



Plastic Bag Ordinances

Bryan Early

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Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

Why Ban Plastic Bags?

- Environmental
 - 14-19 billion carryout bags distributed annually. 80% plastic.
 - Perfectly designed to become litter: lightweight, aerodynamic, blows out of trash receptacles, trucks, etc.
 - Plastic bags one of the most commonly found item in stream/creek cleanups.
 - Plastic bags essentially never biodegrade—photodegrade into small pieces and attract ambient toxins.
 - Wildlife mistakes them for food.
 - Worst sample areas (N. Pacific Gyre) 46 x more plastic than plankton. Unknown affect to larger marine ecosystem.
- Costs
 - SF: \$0.17 per bag cost to city. Up to \$200 per household per year in state and local fees and taxes to clean up litter and waste associated with single-use bags.
 - TMDL. Los Angeles compliance estimate: \$1 billion.
- Solid Waste Issues
 - Problem contaminant in sorting of recyclables.
 - Recycling costly and ineffective.



Municipalities that Have Acted So Far:

- San Francisco: Plastic Ban - March 2007
- Oakland: Plastic Ban (suspended by lawsuit) - July 2007
- Fairfax: Plastic Ban (temporarily suspended by lawsuit, reinstated by voter initiative)- August 2007
- Los Angeles County: Potential Plastic Ban (if 30% and 65% reduction not reached by 2010 and 2013) (lawsuit pending) - January 2008
- Malibu: Plastic Ban - January 2008
- Los Angeles City: Potential Plastic Ban (if no state fee bill by 2010) - July 2008
- Manhattan Beach: Plastic Ban (suspended by lawsuit) - July 2008
- Palo Alto: Plastic Ban (lawsuit settled) - March 2009



Industry Intimidation Efforts

Coalition of plastic bag manufacturers are suing municipalities that adopt plastic bag ordinances.

Complaint: inadequate CEQA review.

The following municipalities have been sued:

- Oakland: Ordinance suspended until EIR is prepared.
- Fairfax: Lawsuit dropped after town council suspended ordinance, ordinance was reinstated by voter initiative with 79% of Fairfax voters approving of the ban.
- Los Angeles County: Lawsuit pending, ordinance still active.
- Manhattan Beach: Ordinance suspended by court until an adequate EIR is prepared.
- Palo Alto: Lawsuit was settled after city agreed not to expand the scope of their ordinance without first preparing an EIR.



Legal Strategies: No EIR

- Voter Initiative
 - Fairfax (adopted with 79% yes vote)
- CEQA Exemption
 - SF
 - Malibu
 - Oakland (suspended by courts)
- Negative Declaration
 - Manhattan Beach (suspended by courts)
 - Berkeley (proposed) Paper Bag Fee
- Mitigated Negative Declaration
 - Palo Alto (settled—agreed not to expand ordinance)

Legal Strategies: EIRs/MEA:

- San Jose: EIR to be completed before ordinance adopted, potentially in 2010.
- Green Cities CA: Master Environmental Assessment (MEA). ICF Jones and Stokes. Expected by February. Some cost for cities to adopt.
- Los Angeles County: EIR. Sapphos Environmental. To be considered by BOS 2010. LA County municipalities should be able to adopt at no cost.



Upcoming Ordinances

- Berkeley Plastic Ban + Paper Fee
(negative declaration)
- San Jose / Santa Clara County and cities
- LA County
- LA City
- Santa Monica

State Legislative Prospects

- AB 68 (Brownley) & AB 87 (Davis) - \$0.25 per bag consumer fee.
- SB 531 (DeSaulnier) – Potential vehicle for small first importer fee (less than \$0.01).
- Gov: \$0.25 per bag consumer fee proposal floated in August. By end of the month, Governor announced he wouldn't sign (his own) proposal, instead supports a ban.