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Comments, pictures, articles or any other type of material(s) posted on this site by anyone other than the CHAPTER do not necessarily represent the policies, opinions or views of the Institute of Scrap Recycling Industries, Inc. (ISRI) or the CHAPTER.

While we strive to be sure that information posted on this site by the CHAPTER is current and correct, such information cannot be guaranteed as being current, complete or accurate.

**The following website Terms of Use are subject to change at any time.**

### **TERMS OF USE**

Members/users are prohibited from posting content that could be considered offensive, threatening, defamatory, illegal or inflammatory.

Commercial posts, solicitations, spam or advertisements are not permitted.

The site administrator(s) – including at least one administrator who is a staff member of ISRI – reserves the right to monitor the site for inappropriate posts or materials, including but not limited to those deemed to be offensive, threatening, defamatory, illegal or inflammatory, and to remove such posts or material from the website. Furthermore, the site administrator(s), in their sole discretion or as directed by ISRI, may prohibit/block the future participation of any poster for having violated these Terms of Use.

***ALL PARTICIPANTS ON THIS WEBSITE MUST ABIDE BY ISRI'S ANTITRUST POLICY; AND THE CHECKLIST FOR ISRI-SPONSORED PROGRAMS, AS WELL AS ISRI'S NON-DISCRIMINATION POLICY, AS SET FORTH BELOW***

### **ANTITRUST CHECKLIST FOR ISRI SPONSORED PROGRAMS**

This checklist states ISRI policy to ensure compliance with antitrust laws and regulations during ISRI sponsored events - including meetings, roundtables, seminars, and social gatherings, whether conducted in person or electronically through the internet or other means. The federal antitrust laws prohibit *combinations in restraint of trade*, which occur whenever competitors within a field of business exchange information which has the purpose or effect of fixing, raising, maintaining, or stabilizing prices (or otherwise limiting competition). Should such a conspiracy in

restraint of trade be found to occur at an ISRI sponsored event, **ISRI, its directors, its officers, and its participating members** would be held liable for substantial damages (including treble damages). Thus, at ISRI sponsored events, members are urged to meet the following requirements:

1. Do not, in fact or appearance, discuss or exchange **present or future price-related information**, including:<sup>1</sup>
  - Individual company prices, price differentials, markups, discounts, credit terms, marketing strategies, etc.;
  - Individual company data on costs, production, capacity, inventories, sales, etc.;
  - Transportation rates (particularly contract rates) for individual shipments;
  - Company bids on contracts for particular materials, company procedures for responding to bid, etc.; and
  - Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them.
2. In the event that any such improper discussion or exchange occurs at an ISRI sponsored event, ISRI and its participating members may be held personally liable for substantial damages if the association does not actively and aggressively police its ranks on this issue. ISRI thus requires all members to be sensitive to the risks of potential antitrust abuses where ISRI sponsored events are concerned. If you believe that illegal activities may be occurring, please advise ISRI Counsel or an ISRI staff member immediately.
3. Observe the direction of meeting chairmen, ISRI staff members and counsel at ISRI sponsored events to assure antitrust policy compliance.
4. Remember that the conduct of each member at an ISRI event involves ISRI and its members and, if improper, implicates them. Therefore, each member has a responsibility to the Association, other members, and themselves. To eliminate potential problems, all ISRI-sponsored events are held pursuant to an approved agenda which must be adhered to.

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<sup>1</sup> Although one can discuss historical pricing information, such as that published in the *Wall Street Journal*, *American Metal Market*, or other widely circulated publication available to all interested members of the industry (as well as possible entrants to the market), all other discussion of price related information should be discouraged, even historical pricing. This is because price fixing conspiracies are typically proven by circumstantial evidence and the possibility is strong that a particular statement may be misinterpreted at a meeting or poorly remembered by a fellow member, who may then relate his "best recollection" to a jury.

ISRI-sponsored events have always been valuable to its members and they will continue to be so. Your awareness of the need to observe ISRI's antitrust policies is the best way to assure the continuing success of ISRI and its programs.

#### ISRI'S NON-DISCRIMINATION POLICY

ISRI expressly prohibits any form of unlawful harassment based upon race, color, religion, national origin, age, disability, sexual orientation, or any other protected characteristic. If an ISRI employee, member or guest believes that he or she has been subject to such harassment, the person shall notify the ISRI President and/or Chair.

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