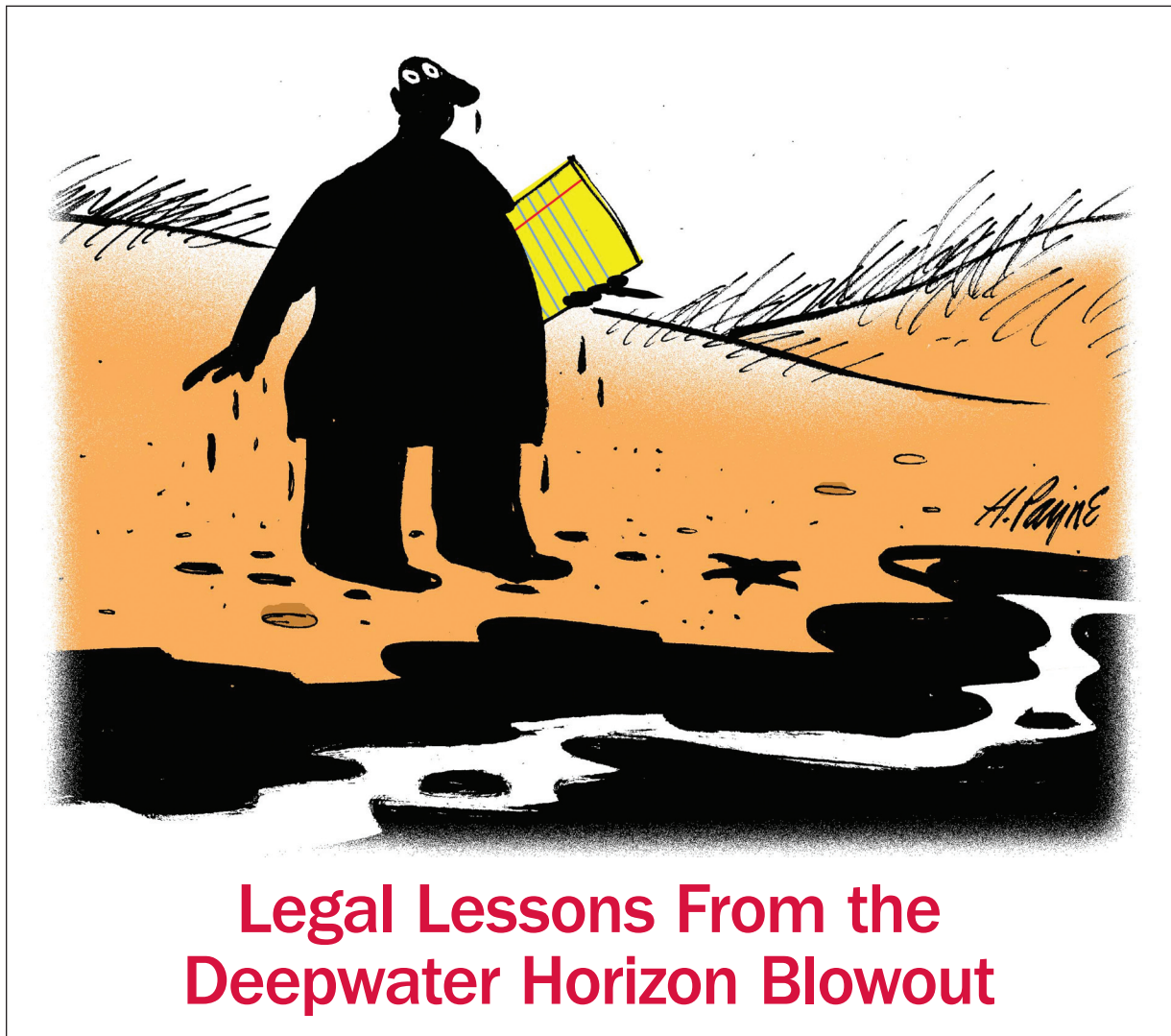


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## THE FORUM

# Turning Trash Into Treasure: Regulating E-Waste Exports

**C**onsumers have grown more aware that tossing their old electronic devices into the trash can produce undesirable consequences. A mobile phone contains 19 percent copper and 8 percent iron. Cathode ray tubes contain 4 pounds of lead. When electronics are disposed of improperly, these substances can leach into the environment.

Since one person's trash is often another person's treasure, a thriving international trade has emerged in used electronics, largely from industrialized to developing countries. In the United States, it is estimated that 50-80 percent of the waste collected for recycling is exported in this way. This practice is legal because the U.S. has not ratified the Basel Convention on the transboundary transportation of hazardous waste.

Some exported used electronics are handled responsibly in countries with effective regulatory controls and by companies with advanced technol-

ogies, but a substantial quantity ends up in countries where disposal practices are unsafe to workers and dangerous to the environment.

