

DRAFT: FOR CONSIDERATION BY THE USVI LEGISLATURE

**Sustainable Materials Management Resolution for the
United States Virgin Islands**

***Ordinance of the US Virgin Islands Pertaining to
Sustainable Materials Management and Recycling***

The US Virgin Islands Legislature (Legislature) finds and declares as follows:

WHEREAS, the Legislature is empowered by [add the name of the appropriate statutory authority here] to make and enforce, within its limits, all police and sanitary ordinances and regulations not in conflict with general laws; and

WHEREAS, the Legislature acknowledges that placement of materials in waste disposal facilities potentially causes damage to Virgin Islanders' health, wastes natural and local resources, could negatively impact tourism on the islands, and inappropriately transfers liabilities to future generations, and

WHEREAS, the Legislature recognizes that the US Virgin Islands (USVI) currently produces approximately 11 pounds per person per day of solid waste, which is nearly 2.5 times the rate for the mainland US, and that when the USVI's waste production rates are compared with other communities having higher seasonal tourist visits, the USVI still produces far more waste per capita providing an opportunity for substantial waste reduction activities—eliminating waste before it has to be managed by the USVI government, and

WHEREAS, communities such as the USVI are currently forced to assume the high financial cost of collecting, transporting, recycling, and disposing of increasingly complex and toxic products and packaging, which is an unfunded mandate, and

WHEREAS, the Legislature recognizes that reduced waste disposal, through increased source reduction, reuse, recycling and composting could help address climate change, reduce costs associated with managing wastes, reduce the toxicity of the waste, and provide resources for “on-island” economic development, and

WHEREAS, the Legislature realizes that a resource management-based economy on the USVI will create and sustain more productive and meaningful jobs, and

WHEREAS, the Legislature recognizes that voluntary recycling programs on the USVI have not reduced waste disposal sufficiently, and

WHEREAS, the Legislature supports the concept that sustainable materials management policies and programs will establish practical options in the USVI community to eliminate waste components or safely reuse, recycle or compost discarded products and packaging, and create new economic opportunities for residents of the USVI, and

WHEREAS, the Legislature also recognizes the need for a refined and succinct framework to arrange to collect, transport, recycle, compost, or dispose of these materials in a safe manner, which will minimize adverse effects to the environment, and enhance the quality of life of USVI residents, and

WHEREAS, the Legislature also identifies the need for generation of information to monitor progress towards aggressive waste diversion and recycling goals, and

WHEREAS, the Legislature recognizes that they are obligated to protect the public health and safety of the residents of the USVI as well as monitor arrangements made by resource management enterprises and recyclers for the collection of recyclable materials generated by commercial, industrial, institutional, or residential properties that utilize bin or other services for recycling and disposal of materials intended to be discarded in the USVI, and

WHEREAS, the Legislature recognizes that the USVI Recycling Partnership (VIRP) was created by the USVI government and the United States Environmental Protection Agency in April 2010 to finalize a detailed action plan and set of recommendations intended to increase waste reduction, reuse, recycling, and composting in the USVI, and to promote waste reduction, reuse, recycling and clean composting through a working partnership including government (at all levels), non-profit organizations, citizens, environmental groups, and the private sector, and

WHEREAS, in April 2011 the VIRP produced a comprehensive report/framework of integrated options for the USVI, the primary intent being to accelerate adoption of aggressive solid waste reduction, reuse, composting, recycling, and related job creation activities in the USVI (e.g., Sustainable Materials Management) through development of a detailed set of recommendations, said report of which was submitted to the USVI government on April 26, 2011, and

WHEREAS, the April 2011 VIRP report and subsequent activities of the VIRP provided numerous examples of model policies and programs from across the world, the best-practices of which could be adopted to the USVI, and

WHEREAS, the Legislature recognizes that the VIRP reorganized into task-focused teams on November 17, 2011 and that the Legislature is in receipt of the VIRP Reorganization Plan dated December 6, 2012, said plan which is intended to develop specific program/project action steps, perform a cost-benefit analysis of options (including highest and best use analysis), identify solutions that can be adopted rapidly, draft a schedule of program implementation phases, involve numerous stakeholders and members of the general public, accelerate adoption of SMM options, and prompt more local ownership of the VIRP process, and

