



City of Richmond

Report to Committee

To: General Purposes Committee
From: Tom Stewart, ASCT.
Director, Public Works Operations
Date: May 12, 2019
File: 10-6370-01/2019-Vol
01
Re: Single-Use Plastic Items – City of Vancouver Proposals

Staff Recommendation

That the staff report dated May 12, 2019 titled, “Single-Use Plastic Items – City of Vancouver Proposals” from the Director, Public Works Operations, be received for information.

Tom Stewart, ASCT.
Director, Public Works Operations
(604-233-3301)

Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Recreation Services	<input checked="" type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

This report responds to a referral to staff at the April 15, 2019 General Purposes Committee meeting where the staff report, “Single-Use Plastic Items – Proposed Consultation” was considered. The referral is as follows:

That the matter be referred back to staff to outline suggested options for potential changes similar to those found in the City of Vancouver’s bylaw regarding single-use plastics items such as bags, straws, and polystyrene food containers including exceptions, timeline, education, enforcement and consultation and report back to staff at the next General Purposes Committee meeting.

Analysis

Background

The scope of this report relates to single-use plastics, including:

- a. Plastic shopping bags
- b. Polystyrene foam cups and foam take-out containers
- c. Disposable hot and cold drink cups
- d. Take-out food containers
- e. Straws
- f. Single-use utensils

The Canadian Council of Ministers of the Environment notes other single-use plastics can also include items such as cigarettes, razors and beverage containers. In the broader context of waste reduction, single-use items can include the above-listed items made of other materials, including paper.

Producer Responsibility as it Relates to Single-Use Plastics

Disposable packaging from the residential sector is currently regulated through Extended Producer Responsibility programs. Recycle BC administers the Packaging and Paper Product Extended Producer Responsibility Plan on behalf of industry. Of the items listed above, all except straws and single-use utensils are captured through Recycle BC’s program.

As a contractor to Recycle BC, the City accepts plastic shopping bags, polystyrene foam cups and foam take-out containers, disposable hot and cold drink cups, and take-out food containers in its recycling programs. Many of these items are accepted in curbside or multi-family blue box/blue cart programs, whereas others are designated for drop off at the City’s Recycling Depot. While Recycle BC’s program is limited to materials generated from the residential sector, the City will accept these items at the City Recycling Depot (in reasonable quantities) from businesses.

Referral Discussion

In addition to the referral, there was additional discussion at the April 15, 2019 General Purposes Committee meeting relating to health considerations for some items requiring liaison with Vancouver Coastal Health. Staff were also asked to consider the City's practices at City events relating to single-use plastics.

Vancouver Coastal Health (Environmental Health)

Vancouver Coastal Health (Environmental Health) has indicated they support waste reduction initiatives in general, with their principal focus relating to food safety under the B.C. Food Premises Regulation. Vancouver Coastal Health's concern would be for food safety in reusable containers brought by residents to food operators/establishments or any reusable containers provided by the food operator. Food operators are responsible, under their food safety and sanitation plans, to ensure that containers used to hold food are cleaned and sanitized. Further, they must ensure there is no opportunity for reverse contamination from the handling process when placing food into a reusable container. In relation to reusable straws, Vancouver Coastal Health's concern would be that these are difficult to clean to ensure food safety.

Vancouver Coastal Health maintains that the responsibility for food safety lies solely with the operator/establishment and that any procedures relating to this issue are reflected in the operator's sanitation and food safety plans which are reviewed and approved by Vancouver Coastal Health inspectors. These plans require that all food containers and related items be cleaned and sanitized. Vancouver Coastal Health staff have advised that they have only just begun development of an internal guidance document to support their review of the issue of reusable food safety containers/items. City staff understand that it will not be prepared for some time even for their internal use and nothing on this is available to other agencies or the public at this time.

The above reflects comments received from the Environmental Health section of Vancouver Coastal Health. It does not reflect comments or input from the Health Care section of Vancouver Coastal Health.

City Practices at City Events

On June 13, 2016, Council approved the "Sustainable Food Service Quick Guide". This document was endorsed as a tool to promote the use of sustainable food service items in City facilities and on City-owned land. In approving the guide, Council also directed staff to examine options for incremental restrictions on the use of plastic and foam materials and report back. Community Services staff are currently reviewing this matter and will report to Council separately on this referral in Spring of 2019.

Other Agencies – Related Actions

The issue of marine plastic pollution has garnered significant public attention, prompting action and commitments from various organizations, as discussed in the initial staff report. Two cities where action has been taken or is contemplated are reviewed in this report for Council's consideration – the cities of Vancouver and Victoria.

