



September 30, 2008

TO: John Lingelbach and to the members of the R2 stakeholder dialogue
FM: Barbara Kyle, National Coordinator, Electronics TakeBack Coalition
RE: Our withdrawal from the R2 process

As you know, the EPA began a stakeholder process to develop voluntary “responsible” electronics recycling standards in January 2006. In the last three years, the Electronics TakeBack Coalition (ETBC) has dedicated hundreds of hours to the stakeholder process in the hopes that it would result in high standards that would finally give customers a way to distinguish responsible electronics recyclers from those simply claiming to be responsible. But the current (eighteenth) draft of these standards still sets the bar far too low for us to support, and the meetings on September 18 and 19 made it clear that the group is unwilling to make them stronger. Therefore, the Electronics TakeBack Coalition respectfully submits our formal withdrawal from the R2 process.

From the beginning of this process, we identified three key issues that we considered to be core concepts for any standards that would be considered “high” or “responsible” standards in the electronics recycling industry:

1. Toxic e-waste should not be exported to developing nations in violation of these countries’ laws
2. Toxic e-waste should not be incinerated
3. Toxic e-waste should not be sent to prison recycling operations

But the R2 document doesn’t adequately address any of these problems. From the beginning, the EPA ruled the prison labor issue “off the table.” The EPA has also flatly refused to allow R2 to include language prohibiting incineration of e-waste. And in recent meetings, it became clear that, despite some hopeful recent discussions, the group is simply unwilling to fully embrace the concept of not violating the importing countries’ laws with e-waste exports. The R2 standards have too many exceptions to the export provision, and they lack the true downstream due diligence and audit requirements that would actually result in preventing exports of toxic e-waste in violation of the developing nations’ laws. It has become clear that the recycling industry is unwilling to conduct legal compliance audits that assure that these laws are not being broken. And without that, the current export language is almost meaningless.

It’s disappointing to us that this process will not result in truly high standards for e-waste recycling, something that is so badly needed. With the recent release of the GAO

report, documenting how our laws don't prevent harmful export of toxic waste (including CRTs) to developing nations, we would hope that the voluntary R2 standards would fill the vacuum left by weak laws and weak enforcement. That's often the goal of voluntary standards. But sadly, we do not believe that the R2 standards will actually lead to any significant changes in the irresponsible practices outlined in the GAO report, despite claims set out in the document's "principles" language.

Therefore, the Electronics TakeBack Coalition believes that we have no other choice but to withdraw from the R2 process. We cannot lend our name to, or in any way indicate endorsement of, these standards. We further request that any public listing of R2 participants that includes the ETBC name also shows that we withdrew from this process.