

GOVERNMENT

County Report Supports Ordinances Banning Plastic Bags

The report provides scientific studies that support citywide plastic bag bans, such as the one in Manhattan Beach.

By **Joe Sorrentino** August 13, 2010

A preliminary county report may provide the evidence needed to support a citywide ban on plastic bags from certain retail stores.

In June, the county released the Ordinances to Ban Plastic Carryout Bags in Los Angeles County [Draft Environmental Impact Report](#). The study, which is expected to be finalized by October, examines the environmental effect of plastic and paper bags.

The county report may give Manhattan Beach a legally sound argument for a plastic bag ban.

In July 2008, the city had adopted an [ordinance](#) banning the distribution of plastic bags at the point-of-sale for all retail stores.

But for the past two years, the city has been embroiled in a lawsuit with the Save the Plastic Bags Coalition over the ordinance.

The coalition sued the city alleging it had failed to comply with the California Environmental Quality Act by not conducting an environmental impact report [EIR] showing the effects of an increased demand for paper bags.

The city had conducted an initial study, but not a full report. The case has reached the California Supreme Court, which is expected to issue a decision late this year or early next year.

"The info in the EIR would in theory support the city's position in its negative declaration and initial study," said Robert Wadden, Manhattan Beach city attorney.

The county report cannot be admitted as evidence in court while the case is going through the appeals process, Wadden said.

However, the ruling of the case could affect the city's next steps. If the court strikes down the 2008 ordinance, the City Council could vote to adopt one of the ordinances in the completed county report.

"If the city were to opt to rely on the county EIR," Wadden said, "it would need to adapt the EIR to the city's unique circumstances to ensure that both the nature of the city's ordinance and the community itself are adequately factored into the environmental review."

The city's ordinance resembles one of four ordinances in the report, a policy that prohibits plastic carryout bags for all supermarkets, grocery stores, convenience stores, pharmacies and drug stores.

The report's ordinances are backed by vetted scientific analyses, according to the county. Los Angeles County cities would have the option of relying on the county's findings without having to conduct their own studies.

"We believe that our EIR will be very defensible," said Coby Skye, a civil engineer with the county's Public Works Department, "that the findings were very thoroughly researched and developed, and that the board of supervisors and I believe that any city that refers to and utilizes that EIR would be on very solid ground."

In its case against the city, the Save the Plastic Bags Coalition had argued that a plastic bag ban would result in higher demand for paper bags and potentially create more damage to the environment.

Stephen L. Joseph, an attorney for the coalition, did not respond to repeated requests for an interview.

In response to the county report, the coalition sent to the county an estimate of greenhouse gas emissions created by the production of paper bags. The increase in paper bag usage would have the same impact on greenhouse gas emissions as 28,000 to 64,000 cars annually would have, according to the coalition.

"They made a lot of assumptions that were not accurate and that are not even plausible," Skye said. "We took a lot of conservative assumptions in calculating greenhouse gas emissions and even ours were not that high."

The county report determined that the environmental effects of manufacturing more paper bags were not severe enough to warrant mitigation or less pollutant alternatives.

"We did an estimate where even if 100 percent of folks who stopped using plastic bags switched to paper



Some argue that by banning plastic bags, people will use more paper bags, which pose greater harm to the environment.

bags, there still wouldn't be a significant impact on virtually any of the areas we evaluated," Skye said.

Other industry experts, environmentalists and officials have argued that the solution is not plastic or paper, but reusable bags.

California Assembly Bill 1998, which is still being debated, would prohibit certain supermarkets from providing single-use carryout bags to customers and implement other restrictions.

The City of Manhattan Beach, which has been heavily promoting reusable bags, has endorsed this bill.

"Our plastic bag ban is not an end, it is a means to an end," said Councilwoman Portia Cohen. "And the end is changing the culture of our local consumer buying toward reusable bags."

The City Council has directed staff to research the possibility of applying a fee to paper bags at large stores to discourage their use.

"When the cost of business goes up, they pass it on to the consumers," Cohen said. "You know what, we're all beneficiaries so maybe we should all be paying a little bit for the environment, and that's OK."