City of Vancouver – Single-Use:

The City of Vancouver commenced an initial review of single-use items in February, 2016 and has undertaken three phases of public consultation on the matter (reference Attachment 1). The initial target dates for regulatory actions in Vancouver, as outlined in the Richmond staff report titled “Single-Use Plastic Items – Proposed Consultation”, are now being delayed based on consultation feedback from industry. This is due to the complexity of issues raised during consultation necessitating further review, and business stakeholder feedback that the most meaningful support Vancouver can provide is enough time for businesses to find convenient, affordable and accessible alternatives. A lead time of 18-22 months was indicated by the Retail Council of Canada for businesses to effectively comply with the bylaw and adapt to the change.

The City of Vancouver aims to ban foam cups and foam take-out containers effective January 1, 2020. This will be followed by a ban on unnecessary use of plastic straws effective April, 2020. Options for plastic and paper shopping bags, disposable cups and utensils will be reported back to Vancouver Council no later than November 30, 2019. Vancouver Council directed their staff to report back on new options for a plastic bag ban that considers Victoria’s plastic bag ban, and the growing interest among neighbouring municipalities to collaborate on a plastic bag ban. Table 1 summarizes the City of Vancouver’s upcoming bylaw amendments:

Table 1: City of Vancouver: Summary of Upcoming Bylaw Requirements

Single-Use Item	Vancouver Bylaw requirement	Date of Vancouver Council Consideration	Vancouver Bylaw Effective Date	Enforcement
Foam Cups	Ban – applicable to business license holders	April 29, 2019	January 1, 2020	<ul style="list-style-type: none"> • Education/outreach • Warning letters • Issuing tickets that could result in fines - \$250.00 • Referral to prosecution for non-compliant operators
Foam Take-out Containers	Exemptions – temporary for charitable food providers until January 1, 2020			
Plastic Straws	Ban – phased in approach to the unnecessary use of plastic straws, while requiring bendable plastic straws to be available upon request for accessibility	November, 2019	April, 2020	
Plastic and Paper Shopping Bags	Further details on the bylaw requirements for these items will be presented to Council no later than November 30, 2019			
Disposable Cups Utensils				

Additional actions noted by the City of Vancouver to support the transition of banning single-use polystyrene foam cups and take-out containers include educating the general public of the bylaw and effective dates, providing information on alternative materials and how to recycle, compost or otherwise dispose of these items, and awareness materials that can be used in-store to inform customers of the City’s bylaw.

Key issues of note from the City of Vancouver's consultation and findings into this issue are noted below:

- Single-use reduction is a complex undertaking that affects all food related businesses. Completing a fulsome engagement program that allows those affected to provide their comments and feedback, and to work with them on requirements, timing and alternatives is essential to achieving sustainable success. Due to a culturally diverse food service sector, engagement in alternative languages is necessary to ensure an inclusive process.
- The significant concerns around marine plastics go beyond single-use items to cover all types of material that are littered and disposed.
- Support from the City is needed to help the business community transition through facilitating information sharing between businesses and providing communication and education materials around alternatives.
- The challenges with single-use items extend beyond municipal jurisdiction. Consistent policy at the broadest geographic scale is needed. The City of Vancouver is urging provincial action to create a Provincial Single-Use Item Reduction Strategy that aligns with federal goals for reduction of plastic waste.
- The foam cup and foam take-out container ban concept for Vancouver is generally supported by stakeholders; however, affected businesses strongly indicated they need enough time to transition after enacting the bylaw (18 – 22 months). There are higher costs associated with transitioning away from foam cups and foam take-out containers. Vancouver staff intend to provide charitable food providers, hospitals and care facilities in Vancouver with an exemption of one year, with the exemption being repealed for charitable food providers on January 1, 2021 to respond to these concerns. This exemption was extended to include charitable food providers as the nature of the community service does not allow them to recover the cost of more expensive alternatives from clients. The one year exemption allows time for more affordable alternatives to become available.
- A study undertaken on the state of composting single-use plastic items was undertaken in Vancouver. The results indicate there is significant concern from commercial compost facilities relating to what is and is not compostable. Currently, any plastic bags, cups, take-out containers and utensils marked as biodegradable or compostable are considered contaminants in composting programs. Compostable plastics do not break down quickly enough in the composting process and it is too difficult to tell compostable plastics from non-compostable plastics. Richmond staff note that compostable plastics are not a permitted material under the provincial Organic Matter Recycling Regulation. A provincial approach to the issue of compostable plastics that addresses scientific and regulatory requirements will be important in the future and the City of Vancouver will pursue resolutions for provincial action via the 2019 UBCM convention. Richmond staff suggest this review also include non-plastic compostable single-use items as significant quantities of these items could also impact commercial compost facilities.

