

<u>COUNCIL AGENDA</u>	
Date: <u>May 30, 2022</u>	Item: <u>6.</u>



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

## COUNCIL REPORT

Date:	May 5, 2022
From:	Emily Willobee, Senior Manager, Engineering Services
Subject:	Single-Use Item Reduction Update
File:	1700-09

### RECOMMENDATION

THAT

1. the District prepare a letter of support for proposed provincial Single-use Item Reduction regulations;
2. the District collaborate with the District and City of North Vancouver to launch a local business education initiative in 2022; and
3. staff report back to Council with an update in early 2023.

#### 1.0 Purpose

The purpose of this report is to provide Council with an update on activity related to single-use item reduction regulation, particularly activity by senior levels of government. The report recommends an approach for local action on single-use item reduction in light of that activity.

#### 2.0 Executive Summary

For the last several years, local, provincial, and federal government action to regulate the distribution of single-use items has been taking place concurrently. The District launched its own engagement process to develop a single-use item reduction strategy in fall 2019. That work was put on hold at the onset of the COVID-19 pandemic.

While the multi-jurisdictional nature of this activity and overlapping timelines can be difficult to follow, levels of government share a similar policy goal of reducing the negative impacts of single-use items on the environment and human health.

In general, businesses (food services in particular) and their customers are most impacted by regulations that restrict the distribution of single-use items. A federal and/or harmonized provincial approach to regulations

would be easiest for business and consumers to understand, help to encourage overall compliance, and be most impactful.

At this time, federal and provincial governments are in the midst of an active process to develop and approve regulations focused on reducing the distribution and use of single-use items.

In the last six months, the federal government has proposed to ban the manufacture, import, and sale of plastic checkout bags, straws, cutlery, stir sticks, flexible ring carriers, and problematic takeout containers. In April 2022, the provincial government also proposed new waste prevention regulation that would regulate the distribution and sale of checkout bags, disposable foodservice accessories, and problematic plastic foodservice packaging.

Proposed federal and provincial regulations are anticipated to be finalized as soon as late 2022, with staged implementation beginning in 2023.

Therefore, staff recommend that the District avoid creating additional complexity for local business by deferring local regulation until provincial and federal regulations have been finalized.

The District can advance its single-use item reduction objectives by supporting proposed provincial single-use item regulations, and is in a position to support local business in understanding and adapting to anticipated regulatory changes.

Staff propose collaborating with District and City of North Vancouver on a business education initiative, which can be funded from within the 2022 Solid Waste utility budget approved by Council.

The District could revisit its approach when opportunities for local enforcement and bylaw are clearer. In its draft regulations, the province has proposed delegating enforcement authority to local governments. Additionally, municipalities are expected to have the continued opportunity to develop local bylaw that build upon the provisions of provincial regulations.

### **3.0 Legislation/Bylaw/Policy**

*Canadian Environmental Protection Act, 1999 (CEPA)* – A federal act containing federal regulations to protect the environment including those that prohibit manufacture, import, and sale of hazardous materials, which are defined in *Schedule 1* of the Act.

*B.C.'s Environmental Management Act and Recycling Regulation* – A provincial act containing regulation governing Environmental Protection

and Solid Waste Management, including the creation of solid waste management plans and extended producer responsibility (EPR) programs.

The *B.C. Community Charter* – A charter that defines the regulatory authority of local and regional government jurisdictions.

*B.C. Ministerial Order M309-2021* – A July 26, 2021 amendment to the *Community Charter* that enables municipal governments to adopt single-use item reduction bylaws without provincial review, provided those bylaws align with parameters outlined in the *Order*.

*Metro Vancouver Regional District Integrated Solid Waste and Resource Management Plan (ISWRMP) 2010* – A plan fulfilling obligations under B.C.'s *Environmental Management Act*, and setting out diversion targets for solid waste within Metro Vancouver.

*District of West Vancouver Solid Waste Utility Bylaw No. 4740, 2012 and amendments* – A bylaw to provide for the operation and management of a solid waste utility.

#### **4.0 Council Strategic Objective(s)/Official Community Plan**

Section 2.5 of the 2018 Official Community Plan (OCP) outlined an emerging issue described as a “Greater need to manage greenhouse gas emissions sourced from solid waste through recycling and waste diversion initiatives”.

This report also aligns with the following deliverables under Council Strategic Objective 3.5:

Reduce community and corporate waste:

Deliverable 3.5.4:

Research and report back on single use plastics with updates on recent legislation, actions done by other North Shore municipalities, options and recommendations, and requesting additional direction regarding implementation. (2021–2022)

#### **5.0 Financial Implications**

On December 13, 2021, Council approved the 5-year Financial Plan for the Solid Waste Utility and adopted solid waste utility rates for 2022.

The budget approved by Council for 2022 included funding to support solid waste community programming focused on waste avoidance, which includes single-use item reduction education.

The recommendations of this report can be implemented using approved budget, without the need for additional funding in 2022.

#### **6.0 Background**

## 6.1 Previous Decisions

**December 6, 2021** – Council received a report entitled “Proposed Solid Waste Utility Bylaw No. 4740, 2012, Amendment Bylaw No. 5150, 2021”. The report summarized annual activity within the utility, including an update on single-use item reduction regulatory activity, and proposed a rate structure for 2022. Council approved and subsequently adopted 2022 Solid Waste Utility rates at the December 13, 2021 meeting.

**November 8, 2021** – Council approved its Strategic Plan 2021-2022, which included Deliverable 3.5.4:

*Research and report back on single use plastics with updates on recent legislation, actions done by other North Shore municipalities, options and recommendations, and requesting additional direction regarding implementation.*

**November 16, 2020** – Council received a report entitled “Proposed Solid Waste Utility Bylaw No. 4740, 2012, Amendment Bylaw No. 5092, 2020”. The report proposed Solid Waste Utility rate structure for 2021, and included an update on local single-use item engagement as well as provincial single-use item activity. The report prompted Mayor Booth to prepare a letter to Minister Heyman (see **Appendix A**). Council approved and subsequently adopted 2021 Solid Waste Utility rates at the December 7, 2020 meeting.

