



turn back the toxic tide

206 1st Ave. S., Suite 410
Seattle, Washington 98104
Telephone 206 652-5555, Fax 206 652-5750
Web: www.ban.org

June 28, 2011

Mr. Brian Brundage
Chief Executive Officer
Intercon Solutions
1001-59 Washington St.
Chicago Heights, Illinois.

Dear Mr. Brian Brundage:

The Basel Action Network (BAN) very much regrets that we will not be able to accept Intercon Solutions into the Stewards® Certification program at this time.

In accordance with our internal e-Stewards licensing policy, which stands apart from the Certification Body rules and their audit, BAN will withhold the granting of an e-Stewards certification for a minimum period of two years from the date of BAN's determination (date of this letter) that there is strong evidence of a Critical Non-conformity having been committed by a prospective or existent e-Stewards Recycler. It is also our policy to make such violations known publicly if we believe such revelations can serve as a deterrent to other e-Stewards Recyclers violating or discrediting the e-Stewards Certification program.

As you know, our decision is due to the substantial evidence that during the period of time that Intercon Solutions was contracted to be certified, Intercon Solutions exported hazardous electronic waste to China, a developing country (see attached Evidentiary Report) in violation of the e-Stewards Standard for Responsible Recycling and Reuse of Electronic Waste. BAN has documented three containers leaving the property that Intercon Solutions leases from who we believe is your uncle Mr. Howard Gossage.

Further, there is substantial reason to believe that such exports may violate Public Act 095-0959 (Electronic Products Recycling and Reuse Act, recycler requirements) of the State of Illinois, the Federal CRT Rule, (40 CFR Parts 9, 260, 261, 271; Cathode Ray Tubes; Final Rule) as well as the waste importation laws of Hong Kong/China. Further, while it is not our policy to disclose the results of certifying body audits, we can state that the audit only further substantiated all of our concerns.

These types of violations, whether discovered during or apart from the program audits, constitute "Critical Non-Conformities" of our Standard as defined by BAN. To make certain we had all of the necessary information to make a determination, on Friday, June 24, 2011 I sent you a letter by email outlining our willingness to see if there was anything we were missing in the way of explanation. Monday June 27th, we talked by phone and you continued to deny any responsibility on the part of Intercon Solutions.

Your denials that the exports were those of Intercon Solutions are in contradiction to direct observation, photographic, and documented evidence. While the property that you lease from Mr. Gossage is co-leased

by one other company -- the LKQ company, there is no evidence or reason to suspect that LKQ, which sells used diesel parts and engines, deals in electronic waste exports. A statement by Mr. Luis Mendoza, Manager of LKQ – Chicago Heights, made to BAN upon seeing a photograph of the containers, confirmed that the containers parked on their portion of the co-leased property which were found to contain hazardous electronic waste as defined by international law and the e-Stewards standard could only belong to, or be part of the business of Intercon Solutions and could not in his view, be related to anybody else. Further we have in our possession a letter from the Mr. Walter Hanley, Associate General Counsel of the LKQ company which states unequivocally that they do not export electronic waste of any kind.

It is simply not plausible, as you have suggested, that another company or entity would park intermodal containers of electronic waste within your fenced property that did not originate from Intercon Solutions' business. This is corroborated by knowledge of the sophisticated security system that Intercon Solutions has publicly claimed in trade publications has been acquired and in fact paid for by a \$75,000 dollar grant from the State of Illinois. Likewise, there is virtually no possibility that the container contents could have been switched in route as the shipping line's tracking was without pauses and the container seal was intact upon arrival in Hong Kong. BAN had alerted Hong Kong Environmental Protection Department. They subsequently required that the shipment be returned to the US. Hong Kong law forbids the importation of hazardous waste electronics such as cathode ray tubes (CRTs and batteries).

Despite the aforementioned findings, BAN stands ready always to be receptive to dialogue and new information. Should Intercon Solutions provide a plausible explanation or rationale for these exports, BAN's policy does have the latitude to consider alternate remedies for the non-conformity (ie. extenuating circumstances).

In closing, I must acknowledge that BAN considers this issue to be very serious with regard to the credibility and viability of the e-Stewards Certification program. With our program we have sought to balance the desire to maintain program integrity and our desire to keep the program as business friendly as possible. That is to say we do not make such determinations lightly. In this case however we feel we have no other choice based on the evidence before us. Should you wish to contest our claims in the courts, or elsewhere, we are content to engage in that debate vigorously. On the other hand should you wish to alter your business model and can demonstrate a willingness to preclude any activities that are in violation of our Standard, after the two year period we would welcome Intercon Solutions to seek entry into our program again.

Sincerely yours,



Jim Puckett
Executive Director, Basel Action Network

- cc. Selected news media
Mr. John J. Kim, Chief Legal Counsel, Illinois State Environmental Protection Agency
US Environmental Protection Agency Enforcement
Mr. John Lingelbach, R2 Solutions
Mr. John Fraser, QMI – SAI Global, Certification Body