Negative: Basel Convention

By “Coach Vance” Trefethen

The Basel Convention is an international treaty signed by virtually all countries in the world (including the US) but only not implemented by the US and Haiti. The US Senate actually ratified Basel Convention in 1992. But Basel is not a "self executing" treaty. That means, it doesn’t change any US laws in and of itself - it's just an agreement that we will take action to implement laws inside the US that will comply with it, as soon as possible. But Congress never did anything to write those laws, so as of now, Basel has no effect on the US.
 Basel prohibits the export of waste to other countries. It also prohibits its member countries from accepting waste from any non-member, so in the Status Quo, it's already illegal for all countries (except Haiti) to import waste from the U.S. If they're doing it and it's harming anyone, then it proves Basel doesn't work, since it's already illegal.

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Negative: Basel Convention

TOPICALITY

1. Not substantial reform

US trash exports are already illegal under Status Quo law, according to Basel Convention advocate

MARITIME EXECUTIVE 2021 (maritime industry publication) 14 Mar 2021 "Report: U.S. Plastic Waste Exports May Violate Basel Convention" (accessed 6 Apr 2023) https://www.maritime-executive.com/article/report-u-s-plastic-waste-exports-may-violate-basel-convention (brackets added)

All nations except for the United States and Haiti have joined the Basel Convention. The treaty's 187 signatory states are not allowed to import controlled waste from nations that have not ratified it. This provision makes U.S. plastic export shipments "criminal traffic as soon as the ships get on the high seas," according to BAN [Basel Action Network], and carrying these shipments could expose ocean carriers to liability.  In addition, BAN alleges that U.S. plastic sorting facilities are not capable of achieving the low contamination rates required by the convention, and it identifies several specific shipments that likely violate the quality specifications in the new rules.  "We have found evidence already in the customs data of specific illegal shipments, and it’s highly likely, that once the shipments are inspected, a majority of it will be found to be illegal." said [Basel Action Network's Executive Director Jim] Puckett. "Further, we have also found evidence that the shipping companies we have called upon to cease plastic waste exportation to developing countries continue to aid and abet this criminal trafficking in waste."

Violation: Making something illegal that's already illegal isn't a substantial reform

It's a waste of time to just pass more laws because we're mad that people are doing things that are already illegal. But for policy debate, it's untopical, because we're supposed to be debating significant reform of policy, not just getting mad that existing policy is being violated and voting that we're mad about it.

Impact: Negative ballot if no policy is significantly reformed

If it's illegal in Status Quo to export trash, and illegal post-plan to export trash, then there's no significant policy change. That means no one is upholding the resolution. If the resolution isn't being affirmed, then no matter who wins, you should vote Negative.

INHERENCY

1. Inherency / Solvency dilemma.

Inherency: It's already illegal under Basel for countries to receive trash from the US. Solvency: If they're still receiving it, it proves Basel doesn't work

MARITIME EXECUTIVE 2021 (maritime industry publication) 14 Mar 2021 "Report: U.S. Plastic Waste Exports May Violate Basel Convention" (accessed 6 Apr 2023) https://www.maritime-executive.com/article/report-u-s-plastic-waste-exports-may-violate-basel-convention

The customs records show that U.S. plastic waste exports to the developing world totaled some 25,000 tonnes and 4,700 shipping containers' worth of scrap plastic in January alone - about the same level seen in January 2020, before the new rule took effect. Malaysia easily topped the list of destinations, followed by Vietnam and Indonesia.  All nations except for the United States and Haiti have joined the Basel Convention. The treaty's 187 signatory states are not allowed to import controlled waste from nations that have not ratified it. This provision makes U.S. plastic export shipments "criminal traffic as soon as the ships get on the high seas," according to BAN, and carrying these shipments could expose ocean carriers to liability.

Even if the US isn't a member of Basel, Canada and Mexico are, so it's illegal for them to import plastic waste from the US

Emily Benson and Sarah Mortensen 2021 (Benson - Director, Project on Trade & Technology and Senior Fellow, School Chair in International Business, Center for Strategic & International Studies. Mortensen - Intern, Scholl Chair in International Business) 7 Oct 2021 "The Basel Convention: From Hazardous Waste to Plastic Pollution" (accessed 8 Apr 2023) https://www.csis.org/analysis/basel-convention-hazardous-waste-plastic-pollution

While this change will affect parties to the convention, its biggest [impact](https://resource-recycling.com/recycling/2019/05/14/basel-changes-may-have-bigger-impact-than-china-ban/) will be on non-parties. For example, the United States remains one of the largest plastic waste exporters, sending most of its waste to Canada and Mexico. However, as the United States has not ratified the convention, it is a non-party. Canada and Mexico are parties to the Basel Convention. Therefore, these transactions are prohibited under this new amendment.