**September 9, 2019** – Council directed staff to carry out a proposed municipal Single-Use Item Reduction Strategy, as described in the report dated July 7, 2019 by the Policy & Programs Planner, Engineering Services:

- *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 of 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.*

**June 24, 2019** – Council passed a motion resolving the following:

*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.*

Copies of the Mayor's letter and District's UBCM motion are provided in Appendix B.

**March 23, 2009** – Council passed the following resolution:

*THAT*

- 1. Council informs the Ministry of Environment and Metro Vancouver that the District of West Vancouver supports an Extending 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.*

## 6.2 History

A single-use item is a packaging material or product designed for single, short-term use then disposal. Common single-use items include shopping bags, disposable straws or cutlery, and other take-out packaging. The negative environmental impacts of these single-use items is increasingly well-documented by researchers. Across Canada and especially in B.C., efforts to regulate the distribution of single-use items gained momentum over the last five years.

Single-use items and plastic pollution are not constrained by borders. They cross municipal, provincial, and national boundaries through materials supply chains, and often through waterways if released into the environment.

In general, businesses (food services in particular) and their customers are most impacted by regulations that restrict the distribution of single-use items. The business community has consistently expressed a preference for regulations that cover larger geographic service areas to a patchwork of municipal regulations. This is especially true of medium and large businesses that operate in multiple jurisdictions. A federal and/or harmonized provincial approach to regulations may be easiest for business and consumers to understand, resulting in a more streamlined transition for business and encouraging overall compliance.

This following content is intended to provide a summary of regulatory activity that have occurred prior to January 2022 and is categorized into the following subsections:

- District's local approach
- provincial activity
- federal activity
- regional activity by Metro Vancouver
- activity by other local governments.

As part of this context, the impacts of COVID-19 cannot be understated. The effect of the pandemic on business and regulators has been substantial, both financially and operationally.

The District has worked closely with the local business community throughout local COVID-19 response, as businesses and the District have been adapting to new and at times rapidly evolving public health orders. Although some relief is in sight due to recent relaxation of pandemic restrictions, the local impacts of COVID-19 are on-going.

The federal and provincial governments are also sensitive to the impact that the COVID-19 pandemic has had on the business community, and have expressed a commitment to developing environmental measures in a manner that supports economic recovery and the protection of human health.

### **District's Local Approach**

In early 2019, the District considered joining with other B.C. local governments to take action to reduce the unnecessary use of single-use items. However, the District was early to recognize legal and jurisdictional complexities associated with regulating single-use items through municipal

bylaw. At the time, the City of Victoria's bylaw banning plastic checkout bags was actively being challenged in the B.C. court system.

In fall 2019, Council adopted an approach of developing a Single-use Item Reduction Strategy for the District and directed staff to initiate an engagement process with local business. In March 2020, as staff prepared to report back the initial findings from business engagement, however, escalating concerns about the COVID-19 pandemic put the project on hold.

In mid-2021, higher levels of government resumed activity on single-use item reduction regulation with policy development occurring at a rapid pace. Senior level officials publicly signalled the planned introduction of federal and provincial restrictions targeting the distribution of single-use items as soon as late 2022. In addition to public announcements, federal and provincial regulators began taking steps in legislation to support these announcements.

Because of on-going impacts of COVID-19 on local business and due to increase in policy development activity by senior levels of government, the District has not resumed work on developing a local single-use item reduction strategy. Increased activity by other levels of governments has changed the landscape that framed the District's previously approved approach to single-use item reduction.

### **Provincial Activity**

Under the B.C. *Environmental Management Act* and *Recycling Regulation*, the province has the authority to regulate many aspects of single-use items. This act enables the province to establish extended producer responsibility (EPR)<sup>1</sup> programs and introduce other measures focused on improving recycling opportunities and addressing environmental concerns related to plastics waste. The is administered by the Ministry of Environment and Climate Change Strategy (MOECCS).

The province of B.C. has been using tools like EPR for some time to encourage waste reduction and avoidance province-wide, and initiated the [Plastics Action Plan](#) as part of the CleanBC initiative to further this work at the provincial level in 2019.

Notwithstanding provincial activities to address plastics waste, and with a sense of urgency stemming from observed local impacts of single-use plastics pollution, some B.C. municipalities began introducing bylaw restricting the distribution of select single-use items. In mid-2018, the City

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<sup>1</sup> Extended Producer Responsibility (EPR) is an environmental policy approach in which the producer of a product or material is held accountable for reducing environmental impact of that product or material and for managing the product across its whole life cycle, from selection of materials and design to its end-of-life (recycling or disposal). B.C. has been a leader in North American for establishing EPR programs.

of Victoria was the first municipality to adopt bylaw restricting the distribution of single-use plastic shopping bags.

This bylaw was challenged through the B.C. court system. A B.C. Court of Appeals decision in July 2019 established that local governments do not have the jurisdiction under section 9 (2) of the *Community Charter* to introduce environmental regulations targeting single-use items without the express approval of the Province. The decision invalidated municipal single-use item bylaws, at least temporarily until these bylaws went through a provincial review and approval process.

Following the Court of Appeals decision and in response to numerous requests from local governments, including the District (see **Appendix B**), the Minister introduced an amendment to the *Community Charter* to include single-use item regulations within the Spheres of Concurrent Jurisdiction for Environment and Wildlife Regulation. The Minister issued *Order M309-2021* on July 26, 2021, enabling local governments to adopt single-use item reduction bylaws without provincial review, provided those bylaws align with the parameters as outlined within the Order.

Then, the Minister announced in September 2021 that MOECCS had begun developing a provincial approach for single-use item reduction regulations. These could include province-wide restrictions on the distribution of single-use plastic shopping bags, straws, takeout containers, and other environmentally problematic items.

