous Chemicals and Products Containing Hazardous Chemicals\) Regulation](#) of 2021 provides for enforcement of measures for not allowing the manufacture, import or export of mercury-added products listed in Part 1 Annex A of the Minamata Convention. Also, Uganda's Environmental Management Regulation of 2019 permitting a 1ppm upper limit for mercury in cosmetics use is now out to date with latest amendments to the Minamata Convention.

In the **Philippines**, the Department of Environment and Natural Resources (DENR) issued the [Revised Chemical Control Order \(CCO\) for Mercury and Mercury Compounds in 2019](#). Its Annex 1 outlines a phase-out schedule of 2022 for cosmetic products with mercury content above 1 ppm, excluding certain eye area cosmetics. Importers, manufacturers, and distributors must register with DENR through the Environmental Management Bureau (EMB). The application process includes various forms and documents, such as environmental permits, business permits, safety data sheets, and a mercury management plan. The Revised CCO also details requirements for handling, labeling, storage, disposal of mercury wastes, spill prevention, facility closure plans, and insurance. The Food and Drug Administration (FDA), through the CCHUHSRR, is responsible for regulating cosmetic products as mandated by the Food, Drug, and Cosmetic Act and its amendments.

In **Bangladesh**, the [Bangladesh Standards and Testing Institution](#) (BSTI) is responsible for the formulation of national Standards for industrial, food, and chemical products keeping in view the regional and international standards. The operation of BSTI has significant implications for mercury management as it sets standards of allowable mercury content (as well as testing protocols of mercury) in different mercury-added products in the market. The BSTI issued a [revision of the specifications for skin creams](#) in 2019 to align with the old Minamata threshold of 1ppm for mercury-added cosmetics.

Furthermore, the legal framework should also cover other relevant areas such as mercury added compounds, where their trade is currently not regulated by the Convention, but at the same time creates a loophole as such trade facilitates their use in cosmetics.

Controlling the commercial transactions of mercury compounds used in mercury added SLPs requires two important legal or regulatory elements:

- 1) requiring the prior approval of mercury and mercury compound sales/use transactions so the government can enforce legal product manufacturing restrictions; and
- 2) establishing requirements to deter and prohibit violations by those engaged in illegal manufacturing, including severe sanctions and penalties for those repeat offenders.

In addition, the digital services space will need to be regulated, also considering consumer and product safety, given the wide availability of these products by online platforms. The online services are further addressed under Chapter 4 below.

3.2 Regulating mercury compounds¹²

The lack of mercury compound restrictions at national levels facilitates the mass production of creams in a wide range of factory sizes and sophistication. Those who trade in mercury compounds can operate with impunity across jurisdictions, often even when clearly stating the intended use of their products for the creation of SLPs.

The Minamata Convention regulates mercury on an international level and makes distinctions between the restrictions on elemental mercury and select mercury compounds. Elemental mercury is strictly regulated. For example, liquid mercury is subject to trade consent requirements pursuant to Article 3 of the Minamata Convention. This means exporters must obtain written consent from an importing country and can export only for the purpose of an allowed use under the Convention or environmentally sound interim storage.

However, mercury compounds are not strictly regulated. The definition of mercury compounds in Article 3 of the Minamata Convention is limited to six specific compounds: mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide. And even for those compounds, there are no applicable supply and trade control measures. The most common mercury compound added to SLPs is currently ammoniated mercury, but this compound is not among the list of mercury compounds included in the definition under Article 3.

As a result, from an international legal perspective, many mercury compounds are largely unregulated despite their pervasive use and deleterious health impacts. Several countries or regions have more stringent controls over the export of mercury compounds. In the United States, effective January 1st, 2020, the "statute prohibits the export of: Mercury (I) chloride or calomel; mercury (II) oxide; mercury (II) sulfate; mercury (II) nitrate; and cinnabar or mercury sulphide," but again does not include ammoniated mercury¹³.

Similarly in the EU, since 2018 mercury compounds prohibited for export are; mercury (I) chloride (Hg₂Cl₂, CAS RN 10112-91-1), mercury (II) oxide (HgO, CAS RN 21908-53-2), cinnabar ore, mercury sulfide (HgS, CAS RN 1344-48-5). Since 2020, the EU ban has been extended to include; mercury (II) sulphate (HgSO₄, CAS RN 7783-35-9), and mercury (II) nitrate (Hg(NO₃)₂, CAS RN 10045-94-0)¹⁴. While the United States has not updated the list of restricted compounds, it has the regulatory authority to do so through the EPA. In the EU, the mercury regulation could be revised accordingly. Prior reports note online vendors are not removing all products previously identified as containing high concentrations of mercury¹⁵.

Therefore, regulatory authorities in the EU and U.S. must expand their respective lists of restricted mercury compounds, and specifically include ammoniated mercury.

The production of non-compliant mercury SLPs is enabled by the unregulated trade of most mercury compounds. It is standard practice for SLP producers across the globe to manufacture products consisting of 3-4% of a mercury compound, most often ammoniated mercury (CAS number 10124-48-8)¹⁶. The lack of adequate restrictions and robust compliance has allowed the continued mass production of mercury- laden SLPs by a wide range of enterprises with varying factory sizes and sophistication.

What's concerning is that many of the countries manufacturing these products are Parties to the Minamata Convention.

Therefore, it is vital to close the loopholes that allow most mercury compounds to avoid the same scrutiny as elemental mercury while also providing greater resources for customs enforcement, under

¹² Extracts come from the [Environmental Investigation Agency report "Mercury in Retrograde"](#)

¹³ Environmental Protection Agency (EPA). (2016). Mercury Compounds; Prohibition of Export.

¹⁴ EU. (2017) Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008. <https://eurlex.europa.eu/legalcontent/EN/TXT/?qid=1531231211865&uri=CELEX:32017R0852>

¹⁵ Bender, M. & Zero Mercury Working Group (ZMWG). (2023). 'Prime' time to stop online sales of illegal high mercury skin lightening products. ZMWG. <https://www.zeromercury.org/wpcontent/uploads/2023/02/Prime-Time-Illegal-Mercury-ProductsReport-2023.pdf>

¹⁶ "A CAS Registry Number is a unique and unambiguous identifier for a specific substance that allows clear communication and, with the help of CAS scientists, links together all available data and research about that substance." CAS Registry. (2023). CAS. <https://www.cas.org/cas-data/casregistry>

the Convention and at the national level. Paragraph 13 of Article 3 provides a mechanism for initiating this process under the Convention.

At a minimum, mercury compounds should not be produced or traded for uses not allowed under the Convention. Parties must impose severe penalties for unlicensed imports of mercury or compounds, and to be effective, penalties must apply to free trade zones. Parties and companies should also consider tracking the ultimate uses for the elementary mercury exported, particularly as they relate to non-allowed activities under the Convention. Further, Parties must remedy the gap in the list of mercury compounds and close loopholes that allow these compounds to be freely traded for the production of SLPs.

Finally, a comprehensive compliance strategy is needed to address major production countries as well as transit countries through which SLPs or mercury compounds pass through. These toxic products will only cease to exist when countries shut down their production and restrict the movement of mercury compounds around the globe.

To address these concerns which were already voiced earlier, COP5, *taking into consideration* the 2017 United Nations Environment Programme report *Global Mercury Supply, Trade and Demand* and the 2023 report by the Natural Resources Defense Council on the feasibility of conducting a global inventory of mercury compound supply, use and trade,¹⁷ which provides recommendations on the available sources of data on global mercury compound production and trade, requested the Secretariat to Initiate a study of the global supply, production, trade and use of mercury compounds¹⁸, and present the report to the Conference of the Parties at its sixth meeting for consideration.

In parallel, the EU revised its mercury regulation in 2024, acknowledging among others that the illegal use of mercury and mercury compounds in cosmetic products persists at global level. In light of the detrimental effects of mercury and mercury compounds on human health and the environment, exposure and emissions should be further minimised as much as possible. As recent reports show that companies operating in the Union are manufacturing and exporting mercury compounds, resulting in illegal mercury use, in particular, in cosmetics, the Commission should report on the developments under the Convention as regards the phase-out of illegal mercury use in cosmetic products, taking into account information provided by Parties to the Convention in line with Decision MC-5/5. Furthermore, by 31 December 2029, the Commission shall report to the European Parliament and to the Council on the need to expand the list of mercury compounds set out in Annex I, by adding, for example, mercuric azanide chloride (HgNH₂Cl).¹⁹

3.3 “Detention lists,” alert systems and advisories

Detention lists and alert systems are used to identify illegal SLPs. If a product has been found or suspected by a competent government agency to be determined non-compliant, it could be added to a list of prohibited products – a so-called detention list, to notify the customs service to stop imports of the product until the importer or supplier certifies that the product is in compliance. Any source of information, such as data from CSOs, could be brought to the attention of the authorities as the basis for further investigation by government agencies. It is important to ensure that detention lists are

The [Uganda National Bureau of Standards](#) (UNBS) made the decision to develop a list of prohibited products (a “detention list”) after Post Marketing Surveillance activities had proven that some skin-lightening creams contained ingredients harmful to the skin and could lead to skin infections. The [detention list](#) was developed in consultation with the Ministry of Trade, Industry and Co-operatives, and the Kampala City Traders Association and Cosmetic Traders, in a bid to remove sub-standard cosmetics from the market, and to set appropriate standards for the sector. To that end, they agreed that some of the cosmetic products that contain hydroquinone and mercury should be banned from the Ugandan Market.

¹⁷ Available at <https://www.nrdc.org/sites/default/files/2023-10/mercury-compounds-inventory-feasibility-study-202303.pdf>.

¹⁸ This work is intended to study mercury compounds that may be used in products or processes, or that can be converted to elemental mercury. It is not intended to cover mercury compounds that fall under the definition of mercury wastes in accordance with article 11 (2).

¹⁹ <https://data.consilium.europa.eu/doc/document/PE-53-2024-REV-1/en/pdf>

regularly updated to provide up-to-date information on what is non-compliant to the public and other stakeholders.

