March 8, 2010

Institute of Scrap Recycling Industries, Inc.

1615 L Street, NW

Suite 600

Washington, DC 20036

Attn: Ms. Robin Weiner, President

Dear Robin,

This is in response to the vote taken on March 4, 2010 of the ISRI Task Force for Electronics in which I voted against the approval of the new draft policy regarding electronic waste. Although I appreciate the opportunity to participate in the process and understand the challenges of dealing with such a complex issue, I cannot in all good conscience support a policy that will result in continued exports of toxic waste to developing countries. I also cannot in good conscience help further legitimize a practice that undermines responsible domestic recyclers and violates international law as it relates to importing countries, not to mention the damage to human health and the environment in affected communities in the developing world.

This draft policy perpetuates ISRI’s policy of ignoring the fact that certain electronic wastes are hazardous and that calling them commodities does not make them less hazardous. They are controlled commodities under the Basel Convention, and their trade has been restricted, in particular to developing countries by the international community of nations. I believe that ISRI’s policy should acknowledge and respect this international law.

But mostly, I want to focus my remarks on the last bullet point which sets forth the requirements for the export of electronics for reuse, refurbishment and recycling as follows:

“Requires that facilities engaged in electronics repair, refurbishment or processing located outside of the United States that import electronic equipment and components have in place:

1. A documented, verifiable environmental, health and safety management system;
2. The necessary capability to reuse, refurbish or recycle electronic equipment and components in a manner protective of worker safety, public health and the environment;
3. Adequate business records to document compliance with environmental, health and safety legal requirements including the legality of shipments in importing countries;
4. Necessary measures in place to manage hazardous wastes in a safe and environmentally sustainable manner through final disposition; and,
5. A transparent process for each facility to demonstrate conformity to these requirements to the U.S. exporter.”

Clearly this will do nothing to curb the export of toxic waste to non- OECD countries and the notion that these words will ensure truly environmentally sound management is at best wishful thinking. There is absolutely no way to effectively verify ongoing compliance that these importing facilities have the recycling infrastructure to manage, process and/ or repair, let alone have the hazardous lined landfills required for proper disposal of the waste. **Will the sellers have ultimate liability for the harm to human health and the environment in a foreign land?** **The intentional omission of assigning responsibility to sellers to ensure that these requirements are in place and complied with renders these requirements meaningless. Essentially, the seller is absolved of all responsibility and not ultimately accountable.**

In any case, claims that repairs and/ or recycling will be done in facilities with appropriate safeguards in place is highly misleading and disingenuous because we know that regardless of conditions that might be observed on occasion inside the facility walls, the conditions outside those walls, in terms of ability to maintain and enforce laws, provide downstream hazardous waste management and disposal facilities, protect worker rights, etc. are the real conditions in low wage developing countries that make responsible handling of hazardous materials improbable . Thus, these bulleted assurances become meaningless and are further evidence of ISRI and its members’ unwillingness to truly deal with this problem.

Even with significant capital investment and trained employees, We Recycle!, a subsidiary of Hugo Neu Corporation, is finding it challenging and costly to handle e-waste responsibly even in this country, but we are doing so and expect to be certified shortly in accordance with what we believe is the highest standard of responsible recycling – the e-Stewards standard. Mostly because we believe it makes good business sense in the long run and less risk to all in the short term. It is incredulous to think that these measures are practicable in countries lacking in basic infrastructure and necessities and government regulation, and where primitive processes are the rule not the exception.

Unless and until ISRI recognizes and respects the validity of the definitions of hazardous waste under the Basel Convention, this toxic trade will continue and we will continue to be haunted with more stories such as those on 60 Minutes, Frontline, National Geographic, etc., narrating the nightmare conditions we are causing in developing countries. This will further damage the reputation of an industry already suffering from criticism from the environmental community and the public at large as more and more people become better informed, and wary of using recyclers who can’t prove they are acting responsibly.

With this policy we, in ISRI are missing the opportunity to lead this industry into the 21st century and build a sustainable industry that creates thousands of new green manufacturing jobs and contributes to the health and well being of its citizens. Instead, ISRI and its members are choosing to support the unsustainable and immoral practice of externalizing our waste disposal costs to developing countries least able to afford it.

Best regards,

Wendy Neu