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**United Nations
Environment
Programme**

**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Seventh session**

Dead Sea, Jordan, 10–15 March 2016
Item 3 (b) of the provisional agenda*

**Work to prepare for the entry into force of the Minamata
Convention on Mercury and for the first meeting of the
Conference of the Parties to the Convention: matters
required by the Convention to be decided upon by the
Conference of the Parties at its first meeting**

**Compilation of information on the use of mercury waste
thresholds**

Note by the Secretariat

1. The Minamata Convention on Mercury, in paragraph 2 of article 11, defines mercury wastes as “substances or objects:
 - (a) Consisting of mercury or mercury compounds;
 - (b) Containing mercury or mercury compounds; or
 - (c) Contaminated with mercury or mercury compounds,
 in a quantity above the relevant thresholds defined by the Conference of the Parties, in collaboration with the relevant bodies of the Basel Convention [on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal] in a harmonized manner, that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law or this Convention.”
2. In paragraph 8 of its resolution on arrangements in the interim period (UNEP(DTIE)/Hg/CONF/4, annex I), the Conference of Plenipotentiaries requested the intergovernmental negotiating committee to support, as practicable and consistent with the priorities in the Convention, those activities required or encouraged by the Convention that will facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force, including in particular thresholds for the identification of mercury waste pursuant to paragraph 2 of Article 11, among other things.
3. At its sixth session, the intergovernmental negotiating committee considered the issue of mercury waste thresholds. The committee requested countries to provide the secretariat with information on their use of mercury thresholds and the levels established and requested the secretariat to compile such information for consideration by the committee at its seventh session.

* UNEP(DTIE)/Hg/INC.7/1.

4. Following the sixth session, the secretariat circulated to Governments and relevant actors a call for the submission of information in relation to waste thresholds. The deadline for submitting information was extended from 30 June to 31 August 2015 based on a request from the bureau of the committee. Submissions were received from nine countries and one regional economic integration organization and are available at <http://www.mercuryconvention.org/Negotiations/INC7/INC7submissions/tabid/4754/Default.aspx>. A compilation of the submissions is set out in the annex to the present note.
5. The committee may wish to consider the information provided in its further discussions on mercury waste thresholds at its seventh session.

Annex

Compilation of submissions on the use of mercury waste thresholds

The information set out in the table below is a summary of the information submitted by the nine countries and one regional economic integration organization named in the table. A blank box in any of the columns in the table indicates that no information of the type indicated by the heading of that column was provided.

Submitting party	Use of mercury waste thresholds or similar device	Threshold level	Additional information
Brazil	Waste containing mercury is considered hazardous waste. No threshold is used to make this determination.	The threshold for mercury leaching extracts is 0.1 mg/L. The threshold for determining if mercury-containing waste is inert, as measured by solubility tests, is 0.001 mg/L.	<i>ABNT NBR 10004/2004: Solid Waste – Classification</i> ¹ provides the norm for dealing with mercury levels in waste.
Canada	Mercury wastes are defined as hazardous wastes consistent with the definitions under the Basel Convention. No threshold is used to make this determination.	No threshold established.	Under the <i>Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations (EIHWHRMR)</i> , ² mercury materials may be designated as hazardous waste or hazardous recyclable materials. In general, provincial and territorial jurisdictions define mercury wastes as hazardous waste consistent with the federal <i>EIHWHRMR</i> and <i>Transportation of Dangerous Goods Regulations</i> . ³
China	Hazardous wastes listed on the <i>National hazardous wastes list</i> that contain mercury are treated as mercury wastes. Other wastes are identified as mercury-contaminated wastes through the application of hazardous waste identification standards.	For leaching liquids, the following threshold levels apply: <ul style="list-style-type: none"> • Methylmercury: 0.01 µg/L • Ethylmercury: 0.02 µg/L • Total mercury: 0.1 mg/L For hazardous wastes, the following concentration threshold applies for mercuric iodide, thiocyanate mercury, mercuric chloride, mercuric cyanide and mercury nitrate: 0.1%. For mercurous bromide, the threshold is 3%. For mixtures, the sum of the toxicity of the components is taken into account.	The <i>Identification standards for hazardous wastes – Identification for extraction toxicity GB5085.3-2007</i> define the mercury thresholds for leaching liquids. The <i>Identification standard for hazardous wastes – Identification for toxic substance content GB5085.6-2007</i> defines the mercury thresholds for hazardous waste. The <i>Solid waste – Extraction procedure for leaching toxicity – Acetic acid buffer solution method (HJ / T300-2007)</i> is used to determine the suitability for landfill disposal under the <i>Standard for Pollution Control on the Landfill Site of Municipal Solid</i>

