

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE JOINT RESOLUTION 1288

Sponsors: Representatives Decker; Arnold, Balmer, Barbee, Bowie, Bowman, Brawley, D. Brown, Brubaker, Cole, Culp, Cummings, DeVane, Dockham, Ellis, Esposito, Gamble, Gardner, Grady, Hayes, Holmes, Howard, Ives, Joye, Justus, Lee, McAllister, McCombs, Mitchell, Nichols, J. Preston, Robinson, Russell, Stewart, Tallent, Warner, and P. Wilson.

Referred to: Rules, Calendar, and Operations of the House.

May 7, 1993

1 A JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
2 STATES TO ENACT LEGISLATION TO AUTHORIZE THE STATES TO
3 RESTRICT THE IMPORTATION OF NONHAZARDOUS SOLID WASTE
4 FROM OUTSIDE THEIR BORDERS.

5 Whereas, each citizen of the United States generates, on average, at least four
6 pounds of nonhazardous solid waste per day; and

7 Whereas, despite ongoing efforts to reduce and recycle waste, the amount of
8 nonhazardous solid waste that is generated is increasing and is expected to continue to
9 increase; and

10 Whereas, the costs of disposing of nonhazardous solid waste has increased
11 dramatically in recent years and is expected to continue to increase; and

12 Whereas, despite ongoing efforts to reduce and recycle waste, some
13 significant portion of the nonhazardous solid waste stream will continue to require
14 disposal through incineration and landfilling for the foreseeable future; and

15 Whereas, the disposal of nonhazardous solid waste has serious negative
16 environmental consequences, particularly on land resources, groundwater resources, and
17 air quality; and

1 Whereas, increasing public awareness of the economic, social, and
2 environmental costs of nonhazardous solid waste disposal has resulted in intense public
3 opposition to the siting of new nonhazardous solid waste incinerators and landfills as
4 well as to the expansion of existing facilities; and

5 Whereas, nonhazardous solid waste management has traditionally been a
6 responsibility of state and local governments; and

7 Whereas, the commerce clause of the Constitution of the United States, as
8 interpreted and applied in decisions of the United States Supreme Court, prohibits states
9 from restricting the importation of wastes from outside their borders without the express
10 consent of the Congress of the United States; and

11 Whereas, as a consequence to their inability to restrict the importation of
12 nonhazardous solid waste from outside their borders, states are unable to effectively
13 plan for the management of nonhazardous solid waste or to fairly allocate the resources
14 necessary to manage the nonhazardous solid waste that is generated within each state;
15 and

16 Whereas, a further consequence of the inability of states to restrict the
17 importation of nonhazardous solid waste is that some states are able to unfairly shift the
18 burden of nonhazardous solid waste to other states; and

19 Whereas, every state has the ability to manage the nonhazardous solid waste
20 that is generated within the state within its borders; and

21 Whereas, the 102nd Congress considered various proposals that would allow
22 individual states to restrict the importation of nonhazardous solid waste from outside
23 their borders, but failed to enact appropriate legislation; and

24 Whereas, the 103rd Congress now has before it various proposals that would
25 allow individual states to restrict the importation of nonhazardous solid waste from
26 outside their borders;

27 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

28 Section 1. The General Assembly of North Carolina urges the 103rd
29 Congress of the United States to promptly enact legislation to allow individual states to
30 restrict the importation of nonhazardous solid waste from outside their borders.

31 Sec. 2. The General Assembly of North Carolina urges the members of the
32 Congress of the United States from North Carolina to actively work for the passage of
33 legislation to allow individual states to restrict the importation of nonhazardous solid
34 waste from outside their borders.

35 Sec. 3. The Secretary of State shall transmit a certified copy of this resolution
36 to each member of the Congress of the United States from North Carolina, to the Clerk
37 of the United States House of Representatives, and to the Secretary of the United States
38 Senate.

39 Sec. 4. This resolution is effective upon ratification.