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Palo Alto passes plastic shopping bag ban; lawsuit looms

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"Paper or reusable?" is the question Palo Alto shoppers will face at grocery checkout counters beginning in September.

The city council Monday night voted 7-1 to ban plastic bags at supermarkets in hopes of reducing the stream of harmful litter in local creeks and the San Francisco Bay.

The vote came over threats of a lawsuit by a plastics industry group, which argues that the ban will actually harm the environment by forcing shoppers to switch to paper bags. A grocers association criticized the city's decision to limit the ban to supermarkets while continuing to allow plastic bags at pharmacies and convenience stores.

The council partially addressed those issues by asking city staff to follow up with two proposals: one to expand the plastic bag ban to all stores and restaurants, and another to place a fee on paper bags. The ultimate goal, officials said, is to encourage shoppers to use reusable bags everywhere they go.

"We're going to hear a lot of grief initially," predicted Council Member Pat Burt, who pushed for a full ban as soon as possible. "But eventually, I think we'll find that once we change our habits it won't be the end of the world."

In voting against the ban, Council Member John Barton said he worries the city is opening itself up to an expensive

legal battle. In February, a judge blocked a similar ban Manhattan Beach, Calif., saying the city didn't properly study the environmental impacts of shoppers' potential

shift to paper bags.

The ruling was a victory for the Save the Plastic Bag Coalition, whose attorney, Stephen Joseph, said Monday he also plans to sue Palo Alto. In preparing a "mitigated negative declaration" for the ordinance rather than a full environmental study, he said, the city made the same mistake Manhattan Beach did.

Barton said the city shouldn't risk a lawsuit over an ordinance that will directly affect just four stores. Palo Alto has seven supermarkets in all, but three — Whole Foods, Mollie Stone's and Country Sun — have already gotten rid of plastic bags on their own. He supported Burt's proposal to widen the ban to other stores before moving ahead.

City staff said that might be complicated, however. The change to paper might be hard on small businesses, and customers might not think to bring reusable bags when stopping into convenience stores or pharmacies.

There were also technical questions, such as whether the ban would apply to drug counters at

pharmacies as well as checkout counters.

In the end, Burt agreed to a suggestion by Council Member Yoriko Kishimoto to go ahead and pass the limited ban, with the added condition that the city immediately start studying a more comprehensive policy. In addition to exploring a wider plastic prohibition, city staff will bring to the council a proposed fee on paper bags no later than Sept. 18, the date the supermarket ban goes into effect.

The six-month grace period will give grocers time to use up the plastic bags they already have and, if necessary, order more paper bags.

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