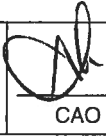


RF Director	 CAO
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<u>COUNCIL AGENDA</u>	
Date: <i>September 9, 2019</i>	Item: <i>6.</i>

WV
6.

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	July 7, 2019
From:	Emily Willobee, Policy & Programs Planner, Engineering Services
Subject:	Municipal Single-Use Item Reduction Strategy
File:	1700-01

RECOMMENDATION

THAT the District of West Vancouver carries out the municipal Single-Use Item Reduction Strategy, as described in the report dated July 7, 2019 by the Policy & Programs Planner, Engineering Services.

1.0 Purpose

This report responds to Council's Strategic Objective to reduce community and corporate waste by specifically developing local policy or regulations to encourage reduction of single-use items.

2.0 Legislation/Bylaw/Policy

The provision of municipal solid waste services, which includes recycling collection is contained in the District's Solid Waste Utility Bylaw No. 4740, 2012 and subsequent amendments.

The regulation of business and business licensing are contained in the District's Business Regulation Bylaw No. 4378, 2004 and the Business Licence Bylaw No. 4455, 2005.

The regulatory authority of local and regional government jurisdictions are defined by provincial regulation including the *Community Charter* and *Environmental Management Act*.

3.0 Official Community Plan

The District's Official Community Plan outlines municipal waste management and recycling policies in section 2.5 titled, Municipal Operations and Infrastructure. Specifically, section 2.5.9 states: *Increase community wide diversion rates to meet regional solid waste management objectives of 80% by 2020 and work progressively toward maximising diversion rates beyond 2020.*

4.0 Background

4.1 Previous Decisions

Previous decisions made by Council relevant to this issue include adopted motions dated as follows and as detailed in **Appendix 1**:

- March 23, 2009;
- November 10, 2010;
- October 3, 2016;
- December 5, 2016; and
- June 24, 2019.

4.2 History

Emergence of single-use item and plastic waste regulation

Plastic waste and its impact on the environment has garnered increasing public attention as the negative environmental impacts - particularly on ocean environments - are becoming increasingly evident and well-documented by researchers.

Jurisdiction for single-use item regulation

In Canada, federal and provincial governments have powers to develop regulations directed at environmental protection. Limited roles of regional and local government are defined under provincial regulation such as the *Community Charter* or *Environmental Management Act*.

Jurisdiction to regulate single-use items in Canada is summarized in the table below.

	Federal Government	Provincial Government	British Columbia Local Governments
Regulatory authority	Federal wildlife and environmental protection Product packaging design standards Import standards	Provincial wildlife environmental protection	Municipal waste collection (residential, public realm, litter) Business regulation
Authority specific to single-use items	Authority to regulate single-use items	Authority to establish EPR programs, regulate single-use items	<i>Limited</i> authority to regulate distribution of single-use items through business regulation
Potential tools	Product design regulations Import standards	EPR programs and product stewardship plans	Business licensing & regulation bylaws

Federal single-use item reduction strategy

On June 10, 2019, the Government of Canada announced its intention of introducing a national single-use item reduction effort that will include nation-wide measures including Extended Producer Responsibility (EPR) and possibly a ban on some single-use items as soon as 2021.

According to public statements, the Government of Canada intends to pursue Canadian regulations that align with similar action plans recently adopted by Parliament in the European Union. The federal government will consider bans for single-use packaging items that have shown harmful impacts on the environment and wildlife such as carryout bags, as well as packaging-like items such as plastic straws, cutlery, plates and stir sticks where supported by scientific evidence.

The federal announcement and proposed reduction measures are intended to support the Canadian Council of Ministers of the Environment's work to develop an action plan for a Canada-wide Strategy on Zero Plastic Waste, which is currently underway.

Provincial action

The BC Ministry of Environment (MOE) has taken some steps in recent years to enhance regulation of single-use items under the umbrella of the provincial Recycling Regulation and EPR programs.