An **alert system** is used to draw immediate attention to a non-compliant product, and to inform relevant authorities, e.g. market surveillance authorities to withdraw the product from the market. If a product has been reported to be non-compliant in other jurisdictions that have similar provisions in place, the alert system information could be shared.

Alert systems vary by country, depending on national legislation and legal provisions for product compliance. In areas with reliable internet, the system could be online; otherwise, alternatives like cell phone apps or information via healthcare providers may be used.

Ideally, an alert system should include:

- Reporting non-compliance by government agencies, customs, and police.
- Allowing academia, industry, and CSOs to report suspected non-compliance.
- Rapidly issuing alerts to stakeholders by government agencies

Examples of regional alert systems are reported under Chapter 5, as these also represent examples of regional cooperation.

Advisories are recommendations or warnings issued often by an alert system. Authorities' websites could provide concise and up-to-date information about product safety laws and the rights of consumers, along with the rights and obligations of companies. This information could take the form of advisories with associated information on legislation and alert lists. The most effective channels for reaching out to consumers depend on the country context. In countries with good Internet coverage, for example, an online system may be sufficient, whereas in other contexts a cell phone app may be more appropriate. In addition, a global database would make it easier to keep track of illegal products – and different versions of such products – that may be found in different markets.

In the **Philippines**, the FDA issues [advisories](#) of public health against the purchase and use of cosmetic products containing banned ingredients as reported in the ASEAN Post-Marketing Alert System (PMAS), (see more in chapter 3), Health Sciences Authority of Singapore, and other sources, and unnotified cosmetic products or violative products verified through post-marketing surveillance. Since the country's ratification and up to November 2023, the agency has warned against more than 90 brands found to contain mercury beyond the limit. Consumers are advised to contact the FDA to ensure proper disposal of said products. From 2012 to 2023, the FDA has issued 32 public health warnings on adulterated or violative cosmetic products found to contain mercury in its [list of Cosmetic Advisories](#). These warnings cover a total of 207 cosmetic products which were found to contain heavy metals such as lead, arsenic, and mercury. Enterprises are initially warned through public advisories to stop the distribution of unauthorized products. If outlets continue to sell unauthorized products, regulatory measures and sanctions are applied. The FDA also submits requests to local government units and law enforcement agencies to assist and support the ban of the identified products.

3.4 Licensing/registration requirements

Another method to improve transparency is with a licensing system, where manufacturers and importers would be required to disclose product ingredients, the producer, address and country of manufacture. Licensing, registration or other advance authorization should be required for import and use not only of mercury, but also mercury compounds, since compounds are typically used in mercury-added SLPs. Registration or other identification of importers facilitates follow-up enforcement as well as the collection of any fees for licensing and registration, which may be a useful source of revenue for supporting the monitoring program.

3.5 Labelling requirements

Without clear labels and proper ingredient communication, unscrupulous manufacturers undermine consumers' ability to be conscious of the compounds they are coming into contact with and choose safe products. Previous investigations of beauty products have revealed the presence of mercury in unlabeled cosmetic products, highlighting the lack of transparency by manufacturers of mercury added SLPs. Producers utilize several tactics (described in prior ZMWG reports) regarding the packaging and sales of mercury-added SLPs, including omitting mercury from ingredients lists, and labeling products "for export only"²⁰ or as "herbal products".²¹ Legislation or regulations should require labelling or other disclosure of product ingredients, which should also apply to online sales. Labeling requirements for cosmetics should include full disclosure of ingredients on the packaging. Subsequently, the failure to include mercury or mercury compounds on the product label should be viewed as a violation and subject to penalties. Furthermore, the labeling language must be understandable in the country of sale.

In **India**, all the ingredients that go into formulation of cosmetics shall comply with the provisions of IS 4707 (Part 1): 2020 "Classification of cosmetic raw materials and adjuncts".

Source: [List of raw materials generally not recognized as safe for use in cosmetics, Indian Standard Classification of Cosmetics Raw Materials and Adjuncts](#), 2009

3.6 Advertising restrictions

While mercury-added products are illegal in many jurisdictions, the legal sale and advertisement of SLPs without mercury has the adverse effect of increasing public demand for the typically cheaper and more toxic SLPs, fueling the illegal market for mercury-added substitutes. Populations from Asia, Africa, Latin America, and the diaspora are often the target of marketing campaigns and advertisements encouraging the use of SLPs.⁴ Today, there remains extensive advertising of skin-lightening products across the beauty industry.²

SLPs have often been discovered to contain mercury ingredients, yet other personal care and household products, such as soaps and body lotions have also been reported to contain harmful mercury levels.³ Advertisements for skin lighteners and related products persist across many international retail, television, and internet shopping platforms, driving the continual purchase and usage of these mercury-added products. These marketing tactics are also rooted in a racist beauty market that promotes the *"normalization of Euro-centric beauty standards around the world, coupled with deliberate marketing of harmful products to people of color to fulfill these standards."*⁴

Advertising restrictions can support product bans and restrictions by preventing media outreach to potential customers. At the same time, advertising restrictions send a clear signal to consumers that a specific product category is hazardous and should be avoided.

See below a few advertising restriction strategies that have been adopted in different countries:

²⁰ Murphy, T., Slotton, D., Irvine, K., Sukontason, K., & Goldman, C. (2009). Mercury contamination of skin whiteners in Cambodia. *Human and Ecological Risk Assessment: An International Journal*. <https://doi.org/10.1080/10807030903306877>

²¹ As reported during Kenya's national cosmetics workshop (see reference part 3.10)

In India, as mercury-laded products are banned in the country, the restriction is based on the discriminatory character of the advertisement, without targeting mercury-added SLPs. The [Drugs and Cosmetics Act \(1940\)](#) (lastly amended in 2016) has provisions and guidelines for advertising and regulations on various products including cosmetics. The [Advertising Standards Council of India \(ASCI\)](#) issued advertising guidelines for SLPs in 2014, with the main objective of stopping dissemination of information that promotes and sustains discrimination on the basis of color, race, caste, etc.

In Côte d'Ivoire, restrictions of SLP's advertisement applies only if they contain mercury or mercury-compounds. Decree 2015-288 on cosmetics and personal care products prohibits advertising SLPs containing mercury and mercury compounds.

In Nigeria, the advertisement restriction strategy is based on products authorised by the country. Regulations govern all advertising and promotion of cosmetic products manufactured, imported, exported, sold, distributed or used in Nigeria. No-one is permitted to advertise a cosmetic product unless: (1) the product has been registered by the Nigerian Agency of the Federal Ministry of Health; or (2) the advertisement has the approval of the Agency.

3.7 Allocation of responsibilities

The authority for regulating SLPs containing high mercury levels may be allocated or shared among various agencies or ministries. SLPs generally fall within the jurisdiction of consumer agencies and the Health Ministry. Domestic market surveillance will be supported by customs officials who are charged with border controls. Accordingly, it is important that all relevant agencies and stakeholders are identified early in the process, and a coordination structure is developed. Once the coordination structure is established, clear lines of responsibility are needed among the various ministries to move the process forward.

In **Kenya**, the Customs service, police and inter-agency collaboration are defined and mandated in the national legislation. Moreover, regional cooperation and harmonization of product, inspection and test methodology standards are already in place, including for cosmetic products, chemicals and wastes.

3.8 Enforcement, inspections, measurements.

A system to address non-compliance with laws and regulations is needed to effectively implement policies on product safety. Establishing a foundation for enforcement includes²²:

- Licensing/registration requirements covering products and feedstock chemicals
- Tracking use and disposal within licensing system
- Integration with Customs to maximize utility of information in system
- Use of internet-based system to facilitate ease and speed of communication with applicants and other users, and to promote staff efficiencies

²² Preventing the Illegal Production and Trade of Mercury-Added Skin Lightening Creams, Presentation, David Lennett, Natural Resources Defense Council, March 2022

In **importing countries such as Kenya**, requiring a certificate of inspection at the country of origin, such as a Pre-shipment verification of conformity (PVoC) would allow to reduce the cost of inspection by customs. Kenya has what is called Pre-shipment verification of conformity (PIVOC), which includes inspection and random tests before they are imported.

<https://www.kebs.org/pre-export-verification-of-conformity/>

Any enforcement system should include awareness raising elements to promote compliance, and a penalty framework that punishes non-compliance.

Detection and measurement capabilities are required, in the field and to monitor samples, along with certified laboratories (as relevant), evidence collection and storage, access to company records such as transaction records, invoices, bills of lading, etc.

It's important to note that XRF measurements from calibrated instruments should be sufficient to show the presence of mercury in products, without further confirmation from a laboratory, especially after the recent COP5 amendment prohibiting mercury from all cosmetics. Relevant legal adaptations would need to be made clarifying such implementation decisions.

Customs services need access to basic monitoring equipment (e.g., XRF) and training to effectively utilize the equipment. On top of customs, access to such a tool by market surveillance authorities of relevant agencies regulating SLPs can be useful. Laboratory capacity for accurate analytical work is needed if legal measures are to be taken against importers, depending on national requirements and relevant decisions.

XRF spectrometer

A field measurement of the mercury concentration in an SLP is typically obtained using an X-ray fluorescence (XRF) spectrometer, which can quickly establish the presence of mercury above the current 1ppm regulatory limit and more so after the "mercury added" limit is established. The XRF is one of the methods of choice for rapid screening (giving results in one minute or less) since it can analyze an SLP without special sample preparation. Training is required to use this device, both to use it accurately and to ensure the safety of the person(s) using the device, which is a source of radiation. Despite the general accuracy of XRF screening of a sample, follow-up analysis by an accredited laboratory may be necessary to confirm the XRF finding, such as when mercury crystals or salts are observed in a non-homogeneous SLP.

Each country should assess how to maximize access to XRFs at relevant entry points to establish a credible deterrent, taking into account available resources, and capacity for training border agents. Where the cost of the XRF device is prohibitive, a Lumex or a Jerome meter can be used as a screening device, measuring air concentrations near SLPs as the mercury volatilizes upon opening the product. Again, follow-up laboratory measurements may be needed to provide more precise readings for a small percent of the tested products until the "mercury added" limit is adopted.

Experience from **Kenya** shows that XRFs could also be very helpful for market surveillance departments of institutions charged with managing SLPs, including standards bodies.