In October 2021, the Minister introduced an amendment to B.C.'s *Environmental Management Act* that added definitions and content related to single-use items. In doing so, the Minister proposed a legal framework for a province-wide regulatory approach for single-use items. The amendment was adopted by the B.C. Legislature on November 25, 2021.

Due to on-going COVID-19 impacts, many local governments remained on hold with local policy as provincial developments unfolded. Given that the business communities prefer consistent regulation by the highest possible level of government, these series of announcements created uncertainty for local governments that had been considering introducing a future bylaw. In response, the District prepared a letter to the Minister dated December 7, 2020 (Appendix A).

As a next step in provincial regulation, MOECCS indicated it would release an intentions paper for public comment in the first half of 2022. The paper was released on April 22, 2022. It outlines proposed regulations that restrict the distribution and use of select single-use items province-wide. The timeline provided by MOECCS suggests that proposed regulations could be in place by the end of the year, with some taking effect as soon as 2023.



Further information about proposed provincial regulations is provided in the Analysis section of this report and in **Appendix C**.

Concurrent to this new activity to regulate the distribution of single-use items, MOECCS also remains committed to adding a wider variety of single-use items to the EPR program for Packaging and Paper Products (PPP). The province approved changes to the Recycling Regulation to:

- expand the beverage container deposit-refund system to include milk and milk-alternative containers starting February 2022;
- expand the number of single-use products (such as disposable dishware, cutlery, stir sticks and sandwich bags) that must be included in industry-funded residential recycling programs, effective January 2023.

The expansion of EPR programs for these materials is expected to improve recycling options available for these materials over time.

### **Federal Activity**

In November 2018, federal, provincial and territorial governments of Canada collaborated through the Canadian Council of Ministers of the Environment (CCME) to develop and approve a *Canada-wide Strategy on Zero Plastic Waste*. Members of CCME are collaborating to implement an *Action Plan on Zero Plastic Waste*, which was released in two phases 2019 and 2020. The action plan includes strategies to reduce the unnecessary use of single-use plastics.

On October 7, 2020, the Government published a discussion paper entitled [\*A proposed integrated management approach to plastic products to prevent waste and pollution\*](#) for public comment. The discussion paper outlined a proposed integrated management approach for single-use items, performance standards for plastic products, and end-of-life responsibility. The proposed approach addresses the entire life cycle of plastics in order to prevent plastic waste and plastic pollution.

The federal approach recommended regulations to eliminate or restrict six categories of single-use plastics (SUPs) including checkout bags, cutlery, straws, stir sticks, ring carriers, and foodservice ware made from or containing problematic plastics.<sup>2</sup> Notably, federal initiatives focus on single-use items made from plastic, whereas B.C.'s EPR initiatives and municipal single-use item programs have also considered regulatory options for single-use items made from alternative materials such as

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<sup>2</sup> Problematic plastics are plastics that are not effectively recycled throughout B.C. or Canada, and have been found to be prevalent in the environment (e.g. polystyrene foam). They can be replaced with alternative plastic types that look and behave similarly, are widely available, and are recyclable using existing infrastructure (i.e., PET, HDPE, LDPE and PP).

paper, composite or plastic-like “compostable” items that have also been proven to be environmentally problematic.

The *Canadian Environmental Protection Act, 1999 (CEPA)* contains federal regulations including those that prohibit manufacture, import, and sale of environmentally hazardous materials. In May 2021, the federal government formally added “plastic manufactured items” to Schedule 1 (the Toxic Substances List) of the *Canadian Environmental Protection Act (CEPA, 1999)*. This major step enabled the Government of Canada to move forward with regulation of single-use plastic items produced in Canada, as well as how these products are processed, exported, stored, transported, and packaged – all to prevent plastic pollution related to these items.

On December 25, 2021, the federal government published proposed Single-use Plastics Prohibition Regulations for public comment prior to adoption. The timeline provided by the federal government suggests that regulations could be in place as soon as late 2022.

Further information about proposed federal regulations is detailed below, in the Analysis section of this report and in Appendix C.

### **Regional Activity by Metro Vancouver**

Under the *Community Charter*, Metro Vancouver and other regional governments in B.C. do not have authority to restrict the sale and use of single-use items. However, Metro Vancouver has worked closely with member municipalities regarding single-use item reduction and has provided support in the following ways:

- playing a key role in facilitating information sharing among municipalities on the jurisdictionally complex issue
- collecting data about single-use items as part of regional waste composition studies
- developing and promoting public education programs including the regional [“Superhabits” campaign](#), which was launched in May 2021 to encourage residents to say no to single-use and choose reusable

Metro Vancouver has also developed a Regionally Harmonized Approach to Municipal Single-Use Item Reduction Bylaws, which was approved by the Board on November 26, 2021. These guidelines are a tool for member municipalities to align local single-use item bylaws and improve consistency for businesses and residents within the region. The regionally harmonized approach is compatible with the provincial bylaw requirements in the B.C. Ministerial Order M309-202.

## Activity by Other Local Governments

At least twelve B.C. municipalities have adopted single-use item bylaws that are in various stages of implementation. In Metro Vancouver, the municipalities of Vancouver, Richmond, Surrey, Delta, and Port Moody have adopted local single-use item bylaws. The most recent local adoption was the City of Delta, which approved a local bylaw in early December 2021 (about three weeks prior to the most recent federal announcement).

It is important to note that although local bylaws are *similar*, they are not *the same*. Municipal bylaw development includes local public engagement and final adopted bylaws may reflect small differences based on public input.

A table provided in Appendix C provides a high-level outline of municipal regulations that have been adopted, providing an at-a-glance snapshot of how regulations are similar and different at the municipal level. For comparison, Appendix C also summarizes the regionally harmonized approach for local bylaws as well as regulations that have since been proposed by higher levels of government.