- Additional consultation on plastic straws is needed to work with individuals with accessibility challenges who rely on straws. In response, Vancouver staff are recommending that regulations that would require businesses to provide a bendable plastic straw when requested for accessibility, but otherwise prohibit businesses from giving out plastic straws, including compostable plastic straws. Vancouver is also engaging with bubble tea, smoothies and to-go drink businesses with a view to allowing time for industry to develop appropriate substitutes. This could include a phased approach, to allow business the opportunity to identify appropriate alternatives.
- Other proposed bylaw amendments for single-use involve complex issues, requiring additional consultation. Questions relating to supply chains, appropriate substitutes, support for small businesses, affordability and the need for consumer education to prepare for the changes is needed.

Potential Richmond Actions Modelled on the Vancouver Approach:

Should Council wish to mirror the actions being taken by the City of Vancouver to create consistency for residents and businesses between Richmond and Vancouver, staff recommend that the following resolutions be considered:

1. That:
 - a. Staff be directed to bring forward appropriate bylaw amendments to the Business Regulation Bylaw No. 7360 to ban foam cups and foam take-out containers effective January 1, 2020, with exceptions provided for charitable organizations, hospital/care facilities and food brought from other locations.
 - b. Staff be directed to bring forward appropriate bylaw amendments to the Municipal Ticket Information Bylaw No. 7321 to incorporate a ticketing provision for those businesses who violate Business Regulation Bylaw 7360 as amended per item a., above, effective January 1, 2020.
 - c. Staff be directed to bring forward appropriate bylaw amendments to the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 to incorporate a fine of \$250 for each instance where a business violates Business Regulation Bylaw 7360 as amended per item a., above, effective January 1, 2020.
2. That funding in the amount of \$300,000 be approved to support implementation of a foam cups and foam take-out containers ban as outlined in Attachment 2, with funding from the Sanitation and Recycling provision.
3. That funding for ongoing support, education and bylaw enforcement be included for Council's consideration in the 2020 and future Sanitation and Recycling utility budget and rates.
4. That staff bring forward two resolutions for the 2019 Union of British Columbia Municipalities convention requesting the provincial government's support to address single-use items by:

- a. Adopting a comprehensive provincial single-use item reduction strategy, and
 - b. Developing provincial standards for compostable single-use items ensuring they are designed to fully biodegrade if littered in the natural environment, that any standards and certifications for compostability are aligned with provincial composting infrastructure, and that compostable single-use items are collected and managed through an extended producer responsibility program that covers the residential and commercial sectors as well as materials from the public realm.
5. That the Mayor write the Chair of the Greater Vancouver Sewerage and Drainage District Board and the Ministry of Environment and Climate Change Strategy to develop a provincial single-use item reduction strategy.
 6. That staff monitor the City of Vancouver's actions relating to plastic straws and other single-use items and bring forward similar bylaw amendments at times which correspond with actions by the City of Vancouver.

An implementation summary which identifies key actions, exceptions, timelines, education/consultation and enforcement is contained in Attachment 2.

City of Victoria – Single-Use Checkout Bags:

The City of Victoria started their review of single-use checkout bags in May, 2016 and undertook two phases of engagement, leading to a phased ban starting July 1, 2018 and a full ban effective January 1, 2019 (reference Attachment 1). Details of Victoria's program are outlined below.

The Checkout Bag Regulation Bylaw applies to all businesses and restaurants in Victoria and intends to reduce plastic bag litter and waste in the community and landfill. The bylaw also regulates the distribution of alternative bags by charging a fee of \$0.15 for paper bags and \$1.00 for reusable bags. Staff note these fees are slated to increase to \$0.25 and \$2.00 respectively on July 1, 2019.

Table 2: City of Victoria: Summary of Checkout Bag Regulation Bylaw

Single-Use Item	Victoria Bylaw requirement	Victoria Bylaw effective date	Exemptions	Enforcement
Checkout Bags	Prohibit the sale or distribution of plastic bags Must ask if the customer needs a bag – provide a paper or reusable bag for \$0.15 or \$1 respectively No checkout bag is provided free of charge	July 1, 2018 (permitted use of existing plastic bag stock, no fine) January 1, 2019 (no plastic bags permitted, fines permitted)	Does not apply to Small Paper Bags or bags used to: <ul style="list-style-type: none"> • Package loose bulk items such as fruit, vegetables, nuts, grains, candy, small hardware items • Contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not • Wrap flowers or potted plants • Protect prepared foods or bakery goods that are not pre-packaged • Contain prescription drugs 	Emphasis on education and awareness – provided businesses with a “toolkit” of materials to bring awareness to their customers of the City bylaw Extended period to allow business to use stock of plastic bag without penalty until January 1, 2019

