Ratify Treaty and Ban Exports to Developing World

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Twenty years ago I served as NRDC’s delegate to the Basel Convention on the Transboundary Movement of Hazardous Wastes. I remember that treaty convention well and the unanimous position maintained by both developing nations and the environmental NGOs who came from around the world: the dumping of hazardous wastes into countries unable to oversee its safe management must end. Since that time, I have watched with disappointment as the United States stands virtually alone in the world in not ratifying that treaty.

The dumping of electronic detritus, which was a very small fraction of our concern when we negotiated the Basel treaty, is now a huge hazardous waste problem in the developing world, contaminating water supplies and land with toxic heavy metals, dioxins, PCBs, and acids, and putting some of the world’s poorest populations at great risk.

Even with all that we know about this illicit, dangerous and unethical trade, it is unlikely that the U.S. Congress will ratify the Basel treaty due to opposition from unethical waste processors with strong political clout in Washington, D.C. And it is even less likely that Congress will enact amendments to the Basel treaty adopted by European Union nations that strengthen it and make the export of hazardous waste to the developing world illegal. Meanwhile, 24 states have now enacted e-waste recycling laws that ban disposal of used electronics.

Self-interested firms who export e-waste to the developing world misleadingly argue that this is a “free trade” issue. Or they claim to be “donating” used electronics to poor people around the world who can’t afford new equipment. While there are undoubtedly some ethical actors, what far more exporters are really doing is hiding behind phantom policies that sound nice but in fact export poisons to some of the poorest people on Earth, people already disproportionately burdened with unimaginable ecological, financial, social, and political problems. And because many of the importing countries lack an appropriate regulatory infrastructure to defend their citizens against the serious health risks of improper handling of waste electronics, the only way to ensure that vulnerable populations are protected is to preclude export to developing nations.

The Natural Resources Defense Council has been working on waste management issues for almost 40 years, and our position on e-waste management is as follows:

- The export of hazardous electronic waste to developing countries must be prohibited. We have been working to see that federal legislation is introduced that would ban the export of non-working electronics to developing nations. If export is not prohibited by law, then the private sector should make sure that it is not exporting e-waste to the developing world. Likewise, municipalities and consumers should do due diligence to ensure their waste electronics are not being exported by e-waste collectors.

- Only properly tested, working electronics may be sold into developing countries. No broken equipment should be exported.

- Although the United States has not ratified the Basel treaty, the private sector in the United States should manage e-waste in a manner that complies with international law, i.e., the Basel Convention and Basel Ban Amendment.

- All firms that manage e-waste should be ISO 14001 certified and have an environmental management system in place.

- Prison labor should not be used to handle sensitive data and hazardous materials.

- E-waste should not be deposited in a municipal landfill or incinerator.

Currently, the only e-waste management certification program that meets all of NRDC’s e-waste management criteria is the “E-Stewards” program. E-Stewards can help U.S. businesses and consumers avoid becoming complicit in e-waste dumping. This is why E-Stewards, which certifies that a recycler is not exporting e-waste for dumping, is the only certification program supported by the environmental community.

Businesses and consumers should be wary of recyclers touting any other certification scheme for e-waste management, or none at all. Indeed, some e-waste certification schemes were designed by representatives of the companies that engage in dumping and seek to preserve business as usual. (See e-stewards.org.)

It is incumbent on us to ensure that the old TVs and computers that are being diverted from our landfills and incinerators do not end up in illegal and dangerous e-waste heaps in developing countries.

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