HARMS / SIGNIFICANCE RESPONSES

1. Basel doesn't relate to any actual problem with US exports (admission by Plan advocate)

**Environmental Technologies Trade Advisory Committee advocates the Affirmative plan, but even they admitted in 2022 that…**

US doesn't export much hazardous waste. And Basel blocks legitimate US trade, not actual hazards

Environmental Technologies Trade Advisory Committee 2022. (a Federally-established committee whose purpose is to advise on the policies and procedures of the U.S. government that affect environmental technology, goods, and services exports) 19 Jan 2022 Letter to Secretary of Commerce Gina M. Raimondo (accessed 7 Apr 2023) https://www.trade.gov/sites/default/files/2022-02/ETTAC%20Recommendation%202021-05%20Basel%20Convention%20and%20CE\_508compliant.pdf

In general, the U.S. does not engage in exporting large amount of hazardous wastes to other countries. However, it does engage in the trade of recyclable materials, often termed "waste." These recyclable materials are key to a circular economy and provide important inputs into many final U.S. technologies, products, and services. However, in 2019, the Basel Convention was amended in a way that subject the majority of exports of non-hazardous plastic recyclables and electronic wastes to the Convention's PIC requirement beginning in 2021. Even worse, the Convention's restrictions on non-party trade essentially eliminates the possibility for U.S. exporters to trade with most other countries.

2. Functional, not junk

Importers overseas don’t take it if it’s junk, and it’s not being dumped. They use and refurbish what we export

Robin Ingenthron 2022. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 7 Apr 2022 “[In My Opinion: Allowing exports is how America COMPETES best](https://resource-recycling.com/e-scrap/2022/04/07/in-my-opinion-allowing-exports-is-how-america-competes-best/)” <https://resource-recycling.com/e-scrap/2022/04/07/in-my-opinion-allowing-exports-is-how-america-competes-best/> (accessed 15 May 2022)

The contract manufacturers don’t need monitors that are “tested working.” All they may need to build a new unit for sale is a scrap monitor’s LC diode and backlight, for example.  To major factories such as these, “functionality” is a quaint constraint. These overseas refurbishers don’t want junk and won’t buy 80% of the goods recyclers collect here. The myth, dating back to 2010, that 80% of what overseas importers inspect and buy is being dumped days later has been disproven by numerous academic researchers, as well as by the Basel Convention Secretariat in Geneva.

Export of “junk” is exaggerated and based on phony numbers. Poor countries don’t pay to import useless junk

Robin Ingenthron 2011. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 31 Mar 2011 “Why We Should Ship Our Electronic "Waste" to China and Africa” <https://www.vice.com/en/article/d77w9m/e-waste-recycling-exports-are-good> (accessed 16 May 2022)

You see, the economics of "ewaste" exporting has never, ever supported the Watchdog's claim that "80%" of used electronics exports are unwanted junk. They claim that the low cost of disposal pays for sea container trips across the ocean. There is definitely validity to the claim that environmental standards are lax, as they are for mining (the only opposite of recycling). But that does not create an incentive for poor people to pool their money to buy crap. And after a little digging, I came up with a dirty little secret: The 80 percent export statistic was made up out of thin air. There is absolutely not one stitch of data to support it. The watchdog organization has been referring to circular sources (other articles in which they were quoted with the same claim). They meant well – but in their passion to improve the pollution, they did not know what they were talking about and began to make it up as they went along.