Single-Use Item	Victoria Bylaw requirement	Victoria Bylaw effective date	Exemptions	Enforcement
			<ul style="list-style-type: none"> from a pharmacy • Transport live fish • Protect linens, bedding or other similar large items that cannot easily fit in a reusable bag • Protect newspapers or other printed material intended to be left at the customer's residence or place of businesses, protect clothes after professional laundering or dry cleaning 	Use a three strike system: (1) Sustainability team member visits business in non-compliance – focus on education and awareness, (2) Bylaw officer to visit giving formal warning, (3) Bylaw officer tickets with fine of \$100 if found in non-compliance

Potential Richmond Actions Modelled on the Victoria Approach:

Should Council wish to regulate the distribution of checkout bags under its business regulation authority similar to that of the City of Victoria, staff could be directed to bring forward appropriate bylaw amendments to prohibit plastic checkout bags and regulate paper and reusable bags with incremental fees effective January 1, 2020 (with appropriate exemptions as listed in Table 2, above). A six month grace period to permit the use of existing plastic bag stock that was purchased by a business prior to the first reading of the bylaw should also be included.

An implementation plan similar to that outlined for foam cups and take-out containers (Attachment 2) would be required to prohibit plastic checkout bags.

Summary of Local Government Tools

There are various tools which can be considered either in isolation or in combination to support efforts to reduce single-use items and promote responsible environmental behaviours. The menu of options is summarized below:

1. Education:

To help increase general understanding of how residents and businesses can reduce the use of single-use items and gain community buy-in, focused efforts through outreach campaigns, community workshops, development of program materials and guides can be undertaken. This can include a focus on ways to limit the use of single-use items, provide helpful information on considerations for alternatives and incorporate renewed focus on anti-littering and anti-dumping campaigns. Examples include:

- a. Targeted behaviour change campaigns.
- b. Amplify existing education by working with non-profits and community groups.
- c. Best practices and business case development with business associations to develop and disseminate this information to the business community.

- d. Promotion to encourage reusable mugs, water bottles, etc. as well as reusable shopping bags and related actions.
- e. Pursue partnerships with local businesses and institutions to broaden awareness and develop showcase demonstration projects.
- f. Public art programs to bring awareness to the impacts of single-use plastic products in high profile locations.

2. *Regulation:*

There are a variety of methods that can be considered through regulation. Different options may be considered for different types of single-use items when considering issues of accessibility, health, safety or security. These are summarized below:

- a. Mandatory fees. Businesses can be required to charge fees for distribution of single-use items. The fee structure can fluctuate to promote the desired or preferred behaviour. Fees can be a good first phase of regulation or a complement to bans to avoid unintended consequences of businesses switching from one material to another.
- b. By request only. Businesses can be required to hand out single-use items to customers only if they ask for them. This can be a softer approach which respects accessibility and health issues. This could slow operations for businesses (taking more time to ask customers for their preferences).
- c. Mandatory discounts. As opposed to a disincentive through fees, businesses can be required to provide discounts to customers who, for example, bring their own drinking mugs or bags.
- d. Bans. Businesses can be required to not distribute specific single-use items.
- e. Require reuse/reduction targets. This approach allows businesses the flexibility to select their approach, giving them time to transition their staff and customers to adapt. Targets can be established that businesses must meet and report on. This could lead to innovative approaches, but could also be difficult to monitor from a performance perspective.

3. *Implement Reuse/Reduce Programs:* Cup and container sharing exchanges could be established, such as that used in Portland where the company 'GO Box' has eliminated the need for single-use disposables by providing a reusable take-out container service to 75+ food vendors in the city. With a monthly subscription (\$3.95/month or \$21.95/year), individuals may order a meal to go in a reusable container from any participating food vendor. Once finished, individuals return the dirty container to a designated drop-off location where the GO Box team will then collect and have them professionally cleaned, sanitized and redistributed to vendors.

Legislative Framework

The *Community Charter* provides broad powers to local governments to regulate in relation to business. Municipalities however are obliged to provide, to persons affected by proposed business regulations, notice and an opportunity to make representation on the regulations. The notice requirements permit Council to determine the form and manner of notice that Council considers reasonable. This opportunity to provide representations must be provided before adoption of the bylaw.

Retail Perspective

As highlighted in the City of Vancouver's consultation process, the issue of single-use plastics extends beyond municipal jurisdictions. Policy at the broadest geographic scale is needed, the mandate for which lies at provincial and federal government levels. While the City can undertake to regulate business, environmental protection policy actions require provincial and/or federal directives and/or endorsement.

The need for harmonization across jurisdictions is highlighted by the Retail Council of Canada (RCC) in their May 1, 2019 letter to Premier Horgan, contained in Attachment 3. RCC's letter provides a broader perspective of the complexities for business in adhering to varying regulations across jurisdictions, the challenges facing retailers in this landscape, action already being undertaken by retailers to reduce the distribution of single-use items, as well as recommendations for a province-wide action plan to achieve greater environmental outcomes.

