

Plastic bag-ban plans popping up across US

By Mike Verespej

MANHATTAN BEACH, CALIF. (July 3, 4:50 p.m. EDT) -- Manhattan Beach has banned the use of petroleum-based and bio-based plastic carryout bags, and Rhode Island and New York have bills awaiting governors' signatures, which would make them the second and third states to mandate plastic bag recycling at larger retailers.

But Stephen Joseph, a lawyer for the Save the Plastic Bag Coalition, said the group of plastic bag manufacturers and distributors will sue to have the Manhattan Beach ban — which was approved July 1 — overturned.

“We will definitely sue,” Joseph said. “The likelihood is that the suit will be filed in July.”

In New York, the Environmental Defense Fund and New York City council leaders have asked Gov. David Paterson to veto the New York state bag recycling bill because it effectively would pre-empt a tougher, more stringent bag recycling bill that goes into effect July 23 in New York City.

Additional pressure on plastic bags is mounting in two other large cities.

On July 8, Seattle will hold its first hearing on the city's proposal to place a 20 cent fee on all disposable shopping bags.

In a similar move, Los Angeles City Council will consider banning all plastic shopping bags at all supermarket and retail stores unless the state Legislature passes a proposed bill requiring retailers to charge at least 25 cents for plastic bags if recycling and landfill diversion targets aren't met. The council's Energy and Environmental Committee sent the ban proposal to full council July 1 for consideration.

Bag recycling measures also are pending in Pennsylvania and New Jersey, with uncertain fates.

Manhattan Beach, with 35,000 residents, would become the third U.S. city with a ban on plastic carryout bags. A ban in San Francisco went into effect Nov. 20, and a ban in Malibu, Calif., approved in May, goes into effect in two stages, beginning Dec. 26, for the town of almost 13,000 people.

A similar ban in Oakland, Calif., was overturned after the Coalition to Support Plastic Bag Recycling filed a lawsuit on the grounds that the city had not conducted an environmental impact report as required by state law. The two plastic bag coalitions are not connected, although they have some members in common, including California-based Elkay Plastics Co. Inc. of Commerce, Grand Packaging Inc. of Los Angeles and

Crown Poly Inc. of Huntington Park, Joseph said. Command Packaging of Los Angeles and Elkay are founding members of the Save the Plastic Bag Coalition, which was formed one month ago.

The Manhattan Beach bag bans two-stage implementation begins Feb. 14, 2009, for pharmacies, grocery stores, restaurants, food vendors and city facilities. Remaining retailers must comply by mid-August 2009. The city has about 200 retail establishments.

“This is a first step for us,” said Lindy Coe-Juell, assistant to the Manhattan Beach city manager. “The entire issue to us is litter and what gets into the marine environment. It is not a question of paper or plastic, or which type of reusable bag is available,” she said, adding that the city plans to look at a fee for paper bags. “Our community is moving toward reusables.”

But Joseph said the Save the Plastic Bag Coalition will ask the court to require the city to conduct an environmental impact review before implementing the ban.

“The city staff report was intellectually dishonest. The material they prepared was far short of objective. The city is knowingly presenting myths and distorting information about plastic bags,” he said.

Coe-Juell said an EIR was not needed because the city’s initial study found no substantial evidence that the ban would have a significant negative effect on the environment.

Joseph disagreed: “We added a massive amount of information to the record in order to make it clear that there was a real possibility of significant negative environmental impact.”

As part of its filing, he said, the coalition included two reports used by the judge in handing down the Oakland decision. The coalition also noted that Manhattan Beach, in making its decision, used a report comparing paper bags with plastic bags that are more than 10 times thicker than plastic carryout bags. The city cited the report to support its argument that plastic bags compare unfavorably with paper bags in terms of their effect on the environment, the coalition said.

“The ban is not justified,” Joseph said. “Paper is a far worse alternative than plastic. The only area where plastics may have more problems than paper is in litter. It is not the fault of the plastic bag industry if people are careless with litter.”

The flurry of activity surrounding plastic bags — nearly 100 proposals so far this year — has kept the industry busy working for recycling and arguing against bans and taxes.

“The New York and Rhode Island bills are both pieces of legislation that we support,” said Keith Christman, senior director of packaging for the plastics division of the American Chemistry Council in Arlington, Va.

But, ACC is against the Seattle fee and bag bans, he said.

“Certainly the tax is something that is a bad idea,” said Christman. “It is similar to a ban and has the same kind of an impact. We believe that communities that have opted for bans have not thought through the unintended consequences of a ban.”

Overall, the trend in most parts of the country is to adopt recycling programs. The state of California has mandated plastic bag recycling. Recycling mandates in Chicago and New York go into effect later this year or early next year. Phoenix and Austin, Texas, have adopted voluntary bag recycling programs.

A poll conducted for the city of Seattle found that 63 percent of its residents prefer in-store recycling even though the city is proposing a per-bag fee.

The New York state bill, passed June 24, would require in-store recycling of plastic carryout bags by Jan. 1 at retail stores over 10,000 square feet or with five or more branches of 5,000 square feet or more, and stores of more than 50,000 square feet in enclosed shopping malls. It also would bar retailers from sending plastic bags to solid waste facilities, require stores to sell reusable bags and require makers of compostable bags to indicate the bags can't be recycled.

The Rhode Island bill, sent to Gov. Donald Carcieri June 30, would mandate plastic bag recycling at stores with 10,000 square feet or more, and at retailers with sales in the state exceeding \$8 million. The bill would require recycling of bags for shopping, dry cleaning, fresh produce and newspaper bags, effective Jan 1.

The New York City law requires all stores of 5,000 square feet or more — as well as all chains with more than five locations in the city — to establish in-store recycling of plastic carryout bags. That law further requires retailers to recycle dry-cleaning bags, plastic newspaper bags and plastic wrapping on packages.

Andy Darrell, New York regional director of the Environmental Defense Fund, said the city bill has more teeth than the state's proposal. “While we applaud the state Legislature's efforts ... to require the recycling of plastic bags, we are greatly concerned that this legislation is weaker than the city law,” he said in a news release.