



NRDC INFORMATION FOR CONSIDERATION BY WASTE THRESHOLD EXPERT GROUP

February 15, 2019

Introduction

The Natural Resources Defense Council (NRDC) submits this information in response to the Secretariat's December 3, 2018 request for information relevant for consideration in the development of waste thresholds. Specifically, the Secretariat requested input on identifying wastes consisting of mercury (particularly mercury compounds) and wastes containing mercury (particularly mercury-added products). The Secretariat also requested input on practices for managing non-mercury mining overburden, waste rock, and tailings, among other topics.

Wastes Consisting of or Containing Mercury

A list of mercury compounds that may become wastes was recently developed by the U.S. Environmental Protection Agency (USEPA), and can be found at 83 Fed. Reg. 30073-74, Table 1 (June 27, 2018).¹

In the same rulemaking, USEPA also created a list of mercury-added products.² A more comprehensive universe of products, that includes products in which the mercury-added product is a component part, can be found in the data base developed and maintained by the Interstate Mercury Education and Reduction Clearinghouse

¹ Available at https://www.epa.gov/sites/production/files/2018-06/documents/mercury_reporting_requirements_for_the_tsc mercury_inventory_final_rule.pdf.

² 83 Fed. Reg. 30075-76 (June 27, 2018), Table 2.

(IMERC).³ Fact sheets on specific product categories developed by IMERC contain pictures the Secretariat may find helpful.

Canada's regulations generally prohibit the manufacture or import of mercury-added products, but exceptions to the prohibition are listed in the rules and therefore may be useful.⁴ EU regulations generally prohibit new types of mercury-added products. To implement the prohibition, the EU maintains an inventory of existing types of products.⁵

Mine Tailings Best Management Practices

Recent reports providing best management practices for tailings impoundments include:

- Report on Mount Polley Tailings Storage Facility Breach (by an independent expert review panel);⁶
- Mine Tailings Storage; Safety Is No Accident (by UN Environment and GRID Arendal);⁷ and
- EU Best Available Techniques (BAT) Reference Document for the Management of Waste from Extractive Industries.⁸

³ Access to the data base can be found through this webpage - <http://www.newmoa.org/prevention/mercury/imerc.cfm>.

⁴ See <https://laws-lois.justice.gc.ca/PDF/SOR-2014-254.pdf>.

⁵ See [https://circabc.europa.eu/sd/a/ef04cabe-8f8e-484f-8e2f-dcbbc352c5a2/Inventory%20art%208\(7\)%20Mercury%20Reg%202018-07-02.pdf](https://circabc.europa.eu/sd/a/ef04cabe-8f8e-484f-8e2f-dcbbc352c5a2/Inventory%20art%208(7)%20Mercury%20Reg%202018-07-02.pdf).

⁶ See <https://www.mountpolleyreviewpanel.ca/sites/default/files/report/ReportonMountPolleyTailingsStorageFacilityBreach.pdf>.

⁷ See https://gridarendal-website-live.s3.amazonaws.com/production/documents/:s_document/371/original/RRA_MineTailings_lores.pdf?1510660693.

⁸ See <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/best-available-techniques-bat-reference-document-management-waste-extractive-industries>.