

A RESOLUTION SUPPORTING SB228 TO REPEAL THE LAW PREVENTING LOCAL  
ORDINANCES TO BAN PLASTIC BAGS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

FEBRUARY 7, 2024

WHEREAS, it is a goal of Washtenaw County to promote the economic, environmental and physical welfare of the County and all of its communities; and

WHEREAS, Washtenaw County has long grappled with the environmental and health consequences of single-use plastics. Single-use plastics are a glaring example of consumers and manufacturer desire for convenience instead of investing in quality packaging that is durable and sustainable for the long-term health and environment of communities; and

WHEREAS, the over-reliance on these plastics has resulted in the accumulation of waste at a staggering rate. Reducing the use of plastics is the most effective means of avoiding this waste and the impacts linked to plastic production; and

WHEREAS, plastic by itself does not break down; plastics 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. Microplastics 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 are harmful to the County's physical and environmental 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; and

WHEREAS, in 2016, the passage of Michigan Public Act (PA) 389 of 2016, prohibited local jurisdictions from regulating the use of reusable and single-use plastic containers. Specifically, MCL 445.592 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.

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:

- (a) is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer 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; and

WHEREAS, Senator Shink introduced SB 228 that would repeal PA 389 of 2016 and would restore local control and aid community efforts to control litter and waste by allowing the implementation of plastic bag bans or any motion regulating the use or sale of plastic bags, or imposing any fee, charge, or tax on certain containers; and

WHEREAS, The Washtenaw County Board of Commissioners supports the elimination and repeal of the prohibition against local municipalities from regulating single-use or reusable plastics. Local municipalities 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 Washtenaw County Board of Commissioners does hereby fully support SB228 and the elimination and repeal of the prohibition against local municipalities from regulating single-use and reusable plastic containers.

BE IT FURTHER RESOLVED, that the Washtenaw County Commission expresses its collective belief that local municipalities should have the right to enact ordinances that are in the best interest of their residents and the environment.

BE IT FURTHER RESOLVED, that the Washtenaw County Commission strongly urges the Michigan Legislature and Governor Gretchen Whitmer to support SB228, sponsored by Senator Sue Shink.

BE IT FURTHER RESOLVED, the Washtenaw County Board of Commissioners directs the County Clerk to send a copy of this resolution to the Washtenaw County delegation of both the Michigan Senate and House of Representatives; the Michigan State Senate Committee on Energy and Environment; Governor Gretchen Whitmer; and as a communication to other Michigan Counties.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
--------------	---	---	---	--------------	---	---	---	--------------	---	---	---

Beeman	X			Maciejewski	X			Somerville	X		
Hodge	X			Rabhi	X						
LaBarre	X			Sanders	X						
Lyte	X			Scott	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE:

9 0 0

STATE OF MICHIGAN )

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on February 7<sup>th</sup>, 2024, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS.</sup>

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 8<sup>th</sup> day of February 2024.

LAWRENCE KESTENBAUM, Clerk/Register

BY:

*[Signature]*

Deputy Clerk



Res. No. 24-027