

**Attachment for Question #3:**

**Has the party endeavoured to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within its territory? (Para. 5.)**

Consistent with Article 3, Paragraph 5, the United States has endeavored to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within its territory.

Within the United States, there are only two known individual stocks of mercury or mercury compounds exceeding 50 metric tons, both of which belong to the U.S. Government. The U.S. Department of Defense (DOD) has approximately 4,400 metric tons of elemental mercury and the U.S. Department of Energy (DOE) has approximately 1,200 metric tons of elemental mercury; however, all approximately 5,600 metric tons of mercury held by these two federal agencies are covered by the Mercury Export Ban Act (MEBA) and are unable to be placed for sale on either the U.S. or global market. (As of October 14, 2008, MEBA generally prohibited any Federal agency from conveying, selling, or distributing to any other Federal agency, any state or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal Government.) Therefore, these approximately 5,600 metric tons are in storage and, as a result, are not contributing to the available domestic or global mercury supply. As of December 27, 2019, DOE began operation of a long-term storage facility for elemental mercury near Andrews, Texas to comply with the provisions of MEBA directing the DOE to designate a DOE facility or facilities for the long-term management and storage of elemental mercury generated within the United States. Elemental mercury stored at this facility is classified as hazardous waste, and MEBA prohibits its removal for any purpose other than final disposal.

In addition, as part of our endeavour for the short form report of 2019 to assess sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within U.S. territory, we have considered the information collected as a result of the U.S. Environmental Protection Agency's (EPA) mercury inventory reporting rule (40 CFR Part 713). In the United States, the Toxic Substances Control Act (TSCA) requires the EPA to publish an inventory of mercury supply, use, and trade every three years. For the purposes of TSCA, "mercury" is defined to mean elemental mercury and mercury compounds. Based on the information collected for the inventory, EPA is directed to identify any manufacturing processes or products that intentionally add mercury.

EPA published the first inventory of mercury supply, use, and trade on March 29, 2017. This initial inventory report was based solely on publicly available information and is available at <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2017-0127-0002>. The second inventory, expected on or before April 1, 2020, will be the first mercury inventory based on

information reported under EPA's final mercury inventory reporting rule, which was finalized in June 2018. The rule establishes requirements for reporting on the supply, use, and trade of mercury in the United States in support of EPA's triennial inventories. Companies, organizations, or individuals who manufacture or import mercury or mercury-added products or otherwise intentionally use mercury in a manufacturing process must report their mercury information to EPA. EPA is currently in the process of collating, assessing, and reviewing the information reported from non-federal sources as of July 1, 2019 under the mercury inventory reporting rule. More information on the rule and information collection is available at <https://www.epa.gov/mercury/reporting-requirements-mercury-inventory-toxic-substances-control-act>. Based on the preliminary review of the data collected for calendar year 2018 under EPA's mercury inventory reporting rule, individual stocks of elemental mercury or mercury compounds exceeding 50 metric tons and mercury supply generating stocks exceeding 10 metric tons per year are expected to be extremely limited in the United States. As noted above, EPA's full 2020 mercury supply, use and trade report will be available publicly on or before April 1, 2020 and more information based on that report will be provided in the next reporting period to be concluded in 2021.