



**STATE OF VERMONT**  
SENATE CHAMBER

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## **Senator Virginia Lyons Statement on Chinese Objection to Proposed Environmental Legislation in Vermont**

Vermont State Senator Virginia Lyons held a press conference on Tuesday, August 12, 2008 at 2:30 p.m. at Main Street Landing in Burlington, Vermont to make a statement regarding a letter she received from a foreign nation, asking her to “cancel” or “revise” a bill she had introduced during the legislative session. The subject of the bill is control and disposal of electronic waste. The nation complaining about the Vermont bill is the People’s Republic of China.

In an official communication—which was sent to the home address of this citizen-legislator—China asserted that Senator Lyons’ bill (S.256) presents an obstacle to international trade. In its letter, China cited an existing U.S. commitment under World Trade Organization (WTO) rules as a reason why Senator Lyons should withdraw her bill.

This wasn’t the first such occasion in which the People’s Republic of China has ‘pushed back’ on state legislation they didn’t like. China earlier had complained about state bills dealing with lead, phthalates, and other toxic materials found in children’s toys. On that occasion, federal trade negotiators in Washington told the state legislator who introduced the bill that the communication from China was a ‘mistake’ and wouldn’t be repeated.

However, the ‘mistake’ was repeated—this time in relation to a proposed Vermont law on electronic waste—and Senator Lyons felt it was extremely important to address this problem now.

According to Senator Lyons, “The People’s Republic of China questions the authority of the Vermont legislature to enact legislation to protect human life and the environment. This attempted interference by the People’s Republic of China in the democratic process in Vermont is alarming and threatens basic principles of our system of government. Common sense solutions to health issues at the state and local level should not be subject to international pressure.”

She stresses that, “This is part of a disturbing trend toward undermining state’s rights. It’s simply not OK for other governments to feel that they have a right to intervene in our state legislative process in this way. It wouldn’t matter whether the bill addressed by the Chinese government was about health care, workers’ benefits, land use permitting, or in this case,

electronic waste recycling, the underlying principle is the same: respect for democratic decision-making. And so, we have to let folks in Washington DC and in Beijing know that this an unacceptable intrusion.”

Senator Lyons was taken aback by how quickly China obtained the information about an introduced bill. “It appears that the Bush Administration alerted the Chinese,” Lyons said. In a letter to Bryan O’Byrne, at the Department of Commerce’s Trade Compliance Center, Senator Lyons asked about how—and why—this notification took place. See attached letter.

Whatever the case, it appears that China is taking an aggressive stand to push back on recycling and product-registration requirements for consumer electronics—and the push-back has now ‘gone global.’

“Electronic products, such as computers and televisions, contain lead, mercury, cadmium, and similar hazardous materials,” Lyons explained. “My bill simply provides a system for the recycling of electronic products as a means of limiting the release of these dangerous heavy metals from landfills and thereby protecting the environment and public health in Vermont.”

“After S256 was introduced and was under consideration in committee, I received an e-mail from Beijing. The e-mail included a World Trade Organization document indicating that the U.S. federal government had notified a WTO Committee that S256 could be in violation of international trade law. Also attached was a cover letter from Wang Ni Ni, Director General of the China WTO Notification and Enquiry Center, and official comments by the Peoples Republic in response to the U.S. notification to the WTO regarding S. 256.”

“And right on the front of that mailing from China was my home address and telephone,” Lyons added, “which wasn’t exactly what I would expect from an official communication regarding a WTO matter. It was a bit unnerving.”

Two weeks ago, at the Annual Meeting of the National Conference of State Legislatures, Senator Lyons introduced a resolution deploring China’s action, and alerting other state legislators to this new pushback. [The text of this Resolution can be found at <http://www.ncsl.org/print/standcomm/sclaborecon/ChinaLyons.pdf>] The resolution passed unanimously from the initial committee of jurisdiction and is now pending in a second committee.

“This was an important step to educate legislators about what’s at stake here. I understand that the global trade rules mean that the United States is supposed to notify the WTO about major regulatory changes. How the Chinese concluded from this that they had a right to intervene in a state legislative process, long before new regulations are written, is quite beyond me.

“I just hope the Chinese weren’t being encouraged to file complaints against state legislation by our own federal trade officials in Washington,” concluded Senator Lyons.

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