Many municipalities that had received provincial approval and adopted bylaw in 2019 and early 2020 postponed bylaw effective dates by one or more years due to the COVID-19 pandemic. Several Metro Vancouver municipalities will begin implementing local bylaws in 2022. Municipalities in Metro Vancouver continue to closely watch the development of provincial and federal regulations.

## 7.0 Analysis

### 7.1 Discussion

This following provides current and new activity since January 2022. It includes the following subsections:

- federal developments
- provincial developments
- developments from other local governments

This section of the report also introduces a local approach for the District, based on analysis of activity by other levels of government.

Metro Vancouver continues to play a coordinating role with single-use item reduction work in the region, and represents regional interests within provincial and federal engagement processes.

## Federal Developments

The federal government published [draft Single-Use Plastic \(SUP\) Prohibition Regulations](#) on December 25, 2021. The proposed Single-use Plastics Prohibition Regulations were open for public comment until March 2022. The proposed regulations set forth would prohibit the manufacture, import, and sale of six categories items including single-use plastic checkout bags, cutlery, stir sticks, straws, ring carriers, and foodservice ware made from or containing problematic plastics. The proposed regulations are outlined at a high level in Appendix C.

Incoming federal requirements may be in place as soon as the end of 2022. The ban on manufacture and import of these items would come into force one year after their registration. Prohibitions on sale and distribution of these items would come into force two years after registration. The deferred implementation timelines serve as an education and adaption period for businesses and consumers.

Additionally, in February 2022, the Government of Canada initiated development of a complementary set of regulations establishing minimum recycled content requirements for certain plastic manufactured items. A Notice of Intent and a technical issues paper were published on February 12, 2022, and the public consultation on minimum recycled content requirements was open until March 14, 2022.

Notably, federal regulations include rules related to manufacture and import. They are also expected to include requirements related to recycled content and labelling, all of which are most practical and impactful at the national level. These policy tools are not readily available to local or provincial governments.

The federal plastics regulations are expected to complement work at the provincial level in B.C., including municipal bylaw. However, Metro Vancouver and member municipalities have identified a few key concerns with the proposed Federal approach. These are mostly related to unintended consequences during implementation, including:

- challenges related to a narrow focus on only plastic items and disregarding environmental impact of substitutions for plastic (including so-called “compostable” or “bio-degradable” plastics)
- equity considerations, such as potential negative impacts of prohibiting food service businesses from providing plastic single-use straws for people with disabilities

For more information about local input on proposed federal regulation, see Metro Vancouver’s submission to the federal government engagement process in **Appendix D**.

## **Provincial Developments**

On April 22 2022, the provincial government released proposed regulation in a document entitled [Preventing single-use and plastic waste in British Columbia Intentions Paper](#). The paper describes a new waste prevention regulation that would ban the distribution of checkout bags, problematic plastic foodservice packaging (polystyrene foam, PVC, and compostable plastics), and oxo-degradable plastics. The regulations would also restrict the distribution of paper checkout bags, utensils, straws, and other disposable foodservice accessories. Proposed provincial regulations are summarized at a high level in Appendix C.

The proposed provincial waste prevention regulation expands on the proposed federal regulation by including additional problematic materials (e.g. compostable and oxo-degradable plastics), as well as introducing additional restrictions on the distribution of utensils and other disposable foodservice accessories.

The provincial intentions paper comments on cross-jurisdiction coordination with federal and municipal governments. Proposed provincial regulation are designed to stand alongside municipal bylaws that regulate the same items. Under the proposed provincial regulations, municipalities may continue to implement bylaws that are stricter than the provisions of the provincial regulations (although these may require provincial approval if not aligned with Ministerial Order M309-2021).

Finally, the provincial intentions paper proposes a shared enforcement approach for single-use item reduction regulations. For items banned by the federal government, the Province anticipates it will have authority for enforcement at the provincial level. The province has also proposed delegating enforcement authority to local governments, where appropriate, so that municipalities may choose to provide additional local enforcement.

The provincial engagement period on the draft regulations is open until June 21, 2022. A report on feedback will be published later in 2022, and proposed regulations could be adopted as soon as late 2022 and come into effect in 2023. Incoming regulations will be implemented in phases to allow for public education and adaptation period.

Provincial timelines may change based on public input, and adjustments to the federal implementation timeline.

## **Local Government Developments**

Local single-use item reduction bylaws are now in effect in the cities of Vancouver, Richmond, and Surrey. Port Moody and Delta bylaws have been adopted, and will come into effect in April and June of 2022, respectively.

Small and medium sized businesses seem to be adapting more easily to municipal bylaw regulations than large, multi-national companies where decision-making does not occur at the local level.

Thus far, municipal bylaw implementation in Metro Vancouver has been successful overall, but with some challenges. Some residents in these municipalities have expressed various concerns about single-use item policy related to equity, frustration at point of sale, and skepticism about how businesses are using new revenues from fee requirements for alternatives to single-use plastics (e.g. paper bag fee).

City of Vancouver staff recently summarized the primary concerns in a report provided at the March 2, 2022 meeting of the Standing Committee on Policy and Strategic Priorities. These include:

- concerns regarding unintended negative impacts on people experiencing homelessness and residents with low incomes
- concerns regarding the lack of transparency and accountability for how businesses use the revenue from fees (the City of Vancouver encourages businesses to invest revenues in reusable alternatives)
- concerns about fairness of a business charging the paper shopping bag fee while not accepting a reusable option (this particularly applies for goods ordered ahead for pick up in-store, for delivery, or at a drive-thru window, which are pre-bagged for speed and/or convenience so the fee is unavoidable)

Proposed federal and provincial regulations are intended to complement and bolster municipal bylaws regulating the same items. However, municipalities with a local bylaw already in place may need to review those bylaws for any legal implications that might need to be addressed.

A number of local governments in B.C. remain interested in supporting single-use item reduction at the local level but have put local policy development on hold to avoid duplication of efforts with provincial and federal government. This includes the District and City of North Vancouver.

### **Proposed District Approach**

Federal and provincial regulation are in development and evolving rapidly, with new information released every few months, and are anticipated to be finalized as soon as this year.

