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## TRUTH IN LABELING: DEGRADABLE CONTAINER

Senate Bill 187 (Substitute H-1)  
First Analysis (5-10-94)

AS ENROLLED

Sponsor: Senator Michael Bouchard  
House Committee: Conservation,  
Environment, and Great Lakes Affairs  
Senate Committee: Natural Resources and  
Environmental Affairs

### ***THE APPARENT PROBLEM:***

Packages put on retail shelves for sale and advertised, or labeled, as "degradable" or "biodegradable" generally cost the consumer more money than the identical product without the degradable distinction. Often, after the purchase is made the consumer discovers that the product label was misleading. Legislation has been proposed to make such misrepresentation unlawful.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Consumer Protection Act (MCL 445.903) to make it unlawful to represent that a product or container was degradable, biodegradable, or photodegradable, unless it could be substantiated by evidence that the product would completely decompose within a reasonably short time after a consumer disposed of it in the customary way. Under the act, misrepresentation would be considered an unfair, unconscionable, or deceptive method, act, or practice in conducting commerce or trade.

### ***FISCAL IMPLICATIONS:***

According to a Department of Natural Resources analysis of an earlier version of the bill, enforcement of the bill would require some additional staff resources on the part of the Attorney General. (5-26-93)

According to the Department of Attorney General, any additional staffing required to enforce the bill would be minimal. (5-9-94)

### ***ARGUMENTS:***

#### ***For:***

Many consumers who support recycling, waste reduction, and efforts to protect the environment rely on product labeling to decide if a product is degradable or made of recycled materials. Many times, after a product is purchased it's found that the label was misleading. The bill would help to eliminate misrepresentations and help build consumer confidence in product labeling, thereby helping to increase the demand for degradable products and further promoting environmental protection, recycling and waste reduction. Increased use of degradable trash bags may reduce the amount of litter currently present in some composting sites due to the use of plastic and other non-degradable bags.

#### ***For:***

The increased use of degradable bags and containers, especially for the handling of yard waste, will reduce the amount of litter and odor problems that local governments have to deal with at compost sites.

#### ***Against:***

The attorney general's office would probably require additional state resources to ensure compliance, thereby creating additional governmental bureaucracy. Additionally, there is some concern that some language in the bill is vague; specifically, the requirement that the product completely decompose within a reasonably short time after it had been disposed of in the customary way. These phrases should be specifically defined.

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***POSITIONS:***

The Department of Natural Resources supports the bill. (5-3-94)

The Department of Attorney General has no position on the bill. (5-9-94)