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US Department of Commerce  
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### **The 4Rs are the Way to a Sustainable Waste Policy**

Dear Sir or Madam:

We are writing in response to the invitation for comments sent out by the U.S. Department of Commerce, International Trade Administration, on the Roundtable on the 3Rs Initiative.

The Computer Take-Back Campaign (CTBC) is composed of North American non-governmental organizations, whose area of expertise range from human health to the environment. CTBC's goal is to protect the health and well being of electronics users, workers, and the communities where electronics are produced, used and discarded by requiring consumer electronics manufacturers and brand owners to take full responsibility for the life cycle of their products, through effective public policy requirements or enforceable agreements.

The "Reduce, Reuse, and Recycle Initiative" or 3Rs Initiative launched by the Group of Eight (G8) industrial countries this year is of great concern to the CTBC. The concept of 3Rs has been in use for many years now and in that time it has proven to be a useful concept. However in those years, it has also been revealed to be inadequate to address some of the most important issues of both environmental and social responsibility with respect to waste issues. It has become clear that the 3Rs are not adequate as a basis for government or corporate policy. *What is essential is the 4<sup>th</sup> R – **Responsibility**.*

Before delineating further what this means we feel compelled to outline the problem. One of the primary shortcomings with the 3Rs approach is that, despite waste management hierarchies that are aimed to give more weight to waste reduction and re-use, it is the last R – recycling that ends up being the real thrust. Recycling, while having great utility, is far from being the only solution. Recycling cannot address issues of over-consumption and profligate wastefulness. Further, where hazardous waste is concerned, such as in the matter of electronic waste, recycling by itself will tend to ensure that the hazards are not eliminated but rather impact the recyclers

and are either dumped as pollution or are reintroduced as product into society and the marketplace with the result that these hazards either re-expose people and the environment or postpone the day when such exposure is inevitable.

### ***Irresponsible Recycling Must be Addressed***

And, of most concern, is the increasing knowledge we now have that despite the “green” term of recycling, such processing can in actuality be a very risky and harmful enterprise if not conducted responsibly. In the past decade the term “recycling” has been corrupted and used as a green passport to send hazardous wastes to developing countries to exploit cheap labor and lax to non-existent environmental regulations. It was for this reason that the Parties to the Basel Convention adopted in 1994 and again in 1995 as a proposed amendment (the Basel Ban Amendment) to the Convention, a full ban on the export of hazardous waste from developed to developing countries for disposal *and for recycling*.

The North American electronic waste trade to Asia is representative of this new form of waste trade that the world has tried to ban. Millions of tons of computers cross the Pacific from the United States and Canada annually, and find their way to small villages in rural China, where displaced agricultural workers eke out \$1.50 a day and expose themselves to the hazardous ingredients in waste computers and other electronic products in the name of “reduction of waste, recycling, and re-use”.

As documented in the report “Exporting Harm: The High-Tech Trashing of Asia by the Basel Action Network and Silicon Valley Toxics Coalition et al., it is clear that often recycling can be highly dangerous to workers and very polluting to the environment. Further, this work demonstrated that utilizing low-wage developing countries as recycling colonies, is the antithesis of environmental justice and by externalizing costs, actually serves to work against the goal of waste minimization and reduction.

Similarly the United States government’s Maritime Administration is seeking to export toxic ex-naval vessels for recycling abroad. They have already sent delegations to China to explore the options of having the vessels recycled there.

We also know that the United States government is the only developed country in the world to fail to have ratified the Basel Convention and to have worked very hard, even as a non-Party, to prevent adoption of the Basel Ban Amendment. We know that the Commerce Department representatives at the Basel Convention have often been at the forefront of leading the charge against the Basel Convention’s efforts to stem the tide of hazardous wastes exported in the name of recycling. The Basel Convention is the world’s most prominent trade barrier regarding recycling. However, others exist, such as China’s unilateral electronic waste import ban, erected in accordance with their sovereign right to protect their economy and environment. Against this backdrop, we view with alarm the G-8’s 3Rs initiative’s aim to:

*“Reduce barriers to the international flow of goods and materials for recycling and remanufacturing, recycled and remanufactured products, and cleaner, more efficient*

*technologies, consistent with existing environmental and trade obligations and frameworks;*  
and

*“Cooperate with developing countries in such areas as capacity building, raising public awareness, human resource development and implementation of recycling projects.”*

The former point, while mentioning consistency with existing environmental and trade obligations, fails to describe which barriers they wish to reduce and under what circumstances it is appropriate or not to export wastes. The point fails to mention consistency with the Basel Convention and the Basel Ban Amendment or the legitimacy of trade barriers erected on behalf of the environment by states or by international law.

The latter point rings alarm bells as well, as we have noted often that waste trade is frequently conducted or justified under the guise of helping developing countries build their own capacity for domestic waste via importing foreign waste.

It has become abundantly clear that the 3Rs are not enough to ensure a sustainable approach to dealing with hazardous and other wastes, and it would be a mistake to build a national or even an international policy on the 3Rs alone. **A fourth R is necessary. Responsibility**, a key element in the life-cycle approach to waste management, needs to be added to the present formulation to arrive at a sane and sustainable solution to our global waste problems. There are four tiers to responsibility -- individual, producer, national, and social responsibility.

### ***Individual Responsibility***

Individual responsibility is fundamental. It engages consumers to be accountable for the products they consume and their subsequent disposal. Consumers must be made aware of which products are least damaging to the environment during its entire life cycle. They must become aware that disposing of hazardous electronic wastes in landfills is an unsustainable option that has detrimental impacts on the environment and human health, not to mention the palpable economic costs. They must press for laws to forbid this type of dumping.

