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| Cooperative Republic of GUyana  MARCH, 2022 | Responses to  UN OHCHR Call for Inputs  Special Rapporteur on toxics and human rights – Questionnaire: Mercury, Artisanal and Small-Scale Gold Mining and Human Rights  Gail |

**LIST OF ACRONYMS**

EPA – Environmental Protection Agency

GFC – Guyana Forestry Commission

GGB – Guyana Gold Board

GGMC – Guyana Geology and Mines Commission

GoG – Government of Guyana

MNR – Ministry of Natural Resources

PTCCB – Pesticide, Toxic Chemical Control Board

**RESPONSES TO QUESTIONS**

**Has your country prohibited the a) import or b) export of elemental mercury?**

1. Guyana does not export elemental mercury.
2. The importation of mercury is closely monitored, that is a fixed/capped amount of mercury is imported for use in the small and medium scale gold mining sector, starting with an amount of 1,000 flasks / 34, 500 kg per year.
3. In 2016, following the results of the Minamata Initial Assessment (MIA), Guyana notified the Secretariat of the Minamata Convention that AGSM activities in its territory are more than insignificant. Guyana is now in the final stages of developing its National Action Plan (NAP) for the phased reduction of the use and effects of mercury in the ASGM sector in accordance with Article 7 and Annex C of the Minamata Convention
4. The amount imported shall be used as the base quota and will be gradually reduced, contingent on the projected gold declaration in the small and medium scale gold mining sector, the streamlining and implementation of alternative technologies and techniques to mercury use, and as agreed upon by the relevant authorities which are the Ministry of Natural Resources (MNR), the Guyana Geology and Mines Commission (GGMC) and the Pesticide Toxic Chemical Control Board (PTCCB).

**Has your country prohibited mercury use in artisanal or small-scale gold mining (ASGM) by law or regulation?**

1. The GoG has not prohibited the use of mercury in the ASGM sector; however, legislation, regulations and codes of practice strictly govern and monitor the use of mercury in the ASGM sector. Relevant legislation includes The Mining Act (No. 20 of 1989), Mining (Amendment) Regulations 2005, Part XIV (Use of Poisonous Substances).

**What enforcement action and penalties apply to gold miners who use mercury, or to traders who supply mercury for this use, if such use is prohibited? Please share statistics on such actions.**

1. As indicated in Para.5, the GoG has not prohibited the controlled use of mercury in ASGM.
2. Notwithstanding, penalties are enforced for any improper use of mercury which contravenes the rigorous laws and regulations which govern the GGMC, EPA and PCTCCB.

**If your country allows import of mercury but prohibits its use in ASGM, how do customs officers determine the end use of mercury at the point of import to ensure it is not directed to ASGM?**

1. As is indicated in Para.5, local legislation allows the monitored import of mercury for use by the ASGM sector. There is a Memorandum of Understanding (MoU) between the MNR, GGMC, EPA and PTCCB which outlines the roles of the agencies and their clearly defined responsibilities related to the coordination and enhancement of the procedures for management of the importation, storage, distribution, use and disposal of mercury. An electronic version of the signed MoU can be accessed using the following link: <https://nre.gov.gy/wp-content/uploads/2019/08/MOU-MNR-GGMC-PTCCB-EPA-1.pdf>
2. It should also be noted that the MoU makes provisions and outlines the process for clean-up in the event of an accident or spill of mercury, which is a known toxic chemical used in the gold mining industry in Guyana.
3. Importers of mercury will only obtain customs clearance when they get the governmental approvals as are required by law and the MOU.
4. In 2016, following the results of the Minamata Initial Assessment (MIA), Guyana notified the Secretariat of the Minamata Convention that AGSM activities in its territory are more than insignificant. Guyana is now in the final stages of developing its National Action Plan (NAP) for the phased reduction of the use and effects of mercury in the ASGM sector in accordance with Article 7 and Annex C of the Minamata Convention.

**Are there tracking or certification processes to ensure that imported mercury is used according to its claimed purpose?**