No e-waste crisis in China, and whatever junk there is, most of it comes from China itself

Robin Ingenthron 2011. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 31 Mar 2011 “Why We Should Ship Our Electronic "Waste" to China and Africa” <https://www.vice.com/en/article/d77w9m/e-waste-recycling-exports-are-good> (accessed 16 May 2022)

The most hilarious example of this silly campaign is perhaps the [60 Minutes episode on e-waste exports to China](http://retroworks.blogspot.com/2010/07/60-minutes-wastelands-missing-minutes_17.html). CBS circled computer monitors in Hong Kong, then "followed the trail" to Guiyu, where they saw not a single darn computer monitor anywhere. On the way, they passed one of the largest white box refurbishing factories, which I'd given them film of. They found a cesspool in the area of Shenzhen, China (where [all the IPhone and Android and Ipads are made](http://motherboard.tv/2010/9/13/meet-the-young-chinese-workers-who-made-your-computer)) and they told a story that a rinky-dink scrap metal shop was the best available recycling technology, what Scott Pelley calls "a tidy little shop". Too bad they missed the fact there were no CRT monitors there, or that most of the junk came not from the U.S. but from rapidly affluent Hong Kong, Shenzhen, and Guangzhou.

No crisis in Ghana – 90% has no impact: 70% of e-waste is still working, 20% is being repaired

Adam Minter 2015 (journalist who visited the Agbogbloshie, Ghana e-waste “dump” site) 16 June 2015 “Anatomy of a Myth: the World’s Biggest E-Waste Dump Isn’t.” <https://shanghaiscrap.com/2015/06/anatomy-of-a-myth-the-worlds-biggest-e-waste-dump-isnt/> (accessed 17 May 2022)

So how much scrap ends up in Agbogbloshie every day? The [only study](http://www.basel.int/Portals/4/Basel%20Convention/docs/eWaste/E-wasteAssessmentGhana.pdf) that’s ever tackled the question systematically was published in 2011 (funded by the European Commission, Norway, the United Kingdom, and the Dutch Recyclers Association, and coordinated by the Secretariat of the Basel Convention), and it found that – in 2009 – Ghana (not just Accra) imported 215,000 tons of used electronics. That sounds bad until you read the kicker: of that imported electronics, 70% was still functioning and usable, and the other 20% could be repaired. And it was repaired. Indeed, Ghana, like much of West Africa, is a major hub for the re-use, repair, and refurbishment of used goods from around the world – everything from furniture to mobile phones. Drive around any city in Ghana, and you’ll see entrepreneurs who’ve imported and refurbished used goods (increasingly from China), and now offer them for sale to the large swath of the population that can’t afford new (the wonderful Yepoka Yeebo recently produced [an excellent photo essay](http://roadsandkingdoms.com/2015/ghanaian-hustle/) on this industry for Roads and Kingdoms).

3. No export problem

Vast majority of electronics in the US are recycled in the US

Katie Campbell and Ken Christensen 2016 (journalists) Where does America’s e-waste end up? GPS tracker tells all 10 May 2016 <https://www.pbs.org/newshour/science/america-e-waste-gps-tracker-tells-all-earthfix> (accessed 17 May 2022)

“The vast majority of electronics collected for recycling in the U.S. are recycled in the U.S.,” said Eric Harris of the Institute of Scrap Recycling Industries, a Washington, D.C.-based recycling trade association. “We would really challenge the notion that there’s a mass exodus of equipment that’s leaving in an unprocessed manner.”

4. Exaggerated numbers

No, there aren’t “hundreds of millions” of tons of e-waste being exported

Adam Minter 2015 (journalist who visited the Agbogbloshie, Ghana e-waste “dump” site) 16 June 2015 “Anatomy of a Myth: the World’s Biggest E-Waste Dump Isn’t.” <https://shanghaiscrap.com/2015/06/anatomy-of-a-myth-the-worlds-biggest-e-waste-dump-isnt/> (accessed 17 May 2022)

But, for some reason, the media organizations that insist on sending photographers to document Agbogbloshie never bother to look up the 2011 study, or do the calculation. Rather, they just say whatever sounds most shocking. For example, as far back as 2008 (to be fair, pre-study), [PBS Frontline claimed](http://www.pbs.org/frontlineworld/stories/ghana804/video/video_index.html) that “hundreds of million of tons” of e-waste arrive at Agbogbloshie annually (which would make e-waste one of the world’s most shipped manufactured goods)!  Most news organizations, however, are a bit more responsible, and either hedge their bets by sticking to “biggest” and “largest” or – as [in the case of Gizmodo](http://gizmodo.com/e-hell-on-earth-where-the-wests-electronics-go-to-die-1442576665) – show a bit more courage (though not more sourcing) and say “millions of tons.” None of this is even remotely true.