As these regulations come into focus, it remains unclear exactly how they will be introduced, what education tools will be provided, and what real world impact the implementation of new regulations will have in local communities. What is clear is that single-use item regulations introduced by any level of government will impact businesses that operate in West Vancouver.

Given that it would overlap with on-going policy work at provincial and federal levels, staff recommend that the District avoid creating additional complexity for local business by deferring local regulation until provincial and federal regulations have been finalized.

The District can advance its single-use item reduction objectives by supporting proposed provincial single-use item regulations, and is in a position to support local business in understanding and adapting to anticipated regulatory changes.

As federal and provincial regulatory context for single-use items comes into focus, the District is in a position to provide an important role in supporting local business in understanding and adapting to anticipated regulatory changes.

Staff propose collaborating with District and City of North Vancouver on a business education initiative, which can be funded from within the 2022 Solid Waste Utility budget approved by Council.

To that end, staff have begun coordinating with counterparts at the District and City of North to launch a single-use item education initiative for businesses in 2022. The Zero Waste Coaching for Small Businesses outreach pilot program will focus on supporting local businesses across the North Shore in navigating their opportunities to reduce unnecessary waste and improve recyclability of unavoidable single-use items.

A goal of the program is to help to educate local business, and help to prepare business operators for anticipated federal and provincial regulations. The program will also begin to establish communication channels and relationships to better share information with businesses.

The District could revisit this approach as incoming provincial and federal regulations are finalized, and when opportunities for local enforcement and bylaw are clearer.

## 7.2 Sustainability

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

## 7.3 Public Engagement and Outreach

Staff apply the District's Community Outreach and Engagement Policy when communicating and engaging with residents on issues pertaining to the Solid Waste Utility, including single-use item reduction.

#### 7.4 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 actively participate in discussion about how to best harmonize regulations to minimize confusion for local business and consumers.

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

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.

### 8.0 Options

#### 8.1 Recommended Option

THAT

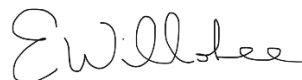
1. the District prepare a letter of support for proposed Single-use Item Reduction regulations;
2. the District collaborate with the District and City of North Vancouver to launch a local business education initiative in 2022; and
3. staff report back to Council with an update in early 2023.

#### 8.2 Considered Options

THAT staff draft for Council's consideration a single-use item reduction bylaw aligning with the [Metro Vancouver Board Approved Regionally Harmonized Approach to Municipal Single-Use Item Reduction Bylaws](#).

This option is not recommended at this time.

Author:



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Emily Willobee, Senior Manager, Engineering Services



Appendices:

Appendix A – Mayor Booth December 7, 2020 letter to Minister Heyman,  
re: single use plastic regulation, response included

Appendix B – Action from June 24, 2019 Council Motion

- Mayor Booth August 2, 2019 letter to Minister Heyman,  
re: clarity for jurisdiction per previous decisions
- District UBCM motion

Appendix C – Summary of Single-use Item Regulations

Appendix D – Metro Vancouver submission in response to proposed federal  
regulations dated March 3, 2022

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THE CORPORATION OF THE  
**DISTRICT OF WEST VANCOUVER**  
 OFFICE OF THE MAYOR

7 December 2020

File: na

The Honourable George Heyman  
 Ministry of Environment and Climate Change Strategy  
 PO Box 9063 Stn Prov Govt  
 Victoria, BC V8W 9E2

VIA EMAIL: ENV.Minister@gov.bc.ca

Dear Minister Heyman:

**RE: Single-use Plastics Regulation**

Thank you for your continued work to reduce single-use plastics in British Columbia.

The District of West Vancouver supports provincial and federal action to reduce the use of plastic packaging and single-use items, which consume valuable natural resources, and can often be replaced by re-usable alternatives. Municipalities increasingly bear the costs of managing collection and disposal of these items in public spaces. Single-use items fill waste bins in our public parks to overflowing, end up as litter in our communities, and affect our local shorelines, creeks and wildlife.

The District of West Vancouver had initiated work on developing a Single-use Item Reduction Strategy in fall 2019, though this work is temporarily on hold due to evolving impacts of the COVID-19 pandemic.

The District welcomed your September announcement that the Ministry would approve municipal single-use item reduction bylaws, and plans to amend the *BC Community Charter* to allow local governments to introduce bylaws without requiring provincial approval. This announcement provided some clarity around procedures for local governments considering municipal actions and bylaws to reduce single-use items.

The District is also encouraged by the Province's announcement of plans to develop a legal framework for provincial bans on single-use items such as straws, cutlery, checkout bags, disposable drink cups, and takeout containers. Businesses and residents operate and travel throughout B.C. communities and would benefit from consistent regulations. Therefore, the Province is better suited to introduce regulations on the sale or use of problematic single-use items.

The Government of Canada has also recently announced plans to ban select single-use items such as straws, cutlery, checkout bags, stir sticks, 6-pack rings, and food packaging made from problematic plastics.

While these announcements are welcome, they do create some uncertainty for the District regarding how best to advance the development of a local single-use item reduction strategy. In particular, how does the Federal announcement affect the Province's scope and timeline for introducing regulations as described in September's announcement and outlined in the Clean BC Plastics Action Plan?

The District encourages the Province to move quickly to avoid a patchwork of municipal bylaws by implementing appropriate province-wide reduction regulations for select plastic packaging and packaging-like products. The District requests that the Province takes on the responsibility for monitoring and enforcing these bans, and/or provides local governments with clear authority and regulatory tools to support the Province in this effort.

The District recognizes and greatly appreciates the Ministry's continued participation in the development of single-use plastic regulations at the Federal government level. The District encourages the Ministry to continue to support Extended Producer Responsibility programs for packaging and packaging-like products that include expanded reduction and re-use targets, as well as improved end of life management.

Thank you for your good work on this important environmental protection initiative. We look forward to receiving replies to our questions and suggestions.

