

Plastic bag advocates hope to sack ban

by Julie Sharp

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A group of plastic bag manufacturers, distributors and retailers filed a lawsuit against Manhattan Beach challenging the city's recent ban of the shopping sacks.

The coalition, SaveThePlasticBag.com, filed its suit against the city Aug. 12 with the Los Angeles Superior Court and claims that the city justified the bag ban with misleading information and a biased, not thorough environmental impact study.

The citywide ban was adopted at the July 1 City Council meeting after the issue was postponed at a previous council meeting due to a need for an Environmental Impact Report as required by the California Environmental Quality Act.

The lawyer representing SaveThePlasticBag .com, Stephen Joseph, lambasted the city saying the report was only a justification for banning plastic bags rather than a full study of the pros and cons of plastic bags in Manhattan Beach.

"The study was a series of cutting and pasting from the misinformation superhighway (the Internet) rather than a full study," said Joseph.

The coalition, whose founding members are Elkay Plastics and Command Packaging, posted its main objection on its Web site, stating that the city did not prepare an authentic Environmental Impact Report and hopes that the court will force the city to prepare a more objective study. Joseph said the city should spend more time studying the impacts of banning plastic bags. The Daily Breeze also stated that the suit intends to address the city's power in issuing such a ban and questions if the city should be able to ban a product regardless of an objective environmental study.

"I represent an industry that generates about 4,000 jobs. Would you want to lose your job based on misinformation?" said Joseph.

City Attorney Bob Wadden was quoted in the Daily Breeze as saying that the city's environmental impact report has an excellent chance of holding its own in court. City staff has yet to be served with the complaint and would not comment further without seeing the actual complaint filed.

If the Manhattan Beach ban stands, it would be enforced within about five months. The ordinance approved by council bans all point-of-sale carryout plastic bags in the city and will take effect for grocery stores, food vendors, restaurants, pharmacies and city facilities in about five months and in about 11 months for all other retail businesses and vendors, according to a city staff report.

Malibu is the only other Southern California city to ban all point-of-sale plastic bags at all retail establishments. San Francisco has a limited plastic bag ban and Oakland attempted a similar ban but a 2008 Alameda County Superior Court decision overturned the ban due to a weak environmental study.

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