Financial Impact

Funding for actions directed by Council can be accommodated in 2019 from the General Solid Waste and Recycling provision, requiring an amendment to the 5-Year Financial Plan (2019-2023). Funding requirements in 2020 and future years would be incorporated into the sanitation and recycling utility budgets and rates.

Conclusion

This report presents a summary of actions being undertaken by the cities of Vancouver and Victoria relating to single-use plastic items. A draft framework for the City of Richmond to follow a similar approach is also outlined. A summary of local government tools is also provided for Council's consideration.

The City of Richmond is able to regulate this matter under the provisions of the *Community Charter*, and is obliged to provide persons affected the opportunity to make representation on the regulations.

A key consideration in reviewing regulatory options to ban or restrict single-use plastics is the need to create consistency for business across multiple jurisdictions for a wider geographic impact. Undertaking fulsome engagement with the business community and providing adequate time to transition to new regulatory requirements is needed, as is educational support from the City. Ensuring sound information on alternatives which take into account life cycle impacts to

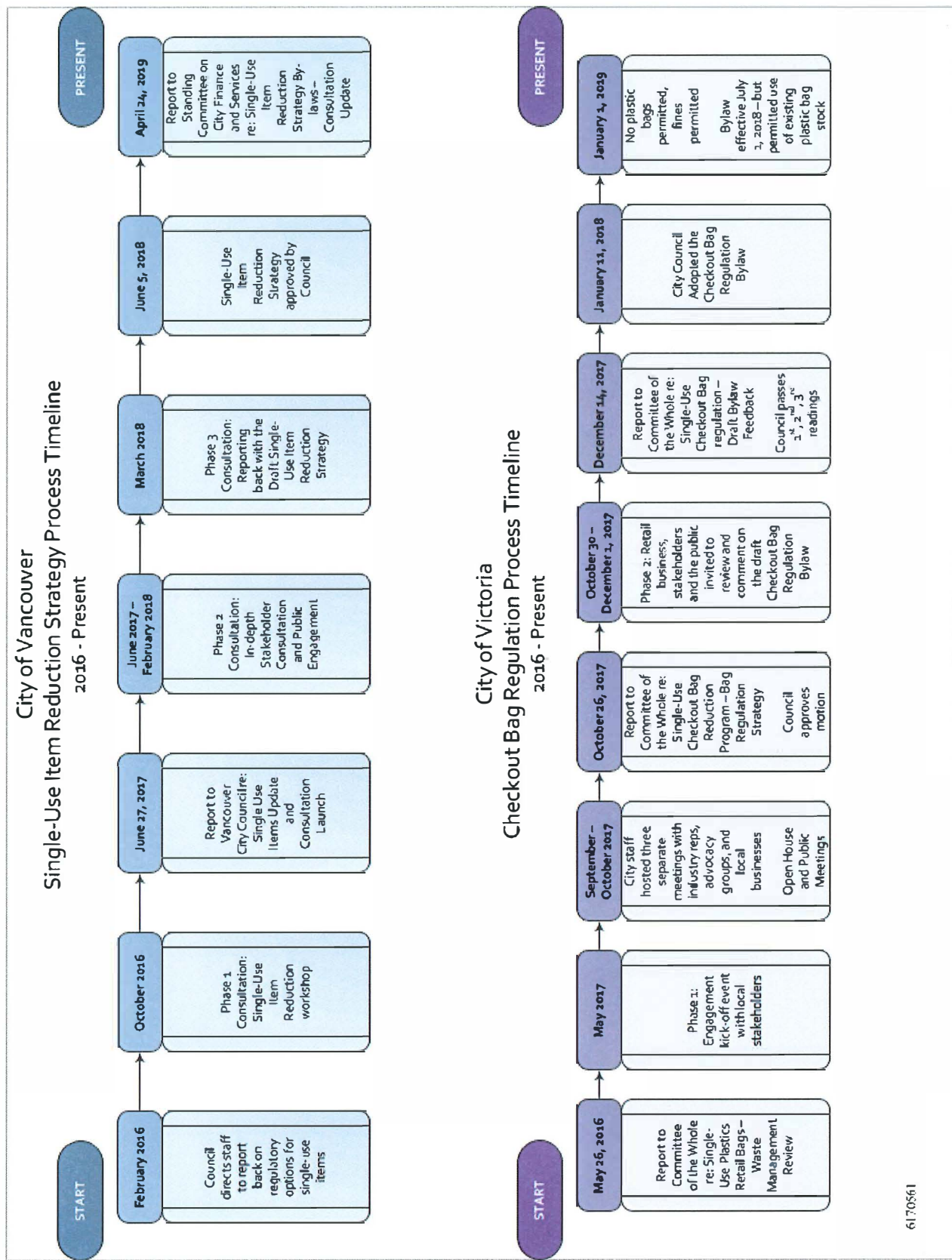
avoid unintended consequences is another consideration. Provincial and/or federal standards in this area would be beneficial for all stakeholders.



