David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Director, City Planning Commission
Janese Chapman
Director, Historic Designation Advisory Board

John Alexander
LaKisha Barclift, Esq.
Paige Blessman
M. Rory Bolger, Ph.D., FAICP
Victory Corley
Lisa DiChiera
Eric Fazzini, AICP
Willene Green
Christopher Gulock, AICP
Marcel Hurt, Esq.
Sandra Jeffers

City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

Kimani Jeffrey
Anthony W. L. Johnson
Phillip Keller, Esq.
Edward King
Kelsey Maas
Jamie Murphy
Dolores Perales
Analine Powers, Ph.D.
W. Akilah Redmond
Rebecca Savage
Sabrina Shockley
Renee Short
Floyd Stanley
Thomas Stephens, Esq.
Timarie Szwed
Theresa Thomas
Janice Tillmon
Ian Tomashik
Emberly Vick
Ashley A. Wilson

TO: The Honorable Detroit City Council

FROM: David Whitaker, Director
Legislative Policy Division Staff

DATE: September 23, 2025

RE: **RESOLUTION URGING THE MICHIGAN LEGISLATURE TO REPEAL PUBLIC ACT 389**

City Council Member Scott Benson has requested that the Legislative Policy Division (LPD) make appropriate revisions to a resolution urging the Michigan Legislature to repeal Public Act 389 of 2016 which prohibits local municipalities from adopting an ordinance that regulates the use of single use plastic containers (auxiliary containers). The revised resolution is attached.

Please let us know if we may be of any further assistance.

BY CITY COUNCIL MEMBER SCOTT BENSON

RESOLUTION URGING THE MICHIGAN LEGISLATURE TO REPEAL PUBLIC ACT 389

WHEREAS The City of Detroit seeks to promote the welfare of its citizens; this includes ensuring the health and safety of the environment in which they live; fostering a fair and just economy, and the opportunity to achieve prosperity and a good quality of life; [1] and

WHEREAS Single-use plastics and their toxic building blocks have become ubiquitous in our modern world,[2] with a widespread use that is consequential to human health. Plastic production, use, and disposal—and the pollution they generate—disproportionately impacts frontline, fenceline, and Indigenous communities, thereby creating or perpetuating social and environmental inequalities; [3] and

WHEREAS The city of Detroit has long grappled with the consequences of single-use plastics, with the city's residents inheriting the cost of collection, sorting and disposal; and the widespread prevalence and overreliance on single-use containers has resulted in a substantial rate of waste production, all of which has proven challenging to manage sustainably; and

WHEREAS The Detroit Climate Strategy (2023) establishes the city's commitment to "divert 15% of municipal solid waste from landfills by 2026" as part of comprehensive decarbonization efforts; [4] and

WHEREAS Research indicates that improperly managed plastic debris pollutes the environment, obstructs storm drains, and contributes to the flooding of roadways, thereby undermining investments in flood prevention and stormwater management infrastructure;[5] and

WHEREAS Microplastics are present in very high quantities in wastewater and subsequently contaminate sewage sludge and is commonly utilized as fertilizer in agriculture. This contamination is harming soil microbes, affecting plant growth, and altering the composition and properties of soil overall—a crucial habitat for over half of the planet's species.;[6] and

WHEREAS Research further indicates that single-use plastics, on entry into the environment, breakdown into persistent micro- and nanoplastics, primarily due to sun exposure which creates free radicals capable of altering biological processes at a molecular level;[7] these pervasive pollutants are found in water, rain, soil, and wildlife, have been ingested by animals, and have been found in human bodies, raising serious concerns about long-term exposure;[8] and

WHEREAS Extensive studies performed by credible research scholars have confirmed the negative impacts of these plastics, with recent research showing micro- and nanoplastics entering cells, crossing

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[1] Detroit Charter, pmbl., Decl. of Rights § 1 (2012).
[2] *Microplastics in agricultural soils following sewage sludge applications*, Science of The Total Environment, https://www.sciencedirect.com/science/article/pii/S0160412022001258 (last visited Sept. 23, 2025).
[3] United Nations Environment Programme, Plastic Pollution is an Environmental Injustice to Vulnerable Communities, https://www.unep.org/news-and-stories/press-release/plastic-pollution-environmental-injustice-vulnerable-communities-new (last visited Sept. 23, 2025).
[4] City of Detroit, Detroit Climate Strategy (2023), https://detroitmi.gov/sites/detroitmi.localhost/files/2023-05/Detroit%20Climate%20Strategy%20-%20Final.pdf.
[5] Microplastics in Agricultural Soils Following Sewage Sludge Applications: *Microplastics in agricultural soils following sewage sludge applications*, ScienceDirect, https://www.sciencedirect.com/science/article/pii/S004565352500219X (last visited Sept. 23, 2025); Microplastics in Agricultural Soils, Wastewater Effluents, and Sewage Sludge: *Microplastics in agricultural soils, wastewater effluents and sewage sludge*, PubMed, https://pubmed.ncbi.nlm.nih.gov/34340075/ (last visited Sept. 23, 2025).
[6] Id.
[7] Rolf U. Halden, *Plastics and Health Risks*, 41 Ann. Rev. Pub. Health 493, 497–99 (2020) (describing the fragmentation of plastics due to environmental exposure and their ubiquitous presence in water, air, and soil), https://pubmed.ncbi.nlm.nih.gov/20070188/
[8] Matthew Campen, *Big Brains Podcast: How Microplastics Are Invading Our Bodies*, UNIV. OF CHI. NEWS (Aug. 7, 2025), https://news.uchicago.edu/big-brains-podcast-how-microplastics-are-invading-our-bodies; *Microplastics in agricultural soils following sewage sludge applications*, Science of The Total Environment, https://www.sciencedirect.com/science/article/pii/S0160412022001258 (last visited Sept. 23, 2025); Sridhar Jayavel et al., *Impacts of Micro and Nanoplastics on Human Health*, 48 BULL. NAT'L RSCH. CENTRE 110 (2024), https://doi.org/10.1186/s42269-024-01268-1.