Individual responsibility is not an alien concept in the area of waste management. The concept of household waste segregation - separating paper, plastics, and other recyclables from other household wastes has firmly taken hold of the collective consciousness. Thus, it is not a stretch for individuals or households to be held accountable for the proper disposition of their electronic wastes.

The 3Rs Initiative mentions as an objective the need for raising public awareness. Awareness raising, however, is not enough under the precept of Individual Responsibility. Consumers must be informed and, at the same time, be given the right options on how to best to buy and dispose of their electronic products.

Individuals or consumers are at the frontline of the waste issue, and it is imperative that they be given the proper information but also sustainable options. Producer and national responsibility is key to making this happen.

### ***Producer Responsibility***

The second tier, producer responsibility, is a crucial component in hazardous waste management since the producers or generators of products are the ones that introduce the toxic inputs into the products' life cycle or other environmental impacts. Unless the producer is held responsible for the subsequent environmental and health costs of their products, these costs will be externalized and ultimately passed on to consumers and local governments that have little to do with product design. Thus without producers being financially or physically responsible for post-consumer wastes, there is little feedback mechanism to ensure green design by virtue of the incentive to lower overall costs to the manufacturer. Without Producer Responsibility, upstream solutions, such as green design and clean production that are desperately needed to address the growing crisis of hazardous waste generation, will never be addressed.

Producers must also be responsible for providing transparency with the pollution they produce, the toxics they use and the environmental impacts of all of their activities. Further, beyond simply relying on the marketplace and advertising, they need to provide consumers with more decision-making authority over how and which products are produced.

### ***National and International Responsibility***

The need for national and international responsibility is required by the global nature of the waste problem and the need to legislate against unsustainable recycling, waste management and waste generation. Not only should countries embark upon waste minimization strategies that actually succeed in capping and then phasing down hazardous and other waste generation, but they must halt the export of waste problems to others. Hazardous wastes travel the path of least economic resistance that often runs from developed to poorer countries. Developed nations being the primary generators of hazardous wastes must manage their own wastes as much as possible and must minimize the transboundary movement of hazardous wastes. These national self-sufficiency obligations are mandated under the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal and yet countries like the United States operating without concern for the 4<sup>th</sup> R have ignored the mandate.

In line with the 3Rs Initiative's objective of maintaining consistency with existing environmental obligations and frameworks, it is crucial that the amendment to the Basel Convention, known as the Basel Ban Amendment be observed in the Department of Commerce policy formulation underway. The Basel Ban Amendment prohibits the export of hazardous wastes from Organization of Economic Cooperation and Development (OECD) member countries, EU, and Liechtenstein to other countries. Even while it is not yet in strict legal force as it gathers the requisite signatures, it is an international decision taken by the global community. Already, 30 of the 37 countries to which the export ban applies have implemented it in their national law.

Further, countries have a crucial responsibility to building a domestic recycling infrastructure and cultivating accountability on the part of users and producers of goods. The European governments through their Waste Electronic and Electrical Equipment (WEEE) and the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) Directives have created such overarching infrastructure that places responsibilities on manufacturers, involves the consumers, and translates their international obligation into national responsibility.

Without national responsibility there is a clear danger that the 3Rs Initiative will facilitate a downward spiral and make the developing world the dumping ground for the developed world's toxic garbage in the guise of technology transfer and capacity building, while providing little of the incentives born of cost internalizations – to reduce waste upstream.

### ***Social Responsibility***

The fabric that holds the other three tiers of responsibility is Social Responsibility. This dictates that we respect human rights and democratic involvement in all phases of decision making. One such principle that the United States has given the world is that of environmental justice -- that no peoples should bear a disproportionate burden of environmental pollution by reason of their economic circumstance, race, or religion, etc.

Despite this principle, the United States seems to be unwilling to see that we currently are disproportionately burdening the poorest workers in Asia with risks from our hazardous electronic wastes. This principle applies regardless of the level of technology employed in Asia as all hazardous waste recycling technologies involve substantial worker and environmental risk and downstream hazardous waste management.

Environmental justice also addresses the prevailing practice in the United States of using prison labor in “recycling” toxic electronic wastes. This unjust practice impacts African-Americans and other minorities disproportionately populating prisons and undermines the US recycling infrastructure by exploiting a literally captured and subsidized labor force lacking all of the rights of private free citizens.

Social responsibility demands equal and ethical treatment from within and outside the United States, in dealing with hazardous wastes and other environmental risks and impacts.

### ***Conclusion***

We fear that the present form of the 3Rs Initiative is a means to perpetuate business-as-usual under the cloak of the familiar concept – Reduce, Reuse and Recycle. Meanwhile the global generation of hazardous waste is on the rise, and exploitation of globalization of trade to irresponsibly sweep these hazardous wastes out the backdoors of rich developed countries is also on the rise. If we are to assure that Recycling is not used as a password for such irresponsibility we need to add a 4<sup>th</sup> R to our policy.

Through the incorporation of Responsibility as the 4<sup>th</sup> R, and its accompanying four tiers – social, individual, producer, and national/international, we can truly begin to embrace sustainable, ethical waste management that focuses on upstream solutions and not downstream hiding places for our wastes. Responsibility by all stakeholders is vital, and the fate of future generations rests on the present generation's willingness to take responsibility.

CTBC and its member groups are prepared to engage the US Department of Commerce in succeeding forums and help transform the 3Rs to the 4Rs Initiative for a sane and sustainable policy in waste management.

Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Sarah Westervelt". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sarah Westervelt on behalf of the  
Computer TakeBack Campaign

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