

Recyclers Push Back, Counterclaim CRT Landlords (Garrison/Olymbec) Culpable and Liable for Abandoned glass

Led by former ISRI lobbyist and legal counsel, “2012-2013 Due Diligence Group” mounts countersuit against negligible landlords

[Washington, DC]

Electronics recyclers with strong evidence of early diligence and early intervention to cease shipments in the Closed Loop Recycling and Recovery (CLRR)/Garrison/Olymbec lawsuit deny allegations of unlawful shipments, and counterclaim against the landlords as culpable and liable for the CRT glass stockpiled in their own leased warehouses.

The effort is led by American Retroworks Inc. CEO, Robin Ingenthron, who advised and warned CLRR executives, and their OEM partners about the growing risk of stockpiling, as early as 2014. American Retroworks Inc - and several others invited to the group - set conditions for CLRR to meet in order to maintain status as a viable recycler under the Superfund Recycling Equity Act (SREA).

The recyclers reject and deny the claim that shipments made in 2012 and 2013 were unlawful, pointing out that CLRR had every intention to process the glass when it began operations in 2012. These shipments should be exonerated from any apportionment or settlement discussions.

In April 2012, recyclers relied on [Ohio EPA's "green light"](#) signal that CRT glass shipments to CLRR were legal; recyclers and CLRR alike had been certified, audited and approved by both R2 and e-stewards; and, recyclers had commercial contracts and paid CLRR to have their CRT glass responsibly recycled. This collective due diligence and reasonable care had cleared a path for the entire marketplace.

Conversely and worsening over time, CLRR and their landlords turned a complicit, blind eye to the growing stockpile of CRT glass. In June of 2014 Ohio EPA issued an Expedited Settlement Agreement giving CLRR more time to procure more CRT material - but this group of diligent recyclers still did not return to the table. In December 2014, CLRR sent out a claim that the company had been approved by Ohio EPA, achieved R2 certification, and assured financing and a new redundant end market existed.

“The idea that these landlords were unaware of the growing stockpiles of CRT glass in their own warehouses from 2014-2016 is insulting at best. Putting aside the ongoing property contract they [Garrison/Olymbec] had with CLRR, a known glass manufacturer, the ability to enter and inspect their own property at any time, *they knowingly leased an additional facility in 2014 to help CLRR move enough glass to comply with the speculative accumulation rule.*” explains industry veteran Eric Harris of Lone Star Consulting.

More than a year after the group terminated deliveries, Garrison/Olymbec continued to negotiate CLRR's expansion, ignoring Ohio EPA's public warning ([Notice of Violation](#)) that indicated CRT glass had ceased being recycled (reportedly due to the breakdown of CLRR trommel equipment). Despite such warnings, CLRR continued to receive payments for CRT glass, Garrison/Olymbec continued to collect rent, while others proceeded with "business as usual" into 2016.

"Not good enough," said Robin Ingenthron. "Our companies observed the letter of the law and refused to participate in this gamble. We should not be required to pay, again, for [our] lawful shipments in 2012-2013 when we stopped shipping well before the glass was stockpiled."

To date, upwards of 50 million pounds of CRT glass remains stockpiled in these Ohio warehouses. The "2012-2013 Due Diligence Group" after relying on Ohio EPA, R2 and e-steward audits, mitigated their situation by early termination of their CLRR contracts well before illegitimate recycling was apparent. The group intends to exonerate all shipments sent in 2012 and 2013 and to hold Garrison/Olymbec liable for their knowing, negligible contribution.

"To do otherwise would abandon SREA, the law passed to protect recyclers from perverse incentives to landfill material." said Harris. "Some of these companies have little exposure to the lawsuit, because they stopped shipping so early. But the policy principle of due diligence is important, and to accede to these ridiculous claims will undermine the very intent of SREA, to protect recyclers that acted with reasonable care."