



REPORT

Report Date: November 7, 2019
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Meeting Date: November 27, 2019
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities

FROM: General Manager of Engineering Services, in consultation with Chief Licence Inspector, and Director of Civic Engagement and Communications

SUBJECT: By-laws to Reduce Single-Use Items

RECOMMENDATION

- A. THAT Council approve, in principal, proposed amendments to the License By-law No. 4450 and Ticket Offences By-law No. 9360, as set out in:
 - i. Appendix A, concerning plastic straws;
 - ii. Appendix B, concerning single-use beverage cups;
 - iii. Appendix C, concerning single-use utensils;
 - iv. Appendix D, concerning shopping bags;
 - v. Appendix E, clarifying the term “food vendors”; and
 - vi. Appendix F, establishing fines for ticket offences consistent with recommended fines for similar offences.
- B. THAT the Director of Legal Services be instructed to bring forward for enactment by-laws generally in accordance with Appendices A through F.
- C. THAT Council direct staff to work with organizations representing the interests of marginalized residents in 2020 to identify opportunities to address potential negative impacts associated with the by-law changes for shopping bags contained in Recommendation A (iv).
- D. THAT, notwithstanding the Council Resolution entitled Single-Use Item Reduction Strategy adopted on June 5, 2018, Council endorse:

- i. A requirement for paper shopping bags to contain at least 40% recycled content as part of the by-law changes contained in Recommendation A (iv);
 - ii. Regulation of compostable single-use items according to the restrictions in the by-law changes contained in Recommendation A (i) through (iv); and
 - iii. Regulation of disposable cups and plastic shopping bags according to the by-law changes contained in Recommendation A (ii) and (iv).
- E. THAT the Mayor write to the Ministry of Environment and Climate Change Strategy on behalf of Council to request that the Province develop standards relating to the use of compostable, biodegradable, oxodegradable and photodegradable plastics, align standards for certified compostable plastics and compost facilities in British Columbia, and require Extended Producer Responsibility for all compostable packaging wastes generated by residential, industrial, commercial and institutional sectors, as well as the public realm.

REPORT SUMMARY

The purpose of this report is to bring forward for Council's approval recommended by-laws for plastic straws, disposable cups, single-use utensils and shopping bags summarized as follows:

Table 1. Summary of Recommended By-laws, Rationale and Outcomes

Recommended By-law	Rationale and Outcomes
<u>Plastic Straws</u> <ul style="list-style-type: none"> • Ban plastic straws, including compostable plastic straws • Require that accessible straws (bendable plastic straws individually wrapped in paper) be provided by-request • Provide a one-year exemption for plastic straws served with bubble tea • Effective April 22, 2020 (Earth Day) 	<ul style="list-style-type: none"> • Eliminates the majority of plastic straw waste • Improves accessibility • Gives time for businesses to find alternatives for bubble tea drinks
<u>Disposable Cups</u> <ul style="list-style-type: none"> • Require fees of at least 25 cents • Effective January 1, 2021 	<ul style="list-style-type: none"> • Establishes even playing field for all businesses • Is easy to understand and simple to communicate to customers • Creates the right conditions for Reusable Cup Share programs to expand
<u>Utensils</u> <ul style="list-style-type: none"> • Require single-use utensils made of any material, be given out by-request only • Effective January 1, 2021 	<ul style="list-style-type: none"> • Changes default behaviour of automatically giving out single-use utensils • Addresses environmental impacts of all disposable material types
<u>Shopping Bags</u>	<ul style="list-style-type: none"> • Harmonizes with regulation in other jurisdictions

<ul style="list-style-type: none"> • Ban plastic shopping bags, including compostable plastic shopping bags • Require fees of at least 15 cents on paper bags and \$1 on reusable bags, and increase those fees to 25 cents and \$2 after one year • Require that paper bags contain at least 40% recycled content • Effective January 1, 2021 	<ul style="list-style-type: none"> • Has strong support from the public and businesses • Is easy to understand and simple to communicate to customers
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The recommended by-laws are part of the ongoing implementation of the City's Single-Use Item Reduction Strategy, adopted by Council June 5, 2018 and are an early priority action in the Zero Waste 2040 Strategic Plan.

The Single-Use Item Reduction Strategy was developed with input from over 8,000 people and hundreds of businesses.

The by-laws proposed and the recommendations contained in this report were developed with input from 169 organizations and businesses, including 87 culturally-diverse organizations, 17 accessibility stakeholders and 5 organizations that provide charitable food services using in-depth interviews and workshops, and supplemented with further input from an additional 213 businesses and 7119 members of the public through a Talk Vancouver survey on shopping bags.

Pending Council approval, staff propose to work further with organizations representing the interests of marginalized residents to address issues of affordability and other potential negative impacts associated with the by-law for shopping bags before it comes into effect.

By-laws will be accompanied by communications and outreach campaigns to raise public awareness, encourage behaviour change and help affected businesses prepare.

