

# City of Detroit

## CITY COUNCIL

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TO: COUNCIL MEMBERS

FROM: David Whitaker, Director   
Legislative Policy Division Staff

DATE: October 2, 2023

RE: **RESOLUTION URGING THE MICHIGAN LEGISLATURE TO SUPPORT MICHIGAN SENATE BILL NO. 228 TO REPEAL PUBLIC ACT 389 of 2016**

Council member Scot Benson requested that the Legislative Policy Division (LPD) draft a RESOLUTION URGING THE MICHIGAN LEGISLATURE TO SUPPORT SB 228 OF 2023 TO REPEAL PUBLIC ACT 389 of 2016.

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

**BY COUNCIL MEMBER SCOT BENSON**

**RESOLUTION URGING THE MICHIGAN LEGISLATURE TO SUPPORT SB 228 OF 2023 TO REPEAL PUBLIC ACT 389 of 2016**

**WHEREAS,** The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens and residents through Charter-mandated legislative functions; and

**WHEREAS,** The City of Detroit has long grappled with the environmental and health consequences of single use plastic containers. Single-use plastics are a glaring example of the problems with today’s throwaway culture. Instead of investing in quality goods that will last, convenience is too often prioritized over durability and the consideration of long-term impacts. The over reliance on these plastics has resulted in the accumulation of waste at a staggering rate; and

**WHEREAS,** Reducing plastic use is the most effective means of avoiding this waste and the impacts linked to plastic production and use. Left alone, plastics don’t really break down; they just break up. Over time, sun and heat slowly turn plastics into smaller and smaller pieces until they eventually become what are known as microplastics. They end up in the water, eaten by wildlife, pets and inside our bodies. Exposure to microplastics, as well as the chemicals that are added to plastics during processing, harm our health; and

**WHEREAS,** Many of the chemicals in plastics are known endocrine disruptors, and research has suggested that human exposure could cause health impacts including hormonal imbalances, reproductive problems like infertility, and even cancer. Locally, the Detroit City Council Green Task Force has led the effort to advise the Council on sustainable principles and practices to better serve the City of Detroit, by focusing on Water, Renewable Energy, Energy Waste Reduction, Climate Action, Organics Recycling and Recycling & Waste Reduction; and

**WHEREAS,** The passage of Michigan Public Act 389 of 2016, prohibited local jurisdictions from regulating the use of single-use plastic containers. Specifically, pursuant to MCL 445.592, the Act restricted a local unit of government in the state of Michigan from adopting or enforcing an ordinance that:

- (a) Regulates the use, disposition, or sale of auxiliary containers.
- (b) Prohibits or restricts auxiliary containers.
- (c) Imposes a fee, charge, or tax on auxiliary containers; and

**WHEREAS,** In March of this year, the Michigan State Senate introduced Senate Bill (SB) 228, sponsored by State Senators Sue Shink, Dayna Polehanki, Rosemary Bayer, Jeremy Moss, Veronica Klinefelt, Erika Geiss, Stephanie Chang, Mallory McMorro, Jeff Irwin, Sarah Anthony, Sean McCann, Mary Cavanagh, Paul Wojno, Winnie Brinks, Sylvia A. Santana, Kevin Hertel, and John Cherry, that aims to repeal PA 389 of 2016. As proposed, this bill would return the authority to regulate single-use plastics back to local jurisdictions like Detroit, who are best positioned to assess and mitigate the environmental and health impacts of such materials within their communities. **NOW THEREFORE BE IT**

**RESOLVED,** That the Detroit City Council, expressing our collective belief that municipalities should have the right to enact regulations that are in the best interest of their residents and the

environment, strongly urges that the Michigan legislature, and the Governor, support SB 228 of 2023, in order to allow for local jurisdictions like Detroit, to regulate the use of single-use plastic containers. **NOW THEREFORE, BE IT FINALLY**

**RESOLVED,** That copies of this resolution shall be provided to the Detroit delegation of both the Michigan Senate and House, the State Senate Committee on Energy and Environment, Governor Gretchen Witmer, Mayor Mike Duggan, GCSI the City of Detroit's lobbying firm in Lansing, the Detroit City Council's Green Task Force, as well as media and residents.