Yours sincerely,



Mary Ann Booth  
Mayor

Cc: District of West Vancouver Council  
Robert Bartlett, Chief Administrative Officer, District of West Vancouver  
MLA Jordan Sturdy, West Vancouver – Sea to Sky  
MLA Karin Kirkpatrick, West Vancouver - Capilano



Reference: 366746

January 25, 2021

Her Worship Mayor Mary Ann Booth  
and Councillors  
District of West Vancouver  
750-17<sup>th</sup> Street  
West Vancouver BC V7V 3T3

Sent via email: [mbooth@westvancouver.ca](mailto:mbooth@westvancouver.ca)

Dear Mayor Booth and Council:

Thank you for your letter of December 7, 2020, regarding single-use plastics regulations.

The phase out of single-use plastics remains a key priority for the Province, as highlighted in my [mandate letter](#), and the District of West Vancouver's expression of support for provincial plastics regulation is appreciated. Our government also supports municipalities working to address single-use plastics and is committed to ensuring that regulation of single-use plastics in B.C. is consistent across communities.

Ministry staff are working closely with the Government of Canada through the Canadian Council of Ministers of the Environment (CCME) to ensure a complementary approach is being taken where possible. Details about how the federal government intends to implement the bans are still forthcoming. As such, B.C. is continuing to develop a legal framework to allow for the provincial regulation of single-use items to address B.C. specific concerns and needs. The ministry will also undertake further engagement with local governments to ensure solutions are both practical and manageable.

Concurrently, the Province is working quickly to draft a new regulation under the *Community Charter* to enable municipalities to ban certain single-use plastics without the need for provincial approval. Ministry staff will be engaging with local governments as this work progresses. In the meantime, I am continuing to review single-use bylaws submitted by municipalities, ensuring a consistent approach is taken province-wide. Those bylaws which are already in place are enforced by local government.

...2

You may also be interested to know that the ministry recently released a [Policy Intentions Paper](#) to gather feedback on adding more products to the Recycling Regulation to be recovered and recycled by producers, including mattresses, moderately hazardous products, electronic and electrical products and batteries, and packaging and paper products beyond residential sources. Feedback was received until November 20, 2020 and will be used to inform development of a multi-year strategy, which may include further outreach and engagement,

Thank you again for taking the time to write. If you or your staff have any questions, please feel free to reach out to Gwendolyn Lohbrunner, Director, Clean Communities, at [Gwendolyn.Lohbrunner@gov.bc.ca](mailto:Gwendolyn.Lohbrunner@gov.bc.ca) or at 778 698-4846.

Sincerely,



George Heyman  
Minister

cc: Gwendolyn Lohbrunner, Director, Clean Communities, Environmental Protection  
Division, Ministry of Environment and Climate Change Strategy



THE CORPORATION OF THE  
**DISTRICT OF WEST VANCOUVER**  
 OFFICE OF THE MAYOR

August 2, 2019

Honourable George Heyman  
 Minister of Environment and Climate Change Strategy  
 PO Box 9047 Stn Provincial Government  
 Victoria, BC, V8W 9E2

Dear Minister Heyman:

**RE: Single-Use Items**

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 plastics in the environment;
- Will continue to engage with local government as Ministry staff work toward further strengthening current policies and programs.

The District is pleased that the Ministry has recently released a discussion paper on a provincial Plastics Action Plan, and considers this progress toward a provincial strategy. The District of West Vancouver welcomes the opportunity to work with the Ministry of Environment to develop a provincial single-use item reduction strategy and strengthen established policy and programs, such as Extended Producer Responsibility.

However, in the absence of a provincial strategy or regulations, municipalities continue to face jurisdictional challenges in their efforts to address single-use items locally. 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.

The City of Victoria, which has taken action to restrict the distribution of single-use plastic carryout bags, has faced legal challenges of their authority to regulate distribution of single-use packaging items (plastic checkout bags) through its authority to regulate businesses. The City of Victoria's bylaw has been quashed by the BC Court of

Appeal in July 2019, making it clear that provincial support is necessary for local governments to take steps to regulate or restrict the distribution of single-use items.

The District of West Vancouver Council, at its June 24, 2019 regular meeting passed the attached motion (see Appendix A).

The District of West Vancouver generally supports a provincial response to address single-use items. In the interim, while that strategy is not yet developed or implemented, 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.

The Mayor, on behalf of Council, requests that the Province give the District of West Vancouver clear jurisdiction to create regulations that reduce and ban certain single-use items within the municipality, should it so choose. The District understands that the province can do this by entering into an agreement with local government, by giving Ministerial approval to municipal bylaws attempting to regulate single-use items, or by passing a regulation with has the same effect.

Yours sincerely,

Mary-Ann Booth  
Mayor



## Appendix A

### 6. **Councillor's Motion regarding Confirming Municipal Jurisdiction to Regulate Single-Use Items** (File: 0120-06)

Councillor Cameron introduced the motion regarding Confirming Municipal Jurisdiction to Regulate Single-Use Items.

MOVED by Cameron, seconded by Gambioli:

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.

Council members commented. The question was called on the motion.

CARRIED

### **B148 Confirming Municipal Jurisdiction to Regulate Single-Use Items**

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

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;

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):

Therefore be it resolved that the Province specifically allow local governments to regulate or restrict single-use items by the Province's agreement, by regulation, or by approval of the Minister.

#### **RESPONSE: Ministry of Environment and Climate Change Strategy**

The Province of British Columbia is encouraged by the level of interest in and action being taken by local governments on single-use item strategies and other related initiatives to reduce plastic in the environment. The Province also recognizes that there are actions being taken by local governments that could be supported by a responsive provincial approach for both these types of bylaws and plastic waste management generally.

Recognizing the need for a new approach to plastics and single-use items, the CleanBC Plastics Action Plan and engagement was launched by the Province on July 25th, 2019. Through the consultation paper, the Ministry sought feedback on two items directly related to local government bylaws. Specifically, if local governments should be given the authority to ban problematic plastic items in their communities, and if there are bans better suited for implementing at the federal, provincial or local government level.

