

# Suit hinders city ban on plastic bags

*by Danny Brown*

Published June 5, 2008

For Manhattan Beach, enacting a ban on plastic bags was, well, in the bag. At least that's what City Council members assumed until Tuesday night, when they were surprised hours before their meeting by a Sacramento-based coalition's threat to sue the city should it proceed with its bag-banning measures.

"This is their way to stem the tide of banning plastic bags that is just starting to take place amongst all the cities along the beach," said Mayor Richard Montgomery. "We're going to follow whatever rules we have to, but by no means are we stopping."

Holding the lawsuit over the city's head is the Coalition to Support Plastic Bag Recycling, a group of seven plastic bag manufacturers and a plastic bag recycler. Earlier this year the coalition sued the city of Oakland over a ban on plastic bags that was set to take effect in January. The coalition challenged the city's ordinance using the California Environmental Quality Act, arguing that the city did not adequately study the possible harmful effects banning plastic bags might have on the environment.

As a result of overwhelming community encouragement, Manhattan Beach City Council members have made it a top priority for 2008 to enact a ban on all point-of-sale plastic carry-out bags at grocery stores, food vendors, restaurants, pharmacies, city facilities, and retail establishments.

Councilman Jim Aldinger said the coalition was highjacking environmental law, harboring ulterior motives other than the improvement of the environment.

"Using CEQA for this purpose is ridiculous," he said. "Their main focus isn't to improve the environment but to keep the sales of plastic bags up and make money."

According to Assistant to the City Manager Lyndi Coe-Juell, who presented the plastic bag banning ordinance, the coalition's eleventh hour letter to the Manhattan Beach City Council threatened to sue on similar grounds to Oakland.

"What they're saying is it's possible that this ordinance could have a negative impact on the environment," said City Attorney Bob Wadden. "That doesn't mean the argument is correct, but we have to provide enough evidence to contradict theirs and show we've studied it."

The coalition claims that banning plastic bags would cause an increase in the use of paper bags, which it alleges are more costly, generate more pollutants during manufacturing and require more energy to produce and recycle.

"I think their argument is a false assumption," said Mayor Richard Montgomery. "If you take plastic away then it will leave people with one of two better options rather than continuing to make things worse."

Out of the six billion plastic bags distributed in Los Angeles County each year, less than 5 percent are recycled, according to the California Integrated Waste Management Board. Additionally, the expansive and lightweight characteristics of plastics make bags easy to blow around. The California Coastal Commission estimates that of the marine debris that kill approximately 100,000 sea mammals and one million sea birds every year, 60 to 80 percent of the material is plastic.

“We’re a beach city and we see the harm firsthand,” Montgomery said.

A combination of both firsthand knowledge and hard statistics spurred numerous groups in Manhattan Beach to action, many of which hope to prohibit not only plastic but also Styrofoam.

In January, approximately 50 students representing all five of the districts’ elementary schools filled the City Council Chambers to urge council members to ban the two materials.

City business leaders from the Chamber of Commerce, the Downtown Business and Professional Association and the Village Mall have also jumped onboard the “ban” wagon, expressing support.

However, when it comes to a pending lawsuit, public support is not enough.

The ordinance does not currently delve into how a ban on plastic bags might effect the environment by causing an increased production of paper bags.

According to the city attorney, the city needs this information in its report for a judge to weigh against conflicting claims should the matter go to court.

A spokesperson for the California Grocers’ Association, who said they are not affiliated with the Coalition to Support Plastic Bag Recycling, argued along the same lines at Tuesday’s meeting, saying a ban on plastic would increase the use of paper bags.

The City Council said it intended to promote the use of reusable cloth bags as the best alternative. Council members even hinted at levying a fee for paper bags in the future to cut down on any increases in use that might occur.

Council tabled the issue until next meeting when staff could add the necessary information about paper bags. Should the ordinance pass Manhattan Beach would be the second Southern California city (Malibu) to be successful in its efforts to ban plastic bags. ER