biological membrane barriers[9], and detected in human brains and reproductive organs,[10] prohibiting their avoidance by humans;[11] and

WHEREAS The toxicological effects of plastic-associated chemicals have been linked to a wide range of severe health issues including endocrine (hormonal) disruptions, reproductive problems,[12] impaired organ function, various types of cancer, and developmental disruption in children, even in the embryonic stage, disproportionately impacting women, children,[13] and frontline communities;[14] and

WHEREAS Local regulation of single-use plastics can open new markets in support of entrepreneurialism by encouraging investment in sustainable packaging and circular, closed-loop systems, in a way that could gradually replace single-use plastic containers. Such regulation can position Detroit as a leader in the rapidly growing sustainable packaging industry, attracting green businesses and supporting local economic development while reducing long-term municipal waste management costs; and

WHEREAS In 2016, the passage of Michigan Public Act (PA) 389 of 2016, prohibited local jurisdictions from regulating the use of single-use plastic containers, which the Act defines as "auxiliary containers," with MCL 445.592 specifically restricting a local unit of government in Michigan from adopting or enforcing an ordinance that:[15]

(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. [16]

Pursuant to the PA 389 of 2016, auxiliary container means a bag, cup, bottle, or other packaging, whether reusable or single use, that meets both of the following requirements:[17]

(a) is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, post-consumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates, and

(b) is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility;[18] **NOW THEREFORE BE IT**

RESOLVED The Detroit City Council supports a repeal of the prohibition preventing local municipalities from regulating single-use or reusable plastics, acknowledging that the state's local municipalities and counties are best positioned to assess and mitigate the environmental and health impacts of hazardous materials within their communities. The Council further recognizes the reduction of single-use plastics as an effective and desired means of avoiding the costs associated with handling the city's waste streams; **BE IT FURTHER**

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[9] Eliasz Dzierżyński et al., *Microplastics in the Human Body: Exposure, Detection, and Risk of Carcinogenesis: A State-of-the-Art Review*, 16 CANCERS 3703 (2024), https://doi.org/10.3390/cancers16213703.
[10] Roslan, N. S., Lee, Y. Y., Ibrahim, Y. S., Anuar, S. T., Yusof, K. M. K., Lai, L. A., & Brentnall, T. (2024). Detection of microplastics in human tissues and organs: A scoping review. *Journal of Global Health*, 14, 04179. https://doi.org/10.7189/jogh.14.04179.
[11] Id.
[12] Stephanie Dutchen, *Plastic Additive Linked to Excessive Reproductive Abnormalities*, HARV. GAZETTE (Jan. 9, 2020), https://news.harvard.edu/gazette/story/2020/01/plastic-additive-linked-to-excessive-reproductive-abnormalities/; Adrian Covaci et al., *Plasticizer*, 10 ENV'T INT'L 100013 (2021), https://doi.org/10.1016/j.envint.2021.100013.
[13] Maricel V. Maffini et al., *Endocrine Disruptors and Reproductive Health: The Case of Bisphenol-A*, 254 MOL. CELL ENDOCRINOLOGY 179 (2006), https://doi.org/10.1016/j.mce.2006.04.033; *SFMM 2022: Impacting U.S. Chemical Policy and Environmental Health*, HEALTH & ENV'T ALLIANCE (2022), https://www.healthandenvironment.org/docs/SFMM2022_Impacting_US_Chemical_Policy_and_Environmental_Health.pdf.
[14] Jill Johnston & Lara Cushing, *Chemical Exposures, Health, and Environmental Justice in Communities Living on the Fenceline of Industry*, 7 CURRENT ENVIRONMENTAL HEALTH REPORTS 48 (2020), https://doi.org/10.1007/s40572-020-00263-8.
[15] Mich. Comp. Laws § 445.592 (2016); Mich. Pub. Act 389 of 2016.
[16] Id.
[17] *Mich. Comp. Laws § 445.592* cites the specific statute restricting local regulation of "auxiliary containers."
[18] Id.

RESOLVED That the Detroit City Council fully supports the repeal of the prohibitions placed on Michigan's local municipalities regarding the regulation of "auxiliary containers," urges the immediate repeal of Public Act 389 of 2016, and urges the Michigan Legislature and the Governor to support this repeal; **BE IT FINALLY**

RESOLVED That the Detroit City Clerk forward copies of this Resolution to the Detroit delegation of both the Michigan State Senate and House of Representatives, the Governor, and the Detroit City Council Green Task Force.