Legal violations such as making false statements, fraud, conspiracy, perjury, etc., should also be considered during prosecution. Whichever sanction system or combination of systems is chosen, it must be supported by screening and inspections, so that companies understand they may face strict penalties if they do not comply with regulations.

Inspection, detection and measurement capabilities should be made available both in the field and supported by a certified laboratory, as relevant, when needed to confirm evidence from the field. Cooperation between market surveillance authorities and customs agencies between countries is very important to control shipments at the border.

The effectiveness of inspections depends upon the mandate of the inspectors, their qualifications and the frequency of inspections. The inspectors should be empowered to enter and inspect premises or storage facilities, search vehicles, persons and containers, take samples and seize equipment, take photographs, ask for information and evidence, and issue orders and/or apply sanctions (often with the assistance of the police). Sharing regional facilities (such as for chemical analysis) may also be a cost-effective approach.

The Swedish Chemicals Agency (KemI) carried out a compliance study in 2018 for products bought online, and identified the following challenges:

- Tracking manufacturers is often the most challenging part of the investigation, especially when labelling (if any) omits the name and contact information of the supplier. Potential sources of information include the internet service provider, domain name registries, payment service providers, and other intermediary service providers.
- An EU specific issue is that authorities in some member states are not allowed to anonymously buy products for testing, which may tip off the supplier that they are being scrutinized.
- Several of the contacted companies outside the EU did not respond to KemI's notification, request for further information, and demand to remove the product from the web.

In **Uganda**, the [National Bureau of Standards](#) (UNBS) and the [Uganda Revenue Authority](#) (URA) encourage compliance of applicable Standards by providing information on applicable standards and laws through press releases, their websites, social media platforms (Facebook, Twitter, Instagram) and WhatsApp. The enforcement agencies encourage the general public to attend meetings whenever called upon and engage with UNBS through a toll-free line to provide information (alert) about sale or distribution of illegal harmful products they come across within the country.

3.9 Sanctions, penalties and fines

Fines and penalties should be considered for illegal use of mercury in products, lack of compliance with licensing, registration or labeling requirements, or providing false information. Damages could include confiscation of illegal profits and revoking third party sales avenues. Failure to register, obtain a license or permit, etc., are violations that are easily proven.

Only prosecution will send a sufficiently powerful message industry-wide. Penalties should be large enough to serve as a deterrent, such as imprisonment, confiscation of illegal profits, and/or requiring the defendant(s) to pay prosecution costs and storage costs for seized goods upon conviction.

In **Kenya**, a few challenges related to penalties have been shared by stakeholders during a national workshop (see textbox part 3.10). Firstly, the cost of destroying illegal or substandard products is often unfairly borne by the public, whereas it should be covered by the producers, necessitating a legal revision. Secondly, the fines imposed on offenders are typically too low, allowing them to easily pay and evade substantial consequences. It is recommended that prosecution costs be made more punitive to ensure they serve as a real deterrent.

3.10 Capacity building

To achieve compliance, countries will need assistance building capacity and sharing knowledge of common tactics to monitor and regulate smugglers of mercury and mercury compounds as well as mercury added cosmetics. Compliance strategies for this product category will require institutional support for equipment and customs training as well as guidance, interagency collaboration, and domestic legislation and enforcement.

Resources are needed, particularly in the Global South, to undertake capacity building to identify and resolve gaps in legal authorities, address the key mercury compound supply chains and production facilities, publish advisories for consumers, ban advertising and display of mercury added SLPs, and strengthen the oversight of online and on-the-ground sales.

Building and integrating frontline capacity to ferret out illegal mercury SLP trade includes training and the development of a quick reference guide/check list/manual.

It also includes customs officials' capacity building and involves²³:

- Screening/Detection equipment
- Technical support
- Risk profiling (scrutinize free trade zones)
- Management of seized goods
- Coordination with licensing/registration system administrator
- Coordination with law enforcement agencies (police, or any designated body)

Capacity building for customs personnel should include technical support, the purchase of field detection equipment, guidance materials, and training in risk profiling, management of seized goods, and coordination with the licensing or registration system administrator. At the Convention level, resources should be provided for the purchase of field sampling instruments such as X-ray fluorescence (XRF) devices, to facilitate customs screening.

²³ Preventing the Illegal Production and Trade of Mercury-Added Skin Lightening Creams, Presentation, David Lennett, Natural Resources Defense Council, March 2022

Good practice example: Stakeholder's workshops in Nigeria and Kenya

Two national stakeholder's workshops have been organized in **Nigeria** and **Kenya** with local authorities and NGOs about the prevention of illegal trade of SLPs in the end of 2023, together with the ZMWG.

Co-organized by the National Agency for Food and Drug Administration and Control (NAFDAC) and [SRADeV](#) in Nigeria, and the Kenya Bureau of Standards (KEBS) and [CEJAD](#) in Kenya, the [workshop](#) included representatives from ministries, enforcement authorities, cosmetics companies, universities, and NGOs. The workshops aimed to disseminate findings from the analysis of illegal skin lightening creams, explore legal frameworks for cosmetic trade and use, examine challenges in monitoring and enforcement both on the ground and online, enhance communication and coordination among government entities for stronger enforcement, and discuss necessary actions for controlling the illegal trade of cosmetics by government and nongovernmental stakeholders.

To offer a clearer understanding of these workshops, the challenges addressed by participants and the suggested way forward, a few documents have been included in the Annex. Annex B contains Kenya's workshop program, Annex C entails an extract from Kenya's workshop report produced by CEJAD reporting from the discussions about challenges and proposed solutions. Annex D features an extract from Nigeria's workshop report produced by SRADeV on plenary discussions that addressed challenges and strategies.

At least two kinds of frontline personnel training are needed. The first is to develop the institutional capacity to prepare staff for targeted inspection activities. The second is field and investigation capacity to identify illegal SLPs, based on knowledge of mercury flows in the country and the illegal markets. Technical support includes laboratory capacity to follow up on field measurements, and a viable strategy for managing seized goods.

In **India**, campaigns have been launched to train customs and raise awareness to government agents, health professionals or consumers. Furthermore, a campaign has been launched by the organization [Toxic Links](#), releasing reports and press releases and social media campaigns, talks in colleges to raise awareness to different audiences.

Authorities in **Uganda** are developing a national awareness campaign on effects of skin lightening products on health and the environment, as there is low awareness raising of hazardous skin-lightening products among physicians, dermatologists and beauty centers staff, as well as consumers in the country yet.

3.11 Insufficient Data Collection, Testing, and Reporting Standards

Today, there remains a lack of up-to-date data globally on mercury-added products and current data collection processes are very fragmented. This leads to a lack of standardized protocols for collecting and reporting mercury cosmetics data, no established data routine for testing/surveillance, and no international presence to share data on mercury-added cosmetics.

Considering that mercury-added cosmetics are an international problem, this lack of uniformity undermines efforts to accurately monitor and regulate the presence of mercury in cosmetic products, posing potential risks to public health and consumer safety. Efforts to establish comprehensive standards and streamline data collection procedures are crucial in addressing this issue and ensuring the efficacy of regulatory measures.

In addition, current trade analyses also do not go into detail regarding the trade in mercury intended for cosmetic use. Typically, cosmetics are included in the category with "other products" that contain

mercury. Consequently, the amount of mercury used globally and regionally for this particular use is largely unknown and difficult to trace.

However, with the growing dominance of online e-commerce platforms, tracing the supply of SLPs has turned digital. In most circumstances, data is not available on the whereabouts and names of third-party sellers of SLPs, either on e-platforms or physical marketplaces. For e-commerce (and when possible physical interaction) data should be collected regarding the name of the seller and the seller's location. When seller information is collected, analysis can reveal whether one seller goes by many names or a single name across platforms, and a greater understanding of third-party sellers' tactics and place in the supply chain can be established. There is also a need for more accurately identifying supply sources and production facilities of mercury-added creams.

Establishing standardized reporting mechanisms, rather than relying solely on haphazard and different reporting, is crucial for comprehensive data collection and analysis. Global oversight ensures that information regarding mercury-related incidents and trends is centralized and accessible to relevant stakeholders internationally, facilitating more effective coordination of preventive measures and interventions.

A global data base of tested SLPs (both negative and positive for mercury) should be housed at an international agency. Considering the recent efforts from the UNEP Global Mercury Partnership (GMP) which were initiated by creating a [knowledge hub on mercury added cosmetics](#), under the GEF funded [UNEP/WHO-BRI project Eliminating Mercury Skin Lightening Products](#) a global database should be created and hosted under the GMP incorporating recent analysis of creams under the project as well as the ones included in the [ZMWG Mercury findings in skin-lightening products Online Database](#).

It would be optimal for this database to be kept up-to-date as new products are being analysed, with the ability for trusted entities/laboratories to upload results and public access to the list. In addition, consensus should be reached that a product making the list should be sufficient for other jurisdictions to remove them from shelves. Other considerations include who may submit products to the list, if the listing is permanent or if it can be removed once proven safe (and what the criteria are to determine the product line no longer has mercury [e.g., 1 year of clean products, 3, ...]), and what recourse there is for manufacturers whose creams have been doctored post-manufacturing.

3.12 Identifying, regulating manufacturers of mercury-added SLPs

The lack of adequate restrictions and robust compliance has allowed the continued mass production of mercury-laden SLPs by a wide range of enterprises with varying factory sizes and sophistication. Enforcing tighter regulations and ensuring accountability for multinational cosmetic companies is key to addressing the challenge of illegal production, product transparency and disclosure of mercury-added cosmetics.

Parties with SLP manufacturing may need support to develop a “roadmap” for phasing out mercury-added SLPs with a timeline and a potential “checklist”—for engaging and coordinating relevant ministries domestically and thorough regional cooperation and collaboration internationally—to effectively implement and enforce the Minamata Convention ban on mercury-added cosmetics including mercury SLPs²⁴.