WHEREAS, the VIRP is reorganizing its efforts around seven core teams focused primarily on commodities (specific components of the discard stream in the USVI), including Construction & Demolition Debris, Glass, Metals, Organics, Paper, Plastics,

and Special Wastes (including, but not limited to electronic waste, household hazardous waste, rubber/tires, oil, and textiles), and

WHEREAS, the VIRP teams will focus on a number of tasks and objectives (as noted already), including, but not limited to the following 15 areas:

- Identifying and involving additional team members from currently non-represented stakeholder groups (e.g., businesses and others), with the intent to build a diverse team representing all sectors and all three islands;
- Providing an opportunity for the USVI Waste Management Authority (WMA) to give the teams presentations on the work already being done in the team's focus area;
- Identification of additional experts – both on- and off-island – and provide an opportunity for presentations from these to the team, including identification of model programs and/or best practices;
- Consideration of having WMA and expert presentations offered in a setting where the public is encouraged to attend;
- Identification of source (waste) reduction opportunities for the commodity/discard item in question;
- Identification of material reuse opportunities for the commodity/discard item in question, including materials exchanges;
- Identification of recycling market opportunities for the commodity in question (including, as appropriate, composting as an alternative), using a highest-and-best-use analysis process (including appropriate financial analysis, and an evaluation of externalities, to the best of the teams' ability);
- Development of draft legislation and enforcement initiatives to meet source reduction, reuse, composting, and recycling opportunities, and this includes source separation options;
- Articulation of infrastructure needs related to any of the above;
- Identification of needs for business plan development, and engagement of appropriate organizations to assist;
- Assisting with development and review of public procurement requests for proposals for contract services needed to implement any of the above;
- Fostering and development of pilot projects, but only when immediate, permanent solutions cannot easily be implemented;
- Development of a list of research and development, and technical assistance needs; and
- Development of associated public communication, education and outreach strategies and programs; and
- Promotion of solutions that can be rapidly implemented (such as composting).

NOW, THEREFORE, the US Virgin Islands Legislature does hereby ordain as follows:

RESOLVED, the Legislature agrees to amend Title 19 of the Virgin Islands Code (V.I.C.) [if this is not the correct code to reference, insert correction here] to provide an updated and comprehensive framework for source (waste) reduction; source separation/ segregation; “green” product purchasing and procurement; materials reuse, recycling,

and composting services; and, associated job creation and economic development within the US Virgin Islands (USVI) so as to best facilitate sustainable materials management practices as recommended by the USVI Recycling Partnership (VIRP), commencing first with all commercial operations followed by residential sectors, and

RESOLVED, the Legislature will also amend Title 19 [if this is not the correct code to reference, insert correction here] to include specific disposal facility bans for a variety of materials, such as recyclable and compostable items; and

RESOLVED, the Legislature will further amend Title 19 [if this is not the correct code to reference, insert correction here] to include a framework needed to arrange to collect, transport, recycle, compost, or dispose of these materials in a safe manner, which will minimize adverse effects to the environment, and enhance the quality of life of USVI residents, and

RESOLVED, the Legislature will further amend Title 19 to provide for the generation of information needed to monitor progress towards aggressive waste diversion and recycling goals, and

RESOLVED, pursuant to [name appropriate enabling legislation here] law that the public health, safety and well-being, including the minimization of adverse environmental impacts and the implementation of recycling policies and programs, the Legislature will require that franchisees operate within the framework established by the amended Title 19 [or add correct citation here], and

RESOLVED, the Legislature hereby adopts a “zero waste to disposal facilities” goal (at least a 90% diversion of discards from any disposal facilities) by [insert year here], and directs [insert agency/agencies here] to develop a Zero Waste/Sustainable Materials Management Plan by [insert date here] intended to achieve that goal, and

RESOLVED, that the Legislature acknowledges the nearly 20 months of work by the VIRP, and the Legislature will foster, support, and empower the VIRP and its task-focused teams, who are dedicated to developing programs and detailed plans in the 15 areas noted, and as such, the Legislature will provide appropriate resources to the VIRP for continuation of its work in assisting the [insert agency/agencies here] to carry out the above noted activities, including programs and solutions that can be implemented immediately.