SOLVENCY

1. Basel has failed

AFF Plan advocate admits: Nothing changed after every other major country in the world did the Plan

Katie Campbell and Ken Christensen 2016 (journalists) Where does America’s e-waste end up? GPS tracker tells all 10 May 2016 <https://www.pbs.org/newshour/science/america-e-waste-gps-tracker-tells-all-earthfix> (accessed 17 May 2022) (brackets added)

[AFF advocate, Director of Basel Action Network, Jim] Puckett’s documentary came out more than a decade after nearly every developed nation on the globe had ratified the [Basel Convention](http://www.basel.int/), an international treaty to stop developed countries from dumping hazardous waste on poorer nations. Now, more than a quarter-century after that treaty was written, and more than 15 years since he exposed Guiyu, Puckett said little has changed.

2. Requires other changes besides just ratifying Basel

Basel Convention isn't "self-executing" - other changes in law would have to be passed to actually change US policies (and they're not in the AFF plan)

Prof. Tseming Yang and C. Scott Fulton 2015 (Yang - professor of law, Santa Clara Univ. Law School. Fulton - President of Environmental Law Institute) 20 Oct 2015 Breach Avoidance or Treaty Avoidance?: The Problem of Over-compliance and U.S. Ratification of the Basel Convention on Hazardous Wastes (accessed 6 Apr 2023) https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1905&context=facpubs

For the Basel Convention, however, the choice of instrument question is largely moot since it already received Senate approval in 1992, generally considered to be the least controversial. With respect to the other unratified global MEAs, the Executive Branch has also made a choice to submit them to the Senate for advice and consent and thus has not otherwise acted on treaty membership in the meantime. Once the United States has entered into an agreement, the effectuation of the agreement’s provision in U.S. domestic law is dependent on whether the particular treaty provision is deemed to be self-executing or non-self-executing. If an agreement’s provision is considered to be self-executing, its provisions become effective without the need for further action by Congress. For a self-executing treaty provision creating private rights, such rights would be automatically enforceable in the courts. On the other hand, non-self-executing treaty provisions require further legislative or regulatory actions in order to become effective. To determine whether a treaty provision is self-executing has traditionally required looking to the intent of the drafters, primarily that of the Senate and the Executive Branch. Environmental agreements by and large have not been deemed to be self-executing. That holds true for the unratified global MEAs [multilateral environmental agreements] pending in the Senate, none of which is deemed to be self-executing. Thus, this article’s focus, the question of domestic implementation authority, remains relevant for all unratified global MEAs: U.S. participation in each of them will require not only Senate advice and consent but also identification of further legal authority in order to implement the agreement’s provisions.

Senate approved Basel in 1992. But it can't be implemented because Congress can't implement all of its provisions (specific changes in domestic law needed to comply)

US State Dept. 2020 (ethical note: article is undated but references events that took place in 2020) "Basel Convention on Hazardous Wastes" (accessed 6 Apr 2023) https://www.state.gov/key-topics-office-of-environmental-quality-and-transboundary-issues/basel-convention-on-hazardous-wastes/

Currently, there are 188 Parties to the Convention. The United States signed the Basel Convention in 1990. The U.S. Senate provided its advice and consent to ratification in 1992. The United States, however, has not ratified the Convention because it does not have sufficient domestic statutory authority to implement all of its provisions.

Congress would have to pass additional legislation to make Basel goals part of US domestic law

Bergeson & Campbell 2019 (law firm) "Monthly Update for July 2019" (accessed 7 Apr 2023) https://www.lawbc.com/regulatory-developments/update/monthly-update-july-2019

The U.S. signed the Basel Convention in March 1989 and the Senate gave consent to ratification in 1992. But the House of Representatives failed to amend RCRA [Resource Conservation and Recovery Act] to incorporate the requirements of the Basel Convention.

