



Submission from Switzerland in response to the requests from the seventh session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury (INC7)

Article 7 - Artisanal and small-scale gold mining

Governments and others are encouraged to submit to the interim secretariat their comments to improve the “draft guidance on developing a national action plan to reduce and, where feasible, eliminate mercury use in artisanal and small-scale gold mining” as contained in document UNEP(DTIE)/Hg/INC.7/17 available at:

www.mercuryconvention.org/Negotiations/INC7/tabid/4506/Default.aspx

The draft guidance will be amended based on the comments received and presented for consideration by the Conference of the Parties at its first meeting.

Governments and others are reminded of the request by WHO for input to its work on the development of public health strategies on artisanal and small-scale gold mining, which once finalized will be integrated into the draft guidance. Further information may be found in document UNEP(DTIE)/Hg/INC.7/INF/7 available at:

www.mercuryconvention.org/Negotiations/INC7/tabid/4506/Default.aspx

In general we are satisfied with the draft guidance on developing national ASGM. Nevertheless we would like to suggest to incorporate the following comments:

-We consider the experience sharing through different knowledge platforms to be an important point.

These platforms must allow to reach mining communities in order to have impact on the ground.

-The section on strategies for reducing emissions, releases, and risks of exposure (starting on p. 53) should be more precise on who is to take the measures that are mentioned. If measures are to be taken by the miners the guidance should take into account the realities on the field which make it difficult for miners to take measures even if they see potential benefits.

-One of the barriers for miners to take action to reduce mercury use is their financial situation. The guidance should address the challenge of financial resources in more depth and make the government think to create possibilities for miners that are not formalized to have access to financial resources like for example credits. Furthermore, as financial situation is a barrier, examples should be described on how to reduce mercury use with low financial investment. Some measures to improve the process might already be taken and are not that expensive.

-The section on mining titles and related obligations and rights (p. 43) should elaborate on policies that incentivize the formalization of actors in the informal sector nor about policies that prepare for such formalization through preliminary steps. Policy makers have to take into account the reality of informal miners, and alternatives have to be found for example concerning the requirements on concession title. Concessions are often already given to bigger extracting companies so that indigenous and small scale miners have no possibilities to get a mining concession.

It is clear that the requirements to get formalized have to be demanding, but they have to be possible to be fulfilled as well.

The example of Colombia about mediation offered from the government between a concession owner and indigenous should be explained in the guideline.

-Techniques/technologies: (p. 55-57) The guidance should refer more clearly to the different local situations that require different techniques and technologies. Most likely the one mercury free

technique that works in every region does not yet exist and the different options have to be considered

with regard to local specificities. The first objective should be to drastically reduce the use of mercury. Therefore, instead of waiting for THE mercury free process, example of pilot projects which reduced the mercury use could be described in this guidance.

-The section on mercury supply, trade and ASGM (p. 58) should also mention that customs officers need training and resources to be able to control mercury shipments like imports.

Article 10 - Environmentally sound interim storage of mercury, other than waste mercury

Governments and others are reminded of the deadline of 30 April 2016 for the nomination of experts to participate in the development of guidelines on the environmentally sound interim storage of mercury and mercury compounds, other than waste mercury. They are further invited to submit to the interim secretariat information that would contribute to the development of such guidelines. Information relating to sound mercury interim storage practices adopted and successfully implemented by countries submitted in follow up to INC6, compiled in document UNEP(DTIE)/Hg/INC.7/18 and available at <http://mercuryconvention.org/Negotiations/INC7/INC7submissions/tabid/4754/Default.aspx> would be taken into consideration in drafting the guidelines and do not need to be resubmitted. Nominated experts and stakeholders would be invited to provide comments on an initial draft of the guidelines in July 2016, as well as on a revised draft of the guidelines in December 2016.

-In the framework of the Minamata Convention, Switzerland is on the way to strictly adopt both the legal framework as well as enforcement procedures. Newly four regulations in the fields of chemistry safety, waste definition, transboundary movement of waste and new waste codes are foreseen to be set into force by autumn 2017. There will be no total ban on mercury export and import to allow a new sustainable

solution in the field of environmentally safe disposal of surplus mercury.

-We would like to confirm Mr. Andreas Gössnitzer (andreas.goessnitzer@bafu.admin.ch) as our expert for the development of guidelines on environmentally sound interim storage of mercury, other than waste mercury as already announced to the secretariat.

-We are looking forward to providing comments on the draft in December 2016.

Article 11 - Mercury wastes

Governments and others are invited to provide to the interim secretariat additional information on the use of mercury waste thresholds. Information received will be compiled by the interim secretariat and presented for consideration by the Conference of the Parties at its first meeting. Information submitted will also support the work carried out in response to the agreement by INC7 for informal efforts to propose appropriate thresholds to be pursued by those with the relevant expertise.

-Switzerland has strong mercury thresholds and guidelines in place and enforces them. (e.g. thresholds in the Ordinances on Waste and the Ordinance on Contaminated Sites (-> article 12).

