



# American Tin Trade Association

INCORPORATED

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The Honorable Mary L. Schapiro  
Chairman  
U.S. Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549

Dear Chairman Schapiro:

The American Tin Trade Association (ATTA) appreciates the opportunity to provide comments on Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act in regards to conflict minerals.

The ATTA was formed in 1928. For over eighty years, it has represented those persons and companies engaged in the production, distribution, transportation, consumption, purchase and sale of tin ingots. Our organization facilitates tin business among its members here in the United States, while serving as an active forum through which pertinent issues affecting the American tin industry are discussed.

In 2008 and 2009, several NGOs have brought to the attention of the tin-using industries human rights violations that are linked to tin mining in certain regions in the Democratic Republic of the Congo (DRC). The Electronic Industries responded by forming an Extraction Work Group within the organizations Electronic Industry Citizen Coalition (EICC) and Global e-Sustainability Initiative (GeSi).

More information about EICC can be found on [www.EICC.info](http://www.EICC.info) and about the GeSi on [www.gesi.org](http://www.gesi.org)

The EICC/GeSi work group extraction engaged with the stake holders in the tin industry and started discussions on how to stop the flow of conflict minerals from the Congo. In May 2010, the EICC/GeSi proposed to map the supply chain of tin, to audit tin smelters, and to validate those smelters that can prove they do not use any conflict tin from the DRC.

Around that same time, the International Tin Research Institute (ITRI) began to introduce the ITRI Tin Supply Chain Initiative (iTSCi). The objective of the iTSCi is to track tin ore produced in the DRC back to the mine of origin. The EICC/GeSi smelter validation scheme and the iTSCi initiative could ensure that the tin produced in EICC/GeSi approved smelters is conflict free.

More info on ITRI and iTSCi can be found on [www.ITRI.co.uk](http://www.ITRI.co.uk)

In August 2010, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (hereinafter referred to as the financial reform bill). Part of the financial reform bill is Section 1502 Conflict Mineral Act, which is to prevent the atrocities occurring in the Congo. We understand that those perpetrating the atrocities are obtaining funding from the minerals trade and that the aim of Section 1502 is to cut off this funding. The Conflict Mineral Act states that companies with a Security Exchange Committee (SEC) reporting requirement (US stock exchange listed companies) will have to disclose if conflict minerals are used to produce product sold to the American consumers.

More information on the conflict mineral act can be found on [www.sec.gov/about/laws/wallstreetreform-cpa.pdf](http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf)

Comments sent to the SEC regarding the conflict mineral act can be found on:  
[www.sec.gov/comments/df-title-xv/specialized-disclosures/specialized-disclosures.shtml](http://www.sec.gov/comments/df-title-xv/specialized-disclosures/specialized-disclosures.shtml)

The SEC has 180 days from the signing of the law to draft the guidelines. The guidelines will specify what due diligence the SEC expects from companies with a reporting requirement. The SEC has given the public the opportunity to send in its concerns regarding the conflict mineral act and the SEC can use the commentary to draft the guidelines.

Although the conflict mineral act will not directly impact most of the American Tin Trade Association (ATTA) members, some customers of ATTA members will push the requirement up the supply chain. Therefore, the conflict mineral act will indirectly impact ATTA members. As a result, it is the ATTA's intention to write a letter to the SEC to outline its concerns.

Issues for Consideration:

- Clarification on whom is subject to the reporting requirements
- What will constitute “due diligence” in terms of individual companies meeting their reporting requirements?
- Harmonization with other international efforts e.g., OECD, ITRI, etc...
- Will the use of 3<sup>rd</sup> party auditors/certifiers be allowed?
- How will materials currently in the supply chain system be treated? It will be difficult to accurately track the origins in many cases. Can some sort of transitional program be set up to allow for these materials to continue to be sold/purchased/used without fear of triggering a reporting requirement?
- Will the industry be given sufficient time to ensure that a sound reporting system can be developed?
- Impacts to the industry/breadth of industry
- Will there be a standard Certificate of Origin that can be used to support claim of non-conflict tin? Perhaps include a certifying agency stamp and number.
- What will be required on the import of finished chemical products?
- What will be required on the import of finished tin-containing products?
- With tight export controls in place, tin exiting the DRC can be tracked to destination. Who is the potential policing agency?
- Will recyclables from facilities using potential DSC tin be excluded from recycling?

In conclusion, the conflict mineral provisions in Section 1502 are clear in their intent. Our support is for clear methods of identification of good deliverable mining exports to support both industry and humanitarian interests. The procedures introduced need to be deliberate in their guidelines and transparent in their workings to support an important export while limiting illegal black market activity. Our organization is in support of protecting rights as well as promoting the tin business globally. The potential effect on the metals commodity market needs to be limited to basic laws of economics and be separated from a potential movement based on complex political management of foreign affairs.

Sincerely,

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