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For Immediate Release

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**SAN FRANCISCO'S SINGLE-USE BAG ORDINANCE WINS IN COURT:
SUPERIOR COURT REJECTS SPBC'S REQUEST FOR PRELIMINARY INJUNCTION**

San Francisco, June 14, 2012 – In an [Order](#) issued yesterday, San Francisco Superior Court Judge Teri L. Jackson denied Save the Plastic Bag Coalition's (SPBC) request for a preliminary injunction which would have stopped the city from preparing to implement its expanded single-use bag ordinance set to take effect October 1, 2012. With this ruling, the city can continue its preparations, including outreach to local businesses.

"In determining whether a preliminary injunction is appropriate, the court must weigh the likelihood of the moving party ultimately prevailing on the merits and the relative harm to the parties from the issuance or non-issuance of the injunction," said Jennie Romer, founder of [plasticbaglaws.org](#). "In denying SPBC's request, the court focused on the lack showing of harm by SPBC."

"Petitioner's motion for a preliminary injunction is denied," wrote Judge Teri L. Jackson in the Order. "The showing of harm is vague and speculative. The Court finds that Petitioner has not shown that the environment, the public interest and Petitioner's members would suffer harm from denial of the injunction."

"By adopting the expanded ordinance earlier this year at all retailers and restaurants and includes a ban on plastic bags and a 10-cent charge for paper and reusable bags," said Ms. Romer, "San Francisco has adopted the most comprehensive single-use bag ordinance in the country. This ruling upholds that policy."

SPBC's lawsuit was expected. SPBC, an association made up primarily of plastic bag manufacturers, has sued or threatened to sue almost every California city moving forward with a plastic bag ordinance. The San Francisco lawsuit includes two claims: that an Environmental Impact Report (EIR) is required under California Environmental Quality Act (CEQA) and that the inclusion of restaurants is preempted under the California Retail Food Code.

"San Francisco's lawsuit is particularly important because San Francisco adopted its expanded single-use bag ordinance pursuant to a categorical exemption under CEQA – an exemption that was put in place so that EIRs do not have to be prepared for activities involving *protection* of the environment," said Ms. Romer. "Cities all over the state are waiting to see what happens with this case before deciding how to move forward."

"The ruling denying SPBC's request for a preliminary injunction is great news," said Ms. Romer, "but the court battle over San Francisco's expanded ordinance is far from over." The hearing on the merits of the CEQA action as well as the Demurrer filed by the city regarding the Retail Food Code is set for June 28, 2012 at 1:30 p.m.

To view the Court documents in SPBC v. San Francisco, please visit:
<http://plasticbaglaws.org/litigation/sf/>.

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A resource for legislative bodies considering laws limiting the use of plastic bags