

1:00 pm Pacific Time
October 3, 2024

Track A



Concurrent PM

Challenging Plastics Pre-emption Laws

Speakers:

KT Morelli
CJ O'Brien Weddle

Moderator: Macy Zander

Nathan Alley
Youpa Stein

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Macy Zander
Local Reuse Manager
Upstream
(Moderator)

Challenging Plastics Pre-emption Laws



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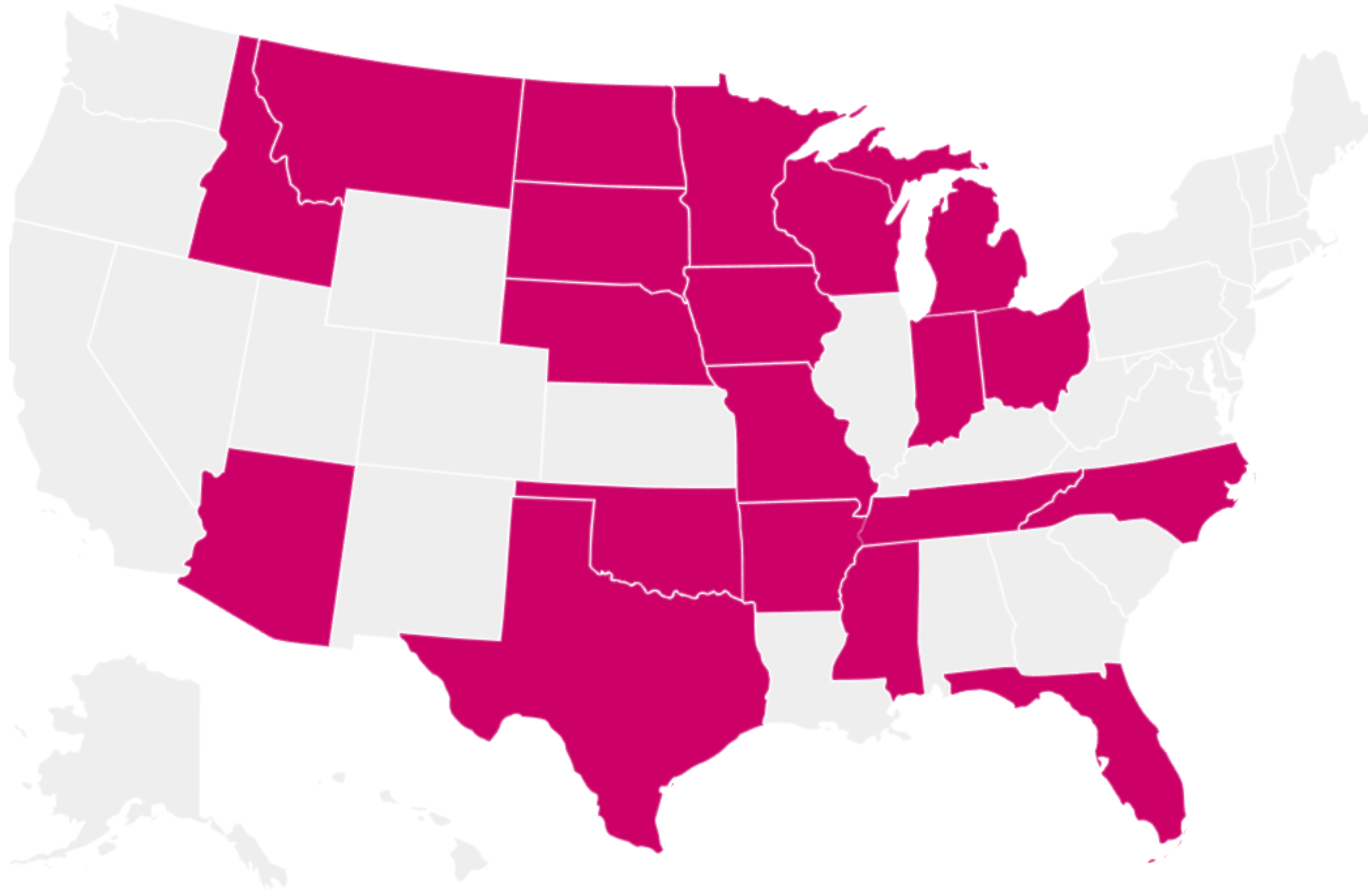


Attributes of Preemption

- Allows for higher level of government to limit or eliminate the regulatory authority of a lower level of government
 - State halts local gov. from passing ordinances or repeals existing policies
- Proponents argue it stops regulatory patchworks
- Political tool against more progressive municipalities
- Not unique to environmental issues
- Containers (“auxiliary containers”)
 - Bags, bottles, cups, boxes, etc.
 - Plastic and other materials
 - No prohibition, restriction, fee or tax

Example of preemption language – Indiana ([HB 1053](#))

“Amends the home rule statute to **prohibit a local government** unit from: (1) **regulating**: (A) certain activities with respect to **reusable or disposable auxiliary containers** designed for one time use or for transporting merchandise or food from food or retail facilities (auxiliary containers); or (B) a manufacturer of, a distributor of, or a food or retail facility that sells, provides, or otherwise makes use of, auxiliary containers, in connection with certain activities involving auxiliary containers; **or** (2) **imposing any prohibition, restriction, fee, or tax with respect to auxiliary containers** or to a manufacturer of, a distributor.”



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KT Morelli
Organizer
Breathe Free Detroit

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CJ O'Brien Weddle
Ocean Friendly Programs Manager
The Surfrider Foundation

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Nathan Alley
Conservation Program Coordinator
Sierra Club

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Youpa Stein
Organizer
MT Plastic Free

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