Meanwhile, action to regulate e-waste exports is beginning. The Government Accountability Office has recommended that EPA submit a legislative package to Congress for ratifying the Basel Convention and work with Customs and Border Protection and other agencies to improve identification and tracking of exported used electronics. Options such as these could help make U.S. export controls more consistent with those of other industrialized countries.

Last summer, EPA Administrator Lisa Jackson signaled "Cleaning up E-Waste" as one of six priority international policy needs. At the same time, Representative Gene Green of Texas and Representative Mike Thompson of California have introduced legislation that would restrict e-waste exports, H.R. 6252, the Responsible Electronics Recycling Act.

## It's Past Time To Ratify the Basel Convention

PAUL HAGEN

The environmental harm arising from the mismanagement of electronic wastes in developing countries is disheartening. Legislation introduced by Representatives Gene Green (D-Texas) and Michael Thompson (D-California) to ban exports of waste electronics from the U.S. to developing countries for recycling could prompt Congress to address this issue next year. But improving the conditions under which electronics are recycled abroad will require more than just restricting exports. Progress will also require a commitment from the United States to deploy EPA's substantial technical and policy expertise in resource conservation and recycling. This effort is best achieved through U.S. ratification of the Basel Convention.

In 2009 there were an estimated 4.6 billion mobile phone subscriptions and roughly 1.7 billion internet users. This growth in information technology has prompted researchers to conclude that developing nations will produce twice as much electronic waste as developed countries within eight years.

Few industries can match the innovation of U.S. electronics companies in product design and reduced environmental footprints. Today's IT products also have far fewer hazardous materials due to various "RoHS" measures and aggressive design for the environment efforts by manufacturers.

Yet even the most advanced products will likely pose unacceptable risks if recycling is attempted through backyard burning and acid baths in West Africa or China. These informal recovery operations pose risks to workers, harm the environment, and strain resources due to their inefficiency in recovering materials for reuse.

The key to mitigating these adverse

impacts is to ensure that used products are directed to those facilities that can ensure their proper management. Modern recycling facilities are able to sort, dismantle and "mine" collected equipment for valuable metals with minimal environmental impacts and substantial economic benefits.

In this context, U.S. ratification of the convention holds the promise of greatly improving the management of end-of-life electronics. While work remains on the question of how best to classify and manage used and end-of-life electronics under the convention, the agreement imposes a variety of controls to ensure that wastes shipped across international borders are properly managed. The convention, which continues to evolve, has been ratified by more than 170 countries.

The parties have identified electrical and electronic waste as a priority and are working to develop new waste classification and recycling guidelines that will inform how many developing country governments manage electronic scrap. In many instances, environmentally sound recycling will require that end-of-life equipment cross a border. U.S. participation in these discussions as a full party would increase the likelihood that governments will embrace sustainable and economically viable management schemes.

The Basel Convention was negotiated with substantial input from the U.S. during the Reagan administration. President George H. W. Bush proposed implementing legislation and a Democratically controlled Senate gave its advice and consent to U.S. ratification of the convention in 1992.

Since that time several administrations, both Democratic and Republican, have expressed support for ratification but have failed to press Congress for the modest amendments to the Resource Conservation and Recovery Act that are required for the U.S. to become a party. As a result, the ability of the U.S. to work with other governments to improve the management of used and end-of-life equipment has been severely compromised.

Legislation to implement the convention could include important elements in H.R. 6252 ensuring that electronic scrap exports to non-OECD countries for recycling are restricted in most instances. Implementing legislation should also avoid imposing waste export bans on warranty returns, product recalls, and exports of equipment for legitimate refurbishment. U.S. ratification would also lift the party to non-party trade ban that in most instances prohibits companies from sending wastes generated in developing countries to the U.S. for recycling.

To succeed, Congress and the administration will need to advance an approach that addresses the foreseeable objections of certain business interests that may oppose new restrictions on international trade in recyclable materials and certain NGOs that favor a complete ban on exports of hazardous recyclables to non-OECD countries. Regrettably, these competing views have stalled ratification for nearly two decades and have prevented the U.S. from participating in important decisions at the global level on how best to collect, transport, and recycle used electronic products.

EPA Administrator Lisa Jackson's recent announcement that e-waste exports are now one of the agency's top international priorities is encouraging. So too is EPA's announcement that interagency work on a proposed legislative package for Basel implementing legislation is underway.

The electronic products that continue to enrich the lives of people worldwide — mobile phones, computers, medical equipment, and other consumer goods — will eventually require some disposition at end-of-life. U.S. ratification of the Basel Convention, with particular attention to developing a sensible approach to controlling e-waste exports, would help ensure these products are recycled responsibly.

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