The consultation closed on September 30th, 2019 and the Ministry is currently reviewing feedback collected during the engagement period, including that received from local governments, and will publish a "What We Heard" report to inform the appropriate policy or regulatory responses.

The Ministry will continue to engage with local governments as ministry staff develop new or updated policies and programs on single-use items.

#### **Source Documents:**

##### **Provincial Responses to 2019 UBCM Resolutions: Page 161**

<https://www.ubcm.ca/sites/default/files/2021-07/2019%20Provincial%20Responses%20to%20UBCM%20Resolutions.pdf>

##### **2019 UBCM Resolutions: Page 120**

<https://www.ubcm.ca/sites/default/files/2021-07/2019%20UBCM%20Resolutions%20Book.pdf>

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## Appendix C – Summary of Single-use Item Regulations

The chart below summarizes proposed and adopted single-use item reduction regulations and bylaws, and includes municipal bylaw guidelines adopted by Metro Vancouver in November 2021.

Regulating single-use and plastic items can take many forms, and most commonly use these main tools:

- Bans – prohibiting the sale or distribution of an item, sometimes applying to items made from specific materials (e.g., polystyrene foam).
- Fees – requiring fees on disposable items to promote reduction of unnecessary use and encourage customers to bring their own durable reusable alternatives (fees are retained by retailers, not remitted to the regulator). Ideally, retailers use fees to cover costs associated with durable and reusable alternatives.
- By-request only – requiring that customers are not provided items that they have not asked for (e.g., straws and utensils).
- Required reporting – requiring retailers to report quantity of items distributed provides regulators with an opportunity to monitor impact of reduction efforts, and helps to encourage businesses to reinvest revenue generated through fees into further development of reusable alternatives.

	Plastic Shopping Bag	Paper Shopping Bag	Plastic Straws	Utensils	Single-use Drink Cups	Single-use Containers
Federal Government of Canada	Ban		Ban	Plastic ban	Problematic plastics* ban	Problematic plastics* ban
Provincial Government of BC	Ban	Fees	By request only	By request only	Problematic plastics* ban (including rigid compostable)	Problematic plastics* ban (including rigid compostable)
<b>Regional guidelines</b>						
Metro Vancouver Regional Approach	Ban	Fees	Ban* & alternatives by request only	By request only & plastic stir stick ban	Foam Ban	Foam Ban
<b>In-region municipalities</b>						
Delta	Ban	Fees			Foam Ban	Foam Ban
Port Moody	Ban	Fees	Ban	Plastic stir stick ban	Foam Ban	Foam Ban
Richmond	Ban		Ban		Foam Ban	Foam Ban
Surrey	Ban	Fees & Required reporting			Foam Ban	Foam Ban
Vancouver	Ban	Fees & Required reporting	Ban**	By request only	Foam Ban & Cup Fee & Cup-share program OR required reporting	Foam Ban
<b>Out-of-region municipalities</b>						

Chilliwack	Ban	Fees	Ban	Plastic ban & alternatives by request only	Foam Ban	Foam Ban
Esquimalt	Ban	Fees				
Nanaimo	Ban	Fees				
Rossland	Ban	Fees				
Saanich	Ban	Fees				
Sooke	Ban	Fees				
Squamish	Ban	Fees	Ban**	Plastic utensil ban	Foam Ban	Foam Ban
Tofino	Ban	Fees	Ban		Foam Ban	Foam Ban
Ucluelet	Ban	Fees	Ban		Foam Ban	Foam Ban
Victoria	Ban	Fees				
View Royal	Ban	Fees				
	<b>Plastic Shopping Bag</b>	<b>Paper Shopping Bag</b>	<b>Plastic Straws</b>	<b>Utensils</b>	<b>Single-use Drink Cups</b>	<b>Single-use Containers</b>

\*Problematic plastics are plastics that are not effectively recycled throughout B.C. or Canada, and have been found to be prevalent in the environment (e.g. polystyrene foam). They can be replaced with alternative plastic types that look and behave similarly, are widely available, and are recyclable using existing infrastructure (i.e., PET, HDPE, LDPE and PP).

\*\*Straw ban includes an accessibility requirement: Food vendors must stock flexible plastic straws individually wrapped in paper to provide to customers on request.

#### Sources:

1. MV Board Report in November 2021 [See page 147 of the agenda](#)
2. Vancouver's March 2 Council report <https://council.vancouver.ca/20220302/documents/pspc1.pdf>
3. MOECCS online list of municipal bylaws and implementation dates: <https://www2.gov.bc.ca/gov/content/environment/waste-management/zero-waste/municipal-plastics-bylaws>

*Solid Waste Services**Tel. 604 432-6400 or via Email/Fax 604 451-6180*

March 3, 2022

File: CP-16-02-078

Tracey Spack, Director  
Plastic Regulatory Affairs Division  
Department of Environment  
351 Saint-Joseph Boulevard  
Gatineau, Quebec K1A 0H3  
**VIA EMAIL: [ec.plastiques-plastics.ec@ec.gc.ca](mailto:ec.plastiques-plastics.ec@ec.gc.ca)**

Dear Director Spack:

**Canada Gazette, Part I, Volume 155, Number 52: Single-Use Plastics Prohibition Regulations**

We are writing to provide feedback to Canada Gazette, Part I, Volume 155, Number 52: Single-Use Plastics Prohibition Regulations published December 25, 2021. While Metro Vancouver does not have regulatory authority to restrict the sale and use of single-use items, we have worked closely with our members to develop a Regionally Harmonized Approach to Municipal Single-Use Item Reduction Bylaws, which our Board approved on November 26, 2021. Our regionally harmonized approach aligns with the B.C. Ministerial Order M309-2021 which provides B.C. municipalities with the ability to restrict the sale and use of certain single-use items without seeking additional approvals. A harmonized approach to regulations in Canada is of great importance to avoid confusion for Canadians and improve business efficiencies. We support the Government of Canada's proposed SUP prohibitions, as Canada-wide prohibitions on problematic plastics provide the highest level of harmonization. And we congratulate your leadership in prohibiting ring carriers and hard to recycle foodservice ware beyond foam containers.

