To:

Prime Minister Naoto Kan

Minister of Foreign Affairs Seiji Maehara

Minister of Environment Ryu Matsumoto

Minister of Health, Labour and Welfare Ristuo Hosokawa

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NPO Toxic Watch Network

7-10-1, Kameido Koto-ku Tokyo, 136-0071 JAPAN

President Shigeharu Nakachi

NPO Japan Endocrine-disruptor Preventive Action

Toda Bldg. 4F, 1-21 Yotsuya Shinjuku-ku, Tokyo, 160-0004, JAPAN

President Ryo Tatuskawa

National Network to Stop the Use of Synthetic Detergent

to Preserve Clean Water and Lives

Zensuido Chuo Honbu 1-4-1 Hongo, Bunkyo-ku, Tokyo, 113-0033, JAPAN

Secretary General Masashi Nagai

Contact: TEL: 03-5368-2735 FAX: 03-5368-2736

e-mail: kokumin-kaigi@syd.odn.net.jp

Mercury Treaty – Recommendation for the Japanese Government

Supporting the Japanese government's view that the Japanese government should contribute to reduce environmental risks derived from mercury in order not to repeat tragedies of Minamata disease in any other countries, we recommend that the Japanese government discuss Element Paper regarding the following points and implement domestic policies to realize the view.

I Element Paper

1. Overall Comment

・ Although the wording “not allow” is frequently used in the Paper, “ban” and/or “prohibit” should be introduced where appropriate to impose legal duty to reduce mercury effectively.

2. Element 5 International trade with Parties in mercury or mercury compounds

・ Because countries which used mercury and mercury compounds should store them within respective countries as a principle, the amount and length of storage in importing countries should be limited.

・ Exporting countries should remain responsible for the sound storage of mercury and mercury compounds that they exported in importing countries.

・ International monitoring system such as audit by independent bodies should be established to ensure environmentally sound storage for internationally traded mercury and mercury compounds.

3. Element 6 International trade with non-

4. parties in mercury or mercury compounds

・ International trade with non-parties in mercury or mercury compounds should not be allowed because there are no legal measures to ensure environmentally sound storage by non-parties.

5. Element 7 Mercury-added products

・ “Negative list” approach should be adopted rather than “positive list” approach to aim for minimizing intentional use of mercury with the ultimate purpose of elimination.

- Mercury-added products should be labeled for ensuring proper management in distribution in commerce, sales, export and import of mercury-added products.

6. Element 8 Manufacturing processes in which mercury is used

- "Negative list" approach should be adopted with the ultimate purpose of elimination in mercury use in manufacturing processes.
- Mercury use in manufacturing processes should be allowed only as exceptions until the year set as a time limit for elimination.

7. Element 13 Contaminated sites

- It should be a duty of parties to identify contaminated sites.

8. Others Compensation for health damages

- Health damages by mercury and/or mercury compounds should be appropriately compensated.
- Parties should conduct health surveys and establish a framework to compensate workers and citizens who suffer from health damages caused by mercury and/or mercury compounds.

II Policies in Japan

1. Prohibit export and import of mercury and/or mercury compounds

Japan is an only mercury exporting country in Asia. Export of mercury to developing countries should be prohibited to prevent environmental pollution and health damages.

2. Regulate mercury added products

(1) Target years for elimination for respective uses should be determined.

(2) Mercury use is regulated currently only on a voluntary basis by industry sections. The gradual phase out of mercury should be clearly stated in laws such as Act for the Control of Household Products Containing Harmful Substances.

(3) Mercury-added products, which are allowed as exceptions, should be labeled.

(4) All mercury wastes including batteries, florescent lights and liquid crystals should be designated as specially managed wastes.

3. Strengthening of emission regulation

(1) According to a survey conducted by Japan's Ministry of Environment, 21-31 tons of mercury is annually emitted to air in Japan. Nevertheless, mercury is designated only as a priority substance, which leaves emission control to voluntary efforts by industries. The Japanese government should set a standard regarding mercury emissions and introduce total emission control standard.

(2) In June 2010, it was detected that a garbage disposal facility of Adachi ward, Tokyo, released mercury more than 30 times of its voluntary standard. The next month, mercury emission over voluntary standards was also found in other facilities in Tokyo and those facilities temporally stopped operations.

Under the current laws, there are no regulations for emissions from waste

incineration facilities. Accordingly, there are many facilities all over Japan which do not set voluntary standards. As such facilities do not measure air emission, there are risks of emission of highly concentrated mercury.

(3) While mercury manufactures should bear primary responsibility based on Polluters Pay Principle, the Japanese government should also work to establish a system which ensures environmentally sound storage. Places and stored amount of mercury storage must be disclosed.

4. Investigation on health effects and compensation for health damages

The Japanese government should:

(1) investigate health effects by mercury, especially of small amount of mercury contained in fish.

(2) promote development of treatment measures for health damages caused by mercury.

(3) take appropriate measures regarding health damages caused by mercury

(4) facilitate compensation for mercury contaminated victims by mercury manufactures by measures such as creating a fund for them

(5) investigate to identify mercury contaminated areas, disclose and recover those areas.

5. Measures for Food

It is seriously concerned that the contamination of fish and sea foods may affect the sound development of fetus and children. In Japan, there is only one tentative regulating standard (total mercury 0.4 ppm, and methyl mercury 0.3 ppm) regarding fish contamination by mercury. Even if contamination is found to exceed the standard, sales of the fish is only subject to the voluntary regulation of the market. Moreover, the standard does not consider the contamination of tunas which Japanese people frequently eat.

Considering the concern for mercury contamination of the next generation, the Japanese government should urgently set standards for fish without limitation of fish species.

6. Other heavy metals

As well as strengthening of mercury regulations, the regulations for heavy metals such as cadmium and lead should also be strengthened.