

Slack Sack Attack

Wary of lawsuits, Santa Cruz County eyes a toothless ban on plastic bags.

By Steve Hahn

China is not often looked to as a trailblazer when it comes to environmental stewardship, but the industrial behemoth is light years ahead of Santa Cruz County when it comes to minimizing excessive plastic bag waste. And it isn't just China banning the free distribution of plastic bags at market checkout counters. Bangladesh, Rwanda, Uganda, Kenya and even the failed state of Somalia have completely banned one-time-use plastic bags due to their impact on drainage systems and offshore marine life. Now public works officials from across Santa Cruz County are scrambling to play catch-up. The Integrated Waste Management Task Force, made up of trash experts from around the county, mulled the idea of instituting a voluntary plastic bag ordinance at its June 5 meeting. The draft ordinance, which was only discussed and not voted on, would set a voluntary (read: no teeth) goal of reducing plastic bag usage 50 percent by July 1, 2010. Though the task force put off taking action, minutes from the meeting indicate that plastic bags could become the next target of the Public Works Department now that polystyrene takeout containers will be banned from the entire county (except for Watsonville) by 2009.

County recycling programs coordinator Jeffrey Smedberg confirms that Santa Cruz County is keeping its eye on similar ordinances cropping up around California and the globe.

"The local task force has been talking about a plastic bag ordinance in conceptual terms," says Smedberg. "If they find some appropriate language they might take it back to all the jurisdictions for possible adoption."

Smedberg shows a PowerPoint presentation that has been circulating around county offices. It alternates between images of marine life tangled in plastic bags, roadside drains filled with plastic litter and humans rowing into polluted bays.

For Smedberg and other recycling professionals, getting rid of plastic bags isn't just an environmental concern. They also have a nasty tendency to get caught up in recycling machinery.

"In one of our facilities in Castroville I watched a worker climb into the machinery to cut off a six-inch-thick layer of plastic bags wrapped around the shaft," Smedberg remembers. "This impedes the efficiency of the machinery."

A countywide law faces some substantial hurdles. Internationally, charging a fee for plastic bag use at the checkout line has been one of the more successful ways to discourage consumers from choosing plastic. This approach has already been adopted by Ireland, South



No One Wins: Plastic bags make their way into the worst places.

Africa, Kenya, Uganda and China, among others. In Ireland, plastic bag usage has plummeted by 90 percent since the fee was enacted in 2002. But a California law passed in 2006, A.B. 2449, made charging a fee for plastic bags illegal (in exchange, the lawmaker got supermarkets to promise to recycle old bags returned by consumers).

The author of that law, Assembly-member Lloyd Levine, is now attempting to overturn his own work. Lloyd introduced a new bill this year, A.B. 2058, which would invalidate the 2006 law and require retailers to reduce plastic bag usage 70 percent by July 2011 or begin charging a 25-cent per bag fee. The bill passed the Assembly on a 44-33 vote and is now being considered in the state Senate.

Save our Shores Marine debris coordinator Aleah Pine-Lawrence has been watching these developments closely. Her organization came out in support of A.B. 2058 on July 3, but it's also supportive of efforts at the local level.

"The statewide legislation could be much more effective than a local ban," says Pine-Lawrence. "However, it could be a few years off, so we're definitely looking at helping to implement something locally in the meantime."

With local jurisdictions unable to charge a fee, some have considered outright bans. San Francisco and Oakland have both instituted such bans, but a successful lawsuit filed against Oakland by plastic bag manufacturers has other cities nervous, according to Pine-Lawrence.

"Jurisdictions around the state were considering a ban and beginning to move forward, but when they heard Oakland was being sued many of them stepped back and decided to wait to see how the lawsuit plays out," says Pine-Lawrence. "I'm on various marine debris task forces around the county, and whenever [talk of a ban] comes up at the staff level, there is a tendency to check in with the Oakland lawsuit."

A judge in the Oakland suit ruled that city officials failed to perform an environmental impact report analyzing how increased use of paper bags would impact forests. The Oakland City Council must now decide whether to appeal the ruling or order up an environmental study.

Smedberg confirmed that any ordinance would be put to the lawsuit-proof test before adoption.

"Obviously we would word any ordinance to avoid lawsuits," he says. "Whether it would be voluntary or mandatory would be part of the discussion."

Many other municipalities, including Los Angeles County, have shied away from flat-out bans in response to the Oakland lawsuit, opting instead to request voluntary reductions by retailers.

Author Daniel Imhoff has been studying the environmental impacts of single-use bags--both paper and plastic--for over 20 years. He's happy to see all the movement toward reducing the waste created by bags, even in the face of stiff corporate opposition.

"We're addicted to throwing away perfectly good resources, whether they be fossil fuel-based or wood-based products," says Imhoff. "Oakland is really hanging in there against people with deep pockets who want to impede any resourceful decision made on the community level."

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