EPR is an environmental policy approach in which the producer's responsibility for reducing environmental impact and managing the product is extended across the whole life cycle of the product, from selection of materials and design to its end-of-life (recycling or disposal).

British Columbia is a leader in North America for establishing EPR programs, and MOE established an EPR program for Packaging and Paper Products (PPP) in 2014. In doing so, the province defined a new *materials category* in the provincial regulation. The category of PPP includes many packaging materials and containers that were historically collected and recycled through municipal residential recycling programs, as well as additional single-use packaging made from plastics and paper.

Single-use packaging items

Single-use packaging materials clearly defined in the provincial *Recycling Regulation* includes a large list of single-use packaging items, including but not limited to the following:

- plastic and polystyrene foam takeout containers;
- plastic and paper checkout bags;
- plastic film and overwrap;
- coffee and drink cups, including polystyrene foam cups; and
- plastic drink cup lids.

These materials are in-scope for the provincial EPR program for PPP. Recycle BC, a non-profit stewardship group representing the producers of PPP in the province, is responsible for implementing the EPR program for

PPP on behalf of its members. Recycle BC provides the recovery and recycling services for these items as required by the provincial Recycling Regulation since the EPR program was initiated.

Recycle BC provides these services by financially supporting municipal residential collection services or by directly collecting residential recycling, and/or by providing drop-off depot locations for recycling PPP materials. Some PPP materials (foam, plastic film) are only accepted at depot locations and are not collected through local curbside programs.

At a high level, Recycle BC's provincially-approved EPR plan for PPP includes objectives to reduce distribution of these items. However, to date, the focus of the plan's implementation has been on end of life management of these items.

Single-use "packaging-like" items

These items are not defined as PPP under the provincial Recycling Regulation, but are often closely associated with the take-out packaging that is regulated by that program. Examples include:

- plastic straws;
- plastic stir sticks; and
- plastic cutlery.

There is currently no option for recycling these items. There is, however, an opportunity to lobby the province to adjust the recycling regulation to include them in the EPR requirement for PPP.

Other single-use plastics

These materials are not considered *packaging* items and are not included in the provincial EPR program for PPP at this time. Examples include:

- balloons;
- disposable diapers;
- plastic party cups or plates; and
- food storage bags (e.g., Ziploc bags).

Regional actions to reduce single-use items

Although regional government has stated it does not have the authority to regulate the distribution of single-use items, Metro Vancouver (MV) initiated work in 2017 to support efforts of member municipalities. MV is currently developing a toolkit for local governments focused on options for single-use item reduction and regulation.

Additionally, MV's regional waste composition study completed in fall 2018 included, for the first time, an effort to quantify the impact of select single-use items on regional waste disposal systems. MV's final single-use item report is not yet available, but is expected later in 2019 and its data could inform regional and local single-use item reduction targets.

Opportunities to regulate single-use items at a local level in BC

Notwithstanding federal and provincial jurisdiction, many BC municipalities are investigating single-use item reduction. Some are developing a strategy with a number of actions to achieve reductions, while others are considering bylaw regulations.

Under the *Community Charter*, local governments have the authority to regulate business, but not to create regulations solely for broader environmental purposes unless it is in accordance with a provincial regulation. Local government could approach single-use items from a business regulation perspective if it can demonstrate the regulation is motivated by a proper municipal purpose for the benefit of its residents. This requires investigation of:

- the impact of the single-use item that occurs within the municipal boundaries (e.g., litter in local parks, not plastics in the ocean);
- the impact of a single-use item on areas clearly within municipal jurisdiction that affect residents, such as municipal operations;
- how action on single-use items is tied to stated local values, such as those established in existing policy or through local stakeholder engagement.