Furthermore, we highly recommend monitoring the distribution and manufacturing chain of mercury-added cosmetic products and sharing detention lists at the local, national, regional and international level. It's also important to have clear, pre-established response plans for companies identified to be involved in illegal mercury use. In addition, the global supply chain work of this investigation should be expanded to locate all significant mercury compound sources and SLP production facilities, in conjunction with coordinated regional enforcement activities. This approach enables authorities to trace

²⁴ NRDC & ZMWG. (2017). Guide and checklist phasing out mercury-added products under Minamata Convention. UNEP. <https://www.unep.org/globalmercurypartnership/resources/guide-and-checklist-phasing-out-mercury-added-products-under-minamata-convention>

the origins of mercury-added products and mercury compounds and take appropriate regulatory actions.

Developing strategies for targeting illegal production can also include providing listings of main brand names previously known for the production of cosmetics with elevated mercury content (e.g. detention lists). These lists can serve as a valuable resource for regulators, the health community and consumers to avoid these potentially hazardous products. By combining regulatory enforcement with public education and consumer empowerment, significant strides can be made in discouraging the marketing, advertising, and display of mercury-added cosmetics.

The recent findings on illegal manufacturers and brands identified in the Environmental Investigation Agency's report²⁵ should also be seriously considered.

3.13 Sustainable financing

Countries should make an effort to establish a durable financial, legal and institutional framework for identifying and eliminating illegal SLPs. Funding sources include the Special Programme, the Global Environment Facility and other bilateral and multilateral mechanisms that support the sound management of chemicals. However, it is important that countries prioritize sustainable domestic financing rather than relying on donor funding which is often unpredictable and unsustainable. To achieve this, countries can position industry as a partner in the "integrated approach," which may help to unlock new funds or participate in cost recovery mechanisms. Examples of cost-recovery instruments are:

- fees (registration, evaluation, authorization or licensing) for placing chemicals on the market, and
- fees for inspection and verification activities.

The fees may be one-off fees, or recurring maintenance fees, such as for periodic renewal of registrations and licenses.

4 Addressing Online Sales

Current regulations on manufacturing, import, and export are not sufficient in stopping mercury exposure within our communities, as we see with the continual sale of mercury-added products across international markets. We can identify this discrepancy as a regulatory loophole, where retailers evade further anti-mercury enforcement after these products have made it past the point of import, export, and manufacture. It is for these reasons that we emphasize the need for bans on the sale and sales offerings of mercury-added cosmetics.

National laws often allow online platforms to evade responsibility for hazardous, counterfeit and illegal products sold. A number of measures must be implemented to address this failing:

1. National governments should ensure that sales of products prohibited in stores are also prohibited online; and online platforms should bear the legal responsibility for ensuring that products sold on their platforms fully comply with health and safety laws.
2. Clear liability rules should be established by national governments to cover violations of consumer product, health and safety laws for products sold over e-commerce platforms, with fines and penalties comparable to those imposed for sales in stores. Liability for consumer injuries and lack of contract performance should be similarly established.
3. E-commerce platforms should be required to screen and vet sellers and their products. Evidence of health and safety law compliance should be provided by the seller to the internet platforms, including proof that the product is genuine as labelled, disclosure of ingredients, and certifications of compliance with content requirements. Repeat violators should be prevented

²⁵ <https://us.eia.org/report/mercury-in-retrograde/>

from re-joining or remaining on the platform. Online platforms should be required to share an infringing seller's information with law enforcement.

4. Platform liability reform should include requiring verification that products meet content requirements and verification of third-party sellers. In addition, third-party sellers should be required to consent to the jurisdiction of local courts and appoint local agent acting on its behalf.
5. E-commerce platforms should publish their compliance measures where they can be verified by regulators, including a timeline for compliance. Consumers should have access to the same information online as is required for sales in stores, including labelling information.
6. Online platforms should be required to verify foreign third-party sellers, including name, geographic location and other identifying data. Third-party sellers should also be obligated to consent to the jurisdiction of the platform country's courts, and to appoint home-country legal representatives who would be authorized to act on behalf of the supplier in the case of regulatory proceedings or lawsuits from injured consumers.
7. Online platforms should be held responsible for ensuring compliance with third-party seller verification, and information/ingredient disclosure requirements. To address illegal production and trade, a strong program for controlling the legal trade of mercury-added products, including SLPs, is required so that violations of law can be clearly established and prosecuted.

In the **Philippines**, online platforms have seen a sharp rise in the trade of illicit mercury-containing cosmetics. As of February 2024, over 1,000 sellers on sites like Lazada, Shopee, and Facebook Marketplace offer these banned products, as revealed by the organization BAN Toxics.

4.1 Online Regulatory measures

4.1.1 The EU Digital Services pack

The Digital Services Act

Since February 2024, online platforms have to comply with the newly introduced [Digital Services Act](#) (DSA). The DSA contains several measures that include new responsibilities to limit the spread of illegal content and illegal products online from third-party sellers. The DSA applies to all digital services that connect consumers to goods, services, or content, and contain specific provisions for very large platforms, such as Amazon, eBay or Facebook. Find below the key liability rules for online platforms:

- Platforms must promptly remove illegal content once they become aware of it (Article 14).
- Platforms are required to verify the identity of traders and ensure the legality of the products and services offered (Article 22).
- User Reporting Mechanisms: Platforms must have mechanisms in place for users to report illegal content or goods and must act on these reports in a timely manner (Article 19).

However, there are significant limitations to these measures:

- “Limited liability”: Online platforms under the DSA are not held directly responsible for the products sold by third-party traders on their sites. While the DSA imposes obligations to remove illegal content promptly and verify traders' identities, it does not hold platforms accountable for the legality of the products themselves.
- The DSA does not impose a general monitoring obligation on the platforms. This means that online marketplaces are not required to actively seek out illegal products unless notified by third parties or trusted flaggers. When notified, the process of removing illegal content can be challenging given the vast number of products listed. While random checks and reports from users and trusted entities help identify illegal items, these methods are not foolproof.

- Once a marketplace becomes aware of illegal content, it issues a warning to the seller and assesses whether to suspend the seller based on the frequency and severity of the violations. However, this decision is left to the discretion of the marketplace, and the threshold for suspension is considered relatively high by [consumer groups](#).

The General Product Safety Regulation

Complementing the Digital Services Act with regards to product safety, the [General Product Safety Regulation](#) (GPSR) is a crucial legislative measure in the European Union designed to ensure the safety of consumer products sold both online and offline. The regulation, which entered into force in June 2023, and will apply from December 2024, is a revamp of previous legislation to align the safety requirements for online and offline sales. It includes specific obligations for online marketplaces (Article 22) when they act as intermediaries²⁶:

- Register in the Safety Gate (used to be called “RAPEX”) and follow up on orders and notices
- Design the interface to ensure display of traceability and safety information
- Cooperate with market surveillance authorities
- Be subject to ex post random checks using Safety Gate

It provides surveillance authorities sufficient enforcement powers (Article 15), such as mystery shopping and website blocking, to protect EU consumers from unsafe products. Finally, it addresses the increasing direct imports from outside the EU with the obligation to have a responsible economic operator in the EU for all non-harmonised products, who will also act as a contact point for consumers and market surveillance authorities (Article 11 and Article 16). More information can be found in the [factsheet](#) of the regulation, and more information about Safety Gate is detailed in the part 4.2.1 of this report.

It is worth noting that elements in the revised GPSR, incorporate requirements which were initially part of the voluntary Product Safety Pledge, a voluntary agreement between the Commission and the online platforms (see chapter 4.2 below).

²⁶ From the presentation of András Zsigmond, European Commission at the Global MAP workshop
https://minamataconvention.org/sites/default/files/inline-files/Global_workshop_programme_230615.pdf

4.2 Voluntary Product safety pledges

In the **Philippines**, online sales are regulated by the Department of Trade and Industry through various laws, including the Consumer Act, the Intellectual Property Code, and guidelines for online businesses. These regulations prohibit deceptive, unconscionable, and unfair online sales practices.

The Consumer Act protects consumers by ensuring transparency and fair trade through specific labeling and packaging requirements. The Intellectual Property Code governs intellectual property rights, detailing patent and trademark regulations, and prohibiting unfair competition and false advertising. Online marketplaces can be held liable if they benefit from and have control over infringing activities. Guidelines for online businesses emphasize their responsibility to protect consumers against health and safety hazards and outline consumer rights and redress mechanisms.

These regulations collectively prohibit the deceptive and unfair online sale of mercury-containing cosmetics.

Furthermore, in the Philippines, aside from advisories issued by authorities to raise awareness about specific products and related health and environmental issues, the FDA continuously coordinates with online market platforms to ensure compliance to existing laws, rules and regulations governing cosmetic products. In December 2023, the agency also released a draft of Guidelines on the Recall of Health Products Regulated by the FDA.

Over the past several years, there has been a growing interest by governments to adopt “product safety pledges,” primarily targeted to reduce online sales offerings of dangerous and hazardous products, complementing in many cases relevant regulations. A Product Safety Pledge (PSP) consists of voluntary agreements between online platforms and governments and has now spread beyond the European Union (2018 and updated in 2023) to other countries including Australia (November 2020), the Republic of Korea (April 2021), Japan (June 2023), Canada (September 2023) and, as of last November, India is examining a similar instrument.

As described by government officials, a product safety pledge represents a voluntary commitment to the government by an online platform with respect to the safety of goods sold to consumers. The pledge aims to better protect consumers from the risk of purchasing unsafe products available for sale on e-commerce platforms.

Safety pledges aim to raise standards across all online marketplaces and can also be a way for these platforms to publicly demonstrate their commitment to enhancing consumer product safety. Among others, they include taking steps to detect and prevent the sale of unsafe products, co-operating with statutory authorities responsible for product safety, raising consumer product safety awareness amongst third party sellers and empowering consumers on product safety issues. The pledges are often spearheaded by health and consumer affairs agencies and are often designed to be consistent with the Organization for Economic Cooperation and Development (OECD) guidance to encourage consistency among pledges around the world²⁷.

