

AGENDA ITEM NO: 7.1.

MEETING DATE: June 21, 2022

**STAFF REPORT – COVER SHEET**

SUBJECT: Preventing Plastic and Single-Use Waste in B.C. Consultation DATE: June 10, 2022

DEPARTMENT: Engineering PREPARED BY: T. Friesen

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**1. SUMMARY OF ISSUE:**

On April 22, 2022, the Provincial government announced that it is seeking feedback on its proposed waste prevention regulation. The aim of the regulation will be to reduce single-use and plastic waste by limiting or banning the use of certain single-use items. Staff have prepared feedback, as attached to this report, which is supportive of the Province's proposals and includes a recommendation that the Province be prepared to enforce its proposed regulations.

A decision is required to submit feedback to the Province.

**2. RECOMMENDATION:**

Recommendation that Council receive this report for information and direct staff to submit feedback on the Preventing Single-Use and Plastic Waste Intentions Paper to the Province as attached.

  
D. A. Blain, Director of Planning and Engineering

**3. FINANCE COMMENTS:**

The related costs for implementing the City's Single-Use Item Reduction Strategy are currently allocated within the Financial Plan.

  
Glen Savard, Director of Finance

**4. CHIEF ADMINISTRATIVE OFFICER'S RECOMMENDATION/COMMENTS:**

Supports recommendation.

  
Peter Monteith, CAO

**STAFF REPORT ON  
PREVENTING PLASTIC AND SINGLE-USE WASTE IN B.C.**

PREPARED BY:	<u>Marc Sole</u>	DATE:	<u>June 10, 2022</u>
POSITION:	<u>Sr. Environmental Services Specialist</u>	DEPARTMENT:	<u>Engineering</u>

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**1. DEFINITION OF ISSUE:**

On April 22, 2022, the Provincial government announced that it is seeking feedback on its proposed waste prevention regulation. The aim of the regulation will be to reduce single-use and plastic waste by limiting or banning the use of certain single-use items. Staff have prepared feedback, as attached to this report, which is supportive of the Province's proposals and includes a recommendation that the Province be prepared to enforce its proposed regulations.

A decision is required to submit feedback to the Province.

**2. FACTORS:**

- 2.1 In September 2021, Council adopted the Single-Use Item Reduction Bylaw 2021, No. 5062, which regulates shopping bags, foam cups and take-out containers, straws, and disposable utensils. The City's bylaw was adopted in compliance with amendments made to the *Community Charter* that enabled municipalities to regulate these items, and the bylaw came into effect on April 1, 2022.
- 2.2 In 2021, the Federal government announced its intention to ban six types of single-use items, specifically plastic checkout bags, cutlery, stir sticks, drinking straws, ring carriers and foodservice ware made from or containing problematic plastics. This regulation is expected to come into effect in 2022/2023.
- 2.3 As part of the CleanBC Plastics Action Plan, the Province is proposing the development of a new waste prevention regulation to reduce the impacts of single-use and plastic waste on the environment. The proposed waste prevention regulation aims to reduce the impacts of single-use and plastic items, and the amount of single-use and plastic waste found in the environment, by:
- Moving plastics into B.C.'s circular economy:
    - Phasing out unnecessary single-use and plastic items.
    - Promoting a shift to durable reusable options.
    - Ensuring necessary single-use and plastic items are recycled or composted.
  - Providing a consistent provincewide approach to regulating single-use and plastic items.

- 2.4 On April 22, 2022, the Province released an intentions paper outlining the proposed regulations and is seeking feedback by June 21. A copy of the intentions paper is available at: [https://engage.gov.bc.ca/app/uploads/sites/752/2022/04/CleanBC\\_Single-Use-Plastics\\_Intentions-Paper.pdf](https://engage.gov.bc.ca/app/uploads/sites/752/2022/04/CleanBC_Single-Use-Plastics_Intentions-Paper.pdf)
- 2.5 The proposed provincial waste prevention regulation would use a phased approach to provide businesses in municipalities without existing single-use items bylaws time to transition. Items have been identified based on multiple factors, including their ability to be effectively recycled or composted throughout B.C., how long they are used for, impact on the environment, prevalence in the environment and the availability of acceptable alternatives. These provincial actions will complement the proposed Federal government single-use plastic bans. The provincewide regulation would apply to all persons, including businesses at the point of sale or distribution of items, and would include the sale of packs of multiple items.

Material	Regulatory Tool	Proposed Items
<i>To be phased out in 2023</i>		
Checkout/shopping bags	Plastic shopping bags: Ban	Plastic checkout bags include all plastic film, including compostable plastics.
	Paper shopping bags: Fee (min \$0.25)	Paper bags must include a minimum of 40% recycled content.
	Reusable shopping bags: Fee (min \$2.00)	Reusable bags must be designed and manufactured to be used and machine washed at least 100 times.
Disposable foodservice accessories	By request	All single-use straws, cutlery and stir sticks. Ketchup, soy sauce and other condiment sachets, napkins, cold cup lids, cup sleeves, food or beverage trays.
<i>To be phased out in 2024</i>		
Problematic plastic foodservice packaging	Ban	Containers, bowls, plates, trays, cartons, film wrap, and cups made from polystyrene foam, PVC or compostable plastic.
Oxo-degradable plastic	Ban	All packaging made from oxo-degradable plastic, including oxo-degradable bin liners, dog waste bags and clothing packaging.