The City of Victoria initiated a single-use item reduction programming in 2016 and, following a period of data collection and public/stakeholder engagement, passed a local bylaw on January 11, 2018, banning businesses from distributing plastic checkout bags and requiring businesses to charge a set fee at point of sale for paper or reusable bags. The *Plastic Checkout Bag Regulation Bylaw* was legally challenged by the Canadian Plastic Bag Association shortly thereafter, based on the argument that the local government acted outside its jurisdiction in establishing a regulation for environmental purposes. The bylaw was upheld by the BC Supreme Court in July 2018, in a decision that accepted that the City of Victoria had implemented a business regulation for municipal purpose; however, the Canadian Plastic Bag Association has filed an appeal. The BC Court of Appeals decision is anticipated in fall 2019.

Inspired by Victoria's success at the BC Supreme Court, a number of municipal governments on Vancouver Island have passed similar local bylaw in 2019 that restrict businesses from distributing plastic carryout bags and require fees for paper or reusable bags (Town of Qualicum Beach, Township of Esquimalt, Village of Cumberland). Some municipalities also developed local bylaw restricting distribution of straws (District of Tofino, Resort Municipality of Ucluelet). Most adopted bylaws are scheduled to come into effect on or after January 1, 2020. Those few bylaws that have come into effect in 2019 have deferred enforcement until 2020 (City of Courtenay).

The City of Vancouver also initiated a process to develop single-use item reduction strategy in 2016. Again, following an extensive period of data collection and stakeholder engagement, Vancouver passed a local bylaw on April 24, 2019, banning businesses from distributing polystyrene foam takeout containers and cups with provisions for staged implementation. Vancouver's regulations for foam were adopted as an amendment to the city's business licensing bylaw and come into effect on January 1, 2020. Vancouver is also currently developing a bylaw amendment banning the unnecessary use of straws, which is expected to be brought to Council for adoption in fall 2019 with an effective date in spring 2020.

As part of its single-use item reduction strategy, the Vancouver Council has approved submission of a proposed 2019 UBCM resolution (provided in **Appendix 2**) to support a province-wide, harmonized approach to single-use item regulations.

On the North Shore, a recent District of North Vancouver Council resolution directed staff to report back on the timeframe and process to regulate single-use items, including the estimated cost to create and enforce bylaw(s). While supportive of harmonizing regulations, the City of North Vancouver has not advanced any specific bylaw to address single-use items.

Non-governmental actions to reduce single-use items

While Recycle BC leads recycling efforts to meet provincial EPR program requirements, a number of PPP producers have also taken additional voluntary steps to reduce the distribution of single-use plastic packaging products. Examples include cafés providing a discount for customers who bring a reusable cup, or grocers who have introduced a fee for plastic or paper checkout bags.

A variety of larger companies such as Starbucks, A&W, McDonald's, Unilever, and Ikea have publicly committed to addressing the increasingly high-profile issue of single-use plastic packaging in their commercial enterprises. Various actions include commitments to increase recycling rates, redesign packaging products, and phasing out single-use items such as straws.

Some of these major brands operate locally in West Vancouver, and a number of local merchants have implemented some sort of voluntary single-use reduction elements in their business operations.

Also locally, an environmental non-profit group called Ocean Ambassadors Canada is working with the Horseshoe Bay Business Association (HBBA) on a project to voluntarily reduce single-use items. Merchants in Horseshoe Bay Village collectively agreed to no longer distribute plastic carryout bags in the village as part of the project called *Horseshoe Bay: Beyond Plastic Bags* that launched in April 2019. Ocean Ambassadors Canada previously partnered with merchants in Deep Cove on their *Straw Free Deep Cove* initiative in 2018. The non-profit's work with businesses on the North Shore in 2019 is supported by grant funding.

Voluntary programs can have a significant positive impact in reducing single-use items.

5.0 Analysis

5.1 Discussion

The District's Resolution Proposed to the Union of British Columbia Municipalities

Further to the resolution made at Council's June 24, 2019 meeting, a proposed resolution was submitted to the Union of British Columbia Municipalities (UBCM) prior to the June 30, 2019 deadline for consideration at the 2019 UBCM Annual Convention (provided in **Appendix 3**).

