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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: April 21, 2023

RE: **RESOLUTION SUPPORTING THE REPEAL OF PA 389 OF 2016**

Council Member Angela Whitfield Calloway requested that the Legislative Policy Division (LPD) draft a RESOLUTION SUPPORTING THE REPEAL OF PA 389 OF 2016

Please contact us if we can be of any further assistance.

BY COUNCIL MEMBER ANGELA WHITFIELD CALLOWAY

RESOLUTION SUPPORTING THE REPEAL OF PA 389 OF 2016

- WHEREAS,** In 2016, the Michigan Legislature enacted 2016 PA 389, which bars local governments from creating any ordinance that taxes or bans “auxiliary containers.” Under the statute, “auxiliary containers” include a variety of containers and materials, however the primary focus of the legislation is plastic shopping bags and single-use plastic containers; and
- WHEREAS,** The state’s Michigan Water Stewardship program estimates that roughly 80% of litter on the Great Lakes Shore Line is plastic and that nearly 22 million pounds of plastic debris enters the Great Lakes every year; and
- WHEREAS,** The United States Geological Survey found that there are 112,000 particles of microplastics per square mile of Great Lakes water, which are largely from single-use plastic bags and containers. While the effects of ingesting microplastics are still being studied, research suggests that ingestion of microplastics may cause cancer, affect development, and harm immunity in both humans and wildlife; and
- WHEREAS,** As the Great Lakes State, Michigan bears the responsibility of ensuring the health and sustainability of the Great Lakes and all contributing waterways, which are a global treasure and the largest group of freshwater lakes on Earth; and
- WHEREAS,** Most plastic bags that are currently used cannot be recycled and are not biodegradable, so after a single use they remain around for years in landfills, neighborhoods, streets, parks, waterways, and clogging wastewater treatment; and
- WHEREAS,** Plastic bags and other single-use containers are a pervasive form of pollution and litter in our communities which, in addition to being harmful to the environment, affects the aesthetic value and our perception of the places where we live; and
- WHEREAS,** Scientists across the globe have been giving increasingly alarming warnings about what will happen unless there is a global effort to address climate change. According to the United Nations Development Programme, the plastics industry is the fastest growing source of industrial greenhouse gasses in the world, and could account for 19% of the global carbon budget by 2040; and
- WHEREAS,** Nearly all of the plastics that we use currently originate from fossil fuels and emit greenhouse gasses at every stage of production – from extraction and transportation of fossil fuel, to the refining process, to being dumped in the ocean where they inhibit the ocean’s capacity to absorb and sequester carbon dioxide; and
- WHEREAS,** Proponents of PA 389 of 2016 argue that allowing local governments to restrict the use of plastic bags and single-use containers would be a burden on business owners and consumers, and would create confusion if local governments had different restrictions; and
- WHEREAS,** While allowing local governments to restrict plastic bags and single-use containers would create more of a burden on businesses and consumers, PA 389 is so broad that it prevents

even the most simple and common-sense solutions, such as requiring stores to provide reusable bags for sale or providing containers made of a more sustainable material for a small fee; and

WHEREAS, Plastic pollution is disastrous to the health of all living things, and it requires policymakers at the local, state, national, and global level to take action to prevent further environmental catastrophe; and

WHEREAS, PA 389 of 2016 is overly broad, overly restrictive, and it inhibits local governments from being able to address their specific local environmental concerns and from exploring innovative solutions to address climate change; **NOW, THEREFORE, BE IT**

RESOLVED, That the City of Detroit calls for the repeal of Public Act 389 of 2016; **THEREFORE, BE IT FURTHER**

RESOLVED, The City Council fully supports Senate Bill 228 of 2023 and urges the Michigan Legislature to enact Senate Bill 228, which would repeal Public Act 389; **THEREFORE BE IT FINALLY**

RESOLVED, That the Detroit City Clerk is directed to send this resolution to the Detroit delegations of both the Michigan State House and Senate, in addition to Governor Gretchen Whitmer.