



April 6, 2015

The Honorable Kate Brandt
Federal Environmental Executive
1200 Pennsylvania Ave NW
MC 1600
Washington, DC 20406

RE: Executive Order 13693 undermines years of good work on sustainable electronics purchasing

Dear Ms. Brandt:

The Electronics TakeBack Coalition is a national coalition of environmental and consumer groups that promotes sustainability in the electronics sector. We have been active participants for many years in the development of purchasing standards for electronics, including EPEAT standards.

We were glad to see that President Obama's March 19, 2015 [Executive Order 13693](#), "Planning for Federal Sustainability in the Next Decade" included purchasing environmentally sustainable electronic products. But we were quite surprised and disturbed to see two things in the Order, which we think will not only substantially undermine the federal government's commitment to sustainable purchasing, but will ultimately lead to the death of the EPEAT program unless you take steps to intervene:

1. The Order is completely silent on the very successful EPEAT program while at the same time revoking Executive Orders 13423 and 13514, which established and maintained (respectively) the requirement that electronics purchased by the federal government be EPEAT-registered. By not mentioning EPEAT in this new order, you have significantly weakened the guidance provided by this Executive Order regarding federal purchase of sustainable electronic products. **We urge you to recommend EPEAT in the implementation instructions for the Executive Order; and**
2. The Order includes an option that allows federal agencies to use practically any sustainability standard or environmental criteria for deciding what to purchase. The Order requires that they meet the very low bar of being developed by a so-called consensus process. While this language may seem harmless, it actually throws open the door to allow agencies to use much lower standards than the agencies have been using, as explained below. **We urge you to revise the executive order to remove this option, or clarify in your implementing instructions that this option only applies if the EPA cannot recommend a standard or label for the product category.**

New Order Doesn't Even Mention EPEAT

The Executive Order fails to make any mention of the very successful EPEAT program, after wiping out previous directives on EPEAT. We believe the inclusion of EPEAT is vital if the federal government wants to drive change in electronics. It's important to recognize that the electronics industry is one of the **least sustainable sectors** on the planet, using enormous quantities of energy, critical minerals, water, and hazardous chemicals. With little focus on designing products that will be long-lasting, safe, and easy to upgrade and refurbish, these manufacturers guarantee an astonishing churn of resources unlike any other sector. This cycle of manufacturing, use and disposal contributes significantly to greenhouse gas (GHG) emissions. It's also a sector that has almost completely outsourced its manufacturing to a supply chain increasingly plagued by labor law violations, oppressive working conditions, poor chemicals and hazardous waste management, and worker illnesses and deaths caused by exposure to toxic chemicals.

Manufacturers need other incentives and drivers to encourage changes in many other areas of sustainability. EPEAT has proven to be an effective tool for improving environmental performance in the supply chain, and has great potential to continue to drive significant change in these and other sustainability areas. It's been working well for governments, industry, and other purchasers for many years, so why change that? EPEAT standards currently under development will, for the first time, address some of some of the "social" issues (conflict minerals, labor practices, worker health and safety, etc.), which will help to support the forthcoming National Action Plan for Responsible Business Conduct. EPEAT encourages companies pursuing safer chemical strategies that go beyond simply what's regulated. This is critical, as regulations around the world are barely scratching the surface of the hazardous chemicals problem in electronics. EPEAT also addresses product longevity and recycling issues, to encourage design that enables easy disassembly to make recycling and reuse more cost effective and therefore more likely to occur.

While we know there are some industry association lobbyists who seek to weaken the EPEAT program, we work directly with many manufacturers who are quite happy with this program. In fact, a survey done by the Green Electronics Council (which administers the EPEAT program) of the registrants (more than 50 Brands who have registered products to various EPEAT standards), found a [very high degree of satisfaction](#) with this program - above-average for each of the measures surveyed.

We understand there is reluctance to specifically reference EPEAT, which is not a government standard. The Executive Order references several other standards (all government developed), but aside from the energy/GHG-focused programs none of these government standards address electronics issues in any significant way. There are no electronics in the Safer Choice program, even though this is one of the most chemically intensive industries. Despite large use of plastics in electronics, only four cell phone covers (out of thousands) have been certified under the Bio-Preferred program. And the SNAP program only looks at alternatives for ozone depleting cleaners (solvents) in electronics, not other hazardous chemicals.

In other words, there is no government standard for effectively addressing issues beyond energy use and GHG emission reductions from electronics manufacturing, use and disposal. EPEAT is the only meaningful purchasing standards program that we have here in the U.S. that addresses a range of important issues specifically for electronics. While the EPEAT standard is technically a proprietary standard, it's a standard that was developed under an effort co-sponsored by the

federal government, with funding from the federal government, and with considerable participation by the federal government agencies.

