



U.S. Department of Justice

Federal Bureau of Prisons

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Washington, DC 20534

June 26, 2003

Mr. Ted Smith  
Executive Director  
Silicon Valley Toxics Coalition  
760 N. First St.  
San Jose, CA 95112

Dear Mr. Smith:

I've had a chance to examine a copy of your document that alleges to be a "case study" on electronics recycling. Unfortunately, what could have been a useful endeavor suffers instead from several fundamental flaws, a lack of scientific evidence, and significant distortions of the facts.

The fact is that there are over 500 private sector, OEM and non-profit electronics recyclers in the United States, each with their own business model. Yet you chose to look at just two - and to present seriously biased information about your visits to them. Indeed, your own "expert" admitted that she barely spoke to workers or examined records at the facility you laud - and you acknowledge you never filed the simple legal request for such records from UNICOR.

I can only conclude that this document was created to support pre-conceived positions, not to present the truth about how UNICOR is helping to both recycle millions of computers and give thousands of people needed technical skills and a new chance to become productive members of society.

The most fundamental problem with the document is your attempt to equate the operation of a commercial enterprise with that of a job skills development program for the incarcerated. SVTC criticizes an operation inside a

federal prison because it holds security as a priority issue. No reasonable person would expect anything less.

We are not attempting to make money for shareholders. Nor, as you claim, do taxpayers subsidize UNICOR. On the contrary, UNICOR is not only self-sustaining, but its work helps reduce the cost of running the federal prisons in which we operate, saving millions in federal tax dollars. Those prisons, in turn, are often the economic lifeblood of their communities, providing good jobs for workers who pay taxes and contribute to their local economy.

What UNICOR is doing is giving its 22,000 workers - 1,100 in the recycling business - a chance to be productive, learn skills, and help repay their debt to society, their victims and their families through both time and money. In fiscal 2002, our workers contributed approximately \$3 million of their earnings toward meeting their financial obligations, including court-ordered fines, child support, and restitution.

Inmates also contribute to the support and welfare of their families through this program. Further, it helps inmates build savings to assist them upon their release. None of this would be possible without UNICOR.

Those we train value their UNICOR experience. What you erroneously deride as a "high-tech chain gang" is in fact a *completely voluntary* program with a waiting list of hundreds of eager workers.

We also take extreme care when it comes to the health and safety of our workers. In fact, the federal employees who supervise UNICOR's facilities are union members represented by the American Federation of Government Employees. Their contract prescribes that UNICOR meet all OSHA and other health and safety requirements.

Our three-prong approach to recycling also ensures maximum health and safety. The vast majority of the equipment that comes to us is either reused, or functional components removed and resold.

The small amount of residual material is processed in "single-source" streams: plastics, regular glass, leaded glass, base metals and precious metals are all handled

separately. That provides the greatest opportunity for maximum recycling of these materials into new products. UNICOR has a strict zero-landfill policy, meaning we keep waste out of America's landfills and put it back to productive use.

UNICOR is also one of the few companies to engage in "glass-to-glass" CRT recycling efforts. This method is preferred by many environmental experts over any other method as providing the most effective way of dealing with the CRT.

UNICOR workers engaged in CRT recycling are outfitted with complete protection, including hazardous material suits, professionally-fitted respirators, Kevlar gloves, goggles and work shoes to shield them from harm. (SVTC's own report notes this fact.) All but one of UNICOR's facilities are equipped with negative-pressure air filtration through HEPA filters, which remove harmful dust from the air. They are cleaned with vacuums equipped with similar HEPA filters.

UNICOR workers also undergo rigorous physical exams to screen for health problems and exposure to substances generated in the recycling process.

And while your document criticizes the use of hammers as a tool of choice for CRT recycling - saying it would "never" be considered a best practice - the State of Florida Department of Environmental Protection is about to issue recycling guidelines that recommend the use of a hammer in recycling CRT glass. The guidelines specifically preclude the use of large mechanical methods due to potential particulate matter.

What does SVTC offer as proof of harm? A *single anonymous complaint* from a federal prisoner. We would be pleased to offer you the testimonials of dozens of past and present workers, by name, who would tell you of the benefits UNICOR has provided to them. The fact is, people who work in prison industries or complete vocational and apprenticeship programs are 24 percent less likely to return to prison, and 14 percent more likely to be gainfully employed following their release.

I am also deeply concerned about the kind of inflammatory, hollow rhetoric that pervades the report, such as when you

describe your requests to visit one of our facilities. In fact, we welcomed you and Sheila Davis, your project director, offering you the chance to see our facility and to speak directly with workers, within the boundaries of the rules governing federal prisons.

Within those same rules, we had no choice but to defer a visit by your "industrial hygienist," because she is in fact Barbara Materna, an employee of a California state government agency, who told us her visit would be in her official capacity. As such, she was asked to follow the standard protocols for the interaction of a state official with a federal facility. When those protocols had been observed, she was allowed to visit the facility - a visit you seemed unwilling to wait for before issuing your document.

You should also know that the very UNICOR facility you visited was inspected by the California Environmental Protection Agency on June 23 (report attached), which found no violations whatsoever of hazardous waste laws, regulations and requirements.