²⁷ <https://www.oecd.org/digital/consumer/consumer-product-safety.htm>

EU Product Safety Pledge +

The European Commission's dialogue with major e-commerce platforms (eBay, Amazon, Alibaba, and WISH) resulted in the "[Product Safety Pledge](#)", created in 2018. The pledge has been updated in 2023 and signed by eleven e-commerce platforms, becoming the "[Product Safety Pledge +](#)" and integrated into the "[Consumer Protection Pledge](#)". The Product Safety Pledge + sets up 20 areas where online intermediaries and other actors voluntarily agree to take specific actions with respect to the safety of non-food consumer products sold online by third parties on their marketplaces. These include for example a strengthened notice and takedown mechanism, proactive monitoring of recall sites such as the EU Safety Gate (see details in part 4.2.1) and additional commitments linked to recalls, transparency or trader education.

The signatories have to report how they implement the pledge every six months to the European Commission, using a list of Key Performance Indicators (KPIs) and qualitative data. The aggregated data are then compiled by a third party in a [Progress report](#).

Most of the measures in the Product Safety Pledge have been incorporated into the General Product Safety Regulation ([GPSR](#)) (see Article 22, which outlines the obligations of online marketplaces regarding product safety). While the commitments of online platforms remain voluntary, this integration highlights the effectiveness of the Product Safety Pledge in enhancing consumer protection against hazardous products sold online.

According to the 10th [progress report](#) on the implementation of the Product Safety Pledge +, 87% of identified product listings have been removed within two working days based on governmental notices provided to the established single contact points, and 73% of identified product listings removed within two working days found through the monitoring of public recall websites, such as Safety Gate.

4.3 Other measures

To better monitor online sales, other measures could include:

- Implementing online screening tools to flag toxic products and ingredients on shopping sites. This could be achieved by partnering with creators of existing online screening tools, (i.e. Clearya, Yuka), and working to develop tools pulling out from detention lists and flagging potential mercury-added products.
- Establishing accessible portals/platforms for the open reporting (from stakeholders and the public) of companies or retailers involved in suspected mercury use. This platform would enable active surveillance and timely intervention to mitigate potential risks.

5 International collaboration arrangements

There are a variety of regional and global organizations already involved in the prevention of illegal chemicals and product trade. Wildlife and ozone depleting substances are two examples of commodities where governments are coordinating activities aimed at curbing illegal smuggling.

International organizations are involved in organizing, managing and coordinating activities, and are often useful collaborators for developing integrated strategies. Market investigation cooperation such as "Operation Pangea," coordinated by organizations such as INTERPOL, the World Customs Organization, and the Permanent Forum of International Pharmaceutical Crime, can enhance enforcement efforts.

5.1 Information sharing and cooperation

Regional and global information sharing and cooperation can be established for harmonizing various activities, including product alert or detention mechanisms, market investigations and capacity building. Regional and international collaboration is essential to share costs and technical expertise, e.g., for market surveillance and enforcement, information sharing, product inspection and analysis, and training. A regional alert system, for example, can be used to rapidly share information about non-compliant products among collaborating countries.

Cross-border collaborations should be considered between countries trading SLPs and can leverage limited resources to share costs and technical expertise (e.g., for market surveillance and enforcement, information-sharing, product inspection and analysis, and training) to prevent marketing of illegal SLPs. Such collaboration can facilitate identification of companies and individuals involved, smuggling routes, methods of hiding the identity of the materials, and the magnitude of illegal operations. Joint units for monitoring and tracing dangerous and non-compliant products sold online can inform the customs service, as well as consumers, regarding products that may be non-compliant. Collaboration with other countries can help to optimize limited resources. Furthermore, international collaboration to harmonize laws creates a more level playing field for companies. Due to the efficiencies afforded by such regional collaboration, domestic resources can be freed up to support more local inspection work.

5.2 Regional information and sharing alert systems

Three current regional information sharing and alert systems are described below: the EU's Safety gate system, the Association of Southeast Asian Nations (ASEAN) Post-Marketing Alert System and the East African Community (EAC) collaboration.

5.2.1 EU Safety Gate

The EU regional risk information sharing system is the [Safety Gate](#). It has been operational since 2003 to facilitate the quick exchange of information between EU/European Economic Area (EEA) market surveillance authorities and the European Commission about non-food products posing a potential risk to the health and safety of consumers. It has been modernized and rebranded from "RAPEX" to "Safety Gate" with the publication of the General Product Safety Regulation (see Chapter VI of the regulation, art. 25 to 27). The new rules will enter into force on 13 December 2024. The [2023 annual report](#) provides a comprehensive overview of Safety Gate.

Safety Gate data helps to:

- a) prevent and restrict the supply of dangerous products;
- b) monitor the effectiveness and consistency of market surveillance and enforcement activities carried out by Member State authorities;
- c) identify needs and provide a basis for action at EU level; and
- d) facilitate consistent enforcement of the EU product safety requirements and therefore contribute to the smooth functioning of the single market.

Safety Gate comprises of three elements:

1. The [Safety Gate Rapid Alert System](#) is where national authorities and the Commission can exchange information on dangerous non-food products.

National authorities from 30 countries (EU Member States, plus Iceland, Liechtenstein and Norway) enter information on Safety Gate in the form of alerts daily. The alerts contain information about the product (product category, manufacturer, country of origin, brand name, picture, batch number), the risks it poses, and the measures taken to stop it or restrict its sale. The measures can be imposed by the authorities (compulsory measures) or taken directly by the economic operators (voluntary measures). The alerts inputted are immediately visible to all national authorities in a restricted access section of Safety Gate, are then checked by the European Commission and then circulated through the network on the [Safety Gate website](#).

National authorities are responsible for monitoring the alerts in the system and checking whether the product identified as dangerous is also for sale in their own country. They are required to report on the results of their checks with a follow-up notification on the Safety Gate. The notifications report any additional measures taken and any additional information available e.g. on distribution channels and affected batches. The public website is updated to show in which countries the product has been found and additional measures taken.

An alert always contains information about the product in question, such as the product category, manufacturer, country of origin, brand name, batch number or bar code, risk category, and a picture of the product. A summary of the notification is made available to the public, and includes elements that facilitate identification of the product, information about risks associated with the product, and measures that should be taken to prevent or reduce those risks.

In 2023, around 30% of the Safety Gate alerts concerned cosmetics, and 51% concerned chemical hazards, according to the latest [Safety Gate report](#). Safety Gate can also diffuse information reported by NGOs under certain conditions (from December 2024). Since 2005, [94 cosmetic products](#) (as of 13 June 2024) with high mercury levels have been reported on the Safety Gate Rapid Exchange Portal.

2. The [Safety Gate Portal](#) is a web portal to inform the public and enable them to submit complaints, that will be used as from 13 December 2024. If a consumer wants to report a dangerous product, they can contact their national product safety complaint service.
3. The [Safety Business Gateway](#) is a web portal to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products and accidents. If a manufacturer or distributor finds out that one of their products is dangerous, they have to inform the competent national contact in charge of receiving and dealing with alerts of dangerous non-food consumer products. Its use becomes compulsory as from 13 December 2024.

At the EU level, each Member State has a designated national contact point for the Market Surveillance Authority (MSA). However, the organization of market surveillance activities varies between [countries](#) and [sectors](#). It is up to the national authorities to design their market surveillance cooperation set-up as they see fit. For example, customs authorities may be empowered to take measures beyond collecting duties if a Memorandum of Understanding is signed between the MSA and customs.

On top of coordinating the alert mechanism, the European Commission supports the joint testing of products by EU/EEA national market surveillance authorities, including customs, by financing the [Coordinated activities on the Safety of Products](#) (CASP) initiative. CASP provides the national market surveillance authorities with a structure and funding to jointly test products and agree on common approaches and procedures, and to share knowledge and best practices for a more effective market surveillance. Find information about CASP2022 activities [here](#).

Cooperation between national MSA is also organized per sector, to better reflect the specificities of product groups. The cooperation takes place through informal groups of market surveillance authorities, called [Administrative Cooperation Groups](#) (AdCos). They meet several times per year to discuss market surveillance issues in their area of competence, and to ensure efficient, comprehensive and consistent market surveillance. There is a specific AdCo for cosmetics, that particularly is looking at applying the sectoral rules for cosmetics set in the [Cosmetics regulation](#) of 2009.

EU custom services and their relationship with market surveillance authorities

EU national customs services also exchange information, similarly to how national market surveillance authorities exchange information through Safety Gate. The exchange of risk information between customs authorities across the EU is also enhanced by the [Customs Risk Management Framework](#) (CRMF). The CRMF allows for real-time communication of risk-related data among approximately 670 customs offices and over 2,900 officers across the EU, Norway, and Switzerland. Some of the key features include a central database for risk and control information, the ability to send instant alerts via a Risk Information Form (RIF).

To enhance the information sharing between market surveillance authorities and customs, the EU is currently working on automatizing the alerts between the RIF and Safety Gate.

5.2.2 Association of Southeast Asian Nations Post-Marketing Alert System

In Asia, the ASEAN²⁸ is a regional grouping that aims to promote economic, political, and security cooperation among its ten member countries. The purpose of ASEAN was to strengthen its member countries through cooperative policies and programs. The ASEAN Post Marketing Alert System (PMAS) contributes to regional cooperation. The ASEAN (Brunei, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam), has also put in place a regional information sharing and alert system on product safety, covering cosmetics, pharmaceutical products, dietary supplements, and related products such as traditional medicines. In the event that a safety concern arises in any ASEAN country, a PMAS coordinator from that country will notify the agency's International Affairs Office, ensuring the information is distributed to all other ASEAN countries. PMAS will exchange information on:

- Products for which registration has been cancelled, suspended, or withdrawn based on safety issues;
- Products recalled from the market due to quality defects with serious public health implications;
- Products found to be adulterated and associated with serious public health implications;
- Significant label changes, involving safety, that are initiated by the regulators;
- New restrictions on usage;
- Exchange of "Dear Healthcare Professional" letters, media releases related to drug safety, and Adverse Drug Reaction bulletin publications; and
- Adverse Event Reporting of cosmetic products.

Triggers for alerts come from inspection work, academic research, and relevant decisions taken by regulatory agencies or industry. The PMAS has harmonized definitions and terminology for key aspects of adverse event reporting, as well as harmonized mechanisms for reporting.