Suzanne Bycraft
Manager, Fleet and Environmental Programs
(604-233-3338)

SJB

- Att. 1: Summary of Regulatory Process Timelines (Vancouver and Victoria)
2: Projected Implementation Plan Measures and Costs
3: Retail Council of Canada May 1, 2019 letter to Premier John Horgan



City of Richmond: Projected Implementation Plan Measures and Costs
A. Foam Cups and Foam Take-Out Containers

		Timelines	2019 Implementation Cost
1.	Bylaw Development		
	<ul style="list-style-type: none"> a) Amend <i>Business License Bylaw No. 7360</i> to include a ban on food vendors from providing prepared food in any food service ware that contains polystyrene foam. b) Amend <i>Municipal Ticket Information Authorization Bylaw No. 7321</i> to add ticketing provisions for foam cups and foam take-out containers. c) Amend <i>Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122</i> to incorporate fines. <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> d) Hospital or licensed community care facility e) Charitable society or organization f) Prepared food containers that have been filled and sealed outside of the City 	<p>Amended bylaws to July 22, 2019 Council meeting for approval.</p> <p>Effective date for bylaw January 1, 2020.</p> <p><i>Exemption repealed for charitable organizations January 1, 2021.</i></p>	
2.	Resource Toolkit		\$85,000
	<ul style="list-style-type: none"> a) Engage a technical expert to support development of an alternative/suitable materials options guide in English, Mandarin and Cantonese languages b) Develop a bylaw awareness toolkit for businesses with printed materials to be used in-store to inform employees and customers about the City bylaw changes c) Plain language descriptions of the bylaw requirements and effective dates d) Frequently Asked Questions for business employees to answer public questions in-store e) Roll out toolkit with affected businesses 	<p>Commence development on Council approval.</p> <p>Deliver/provide information through effective date of bylaw and beyond, as required.</p>	
3.	Education		\$125,000
	<p>Engage consulting support to assist with development and delivery of an outreach program and related materials to raise awareness about new requirements and the need to reduce single-use plastics:</p> <p><u>Phase 1: Business</u></p> <ul style="list-style-type: none"> a) Workshops and communication through the Chamber of Commerce and other business associations, including non-English speaking business owners b) Direct mail to affected businesses c) Bill insert with business license renewal/tax notice to affected businesses d) Bylaw Bulletin (English, Mandarin and Cantonese languages) e) Guide outlining alternative materials and answers to frequently asked questions <p><u>Phase 2: General Public</u> (English, Mandarin and Cantonese languages)</p> <ul style="list-style-type: none"> f) News Release g) Media Event h) Social Media i) Website j) Designated email and hotline k) Information display highlighting alternative materials – use at events and in City facilities l) Bill insert in utility notice 	<p>Commence upon Council approval.</p> <p>Deliver through effective date of bylaw and on-going in 2020.</p> <p>Deliver through effective date of bylaw and on-going in 2020.</p>	

		Timelines		2019 Implementation Cost
4. Enforcement				
Define an enforcement/tracking process with City Bylaws Department. It is estimated that an additional resource/officer position would be required for first year (approximately \$100,000) with on-going enforcement costs evaluated for future funding requirements. General enforcement approach is outlined below: a) Distribute warning letter to food vendor found in non-compliance b) If food vendor remains in non-compliance - issue a fine of \$250.00 under the bylaw c) Referral to prosecution for non-compliant food vendors		January 1, 2020 <i>Exemption repealed for charitable organizations January 1, 2021.</i>		Cost to be included in 2020 budget allocations.
5. Advocacy				
Write to the Chair of the Greater Vancouver Sewer and Drainage District Board and the Ministry of Environment and Climate Change Strategy requesting support for the development of a Provincial Single-Use Item Reduction Strategy.	Undertaken upon Council approval of approach.	UBCM Resolution: September 23 – 27, 2019		
6. Administration				\$90,000
a) Dedicated coordination b) Outreach support: i.e. call representative				
Total 2019 Estimated Cost (on-going costs to be identified in 2020 and subsequent budgets)				\$300,000



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1 May 2019

Premier John Horgan
PO Box 9041, Stn Prov Govt
Victoria, B.C. V8W 9E1

By electronic mail to: premier@gov.bc.ca

Dear Premier Horgan,

Subject: Harmonized province-wide action on single-use item reduction

Retail is Canada's largest private sector employer with over 2.1 million Canadians working in our industry. The sector annually generates over \$76 billion in wages and employee benefits. Core retail sales (excluding vehicles and gasoline) were \$375 billion in 2018. Retail Council of Canada (RCC) members represent more than two-thirds of core retail sales in the country. RCC is a not-for-profit industry-funded association that represents small, medium and large retail businesses in every community across the country. As the Voice of Retail™ in Canada, we proudly represent more than 45,000 storefronts in all retail formats, including department, grocery, specialty, discount, independent retailers and online merchants.

