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Information submitted by the Government of Canada in response to the requests from the seventh session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury (INC-7)

Article 10 – Environmentally Sound Interim Storage of Mercury, Other Than Waste Mercury

Regarding input that would contribute to the development of guidelines on the environmentally sound interim storage of mercury and mercury compounds:

In Canada, environmentally sound management of non-waste mercury and mercury compounds is undertaken by the federal, provincial and territorial governments. Under three federal legislative and program initiatives, guidance has been developed and implemented:

- The *Workplace Hazardous Materials Information System (WHMIS)* is Canada's national hazard communication standard and is implemented through coordinated federal, provincial and territorial legislation. All provinces and territories and federal agencies responsible for occupational health and safety have established employer WHMIS requirements within their respective jurisdictions, which ensure that controlled or hazardous products, including mercury and mercury compounds, that are used, stored, handled or disposed of in the workplace are properly labelled.
- The *Transportation of Dangerous Goods Regulations* set requirements and safety standards for the handling, offering for transport and transportation of dangerous goods in Canada, including requirements on quantity limits for mercury and mercury compounds. Note that all Canadian provinces and territories have a Dangerous Goods Handling and Transportation Act, and/or accompanying Regulations.
- The *Environmental Emergency Regulations* is a federal regulation that aims to enhance protection of the environment and human health in environmental emergency situations by promoting prevention and ensuring preparedness, response and recovery.

Below is an itemized list of guidance documents that have been developed and implemented by Canada's federal, provincial and territorial jurisdictions from which relevant information could be helpful in developing the draft guidance for mercury interim storage.

1. The Workplace Hazardous Materials Information System & Occupational Health & Safety

Document/Tool Title	Website Reference
Phase 1 of the Technical Guidance on the Requirements of the *Hazardous Products Act* and the *Hazardous Products Regulations*	http://www.hc-sc.gc.ca/ewh-semt/occup-travail/whmis-simdut/ghs-sgh/classification/hazardous-products-produits-dangereux/index-eng.php
Information Elements Required on a WHMIS 2015 Safety Data Sheet	http://www.hc-sc.gc.ca/ewh-semt/occup-travail/whmis-simdut/ghs-sgh/classification/hazardous-products-produits-dangereux/data-sheet-fiche-donnees-eng.php

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Document/Tool Title	Website Reference
Information Elements Required on a WHMIS 2015 Label	http://www.hc-sc.gc.ca/ewh-semt/occup-travail/whmis-simdut/ghs-sgh/classification/hazardous-products-produits-dangereux/label-elements-etiquette-eng.php
Province of Quebec Regulation respecting occupational health and safety	http://legisquebec.gouv.qc.ca/en/showdoc/cr/S-2.1,%20r.%2013

2. Transportation of Dangerous Goods

Document/Tool Title	Website Reference
Federal	
Transport of Dangerous Goods Regulations (TDGR)	https://www.tc.gc.ca/eng/tdg/clear-menu-497.htm
Emergency Response Assistance Plans of the TDGR	https://www.tc.gc.ca/eng/tdg/erap-menu-72.htm
Canadian Transport Emergency Centre 2016 Emergency Response Guidebook	https://www.tc.gc.ca/eng/canutec/guide-menu-227.htm

3. Environmental Emergency

Document/Tool Title	Website Reference
Environmental Emergency Regulations	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2003-307/index.html
Implementation Guidelines for the Environmental Emergency Regulation 2011	https://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=1FB6D405-1

4. Select guidance and regulations that touch on interim storage practices of chemical substances, including mercury and mercury compounds.

