



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: April 15, 2019

Subject: City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019

PURPOSE:

The purpose of this report is to provide information relating to establishing a single use plastics regulation under Section 8(6) of the *Community Charter* and to introduce the “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019.

CAO RECOMMENDATIONS:

That based on the April 15th Staff report “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019”, Council approve OPTION 1 and proceed to first, second and third readings of “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019”; and

That Council direct staff to proceed with the local stakeholder engagement process outlined in the report; and

That Council direct staff to arrange for the required statutory advertising regarding the “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019” prior to final reading of the bylaw.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At the February 4th 2019 Council Meeting, Council directed staff to investigate the options and implications relating to the City of Courtenay establishing a bylaw to ban single-use plastic bags and plastic straws.

Single use plastics generally refer to plastic products that are considered disposable and only used once before they are recycled or more commonly thrown away. There is a growing movement locally and abroad to address the reduction of single use plastic items. While there has been support for this from a Federal Level, with the Private Members Motion (M-151), that directly identifies the need to reduce and regulate consumer and industrial use of ‘single-use’ plastics, local governments are provided with limited options for the regulation of single use plastics by provincial statutes.

However, municipalities such as Victoria, Tofino and Qualicum Beach have prepared or adopted bylaws to ban single use plastics through changes to business licence regulations.

DISCUSSION:**Current Single Use Plastic Regulation:**

There are a number of local municipalities that have either finalized bylaws regulating single use plastic items or are in the process of instituting bylaws. With the majority of municipalities emulating the model developed by Victoria, there are some local governments that are structuring their bylaws to allow for future single use packaging material bans in addition to plastic bags and straws.

The City of Vancouver has developed a Single Use Item Strategy, which will introduce a ban on the distribution of polystyrene foam cups and containers and plastic straws starting June 1, 2019. Vancouver's ban is set to take effect in the fall of 2019. Vancouver currently does not prohibit plastic bags but has identified that it will, if the city does not achieve their proposed waste reduction targets by 2021.

The City of Victoria's Checkout Bag regulation came into effect July 1, 2018, with enforcement January 1, 2019. It applies to all restaurants and businesses in the city. They have imposed requirements dictating aspects such as, businesses charging fees for providing paper and reusable bags, how bags are to be offered to the customer, recycled content of paper bags and exemptions to the bylaw for bags that are used for hygienic reasons or where plastic is better suited for the end products, like newspapers, large bulky items etc. As part of Victoria's implementation of the bylaw they have included fines for non-compliance and an education program to promote the switch from plastic bags.

The District of Tofino has drafted a Single Use Item Regulation Bylaw and is anticipating it taking effect June 3rd of this year. Tofino has purposely identified their bylaw as a single use item regulation and not just a plastic bag or single use plastic bylaw, to allow the addition of other problematic waste items in the future, as the need arises. Tofino has based their bylaw on Victoria's model with some alterations to better suit the needs of the community.

The Town of Qualicum Beach has passed third reading of their Single Use plastic Items bylaw, with an effective date of July 1, 2019 anticipated. The regulation prohibits the sale or distribution of plastic bags and straws to customers. Qualicum Beach does provide for some of the same types of exemptions as the Victoria model, with the notable exception of not including a bag reuse program. Another addition in Qualicum Beach's bylaw is the identification of "Compostable Bags" that is outside the capture of typical plastic bags in their bylaw.

The Village of Cumberland staff provided a report to Council on November 13, 2018 and received subsequent direction to draft a single use plastics bylaw restricting plastic bags and straws. On March 25th, 2019 Cumberland Council gave two readings to the bylaw, with an enforcement date of January 2020. As part of the process to establish a bylaw, Cumberland staff surveyed local businesses to determine the effects of the ban and to establish the best course of action to implement the bylaw. Some of the findings of the survey and discussions with local businesses identified that local businesses were already taking voluntary measures to find alternatives to single use plastic bags. The issue of a grace period was also identified, that would allow businesses to deplete existing non-compliant inventory and source alternative products.

Plastics in the Comox Valley:

Information taken from the Comox Strathcona Waste Management's (CSWM's) Solid Waste Management Plan 2012, estimates one third of the total waste received is recyclable, with 15% of the total waste originating from plastic sources. Reduction of waste being the base of the CSWM's future Solid Waste Management Plan, a bylaw aiming at reducing the amount of products into the waste stream would be consistent with the CSWM's goals.

The majority of soft plastics, including bags are not included in the accepted products list for the curbside blue bin program and must be taken to a Recycle BC depot. Additionally, no compostable plastic bags, packaging or products are allowable within the organics pilot project currently operating within The Regional Organics Processing Facility Program being led by the Comox Strathcona Waste Management Service.

Of significance, single use plastics such as bags, film and other packaging are improperly recycled in most municipal recycling programs. This contamination results in added cost to the program through increased time and effort required to properly sort materials.

It is the opinion of staff that in addition to the numerous environmental benefits of banning the distribution of single use plastics, a ban will result in savings to the Regional Waste Management Service.

Implementation:

Results from a one year follow up report with the City of Portland Oregon (report attached as Appendix B), indicates that a single use plastic bag ban was effective at modifying behaviour. Portland experienced high content recycled paper checkout bag use increase 491% and, reusable checkout bag use increased 304%. As a way to promote reusable bags, the report recommended that retailers impose a fee for single use paper bags supplied to customers.

