



CITY OF PORTLAND
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February 4, 2019
Senator Chuck Riley
Senate Committee on Business and General Government
900 Court St. NE, Hearing Room C
Salem, Oregon 97301

RE: SB 471

Chair Riley and members of the Senate Committee on Business and General Government,

The City of Portland supports SB 471 which requires prospective contractors to demonstrate due diligence in sourcing conflict minerals compliant with international guidelines.

Conflict minerals have fueled and continue to help sustain the ongoing conflict in the Congo that has resulted in the deaths of more than 5.4 million people.¹ Armed groups have generated hundreds of millions of dollars by illegally extracting and smuggling tin, tantalum, tungsten, and gold (3TG).² These minerals eventually end up in a variety of electronics, such as computers and cell phones. Companies have the opportunity to contribute to peace in the Congo by making sure that the 3TG minerals they use in their products do not come from areas controlled by armed groups. And public agencies have an opportunity to support peace in the Congo by seeking electronics products from manufacturers doing due diligence to make sure their 3TG minerals do not come from areas controlled by armed groups.

As the Sustainable Procurement Coordinator with the City of Portland, since 2015 I have worked with the City's IT department to factor in electronics manufacturers' 3TG due diligence practices when selecting electronics products. In doing so, I have found that this work aligns with our other IT sustainability initiatives, namely the purchase of electronics that are registered EPEAT products. EPEAT is an international type-1 ecolabel for identifying and purchasing sustainable IT products. EPEAT-registered products must meet sustainability criteria detailed in voluntary consensus-based standards, the most recent versions of which include mandatory criteria regarding conflict minerals due diligence, reporting, and public disclosure. In short, I have found that supporting the sourcing of conflict-free 3TG minerals in the IT sector is possible and reflects best practices in IT procurement.

In addition, the State's market influence is significantly larger than the City's and thus, is better situated to drive a large-scale change. While conflict-free 3TG efforts to date have demonstrated progress towards reducing violence in the Congo, there is still more to accomplish, and to do so, we need more public procurements to support this work for peace.

¹ International Rescue Committee, "Mortality in the Democratic Republic of Congo: The Ongoing Crisis" (International Rescue Committee, 2016) available at <https://www.rescue.org/sites/default/files/document/661/2006-7congomortalitysurvey.pdf>

² Enough Project, "Progress and Challenges on Conflict Minerals: Facts on Dodd-Frank 1502" (Enough Project, 2016)

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Finally, I do have two recommended amendments to SB 471:

1. Narrow the scope of applicable public contracts to IT products and passenger vehicle procurements. In other words, start with focusing on those industries most relevant to this issue and then consider expanding over time.
2. Remove Section 2 Subpart 3(a) and instead revise Section 2 Subpart 3(b) to say:
“May give additional weight in evaluating bids or proposals for a public contract to a prospective contractor that has the most thorough description of the prospective contractor’s or an affiliated entity’s disclosures, policies, practices and procedures with respect to procuring conflict minerals. *and is demonstrating progress towards securing conflict-free sources for these minerals in its supply chain.*”

Doing so not only incentivizes prospective contractors to conduct conflict minerals due diligence, but also engage in existing industry initiatives to stop funding the violence.

Sincerely,
Stacey Foreman
Sustainable Procurement Coordinator
City of Portland, Oregon