

Aug 15

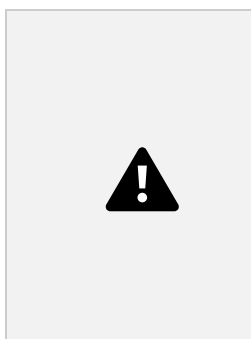
Jim Puckett jpuckett@ban.org [via](#)
baselactionnetwork.onmicrosoft.com

to Robin

Dear Robin:

See my further comment below:

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Jim Puckett
Executive Director
Basel Action Network
Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax:
+1.206.652.5750
Skype: jimpuckett

From: Robin Ingenthron
Date: Monday, August 15, 2016 at 8:00 PM
To: Jim Puckett <jpuckett@ban.org>
Subject: Re: Question

Jim,

One more question - Did Carlo or anyone at MIT SCL provide a copy of our list of questions and our representation of our process to you? If so, I'd urge you to consider it in your report, and explain how our process was flawed, or could have or should have exposed that LTG was not the facility. Your email is the first indication we have that the scrap went directly to Yuen Long, and was not managed by TPG or LTG (which we have prior diligence on).

I only have the letter you send to MIT.

We are completely confident that BAN did not find any mismanaged CRTs or chemical waste from Good Point in Hong Kong,

We are not saying you did. We said it was a printer. And as we have stated in our report, printers are not considered as controlled waste under the Waste Disposal Ordinance. However as we also explained in our report, the printer importation is illegal if the material is going to an unpermitted site. The site we found the material going to is unpermitted. It was also a very dirty site with toner fallout everywhere and all over the ground, workers exposed to toners etc.

and we have the evidence that what we sent there is accepted, if not at the location you track, to the location we were given.

Accepted by whom? Of course the importer accepted it.

I guess I'm saying that I'm open to hearing that [ChicagoDest3] or LTG defrauded us (we sent only 2 loads there in 5 years, it appears a lucky shot on your part which is why we suspect there were several devices sent us). I would respect that. But we did in fact ASK and only have obscured data.

I would be happy to send you the dataset of your device. But it is as I stated.

The data we did get on another WR3A member does show their loads were managed by TF or LT at Eco Park.

Have you been to Li Tong at EcoPark?

We urge you not to issue a report naming my company or our clients if you have received the MIT letter and do not have a response to it. If your report says something that our MIT letter demonstrates is false or unproven, or that we asked for and were not provided, I believe it is defamatory.

Robin, the only letter I have is the one you sent. I am completely within my rights discussing the content of that letter. In that letter if you recall you admitted that [ChicagoDestination3] sends to Li Tong and you defended it going to Li Tong. But now that you have learned from me that it did not end up in Li Tong, the question is, what have you to say about that?



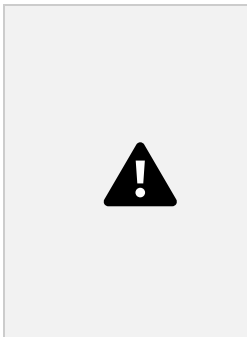
Aug 15

Dear Robin:

Your first letter fails to respond to our initial inquiry but raises a lot of issues you might find important but which are not part of our report actually. I will respond to your second letter which is more to the point.

Sincerely, Jim

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Jim Puckett
Executive Director
Basel Action Network
Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax:
+1.206.652.5750
Skype: jimpuckett

From: Robin Ingenthron
Date: Monday, August 15, 2016 at 7:10 PM
To: Jim Puckett <jpuckett@ban.org>
Subject: Re: Question

Thanks for reaching out.

Aug 16

Jim Puckett [via](#)
baselactionnetwork.onmicrosoft.com

to Robin, Josh, Joshua, Carlo

Dear Robin:

Thanks for your response. However, its not helpful as yet. And, I fail to understand why you copy other busy people on our very simple question to you and why you include a myriad of other issues which are not germane to the question. If you do not want to answer our question, just let me know.

I have offered an opportunity for you to set the record straight as to how a printer which passed through your facility ended up in a very polluting unpermitted electronics junkyard in New Territories. As I mentioned earlier, I am not prepared to get into a discussion about our tracking at large, or BAN's policies with respect to Basel Convention, e-waste etc. as I know we will have disagreements as we always do.

