



IPEN QUICK VIEWS MINAMATA COP 4.2

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The following IPEN Quick Views cover a range of priority issues that will be part of the agenda for the face-to-face session of the Minamata Convention on Mercury COP 4.2. to be held in Bali, Indonesia from March 21-25th 2022. An earlier Quick Views brief was prepared for the online COP 4.1 which was mostly focused on the programme of Work and Budget for the treaty, effectiveness evaluation and National Reporting guidance. The [COP 4.1 Quick Views](#) are available on the IPEN website.

ANNEX A & B REVIEW

The review of Annex A Part I (products) by an expert group found that mercury-free alternatives now exist for most products listed in Annex A, including eye makeup (mascara was originally exempted on the basis of no mercury-free alternatives being available). Mercury use in rocket thrusters for spacecraft was also considered and alternatives identified. Annex A Part II only lists dental amalgam and its phase-down requirements. This is addressed elsewhere in these Quick Views.

Annex B Part I contains two industrial processes - chlor-alkali production and acetaldehyde production, which are subject to phase-out dates. Part II contains 3 processes where mercury use must be minimised: vinyl chloride monomer production, sodium or potassium methylate or ethylate production, and polyurethane production.

The review of Annex B (processes) by an expert group found that though there are alternatives to mercury use in polyurethane production, some countries continue to use the old method which leaves most of the mercury in the polyurethane product, which then becomes contaminated waste at its end of life. China and one European country continue to use mercury in Vinyl Chloride Monomer (VCM) production based on coal (as a precursor for PVC plastics), but low-mercury catalysts for VCM are under development. PVC can be made without this mercury-inclusive method

but China has limited oil-based precursors and uses the coal-based method with mercury catalysts which is cheaper.

IPEN has submitted information on fire gilding (gold plating) using mercury (mainly in Nepal) but no party has yet submitted any amendment to have the process included in Annex B. Fire gilding is currently not regulated by the convention, but there are alternatives. A party-based amendment proposal is required to add fire gilding to Annex B.

Related to the review, a number of countries have proposed amendments to the convention:

- The African region has proposed amendments to Annex A Part I to phase out certain mercury-added lamps by 2024 and 2025 and amending Part II with a roadmap to phase down and then prohibit the use of dental amalgam by 2029 with an end to international trade in amalgam by 2027.

IPEN supports both elements of the proposal but calls for parties to ban amalgam imports as soon as possible ahead of this date.

- The EU proposes to amend Annex A Part I to include the phase-out date of 2023 for a range of lamps, batteries, and measuring devices, as well as polyurethane containing mercury. It also proposes to amend Annex A Part II to prohibit the use of dental amalgam in children under 15, only allow amalgam use in pre-dosed encapsulated form, require dentists to use waste separators, and prohibiting bulk mercury use in dentistry. Under Annex B Part I, the EU is proposing to phase out mercury use in polyurethane production by 2023.

IPEN supports the EU amendments to Annex A Part I, but the proposal on dental amalgam in Annex A Part II is not as strong as the African proposal and is not supported. IPEN supports the EU amendments to Annex B Part I.

- Canada and Switzerland have a joint amendment proposal to Annex A Part I to remove an exemp-

tion for certain high-accuracy radio switches by 2025 and to add 3 products to Part I: satellite propellant, photographic film/paper, and wheel-balancing weights - all to be phased out by 2025.

IPEN supports the proposed amendments.

DENTAL AMALGAM

At COP 3, following debate over proposals to accelerate dental amalgam phase-down, decision MC- 3/2 required parties to take more than the two required measures in accordance with part II of Annex A to phase down the use of dental amalgam; the secretariat to collect information on implementation of such measures from parties, and collect information on non-mercury alternatives to amalgam. A report is presented in meeting document 5, but the requested action is only for parties to 'take note' of the report.

In IPEN's view the African amendment to Annex A Part II is more important for dental amalgam phase out and should be supported.

However, the longer we postpone the prohibition of dental amalgam use, the longer the opportunity for smuggling or mis-declaring dental amalgam as elemental mercury for ASGM purposes will still exist. Therefore, IPEN calls on countries to phase out and prohibit the use of dental amalgam as soon as possible to prevent the misuse of import permits and further problems with amalgam disposal and mercury waste treatment. There is nothing to prevent parties from unilaterally declaring import and export bans on dental amalgam.

IPEN also calls for parties to be far more vigilant in checking the fate of mercury dental amalgam imported into their country to ensure it is not diverted to ASGM, as evidence suggests this is occurring on a growing scale.

The Bali Declaration of COP 4 urges parties to take stronger action on illegal imports and the fate of imported dental amalgam should be investigated urgently by parties.

MERCURY WASTE

In our view, mercury waste definitions are one of the most important issues to be discussed at COP 4.2. The expert group was requested to determine how to define *waste contaminated with mercury* (also known as category C waste) and agreed that a *total concentration threshold* approach was appropriate and that leaching tests were not adequate.