Impact of single-use items on District operations

Over recent years, the District has conducted a number of consultant studies to better understand local waste and recycling streams and to identify opportunities for improved waste diversion. Although these studies were not done specifically with single-use items in mind, they help to provide a picture of how municipal operations are impacted by various single-use items.

Single-use item	Local operational impact	Provincial approach to regulation	Anticipated federal approach to regulation ⁱ	Notes
Hot drink cups & lids (e.g. plasticized or polycoat paper cups) ⁱⁱ	<p>Significant presence.</p> <p>Low weight, high volume items increase service frequency requirements in many public realm locations.</p> <p>An estimated 320,000-380,000 cups are collected each year in West Vancouver's streetside bins.</p>	EPR ⁱⁱⁱ Accepted as PPP in curbside Blue Box and Blue Carts.	Item(s) likely to be targeted for federal regulation, although details of a federal approach are not yet available.	Item is sometimes targeted for voluntary reduction effort (typically in the form of a discount at point of sale for bringing a reusable cup).
Polystyrene foam cups and containers	<p>Notable presence.</p> <p>Low weight, high volume items could increase service frequency requirements in some locations.</p> <p>Foam accounts for approximately 10% of recorded shoreline litter locally.</p>	EPR: Accepted as PPP at drop-off depot only.	Targeted for federal regulation, and the likely approach is a full ban.	<p>Only 7% of West Vancouver residents reported that they often bring depot-only materials like foam and plastic film for recycling.</p> <p>Alternatives to polystyrene foam cups and takeout containers are readily available. Many businesses have already switched to plastic or paper alternatives.</p>
Other takeout containers (e.g. metal,	Notable presence.	EPR: Typically accepted as PPP in	Plastic containers are likely to be targeted for federal regulation, although	

plastic, plasticized or polycoat paper) ⁱⁱ	Medium weight, high volume items can effect service frequency requirements.	curbside Blue Box or Blue Carts.	details of a federal approach are not yet available.	
Plastic checkout bags	Not significant. Bags alone do not typically require increased service frequency, although they are sometimes used to contain illegally-dumped household garbage which does.	EPR: Plastic bags are accepted as PPP at drop-off depot only.	Item likely to be targeted for federal regulation, although details of a federal approach are not yet available.	Item is frequently targeted for voluntary reduction efforts (typically in the form of a fee for bags at point of sale and encouragement by businesses to choose reusable, but also targeted for local reduction in Horseshoe Bay initiative launched in April 2019). An estimated 73% of plastic bags in Metro Vancouver landfills have been reused as waste bin liners.
Straws	Not significant.	Not currently regulated through EPR or accepted for recycling.	Item is targeted for federal regulation although details of a federal approach are not yet available.	Bendable plastic straws are an important accessibility tool for people with some types of disability.

i Based on European Union directive and proposed regulatory approaches adopted by European Parliament in March 2019.

ii Drink cups and containers that are made from “compostable plastics” are not currently included in an EPR program, are not accepted for recycling or allowed in municipal green can programs. It can be difficult to distinguish these from other plastic or plasticized paper containers.

iii To date, the provincially-approved EPR plan for PPP focuses more on end of life management and recycling of items and less on reducing the overall distribution of these items.

Opportunity to work more closely with businesses on waste reduction

Because the District does not directly provide waste and recycling collection services for commercial properties, local data on commercial sector waste is limited. Activities from commercial establishments contribute to waste deposited in receptacles in municipal park and streetscapes serviced by the District. While the sector benefits from public realm collection services, it does not currently pay charges to the Solid Waste Utility. This aside, recent collaborations include:

- partnership with HBBA for the District’s 2017 streetside recycling pilot;
- engagement with the Ambleside Dunderave Business Improvement Association (ADBIA) during the subsequent expansion of the streetside recycling initiative that launched in April 2019;
- District support for the joint project of Ocean Ambassadors Canada and the HBBA Bag Free Horseshoe Bay, which launched in late April 2019; and

- education and enforcement as necessary related to provisions in the Solid Waste Utility Bylaw that affect local business (e.g., container storage and requirements.)