Simply, we are going to write about what happened with the tracker enabled printer and thought you might want to delve into how it happened to make sure what we write is the full story. Believe me, we have had things happen with our e-Stewards program that we were not at all happy with. But the truth needed to come out. See my further comments below.

Jim

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Jim Puckett
Executive Director
Basel Action Network
Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax:
+1.206.652.5750
Skype: jimpuckett

From: Robin Ingenthron <robin@good-point.net>
Date: Tuesday, August 16, 2016 at 9:35 AM
To: Jim Puckett <jpuckett@ban.org>
Cc: Josh Lepawsky, Joshua Goldstein , Carlo Ratti
Subject: Re: Question

Dear Jim,

Thank you again for reaching out to us, and for responding to a few of the questions I posed last night. To be clear about our correspondence last night, I am not sure by "letters" whether you are referring to the letters sent months ago to Carlo Ratti or to the two emails we sent last night. We need to make clear several points:

1. Our client in XXXX MA is not a public drop off. They collect solely from private companies and individuals.

This is not really relevant to the question posed.

2. Material we shipped from Middlebury by truck to Chicago was not "exported to Chicago"; the choice of the word "exported" appears intended to create a perception of legal liability that does not exist.

Yes it's a poor word choice if we indeed used that somewhere.

3. Material from Chicago to Long Beach may have contained our material, intact or not. We don't dispute that, though we don't know what exact information about the device (printer). Our letter of May 2015 explained to MIT why this information is necessary and vital, and certainly more explanatory than the race or culture of the people who purchase it.

I will send you the coordinates we relied upon for the tracker enabled printer that went through your facility.

4. Our Chicago area recycler has provided records of destinations in Hong Kong which you claim is incorrect - but you have obscured the data.

I will send you the coordinates.

5. You have provided data obscured to our company to companies which pay BAN money.

I am not sure what you mean and I am not sure of the relevance of this statement to the question at hand.

6. You have solicited payment from my company.

We have? Not to my knowledge.

7. Your email states that toner is found at the location in Hong Kong where our material was received, but our material was shipped toner free, and we can prove that. You did not ask whether we remove it.

Again this is not relevant. We never stated we found toner from your printer. The point being made here is that the site was a highly polluting operation which no reputable recycler would be proud to claim as a downstream.

8. You have stated that "child labor" is used in the New Territories, which we find to be an incredible claim, not supported by any visual evidence.

Never said this actually but its irrelevant to the question at hand. I have actually said the opposite.

9. The children in BAN's recent press releases, we note, were photographed a decade ago, and to make a claim that our clients material was processed by children is alarming and outrageous and demands proof. Is this occurring, or are you speculating?

Not sure which press release you are referring to.

10. The claims about child labor are shocking to us and we will definitely pursue them legally with our downstreams but we are confused that there is no evidence or citation of child labor anywhere in Hong Kong in your report. There is speculation that a yard in Hong Kong will dump printer scrap out of a container onto the ground in order to put it back into a container for transshipment to mainland China, but like the claim of Child labor (which has been illegal for almost a century in Hong Kong) there is no evidence at all. Did BAN track our device out of

Hong Kong, to a place with child labor? Again, it appears to be a declaration intended to permanently damage my company's reputation.

Again not relevant but it's a claim we never made with respect to Hong Kong.

10. Where we may agree is that our agreement with [ChicagoDestination3] required them to provide permitted downstream vendors with ISO or other standards.

Not sure what you mean by "provide" here. Do you mean, you required them to "use only" permitted downstream vendors....?

We agree that if the material was sent directly to a different facility using child labor, that BAN has uncovered a serious flaw in the audit process. But again, the extremely alarming claim demands evidence, see #8, #9.

Again never said anything about Child Labor. I have not witnessed child labor in Hong Kong. Have you?

11. We have requested for months now that BAN and MIT provide us with the exact coordinates inside Hong Kong where sea containers were unloaded, and for support for the claims that child labor is involved. It appears some test subjects are provided with more information, and in advance, than other test subjects.