Values proposed within the group include 25 mg/kg by the EU and a split value of 15 mg/kg for most waste but 1 mg/kg for waste applied to soil (e.g., biosolids) by other experts. The higher the threshold level adopted, the more waste will escape regulation and enter the environment.

IPEN supports a total concentration approach for category C waste, and we have proposed that a threshold of >1mg/kg be applied. This reflects the risk of human exposure in open dumpsites, areas where waste containing mercury has been applied to land and other high-risk scenarios affecting waste pickers and recyclers.

The expert group agreed that there should be no threshold for ASGM tailings, elemental mercury removed from the market (category A waste), or for products containing mercury (category B waste). These three groups will automatically be regarded as mercury waste without the need to test the concentrations involved. The exception may be for ASGM tailings processed with mercury-free methods.

IPEN supports this approach.

For tailings from industrial-scale non-ferrous metal mining other than primary mercury mining, which is generally, though not always, better managed than ASGM tailings, it was agreed that a two-tier approach should be applied. Tier 1 would see the tailings tested to see if they exceeded a 25 mg/kg threshold and if so, then they would be subject to a leachate test to determine if the tailings exceed 0.15 mg/L.

IPEN is of the view that this position is flawed and that the Tier 1 total threshold level should be lower (perhaps 10-15 mg/kg) and the Tier 2 leaching test may not take into account the environmental variability and sensitivity of the variety of local environments where tailings are stored. No single leachate test can address all environmental conditions.

The draft decision on this issue (meeting doc MC/COP.4/8) is very important as it contains two options. Option 1 will support the proposal for a weak threshold limit at 25 mg/kg and incorporate voluntary measures on how waste containing lower concentrations of mercury can be managed. Option 2 requires the COP to send the matter back to the expert group for them to decide a level between 1 mg/kg and 25 mg/kg that provides for the protection of human health.

IPEN supports option 2 in the draft decision. For industrial mining wastes and the two-tier system of classification, IPEN would like to see a lower tier

1 level (e.g., 10 mg/kg) and more work by the expert group on the appropriate tier 2 leachate tests to be applied depending on the location of the waste tailings. If the decision can be amended to send this issue back to the expert group, it would be a better outcome.

ASGM GUIDANCE

Article 7 requires parties with significant ASGM activities using mercury to develop and implement a national action plan on ASGM to reduce and, where feasible, eliminate mercury from use in ASGM. Decision MC-1/13 of the COP agreed to the use of the guidance to prepare NAPs and subsequently a need to improve sections on a public health strategy and preventing exposure of vulnerable populations to mercury used in ASGM.

Health guidance should include capacity building for health workers and health surveillance to identify early symptoms of mercury intoxication, other non-communicable diseases (e.g., high blood pressure, cancer, reproductive health issues, etc.) as well as communicable diseases (e.g., tuberculosis) and the potential health outcomes (e.g., birth defects, etc.). The primary health clinics also must have adequate lists of drugs/medicines to treat NCDs related to mercury exposures, such as blood pressure prescription medication and drugs to treat children with epilepsy. When possible, health units in ASGM hotspots should have a mobile unit for providing service in remote areas.

Awareness raising on the health risks of mercury should start with the health workers and then be expanded to the communities. In ASGM hotspots, the primary health clinics also should train their nurses and doctors to include questions about where the patients live, occupations, and potential contacts with mercury as the standard questions. The cause of death from ASGM-related events should also be identified and acknowledged.

WHO experts must provide guidance related to potential mercury-related diseases identified in the International Code of Diseases – Tenth Revision (ICD-10).

The WHO agreed to improve some of these elements and the updated guidance contains some of this material in sections 5.8 and 5.9. The need for guidance on ASGM tailings was also identified and updated information on this element has been provided by the Global Mercury Partnership's ASGM partnership area (a new chapter 8). The new health guidance text proposed by WHO refers to external WHO guidance

publications that contain some of this information, however, there is still room for further improvement as described in the paragraphs above.

The new proposed guidance on ASGM tailings management is acceptable, but assumes that ASGM miners will have access to resources (e.g., impermeable pond liners, concrete tailings constructions) that, in reality, they will not have or will not choose to spend their limited resources on.

IPEN supports adoption of the ASGM tailings management text in the ASGM guidance but suggest that it be reviewed in 2 years to allow for evolving management techniques to be included.

RELEASES

At COP 3, decision MC-2/3 provided for a group of technical experts to develop draft guidance on methodologies for the preparation of inventories for a list of potentially relevant point source categories of mercury release to land and water. The guidance is required as each party must report its releases to the COP no later than five years after the date of entry into force of the Convention for it, and maintain thereafter, an inventory of releases from relevant sources.

This guidance is to address releases of mercury to water and land not otherwise addressed elsewhere in the treaty. The draft decision invites parties to a) adopt the guidance developed by the expert group, b) request the group to develop BAT BEP for the sources of releases and c) to extend the mandate of the expert group to work on BAT BEP.