¹ http://www.ccs.ufrj.br/images/biosseguranca/CLASSIFICACAO_DE_RESIDUOS_SOLIDOS_NBR_10004_ABNT.pdf. Accessed on 7 December 2015.

² <http://www.ec.gc.ca/lcpe-cepa/eng/regulations/detailReg.cfm?intReg=84>. Accessed on 4 December 2015.

³ <https://www.tc.gc.ca/eng/tdg/clear-menu-497.htm>. Accessed on 4 December 2015.

Submitting party	Use of mercury waste thresholds or similar device	Threshold level	Additional information
		For fly ash from various sectors for landfill disposal the threshold is 0.05 mg/L.	Waste regulation.
Colombia	No threshold has been established.		
European Union and its member States	The European Union does not have thresholds for defining mercury waste. Criteria exist for defining hazardous waste, for the temporary storage of waste mercury, for landfill waste and for certain waste electrical and electronic equipment. They consider that, should thresholds be used, more than one threshold for defining mercury wastes may be required given the varying nature of wastes.	No threshold established.	<i>Commission Decision 2000/532</i> ⁴ establishes a list of hazardous wastes and replaces previous decisions on the matter. In particular, paragraph 4 of the annex highlights that wastes containing mercury are considered hazardous. <i>Council Directive 2011/97/EU</i> ⁵ amends <i>Directive 1999/31/EC</i> ⁶ on the criteria for the storage of waste metallic mercury. <i>Council and European Parliament Directive 2012/19/EU</i> ⁷ on waste electrical and electronic equipment contains provisions on the environmentally sound management of waste electrical and electronic equipment and includes requirements on the separation of certain mercury compounds.
Japan	Japan currently has three types of thresholds for mercury wastes: <ul style="list-style-type: none"> • Thresholds for the specified hazardous wastes subject to the import/export regulations under the Basel Convention • Thresholds for specially-controlled industrial wastes • Thresholds for treated wastes that are required to be disposed of in isolated landfills for hazardous industrial wastes 	For hazardous waste, the following mercury thresholds apply: <ul style="list-style-type: none"> • Certain specified compounds: 0.1wt% • Wastes containing mercury nucleate, mercurous acetate, phenylmercury acetate, phenylmercuric nitrate or thiomersal: 1wt% For the import and export of solid waste for disposal operations listed in D1-D4 and R10 of Annex IV to the Basel Convention, the thresholds are: <ul style="list-style-type: none"> • Total mercury 0.5 µg/L • Alkyl mercury: any detected 	The <i>Law for the Control of Export, Import & Others of Specified Hazardous Wastes and Other Wastes</i> establishes the criteria for the classification of hazardous waste. The <i>Ambient Soil Quality Standards</i> contain regulations on the import and export of solid waste for disposal. The <i>Water Pollution Prevention Law</i> contains regulations on the import and export of liquid wastes for disposal. The <i>Waste Management and Public Cleansing Law</i> contains regulations for specially-controlled industrial wastes. The <i>Verification Standards for Industrial Wastes</i> contains regulations for wastes to be disposed of in isolated landfills for hazardous industrial wastes.

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000D0532>. Accessed on 4 December 2015.

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0097>. Accessed on 4 December 2015.

⁶ <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31999L0031>. Accessed on 4 December 2015.

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0019>. Accessed on 4 December 2015.