Robin, BAN intended its first report to only discuss Goodwill and Dell and the Tracking Project generally. It is the upcoming report that will reveal the precise data. Many have been awaiting the data, not just you. Which is why I am writing you, we now are releasing it, but because we are doing a special box on your printer as an example, we are hoping you can provide the rest of the story, e.g. how did this happen, what will you do about it, are you concerned etc. Nobody was made privy to the data except for individual e-Stewards companies that were caught in the chain of export like GoodPoint.

11. So long as BAN withholds information, we are placed in a position of taking BAN's word against those of our audit and BAN's word vs. Hong Kong EPD and others about child labor practices. MIT has apparently dissociated itself from the conclusions BAN makes, and states they do not have the information, that only at BAN can provide it.

MIT never had the data, and they never said they did. Child labor is a red herring here. That was never at issue.

12. If BAN cannot prove and does not have any evidence that any material ever managed by our company was managed by child labor, we demand an apology and retraction. This specific and defamatory claim was repeated back to us by journalists and we believe it was essential in

attracting public interest to a story which might otherwise have been about shredding vs. manual disassembly.

If a journalist misstated something or brought a statement out of context there is not much we can do about that. Don't you think that if we had discovered child labor we would have stated this in our report? That would have been a major finding.

Please provide the requested information before publishing your report, or leave us and our clients out of it. You know for a fact we did not export the material and that we did as much or more diligence on downstreams to prevent child labor as any company that paid BAN money.

I will of course send you the coordinates which may give you some additional insight. Hopefully the date will satisfy you that indeed one of your printers ended up in a very dirty operation in New Territories. I would be concerned about how that happened if I were you, as I believe you care about this stuff. That I have never doubted.

We have requested third party or peer review of BAN and Senseable City's studies; I have cc'd three professors from 3 other universities, and again reiterate my request that this report be reviewed by MIT's Ethics professionals. I have previously asked for confirmation that this has occurred.

Robin we are free to publish reports without them meeting your peer review standards. You, or anybody else can review them as they wish. I would hope that at a certain point you would cease damning the messenger. Anybody can find flaws in any report. Is our report perfect? No But on the whole I think our report has shed some important light on what is happening in this industry. I would hope that you would take the time out from bashing us and would care enough about the question at hand. We have a scrap printer here that was under your watch. How did it get to New Territories?

Next message will include the coordinates to aid your research.

Original first email August 15

Dear Robin:

BAN is writing a second report from our e-Trash Transparency Project. As part of this report we intend to highlight various stories revealed by our trackers and place them in boxes in the report. As you no doubt know by now, one of our trackers was placed inside a non-functional printer and delivered to a company called xxxx in Massachusetts. It subsequently went to your facility in Middlebury and then was exported to [ChicagoDestination3] in the Chicago area. From there it went to the port of Long Beach and then was exported to Hong Kong. We positively tracked it from the port of Hong Kong to one of the worst (dirtiest) electronics junk yards we have seen in New Territories we call Mr. Lai's Farm.

We have seen your letter to MIT where you admit to this export. However, you seemed to believe the device went to Li Tong. It did not. It went directly to New Territories and an unpermitted facility that practices what I am sure you would agree is substandard, dangerous recycling. We have a lot of photos and footage of his location as does PBS in Seattle, HK01 Newspaper in Hong Kong and others.

I know you and I do not agree on many things. That is apparent from many sources. But with this question, I don't wish to get into any of those many issues. But I am hoping to hear from you on this particular export. The reason I write you today is not to debate our differences, and whether you like our reports and research and policies, but rather to give you a fair heads up, and allow you to write the end of this story if you wish. If you do not wish, we will simply write what we know so far.

We cannot write for example that you are very unhappy that this device went to a junkyard in New Territories as that was not part of your agreement with [ChicagoDestination3]. We cannot write how it is that this could have happened in all of the due diligence that you undertake with your downstream. Only you can do that. Just the facts in a few sentences without editorials is needed for this box.

Please let us know if you wish to send us, as Paul Harvey used to say....the rest of the story.

Sincerely,

Jim Puckett