As supported by the District's 2016 Community Energy and Emissions Plan, there is potential to work more closely with local businesses on issues related to solid waste and recycling. Areas of focus could include streetside collection and litter, but also improved collaboration to provide education and support for local businesses to enhance their own efforts to reduce waste and improve recycling. There is also an opportunity to approach businesses specifically from the perspective of single-use item reduction (whether that focus is encouraging voluntary programs or introducing a regulatory approach).

Proposed municipal Single-Use Item Reduction Strategy

Given the recent federal government commitment to national single-use item reduction, Victoria's ongoing legal challenge with respect to their *Plastic Checkout Bag Regulation Bylaw*, the District's recent UBCM motion seeking broader municipal jurisdiction to regulate single-use items, and the District of North Vancouver's interest in regulating single-use items, staff recommend the following Single-Use Reduction Strategy for the District that aims to take a measured approach to regulation:

- implement an engagement process with businesses through Fall, 2019 to obtain data and feedback, which could then be used to inform voluntary and/or regulatory measures to reduce single-use items;
- continue to document the impact on municipal operations efforts to collect and dispose of single-use items in the public realm;
- advocate at UBCM and to the Province for regulatory opportunities that reduce the unnecessary distribution of single-use items;
- facilitate efforts by non-governmental organizations to work with local business and business associations to implement voluntary bans of selected single-use items;
- monitor Victoria's *Plastic Checkout Bag Regulation Bylaw* through the Court of Appeals; and
- report back to Council in early 2020 with the results of the engagement process and recommendations for next steps for single-use item reduction, which could include consideration of a municipal bylaw.

By early 2020, the following external developments will also have taken place:

- the outcome of UBCM deliberations on the District's resolution at the end of September, 2019;
- a response from the Province on the request to allow municipalities broader legal authorization to regulate single-use items;

- the outcome of the federal election in October, 2019 to confirm the Government of Canada's commitment to a national approach to single-use item reduction as soon as 2021; and
- the outcome of the Court of Appeals regarding Victoria's bylaw.

5.2 Sustainability

Single-use plastic item reduction may provide numerous environmental benefits, whether done voluntarily or by regulation.

5.3 Public Engagement and Outreach

Staff will develop and implement a plan to engage with key stakeholders such as local businesses and business associations. Both stakeholder engagement and an education period would be essential to support the development and introduction of a single-use item regulation, should that be Council's direction.

Engagement processes would be prepared and implemented in accordance with the District's Community Engagement Policy.

5.4 Other Communication, Consultation, and Research

Staff continue to work closely with Metro Vancouver, as well as staff in other municipalities (both within and outside of the region) to understand and monitor opportunities for single-use item reduction. Staff are actively participating discussion with other local governments about how to best harmonize any potential single-use item regulations to minimize confusion for local business and consumers.

Staff are also in regular communication with counterparts at the City and District of North Vancouver, and will collaborate on education and programming for single-use item reduction where mutually beneficial.

As part of its provincial EPR program, Recycle BC is hosting a series of roundtable discussions that focus on the impact and collection of PPP materials on streetside and public realm collection programs operated by local governments. District staff are participating in these discussions.

Staff also look for opportunities to partner with external agencies such as the Great Canadian Shoreline Clean-up and Ocean Ambassadors Canada to encourage and support voluntary single-use item reduction effects.

6.0 Options

6.1 Recommended Option

Staff recommend to Council that the activities described in the District Single-Use Item Reduction Strategy be carried out.