3. Basel won't solve for plastic waste

Legal ambiguities and complications make it very hard for Basel to effectively regulate plastic waste

Sabaa Ahmad Khan 2020 (D.C.L., LL.M., LL.L.; Senior Researcher, Center for Climate Change, Energy and Environmental Law, University of Eastern Finland; Attorney Member, Barreau du Québec) 20 July 2020 " Clearly Hazardous, Obscurely Regulated: Lessons from the Basel Convention on Waste Trade" (accessed 8 Apr 2023) https://www.cambridge.org/core/journals/american-journal-of-international-law/article/clearly-hazardous-obscurely-regulated-lessons-from-the-basel-convention-on-waste-trade/E250702AE51D72AC342AA811D3003579

Experience gained under the Basel Convention with respect to controlling electronic waste reveals that the challenge of resolving the treaty's linguistic ambiguities and obtaining definitive legal clarity on the distinction between hazardous waste and non-hazardous “goods” can be nearly impossible given the disjointed global regulatory landscape and the voluntary nature of technical guidance instruments developed under the Convention. A second aspect of the plastic amendment that will require further development and clarity is the evidentiary requirement of “contractual or relevant official documentation,”  which applies to all shipments of plastic waste claimed to be non-hazardous commodities exempt from the Basel regime. The rationale behind this requirement is that successful implementation of hazardous waste controls rests on Basel parties’ ability to verify that shipments of plastic waste labelled non-hazardous are in fact non-hazardous. The nature and quality of this new evidentiary requirement will matter. If Basel parties allow plastic waste commodities to be shipped based on the simple proof of a contract between an exporter and importer that the waste will be recycled in an environmentally sound manner, or other documentation similarly based on unverifiable claims made by private entities, there may be enhanced opportunities for illegal plastic waste trading. While there clearly needs to be greater transparency and regulatory oversight regarding these non-hazardous plastic waste commodities, it also cannot be forgotten that these “goods” are in fact excluded from the scope of the treaty. Hence, requiring more stringent documentation in relation to these waste transactions could be legally challenging.

DISADVANTAGES

1. "Environment at all cost" mindset is harmful and wrong

Basel Convention mindset values the environment above people and ends up harming the poor

Jay Johnson, Gary Pecquet, and Leon Taylor 2007 (Jay Johnson is Assistant Professor of Economics at Southeastern Louisiana University. Gary Pecquet is Assistant Professor of Economics at Central Michigan University. Leon Taylor is Associate Professor and Director of Graduate Program at the Kazakhstan Institute of Management, Economics, and Strategic Research) POTENTIAL GAINS FROM TRADE IN DIRTY INDUSTRIES: REVISITING LAWRENCE SUMMERS’ MEMO (accessed 8 Apr 2023) https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2007/11/cj27n3-6.pdf

A second error in the criticism of Summers’ economic logic lies in the intrinsic valuation of nature. These critics are exemplified by a position paper, “Larry Summers’ War Against the Earth” (Vallette 1999). They believe that the environment has value regardless of human assessment. They wish to protect that value by absolute restrictions on use of the environment, despite how the restrictions may affect people. The Basel ban on the export of toxic wastes by developed countries is an absolute restriction to protect the environment of less developed countries. This ban is not likely to prove significant, since each signatory has an incentive to renege upon it and has only a weak incentive to enforce it through economic sanctions. Still, the ban may close off opportunities for trade to poorer countries that could have stimulated economic growth. The view that the pristine environment has intrinsic value alleviates the need for any further judgment about the use of environmental resources. The way to protect them is to immediately stop new development, regardless of human costs. However, under this view, the poorest in poor countries will then suffer the most.

2. Reduced competition

Original Equipment Manufacturers (OEMs) support SEERA because they want to block low-priced competition against their products

Robin Ingenthron 2022. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 7 Apr 2022 “[In My Opinion: Allowing exports is how America COMPETES best](https://resource-recycling.com/e-scrap/2022/04/07/in-my-opinion-allowing-exports-is-how-america-competes-best/)” <https://resource-recycling.com/e-scrap/2022/04/07/in-my-opinion-allowing-exports-is-how-america-competes-best/> (accessed 15 May 2022)

The OEMs just don’t like it when one of those factories – such as Wistron – decides to put its own brand (Acer) on remanufactured goods. And that’s what this bill is about: the OEMs attempting to prevent shipments to the overseas contract manufacturing industry, which makes “good enough” new products using key reused components from e-scrap they buy from the U.S.

US businesses and the Chinese Communist Party hate overseas electronic recycling because they resent the competition

Robin Ingenthron 2011. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 31 Mar 2011 “Why We Should Ship Our Electronic "Waste" to China and Africa” <https://www.vice.com/en/article/d77w9m/e-waste-recycling-exports-are-good> (accessed 16 May 2022)

The Geeks of Color could not believe their luck when parts worth $110 – like a good, non-trinitron, 17", uncancelled cathode ray tube – were being sold to them for $5. They quickly stopped buying brand new CRTs and started assembling monitors and televisions from 5-10 year old USA monitors which had been "upgraded". This hurt the brand names which did not like competing with their own product in the secondary market. But even worse, it hurt the largest shareholder in new Cathode Ray Tube manufacturing in the world: The Chinese Communist Party.

