

October 29, 2004

Vicky Salazar  
U.S. EPA, Office of Solid Waste  
1200 Pennsylvania Ave., N.W., (MC 5306W)  
Washington, DC 20460

Subject: Compliance with Environmental Justice Executive Order 12898 in Electronics End-Of-Life Management Policies and Programs

Dear Ms. Salazar,

This letter is to inform the Electronics Product Environmental Assessment Tool (EPEAT) Development Team of Silicon Valley Toxics Coalition (SVTC) opposition to the proposed EPEAT attributes regarding end-of-life management.

SVTC served as an official development team member in the EPEAT process representing the Computer Takeback Campaign (CTBC), a national coalition of environmental organizations. CTBC is a diverse national coalition of environmental and social justice organizations promoting corporate and governmental accountability for US electronic waste to protect the health and well-being of all electronics users, workers, and communities where electronics are produced and discarded.<sup>1</sup>

We commend the EPA for sponsoring a year-long process to develop an Electronic Product Environmental Assessment Tool ("EPEAT") for use by federal agencies to assess the environmental performance and impact of desktop and laptop computers. However, the SVTC and the CTBC strongly oppose the proposed EPEAT end-of-life management criteria which don't address the fundamental environmental justice principle and protection embodied in Executive Order 12898. Our primary concern is for the environmental and occupational health hazard posed by e-waste to US prisoners and communities in developing countries.

EJ Executive Order 12898 requires that each federal agency include environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately adverse human health or environmental effects of its programs, policies, and activities on people of color and low-income populations in the United States and its territories. The Computer TakeBack Campaign (CTBC) finds that the policy and practice of using federal prisoners and developing nations to recycle and disassemble hazardous electronic waste is directly in violation of the letter and spirit of EO 12898.

Prisoners who dismantle e-waste in prison recycling centers and workers in developing nations, where US e-waste is also dismantled and processed in large quantities, are not adequately protected by US environmental and labor laws. This has already resulted in massive poisoning of entire regions and populations abroad, and as technology rapidly develops, the problem will only escalate.<sup>2</sup>

Racial minorities (African American and Latino) and low-income individuals comprise about 70 percent of all federal prisoners.<sup>3</sup> As prisoners, many have been stripped of their basic rights to vote, freely associate, unionize, or influence or participate in environmental policies or decisions in a meaningful

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<sup>1</sup> The Computer TakeBack Campaign [www.computerTakeBack.com](http://www.computerTakeBack.com)

<sup>2</sup> "Exporting Harm: The High-Tech Trashing of Asia" <http://www.ban.org/E-waste/technotrashfinalcomp.pdf> by Basel Action Network, 2002. "E-waste in Chennai: Time is running out." [http://www.toxicslink.org/docs/06033\\_reptchen.pdf](http://www.toxicslink.org/docs/06033_reptchen.pdf) (2004) and "Scrapping the Hi-tech Myth: Computer Waste in India" [http://www.toxicslink.org/docs/06037\\_Hi\\_Tech\\_Myth.pdf](http://www.toxicslink.org/docs/06037_Hi_Tech_Myth.pdf) (2003), both reports by Toxics Link, India.

<sup>3</sup> Prison Reform and Advocacy Center: [www.prisonreform.com/usprison\\_main.shtml](http://www.prisonreform.com/usprison_main.shtml) and Prison Activist Resource Center: [www.prisonactivist.org](http://www.prisonactivist.org).

way. Incarcerated individuals are denied equal protection under federal labor laws, and federal penitentiaries are not subject to all local and state environmental laws.

The use of prison workers by federal agencies to recycle hazardous waste is precisely the type of environmental discrimination that the Executive Order 12898 was designed to prevent. In addition, the burden of healthcare costs for family members of those who are ill upon release from prison falls on the very communities this Executive Order was designed to protect.

Thus, ending the abuse of prison labor by halting recycling practices at prisons would significantly advance EPA's efforts to implement EO 12898.

We are also concerned that the proposed EPEAT EOL attribute only offers one standard for which companies can earn points, whereas most of the EPEAT attributes offer the opportunity for companies to improve environmental services and practices and earn additional points by achieving higher standards.

Lastly, we are concerned that the definition of hazardous waste in the EPEAT guidelines, are not consistent with the Basel Agreement particularly with regard to the export of nonworking equipment or materials, to countries outside the US, which may be considered hazardous waste under the Basel Convention. The EPEAT EOL criteria should clarify that it is illegal for countries to import hazardous wastes (as defined by Basel) from the US in the absence of a supplementary bilateral or multilateral import/export agreement between a given Basel party and the US.

Documented evidence<sup>4</sup> shows e-waste is being exported from the US to developing countries like China through existing recyclers and waste brokers. This form of illegal transportation of hazardous waste exposes and thus exploits some of the poorest laborers in countries such as India and China and therefore is directly contradictory to the principles of Environmental Justice.

In summary, SVTC and the CBTC would like the EPA and the EPEAT development team to ensure that (1)the environmental justice principle applies to all EOL criteria and to (2) clarify the EPEAT criteria for hazardous waste exports so that they are harmonized with existing international definition of hazardous waste outlined in the Basel Convention (3) provide an opportunity for companies to earn additional points by including higher level tiers for the EOL attribute.

We look forward to working with the EPA to review and reform EPEAT criteria and to ensure that e-waste is recycled in communities that meet the federal government's goals on environmental justice in the United States.

Sincerely,

Sheila Davis  
Silicon Valley Toxics Coalition

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<sup>4</sup> "Exporting Harm: The High-Tech Trashing of Asia" <http://www.ban.org/E-waste/technotrashfinalcomp.pdf> by Basel Action Network, 2002. "E-waste in Chennai: Time is running out" [http://www.toxicslink.org/docs/06033\\_reptchen.pdf](http://www.toxicslink.org/docs/06033_reptchen.pdf) (2004) and "Scrapping the Hi-tech Myth: Computer Waste in India" [http://www.toxicslink.org/docs/06037\\_Hi\\_Tech\\_Myth.pdf](http://www.toxicslink.org/docs/06037_Hi_Tech_Myth.pdf) (2003), both reports by Toxics Link, India.