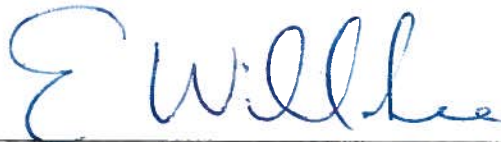
6.2 Considered Options

Alternatively, Council could direct staff to introduce local single-use item regulations in the form of a bylaw earlier than 2020, following an expedited engagement process.

Should this be Council's direction, staff recommend that Council targets one category of single-use item at a time for local regulation to allow time for local businesses to understand and adapt to new regulation. The District's initial focus could be a ban of polystyrene foam cups and containers. Based on limited local data, there is evidence that foam and foam materials have a notable local impact and affect municipal operations. They are prevalent in local litter and that there is high likelihood that foam containers are often not taken to the depot for recycling. Additional single-use items could be selected based on local impact and considered for regulation at a later date.

However, the option to develop a municipal bylaw earlier than 2020 is not recommended. A key consideration for the staff recommendation is ensuring due process for developing a local regulation per the District's legal jurisdiction to regulate business and local matters. An additional risk of moving forward with local regulation prior to 2020 is that staff anticipate a number of cost implications related to engagement, education and enforcement resources, which have not yet been estimated.

Author:



Emily Willobee, Policy & Programs Planner

Appendices:

Appendix 1 - Previous Decisions of Council

Appendix 2 - City of Vancouver proposed UBCM 2019 Resolution related to Single-Use Item Reduction

Appendix 3 - District of West Vancouver's proposed 2019 UBCM Resolution related to Single-use Item Regulation

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Previous Decisions of District of West Vancouver Council

At the March 23, 2009, meeting, Council passed the following resolution:

THAT

1. Council informs the Ministry of Environment and Metro Vancouver that the District of West Vancouver supports an Extended Producer Responsibility program for the management of disposable shopping bags; and
2. Whereas the Retail industry has voluntarily committed to a 50% reduction in the use of disposable shopping bags over the next 5 years, Council supports Metro Vancouver's education and outreach initiatives designed to encourage this goal.

At the November 10, 2010 meeting, Council endorsed Metro Vancouver's Integrated Solid Waste and Resource Management Plan (ISWRMP) that specifies an overall waste diversion target of 70 per cent by 2015 and an aspirational target of 80 per cent by 2020.

At the October 3, 2016 meeting, Council adopted the Community Energy and Emissions Plan and the Corporate Energy and Emissions Plan, which included actions to improve waste diversion.

At the December 5, 2016 meeting, Council passed a motion to approve 2016 utility rates that reflect consolidation of all District refuse activities within the Solid Waste Utility.

At the June 24, 2019 meeting, Council passed the following motion confirming municipal jurisdiction to regulate single-use items:

THAT WHEREAS single-use items increase waste, are often not recyclable, and have various negative impacts on communities across British Columbia;

AND WHEREAS citizens in West Vancouver and other communities have indicated that they would like to see regulations to restrict the use of single-use items in the District of West Vancouver;

AND WHEREAS over the past 10 years there have been several UBCM resolutions calling for the Province of British Columbia ("the Province") to regulate single-use items, including UBCM Resolution B126 in 2018, which read:

Therefore be it resolved that the Province of British Columbia develop a provincial Single-Use Item Reduction Strategy as part of a provincial Zero Waste Strategy, which would include but not necessarily be limited to plastic and paper shopping bags, polystyrene foam cups and polystyrene foam containers, other hot and cold drink cups and take-out containers, straws and

utensils, but would exclude all single-use items needed for medical use or for people with disabilities.

AND WHEREAS the Province has not acted to restrict the use of single-use items at the provincial level, and responded to UBCM Resolution B126 as follows:

The Ministry commends the actions taken by local governments to develop single-use item strategies and other related initiatives to reduce plastic in the environment.