Impact: Consumers harmed. Consumer welfare is reduced when government policy blocks market competition

Prof. Todd Zywicki and James C. Cooper 2007 (ZYWICKI - Professor of Law, George Mason University School of Law Research Fellow, James Buchanan Center for Political Economy Program on Politics, Philosophy, and Economics. Cooper – Deputy Director, Office of Policy Planning, US Federal Trade Commission) The U.S. Federal Trade Commission and Competition Advocacy: Lessons for Latin American Competition Policy <https://www.law.gmu.edu/assets/files/publications/working_papers/07-07.pdf> (accessed 17 May 2022; gray notations added)



3. Economic harm to poor countries

Blocking electronic component exports removes business opportunities in poor countries

Robin Ingenthron 2022. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 7 Apr 2022 “[In My Opinion: Allowing exports is how America COMPETES best](https://resource-recycling.com/e-scrap/2022/04/07/in-my-opinion-allowing-exports-is-how-america-competes-best/)” <https://resource-recycling.com/e-scrap/2022/04/07/in-my-opinion-allowing-exports-is-how-america-competes-best/> (accessed 15 May 2022)

Big electronics brands have long relied on Asian or South American subcontractors such as Wistron, Foxconn, or Proview to assemble their electronics. But those contract manufacturers are also building smartphones and flat-screen TVs out of what the World Trade Organization (WTO) calls “cores,” or key components, and then reselling them in emerging markets.  They’ve been doing this for some time. Over a decade ago, factories that assembled CRT monitors for HP or Dell knew the CRT lasted 25 years and was the most expensive component. By reusing a $10, four-year old SVGA monitor to replace a $110 brand new CRT, they were cutting costs in half for customers in India, Nigeria, Brazil and other emerging markets.

Really should ask the e-waste workers what they want. They probably prefer to keep their jobs

Kurt Daum, Dr. Justin Stoler and Prof. Richard J. Grant 2017. (Daum - Department of Geography and Regional Studies, University of Miami. Stoler – PhD; MPH; Assistant Professor of Geography, Univ. of Miami. Grant - prog. of geography, U. of Miami) Toward a More Sustainable Trajectory for E-Waste Policy: A Review of a Decade of E-Waste Research in Accra, Ghana INTERNATIONAL JOURNAL OF ENVIRONMENTAL RESEARCH & PUBLIC HEALTH 29 Jan 2017 <https://www.mdpi.com/1660-4601/14/2/135/htm> (accessed 17 May 2022)

The voices of e-waste workers remain largely absent throughout the e-waste literature. Understanding the lived experiences of workers is of great importance because such testimonies help create more holistic images of life on the ground. Photographs of young men leaning over dark smoke clouds surrounded by rubbish and ash have permeated international public spheres; while such images often bring public attention to the adverse health outcomes and living environments of these workers, they often obscure the benefits workers receive from their work. For e-waste workers, collecting scrap and burning metals over open flames are sometimes deeply rooted in building their identity, pride, and better futures. Informal workers, like workers in all professional fields, are producers of knowledge and reality; if such realities continue to be framed by hysteria, then social equality, understanding, and in turn, inclusion will be difficult to attain.

E-waste export bans victimize Africa: It blocks them from starting at the ground floor of economic development in the computer industry

Robin Ingenthron 2011. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 31 Mar 2011 “Why We Should Ship Our Electronic "Waste" to China and Africa” <https://www.vice.com/en/article/d77w9m/e-waste-recycling-exports-are-good> (accessed 16 May 2022)

Besides the environment, the biggest victim is probably Africa. Countries there must pay more for refurbished equipment, and many are now the target of a campaign to make sure they don't get their own "white box" factories. This will take away Africa's chance to follow the same "tinkerer and geek" path of development which Japan, China, Korea, Taiwan, and other Asian Tigers used. Throughout modern history, geeks and tinkerers have climbed the ladder from used sales to repairs to contract assembly to original equipment manufacturing.

