Argentina Comments on the management of Mercury

The following information is presented on the management of mercury wastes in Argentina, in terms of the implementation of article 11 obligations under the Minamata Convention (Decision MC-3/5, MC-5/10) and the national legislation applicable to management of hazardous wastes.

National regulations for the management of mercury and mercury compounds waste:

By **Law No. 27,356,** the Argentine Republic approved the Minamata Convention on Mercury, enacting various regulations for the implementation of the provisions of the Convention.

Mercury wastes referred to in Art. 11, paragraph 1 (a), (b) and (c) of the Minamata Convention are considered hazardous waste under **National Law No. 24.051** and its Regulatory Decree 831/93). This norm does not establish a threshold, considering in particular hazardous wastes, any waste falling under its Annex I, which include wastes having as constituent *mercury and mercury compounds*; whether or not they exhibit, a hazard characteristic of its Annex III[1].

Notwithstanding the foregoing, **Resolution 224/94** defines the "High" or "Low" hazardous nature of the wastes regulated by the national Law. The wastes having as constituent mercury or mercury compounds above the following thresholds are considered as “highly hazardous”:

a) waste having 0.1% or more by weight of the following mercury compounds: Mercury benzoate; Ethylmercury chloride; Mercurous chloride; Mercuric chloride; Mercury ammonium chloride; Methylrmercuric chloride; Mercuric oxycyanide; Mercury oleate; Mercury gluconate; Mercury acetate; Mercury salicylate; Mercuric oxide; Mercury cyanide; Mercuric potassium cyanide; Diethylmercury; Dimethylmercury; Mercury (II) bromide; Mercurous nitrate; Mercuric nitrate; Phenylmercuric hydroxide; Mercuric thiocyanate; Mercuricarsenate; Mercury (II) iodide; Mercuric potassium iodide; Mercury fulminate; Mercury sulphide; Mercurous sulfate; Mercuric sulfate.
b) waste having 1% or more by weight of the following mercury and/or mercury compounds: Mercury nucleate; Mercurous acetate; Phenylmercury acetate; Phenylmercuric nitrate; Thimerosal.
c) Waste having 0.1% by weight or more of mercury and/or mercury compounds not listed (a) or (b).

Resolution No. 299 (enacted on September 13, 2021) establishes guidelines relating to the management of elemental mercury, its mixtures, compounds and mercury-added products, which refer to prohibitions on the use of mercury for certain production processes, trade of mercury-added products, including the regulation of exemptions to comply with the phase-out dates established in the Convention, through the presentation of conversion plans. Furthermore, such plans must comply with the guidelines established in **Resolution No. 503/22** (sanctioned on November 10, 2022). This regulation includes, among other things, previsions regarding the environmental sound management (ESM) of mercury waste generated while the exemption is in place, and those generated as a result of the implementation of conversion plans. With regard to the management of waste containing, consisting of and contaminated with mercury and mercury compounds, it stipulates that the mentioned mercury wastes are considered hazardous waste and must be managed as such under the national regulations.

In 2023, the Ministry of Environment and Sustainable Development sanctioned Resolution **No. 350**, stablishing technical conditions and requirements for the storage of mercury, whether in a waste or non-waste condition. The mentioned norm follows the technical guidelines set out in the "*Guidelines on Environmentally Sound interim Storage of Mercury other than waste*

1 The list of categories of wastes controlled and hazard characteristics in National Law nro. 24051 are analogous to those adopted in Annex I and III respectively of the Basel Convention.

mercury" (adopted under Article 10 of the Minamata Convention by Decision MC-2/6); and the "*Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds*" (adopted under Article 4 (8) of the Basel Convention by Decision BC-15/9 and according Article 11 (3) (a) of the Minamata Convention).

By virtue of the above, mercury wastes covered by the obligations of the Minamata Convention are considered hazardous wastes within the national regulations; and in particular, those wastes contaminated with mercury or mercury compounds having a total concentration below the threshold defined by MC-5/10 are considered "low hazard" waste.

Issues and challenges of the adopted threshold:

With regard to the management of wastes under Article 11.2 (a), (b) and (c) of the Minamata Convention, and considering that the Parties decided that wastes consisting of and containing mercury or mercury compounds do not have a threshold and are those included in Table 1 and in Table 2 (non-exhaustive) included in Decision MC-3/5, under the national regulations, it would be necessary to know the concentration to determine whether it is high or low hazard, a parameter that would define its management and the appropriate disposal operation for its ESM.

On wastes contaminated with mercury and mercury compounds, the Table 3 containing an indicative list of mercury wastes was adopted by Decision MC-3/5 and the threshold for these wastes was adopted by Decision MC-5/10 (unless Parties alternatively use and communicate a different approach). It must be noted that the "*Technical Guidelines on the Environmentally Sound Management of Wastes Consisting of Mercury or Mercury Compounds, containing or contaminated with them"* adopted by BC-15/9 under the Basel Convention, **should be updated to include the specific aspects defined at the last COP5**, as well as provide specific guidance for the management of wastes contaminated with mercury or mercury compounds, and in particular, whether the threshold adopted involves or conditions the selection of one or another disposal operation contained in the Guideline.

It is there where, being one of the main waste streams generated by the implementation of the Convention (when the use of mercury-added products is discontinued or intended to be disposed), **we find areas for improvement for these Guidelines under Article 11.3 (a) and we consider that should be reviewed: for example, including with fact-sheets or practical guidelines for the environmentally sound management of wastes containing or contaminated mercury or mercury compounds, by waste streams such drugs and vaccines or other specific waste streams that are generated in practice**.

It is worth mentioning that, under the Basel Convention, **there are other relevant guidelines for the environmentally sound management of mercury wastes: for example, the *Guidelines on Biomedical and Healthcare Wastes*,** which do not even mention the issue of mercury-added products/wastes generated in the sector, and which should be updated at least, in this regard (adopted by Decision BC-VI/20, published in 2003). For example, wastes containing thiomersal as a preservative in vaccines, although it is excepted in Annex A of the Minamata Convention -and does not mention whether its use in medicines is also excepted - it is covered by Article 11 in its disposal phase and, as such, if not correctly identified and categorized, may be mismanaged.

Finally, a challenge detected with the threshold of 15 mg/kg total concentration is to resolve why, if this concentration affects its characterization as mercury waste under art. 11.2(b) and (c): if it´s contaminated with mercury in a total concentration above 15mg/kg is mercury waste, but it does not do so if the mercury was intentionally added to a product that must be disposed and it contain mercury below 15 mg/kg (since wastes containing mercury do not have a set threshold). Therefore, Tables 2 and 3 of Decision MC-3/5 should be reviewed jointly to ensure consistency.