AND WHEREAS Metro Vancouver has taken the position that it does not have jurisdiction to regulate the use of single-use items;

AND WHEREAS several municipalities in British Columbia recently have acted or are in the process of acting to restrict the use of single-use items, including Victoria, Squamish, Salmon Arm, Qualicum Beach, and Tofino;

AND WHEREAS the ability of municipalities to regulate to protect the environment is specifically circumscribed by s. 9 of the Community Charter, S.B.C. 2003, c. 26, which states that a municipality may not adopt a bylaw for the protection of the natural environment unless the bylaw is established in accordance with a regulation made by the Province, is established in accordance with an agreement by the Province, or is approved by the Minister responsible (and there are no applicable regulations, agreements or approvals);

AND WHEREAS, as a result of the Community Charter, the ability of municipalities to regulate the reduction or banning of single-use items may be constrained and is uncertain even after the British Columbia Supreme Court decision in *Canadian Plastic Bag Association v. Victoria (City)*, 2018, BCSC 1007 (which is under appeal);

AND WHEREAS even if the City of Victoria prevails in the legal challenge under appeal, different bylaws regulating single-use items in different municipalities may still face costly and time-consuming legal challenges given the uncertain legal context;

AND WHEREAS municipalities should have clear and unambiguous jurisdiction to pass bylaws to protect the natural environment on matters wholly within the boundaries of the municipality and that do not adversely impact the interests of other municipalities or other levels of government and, more specifically, every municipality should have the jurisdiction to regulate the use of single-use items within the municipality at it sees fit;

THEREFORE BE IT RESOLVED THAT:

- (1) The Mayor, on behalf of Council, request that the Province enter into an agreement to allow the District of West Vancouver (and any other municipality that so chooses) to regulate reducing and banning single-use items within the municipality;

or pass a regulation which has the same effect; or that the Minister responsible give his or her approval to bylaws which attempt to regulate or restrict single-use items within municipalities that pass such bylaws; and

- (2) The District of West Vancouver submit a Resolution to the Union of British Columbia Municipalities (UBCM) for consideration at the 2019 annual UBCM convention requesting that the Province specifically allow municipalities to regulate or restrict single-use items by the Province's agreement, by regulation, or by approval of the Minister.

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City of Vancouver proposed UBCM 2019 Resolution related to Single-Use Item Reduction

Comprehensive Provincial Single-Use Item Reduction Strategy

WHEREAS the British Columbia extended producer responsibility (EPR) program for packaging and printed paper currently provides recycling collection for single-use items generated by the residential sector, but does not yet focus on reduction or reuse, or cover single-use items that are compostable or disposed of at businesses or in the public realm;

AND WHEREAS inter-municipal differences in policy for single-use items make it challenging for businesses to comply with multiple regulations, and the business community has expressed a strong desire for harmonization and consistent regulation for single-use items on the broadest possible scale;

THEREFORE BE IT RESOLVED that the provincial government adopt a provincial single-use item reduction strategy for single-use items that is parallel to or integrated with provincial EPR policy, emphasizes reduction and reuse, covers single-use items generated by all sectors and made of all material types, and would include but not necessarily be limited to plastic and paper shopping bags, disposable drink cups, take-out containers, straws and utensils, but would exclude all single-use items needed for medical use or accessibility needs.

BACKGROUND

In response to resolution 2018-B126 calling for a provincial single-use item reduction strategy, the Ministry of Environment and Climate Change Strategy stated that the Ministry:

- Commends the actions taken by local governments to develop single-use item strategies and other related initiatives to reduce plastic in the environment;
- Currently regulates disposable packaging from the residential sector through Extended Producer Responsibility (EPR) programs;
- Has identified single-use items as an area of concerted Ministry focus over the coming months; and
- Will continue to engage with local government as Ministry staff work towards further strengthening current policies and programs.

