
Manhattan Beach News

Another Potential Setback for City's Plastic Bag Ban

by Julie Sharp

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The city of Manhattan Beach's plastic bag ban received potentially another setback when the plastics industry recently filed a preliminary injunction with the Los Angeles Superior court, on top of the lawsuit already filed back in August.

The preliminary injunction hearing is scheduled for Feb. 20, and if the judge grants the injunction motion, it will serve as a stop-order on the city's bag ban ordinance that is scheduled to go into effect Feb. 28.

The pro-plastic coalition, Save the Plastic Bag.com, filed its original suit based on the claim that the city justified the July 1 bag ban with misleading information and a biased, not thorough environmental impact report that was a justification for banning plastic bags rather than a full study of the pros and cons of plastic bags in Manhattan Beach.

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.

The coalition wants the injunction motion granted so that the businesses that purchase the plastic bags will not have to change their practices until there is a ruling in the lawsuit. "Petitioner requests preliminary injunctive relief to maintain the status quo while this action is pending," as written in the petitioner's motion for preliminary injunction staying the plastic bag ordinance. If the motion is granted, the coalition requests that the city notify each business affected by the ordinance within five days so that the businesses don't cancel their orders for plastic bags, which smaller businesses place several months to a couple of years in advance.

City Attorney Bob Wadden was a little surprised that the judge granted the preliminary injunction hearing, because he said the city's case is pretty strong. He explained that the injunction only slows the process down. "The issue is not whether or not we can ban the bags, it is just if the environmental impact report is necessary or not," said Wadden. "They (save the plastic bag coalition) want to send a message that they will fight every plastic bag restriction tooth and nail."

He also said the industry is not really concerned with Manhattan Beach, but rather the tidal wave effect that a successful plastic bag ban could have on other cities and regions.



A shopping cart full of groceries in plastic bags from Ralphs in the Manhattan Village Shopping Center. (photo by Chris Miller)

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