

NO PLASTIC BAGS IN COMPOST

House Bill 4730 (Substitute H-6) First Analysis (12-9-97)

Sponsor: Rep. Kirk Profit
**Committee: Conservation, Environment
and Recreation**

THE APPARENT PROBLEM:

In response to the rapid saturation of landfill space and the pollution problems associated with incineration, Public Act 264 of 1990 banned the landfilling or incineration of leaves and other yard waste materials. The ban became effective in 1994, and, since then, successful programs have been established in most areas of the state to recover these materials for composting. Most homeowners now put their yard waste out for collection each week in plastic bags, confident that the materials will be disposed of in a manner that will benefit, rather than harm, the environment. However, as the number of composting facilities has increased, problems have come to light regarding yard waste stored in plastic bags. When properly separated, yard waste produces a rich soil-like material -- the product of natural decomposition -- that can be used as a soil supplement to enhance the growth of organic materials such as flowers and vegetables. However, when sealed in plastic bags for too long, the materials become anaerobic, or lacking in oxygen, and produce a foul odor. One solution to this problem would be to require that only plastic bags that are constructed of biodegradable materials be allowed in compost facilities. Biodegradable plastic bags usually contain cornstarch, which is used as a matrix to hold plastic polymers or molecules together. When the cornstarch degrades, or breaks down, the materials constructed from it also fall apart.

THE CONTENT OF THE BILL:

House Bill 4730 would amend Part 115 of the Natural Resources and Environmental Protection Act (NREPA), which regulates solid waste management, to prohibit yard clippings from being placed in a plastic bag when they are to be collected and managed at a facility that receives yard clippings for composting, and would also require that the owner or operator of a facility that received yard clippings for composting refuse to accept yard clippings contained in a plastic bag at that facility. However, these provisions would not apply to plastic bags that were biodegradable. The provisions would be effective one year after the bill's effective date.

Biodegradable Standards. The provisions of the bill would not apply to a bag that, when closed, allowed access of oxygen to the contents of the bag "sufficient to deter anaerobic decomposition," and that had been certified by the Department of Environmental Quality (DEQ) as meeting applicable American Society of Testing and Materials' (ASTM) biodegradability and composting standards, or other standards approved by the DEQ.

Manufacturing Requirements. If a manufacturer wished to have its bags certified by the DEQ, it would have to provide the department with documentation and testing results that demonstrated that its bags met the specified standards. Once certified under these provisions, the manufacturer would have to print on each bag, in easily identifiable print, as approved by the DEQ: "THIS BAG MEETS MDEQ COMPOSTING STANDARDS."

Expiration Date. The provisions of the bill would expire two years after the bill's effective date unless the DEQ determined, and provided notice to the legislature, that they had not impeded effective composting operations and should continue to be applicable.

Exceptions. A local unit of government that, on the effective date of the bill, had prohibited the use of plastic bags in its composting operations could also prohibit the use of bags described under the bill from its composting operations. In addition, the provisions of the bill would not apply to a facility that had been designated a public service authority in 1951 under the provisions of the garbage and rubbish disposal and dog pound authority act (MCL 123.301 et al.)

MCL 324.11521a

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bill would have an impact on state funds, depending on the number of vendors that apply to have their bags certified by the Department of Environmental Quality (DEQ).

The HFA estimates that one application would result in costs to the department of between \$400 and \$500. (12-3-97)

work well. Some municipalities, for example, dislike

ARGUMENTS:

For:

The yard waste put out for collection in local neighborhoods in plastic bags is generally delivered to a private or public recycling facility to be recycled into compost. At the recycling facility the bags must then be separated from the yard waste, since the bags cannot be used in composting unless they are biodegradable. Separating the yard waste from the bags is both time consuming and costly. It is either done by hand or by a debagging machine called a "trammel." However, as pointed out by both the solid waste industry and environmental groups, this machine is, at best, only partly efficient. Some plastic remains, rendering the yard waste useless for compost purposes. Consequently, the plastic, as well as the yard waste, usually ends up in landfills.

Yard waste collected in plastic bags causes other problems: after two days of storage, the plastic changes the biological activity of the materials from aerobic to anaerobic. The result is a foul odor that has driven some township residents who live near large compost facilities from their back yards in summer months. In fact, in Oakland County, SOCRRA -- the Southeast Oakland County Resource Recovery Authority -- was recently ordered by the court to buy 20 adjacent properties from homeowners complaining of such an odor.

The problem of odor from plastic bags is primarily one that must be confronted by townships and rural areas, where compost centers are located, and not by the cities that send their yard waste to these facilities. However, townships have little control over the various composting centers that spring up from time to time in their areas. Also, if one center were to ban yard waste in plastic bags, then cities, anxious to cut costs, would simply find a less expensive facility that did allow plastic. By requiring a uniform ban on plastic bags, the bill would ensure that environmental concerns, and not the competitive principles of the marketplace, govern yard waste disposal. However, under the bill, a local unit of government that had adopted an ordinance prohibiting the use of plastic bags could also prohibit the type of bags described under the bill if its ordinance were in effect on the bill's effective date.

Response:

Although some critics maintain that debagging trammels, which remove yard waste from plastic bags, leaves scraps of plastic in the compost, others assert that the machines

having residents rake leaves into the street because of the difficulties involved in collecting them. This is the situation in Oakland County, where the Southeast Oakland County Resource Recovery Authority (SOCRRA) -- a municipal authority that serves several cities -- prefers the use of trammels to biodegradable plastic bags. Therefore, the bill contains an exception for SOCRRA.

Against:

The bill would specify that the prohibition against using plastic bags would not apply to a bag that, when closed, "allows access of oxygen to the contents" However, in testimony before the House committee, a representative of the American Plastics Council criticized this provision as being overly vague and subjective. Moreover, the council maintains that the requirement under the bill that plastic bags be labeled according to "DEQ standards" would be extremely costly and could result in some manufacturers withholding their products from Michigan. Instead, the council suggests that the DEQ maintain a list of acceptable compostable plastic bags. The council also maintains that the requirement that bags meet ASTM standards precludes recognition of other standards, such as the CEN (Committee for European Normalization) Standard, which, if adopted, might be more appropriate for compostable plastics.

POSITIONS:

The Department of Environmental Quality supports the bill. (12-3-97)

The Michigan United Conservation Clubs (MUCC) supports the bill. (12-4-97)

The Michigan Farm Bureau supports the bill. (12-3-97)

The Southeast Oakland County Resource Recovery Authority (SOCRRA) supports the bill. (12-3-97)

The Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC) supports the bill. (12-4-97)

The Michigan Waste Industries Association supports the bill. (12-4-97)

Petoskey Plastic Inc., supports the bill. (12-4-97)

The Michigan Composting Council, a coalition of city, county, and township governments, compost producers, environmental organizations, private and local government waste management industries, farmers and educators, supports the concept of the bill. (12-4-97)

The Michigan Corn Growers Association supports the concept of the bill, but opposes the provision that would permit a local unit of government to prohibit the type of bags described under the bill if it had already prohibited plastic bags in its composting operations as of the bill's effective date. According to the association, this latter provision would defeat the purpose of the bill. (12-4-97)

The Michigan Chemical Council has no position on the bill. (12-3-97)

The Michigan Townships Association has no position on the bill. (12-3-97)

A representative of the American Plastics Council testified before the House committee in opposition to the bill. (12-3-97)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.