The City of Vancouver appreciates the Ministry's attention to the issue of single-use items and welcomes the opportunity to work with Ministry staff to strengthen policy and programs. Recognizing that B.C. is a leader in EPR policy and programs, there are several limitations with the current policy for packaging and printed paper that need to be addressed before it can be relied upon to address single-use items. Some gaps include:

- Under the B.C. Recycling Regulation, producers are only responsible for packaging and paper products generated by the residential sector.
- The regulation requires producers to be responsible for collecting and managing compostable packaging, as well as packaging and paper products in parks and on streets, but this has not been enforced.
- The regulation includes a pollution prevention hierarchy that sets the expectation for producers to maximize redesign, reduction and reuse before undertaking recycling, energy recovery and disposal; however, this has not been enforced, and the program has not been required to adopt targets or significant actions for redesign, reduction and reuse.
- Many shopping bags and single-use items used for take-away foodware are generated by small businesses that are not covered by the Recycling Regulation. The regulation would need to be expanded to include these materials, or a complementary policy approach is needed, in order to address all single-use items.

As a result, local governments are stepping in to respond to public pressure to address single-use items in their communities. (86% of Vancouver residents see the importance of reducing single-use items.) If municipalities are left to fill the policy gap, there is a risk of creating a patchwork of regulations across the province, resulting in compliance challenges for businesses. Inconsistent programs across the province could also create public confusion, which impedes widespread consumer behaviour change and a movement to reduce single-use items.

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District of West Vancouver's proposed 2019 UBCM Resolution related to Single-use Item Regulation

"Confirming Municipal Jurisdiction to Regulate Single-Use Items"

WHEREAS the Province has expressed support for the reduction of single-use items and municipal actions regulating those items, and has not yet produced a provincial strategy and targets to reduce or restrict the distribution of single-use items;

AND WHEREAS the ability of municipalities to regulate these items for the protection of the environment are limited by provisions circumscribed by s. 9 of the *Community Charter* S.B.C. 2003 c. 26 which states that a municipality may not adopt a bylaw for the protection of the natural environment unless the bylaw is established in accordance with a regulation made the province; is established in accordance with an agreement by the Province; or is approved by the Minister responsible (and there are no applicable regulation, agreements or approvals):

THEREFORE BE IT RESOLVED THAT the Province give the District of West Vancouver (and any other municipality that so chooses) the jurisdiction to create local regulations to reduce and ban single-use items within the municipality for the purpose of protecting the natural environment; and do so by entering into an agreement with the municipality, passing a regulation which has the same effect, or otherwise providing approval from the Minister of Environment and Climate Change Strategy for municipal bylaws which attempt to regulate or restrict single-use items within municipalities.

BACKGROUND

In response to resolution 2018-B126 calling for a provincial single-use item reduction strategy, the Ministry Environment and Climate Change Strategy stated that the Ministry:

- Commends the actions taken by local governments to develop single-use item strategies and other related initiatives to reduce plastics in the environment;
- Will continue to engage with local government as Ministry staff work toward further strengthening current policies and programs.

The District of West Vancouver welcomes the opportunity to work with the Ministry of Environment to develop a single-use item reduction strategy and strengthen established policy and programs, such as Extended Producer Responsibility.

Meanwhile, in the absence of a provincial strategy to reduce and regulate the distribution of these single-use items to protect the environment, municipalities face jurisdictional challenges in their efforts to address single-use items locally. The City of Victoria, which has taken action to restrict the distribution of single-use plastic carryout bags, is facing legal challenges of their authority to regulate these items. Even if the City of Victoria prevails in the legal challenge which is under appeal, different bylaws regulating single-use items in different municipalities may still face costly and time-consuming legal challenges given the uncertain legal context.

The District of West Vancouver supports a provincial response to address single-use items. In the interim, municipalities should have clear and unambiguous approval to reduce and restrict the distribution of single-use items wholly within the boundaries of the municipality in such a way that does not adversely impact the interests of other municipalities or other levels of government.

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