Document/Tool Title	Website Reference
Ontario Department of Environment Guidelines for environmental protection measures at chemical and waste storage facilities	*https://www.ontario.ca/document/guidelines-environmental-protection-measures-chemical-and-waste-storage-facilities*
Province of Quebec *Environment Quality Act*	http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/Q-2
Province of Quebec *Environment Quality Act; Regulation respecting hazardous materials*	http://legisquebec.gouv.qc.ca/en/showdoc/cr/Q-2,%20r.%2032

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Article 12 – Contaminated Sites

Regarding input on guidance documents or recommendations in relation to the management of sites contaminated with mercury:

Canada has well-established federal, provincial and territorial programs to identify, assess and remediate contaminated sites, including those contaminated by mercury or mercury compounds. Canada has established the *Federal Contaminated Sites Inventory* as well as the *Federal Contaminated Sites Action Plan (FCSAP)*, which are applicable to federal lands. Furthermore, provinces and territories have legislation, regulations, guidelines and/or a program in place to govern contaminated sites management. The Canadian Council of Ministers of the Environment (CCME) has also developed guidelines to support contaminated site identification and management.

Below, is a selected list of federal, provincial and territorial guidance documents that may be helpful during the development of draft guidance of sites contaminated with mercury.

1. **FEDERAL/ JOINT FEDERAL/PROVINCIAL/TERRITORIAL:**

(a) Site identification and characterization;

Document/Tool Title	Website reference
Guidance Manual for Environmental Site Characterization in Support of Environmental and Human Health Risk Assessment - Volume I: Guidance Manual (CCME, 2016) - Volume II: Checklists (CCME, 2016)	http://www.ccme.ca/en/resources/contaminated_site_management/assessment.html
Subsurface Assessment Handbook for Contaminated Sites (CCME, 1994)	
Canada–Ontario Decision-Making Framework (DMF) for Assessment of Great Lakes Contaminated Sediment (ECCC and MOE, 2008)	http://publications.gc.ca/site/eng/312560/publication.html

(b) Options for managing the risks posed by contaminated sites;

Document/Tool Title	Website Reference
Guidance and Orientation for the Selection of Technologies (GOST) (PSPC/NRC, 2012; Registration required)	Technologies for the treatment of mercury contaminated water, soil and sediments (http://gost.irb-bri.cnrc-nrc.gc.ca/hm.aspx?ind_lang=en).
FCSAP Decision-Making Framework (2013)	http://www.federalcontaminatedsites.gc.ca/default.asp?lang=En&n=B15E990A-1

(c) Evaluation of benefits and costs; and

Document/Tool Title	Website Reference
Sustainable Development Tool [SDT] (PSPC, 2016) Available at:	http://sdat.pwgsc.gc.ca

(d) Validation of outcomes.

Document/Tool Title	Website Reference
Guidance for Site Closure Tool for Federal Contaminated Sites (SCT) (FCSAP, 2012) • Including Tool for Risk Assessment Validation (TRAV)	http://www.federalcontaminatedsites.gc.ca/default.asp?lang=En&n=B15E990A-1

2. PROVINCIAL OR TERRITORIAL

Province/Territory	Document/Tool Title	Website Reference
British Columbia	Contaminated Sites: Site Remediation	General contaminated sites management guidance: http://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/guidance-resources
Northwest Territories	Guideline for Contaminated Site Remediation in the NWT	General contaminated sites management guidance: http://www.enr.gov.nt.ca/sites/default/files/guidelines/siteremediation.pdf
Québec	Le ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques : Guide d'intervention - Protection des sols et réhabilitation des terrains contaminés (available in French)	http://www.mddelcc.gouv.qc.ca/sol/terrains/guide-intervention/index.htm

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Article 22 – Effectiveness Evaluation

Canada is pleased to have an opportunity to provide further input in support of establishing arrangements for evaluating the effectiveness of the Minamata Convention. In 2015, following INC-6, Canada provided UNEP with detailed information on the extensive mercury monitoring activities being undertaken in our territory and consider that information to be part of this submission. At present, we would like to share Canada's views on key considerations for the effectiveness evaluation.

Scope of the effectiveness evaluation

Firstly, Canada wishes to emphasize that monitoring data is one of several important components of the effectiveness evaluation.

As described in Article 22 paragraph 3 of the treaty, the effectiveness evaluation shall be conducted on the basis of available information, including from four important sources: reports and other monitoring information provided to the Conference of Parties (COP); reports submitted under Article 21; information and recommendations from the Implementation and Compliance Committee; reports and other relevant information on the operation of financial assistance, technology transfer and capacity building under the treaty.