Link & Brink: Recycling electronic junk is the only economic option for some poor citizens in Africa. It’s that or nothing

Jim Harper 2011. (JD from Univ. of California – Hastings College of Law; founding member of the U.S. Department of Homeland Security’s Data Privacy and Integrity Advisory Committee) 20 Sept 2011 “Soft Heart, Soft Head?” <https://www.cato.org/blog/soft-heart-soft-head> (accessed 17 May 2022)

Yesterday, I came across a short Atlantic essay on the plight of children in Accra’s Abogbloshie slum entitled “[The Hardware Scavengers of Ghana](http://www.theatlantic.com/technology/archive/2011/09/the-hardware-scavengers-of-ghana/245132/).” One particular sentence stood out for succinctly crystallizing the problem, and for its near‐​perfect internal inconsistency: “These kids are shortening their lives, but they don’t have any other options.” You see, if they have no other options, the toxic job of electronics recycling—burning insulation off copper wires, applying degreasing solvents with bare hands, and so on—is extending their lives, not shortening them. According to the [underlying article and interview on Mongabay​.com](http://news.mongabay.com/2011/0909-moukaddem_ewaste.html), many of the recyclers come from Northern Ghana to escape poverty, maltreatment, “food insecurity,” and sectarian strife. The choice is not between recycling and school. It is between encountering carcinogens and neurotoxins or encountering violence, starvation, and death.

Impact: 200,000 jobs in Ghana

Dr. Thomas Maes and Fiona Preston-Whyte 2022. (Maes – PhD in marine litter; Principal Scientist at the Centre for Environment, Fisheries and Aquaculture Science, UK. Preston-Whyte - Researcher. Centre for Environment, Fisheries and Aquaculture Science, UK) “E-waste it wisely: lessons from Africa” 5 Feb 2022 <https://link.springer.com/article/10.1007/s42452-022-04962-9> (accessed 17 May 2022)

The transport of used EEE and e-waste to Africa, has resulted in an informal, yet important industry, with far reaching consequences. Used EEE, and repairable EEE, have permitted individuals and companies to buy inexpensive and vital electronics or IT equipment, helping socioeconomic development. Informal e-waste recycling provides a major source of livelihood for many poor urban communities. The informal sector contributes to 25% of the e-waste recycling in South Africa, with an estimated workforce of 10,000 with 2000 regular workers in 2013. Within Ghana, in 2014, e-waste activities generated US$105–268 million, creating employment for at least 200,000 people nationwide.

Impact: Starvation, violence and war without e-waste recycling opportunities

Jim Harper 2011. (JD from Univ. of California – Hastings College of Law; founding member of the U.S. Department of Homeland Security’s Data Privacy and Integrity Advisory Committee) 20 Sept 2011 “Soft Heart, Soft Head?” <https://www.cato.org/blog/soft-heart-soft-head> (accessed 17 May 2022)

Solving the problem of e‑waste might be a comfort to readers of the Atlantic concerned with their own environment and susceptibility to cancer. But if the statement about poor Ghanians’ options is true, such “solutions” would consign children and young men to death of starvation, violence, and war.

Impact: Poor recyclers in Ghana would go from bad to worse without e-waste

Jim Harper 2011. (JD from Univ. of California – Hastings College of Law; founding member of the U.S. Department of Homeland Security’s Data Privacy and Integrity Advisory Committee) 20 Sept 2011 “Soft Heart, Soft Head?” <https://www.cato.org/blog/soft-heart-soft-head> (accessed 17 May 2022)

I don’t know what improvements in trade policy (ours or theirs), rule of law, taxation or regulation might bring the wealth to Ghana that sustains its people better. I wish Ghana the relative luxury of controlling toxic waste, moving people from slum to suburbs, and so on. But if softness in our hearts leads us to soft‐​headedly sweep Ghana’s poorest from bad health conditions into conditions of death by starvation and violence, I think that would compound the tragedy.

4. Sham recyclers

Link: We should be “encouraging” exports, not banning them. It would give the poor countries a bigger choice of suppliers and they could avoid “sham” recyclers and have a cleaner operation

Robin Ingenthron 2011. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 31 Mar 2011 “Why We Should Ship Our Electronic "Waste" to China and Africa” <https://www.vice.com/en/article/d77w9m/e-waste-recycling-exports-are-good> (accessed 16 May 2022)

Good USA recycling companies, "product stewards", should have exported more product, at least to the legal factories, in order to give the techs of color more choices of supplier. It would have killed the sham recyclers, helped the USA trade deficit, provided leverage to clean up standards at the factories, and lowered the cost of e-recycling to boot. They could have out-marketed the lazy exporters who refused to screen the products they exported. Instead, American environmentalists did the exact opposite. Our best recycling companies refused to export anything. Left with a choice of whether to buy mixed loads from sham recyclers, or to stay barefoot and pregnant in the digital age, my colorful geek friends chose to stay in business.