RCC is writing to encourage the Government of British Columbia to undertake province-wide harmonized action with respect to the reduction of plastic single-use items. Provincial action is critical to provide: (a) improved environmental outcomes, (b) lower operational and cost impacts for business, and, (c) lower cost impacts for consumers.

We are cognizant that this is a matter currently under discussion with the Federal government and other provinces, including through the Canadian Council of Ministers of the Environment. Prince Edward Island has already instituted harmonized action on plastic check-out bags; the Government of Newfoundland and Labrador has indicated that they intend to take similar action; and, New Brunswick's Minister of Environment has indicated that he is open to harmonized action.

In every Canadian province, retail is one of the most competitive sectors of the economy. Retailers are in constant competition for customers. Even in small towns, retail competition is no longer limited to the brick-and-mortar retailer, as competition now includes online retailers from the United States and overseas. In such a competitive environment, customer demands have increased, profit margins have decreased, and customer service is more important than ever. It is critical that any action taken by the Province not unintentionally tilt the balance to retailers from outside the Province.

On March 13, 2019, Metro Vancouver wrote the Province to encourage harmonized action on single-use items. Metro Vancouver argues that "a provincial single-use item reduction strategy is essential to reducing the volume of plastic entering the waste stream in the Province of B.C." RCC concurs with Metro Vancouver.

Retail is urging British Columbia to act expeditiously because harmonized action is greatly preferable to hundreds of municipalities taking a myriad of different approaches to solutions. A harmonized

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approach will provide better environmental outcomes, have lower operational impacts on business, and will be less costly to consumers.

The existing situation, where one local government has already passed a bylaw, at least 28 other local governments have discussed enacting bylaws, and virtually all B.C. municipalities have had a discussion on this subject, is creating a landscape where operating a retail business in British Columbia is becoming overly complex.

Retail Action To Date

RCC members have already taken significant actions to reduce the distribution of single-use items. Ours is a very competitive industry and we are reliant upon Government to maintain a level playing-field. A situation where a store on one side of a major arterial road is subject to one set of rules, and their competitor on the other side of the street is not, is inherently uneven.

1. Retail has already, on a widespread basis, instituted fees for checkout bags. These bag fees have an immediate impact on reduction of bag distribution. However, imposition of the fees has reduced the service we are providing to our customers, and impacted affordability for those consumers of limited means, and, those with disabilities.
2. Retail, working with manufacturers, built and funded a blue box system that collects packaging and paper products. Unfortunately, it is less practical to collect soft plastic and small single-use plastics through the blue box and therefore the system is reliant upon depots and return-to-retail to collect many single-use plastics.
3. Retail is a member of the non-profit corporation that operates Encorp Pacific. Encorp is one of the world's most successful used beverage container recovery programs and is the "gold standard" for British Columbia's extended producer responsibility programs.
4. Retail actively participates in 26 different product stewardship programs in British Columbia – the most extensive producer responsibility regime in North America. B.C.'s stewardship programs, in aggregate, already cost British Columbian consumers more than \$500 million annually.
5. For many decades, individual retail stores have voluntarily accepted the return of packaging and products and ensured that end-of-first-life material was managed appropriately.

Recommendations

Civil society continues to press for action to reduce the proliferation of plastic single-use items. The City of Vancouver has undertaken a significant effort and produced very worthwhile recommendations on how to proceed. That work can form the basis of solutions province-wide.

From our experience in jurisdictions with bag bans, mandatory bag fees and other bylaw parameters, we have some relevant learnings for a province-wide action plan:

