

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONSUMER ELECTRONICS ASSOCIATION,
INFORMATION TECHNOLOGY INDUSTRY
COUNCIL, and ITAC SYSTEMS, INC. ,

Plaintiffs,

09 Civ. 6583 (WHP)

v.

CITY OF NEW YORK, MICHAEL R. BLOOMBERG,
in his official capacity as Mayor of the City of New
York, NEW YORK CITY DEPARTMENT OF
SANITATION, JOHN J. DOHERTY, in his official
capacity as the Commissioner of the Department of
Sanitation, and ROBERT LANGE, in his official
capacity as Director of Waste Prevention, Reuse and
Recycling of the Department of Sanitation,

**DECLARATION OF RICHARD
GOSS OF INFORMATION
TECHNOLOGY INDUSTRY
COUNCIL IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Defendants.

**DECLARATION OF RICHARD GOSS OF
INFORMATION TECHNOLOGY INDUSTRY COUNCIL**

1. The following facts are true to my own personal knowledge and if called as a witness I could so testify.

2. I am the Vice President for Environment & Sustainability at the Information Technology Industry Council ("ITI"). I have served as a Vice President of ITI for just under two years. Prior to that, I served as Vice President of Environmental Affairs for the Electronic Industries Alliance, another trade association representing companies in the high-tech and electronics industries. My work involves representing ITI and its membership to encourage the development of efficient and sustainable policies through the United States and globally for the management, recycling and reuse of discarded electronics ("E-waste").

3. ITIC is a 93-year-old trade association comprised of 42 companies. Its members consist of leading manufacturers and suppliers of computers, telecommunications, business equipment, software and information technology (“IT”) services. ITI has established an Environmental Leadership Council which represents over 60 of the principal manufacturers of IT equipment, wireless and consumer electronics devices, and other electronics and high-tech equipment. These companies are leaders in innovation and sustainability and are at the forefront of voluntary product stewardship efforts. ITI represents its membership across the country with respect to used electronics equipment take-back programs.

4. A number of companies that are providing declarations in support of plaintiffs’ application for a preliminary injunction are members of ITI and/or its Environmental Leadership Council, including LG Electronics, Mitsubishi Digital, Panasonic, Samsung, Sharp, Sony, and TTE.

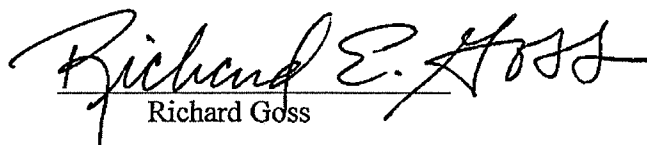
5. ITI’s members are suffering similar harm from the City of New York’s “Electronic Equipment Collection, Recycling and Reuse” Law (“E-waste Law”) as supplemented by rules that the New York City Department of Sanitation (“DSNY”) has issued to implement the City’s E-waste program (“E-waste Rules”). The E-waste program has established unprecedented burdens for ITI’s members and the high-tech and consumer electronics industry as a whole.

6. ITI’s members have expressed great anxiety to ITI over the New York City E-waste program’s excessive costs, arbitrary penalties and unprecedented and irrational mandates and the requirements imposed on manufacturers regarding the submission of E-waste management plans to DSNY. ITI has been conveying its

members' concerns regarding the E-waste program to the City and DSNY. Many of those concerns were reiterated in written comments that ITI submitted when DSNY first proposed its E-waste Rules. ITI's comments are attached to the accompanying declaration of Michael Murphy. Even prior to the draft rules being issued, ITI provided DSNY officials with information regarding our members' concerns, both through an in-person meeting and written communications. For example, ITI requested DSNY to clarify that manufacturers' obligations under the program would be based on the size, as well as the type, of E-waste. This would ensure that the program would not require a manufacturer selling small televisions to collect large televisions made by other manufacturers. DSNY never responded to ITI's comments and ignored every substantive comment and suggestion ITI made to modify or lessen the burdens of the E-waste program.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of August 2009 at Washington, D.C.


Richard Goss