Banning legit exports of electronic junk shifts it to the black market. Example: California

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The naive image of barefoot primitives caught fire in the American press. With the passage of e-waste law SB20, California went from being the largest used CRT export market in the world to being a giant crunching noise, using taxpayer dollars to pay recyclers to break working equipment. The cost of recycling a monitor in New Jersey fell dramatically as a result – [mob recyclers](http://motherboard.tv/2010/12/16/new-york-s-great-trash-caper--2) filled the shortfall created by California. Junk piled up. And the watchdogs saw this as further fuel for their crusade against the Geeks of Color.

Impact: Turn the harms

Banning exports makes things worse not better for the poor importing countries. Harms get worse post-plan.

5. Environmental harm

Overseas recycling is better for the environment than keeping it in the US

Robin Ingenthron 2011. (founder and CEO of Vermont-based electronics reuse and recycling company Good Point Recycling. Ingenthron is also the founder of Fair Trade Recycling (WR3A), a cooperative organization promoting best practices in reuse and recycling in emerging markets) 31 Mar 2011 “Why We Should Ship Our Electronic "Waste" to China and Africa” <https://www.vice.com/en/article/d77w9m/e-waste-recycling-exports-are-good> (accessed 16 May 2022)

Americans, meanwhile, are taking our hard assets and are shredding them, eliminating billions of dollars in added value, to protect manufacturing interests in Japan, Taiwan, and Korea. This is bad for the environment, as reuse is far better than shredding. The carbon generated to make a computer monitor is more than the carbon used to run it for its intended life.

6. Masking Disadvantage – Distracts us from solving real problems

Real solutions to plastic waste lie outside the Basel Convention

Sabaa Ahmad Khan 2020 (D.C.L., LL.M., LL.L.; Senior Researcher, Center for Climate Change, Energy and Environmental Law, University of Eastern Finland; Attorney Member, Barreau du Québec) 20 July 2020 " Clearly Hazardous, Obscurely Regulated: Lessons from the Basel Convention on Waste Trade" (accessed 8 Apr 2023) https://www.cambridge.org/core/journals/american-journal-of-international-law/article/clearly-hazardous-obscurely-regulated-lessons-from-the-basel-convention-on-waste-trade/E250702AE51D72AC342AA811D3003579

This essay explains the international legal implications of the amendment and discusses potential challenges related to its implementation and enforcement. It argues that in order to be effective, the new plastic waste trading rules will require further legal clarity, greater transparency in plastic waste trade that is not regulated under the Convention, and stronger law enforcement cooperation between customs and environmental protection authorities, both within and between countries. Since controlling all plastic waste trade at point of export is, in practice, impossible given the state of global shipping infrastructures and container traffic volume, the most effective approach to curbing plastic waste pollution and illegal trade lies outside the mandate of the Basel Convention, notably, in assigning financial and environmental responsibility for plastic waste within plastic product supply chains.

The real problem in Ghana is recycling of junk cars. Worrying about electronics distracts us from solving the real problem

Adam Minter 2015 (journalist who visited the Agbogbloshie, Ghana e-waste “dump” site) 16 June 2015 “Anatomy of a Myth: the World’s Biggest E-Waste Dump Isn’t.” <https://shanghaiscrap.com/2015/06/anatomy-of-a-myth-the-worlds-biggest-e-waste-dump-isnt/> (accessed 17 May 2022)

Understanding Agbogbloshie as an electronics dump only serves to ensure that far bigger problems – such as what to do with Ghana’s dead cars – won’t get attention. What I fear is that my friends in the media, always looking for an interesting angle on “the tech story” won’t find Agbogbloshie as worthy of their attention if the problem turns out to be Toyotas and Fords, rather than Apples and Dells. If that’s the case, they’ve not only mis-served themselves, but also the good people of Agbogbloshie who are – ostensibly – the reason their workplace is worth photographing in the first place.