Information sourced from surveys conducted in other municipalities have indicated that a phased approach to the transition from disposable plastics to reusable products for consumers may take some time due to the need to source replacement products and rundown existing stock. Both of these approaches would impart costs to the local business community, which would be lessened if there was to be separation between the implementation of the bylaw and the enforcement.

A consideration for the initial impact of the prohibition of plastic bags and straws, could be to promote reuse programs. A bag reuse program is being incorporated in some bylaws, which allow retailers to redistribute bags that have previously been used by customers. Staff have included this provision in the draft bylaw and recommend that it be revisited one to two years following implementation of the regulations to consider phasing out this provision.

With regard to straws, there is a growing international movement to move away from plastic straws. Straws made from materials like metal, glass, bamboo etc. are also becoming more widely available and would have the benefit of easing the transition away from disposable plastics. Some major restaurant chains have already made this switch.

Education and Enforcement:

Enforcement of the regulation would be in alignment with the City's Bylaw Enforcement Policy that generally requires written complaint prior to consideration of enforcement. However, the program review in Portland Oregon saw fewer than 5 complaints none of which resulted in enforcement.

Transitional support from the City could be helpful to local business, as they will be at the front line explaining the changes, to customers. A City developed campaign providing information through media communications and informed staff could be rolled out as part of the bylaw adoption process.

Going forward:

Based on the information compiled, a bylaw composed similar to the Victoria model may provide the most consistent approach across the Island and potentially the Comox Valley. Key aspects of the bylaw adoption process may include:

- Local stakeholder input prior to final bylaw adoption
- A phased approach to the products regulated in the bylaw
- A delayed approach between implementation and enforcement, to allow businesses time to deplete existing stock and source affordable replacement products
- Education/ advisory support from the City to aide in the transition and potentially reduce enforcement issues.

FINANCIAL IMPLICATIONS:

Depending on the course of action decided by Council, there could be an estimated financial cost of \$1,500 to cover statutory advertising and public outreach. Additional costs of approximately \$2,500 will be required for educational materials. To date these costs have not been included in the draft 2019 budget.

ADMINISTRATIVE IMPLICATIONS:

Staff has currently invested approximately 15 hours on the research and preparation of this report. If directed by council to proceed with the stakeholder engagement, bylaw adoption and education, an additional 40 hours of staff time is anticipated.

Based on the experience in Portland, it is estimated that bylaw enforcement implications will be minimal.

ASSET MANAGEMENT IMPLICATIONS:

No Asset Management implications at this time.

STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make
- ▲ Support social, economic and environmental sustainability solutions
- ▲■ Advocate and cooperate with local and senior governments on regional issues affecting our community

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

OFFICIAL COMMUNITY PLAN REFERENCE:

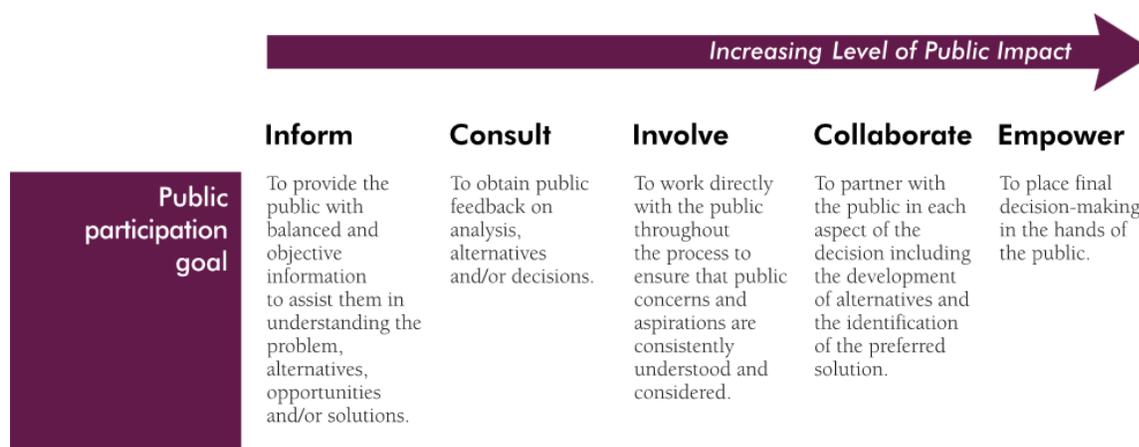
Not referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced

CITIZEN/PUBLIC ENGAGEMENT:

Given the significant number of businesses who may be impacted, staff recommend that consultation occur through the Chamber of Commerce and DCBIA, rather than outreach to each individual business. Additionally, staff recommend advertisement of the proposed bylaw in local media and social media with an online survey to collect feedback. This engagement would be at the consult level based on the IAP2 Spectrum of Public Participation:



OPTIONS:

Option 1, That Council receive the April 15th Staff report “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019”, and proceed to first, second and third readings of “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019”; and

That Council direct staff to proceed with the local stakeholder engagement process outlined in the report; and

That Council direct staff to arrange for the required statutory advertising regarding the “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019” prior to final reading of the bylaw.

Option 2, Council refer “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019” back staff with a list of specific changes.

Option 3, Council defer decision on the “City of Courtenay Single Use Plastic Regulation Bylaw No. 2970, 2019”, pending receipt of further information.

Prepared by:



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