

**PRESS RELEASE BY
SAVE THE PLASTIC BAG COALITION
ON THE CALIFORNIA SUPREME COURT'S DECISION
IN THE MANHATTAN BEACH CASE**

San Francisco, July 14, 2011. Today the California Supreme Court issued its ruling in Save The Plastic Bag Coalition v. City of Manhattan Beach. The Court ruled as follows:

1. The Save The Plastic Bag Coalition has legal standing to file CEQA actions. **This is a very significant aspect of the decision. It means that under certain circumstances, businesses can challenge "green" projects that may do more harm than good to the environment.** Environmental groups had argued that business interests should never have standing under CEQA. The court rejected that argument.
2. The court ruled that City of Manhattan Beach (population 33,852) was too small to have been required to prepare an EIR. "There are only two supermarkets, three (and two future) drug stores, and one Target store known to be high volume users of plastic shopping bags in the City which would be affected by the ban." (Pages 3-4.)
3. The court stated (at page 22): "the analysis would be different for a ban on plastic bags by a larger governmental body, which might precipitate a significant increase in paper bag consumption."
4. The court stated (in footnote 10): "While cumulative impacts should not be allowed to escape review when they arise from a series of small-scale projects, that prospect does not appear in this case. According to plaintiff, the movement to ban plastic bags is a broad one, active at levels of government where an appropriately comprehensive environmental review will be required."

THE CHANGED SITUATION IN 2011

In July 2008 when Manhattan Beach passed its ban, only San Francisco and Malibu had banned plastic bags. Los Angeles County and San Jose had not yet adopted their plastic bag bans. Since that time, Los Angeles County and San Jose have adopted plastic bag bans and issued EIRs. At this time, the **cumulative** impacts of a shift to paper bags have reached critical mass.

In summary, EIRs are required for plastic bag bans by (i) "larger" cities and counties and also (ii) small cities based on the cumulative impacts. The Save The Plastic Bag Coalition has legal standing to enforce that requirement.

We are **delighted** with the decision. We will continue to demand EIRs.

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