- 2.6 The proposed Provincial regulations are intended to work alongside single-use items bylaws adopted by eighteen municipalities across B.C. The proposed regulations will supersede some municipal bylaws where they are more stringent, but municipal regulations that go beyond what the Province has planned will still remain enforceable. The City’s Single-Use Item Reduction Bylaw exceeds the Province’s proposed regulations by banning plastic utensils and straws (except for accessible plastic straws). Whereas the Province’s proposed regulations will require additional items to be made available by request only (e.g. condiments, napkins, stir sticks, cup lids and sleeves, and food or beverage trays), in addition to regulating bulk packages of all regulated items.

- 2.7 Attached to this report is the draft feedback prepared by staff in response to the Province’s proposals. If enacted, the proposed regulations would be of benefit to Chilliwack residents and the local environment by enhancing action on single-use items already taken by the City.
- 2.8 Despite the positive impact the Province’s proposed regulations will have on reducing waste and protecting the environment, the Ministry is proposing “shared enforcement authority” by both the ministry and local governments. “Where appropriate”, authority would be delegated to local governments to allow penalties to be administered at the provincial level as well as the local level. The draft feedback developed by staff expresses concerns over this approach. In addition to the downloading of Provincial responsibility to local governments, it may also lead to inconsistent enforcement between local governments, which may lessen regulatory consistency across the province.

**3. RECOMMENDATION & SUBSTANTIATION:**

Recommendation:

Recommendation that Council receive this report for information and direct staff to submit feedback on the Preventing Single-Use and Plastic Waste Intentions Paper to the Province as attached.

Substantiation:

Single-use items comprise a significant volume of litter and waste generated in Chilliwack and the City has acted on these items through its Single-Use Item Reduction Bylaw. Submitting feedback on the Province’s proposals to tackle this issue will ensure that Chilliwack’s concerns are voiced to the Ministry.



CITY OF  
**CHILLIWACK**

Ministry of Environment and Climate Change Strategy – Waste  
Prevention Regulation  
PO Box 9341 Stn Prov Govt  
Victoria BC V8W 9M1

June 21, 2022

File No:  
Environmental Services

**Re: Preventing Plastic and Single-Use Waste in B.C.**

The City of Chilliwack is supportive of the Province's investigation into better managing problematic single-use and plastic materials. Below is the City's feedback on the Province's proposals, as outlined in the written submission guidelines.

**1. Checkout Bags and By-Request**

- a. *The proposed regulation includes provincewide implementation of the same powers currently granted to municipalities under the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation (i.e., bans on single-use plastic checkout bags, fees on single-use paper and reusable bags, and utensils by-request). What should the Province consider as it looks to implement restrictions on bags and foodservice accessories across the entire province?*

The City strongly encourages the Provincial government to prioritize engagement with businesses and public education ahead of its implementation timelines. The City of Chilliwack's own experiences in implementing our Single-Use Item Reduction Bylaw have highlighted the importance of supporting businesses through the provision of information and toolkits. The City received positive feedback from businesses on the distribution of a detailed, yet easy to understand, FAQ document ahead of the implementation date of our bylaw.

Of equal significance is the importance of public education. When the public is uninformed, the business becomes the face of change and the burden of education falls to their staff. This can create conflict between the public and the staff of the business, which is an unfair responsibility to place on businesses. The Province should use all tools at its disposal to ensure that the public is informed of the changes ahead of implementation.

**2. Problematic plastic food packaging**

- a. *The proposed regulation includes a provincewide ban on containers and certain food packaging made from problematic plastics (i.e., polystyrene foam, PVC, compostable plastics) and on all oxo-degradable packaging. Do you have any concerns regarding the*

*types of plastic that would be regulated? Are there any other types of plastic the Province should consider?*

The City of Chilliwack is supportive of the Provincial government banning the distribution of these types of plastics and would recommend that the ban be extended to include other problematic items made from these materials, such as compostable plastic utensils. Furthermore, the City recommends that the Province investigate the regulation of plastic packaging materials that are currently not recyclable. These include the "Other Flexible Plastic Packaging" category, which is being transformed into a refuse derived fuel source. Air quality is of paramount importance to residents of the Fraser Valley, which is a confined airshed. The City is concerned that efforts to divert these materials from landfilling may result in decreased air quality for its residents.

- b. The proposed regulation includes takeout containers, polystyrene foam and PVC meat and deli trays, and other containers used to package food in the province. Do you have any concerns regarding the types of food packaging that would be regulated?*

The City of Chilliwack is supportive of the Provincial government's proposed regulation of these items.

