

Judge Axes Plastic Bag Ban, City Ponders Their Next Move

by Carley Dryden

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On Friday, a Los Angeles County Superior Court judge rejected Manhattan Beach's plastic bag ban set to take effect this Saturday.

Judge David Yaffe said due to the complexity of the paper or plastic question, the city needs to conduct an environmental impact report (EIR) before imposing the ban, said city attorney Bob Wadden.

Wadden said Yaffe's analysis of the California Environmental Quality Act was flawed, however. According to CEQA, an EIR is only required if there is a fair argument that the environmental impact is "substantial."

"We didn't think that there was an impact," Wadden said. "We still don't, frankly."

The city relied on an initial study before approving the ban last July. The study found the number of plastic bags that would be eliminated would be diminutive, Wadden said. According to the city's reply brief, the ban is a "largely symbolic gesture designed to send a message from a coastal city to other jurisdictions and the general public about the importance of clean beaches and oceans...."

"That's not a reason to ban a product — symbolism," said Stephen Joseph, attorney for savetheplasticbag.com, the coalition that sued the city last August. "You should do an EIR. We just want the truth to come out."

Joseph said the group wants to establish through proper scientific reports which is better for the environment — paper or plastic, while the city simply jumped on the anti-plastic bandwagon.

"We weren't asking them to decide in favor of plastic or the other, we wanted it done scientifically, not just quoting from Web sites," Joseph said.

Joseph said the Swedish report the city used was conducted by the paper industry and the kind of plastic bags studied in the report were not regular plastic grocery bags but ones nearly 10 times thicker.

Last summer, before the Council decision, the coalition sent the city numerous studies showing paper is worse for the environment than plastic. Wadden admitted that paper may have a greater carbon footprint, according to studies, but paper biodegrades, while plastic doesn't.

"People need to open their mind about paper versus plastic and stop assuming plastic is worse," Joseph said. "We're trying to convince people who have made up their minds that the world has made up its mind wrongly."

On Tuesday night, Councilmember Nick Tell told residents at the candidate debate why the Council moved forward with the ban last July, even though they were warned they would be sued.

"A lobbyist organization is not going to stop us from doing the right thing," he said. Tell said the voluntary compliance by CVS Pharmacy, The Kettle and Skechers demonstrates the ban's positive impact.

John Molavy, manager of CVS Pharmacy, said the store began using only paper bags in mid-January.

"Customers are not happy about it," he said, because the paper bags don't have handles. Now that the ban is void, the store will likely go back to plastic, he said.

On March 4, City Council will decide whether they will appeal the judge's ruling or start the process again by completing the EIR. Even if the EIR shows the ban would have a large negative impact, Council has the power to move forward with the ban, Wadden said.

Joseph said in the end, the public wins.

"If (the EIR) says paper is better, fine. If it says plastic is better, fine. Then the public gets to see Council is acting in accordance with science," he said.

This Saturday, the city, in partnership with Planet Pals, will host a reusable bag give-away at 10:00 a.m. to customers at Bristol Farms, Fresh & Easy, Ralphs and Vons in Manhattan Beach. Four thousand bags will be given away. ER