

## **Testimony of Jim Puckett at the Sentencing of Total Reclaim**

My name is Jim Puckett. I am founder and director of a global non-profit environmental organization known as the Basel Action Network, or BAN for short. We take our name from the international treaty known as the Basel Convention, which seeks to prevent the dumping of toxic waste from rich industrialized countries on poorer developing countries. And our name in acronym is no accident— we work to ban the horrors of the international toxic waste trade.

Almost two decades ago we discovered a terrible thing. We discovered that most of the electronic waste generated in the world was flowing to developing countries where it was being broken apart, burned and dunked into toxic chemical baths to crudely extract valuable metals. These operations were leaving whole communities and populations in China and in Africa, irreversibly contaminated from the poisons in our old electronics. In Guiyu, China some of the highest levels of lead ever discovered in the blood of children, came about from the intentional dumping of our electronics on that community, unable to manage them safely. This lead is a significant cause of brain damage in children. In Accra, Ghana, a study to be published next week, will reveal the highest levels of dioxins ever discovered, in a slum where orphans burn our electronic waste to recover metals. Dioxins cause cancer and are among the most toxic compounds ever created.

It is estimated that about 2.8 million people die each year from their jobs, another 9 million die each year from pollution. Another 374 million get sick or injured from their jobs. It is more than likely that the workers in Africa and China I have mentioned, are a significant portion of these statistics – having been killed or now dying from cancers, and other disease – all stemming from the thousands of container loads of e-wastes we put into ships and send across oceans. These wastes, at end of life, laden as they are, with mercury, lead, and organic pollutants, are killers.

It is very fair to ask, how is this situation not prosecuted as murder, or, if from ignorance – as manslaughter? It is certain that the victims are left just as dead as if they were shot by a gun. This charge of murder by pollutants may sound sensational to your ears, but it is in fact borne out by the facts. These are not accidental deaths.

Yet, for this crime there has been no justice. The victims are far away, they lack the means to prove cause and effect, they lack resources to redress the harm done to them, and most telling, as we have learned from our interviews with them -- the workers don't even know they are being poisoned when the smash mercury laden LCD screens in their breathing zone. I call it unaccountable murder, but it is murder nonetheless.

For these workers, their ignorance is not bliss, it is death and disease. But for the perpetrators, the exporters -- ignorance is not, in fact, possible. It is not an excuse. For we have raised the level of awareness on this issue to the point that every e-waste recycler and waste manager in the country has seen our pictures, has seen the story on 60 minutes, PBS, CNN, CBS etc. of the horror show of our overseas e-waste "management". The exporters know very well the very real damage they cause.

Many have stopped exporting because of it. But far too many others turn to fraud and deception, raking in the profits with one hand while hiding the eyes of the world with the other.

Since first discovering the realities of global e-waste dumping, we have been working to end it. We have made progress in raising awareness, and in some parts of the world we have created environmental legislation to prohibit it. But in the US we have had no success in legislating against this crime. When we passed e-waste legislation in Washington State, governor Gregoire at the time removed our language against export because states are not allowed to regulate foreign trade; yet, the federal government, on this and so many issues, is gridlocked and dysfunctional, unable to do the right thing.

So we turned to a market-based solution, believing in the goodness of an informed populace. Our aim was to create a demand for ethical recyclers and then create a supply of them to fulfill the will of the public, of governments, and of large companies -- to do the right thing. We created a recycler certification program known as e-Stewards. In Seattle, our e-Stewards Certification has the signed and licensed support of the City, the County, the University of Washington, Boeing etc.

One of our very first recyclers that raised their hand and agreed to do things the right way, become certified and audited, to never export hazardous electronics to developing countries was Total Reclaim. We were so grateful to them for this. We featured Total Reclaim in our very first film and report entitled "Exporting Harm". We made them the poster child company for ethical electronics recycling. We gave them many pages and hours of free media publicity. Every time a national reporter called us asking to visit an ethical recycler we sent them to Total Reclaim. We helped enrich them and spread their reputation far and wide. We were happy to do so -- we wanted people to use them.

As it turns out *we* were used. And the community here in Pacific Northwest, literally thousands of businesses and homeowners, that went out of their way to deliver their old electronics turning to Total Reclaim to have the right thing done -- were all, used.

Because, as we learned, from the very beginning of our program they lied. Again, this was not a case of ignorance, or financial duress, but a case of willful fraud, willful unaccountable murder, all in the name of greed.

And sadly, it is very clear that they would still be doing this shameful activity were it not for the fact that we caught them in the act. BAN conducted a national study using GPS tracking devices placed into electronics and delivered to recyclers. Two of the tracking devices we placed into mercury laden LCD screens which we delivered to two small recyclers in Portland. These were sent onward to Total Reclaim, because they thought they were an ethical business. With the help of the GPS devices we were able to follow those toxic LCD screens to a Portland area trucking company parking lot, where for months they sat in truck trailers, until they finally moved again, this time up to Seattle, to Harbor Island and then after a few weeks of silence at sea we received their signal from the infamous e-waste smashing yards of New Territories, Hong Kong.

When we confronted Mr. Lorch and Mr. Zirkle about our GPS findings, they tried to perpetuate the lie.

They told us that surely there must be a mistake because they never sent e-waste to Hong Kong – that surely the tracker must have become dislodged and placed into a container of harmless plastic waste. I asked them to show us the shipping documents. A week later they produced what turned out to be forged and manipulated shipping papers.

These documents made no sense to me, for in all our many days of investigating the New Territories junk yards I knew there were no imports of plastic waste moving there. There, they only imported massive amounts per day of metal laden whole units of scrap electronics from which they hoped to use unwitting laborers to quickly extract the copper, aluminum and gold.

We said nothing, but instead decided to get on an airplane, and fly to Hong Kong with PBS to visit the precise GPS locations where the trackers ended up. What we found is now recorded as shameful history. We found box after box of very identifiable hazardous electronic waste from Total Reclaim and their customers, still bearing their names -- the Tacoma Public Library, St. Joseph's hospital in Bellingham, local waste hauling firm Clean Harbors, and the ultimate irony – boxes full of mixed electronics bearing the label from Total Reclaim's Earthday public drop-off events.

When PBS and I came home loaded with photo and video evidence, I met with Craig Lorch. I said, "Craig, we found your stuff all over Hong Kong." His reply was telling. He said "What? They let you in?" //

No doubt there will be plenty of Craig and Jeff's friends who will send in letters testifying to what good men they are. And no doubt in part of their lives they are. I know they can be generous. I know they have done good deeds. I know. They were my friends. But I also now know they have committed criminal acts that damaged the earth and made serious victims of innocent people.

It gives me zero pleasure to be here and to speak this truth. But we are never called to sentence the *good* deeds of men. We are here to sentence another side of human nature which is unacceptable and which, in this case, involved willful fraud, damage and death.

In this time in history, the word justice garners greater meaning than we ever knew before. More than ever it is clear that this world will only survive with a commitment to integrity and to justice. Justice to strictly deny fraud and public deception. Justice to put an end to willful, unaccountable murder. And justice to heal an increasingly damaged earth.

I thank you.