Additionally, under the requirements of Executive Orders 13423 and 13514, the federal government effectively utilized EPEAT to ensure that almost 100% of applicable federal purchases were of sustainable and environmentally preferable electronics for eight years. Federal requirement and use of EPEAT has been an impressive success story that demonstrates importance of government leadership in sustainable electronics acquisition. But this Order has just undone all that good work.

Therefore, **we encourage you to add specific reference to EPEAT into the implementing instructions** that will be drafted in accordance with the Executive Order. This is an important step that will allow the federal government to continue using its purchasing power to encourage greener electronics.

Why simply allowing any consensus standard is a big step backward for the Obama Administration

The new Executive Order give agencies two options for deciding what to purchase, either use standards or labels recommended by the EPA, or use any voluntary standard developed using a consensus process.

It sounds good – using voluntary standards developed by a “consensus” process including a wide group of stakeholders to identify preferable products. But in reality, the use of a so-called “consensus” process is not a guarantee that the standard will be a strong standard, and provide meaningful guidance to federal purchasers for identifying greener products. In fact, these consensus processes are commonly dominated by companies that make and sell the products (or the chemical companies that supply them). Yes, they allow other stakeholders to participate, and yes, they must consider the input from stakeholders. But too often they still allow the industry groups to dominate and ultimately decide what goes into the standards and usually minimize or ignore the input and perspectives of the other stakeholders.

That’s because most of these “consensus” standards use rules developed by the American National Standards Institute or ANSI, which allow any single category of stakeholders to have as much as half of the votes, and calls that “balanced.” Any industry association can put together a process that technically meets that very low bar of a consensus standard, and then simply take what the industry is already doing and brand it as “green.”

In fact, this is such a problem that the strongest sustainability standards being used today – including [LEED standards](#) for green buildings, [FSC](#) standard for lumber, and [Fair Trade](#) standards for farmers and other producers around the world, were developed outside the ANSI consensus process because the groups developing them wanted to avoid the manufacturer domination that occurs with so many consensus processes.

Why would the administration allow such a low bar for environmental standards, when you could easily have pointed to the EPA’s [Guidelines for Product Environmental Performance Standards and Ecolabels for Voluntary Use in Federal Procurement](#)? The EPA has done extensive work over the last four years developing guidelines for the kinds of standards and labels that are worthy of the federal government’s use. Their current draft (about to be piloted) includes not just attributes of how the standards are created (like transparency, and balance), but also other critical elements, like whether there is an entity attached to the standard that can verify if those claiming to conform to the standard actually do so. The purpose of eco-labels is to

differentiate between leaders and laggards. This distinction will be lost if the current language is allowed to stand, since it will drive the standard down to the lowest common denominator. Indeed, the need for leadership standards has been underscored by the recent establishment of the Sustainable Purchasing Leadership Council, whose mission is, in part, to promote real leadership in order to differentiate between leaders and laggards.

We urge you to revise the Executive Order and eliminate the low bar option for selecting purchasing standards simply because they are a so-called “consensus” standard. Another option would be to include in your implementing instructions that these “consensus” standards could be used ONLY if the EPA does not have a recommendation for a standard or label to guide purchasing the particular product category.

We are deeply concerned that, taken together, these two aspects of the Executive Order will lead to the elimination of the EPEAT program. Industry trade associations - which by definition represent the majority of companies rather than the leadership companies - will gravitate towards standards processes that they can control and which are easy for them to meet. Without the preference for the EPEAT standard (which we assume will also eventually be removed from the FAR), the manufacturers will no longer have to register products to the EPEAT registry, and will create their own registry. So even those agencies who want to prefer EPEAT products eventually won't find any.

We don't think this Administration wants its legacy to include killing the EPEAT program. Therefore, we urge you to either revise the Executive Order or compensate for these consequences with the implementing instructions.

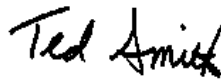
We welcome the opportunity to speak with you about this important issue. I can be reached via email at bkyle@etakeback.org or via phone at 510-614-0110.

Thank you for considering our recommendations.

Sincerely,



Barbara Kyle
National Coordinator



Ted Smith
Chair

cc: Gina McCarthy, Administrator, U.S. EPA
Jim Jones, Deputy Assistant Administrator, U.S. EPA
Barbara Cunningham, Deputy Office Director U.S. EPA
Josh Silverman, Director, Office of Sustainability Support , U.S. DOE
The Honorable Barbara Boxer, U.S. Senate
The Honorable Diane Feinstein, U.S. Senate
The Honorable Nancy Pelosi, U.S. House of Representatives
The Honorable Anna Eshoo, U.S. House of Representatives