

To: CAO for the Regional and Corporate Services Committee

Date: 2019-09-10

From: Jamie Benton, Environmental Services Coordinator

File No: 5365-28-001

Subject: Consultation for the Province of BC's Plastics Action Plan

RECOMMENDATION

THAT the Fraser Valley Regional District Board provide a submission to the BC Ministry of Environment and Climate Change Strategy regarding their Plastics Action Plan consultation paper.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Support Healthy & Sustainable Community
Foster a Strong & Diverse Economy

PRIORITIES

Priority #1 Waste Management
Priority #2 Air & Water Quality

BACKGROUND

Less than 11 percent of Canada's plastic gets recycled and 8 million tonnes of plastic enter the world's rivers and ocean each year. Single-use plastics (e.g., paper bags, plastic cutlery, straws, etc.) are not a large part of the waste stream, but their disposability, their prevalence in the environment, and their wasteful nature makes them a cause for global concern. Plastics are everywhere and managing plastic waste is complex. This is especially the case in Canada where each level of government has a different authority to regulate plastic waste, adding to the challenge.

Federal

The federal government is responsible for ocean protection, international trade, international agreements, packaging labelling, international trade and shipping, and establishing environmental benchmarks for provinces or industry to meet.

The Canadian Government is currently in the process of developing a Canada-wide Strategy and Action Plan on Zero Plastic Waste that includes the following efforts:

- Banning harmful single-use plastics as early as 2021;
- Working with industry to prevent and retrieve abandoned, lost, or discarded fishing gear known as ghost fishing gear – a major contributor to marine and river plastic debris;
- Mobilizing international support to address plastic pollution;
- Reducing plastic microbeads in freshwater and marine ecosystems;
- Research into chemical properties of plastics and alternatives.

Implementation of this Plan remains unclear at this time since it does not yet identify how it will be implemented or what types of single use plastics may be considered. The Plan could be altered or discarded altogether if there is a change in government as a result of the upcoming federal election.

Provincial

Under the *Recycling Regulations* of the *BC Environmental Management Act*, the Province of BC has significant jurisdiction with respect to waste management, discharge, hazardous and industrial waste, promotion of recycling programs, and establishing stewardship programs to manage certain products. Extended Producer Responsibility (EPR) is an environmental policy approach in which it is the producers' responsibility for reducing environmental impact and for ensuring their products are properly managed across the whole life cycle of the product, from selection of materials and design to its end-of-life. The Recycle BC stewardship program for residential packaging and paper products currently manages a large percentage of the residential plastic packaging in BC.

From the perspective of regulatory authority, Provincial governments are well equipped to impose bans on single-use plastics that end up in its environment and in the waste stream. While they have not yet taken action in this regard, the Province of BC is in the process of seeking consultation on possible approaches to take, which is commented on further in the Discussion section.

Local Governments

Due to a lack of provincial or federal direction provided thus far on this matter, more than 23 municipalities throughout BC have proposed or enacted their own bylaws banning or restricting the use of single-use plastics within their communities. The City of Victoria was the first, by enacting the *Checkout Bag Regulation Bylaw* in 2018 preventing businesses from providing plastic bags to customers. Several other local governments followed, introducing bylaws of their own.

The City of Chilliwack and the Village of Harrison Hot Springs are both considering regulatory tools regarding single use plastics. The City of Chilliwack is currently in the process of selecting a consultant to lead a comprehensive public and stakeholder consultation to help choose the best mechanism for Chilliwack to reduce single-use plastics. The Village of Harrison Hot Springs is considering a bylaw aimed at commercial businesses that could potentially use business licences to regulate the sale or provision of single-use items.

The Victoria bylaw was struck down by the BC Court of Appeal on July 11, 2019. It was ruled that under the *Community Charter*, municipal bylaws designed to protect the environment, such as the proposed single use plastics bylaws, required approval by the Province, and since Provincial approval was not yet given, the bylaws were invalid. Since the ruling, numerous local governments have submitted their bylaws to the Province for approval, but no Provincial decisions have yet been made.

Regional districts in British Columbia do not have the authority to ban the use of single-use plastics either through the *Local Government Act* or the *Community Charter*. Under Section 25(3) of the *Environmental Management Act*, regional districts can potentially ban plastics from the waste stream but the bylaw would not stop the sale nor the use of plastics and would create a waste stream without a lawful means of disposal. Regional districts have a role with regards to potential actions on single use

plastics due to their Solid Waste Management Plans, in coordinating amongst member municipalities and industry groups, and in advocating to senior governments.

