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Last-minute objection delays Marin plastic bag ban

By Nels Johnson
Marin Independent Journal

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Last-minute protests by foes of a plastic bag ban prompted Marin officials to delay adoption of a measure outlawing plastic bags at grocery store checkout counters pending more study.

The bag plan will be back before the Board of Supervisors on Jan. 25, after a review of legal arguments from a group called the Save the Plastic Bag Coalition.

Supervisor Charles McGlashan said a delay made sense even though he criticized a thick stack of coalition legal arguments as "debris" and "bunk."

He said the board would move ahead with the ban after lawyers reconsider its legal foundation.

At issue is a plan to ban plastic bags at unincorporated-area grocery checkout counters and impose a 5-cent charge on paper bags, effective next year. In the meantime, local cities could impose bans, modeling their own after the county measure. Fairfax already bans plastic bags.

Using California environmental quality law as a legal hammer, the coalition filed documents saying it would sue Marin County if it moves ahead without studying the environmental impact of banning plastic grocery bags.

The coalition, a group supported by the industry to promote "environmental truth" about plastic bags, contends legislation that in effect promotes use of paper bags "may have a significant negative net impact" on the environment."

San Francisco attorney Stephen L. Joseph, who was not present at Tuesday's board hearing, told the Independent Journal his group

is "doing everything that we can to ensure that decision-makers and the public know the whole truth about the environmental impacts of plastic bags, paper bags, and reusable bags before plastic bags are banned. ... That is why we have pushed for cities and counties to prepare environmental impact reports before banning plastic bags."

Joseph, a former Tiburon resident who spearheaded an effort prompting Tiburon restaurants to drop their use of trans fats, sparked a state law banning use of trans fats. Joseph had successfully sued Kraft Foods and McDonald's Corp. over use of trans fats.

He said an environmental report prepared for Los Angeles County concluded that negative impacts of a paper bag include 3.3 times more greenhouse gas emissions than a plastic bag;

1.1 times more consumption of nonrenewable energy than a plastic bag; four times more consumption of water than a plastic bag; 1.9 times more acid rain than a plastic bag; 1.3 times more negative air quality than a plastic bag; and 2.7 times more solid waste production than a plastic bag.

Calling McGlashan, a champion of the bag ban, a "thoughtful, well-informed, and reasonable environmentalist," Joseph said he was surprised "McGlashan and his colleagues have decided to try to bypass the California Environmental Quality Act by proposing to adopt a plastic bag ban ordinance without preparing an EIR."

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He noted McGlashan's wife, Carol Misseldine, heads Green Cities California, which has prepared a model "master environmental assessment" on bag bans intended to help cities and counties in preparing environmental reports regarding plastic bags. "It is ironic that Carol Misseldine has been promoting the master environmental assessment, but that Marin County is not using it to prepare an EIR," he said.

The attorney noted Los Angeles County, San Jose, and Santa Monica have prepared environmental reports on their bag bans. "Only the city of Manhattan Beach and now Marin County have refused to do so. We sued the city of Manhattan Beach for that reason. We won in the superior court and the court of appeal," he added, noting the case is now pending in the California Supreme Court.

While other communities are imposing at least 10-cent charges on paper bags, Marin's law seeks just half that, and a nickel isn't enough to persuade people to bring their own reusable bags to the grocery store, he said, noting Santa Monica has proposed a 25-cent fee.

He added that Los Angeles County found that banning plastic bags would have a "significant and unavoidable" negative effect on the environment, but was an appropriate policy nonetheless.

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