

Bear Resistant Garbage Container

Memorandum of Understanding

Among
WASTE MANAGEMENT, INC. OF FLORIDA
and FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



Florida Fish
and Wildlife
Conservation
Commission

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THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as “MOU” or “Understanding”) is made among Waste Management, Inc. of Florida (hereinafter referred to as “WMIF”), with regards to their waste service operations and the Florida Fish and Wildlife Conservation Commission (hereinafter referred to as “FWC”), hereinafter referred to as “the Parties.”

The Parties recognize black bears are attracted to unsecured refuse at residences and businesses found in bear range areas; the Parties agree the majority of human-bear conflicts within communities are associated with unsecured refuse, and recognize some of those conflicts have resulted in injury to humans; and the Parties agree that proper refuse management is the primary way to reduce human-bear conflicts.

The Parties agree to increase the availability of bear-resistant garbage cans and dumpsters to help decrease the available attractants to bears. The Parties agree timeliness, cost effectiveness, and affordability also play a role in increasing the bear-resistant garbage cans and dumpsters in neighborhoods. The Parties agree that securing attractants requires a community wide effort to be most effective.

The purpose of this MOU is to describe the Parties’ commitment to and responsibilities for reducing human-bear conflicts by improving the availability of bear-resistant garbage cans and dumpsters.

The general goals of this MOU include the following:

- To assist, share information and coordinate efforts among the Parties in fulfilling the purpose of the MOU.
- To provide ways of securing attractants from bears on a large scale in order to reduce human-bear conflicts.
- To communicate to the public regarding successes in meeting both individual and common goals related to the MOU.

This MOU recognizes that the Parties (public and private) have legitimate and varied goals ranging from commercial enterprises, public safety, and managing and conserving black bears. This MOU is in no way intended to limit or constrain the Parties’ individual goals or be a mechanism to impose liquidated damages, administrative costs or penalties on a Party for inability to comply after reasonable good faith efforts.

The MOU is entered into pursuant and subject to all applicable federal, state, and local laws.

IN ORDER TO FULFILL the stated purpose and intent of this MOU, the Parties agree in principle to the following:

Florida Fish and Wildlife Conservation Commission agrees:

1. To provide education to the public on ways to secure their attractants from bears.

2. To provide education to the public on FWC's wildlife feeding rules.
3. To enforce FWC's wildlife feeding rules.
4. To notify WMIF if FWC receives a stakeholder request for bear-resistant containers.

Waste Management, Inc., of Florida agrees:

1. To provide bear-resistant garbage cans and dumpsters to residential and commercial customer at rates deemed affordable by WMIF in its reasonable judgment.
2. To use reasonable commercial efforts to provide bear-resistant garbage cans for residential customers within two weeks of the request.
3. To use reasonable commercial efforts to provide bear-resistant dumpsters for communities and businesses within two weeks of the request.
4. To allow customers to modify their garbage can or dumpster, at customer's cost and expense, to make it more bear-resistant to the extent that modifications are compatible with servicing methods and allow for safe operation.
5. To use reasonable commercial efforts to repair or replace garbage cans or dumpsters within one week of being notified of the malfunction that impacts the ability of the container to exclude bears.
6. To share information on customers with bear-resistant garbage cans and dumpsters with FWC so they can use this information to examine conflict patterns and conduct research to assist with reducing human-bear conflicts.

The Parties agree:

1. To share and exchange relevant information and technology as appropriate and needed to develop and implement the above strategies or plans.
2. To hold meetings as needed to discuss progress, successes and how to make improvements.
3. To make this MOU effective as of the date it is executed by the last party and to remain in effect until modified or terminated by any one of the Parties by mutual consent.
4. To terminate this MOU at any time by mutual agreement by all Parties and with any Party having the right to withdraw from this MOU for its convenience by giving the other Parties 60 days' notice.
5. To amend this MOU as necessary at any time to incorporate new Parties, new information or changes in any Parties' authorities, policies, directives, or goals, subject to concurrence by all Parties.

6. **PRINCIPAL CONTACT.** The principal contacts for this instrument are:

**Florida Fish and Wildlife
Conservation Commission**

David Telesco

Bear Management Program Coordinator
620 South Meridian Street 6B
Tallahassee, FL 32399
850-922-4330
David.Telesco@MyFWC.com

**Waste Management, Inc.,
of Florida**

Tim Hawkins

Area Vice President
2700 Wiles Road
Pompano Beach, FL 33073
954-984-2035
THawkins@wm.com

7. Any information furnished to the State of Florida under this MOU is subject to the provisions of Chapter 119, F.S., Florida's broad public records law.
8. This MOU in no way restricts any of the Parties from participating in similar activities with other public or private agencies, organizations, and individuals.



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9. All of the Parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each Party will carry out its separate activities in a coordinated and mutually beneficial manner.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding as of the first date below written.

**WASTE MANAGEMENT, INC.
OF FLORIDA**

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

By: [Signature]

By: [Signature]

Title: President

Title: Executive Director

Office: 2700 Wiles Rd.

Office: 620 S Meridian Street

Date: 8-31-17

Date: August 18, 2017



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