- c. Food packaging made from compostable plastics would also be banned under the proposed regulation. Do you have comments specific to the regulation of compostable plastics?*

The City of Chilliwack is supportive of the Provincial government banning food packaging made from compostable plastics. As mentioned above, the City recommends that the ban be extended to include other problematic items made from these materials, such as compostable plastic utensils. Items made from compostable plastics are a significant source of contamination in the City's recycling and compostable waste programs.

- d. Are there any other problematic plastics that should be addressed through provincial regulation?*

The City recommends that the Province investigate the regulation of other problematic plastic items used in non-food sectors, including plastic items that are technically recyclable but not currently included in EPR programs. For example, items such as agricultural plastics, non-electronic toys and child seats have limited recycling options and therefore end up being discarded as waste to landfill.

### 3. Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation

- a. *The intentions paper identifies further opportunities for municipalities to be empowered to regulate single-use and plastic items under the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation. Is your municipality likely to use this existing regulation to take (further) action on single-use or plastic items?*

The City of Chilliwack has already made use of the existing regulations in the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* to adopt its Single-Use Item Reduction Bylaw, which in some cases exceeds the proposed provincial regulations (e.g. banning the distribution of plastic straws and utensils). The intentions paper indicates that the Province will provide guidance on the provincial approval process, as well direction in order to ensure provincial consistency, should a municipality choose to regulate additional items, such as beverage cups. The City of Chilliwack had previously expressed a desire to regulate beverage cups when developing its bylaw, but at the time was informed that such a bylaw would not receive provincial approval. The City is keen to see the Province provide guidance and consistent regulatory language around the regulation of beverage cups and requirements for reusables during on-site dining, and may use this guidance to take further action on these items.

- b. *What other materials or items are causing waste challenges in your community? Does your community have a plan to address these challenges?*

As in other municipalities, the list of materials or items causing waste challenges is extensive. These include common items that are illegally dumped, such as furniture, mattresses, household hazardous waste, drywall, and construction waste. Other problematic materials include items made from plastic, metal, or paper that are intended to be used once or over a short duration but can persist in the environment for an extended period of time.

The City uses the tools at its disposal to manage these items, including public education, punitive bylaws, low disposal fees and public drop-off events. However, provincial and/or federal regulation would better manage the end of life disposal and recycling of these items. Expanded EPR programs for problematic items would reduce the financial and spatial barriers that predispose some individuals to illegal dumping, or the waste of resources that comes from landfilling, while shifting the burden of management off of municipalities and onto industry and the users of these items.

#### 4. Future actions

- a. *Where does your community/local government see a need for further action on single-use and plastic waste?*

Thus far, regulations, or proposed regulations, at the local, provincial, and federal levels have primarily focused on single-use items and plastic waste generated through the food service sector. While this is a significant source of problematic items, there are other sectors that produce or provide items of limited use that are a frequent source of litter, or are landfilled rather than recycled. Future actions could include investigations into additional items that would benefit from regulation, or providing municipalities with the powers to enact broader regulations beyond those items prescribed by the Province.

- b. *What actions are needed from the Provincial government to support reuse/refill and/or recycled content to replace single-use items, and prevent single-use and plastic waste?*

Supportive actions should look at the processes around the use of reusable/refillable cups and containers and work with health authorities and businesses to ensure that no single-use items are being used at any point during the procedure (e.g. using a single-use coffee cup to make a drink before pouring it into a customer's reusable mug). Restaurants could also use additional guidance to facilitate accepting a customer's reusable food containers while remaining compliant with health regulations.

- c. *What types of education or promotional material would be most useful in your community regarding the proposed regulations and/or moving to reusable and/or refillable options?*

In implementing the City's Single-Use Item Reduction Bylaw, we have found that when residents voiced complaints over the bylaw, they were more receptive and understanding of the changes when presented with the reasons behind them. This includes an explanation of the lifecycle and climate impacts of the particular item. Educational/promotional material from the Province should target all media types, in multiple languages, to ensure the widest reach.

#### 5. Compliance and measuring impact

- a. *Now, and under the proposed expansion of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, municipalities with single-use bylaws would be able to lead compliance, as necessary. How can/could the Province best support these activities?*

The City is concerned that such an approach will lead to inconsistencies in enforcement between municipalities. Resources, as well as the political appetite, for enforcement actions



may vary between municipalities and the benefits of having these items regulated at a provincial level may not be realized unless enforcement is consistent. The Province should be prepared to enforce its proposed regulations rather than download this responsibility onto local governments.

- b. *What reporting requirements should be considered for measuring the impact of the regulation?*

The City chose not to require the reporting of single-use data from businesses when developing its bylaw due to the administrative burden this places on businesses, as well as the staff resources required to ensure compliance with such a requirement and to assemble and analyze the data. Instead, the City is incorporating regulated single-use items into waste audits as a means of tracking their prevalence in the community. The City recommends that any reporting requirements enacted by the Province be administered and compiled by the Province.

If you have any questions regarding the City of Chilliwack's feedback, please contact the undersigned at 604.793.2701 or [tfriesen@chilliwack.com](mailto:tfriesen@chilliwack.com).

Sincerely,



Tara Friesen, P.Eng.  
Manager of Environmental Services