Adverse events may be non-serious (i.e., neither lethal, life-threatening, disabling nor requiring hospitalization) but frequent enough to warrant reporting. In such a case, appropriate medical and scientific judgment is necessary to decide when the case should be reported to the competent authority.

The PMAS consists of a reporting function for government authorities in the ASEAN member states and to the companies placing the relevant products on the market, as well as an alert function under the control of government authorities. If the competent authority finds a case serious enough, they would then send an alert to the regional information sharing system, describing the product in question (such as product category, manufacturer, country of origin, brand name, name of company placing the product on the market, batch number and/or bar code, risk category, and picture of the product).

In June 2019, three cosmetic products with mercury above the permitted level were found on sale in the ASEAN region by ongoing PMAS programs, which called for withdrawal of the products²⁹.

5.2.3 East Africa Community Customs Management Act

The East Africa Community (EAC) Customs Union started when three member states (Kenya, Uganda and Tanzania) achieved the first regional integration milestone, and signed a pact that came into force in 2005 to establish free trade (or zero duty imposed) on goods and services traded amongst themselves. The EAC, which now also includes South Sudan, Democratic Republic of Congo (DRC),

²⁸ Albert, E. (2017). ASEAN: the association of Southeast Asian nations. Published by the Council on Foreign Relations. Retrieved from: <https://www.cfr.org/background/asean-association-southeast-asian-nations>

²⁹ <https://chemicalwatch.com/78664/asean-finds-six-non-compliant-cosmetic-products-on-sale>

Somalia, Burundi and Rwanda, collaborates on the management of chemicals and waste, and has requested that the Partner States:

- develop measures to control illegal trafficking of chemicals scientifically proven to be hazardous, toxic or persistent in the environment;
- adopt common measures for importation, transportation, use, storage and disposal of chemicals, chemical products, and products containing or made with chemicals;
- promote collaborative research and assessment on levels of chemical contamination, impacts to human health and the environment;
- cooperate in the exchange of technical information on new developments occurring in the sub-region or region regarding chemicals issues, and strengthen capacity.

This collaboration, which has already helped EAC customs services and other implementation and enforcement authorities to tighten control of skin-lightening products in the market, supports harmonization of laws and policies through regional activities such as:

- Carrying out joint inspection work at border crossings;
- Jointly investing in training, research and analytical capacities.

The Second Schedule of the East Africa Community Customs Management Act (EACCMA, 2004) lists goods restricted for import into the EAC. The prohibited goods include soaps and cosmetic products containing mercury or mercury compounds.

Regional policies, tools and strategies to reinforce EAC policies and control illegal trafficking of prohibited products include:

- Regional use of the EACCMA and the East African Community Common External Tariff (EAC CET), as well as the Harmonized Systems (HS) Handbook for Customs Administration in the East African Region.
- Building the knowledge and skills of customs officials and customs clearing agents with regard to the proper classification of goods, and the uniform and correct application of the Harmonized System.
- Sharing information between the Partner States, including information on bans on certain goods, changes in duty rates, increases/or exemptions of taxes on certain goods, etc.
- Encouraging other regional information sharing. The secretariat of the EAC Customs Union releases a periodic online gazette on pertinent issues to the Partner States and operates a list-serve for enforcement agencies of the Partner States, although many areas (including border posts) within these countries are not yet connected to the internet, and therefore information sharing is more challenging.
- Using the EAC Customs Valuation Manual for guidance on how to implement and uniformly interpret EAC Customs provisions within the Community.
- Relying on the interconnectivity of customs systems to facilitate a seamless flow of information between customs stations and a shared payment system to manage financial transfers.

In implementing the East Africa Community Customs Management Act (EACCMA), the **Kenya** Revenue Authority (KRA) and a multi- agency team (the Kenya Bureau of Standards, the Anti counterfeit Agency, the National Environment Management Authority and national police), enforces border control measures to prevent entry of illicit items under the EACCMA. Since the East Africa standards are harmonized across the region, market surveillance and quality assurance controls are carried out by all EAC countries.

In **Uganda**, similar activities help to prevent prohibited SLPs on the Uganda detention list from entering the country.

The Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) also have cooperation agreements in place, but they are not yet as fully functional as the EAC system.

6 Awareness raising and education

Mercury-added skin lighteners are a global market, so resources for consumers need to contain information about companies and products from around the world and in different languages. This also applies to the collection and display of skin-lightening products.

Collaboration with legal SLP producers, the medical community and NGOs, along with education and outreach to the general public, can assist in effective implementation of a country's strategy to curtail the availability and use of mercury added skin lightening products. Legally operating companies may be frustrated by the bad publicity associated with the illegal SLP trade, and NGOs with access to reliable analytical instruments can support the authorities to identify non-compliant products.

An essential strategy in raising awareness of mercury-added products is through increasing education and training within the medical field. Healthcare centers may be an effective route for distributing information to sensitive and at-risk subpopulations, e.g., pregnant women and nursing mothers.

Information on the risks of certain product ingredients could be presented through health care providers, online advisories and national detention lists, along with information on how to submit complaints to the authorities. Internationally, many doctors and medical professionals are not properly trained in identifying mercury poisoning, and the signs and symptoms of it can often be non-specific and challenging to diagnose. When individuals are chronically exposed to low doses of elemental mercury, mercury poisoning usually presents toxicity to the nervous and peripheral systems, developing into symptoms like facial tremors, behavioral changes (i.e. irritability, mood swings, depression), and other forms of muscular impairment (i.e. weakness, atrophy, twitching).^{11,12} In one case study,¹³ researchers assessed symptoms of mercury intoxication amongst skin-lightening users. Many of the patients reported tremors, moderate pain, renal damage, and varying degrees of neuropsychiatric symptoms (i.e. irritability, insomnia, depression, memory loss, etc).

The diverse spectrum and clinical overlap of these symptoms make it difficult to recognize mercury poisoning, emphasizing the need for mercury-focused medical training and educational tools. By introducing training programs, educational supplements, and routine mercury testing in medical facilities, we can effectively expand mercury poisoning diagnosis and subsequent patient treatment. Furthermore, encouraging doctors to report suspected cosmetic-related mercury poisoning would also enable local communities to better understand the health implications of mercury exposure and advise cautionary measures for mercury-added cosmetics.

We also suggest that by informing the public about the role of marketing and advertising within the cosmetics industry, we can help community members in identifying harmful marketing strategies within their daily lives and taking cautionary steps to avoid mercury-added cosmetics while shopping. To assure that mercury-related information is effectively communicated to the public, we propose implementing 1) public education tools 2) community seminars and 3) social media campaigns to reach a wide, diverse audience of community members. These techniques will be especially important in

community outreach efforts within areas known to have higher usage of mercury-added products, such as communities of color where skin lighteners are abundant and communities with a high concentration of cosmetic businesses (i.e. beauty supply stores, nail salons, makeup retail).

Building upon the current Minamata education platforms could provide a strong, effective method in improving public awareness around mercury issues. Earlier this year, Minamata and UNSSC launched the Minamata Tools¹⁴, containing training modules and tools for mercury sources, trade, products, etc. This platform be expanded to include additional resources like online screening tools, safe consumer strategies supplements, and illustrative infographics.

Additionally, the advocacy sector and other community-oriented organizations also offer the potential for expanding mercury awareness. By collaborating with non-profit organizations, advocacy groups, academia and similar parties within the personal care and environmental field, interdisciplinary awareness projects can be implemented for transparency and accountability amongst cosmetic retailers.

Finally, when shopping online, consumers should be encouraged to check if the required information is visible, e.g., warnings and traceability information such as the address and contact information of the manufacturer as well as the importer. Consumers should also be educated about where to find information on submitting complaints, their rights as consumers and how to report any issues to authorities.

Indian authorities have released research reports and organized press release, social media campaigns, special talk in colleges etc. for raising awareness. It is planned to organize various events to raise awareness webinars, social media campaigns, public lectures.

Ugandan authorities have established the UNBS Standards Technical Committee (TCs) that develop national Standards in various sectors including chemicals. UNBS identifies and invites technical and dedicated individuals to deliberate on standards in a given field. The TC consists of representatives of all interested stakeholders (Civil Society, Private Sector, Manufactures, traders, the media, Academia). The health organization BiVA is a member of UNBS Technical Committee of Standards, and participates in the review & development of national Standards.

In the **Philippines**, the Department of Environment and Natural Resources - Environmental Management Bureau, through its regional offices, conducts awareness activities on the health and environmental impacts of mercury. Local government units also play a role in raising awareness tailored to regional contexts, targeting stakeholders like consumers, distributors, and regulatory agencies. For instance, efforts include public consultations with mall administrators and cosmetic retailers (Quezon City), a "Toxic beauty" parade protesting mercury-laced cosmetics (Manila City), and the enactment of local ordinances banning mercury-containing cosmetics (Quezon City, Manila City, Baguio City).

7 Annexes

7.1 Annex A: Submission form with corresponding information with this ZMWG report Challenges in preventing the manufacture, import and export of mercury-added cosmetics and measures for addressing these challenges:

INFORMATION SUBMISSION FORM

Contact information	
Country/Organization³⁰	Zero Mercury Working Group and Environmental Investigation Agency
Family Name	Lymberidi-Settimo (contact point)
Given Name	Elena
Affiliation³¹	ZMWG International Co-coordinator
Address	
E-mail	Elena.lymberidi@eeb.org
Challenges in preventing the manufacture, import and export of cosmetics listed in Part I of Annex A to the Convention	
1. Please describe the challenges	Chapter 2
Current and planned measures: Please describe current and planned measures with regard to the following.³²	
2.1. Regulation of manufacture of mercury-added cosmetics	3.1 Establishing/improving the legal framework 3.2 Regulating mercury compounds 3.7 Allocation of responsibilities 3.12 identifying, regulating manufacturers of mercury-added SLPs
2.2. Regulation of import and export of mercury-added cosmetics	3.1 Establishing/improving the legal framework 3.2 Regulating mercury compounds 3.7 Allocation of responsibilities
2.3. Regulation of sales and offers of sales of mercury-added cosmetics³³	4. Addressing online sales 4.1 Online regulatory measures 4.3 Other measures
2.4. Strategies for discouraging the marketing, advertising and display of mercury-added cosmetics	3.6 Advertising restrictions
2.5. Advisories, detention lists and prohibited substances lists concerning mercury-added	3.3 Detention lists, alert systems and advisories

³⁰ If this is a submission from a Party or a non-party government, please provide the name of the country. In case of a submission from other stakeholders, please provide the name of the organization.

