

Why Obama Should Sign an Executive Order to Prohibit the Export of the Federal Government's own e-Waste to Developing Countries

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Summary of The Problem: For more than a decade, massive volumes of hazardous electronic waste have been shipped from the US to developing countries. There, instead of being properly recycled, it is smashed, burned, melted, and washed in acid baths in dangerous substandard recycling operations that harm workers, communities and the environment. The exports take place because it is less costly to externalize the costs of harmful pollution to developing countries than to safely manage these toxic wastes at home. The most recent studies¹ shows that very significant volumes of high-tech discards are exported to junkyards in Hong Kong and other Asian locations. Federal e-Waste continues to be found in global e-waste dumping grounds around the world.²

Not only do these wastes cause harm from an environmental and human health standpoint, but they undermine "green jobs" and the US based recycling industry as well. Further, the US is exporting the very equipment that some of their own programs on Digital Literacy³ need to have refurbished and deployed in low income housing, schools and communities. The exports also rob this country of thousands of green jobs and business opportunities.

From an international perspective, almost all of this trade is illegal under the laws of the importing countries. Yet because the United States has not ratified the Basel Convention, these exports are technically legal in the US. Thus, US exporters can skirt international law with impunity, even when the waste is criminal traffic under international law. While there have been efforts to legislate a ban on the export of hazardous electronic wastes, pushed most recently by the ethical recycling industry,⁴ these efforts so far have failed as has ratification of the Basel Convention, due to congressional dysfunction.

Meanwhile, the Federal government of the United States is the largest producer of electronic waste on the planet. Thus, taking action on the federal government's own waste will be more than symbolic. It will make a stunning difference in real terms, while leading the rest of the industry and their customers by example. Currently US government e-waste can go to any certified electronics recycler, but not all certifications prohibit the export of e-waste to developing countries.

Summary of the Solution: As a long-time leader in environmental protection, national security and job creation, President Obama can lead by example and leave a lasting legacy by signing an Executive Order to: *require that all non-functional used electronic equipment or electronic scrap generated or arising from Federal agencies or departments be processed only in the United States or other country members of the Organization for Economic Cooperation and Development (OECD).*

Considerations:

- 1. Environment/Human Health:** A recent survey of health studies on e-waste processing worldwide reveals widespread occupational disease.⁵ Releases to the environment from sub-standard processing also have the potential to impact public health here in the US as well

¹ See Reports: Disconnect (May 2016) and Scam Recycling (Sept. 2016), at <http://www.ban.org/trash-transparency/>

² <http://www.ban.org/s/Scrapbook.pdf>

³ For example see HUD program, ConnectHome. <http://connecthome.hud.gov/>

⁴ See Coalition of American Electronics Recyclers (CAER), <http://www.americanerecycling.org>

⁵ <http://ehp.niehs.nih.gov/wp-content/uploads/advpub/2015/9/ehp.1509699.acco.pdf>

through long-range air pollution transport.⁶

2. **Jobs:** A report commissioned by the Coalition for American Electronics Recycling (CAER) concluded that the prohibition of e-waste exports to developing countries would equate to around 42,000 new jobs.⁷ Currently these jobs are lost offshore, not because anybody is doing a better job overseas but because real costs and harm are being externalized.
3. **National Security:** It has been recently revealed that our US Defense systems and sensitive civil engineering projects, such as nuclear power stations, chemical plants, and transportation systems, are at grave risk from a burgeoning counterfeit industry in China that repaints and marks old integrated circuits (ICs) derived from e-waste imports and falsely markets them within the supply chain as new and military grade when they are not. Likely failure of these ICs in sensitive applications presents a major security threat to the United States.⁸ Further, dependence on other nations for critical and strategic metals, such as rare-earth metals, can best be by domestic recycling rather than export.⁹
4. **Promoting Responsible Recycling/Leading by Example:** In October, 2009, President Obama signed Executive Order 13514 -- Focused on Federal Leadership in Environmental, Energy, and Economic Performance. It called for the Federal government to "lead by example" and among other things, divert 50% of federal waste from landfill to recycling. This was subsequently replaced by Executive Order 13693 with more specifics. The new federal guidelines for disposal of e-Waste, fail to address the problem as they simply limit management to Certified Recyclers. Unfortunately only one Certification (e-Stewards) prohibits e-waste exports.¹⁰ Meanwhile the most recent studies, conducted by the Basel Action Network and MIT (May and Sept. 2016), shows that 40% of the e-waste delivered to recyclers was simply sent offshore.
5. **Provide Government Programs with Equipment for Digital Inclusion Programs:** Keeping our used electronics in the US will also ensure that Digital Inclusion programs such as HUD's Connect Home program, promoted by President Obama actually will have enough refurbished equipment to provide to low-income communities.¹¹
6. **International Relations and Law:** The United States is the only developed country in the world that has not ratified the Basel Convention, the global treaty governing trade in hazardous wastes. As such, no other country that is a Party to the Basel Convention and a developing country is allowed under the Convention to import these e-wastes from the US. Yet everyday, to the dismay of the rest of the world, the US allows exports that we know violate laws of importing countries. In this sense we violate the spirit of international law and damage international relations. We do this only to enrich waste brokers while damaging our nation's legitimate recycling industry.

Conclusion: It is doubtful that Congress will step up and ratify the Basel Convention anytime soon. It is time therefore for Obama to begin to resolve the e-waste dumping crisis once and for all and in so doing promote "green jobs" and business here in the United States while preventing global pollution.

⁶ <http://pubs.acs.org/doi/10.1021/acs.est.5b04226>

⁷ <http://www.electronicstakeback.com/2013/02/05/2594/>

⁸ http://www.americanerecycling.org/images/NationalDefense_Feb16.pdf

⁹ http://www.wpi.edu/Images/CMS/MPI-CR3/Case_of_Recycling.pdf

¹⁰ see BAN analysis of R2, R2: Non-Compliance by Design at http://wiki.ban.org/images/2/23/R2_Non-Compliance_by_Design.pdf

¹¹ One such program is HUD's ConnectHome. <http://connecthome.hud.gov/>