-The new ordinances elaborated to contribute to the implementation of the Minamata Convention do not yet specify mercury waste thresholds. Nevertheless environmentally safe state-of-the-art techniques are ensured applying low thresholds within the waste ordinance for recycled materials, raw materials in cement and concrete production as well as for landfill sites. Low thresholds as mentioned in the table below combined with foreseen regulations to safely dispose excess mercury permanently (e.g. underground storage in used salt mines) provide a basis to drain excess mercury from the market place.

Further developments will be communicated to the secretariat.

Mercury thresholds in the Waste Ordinance

Annex 3 (ref. in article 17)	Requirement for demolition and excavation material (unpolluted)	0,5 mg Mercury / kg dry matter
Annex 3 (ref. in article 17)	Requirement for demolition and excavation material (subject to further use in construction materials)	1 mg Mercury / kg dry matter
Annex 4 (ref. in article 24)	Requirement for waste, used as raw material in cement and concrete production 1) Use of waste as raw material and raw mix corrective in cement clinker production 2) Use of waste as alternative fuel in cement clinker production	1 mg Mercury / kg dry matter 1 mg Mercury / kg dry matter
Annex 5	Requirement for waste put in a landfill 1) Type B landfill (inert waste) 2) Type C landfill (solidified fly ashes of MSWI ¹) 3) Type D landfill (slag of MSWI) 4) Type E landfill (other waste, slightly reactive)	2 mg Mercury / kg dry matter 0,01 mg Mercury / Liter dry matter (leaching) The total content of mercury may not exceed 5 mg / kg dry matter for metal-containing, inorganic and badly soluble waste 5 mg Mercury / kg dry matter 5 mg Mercury / kg dry matter

<https://www.admin.ch/opc/de/classified-compilation/20141858/index.html>

¹ municipal solid waste incineration

Article 12 - Contaminated sites

Governments and others are invited to provide to the interim secretariat input on guidance documents or recommendations in relation to the management of sites contaminated with mercury. The interim secretariat will prepare a compilation to be used as a basis for a draft guidance document on the management of mercury-contaminated sites, and an outline of its structure and content together with a roadmap for consideration by the Conference of the Parties at its first meeting, using the submitted documents as the basis of its work and including the elements described in paragraph 3 of Article 12 and taking also into account paragraph 4 of Article 12. Article 22 - Effectiveness evaluation

Governments, regional and subregional monitoring programmes and partnerships, the World Health Organization, regional representatives, regional and national institutions, academia, industry, civil society and others as appropriate are invited to submit to the interim secretariat information on existing monitoring programmes and how they can contribute to an overall monitoring approach, including availability of baseline information. Submissions that would complement the information provided by Governments and relevant organizations in follow up to INC6, compiled in document UNEP(DTIE)/Hg/INC.7/12 and available at <http://mercuryconvention.org/Negotiations/INC7/INC7submissions/tabid/4754/Default.aspx>, are particularly encouraged. They are further invited to provide contact details for any individual whom they would designate to participate in consultations conducted via electronic means for the development of a roadmap as well as a report on effectiveness evaluation.

In Switzerland a polluted site has to be registered in the catastro if the concentration of mercury in soil exceeds 0.5 mg/kg.

The concentration values for mercury in soil were established 2013 (the reports in French and German can be found here (French) <http://www.bafu.admin.ch/altlasten/01611/index.html?lang=fr>) :

For **agricultural soil**:

- Trigger value 0.5 mg/kg
- Clean-up value 20 mg/kg

Between 0.5 and 20 mg/kg, a risk assessment has to show if restriction of uses are necessary. Above 20 mg/kg, the soil has to be remediated and its utilization is forbidden until the remediation has taken place.

For sites in **private gardens and allotments, children's playgrounds and other places where children play regularly**:

- Clean-up value 2 mg/kg.
- there is no trigger value, because restrictions of use for children are not acceptable.

Between 0,5 and 2 mg/kg, there is no restriction for children, but it is recommended to cultivate only vegetables that don't accumulate mercury.

A study about the relevance of **methyl-mercury** was performed in 2013 and is also available here (in French): <http://www.bafu.admin.ch/altlasten/01611/index.html?lang=fr>

The risk for **groundwater** is difficult to define. When the concentration in the soil does not exceed 2 mg/kg, there is no risk for groundwater. But studies that will be completed in 2016-2017 will have to show from which concentration in the soil onwards, there is an effective risk for groundwater.

If the concentration of mercury in **groundwater** exceeds 0.5 µg Hg/l (for usable groundwater) or 2 µg Hg/l (for other groundwater), there is a need of remediation.

Switzerland, as many other countries, has a step-by-step approach for the management of contaminated sites (available in French and English):
<http://www.bafu.admin.ch/altlasten/12163/12168/index.html?lang=en>
This approach is useful to fix priorities and permits to remediate the very problematic sites first.

Mercury thresholds in the Contaminated Sites Ordinance

Annex 1	Concentration value for assessing the impact of polluted sites on ground and surface waters	0,001 mg Mercury / l
Annex 2	Concentration value for the assessment of interstitial air at polluted sites	0,005 ml Mercury / m ³
Annex 3	Concentration value for the assessment of the need for remediation of soil (sites in private gardens and allotments, children's playgrounds and other facilities where children play regularly)	2 mg Mercury / kg

<https://www.admin.ch/opc/de/classified-compilation/19983151/index.html>