While the remaining part of this submission focuses on global monitoring, Canada is also of the view that the broader issue of effectiveness evaluation and the approaches to develop an appropriate framework against which to measure the Convention's effectiveness require early discussions by the COP.

Secondly, Canada recognizes the work of the Stockholm Convention on effectiveness evaluation, and recommends drawing on the successful aspects of its work, in particular with regards to establishing a global monitoring plan, and also in future with respect to its framework for evaluating the Convention's overall effectiveness. The first full effectiveness evaluation is underway and will be reporting to the Stockholm Convention's Eighth Conference of the Parties in early 2017.

Approach/ Plan for Obtaining Global Monitoring Data

Canada recommends that COP1 initiate the development of a clear approach and plan on how the collection, assessment and reporting of global monitoring data is to be undertaken. In order to develop the approach and plan for monitoring, Canada encourages the establishment of a technical expert group at COP1, with agreed upon Terms of Reference similar to those utilized by the Stockholm Convention in developing its Global Monitoring Plan.

The members of this group should consist of nominated experts from Parties, and be regionally representative. Other participants with specialized mercury monitoring expertise should also be invited, such as members from the Mercury Fate and Transport Partnership Area under the UNEP Global Mercury Partnership. Other experts on monitoring for treaty effectiveness, including from the Stockholm Convention, should also be invited to participate. Canada sees value in drawing from the successes of, as well as the lessons learned from, the Stockholm Convention global monitoring plan.

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In the course of its work, the technical expert group should conduct ongoing consultation and transparent engagement with Parties, other governments and stakeholders. The resulting draft global monitoring approach and plan would then be proposed for COP consideration.

Within the approach and plan, Canada recommends consideration of suitable core media that can be feasibly monitored and compared on a global basis. For example, for the Stockholm Convention, the COP agreed that air and human tissue would be the core media to be used in evaluating effectiveness. Canada also recommends the use of existing monitoring networks, as much as possible.

Canada also wishes to note that the Minamata Convention does not require each Party to conduct monitoring in their territory. As appropriate, monitoring on a regional basis may be sufficient to provide comparable data for global monitoring. This would provide significant savings in cost and resources to individual Parties.

Further Considerations

In 2016, there have been several parallel requests from different areas of UNEP and the Global Environment Facility to review draft reports and to complete surveys related to mercury monitoring. Canada's view is that more clarity and transparency need to be provided on how all these pieces of work are related, and their link to the future monitoring needs of the COP.

The decision on the content of a global monitoring approach and plan is to be taken by the Conference of the Parties. Therefore, Canada considers that some of these work items may be advancing prematurely, before the COP has made its decisions on its approach to monitoring arrangements.

Canada urges that funding under UNEP and GEF for mercury monitoring be used in the most effective way possible, to minimize duplication of effort, and to work on items that are requested by the COP.

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ANNEX - Stockholm Convention – tasks for the technical working group

SC COP-2/13

13. Tasks for the technical working group include:

(a) To develop criteria for evaluating programmes;

(b) To identify monitoring programmes that fulfil the criteria for contributing to the baseline data production, taking into account the updating of the information contained in the note by the Secretariat on existing human health and environment monitoring programmes (UNEP/POPS/COP.2/INF/10);

(c) To prepare a report on such programmes and others that may make useful contributions, subject to enhancement of their capacities;

(d) To outline the global monitoring plan along the lines of the principles and requirements contained in the present annex;

(e) To develop guidance for data comparability, taking into account the available guidance document produced by UNEP Chemicals;

(f) To develop an implementation plan to fulfil the minimum requirements for the first evaluation, including the following measures:

(i) Using data from regional monitoring programmes and data provided by Parties;

(ii) Ensuring that data are comparable, namely, by applying quality assurance and quality control (QA/QC) standards;

(iii) Summarizing and presenting the data on a regional basis, to be used as a baseline;

(g) To coordinate and oversee implementation of the plan in accordance with the elements described;

(h) To report on progress to the Conference of the Parties at its third meeting.