

**RELEASE IN PART  
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**From:** Fuchs, Michael H <FuchsMH@state.gov>  
**Sent:** Tuesday, October 6, 2009 5:40 PM  
**To:** H  
**Cc:** Mills, Cheryl D; Sullivan, Jacob J  
**Subject:** mercury treaty update

Madam Secretary,

I spoke with OES and L about the status of the mercury treaty, and here is an update:

Since February, 2009, when the UN Environment Programme (UNEP) Governing Council decided to begin negotiations of a new global legally binding instrument on mercury, OES has led the interagency process (which has included – at varying levels of participation – EPA, Commerce, USTR, CEQ, OMB, NOAA) preparing for the negotiations. They have held a number of interagency meetings, including sector-specific meetings focused on priority issues like air emissions, mercury use in products, and mining.

A preparatory discussion for negotiations will take place the week of October 19 in Bangkok. The Bangkok meeting is preliminary and non-decisional, but provides an opportunity for initial engagement to better understand options for an agreement, and to get negotiations off to a quick start by addressing procedural issues and compiling information in advance. We will be represented at this meeting by OES, L, and EPA.

Formal negotiations will commence in June 2010 with the goal of completion in early 2013 (the current plan is to have 5 negotiating sessions between 2010 and 2013, with a Conference of Plenipotentiaries to be held in the second half of 2013). Meanwhile, UNEP will continue with and expand its work on voluntary activities, including the Global Mercury Partnership (UNEP's main program to address mercury), to allow for on the ground progress to occur while negotiations are ongoing.

OES is planning to work with the interagency to define more specific overarching as well as sector-specific objectives for a global agreement prior to the first formal negotiating session in June 2010.

Separately, State has proposed developing a mercury action plan under the Ten Year Framework as part of the Strategic and Economic Dialogue with China to raise the profile of this issue in China and help with multilateral negotiations (OES and EPA have been working with the Chinese on this, and we are still waiting for China's reaction to the proposal).

Work in preparing for negotiations is still in the early stages, and we should have a better sense of what the major issues/problems might be in the run up to the first negotiating session in June 2010.

Please let me know if you would like any further information.

Thanks,  
Mike

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