



Californians Against Waste

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California Supreme Court Upholds Local Ban on Plastic Bags

The California Supreme Court today ruled that the City of Manhattan Beach can enforce a local ordinance banning plastic bags in that city. The ruling ends a challenge funded by plastic bag manufacturers and paves the way for local governments throughout California to move immediately to adopt ordinances banning plastic bags.

"This is an important victory for the environment and common sense," said Mark Murray, Executive Director of Californians Against Waste. "The Plastics industry attempted to exploit California's Environmental Quality Act in order to delay an end to polluting plastic bags. We're pleased that the court shut them down."

The court's unanimous decision in the Save the Plastic Bag Coalition (STPBC) vs. City of Manhattan Beach denies the industry's claim that a city must undertake a costly Environmental Impact Report (EIR) prior to adopting ordinances with obvious environmental benefits.

With efforts to ban plastic bags statewide temporarily stalled, the court's decision will open the opportunity to local governments in California to take on plastic bags.

"Plastic grocery bags become plastic ocean pollution," said Assembly Member Julia Brownley. "While I will continue to pursue a statewide ban on plastic bags, the State Supreme Court has said no to the plastics industry and opened the door for other small cities to enact their own local bans."

In the published opinion written by Justice Carol Corrigan, the court states, "Substantial evidence and common sense support the city's determination that its ordinance would have no significant environmental effect. Therefore, a negative declaration was sufficient to comply with the requirements of the California Environmental Quality Act."

The City of Manhattan Beach passed its ordinance in 2008 but has been delayed by litigation in trial and appellate courts until now.

This precedent-setting victory for plastic bag bans means that many local governments no longer have to spend unnecessary time and money on EIRs to deal with plastic bag litter for fear of being sued on the grounds of inadequate environmental review.

Over the last several years, more than a dozen California cities and counties have adopted bans on plastic bags, including: San Francisco, San Jose, Santa Monica, as well as Los Angeles and Santa Clara Counties. Long Beach, Oakland, Palo Alto and Marin County have adopted ordinances which have been challenged by STPBC, a plastic industry front group.

Several local governments are in the process of moving forward or may move forward with their own plastic bag bans now that the Supreme Court has ruled in favor of Manhattan Beach, including:

- Alameda County
- Santa Cruz County
- San Luis Obispo County
- City of Monterey
- City of Sunnyvale
- City of San Rafael
- City of Novato
- City of San Anselmo
- City of Sausalito
- City of Mill Valley
- City of Tiburon