

**PRESS RELEASE BY  
SAVE THE PLASTIC BAG COALITION  
ON THE MARIN COUNTY SUPERIOR COURT'S DECISION**

San Francisco, September 27, 2011. Today the Marin County Superior Court issued its ruling in *Save The Plastic Bag Coalition v. County of Marin*.

The Court ruled that Marin County was entitled to rely on a “categorical exemption” when banning plastic bags and did not have to comply with the California Environmental Quality Act (CEQA) at all. The County was not even required to prepare an initial study.

According to the State of California Natural Resources Agency:

Statutory exemptions are descriptions of ***types of projects*** for which the California Legislature has provided a ***blanket*** exemption from CEQA procedures and policies.

<http://ceres.ca.gov/ceqa/flowchart/exemptions/index.html> By ruling that Marin County could rely on “categorical exemptions,” the Marin court is saying that a plastic bag ban is not the ***type of project*** that requires compliance with CEQA.

The Marin decision ***flies in the face*** of the California Supreme Court’s decision in *Save The Plastic Bag Coalition v. City of Manhattan Beach*. The Supreme Court ruled that plastic bag bans ***are not exempt from CEQA*** and that EIRs ***“will be required”*** for cities and counties larger than Manhattan Beach or where there are cumulative impacts as a result of a series of bans. ***The Marin court did not even mention the Supreme Court ruling in its decision.***

Cities and counties are strongly cautioned not to assume that the Marin decision is reliable guidance. They are urged to follow the Supreme Court’s ruling.

If necessary, we will litigate against cities and counties to enforce the ruling of the Supreme Court.

We will obviously appeal the Marin court’s decision. Fortunately, the Court of Appeal will decide the issue *de novo* based on the Supreme Court’s decision and without regard to the ruling of the Marin court.

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