DISCUSSION

While actions taken at all levels of government are needed to adequately address the issues and challenges of single use plastics, and some progress has been made, the Province of BC has been relatively quiet and not actively involved thus far. The Province's new policy consultation paper on their Plastics Action Plan (attached) attempts to identify new policy options and to propose amendments that will improve existing provincial programs. They are currently seeking feedback on this Plan. The deadline for written submissions has been recently extended until September 30, 2019.

The Province is proposing actions in four connected areas to reduce plastic pollution:

1. *Bans on single-use packaging:* Determining which types of plastic packaging to phase out altogether, as well as any necessary exemptions, such as those for health, safety, and accessibility to keep products available for the people that need them.
2. *More recycling options:* Requiring producers to take responsibility for more plastic products, ensuring more single-use items like sandwich bags, straws and cutlery get recycled.
3. *Expanding plastic bottle and beverage container returns:* Expanding the deposit-refund system to cover all beverage containers – including milk and milk-substitutes – with a 10-cent refundable deposit to keep more containers out of landfills and waterways.
4. *Reducing plastics overall:* Supporting effective ways to prevent plastic waste in the first place and to ensure recycled plastic is re-used effectively.

The following points are suggested to include within an FVRD submission to the Province on their proposed Plastics Action Plan:

1. *Bans on Single-Use Packaging:*
 - Municipal bans on single-use plastics have helped encourage senior governments to take action, but a Province-wide ban would help ensure consistency and would have the greatest impact at reducing overall plastic usage. The Retail Council of Canada strongly supports senior government implementing a consistent ban with one set of rules for all of BC.
 - The potential impacts of a ban needs to be fully analysed and considered, specifically the potential unintended consequences of alternatives that could be used to replace banned materials.
2. *More Recycling Options:*
 - Any policy direction that would include the use of incineration of plastics, particularly within our airshed should not be supported.
 - Extended Producer Responsibility (EPR) programs should be expanded to ensure the recyclability of more plastic products, but input from industry and other stakeholders is needed to ensure decisions don't result in reduced competition and reduced markets for recycling. This

is particularly the case with the possible inclusion of Industrial, Commercial, and Institutional sector recycling into provincial EPR programs which would not be supported by many in the solid waste management industry.

3. *Expanding Plastic Bottle and Beverage Container Returns:*

- Expanding the deposit-refund system deserves greater analyses to determine whether a higher fee than the proposed 10-cents might provide greater return rates.
- Milk and milk substitute beverage containers should be included within the deposit-refund schedule.
- Amending the Recycling Regulations to allow refunds for returned beverage containers to be made electronically is supported, as long as cash refunds are still provided as an option for those that prefer or require that method.

4. *Reduced Plastics Overall:*

- The Provincial and Federal governments should work together on improving recycling labels so that the public is better informed about how to dispose of products.
- Work with the federal government and other provinces on developing standardized compostable plastics, recycled content, and recyclable targets for across the country.

The Province's efforts against single use plastics is encouraging and it is recommended that they continue working with the Federal Government to ensure actions taken at a provincial level align with Canada's efforts. The Province also needs to hold the federal government accountable for implementing actions under federal jurisdiction. From a local government perspective, the Province plays a significant leadership role to not only support the efforts of cities and regional districts but to be aware that decisions made at a provincial level can have significant impacts on local governments, industry, and our environment (including our sensitive airshed). Working collaboratively with everyone involved is paramount, and seeking input from stakeholders is a good start for the Province for their proposed Plastics Action Plan, but it needs to continue as the plan progresses.

COST

There are no financial implications.

CONCLUSION

The BC Government is developing a Plastics Action Plan to reduce plastic pollution and is seeking feedback to develop new policy options and to improve existing programs. Reducing single-use plastics will reduce pollution to the environment and will encourage industry to find re-usable, longer lasting alternatives. These actions will assist the Fraser Valley Regional District to further achieve its waste diversion targets.

COMMENTS BY:

Stacey Barker, Director of Regional Programs

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

No further financial comments.

Jennifer Kinneman, Acting Chief Administrative Officer

Reviewed and supported.