BAN Statement Regarding Past Violations of Pledge by Electronics Recycling International

November 29, 2010

The Basel Action Network (BAN) learned recently about the bills of lading for shipments that took place in 2007 and 2008 from Electronics Recycling International (ERI) to Hong Kong, China. The newspaper, the Sacramento Bee, first showed these to us. We were very troubled by this evidence of violation of the Pledge’s requirement not to export hazardous e-waste to developing countries as this is a core tenet of BAN’s work. When we learned about the bills of lading, we dealt with them in accordance with our Pledge program policy (described below).

In the past we have received quite a few rumors and reports of violations by multiple Pledge e-Stewards Recyclers. In such cases it is our policy to either conduct further investigations or immediately confront the alleged violator. But the verification program associated with the Pledge did not always allow BAN to uncover proof of violations, and this is the primary reason we have transitioned the Pledge program into an accredited, independently audited certification program.

Next, it is our policy to rectify any non-compliance. While the export issue is of critical importance to BAN and the reform of the electronics recycling industry, we do not have a one-strike-you-are-out policy, even for this very serious violation. E-Stewards Recyclers are considered partners and while we expect nothing short of honest industry leaders in our program, we also know that mistakes or misunderstandings are possible and many companies have transitioned their operations over the years to far better practices after realizing problems.

In this case, the non-compliance was well substantiated so BAN confronted ERI at once. They explained that they did not fully understand the definitions for hazardous e-waste, forbidden from export to developing countries, as found in the Pledge. They convinced us that these exports ceased in 2008 and their business model today is entirely different and is designed to be fully in compliance with the new e-Stewards Standard. BAN sent a team to their facility in Fresno, California to witness their current operation and make further inquiries regarding these operations, their ongoing transparency, their downstream vendors and their commitment to be audited and certified to our standard.

ERI is now contracted with an accredited e-Stewards certification body to independently certify all of their locations. With its upcoming certification of every facility, ERI’s customers can fully expect a high level of accountability and transparency from them. To ERI’s credit, they are
among the early adopters of the Certification. We hope that all recyclers in California, where export of e-waste is rampant will follow this lead.

While BAN remains very disappointed that these apparent violations took place at all, it is an important reminder that it was largely because of this type of problem that BAN replaced the older Pledge program (which was not able to involve annual on-site audits) with the far more rigorous and accountable e-Stewards Certification program, which requires fully trained and accredited independent certification bodies to assure conformance to a stricter, more comprehensive e-Stewards Standard.

The e-Stewards Standard and Certification is now available and is the most rigorous program for electronics recyclers in the world. It is especially important as it is the only standard that deals head-on with the egregious export issue and requires recyclers to abide by the Basel Convention and its decisions even in countries where these important decisions have not been ratified. It is important to note that the only competing standard, the “R2 Certification” does not ban export of hazardous wastes to developing countries, but simply requires recyclers to self-determine whether the exports violate the laws of importing countries or not.

As noted in the Bee article, ERI is one of the "e-Stewards Founders" that saw fit to contribute significant funds to develop the e-Stewards Certification. These funds contributed by several recyclers and smelters allowed us to hire the expertise needed to create the certification system necessary to serve the reform of this industry. As a non-profit charitable organization, BAN depends on corporate, individual and foundation grants and donations. The absolutely false perception by some that such one-time donations might be linked to quid-pro-quo actions or favoritism on the part of BAN will hopefully be laid to rest with the advent of this third-party auditing system. Under such a system, BAN has no say in findings of non-conformity and subsequent actions, including expulsion from the program.

In the meantime, the old Pledge program will end on August 31st, 2011 (and is already closed to newcomers). We have removed companies from our program in the past that did not rectify a violation as a matter of urgency. ERI’s violations occurred 2 - 3 years ago and have since been rectified by them voluntarily. However, BAN reserves the right to remove companies from the Pledge program in its final 9 months, if they do not immediately resolve violations or allow them to reoccur.

While we are sure there will be some that seek to throw the first stones and use this article to paint the entire e-Stewards program in an unflattering light, those with a broader understanding of industry reform efforts—indeed, any reform efforts—will, we believe, put this article in its proper perspective. After all, it was BAN, and partner environmental organizations that first brought the e-waste global dumping crisis to the fore and made certifications of any kind in this industry an expectation rather than an aspiration. The Bee article highlights the challenges we’ve been through as the leading edge of the effort to reward leaders and punish laggards in the electronics recycling sector. The article describing the California hazardous e-waste trade, underscores why our current, fully accredited, 3rd party certification is absolutely necessary to provide a much higher level of confidence in recycler conformance and to a much higher standard -- one that uniquely and fully bans harmful e-waste exports to developing countries.

For those of you that seek responsible recyclers, or for more information about the landmark e-Stewards Certification, visit www.e-Stewards.org.