



City of Port Moody

Report/Recommendation to Council

Date: February 3, 2021
Submitted by: Engineering and Operations Department – Solid Waste, Fleet, and Shared Services Division
Subject: Bylaw to Ban Single-Use Plastic and Foam Items

Purpose

To recommend a bylaw to regulate Single-Use Plastic and Foam Items; to reduce waste created from single-use items and the associated municipal costs; to better steward municipal property, including sewers, streets, park, beaches, and waterways; and to promote responsible and sustainable environmental practices that are consistent with community values.

Recommended Resolution(s)

THAT City of Port Moody Single-Use Plastic Bylaw, 2021, No. 3301 be read a first and second time as recommended in the report dated February 3, 2021 from the Engineering and Operations Department – Solid Waste, Fleet, and Shared Services Division regarding Bylaw to Ban Single-Use Plastic and Foam Items;

AND THAT staff be directed to present City of Port Moody Single-Use Plastic Bylaw, 2021, No. 3301 for consideration of third reading on April 27, 2021;

AND THAT staff be directed to notify Port Moody business licence holders of the opportunity to provide their feedback during the public input session at the Council meeting to be held on April 27, 2021;

AND THAT City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 3, 2021, No. 3302 be read a first and second time;

AND THAT the budget of \$10,000 for an information campaign be referred to the Finance Committee for identification of a funding source.

Background

On October 6, 2020, Council passed the following resolution:

CW20/089

THAT staff report back with a bylaw to ban single-use plastics as recommended in the report dated September 16, 2020 from Mayor Rob Vagramov regarding Finally Banning Single-Use Plastics;

AND THAT the report include the exploration of a transition period involving fees on single-use plastics, and subsidies for local businesses that choose to switch early;

AND THAT a letter be written to the Province of British Columbia and Government of Canada to request a ban of single-use plastic items and support for affected.

Staff have now prepared a draft bylaw (**Attachment 1**) and an implementation plan for Council consideration.

Discussion

Many levels of government are working to regulate the use of Single-Use Plastic Items to reduce the impact upon the environment. This report presents a draft bylaw, along with recommended implementation timelines, exemptions, and enforcement options to regulate businesses to be considered for adoption within the City of Port Moody.

Check-out bags, plastic straws and stir sticks, and polystyrene foam containers are among the top priority items identified by the Ministry of Environment for elimination and are among the most common pollutants found on shoreline clean-ups. Regulations to enforce bans on Single-Use Items has proven to change consumer behaviour, which encourages compliance, and reduces consumption resulting in overall waste reduction. However, until recently, jurisdictional challenges have made it difficult for cities to enact changes on their own.

In early 2018, the City of Victoria passed a bylaw banning the distribution of plastic bags. The Canadian Plastic Bag Association challenged the legal authority of the City of Victoria to enact the bylaw. A June 19, 2018 ruling in the BC Supreme Court dismissed the case, but on July 11, 2019, the B.C. Court of Appeal judgment determined that the bylaw was invalid on the basis that it is a law intended to protect the environment rather than one concerned with the regulation of business, therefore approval of the Minister of Environment was required. The City of Victoria appealed to the Supreme Court of Canada, but in January 2020, the Supreme Court of Canada determined they would not hear the case. Following this decision, the Government of BC announced in September 2020 that it would approve the bylaws governing the banning of single-use plastics in the municipalities of Richmond, Victoria, Saanich, Tofino, and Ucluelet, clearing the way for those communities to implement their bans. The Province also announced that it will consider other bylaws as they are submitted, and stated that it will introduce new legislation sometime between March and May, 2021 to allow cities to move ahead without seeking provincial approval in advance. **Attachment 2**, Summary of Single-Use Item Reduction Regulations and Policies in Canada, provides a recent jurisdictional scan of other governmental statuses on the subject.

Following resolution CW20/089, staff began drafting of a bylaw to ban certain single-use plastic items. As part of this work, staff examined the possibility of a transition period program involving fees on single-use plastics and subsidies for early adopters. Special attention was given to the administrative burden required to audit and collect fees, distribute subsidies, and ensure compliance. The jurisdictional scan showed that most fee-for-item programs involve the businesses keeping the fees themselves. Given the above, staff have determined that it would not be feasible to collect money from businesses or redistribute it.

Using the information gained in the jurisdictional scan, staff have drafted the attached bylaw banning plastic checkout bags, plastic straws and stir sticks, and polystyrene foam take-away containers for Council consideration. In making decisions during development of the bylaw, the following hierarchy was used:

- 1) In order to increase consumers and businesses compliance, the bylaw was written so that:
 - a. requirements are simple and easy to follow and enforce; and
 - b. requirements are as consistent as possible with other Metro Vancouver jurisdictions with bylaws already in place. At the time of drafting, this included Richmond and Vancouver; and
- 2) Requirements should be chosen to ensure the highest environmental benefit possible.

Details regarding several choices in the bylaw, made using the above hierarchy, are below.

