
Manhattan Beach News

Plastic bag ban postponed

by Julie Sharp

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The Manhattan Beach citywide plastic bag ban is not going as planned. The court has ordered the city to conduct a more in-depth paper versus plastic bag study before moving forward with an all-out plastic bag ban.

On Feb. 20 at an injunction hearing, Los Angeles Superior Court Judge David Yaffe favored the plastic industry's argument that Manhattan Beach did not do enough research on the environmental impacts of increased paper bag usage as a direct result of a plastic bag ban.

The city's plastic bag ban was scheduled to go into effect Feb. 28 despite a lawsuit filed against the city by the pro-plastic coalition, Save the Plastic Bag.com. As an attempt to stop the city's bag ban ordinance until there is a ruling on the lawsuit, the plastic coalition filed an injunction in December 2008. On Feb. 20, the judge ruled on the injunction in favor of the plastic industry just eight days before the ban was to take hold.

The coalition filed its original lawsuit against Manhattan Beach in July 2008 after the City Council voted for the ban at all point-of-sale transactions. The basis for the suit was that the information used by the city to support the plastic bag ban was misleading, according to SavethePlasticBag.com.

This information presented to council by city staff regarding plastic bags and the environment was also determined by Yaffe to be insufficient enough to uphold a ban and he ordered that a credible Environmental Impact Report be conducted before such a ban could be enacted.

The pro-plastic coalition also argued that the information presented by the city was more of a justification for banning plastic bags rather than a comparative, statistical study of paper and plastic bag use in the city. The coalition states on its Web site, "SaveThePlasticBag.com believes that an EIR would have shown that plastic bags are far better for the environment than paper bags." This belief that paper is more damaging to the environment than plastic is based on studies posted on the SaveThePlasticBag.com Web site, which state that paper bags use more energy, produce more waste and generate more greenhouse gas emissions than plastic bags.

City Attorney Bob Wadden said he will present the judgment to City Council during closed session March 4 and council will have to decide how to proceed with the plastic bag ban.

He said if council chooses to conduct a thorough EIR, the city would have to hire a consultant to do the study. He also said the necessary data is available, such as how many plastic bags and paper bags are purchased by Manhattan Beach businesses and vendors have some idea of how many plastic bags they distribute.

Wadden said he will present City Council with options on how to proceed with the injunction ruling. Options include an appeal, a consultant-conducted EIR study or just to drop the bag ban altogether as the city of Oakland did once faced with a lawsuit.