³¹ Please indicate the ministry, institution, department, section, etc. to which the contact person belongs.

³² For planned measures, please indicate the date of entry into force where possible.

³³ This might include sales on online platforms.

cosmetics (may overlap with 2.1)	
2.6. Licensing and product ingredient approvals for cosmetics manufacturing facilities (may overlap with 2.1)	3.4 Licensing/ registration requirements
2.7. Developing and implementing product safety pledges for online platforms	4.2 Voluntary product safety pledges
2.8. Raising awareness of the hazards of skin-lightening product use among physicians, dermatologists and beauty centre staff, as well as consumers and family members.	3.10 Capacity building 6 Awareness raising and education
2.9. Other measures or general measures ³⁴	3.8 Enforcement, inspections, measurements 3.9 Sanctions, penalties and fines 3.10 Insufficient Data Collection, Testing, and Reporting Standards 3.13 Sustainable financing 5. International collaboration arrangements 5.1 Information sharing and cooperation 5.2 Regional information and sharing alert systems 5.2.1 EU Safety Gate Rapid Alert System (RAPEX) 5.2.2 Association of Southeast Asian Nations Post-Marketing Alert System 5.2.3 East Africa Community Customs Management Act
Other comments	
3.1. Matters to be considered in developing a report based on the submissions	See initial section on priorities. The report should be developed in view of facilitating potential decisions by the COP for a follow up programme of work to strengthen implementation and enforcement of the Minamata provisions.
3.2. Any other comments	Today, mercury is the second most common form of heavy metal poisoning in the world. It is important to highlight that one of the highest exposure sources is from mercury SLPs. Based on recent studies it appears to be much more of a prevalent exposure risk globally than previously acknowledged, due to the lack of research and data. One recent study concludes that: "...most individuals who use these products apply skin-lightening items primarily on their face, typically from <1 to 3 times per day, for less than a year, and in quantities of 11–50g per month. From this generalized conclusion, we can estimate mercury exposure for 1 y to be 150µg mercury." ³⁵ This and

³⁴ Other measures might include strengthening the mercury measurement capacity, controlling informal manufacture or reformulation of cosmetics, etc.

³⁵ This study's conclusions are based on the compilation, synthesis, and analysis of a data set that consists of 787 skin-lightening products (manufactured in 33 countries and purchased from 20 countries worldwide) and 1,042 mercury biomarker measurements taken from 863

	<p>other studies point to the need for the Minamata Convention to prioritize exposure reduction from mercury added SLPs. According to the authors:</p> <p>“From the 2018 UN Global Mercury Assessment, it was determined that in populations with background exposures to mercury, levels of the chemical in blood, hair, and urine are generally $<5\mu\text{g/L}$, $2\mu\text{g/g}$, and $3\mu\text{g/L}$ respectively.⁴ In the current study, we observed that most of the biomarker measures (i.e., median values) in users of skin-lightening products greatly exceeded the aforementioned levels found in background populations.”</p>
Reference	
4. Please attach relevant documents or links to relevant information	

individuals, along with supportive information on usage patterns from 3,898 individuals and self-reported health impacts from 832 individuals.

7.2 Annex B : Agenda of the National Workshop on prevention of illegal trade in skin lightening creams in Kenya



**NATIONAL STAKEHOLDER'S WORKSHOP ON
PREVENTION OF ILLEGAL TRADE IN SKIN LIGHTENING CREAMS IN KENYA
AT EKA HOTEL, NAIROBI ON 23RD & 24TH NOVEMBER 2023**

TIME	SESSION	Responsible
DAY 1		
Facilitator: Moderator		
8.00-8.30	Arrival and registration	CEJAD & KEBS
8.30- 9.00	Welcome and introduction	KEBS
9.00- 9.15	Opening remarks Objectives of the workshop	KEBS/ CEJAD
9.15 – 9.30	Keynote address	MD KEBS/ PS Ministry of Environment, Climate Change and Forestry
9.30 - 10.00	Presentation: Background on mercury, the Minamata Convention and Outcome of COP 5	Ministry of Environment, Climate Change and Forestry
10.00 – 10.30	HEALTH BREAK	All
10.30 – 11.00	Documentary: What are the health and environmental impacts of skin lightening creams?	CEJAD
11.00 - 11.20	Presentation: Cosmetics standards related to mercury and prohibited substances list	KEBS
11.20. – 12.00	Presentation: Testing and Inspection of skin-lightening creams	KEBS



**NATIONAL STAKEHOLDER'S WORKSHOP ON
PREVENTION OF ILLEGAL TRADE IN SKIN LIGHTENING CREAMS IN KENYA
AT EKA HOTEL, NAIROBI ON 23RD & 24TH NOVEMBER 2023**

12.00 – 12.10	Q & A Session	All
12.00 – 12.20	Regulation of mercury skin lightening creams	Pharmacy and Poisons Board
12.20 – 12.30	Q & A Session	All
12.30 – 13.00	Presentation: Findings of monitoring of illegal mercury lightening creams on the ground and online platforms in Kenya	KEBS & CEJAD
13.00 - 14.00	LUNCH BREAK	
14.00 – 14.15	Q & A Session	
14.15 – 14.45	Presentation: The use of XRF equipment to monitor control trade in illegal mercury skin lightening creams in Kenya	CEJAD UON
14.45 - 15.00	Questions and comments	All
16.00	HEALTH BREAK & END OF DAY 1	All
Day 2, 24th November 2023		
Facilitator		
8.30- 9.00	Arrival and registration	KEBS & CEJAD
9.00 – 9.15	Recap of day 1	CEJAD
9.15 – 9.40	Presentation: Regional efforts in monitoring and enforcement of trade and sale of skin lightening creams	KEBS, CEJAD
9.45 - 10.00	Q & A	All

10.00- 10.30	HEALTH BREAK	All
10.30- 11.30	<p>Panel Discussion: What is the existing regulatory control for trade and sale of illegal mercury skin lightening creams on ground and via online markets in Kenya? what are the challenges?</p> <p><i>Panelists: Pharmacy and Poisons Board, KEBS</i></p>	Moderator
11.30 – 13.00	<p>Panel Discussion: How can we enhance the control of illegal trade and sale of skin lightening creams in Kenya?</p> <p><i>Panelists: KEBS, Pharmacy and Poisons Board, Private sector representative, CSO representative</i></p>	Moderator
13.00- 14.00	LUNCH BREAK	All
14.00- 14.30	WTO/TBT session	KEBS
14.30 - 15.30	The way forward: Strategy resolutions and recommendations.	Moderator
15.00.30	Closing of the workshop	KEBS

7.3 Annex C: Extract from the report of Kenya's national stakeholder's workshop on prevention of illegal trade in skin lightening creams (23 and 24 November 2023)³⁶

Panel Discussion 1: What is the existing regulatory control for trade and sale of illegal mercury skin lightening creams on ground and via online markets in Kenya? what are the challenges?

The panel Discussions were moderated by Griffins Ochieng, CEJAD with the panelists being KEBS and the Pharmacy and Poisons Board (PPB). The panel discussion was guided by the following questions:

- I. How is the trade and sale of mercury skin lightening creams controlled in Kenya? Is the trade of such products regulated in the e-commerce platforms in Kenya?
- II. Kenya has banned the trade and sale certain mercury skin lightening creams. Could you tell us more about how the detention list of cosmetic products work in Kenya? How successful has this approach been?
- III. What are the shortcomings and related challenges in terms of implementation and enforcement of laws? Are there any implementation/legislation gaps in controlling the trade and sale of illegal mercury skin lightening creams in Kenya?

With regards to control of trade and sale of skin lightening creams, the following were noted:

- To ensure quality of products, KEBS undertakes inspections at the country of origin for imported goods. Inspections are also done for locally manufactured goods/ products.
- All imported goods are required to be accompanied by a Certificate of Conformity (CoC) issued by appointed KEBS agent in the country of origin. Goods/ products arriving at the port without CoC are held and tested for conformity before they are released into the country.
- Sale of cosmetics in the online commerce platforms is not regulated in Kenya. As such, the authorities rely on public intelligence for online product information. PPB announced that in past they issued warnings to online sellers of unauthorized products.

The following points were made with regards to the detention list

- The current detention list was established in 2000 and has never been updated since then.
- The detention list is normally established following market surveillance where cosmetics that contain mercury and hydroquinone found in the market are banned and thereby added to the list.
- The detention list must be gazetted by the Cabinet Secretary (Minister) for Trade to be official. This makes it difficult to regularly update the list due to bureaucratic processes.
- The fines and penalties for those found selling products in the detention list are not deterrent enough hence some trades have continued to trade products that are listed as banned.
- Some companies have also devised the method of changing their brand names of products in the detention list to continue selling the products thereby making it difficult to effectively control illegal trade in such products.
- The lack of a clear framework or procedure for updating the detention hampers regular updating of the list.

In terms of challenges for implementation and enforcement of laws relating to cosmetics, the following were noted:

- The lack of clarity of the mandates of KEBS and PPB on the regulation of cosmetics hinders effective implementation and prevention of illegal trade in cosmetics. However, KEBS and PPB are working on a framework to classify cosmetics.

³⁶ The workshop was carried out under the third phase of the Africa Caribbean Pacific Multilateral Environmental Agreements programme funded by UNEP and the European Commission via the EEB/ZMWG project

- Inadequate awareness of the harmful effects of skin lightening products has created a constant demand for the products.
- The new law cosmetics law will ensure that any class 1 cosmetics product that has a medical claim is must be tested and approved by PPB.
- Some manufactures often mislabel products containing mercury as herbal to avoid scrutiny and defeat the law.



Figure: Panel discussion on existing regulatory control for trade and sale of illegal mercury skin lightening creams in Kenya

Panel Discussion 2: How can we enhance the control of illegal trade and sale of skin lightening creams in Kenya?