Effective Date

While there is an urgency to implement the new bylaw immediately, it is also recognised that the COVID-19 pandemic has taken a toll on businesses that will need to make changes to implement the new bylaw such as restaurants offering take-out food. The Bank of Canada has predicted that the economy will not return to pre-COVID levels until 2023. Other jurisdictions have already pushed back their expected implementation dates for Single-Use Items bylaws. The date of April 22, 2022 was chosen as it will give businesses approximately 1 year from the final reading of the bylaw, and coincides with Earth Day in 2022. The final reading of the bylaw is being used to estimate the effective date and not the formal adoption date of the bylaw. Bylaw adoption requires approval from the Province and will take additional time. Provincial approval and adoption is not expected before May 11, 2021.

Fees for Alternate Bags

Research from other jurisdictions shows that if fees are not imposed on paper and reusable bags, businesses and consumers typically switch to these other alternatives and total waste is not reduced, only the type of waste is be changed. Paper bags, due to their weight and manufacturing process, have high environmental costs including increased GHG emissions. Likewise, reusable bags frequently need to be used more than 100 times in order to have a lower environmental impact than single-use bags, which is not always achieved. To reduce the overall number of bags used, reduce the waste generated, and improve the environmental impact of the bylaw, a fee on both paper and reusable bags was included. The fee was set in order to be in line with other Metro Vancouver jurisdictions that have imposed a fee.

Restriction on Compostable Plastic Bags

Most compostable plastic bags require a special handling processes to be broken down. Due to this requirement, most of these bags are not composted and end up in landfills. Therefore compostable plastic bags do not have increased environmental benefits, and are included in the ban. Paper bags can be composted in most existing green waste programs, and so are not included in the ban.

Exemptions

The exemptions included in the bylaw are the same as those found in the other Metro Vancouver jurisdictions. The most important ones, based on consultations held in other jurisdictions and internal research, are the exemption for health care and long-term care facilities, and the provision of straws to persons with accessibility needs.

Enforcement

City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 3, 2021, No. 3302 establishes the fines that can be imposed for violation of the Single-Use Plastic Bylaw (**Attachment 3**). The recommended fines are for offenses consistent with other Metro Vancouver jurisdictions and are in amounts consistent with other Port Moody fines.

Other Option(s)

1. THAT staff be directed to report back with further information or modifications to the draft bylaws prior to consideration.
2. THAT City of Port Moody Single-Use Plastic Bylaw, 2021, No. 3301 and City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 3, 2021, No. 3302 be read a first, second, and third time.

Financial Implications

To increase the adoption rate of the new bylaw, staff recommend an information campaign to advise impacted stakeholder businesses. The bulk of the work will take place in 2022. A budget of approximately \$10,000, which had been previously identified as part of Council Strategic Plan discussions, is unfunded and will require separate consideration by the Finance Committee.

Communications and Civic Engagement Initiatives

Public consultation for this bylaw took place in March and April, 2019, at Council's direction. Feedback was sought from Port Moody business licence holders through a survey, and Port Moody business owners were sent a targeted direct mail out along with some individual outreach, particularly to food and beverage businesses. There were a total of 38 responses received, with 12 of those being from restaurant, food, and beverage businesses. A summary of the responses is included as **Attachment 4**.

During the development of the bylaw, input was received and included from the following internal departments:

- Economic Development;
- Building, Business Licensing, and Bylaw;
- Environment; and
- Operations/Solid Waste.

Staff have recommended a delay between second and third reading of the Bylaw to allow a final opportunity for stakeholders to provide input to Council. Staff recommend that Port Moody business licence holders be notified of the opportunity to provide their comments and feedback to Council during the public input session prior to third reading. Following adoption of the Bylaws, staff will inform impacted stakeholder businesses about the Bylaw, including information about fines for violations.

Council Strategic Plan Objectives

The Bylaw to ban certain single-use plastic items will support Council's Strategic priority of Environmental Leadership – specifically by achieving the goal of reducing the City's impact on the planet.

Attachment(s)

1. Draft Single-Use Plastic Bylaw, No. 3301.
2. Metro Vancouver Single-Use Plastics Jurisdictional Scan.
3. Draft Municipal Ticket Information Authorization Amendment Bylaw, No. 3302.
4. Port Moody Single-Use Plastic Stakeholder Consultation Summary.

Report Author

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Report Approval Details

Document Title:	Bylaw to Ban Single-Use Plastic and Foam Items.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Single-Use Plastic Bylaw, No. 3301.pdf- Attachment 2 - Metro Vancouver Single-Use Plastics Jurisdictional Scan.pdf- Attachment 3 - Municipal Ticket Information Authorization Amendment Bylaw, No. 3302.pdf- Attachment 4 - Port Moody Single-Use Plastic Stakeholder Consultation Summary.pdf
Final Approval Date:	Mar 8, 2021

This report and all of its attachments were approved and signed as outlined below:

Paul LeBlanc, Manager of Solid Waste, Fleet, and Shared Services - Mar 2, 2021 - 3:47 PM

Jeff Moi, General Manager of Engineering and Operations - Mar 2, 2021 - 6:43 PM

Dorothy Shermer, Corporate Officer - Mar 3, 2021 - 6:05 PM

Rosemary Lodge, Manager of Communications and Engagement - Mar 4, 2021 - 9:42 AM

Paul Rockwood, General Manager of Finance and Technology - Mar 4, 2021 - 9:44 AM

Tim Savoie, City Manager - Mar 8, 2021 - 11:09 AM