1. Phased approach: The retail industry's preference would be to start with a two-year mandatory minimum single-use plastic bag fee prior to the introduction of a ban to move consumers along the path to meaningful reduction. If this is not an option Government is willing to consider, only a mandatory single-use plastic bag ban will produce the result that communities demand.
2. Simple fee structures: if the government does choose to institute fees for plastic single-use items, we note that each of these fees will require reprogramming point-of-sale equipment to charge that fee, or staff training to charge those fees. This reprogramming and training is particularly more onerous and unaffordable for small business. Accordingly, we favour one standard flat fee over various plastic single-use items that remains constant – to simplify the operational impacts for small business.
3. Retailers do not support single-use item fees remitted to the Government due to the significant administrative and cost burdens. Moreover, this could have an unintended impact of reducing the retailers' interest in providing the best environmental outcome in favour of the lowest cost.
4. A standardized list of exemptions will simplify consumer-citizens' understanding of the system, and greatly simplify the impacts on retail operations. Common exemptions include plastic bags used to:
 - package or contain loose bulk items such as fruit, vegetables, nuts, grains, or candy
 - package or contain loose small hardware items such as nails, screws, nut and bolts
 - package or contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not
 - wrap flowers or potted plants
 - protect prepared foods or bakery goods that are not pre-packaged
 - contain prescription drugs and over-the-counter medications
 - transport live fish
 - protect household linens such as draperies, bedding, and other similar items that cannot easily fit in a reusable bag
 - protect fragile and breakable items such as glassware, ceramics, ornaments and lighting products
 - protect newspapers or other printed material intended to be left at the customer's residence or place of business
 - protect clothes after professional laundering or dry cleaning
 - protect tires that cannot easily fit in a reusable bag
5. Standardized definitions of plastic and reusable bags will also simplify consumer-citizens' understanding of the system and greatly simplify the impacts upon retail operations. The most common definitions of these are:

"single-use plastic bag" means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable plastic bag;

"reusable plastic bag" means a bag with handles that is

- (i) intended to be used for transporting items purchased or received by the customer from a business, and
- (ii) designed and manufactured to be capable of at least 100 uses.

6. Environmental impact must be considered. While we recommend that there be a minimum cost for reusable plastic bags, we note that there is a significant difference between the environmental impact of several bag types. We prefer that the creation of environmentally-benign reusable bags be encouraged.

One municipality initially included language mandating that reusable bags be machine-washable – which would have excluded jute bags. Other municipalities considered mandating cloth bags, although polyester textiles may contribute a significant volume of micro-plastic to our natural environment. Cotton production not only uses significant water resources, but traceability becomes critical to avoid purchase from jurisdictions with poor labour practices.

7. It is critical that any law be written in a manner that is respectful of both those with disabilities, and, those of limited income. (We need to identify ways of answering the needs of those with disabilities and those without stable homes. One unintended consequence of a ban is that people on crutches or using medical devices find it hard to use a paper bag versus a plastic bag with handles. Another is that people living on the street prefer plastic over paper because plastic helps keep belongings dry.)
8. Affordability and outcomes must be considered together. The majority of plastic bags distributed by retailers are reused by consumer-citizens for disposing household trash. These are replaced by consumers through the purchase of packages of plastic bags designed for household trash. This has a significant negative impact upon low-income households (and does not provide any meaningful environmental benefit). The province and local government must prioritize actions to reduce consumer demand of plastic bags used to store and transport household trash.
9. We advocate for language which is flexible enough to permit a retailer to waive any fee for the paper bags (and other paper-fibre single-use items) that will inevitably replace a portion of those plastic bags (and other plastic single-use items) to provide business with the discretion to not charge the disabled, seniors or low-income members of their communities. The fine provisions also can limit a retailers' ability to appropriately compete in the retail marketplace – for example, offering branded reusable bags for Earth Day.
10. Great care must be taken when drafting compliance provisions. Several existing bylaw compliance proposals provide for fines to retail workers who fail to comply with the bylaw. In some cases, the cause of non-compliance may be for a bona fide customer service cause – for example, to replace a low-income consumer's reusable bag

RCC accepts that in the present day there are two outcomes that will replace single-use items – reusable products that may also be made of plastic, and paper products. We are dissatisfied with these outcomes. For example, paper bags are significantly heavier. Their manufacture and transport produce significantly more greenhouse gases. Reusable plastic products are most often comprised of more plastic fibre than single-use items. Only a significant number of reuses of reusable plastic products produces a better environmental outcome.

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Accordingly, we urge Government to promote innovation in packaging and product design and caution Government not to inadvertently promote a path that leads to lesser environmental outcomes.

RCC and our members welcome discussions with your Government on the issue of single-use plastic items as we continue those discussions with other Provinces. Thank you for taking the views of British Columbia's retail sector into consideration on this issue. Should you have any questions, concerns or comments regarding this letter, please feel free to contact me.

Yours truly,



Greg Wilson
Director of Government Relations (B.C.)

Copy: Hon. George Heyman, MLA, Minister of Environment and Climate Change Strategy
Andrew Wilkinson, MLA, Leader of the Official Opposition
Members of the Legislative Assembly
Metro Vancouver Regional District
Local governments considering plastic ban bylaws
Retail Council of Canada members operating stores, and employing people, in B.C.