

November 30, 2009

**Verbal Reply by the Ministry of the Environment (MoE)  
To the Civil Society Organizations Joint Statement  
Japanese Government Needs to Enact Mercury Export Ban Act**

On October 15, 2009, we submitted to the Japanese government the "Civil Society Organizations Joint Statement - Japanese Government Needs to Enact Mercury Export Ban Act", which was endorsed by 54 domestic NGOs and 60 overseas NGOs, urging the government of Japan:

- (1) To enact a Mercury Export Ban Act.
- (2) To safely place in long-term storage all surplus mercury produced in Japan
- (3) To show good leadership in realizing the International Mercury Treaty and increase efforts to create mercury storage capacity for Asia and the Global Mercury Partnership.

To discuss our submitted statement, we had two meetings with MoE, the first one was held on October 28, 2009, and the second on November 20, 2009. We received the MoE's verbal reply at the second meeting, although we had requested written one.

The following was the MoE's Verbal Reply and our comments on it.

**1. MoE's Verbal Reply**

From the view point of reducing health and environmental risks posed by mercury, it is necessary to take some measures and among others MoE recognizes reduction of mercury export and storage of surplus mercury is to be considered.

In Japan now there has been no mercury mining and uses of mercury have been reduced due to development of technology, and therefore the exports from Japan are limited to the recycled or reused mercury from metal ore or waste mercury-containing products.

Therefore,

As the trade is reduced due to regulating export, surplus mercury will accumulate within the country, and therefore adequate long-term domestic storage is required.

Since it is expected that economic incentives to mercury recycling will be lost and therefore present recycling system will not work properly, it is necessary to consider cost burden for continuing recycle operation.

In order to avoid new mining for the essential use of mercury for some products, it is necessary to consider the use of recycled mercury.

Based on the above-mentioned, MoE will as soon as possible give full consideration consulting with quarters concerned for the mechanism of mercury recycling and long-term storage including storage technology, location of storage and cost burden as well as the issue of mercury export.

Also MoE will continue to make any effort to establish an international legally-binding instrument on mercury reduction and waste management sphere as a part of the Global Mercury Partnership.

## 2. Our Comments

- (1) We appreciate MoE's reply to our Civil Society Organization's Joint Statement, and welcome MoE's position on continuing efforts to establish an international legally-binding instrument on mercury however, we feel that the crucial points which we raised remain unanswered.
- (2) The MoE did not show any will nor make any commitment in concrete terms to enact a Mercury Export Ban Act. The MoE's reply on the pivotal question of banning Japan's mercury export is that it will simply "consider" mercury export is unsatisfactory. Japan continues to be a major exporter of mercury in the world. This in spite of our very own experience in Minamata and with two of Japan's major trading partners, the US and EU, banning their exports of mercury.
- (3) Japan exports mercury is uncontrolled; there is no proper accounting on who, where and how Japanese mercury exports are used. The MoE can not drag its feet on this issue for too long because the increased possibility that Japanese mercury exports will be used in processes that will degrade the global environment, which ultimately affects Japanese interests as well.
- (4) We are well aware of the challenges facing Japan. The MoE's reluctance to ban mercury export because it involves long-term storage of surplus mercury, which MoE is likely to consider a big issue due to the difficulties in storage technology, location, cost burden, responsibility. However, we believe that Japan can not shield itself from mercury pollution from outside sources, especially if Japan is a major contributor to this pollution. It is folly to adopt a policy hoping that the mercury problem resolves itself without any active involvement from Japan.
- (5) We are also very concerned that the MoE failed to mention that it will safely place in long-term storage all Japanese surplus mercury in Japan. Even if we face difficulties in long-term storage of surplus mercury, Japan can not pass on the burden of this challenge to other developing countries.
- (6) Japan needs to resolve the issue of the domestic long-term storage based on the following principles: Polluter Pays Principle, Environmental Justice, Precautionary Principle and Extended Producer's Responsibility. Further Japan has to enact the mercury export ban in line with what the European Union and the United States did in 2008, that is accompanied by domestic long-term storage.
- (7) Japan should show good leadership based on the Experience of Minamata. We, civil society organizations strongly affirm again our call for Japan to enact an export ban on mercury, institute domestic long-term storage of surplus mercury, and good leadership to realize the global mercury reduction goals as stated in our Civil Society Organizations Joint Statement.

#END

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