Even more disturbing, however, is a letter from Materna (attached) describing her "brief" visit to Micro Metallics Corp., the other facility you laud in your document. According to the letter, she *never examined the health and safety records of that company, nor did she conduct private interviews with plant-level employees!* Yet, without examining any records and based on a self-described "walkthrough" that provided "limited" information, you praise the health and safety of this facility. Such praise can only be based on your pre-conceived positions; it cannot possibly be based on facts.

Worse, you criticize UNICOR for not providing the very same health and safety information, or worker interviews. Yet you acknowledge that we freely told you that the records could be obtained through an ordinary Freedom of Information Act filing, which is the law that governs such records in government facilities. And you indeed were offered the chance to speak with UNICOR workers, under the federal prison guidelines that apply to all visitors.

Even more egregiously, you attempt to smear UNICOR through "guilt by association" with the practices of third-world nations, while offering not a shred of evidence. By

contrast, our practices are award winning. In 1999, UNICOR's Electronic Recycling Program was the recipient of the White House Task Force "Closing the Circle Award" for recycling non-hazardous waste. In 2003, UNICOR's Elkton, OH facility was the recipient of the Waste/Pollution Prevention Award.

The fact is that America needs *more* electronics recycling, not less. There are already millions of used computers for which there are no facilities available to handle them. At UNICOR, we are doing our part for two noble causes: recycling and rehabilitation. We are proud of our contributions to American society. I fear you cannot take the same pride in your report.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence M. Novicky". The signature is written in dark ink and is positioned above the typed name.

Lawrence M. Novicky  
General Manager  
Recycling Business Group  
UNICOR  
Washington, DC

State of California - California Environmental Protection Agency

Department of Toxic Substances Control

## SUMMARY OF OBSERVATIONS

On June 23, 2003, the Department of Toxic Substances Control (DTSC), California Environmental Protection Agency, conducted an inspection at:

Facility Name: UNICOR / Federal Bureau of Prisons Atwater

Facility Address: 1 Federal Way, Atwater, California 95301

EPA ID Number: CAL 000 220 479

County Name: MERCED

As a result of that inspection, no violations of hazardous waste laws, regulations, and requirements were discovered. DTSC will provide you a complete inspection report within 65 days of the date of this inspection.

DTSC greatly appreciates the efforts that you have made to comply with the hazardous waste laws and regulations.

Abdul Hamid Beig 6/23/2003

Abdul Hamid Beig, CPSS  
Hazardous Substances Scientist  
Statewide Compliance Division  
1515 Tollhouse Road  
Clovis, California 93611

Received copy:  
6/23/03 [Signature]



DIANA M. BONTÁ, R.N., Dr. P.H.  
Director

State of California—Health and Human Services Agency  
Department of Health Services



GRAY DAVIS  
Governor

June 11, 2003

Mr. Stephen Skurnac  
President, Micro Metallica Corp.  
1695 Monterey Highway  
San Jose, CA 95112

Dear Mr. Skurnac:

Thank you for your participation in a walkthrough of the Micro Metallica Corp. computer/electronics recycling operation at your Roseville, CA, facility on March 10, 2003. My involvement in this walkthrough was in response to a request from Ted Smith of Silicon Valley Toxics Coalition, to provide industrial hygiene expertise as part of an overall effort to better understand the potential worker health and safety risks associated with computer/electronics recycling. The Occupational Health Branch (OHB) of the California Department of Health Services is a non-regulatory public health program that conducts research into the causes of work-related disease and injury, makes recommendations for improved control of workplace hazards, and provides technical assistance to employers, workers, government agencies, organizations, and individuals.

Enclosed is a brief report of the process, potential health and safety hazards, and health and safety program based on my direct observations during the walkthrough and conversations with several Micro Metallica personnel, including Mr. John Quinn, EH&S Manager. Because of the brief nature of this visit, which was intended to serve as a comparison to the computer recycling operation at Atwater Federal Penitentiary, I did not request or have the opportunity to review the many health and safety records maintained by the company. I also did not conduct private interviews with plant-level employees during this visit beyond asking a few questions as we walked through the area and having a follow-up phone call with the Chief Shop Steward. Therefore, my report is limited to what I observed or discussed with a limited number of company employees.

Typically, an OHB walkthrough results in our issuing recommendations for improvements to the company's health and safety program. The few concerns I had after the walkthrough were in the area of ergonomics, which I consider to be one of the more significant potential hazards. However, after discussing the topics with Mr. Quinn (e.g., controversy over the use of back belts, suggested suspension of air-driven tools from above in order to decrease ergonomic stress), I felt that these points had been considered or (in the case of the tools) already addressed.

Mr. Steve Skurnac  
June 11, 2003  
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It was a good experience to visit a work site where there appears to be a significant investment in occupational and environmental health and safety, and also mechanisms that encourage the involvement of employees in addressing health and safety issues.

Thank you again for your time. If you should have any questions, please do not hesitate to contact me at (510) 622-4343 or [bmaterna@dhs.ca.gov](mailto:bmaterna@dhs.ca.gov).

Sincerely,

Barbara Materna, Ph.D., CIH  
Chief, Occupational Health Branch

Enclosure

cc: Ted Smith, Executive Director  
Sheila Davis  
Silicon Valley Toxics Coalition  
760 N. First St.  
San Jose, CA 95112

John Quillan  
EH&S Manager  
Micro Metallics Corp.  
8855 Washington Blvd.  
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James Napper  
Chief Shop Steward  
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