Through the development of our regionally harmonized approach, we hosted robust discussions around the importance of single-use plastics restrictions to protect the environment and the potential for unintended consequences. Based on our work to date and those discussions, we cordially submit the following feedback.

**Compostable Plastics**

We support that non-conventional plastics such as compostable, bio-based or biodegradable are not exempted from the prohibition of single-use plastics. Most plastics labelled biodegradable or compostable do not break down in the marine environment; therefore, the risk they pose is indistinguishable from those of conventional plastics. Including all types of plastics as part of the ban

provides continuity with many other policies already implemented in British Columbia, such as banning all plastic checkout bags, including those labelled biodegradable or compostable.

The compostability of a product is dependent on the composting technology in place. In many cases, even if biodegradable or compostable plastics are managed in composting facilities, the plastics do not compost under the conditions in the facility, and are screened out for disposal. To help local governments better manage these materials and keep compost at its highest value and best use, we recommend that the Government of Canada update federal regulations to clearly restrict the labelling and marketing of biodegradable and compostable products/packaging (both plastics and alternatives) to only those products/packaging that are readily accepted by the majority of industrial composters across Canada. Enforcing updated regulation and guidelines will help level the playing field and allow composters to continue to make a value-added product from food scraps and yard waste.

### **Substitutions**

While the focus on reducing single-use plastics is important, substitution for these products can result in unintended consequences. [Metro Vancouver's Regionally Harmonized Approach to Municipal Single-Use Item Reduction Bylaws](#) includes approaches to reduce substitutions:

- performance requirements for appropriate substitutions e.g. washable reusable bags and minimum recycled content in single-use paper bags;
- fees for recycled paper bags and reusable bags; and
- by-request only for alternatives to plastic straws, stir sticks, and cutlery.

In parallel with the implementation of the SUP prohibitions outlined in the Canada Gazette, Part I, Volume 155, Number 52, we encourage the Government of Canada to monitor the distribution of substitutions and to work on a new legal framework that would allow the Government of Canada to implement fees, by-request and recycled content requirement for substitutions.

Of key concern are:

- rigid compostable plastic foodservice ware which does not break down in composting facilities and contaminates recycling materials collection and processing;
- fibre-based products with plastic liners that make them value-recovery problematic; and
- and moulded fibre products with PFOA, long-chain PFCA and related substances which make them environmentally problematic.

We encourage the Government of Canada to take appropriate action to prevent the environmental trade-offs of these substitutions.

### **Reuse Programs**

Metro Vancouver is working hard to move up the pollution prevention hierarchy towards reuse and repair. We developed a new [superhabits.ca](#) campaign to celebrate the everyday habits of our residents that reduce single-use, such as bringing their reusable bags and coffee cups. Metro



Vancouver supports the Government of Canada's work to reduce the unintended consequences of SUP prohibitions by encouraging reusable products and systems for items such as food service ware as well as hot and cold drink cups and lids. Reusable products and systems should be prioritized over the pursuit of alternative single-use items as reuse presents the biggest opportunity to recover the value of single-use products and protect the environment.

### **Performance Requirements**

The performance requirement in the definition of single-use plastic cutlery does not appear to meet the intention of the proposed Regulations. Some single-use plastic utensils may be able to withstand temperatures of 82°C and 86°C for 15 minutes without changing shape. We encourage the Government of Canada to review this performance criterion to confirm it prohibits the manufacturing and distribution of all plastic cutlery used only once before being disposed or recycled.

### **Accessibility Concerns**

The Government of Canada's approach to accessible straws in the proposed regulation restricts the sale of single-use plastic flexible straws to quantities of 20 or more. As such, a restaurant will no longer be able to provide an individual single-use plastic flexible straw to a customer who self-identifies as needing one. We encourage the government of Canada to reconsider this approach and align with the B.C. Ministerial Order M309-2021 which requires municipalities straw prohibition bylaws to include an exemption so that businesses would not be prevented from providing an accessible straw on request by a person with disabilities or due to medical reasons.

### **Labelling Restrictions**

We appreciate the acknowledgment of Metro Vancouver and other stakeholders' concerns around inconsistencies found in product labelling and advertising when using terms like "recyclable," "compostable," and "biodegradable." We are encouraged by your commitment to addressing this issue as part of the Canada-wide Strategy on Zero Plastic Waste. We think this work is of critical importance and encourage the Government of Canada to prioritize it within that Canada-wide strategy. We encourage you to look at terms like "flushable" as well. Researchers at Ryerson University tested 64 different wet wipes sold in Canada, and none of them met the criteria for flushability. These wipes are a major cause of blockages amounting to an estimated \$250M per year in direct cleanup and maintenance cost for municipal wastewater systems in Canada.

### **Ban is Not Comprehensive Enough**

We appreciate the acknowledgement of Metro Vancouver and other stakeholder's concerns around other problematic plastics that are of concern to the environment. Items such as foam meat trays, coffee pods, cigarette butts and single-use 'flushable' wipes should be monitored and considered for future prohibitions. Further information around the challenges with flushable wipes and cigarette butts is available in the National Zero Waste Council report entitled "[Regulatory Approaches for Priority Plastic Wastes.](#)"

Thank you for taking the time to consider our input. Leadership from the Government of Canada is essential for Metro Vancouver to meet its waste reduction and recycling goals. Any questions related to this feedback may be directed to me by phone at 604-432-6400 or by email at [Paul.Henderson@metrovancover.org](mailto:Paul.Henderson@metrovancover.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Henderson', with a stylized flourish at the end.

Paul Henderson, P.Eng.  
General Manager, Solid Waste Services

PH/cu/ks