IPEN supports the adoption of the inventory guidance, the request to develop BAT BEP for release sources, and extending the mandate of the expert group.

EFFECTIVENESS EVALUATION (EE)

Preliminary discussions on effectiveness evaluation were held during the online session of COP 4.1. The summary of the discussion was that revised EE indicators have been developed since COP 1 in intersessional work and may be adopted at COP4.2. Norway and Canada have developed a joint CRP (UNEP/MC/COP.4/CRP.1) outlining the way forward to achieve consensus on EE. Several parties complained that the pandemic had made participation in the intersessional process difficult and that the final decisions on indicators and adopting guidance should be made at a face-to-face meeting such as COP 4.2.

The draft decision on EE includes, inter alia, a decision to commence the EE, establish a committee to oversee the process, consider the indicators for EE based on the work done so far, and consider the draft guidance on monitoring.

While the content of the existing guidance on EE, particularly indicators, may be subject to changes, IPEN supports a decision that will commence the EE process and establish an oversight committee. The EE guidance can be reviewed, and any gaps addressed, during intersessional work.

REPORTING

Most issues related to the agenda item on national reporting were discussed at COP 4.1 and IPEN provided positions on this in the [IPEN Quick Views – COP 4.1](#). The secretariat prepared a summary of the ‘short report’ outcomes which were required to be submitted by parties by December 2019. While the rate of reporting was very good, the data content was not and prevented the secretariat from advising parties on the global situation with mercury trade, stockpiles, waste management techniques, amount of primary mercury mines, or the amount of mercury mined. This is very disappointing. The long format national reports were due to be submitted by December 31, 2021, and the secretary intends to present a summary of the outcomes at COP 5. This will be the ‘Article 21 synthesis report’. At COP 4.2 it is likely that the COP will be asked to make a decision reminding parties of their reporting obligations, including clarifications made to the reporting format.

IPEN supports the draft decision including the identification of any further ambiguous elements of the reporting questions so that opportunities to capture important data are not lost in future.

GENDER

At COP 3 it was decided that the issue of gender should be mainstreamed within the convention. This is based on a range of issues, but especially the vulnerability of women of childbearing age to the effects of mercury toxicity. To achieve this objective, the secretariat was to ensure that its programmes and projects were planned and implemented from a gender equality perspective by including gender issues in the secretariat’s capacity-building projects. This includes a focus on gender issues in GEF-funded projects such as the SIP.

In early 2021 the secretariat developed a “Gender roadmap of the Minamata Convention on Mercury” and appointed an officer to focus on implementation of gender equality for the convention. A draft decision for this item requires the secretariat to report on its progress on this matter, parties to take note of the roadmap, and support the process of mainstreaming gender for the convention.

IPEN supports the draft decision.

CUSTOM CODES

Since COP 3, the secretariat has been working with the Global Mercury Partnership and other stakeholders to develop and assess the use of harmonised custom codes to help track the trade of mercury-containing products. Ten-digit codes have been proposed for mercury-added products, or alternately new six-digit codes.

It is noted that there are difficulties in adopting this approach globally as the World Customs Organisation has a formal process for creating and amending six-digit HS codes which operates on a five-year cycle for proposal, review, approval, and implementation. At the current point in that cycle, the earliest possible year for adopting six-digit HS codes for differentiating mercury-added products from non-mercury-added products would be 2027. This is too late to be effective and is designed for high-volume goods transport. With most mercury-added products phased out by 2020 the volume transported would be low.

However, the secretariat has proposed a table of 10-digit codes for most mercury-added products, based on the intersessional work since COP 3 which countries can adopt voluntarily and use for customs-tracking purposes.

IPEN supports the use of such codes where they can help detect trade in mercury-added products and give customs officers more information to restrict their movements.

CAPACITY BUILDING AND TECHNICAL ASSISTANCE (CBTA)

The secretariat has presented a summary of capacity-building efforts since COP 3, including assistance to develop Minamata Initial Assessments (MIA) and ASGM National Action Plans. The secretariat indicates that the long-format national reporting due for submission by parties by Dec 31 2021, will be analysed by the secretariat and form part of the basis for directing resources to parties for technical assistance. The documents presented are for consideration by the parties.

SPECIFIC INTERNATIONAL PROGRAMME (SIP)

A report is presented by the secretariat (MC/COP.4/13) outlining the purpose of the SIP, its accomplishments to date and examples of the types of projects that have been completed or are under implementation. While no draft decision accompanies the paper it suggests that the COP may wish to call for more funding to address the many worthy project proposals for capacity building and technical assistance that remain outstanding.

GEF FUNDING, PROGRAMME OF WORK AND BUDGET

While these issues were all dealt with at COP 4.1, there was a proviso that the COP may wish to revisit and review the budget at COP 4.2, and it is likely that a contact group will be established to undertake any review. For more information on these issues, see IPEN Quick Views for COP 4.1.



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