The panelist for this discussion included KEBS, Pharmacy and Poisons Board, Private sector representative, CSO representative. The private sector was represented by two cosmetics companies namely, Unilever Kenya Limited and L'OREAL East Africa. On the other hand, NGOs were represented by BeautyWell.

The discussion was facilitated by Griffins Ochieng, CEJAD, and was guided by the following questions.

- What initiatives have you taken to ensure banned products are not available to consumers in the on-ground markets and via e-commerce platforms?
- What are the areas that the government believes it should focus on in order to improve enforcement and effectively control trade and sale of illegal mercury skin lightening creams in Kenya?
- Which areas are external assistance needed and in what form?
- What initiatives can the private sector and e-commerce platforms employ to effectively control the trade and sale of illegal mercury skin lightening creams in Kenya?
- What role can civil society play to discourage the trade and sale of illegal mercury skin lightening creams?

On initiatives taken to ensure banned products are not available to consumers in the on-ground markets and via e-commerce platforms, the following were highlighted:

- KEBS conducts regular inspections of markets and shops to monitor sale of illegal cosmetics products. The Authority has confiscated banned products through this approach.
- KEBS has also undertaken education programs for stakeholders and consumers about the dangers of mercury in cosmetics and promote the use of natural alternatives to mercury-containing skin lightening

creams/. These initiatives have been undertaken in collaboration with other enforcement agencies, manufacturers, and civil society organization.

- PPB has employed compliance assistance approach to encourage manufacture of herbal products. The agency has also facilitated registration of all manufacturers and importers of products to promote traceability.
- Private sector initiatives highlighted during the discussion included; abiding by the European list of substances, participating in training and workshops, registration of products, education programs for consumers about the dangers of mercury and promoting the use of safer alternatives e.g advertisements to promote beauty from within – “black is beautiful adverts”.

To improve enforcement and effectively control trade and sale of illegal mercury skin lightening creams in Kenya, stakeholders identified the following:

- Strengthen the legal and policy framework for cosmetics.
- Strengthening collaboration among government agencies, the private sector, and civil society organizations.
- Increased control of the transboundary movement of illegal products across borders.
- Enhance monitoring and control of sale of cosmetics via online platforms.
- Enhance education and awareness programs for consumers.

The following areas were identified as requiring external assistance.

- Review and strengthening of legal and policy frameworks for regulation of cosmetics.
- support in acquiring monitoring portable equipment such as the XRF equipment
- Enhancing regional collaboration in combating cross border trade of illegal cosmetics such development of regional strategies and standards.
- Awareness creation programs for the stakeholders, consumers and the general public
- Regulation of trade of illegal cosmetics via online platforms.
- Monitoring the health impacts of skin lightening products on users such as human biomonitoring.
- Gathering evidence on the status of trade of illegal cosmetics to inform policy.

Way Forward

The workshop concluded with a discussion on the way forward to addressing trade in illegal skin lightening creams. The stakeholders were engaged in a presentation regarding the practical steps that are needed to combat illegal trade of skin lightening products.

Stakeholder identified strategies in three key areas that requires attention including strategies for addressing social and cultural drivers for the use of skin lightening products, strengthening legal and policy frameworks and strategies for enhancing enforcement. The strategies are outlined below.

Social and cultural drivers

1. Education and awareness campaigns: Take advantage of trending social media, influencers, community health volunteers.
2. Promotion of “black is beautiful”; through the Television (TV) adverts, packing and branding of cosmetic products.
3. Strengthen partnerships and collaborations: With private sector, Civil Society Organizations (CSOs), media, influencers and religious organization among others.
4. Encourage use of natural beauty products through regulation among other mechanisms.

Policy and legal frameworks

5. Develop a legal framework to govern trade of cosmetics on e-commerce platforms.

6. Review of laws for clarity in the regulation of cosmetics to address overlapping mandates between KEBS and PPB, harmonize fines and penalties, provide for powers to arrest and prosecute among others.

Enforcement

7. Strengthen Multiagency collaboration to encourage joint enforcement by government enforcement agencies (KRA, KEBS, PPB, NEMA, ACA, CAK, ICT Authority, PCPB and others).
8. Harmonize enforcement activities at the EAC level to curb cross-border trade in illegal products.
9. Strengthening testing and monitoring capacity: Acquisition of portable equipment e.g XRF.
10. Sensitization and training of border control officers on identification and control of illegal skin lightening products.
11. Enhance technical capacity and skills in testing and inspection of illegal skin lightening creams, and finding a way to sustain the same.
12. Collaboration with private sector, including online platforms to control illegal trade. Explore implementation of voluntary agreements with the e-commerce platform. KEBS to initiate discussions between ministry of Environment and Trade on regulation of online platforms.
13. Explore the use of remote surveillance technology such as drone technology to enhance market surveillance.
14. Promote assisted compliance approach to control illegal trade in the informal sector.
15. Implement for discouraging the marketing, advertising and display of mercury-added cosmetics

7.4 Annex D: Extract of Nigeria's report of the national stakeholder's workshop on prevention of illegal trade in skin lightening creams (12 December 2023)³⁷

Plenary discussions

Plenary 1: Stakeholders needs and challenges, National and regional strategies to combat the importation and sales of mercury-added skin-lightening creams.

Stakeholders involved in addressing the value chain management of skin lightening creams	Specific challenges and needs in combating illegal production of SLPs and sales on e-commerce platforms	National and state strategies to address the dangers of mercury in SLPs
MDAs- NAFDAC, Federal Ministries of Health (FMoH), Environment (FMEnv), Nigerian Customs Service, FCCPC, NOA, Nigerian Police, SON, LASEPA, State Ministries of Health and Environment, Lagos State Consumer Protection Agency (LASCOPA) amongst others	Regulators <ul style="list-style-type: none"> ● Inadequate financing ● Lack of infrastructural capacity ● Weak hold on online platforms ● Lack of inter-governmental collaborations ● Lack of political will to address the issues ● Weak regulatory framework 	<ul style="list-style-type: none"> ● Raise the level of awareness across stakeholders through public sensitization e.g. use of celebrities ● Improved the level of funding of agencies ● Enhance the technical capacity of the agencies through provision of testing kits. ● Improve the process of registration of cosmetics ● Improve the level of inter-governmental collaborations to end mercuric SLPs ● Enforcement and litigation measures on advertisement of e-commerce platforms. ● The need for a policy to control the functioning of online platform (legislation against advertising banned items) ● Collaboration with telecommunication companies to track online sales of mercuric SLPs

³⁷ The workshop was carried out under the third phase of the Africa Caribbean Pacific Multilateral Environmental Agreements programme funded by UNEP and the European Commission via the EEB/ZMWG project

<p>Trade Unions and Associations- Nigerian Association of Dermatologists, Nigerian Association of Hairstylists & Cosmetologists (NASHCO),</p> <p>Association Of Nigerian Cosmetics Dealers, MAN, Online platforms - Jiji, Jumia, Konga among others</p> <p>The Media, civil societies, academia, interest group and persons, consumers,</p>	<p>Consumers</p> <ul style="list-style-type: none"> ● Lack of awareness on the dangers of the use SLPs ● Easy access to the products ● Emphasis on survival ● Mental colonialism and discrimination against black skin colour 	<ul style="list-style-type: none"> ● Lobbying to bring down at the National Assembly ● The need to harness the influence and social media and religious leaders
<p>The consumers</p>	<p>Sellers:</p> <ul style="list-style-type: none"> ● Lack of information on the mercury content of SLPs. ● Capitalizing on the loop holes in the weak regulatory framework. ● Uncontrolled use of the internet 	

Participants: Onoja Damian (SRADeV); Ihejirika Ndubuisi (NAFDAC); Goriola Bayode (LASEPA); Okechukwu A. Uche (NOA), Victor Fabunmi (SRADeV Nigeria), Ekechukwu Stan (SON); and Fikayo Alabi (SRADeV)

PLENARY 2: Enhancing Capacities and Formulating Strategies for Effective Enforcement of Cosmetics Regulations in Alignment with the Minamata Convention

Q1: Challenges and capacity needs	Q2: Addressing identified challenges
Human capacity (e.g no of staff, right expertise for a job)	<ul style="list-style-type: none"> ● Employing the hands based on competence ● Capacity building such as workshops and trainings
Technology requirements	<ul style="list-style-type: none"> ● Employing the use of BAT (Best Available Technology) e.g provision of XRF machines
Complexity of policies (ECOWAS free movement of goods, border porosity)	<ul style="list-style-type: none"> ● Use of regional ECOWAS approach to encourage trading and prevent the movement of fake products/contrabands across ECOWAS State members' borders

Political interference	<ul style="list-style-type: none"> • Political will to address impunity • Sanctions and penalties should be enforced
Inadequate policies, legislations and regulations	<ul style="list-style-type: none"> • Compulsory periodic review of policies, legislations and regulations i.e. every 5years
Inadequate financial resources	<ul style="list-style-type: none"> • The need for the FGN to provide more budget to implement the MC
Inadequate data	<ul style="list-style-type: none"> • NAFDAC PIDCAMS (Post Inspection Directorate Capture and Monitoring System) if in place, must be intensified
Inadequate awareness/sensitization	<ul style="list-style-type: none"> • Awareness & sensitization programmes should be conducted regularly to online platforms/merchants, schools, policy makers, NGOs/CSOs, religious institutions as well as media using print and e-media systems (jingles, newspapers, flyers, social media, etc)

Q3: Approach for developing a National detention list

NAFDAC doesn't have a detention list and as such, there's need for continuous identification and inventory of cosmetic products above Standard limits. Then share with relevant stakeholders and the general public while updating the list periodically.

Just like the follow-up on a tripartite meeting with the online platforms, there is engagement with NAFDAC towards compiling a detention list for cosmetics.

Participants: Ahmed Bah Ibrahim (FMEnv); Aminat Ibrahim (SRADeV); Ishidi Sunday B. (NAFDAC); Idris Fahd (LASEPA); Caleb Ndu (MAN), Anthony Akpan (PAVE); Ajibola Adedoye (Environews); Dayo Ayeyemi (Ecogreen News) and Necha Akegun (SRADeV volunteer).