1. Guyana does not produce mercury, thus ASGM mercury needs are met through importation from various countries. The process involves four public agencies:
   * The Guyana Geology and Mines Commission
   * The Environmental Protection Agency
   * The Pesticide and Toxic Chemicals Control Board
   * The Guyana Revenue Authority – Customs and Excise Division
2. Any person seeking to import mercury must obtain permission in the form of a ‘No Objection’ letter from the GGMC, an “Environmental Authorisation” from the EPA, and an “Import License” from the PTCCB. This consortium of documents must be presented to Customs before processing of the shipment for entry into the country can begin.
3. In 2019, through the signing of the aforementioned MoU, additional criteria for importation were instituted to strengthen the chain from importation to end-use of mercury.
4. Importers of mercury must meet all the requirements set out by the MoU in order to acquire and retain certification and ensure tracking. The procedure as outlined in the MoU is as follows: see # 16 below.
5. The GGMC will require that any person, whether an individual, a group of individuals or a company, who imports mercury into Guyana for the purpose of mining must meet the following criteria:
   1. Produce a valid quotation from the supplier stating the amount and origin (country) of the mercury to be imported and submit same to the Office of the Commissioner of GGMC. The amount shall be clearly stated with the type and number of containers and the quantity (in kilogrammes or pounds) in each container.
   2. As guided by Regulation 132(1) of the Mining (Amendment) 2005, every importer who resells mercury, shall submit along with their request letter to GGMC, the names of the companies/miners that the mercury will be resold, their dredge licenses number and the provision of one-year data on the previous quantities they have received or were issued for the year and the balance of mercury stock on hand.
   3. GGMC will recommend to the Honourable Minister of Natural Resources that the individual, group of individuals or duly registered corporation be issued with a "No Objection" letter. The Honourable Minister will then grant final authorisation through the issuance of his/her approval/disapproval of the "No Objection" letter, for the person(s) to be allowed to import mercury into Guyana.
   4. The "No Objection" letter issued by the GGMC will be valid for a maximum of 150 flasks (5,175 kg) of mercury and for a period of six months from the date issued on the letter. The "No Objection" letter will only be used for one (1) consignment of mercury and will not be reused in cases where the importer does not ship the allocated amount.
   5. The GGMC will forward a copy of any "No Objection" letter issued to the PTCCB for its retention and action.
   6. PTCCB will request a valid Authorisation by the Environmental Protection Agency. This will be required by the submission of an Application for Environmental Authorisation to the Agency, along with supporting documentation including a map showing the proposed storage site and a Spill Prevention, Response and Disposal Plan.
   7. Prior to the issuance of a "No Objection" letter, a person(s) or company who wants to import and distribute mercury must have a valid registration from the PTCCB and a valid Environmental Authorisation from the EPA.
   8. Prior to the issuance of a "No Objection" letter, the PTCCB along with the GGMC and the EPA shall conduct inspections and follow-up inspections of the premises of individuals, groups of individuals and duly registered corporations that seek to import mercury to assess whether these individuals, groups of individuals and companies have proper storage facilities in compliance with storage standards. This should be done at least once within a twelve (12) month period.

**Are mercury importers registered on a government database and their activities periodically audited including the end use of the mercury they import? Are postal imports of mercury banned?**

1. The PTCCB is mandated by the Pesticide Toxic Chemical Control Act 2000 (No. 13 of 2000) and its associated Regulations 2004 (No. 8 of 2004) for the management of all pesticides and toxic chemicals in a lifecycle approach. This includes manufacturing, import, export, distribution, sale, use, transport and storage of all pesticides and toxic chemicals. The Pesticide Toxic Chemical Control Act 2000 (No. 13 of 2000) Part IV, Registration and Licences, states ‘no person shall import, advertise, sell, use, store or transport a toxic chemical unless such product is registered”.
2. The Pesticide Toxic Chemicals Control Regulations 2004 (No. 8 of 2004) further states that an importer, distributor or dealer in toxic chemicals shall make available upon request of a Board Inspector, all records showing delivery, movement or holding of any toxic chemical including quantity, dates of shipment and receipt and names of the consignors and consignees in addition to the information specified to this regulation.
3. A Board Inspector is authorized to enter any establishment or other place where toxic chemicals are being held for distribution or sale at any time, for the purposes of inspecting toxic chemicals, chemical ingredients, containers, packaging or labelling and to verify compliance with the Establishment Registration permit terms.
4. Furthermore, mercury importers can be audited by the signatories under the Memorandum of Understanding (MoU) for the management of the importation of mercury into Guyana.

**What remedies are available to persons in your country for pollution damage related to mercury exposure from ASGM activities?**

1. The Ministry of Natural Resources has a “Grievance and Redress Mechanism (GRM) Desk” to address concerns and complaints that stakeholders experience in the natural resources sector. The MNR recognizes this as a safeguard mechanism used to protect stakeholders from unintended consequences. In doing so, the GRM Desk provides clarity and predictability on how complaints are received, assessed, sorted, resolved, and monitored.
2. The mechanism allows government agencies, particularly those under the purview of the MNR which include the Guyana Geology and Mines Commission (GGMC), the Guyana Forestry Commission (GFC) and the Guyana Gold Board (GGB) to respond to issues of concern from stakeholders which impact their livelihoods, policies, programmes, and operations. This mechanism forms a structured procedure to investigate complaints and to engage and promote dialogue, and mediation between affected parties or communities within the Natural Resources sector.

**What actions have your country taken to prevent illegal importation, smuggling and distribution of mercury to ASGM activities?**

1. The State party reports that there exists a robust legal and institutional framework for the management and use of toxic chemicals, including mercury and mercury compounds. Legislation pertaining to regulating mercury in Guyana are:

* Mining Act 1989
* Environmental Protection Act 1996
* Pesticides and Toxic Chemicals Control Act 2000

1. Regulations made under the abovementioned Acts provide for oversight of mercury from the point of importation through to trade and further monitors and governs the methods and manner of use in the mining industry. These Regulations include the Pesticides and Toxic Chemicals Control Regulations 2004, the Mining (Amendment) Regulations 2005 and the various Regulations made under the Environmental Protection Act.
2. Collectively these regulations cover an extensive range of environmental issues, inclusive of tailings management, mine reclamation and closure plans, mine effluent, waste management and disposal, and contingency and emergency response planning.