Submitting party	Use of mercury waste thresholds or similar device	Threshold level	Additional information
	<p>Moreover, future legislation may define some materials as recyclable materials containing mercury.</p>	<p>For other disposal operations, the thresholds are:</p> <ul style="list-style-type: none"> • Mercury or mercury compounds: 0.5 µg Hg/L • Alkyl mercury compounds: any detected <p>For the import and export of liquid waste for disposal operations listed in D1-D4 and R10 of Annex IV of the Basel Convention, the thresholds are:</p> <ul style="list-style-type: none"> • Mercury, alkyl mercury and other mercury compounds: 0.5µg Hg/L • Alkyl mercury compounds: 0.5µg Alkyl Hg/L <p>For other disposal operations, the thresholds are:</p> <ul style="list-style-type: none"> • Mercury, alkyl mercury and other mercury compounds: 0.5µg Hg/L • Alkyl mercury compounds: 0.5µg Alkyl Hg/L <p>For specially-controlled industrial wastes, except acid and alkali, from specified facilities:</p> <ul style="list-style-type: none"> • Mercury or mercury compounds: 5 µg Hg/L • Alkyl mercury compounds: any detected <p>For acid and alkali wastes for specified facilities:</p> <ul style="list-style-type: none"> • Mercury or mercury compounds: 50 µg Hg/L • Alkyl mercury compounds: any detected <p>For treated wastes required to be disposed of in isolated landfills for hazardous industrial waste:</p> <ul style="list-style-type: none"> • Mercury or mercury compounds: 5 µg Hg/L • Alkyl mercury compounds: any detected 	

Submitting party	Use of mercury waste thresholds or similar device	Threshold level	Additional information
Mexico	Waste containing mercury is defined as hazardous waste in accordance with the definitions of the Basel Convention.	For the classification of toxic waste, the permissible maximum level threshold using a leaching test is 0.2 mg Hg/L.	<i>La Ley General para la Prevención y Gestión Integral de los Residuos</i> ⁸ (General Law for the Prevention and Integrated Management of Wastes) regulates the environmentally sound management of hazardous wastes and sets the conditions for their recovery, recycling and reuse. <i>NOM-052-SEMARNAT-2005</i> ⁹ defines the mercury threshold for hazardous waste.
Norway	There is no formal definition of mercury waste. Waste containing mercury above the threshold is regulated as hazardous waste.	For hazardous waste, the threshold level is 0.1%.	Chapter 11 of the <i>Regulations relating to the recycling of waste (Waste Regulations)</i> ¹⁰ defines and regulates the treatment of hazardous waste.
Switzerland	The definition of hazardous waste refers to the hazardous characteristics of the Basel Convention.	The thresholds for mercury in wastes are: <ul style="list-style-type: none"> • For non-aqueous wastes: 5 mg/kg • For aqueous wastes: 0.01 mg/L 	The <i>Technical Ordinance on the Treatment of Waste</i> ¹¹ and the <i>Ordinance on the Remediation of Contaminated Sites</i> ¹² regulate the mercury thresholds in wastes.
United States of America	Waste containing mercury over a certain threshold is classified as hazardous.	Wastes leaching more than 0.2 mg Hg/L, as measured by the <i>Toxicity Characteristics Leaching Procedure</i> , are classified as hazardous.	The <i>United States Resource Conservation and Recovery Act</i> ¹³ regulates the classification and treatment of hazardous wastes.

⁸ http://www.pemex.com/acerca/marco_normativo/Documents/leyes/LeyGral-PGIR_051113.pdf. Accessed on 8 December 2015.

⁹ http://www.inb.unam.mx/stecnica/nom052_semarnat.pdf. Accessed on 8 December 2015.

¹⁰ <http://www.miljodirektoratet.no/no/Regelverk/Forskrifter/Regulations-relating-to-the-recycling-of-waste-Waste-Regulations/Chapter-11-Hazardous-waste/>. Accessed on 4 December 2015.

¹¹ <https://www.admin.ch/opc/de/classified-compilation/19900325/201107010000/814.600.pdf>. Accessed on 4 December 2015.

¹² <https://www.admin.ch/opc/en/classified-compilation/19983151/201503010000/814.680.pdf>. Accessed on 4 December 2015.

¹³ <http://www2.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>. Accessed on 4 December 2015.