The recommended timeline for implementation balances several considerations: the urgency to take action, businesses' readiness to comply, avoiding negative impacts to business, the time to launch communications campaigns, and addressing potential impacts to marginalized residents.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On April 29, 2019, Council:

- Enacted amendments to the Licence By-law banning the distribution of prepared food in polystyrene foam cups and take-out containers beginning January 1, 2020, and approved amendments to the Ticket Offences By-law
- Adopted the following resolutions regarding proposed by-laws for plastic straws, disposable cups, single-use utensils and shopping bags:
 - Approved a start date of April 2020 for a ban on plastic straws and directed staff to report-back with by-law details including provisions for ensuring accessibility
 - Directed staff to report back by November 30, 2019 with:
 - Stakeholder feedback on proposed by-laws
 - Staff's analysis of stakeholder feedback and relevant technical and legal considerations
 - Recommended by-laws including implementation and enforcement plans, and program delivery including resources and additional stakeholder engagement that may be required

- New options for a plastic bag ban that consider: how public opinion has changed since Victoria's plastic bag ban, the growing interest among neighbouring municipalities to collaborate on a plastic bag ban, stakeholder consultations to date, and the merits around a plastic bag ban versus fees or modified custom plans

On September 7, 2018, Council directed staff to begin the development of Phase 1 of an Accessibility Strategy in 2019.

On June 5, 2018, Council adopted the Single-Use Item Reduction Strategy and directed staff to proceed with implementation, including additional consultation. This report includes updates and recommendations related to Council resolutions made at that time:

- As part of the single-use item by-laws brought forward, include a requirement that:
 - Compostable packaging used by business licence holders be tested and approved at a local commercial compost facility
 - Paper packaging contain a minimum 40% post-consumer recycled content
- Set annual reduction targets for plastic shopping bags and disposable cups, and implement a distribution ban on these items if reduction targets are not consistently being met by 2021
- Issue a Request for Expressions of Interest for “Made in Vancouver” single-use item solutions such as a city mug program and reusable straws
- Investigate and report back on an increased business licence fee for large businesses in which distribution of single-use items is pervasive

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

Developing by-laws for plastic straws, disposable cups, single-use utensils and shopping bags is a complex undertaking. It requires understanding current social norms and developing a structure which promotes change in how we think about and use items which are designed for one time use and then disposal. The by-laws developed must balance zero waste goals, accessibility, affordability, and social equity. They need to incorporate behaviour change research as well as an understanding of the technical and practical limitations of current systems for composting and recycling.

The by-laws proposed herein have been developed through extensive engagement with the public, businesses and a multitude of stakeholders and are supported by technical research. The timing of implementation balances the urgency to take action on public litter, zero waste and plastic pollution with the availability of viable alternatives, the need to avoid negative impacts to businesses, provide suitable time for them to prepare, address potential negative impacts to marginalized residents and allow the City to raise public awareness of the coming changes through communications and outreach campaigns. The City Manager and General Manager of Engineering Services recommend approval of the recommendations provided above.

REPORT

Background/Context

The purpose of this report is to bring forward the recommended by-laws for single use items including plastic straws, disposable cups, single-use utensils and shopping bags, and describe implementation and enforcement plans.

Recommended by-laws are shaped by the Single-Use Item Reduction Strategy, ongoing development of the Accessibility Strategy, developments by other levels of government, technical considerations and engagement with businesses, non-profits and members of the public on the proposed by-laws. The by-laws and implementation plans have been developed according to stakeholder feedback, public opinion, and technical and legal considerations.

This report also addresses Council resolutions made on June 5, 2018.

Single-Use Item Reduction Strategy

The proposed by-laws were developed as part of the ongoing implementation of the Single-Use Item Reduction Strategy, an early priority action in the Zero Waste 2040 strategic plan, which was adopted by Council on June 5, 2018. The strategy was developed with input from over 8000 people and hundreds of businesses. 86% of Vancouver residents see the importance of reducing single-use items.

The strategy outlines the types of influencing and supportive actions, and the by-laws are key influencing actions for the implementation of the strategy. Supportive actions will accompany each by-law through communications and outreach campaigns to raise public awareness, encourage behaviour change and provide information to businesses affected by the by-laws.

Developments by Other Levels of Government

Plastic waste and marine litter have arisen as a global ecological priority. Plastic waste has climate change impacts and there is a growing momentum for actions and change at all levels of government.

- **Metro Vancouver:** On March 13, 2019, Metro Vancouver's Board and Zero Waste Committee wrote the Minister of Environment and Climate Change Strategy, and the Minister of Municipal Affairs and Housing, in support of the Union of British Columbia Municipalities' 2018 resolution requesting a provincial single-use item reduction strategy.¹ Metro staff are developing a Single-Use Item Toolkit with resources and best practices to support member municipalities in their initiatives. (City of Vancouver staff provided input on the toolkit through Metro's engagement process.) Metro staff also conducted regional waste audits with specific attention to single-use items and published the data in July.
- **Union of British Columbia Municipalities (UBCM):** UBCM has passed two resolutions calling for a provincial single-use item reduction strategy, one in 2018 and one in 2019. In 2019, UBCM also passed resolutions asking the Province to address compostable single-use items, establish a fund to provide financial support for municipalities managing single-use disposable products, and confirm municipal jurisdiction to regulate single-use items.

¹ This resolution was submitted to UBCM by the City of Vancouver.

- **BC Provincial government:** From July 25 until September 30, the Province conducted a province-wide engagement process to consult stakeholders and the public on its CleanBC Plastics Action Plan. The consultation explored bans on single-use items, requiring extended producer responsibility (EPR) for single-use items, and changing the deposit rate to 10-cents in an effort to improve recovery rates. (City of Vancouver staff submitted a letter on September 30 in response to the questions in the Province’s consultation paper.)
- **Canadian Council of Ministers of the Environment (CCME):** In 2018, the CCME approved in principle a Canada-wide strategy on zero plastic waste, which outlines a vision to keep all plastics in the economy and out of the environment. The CCME is developing an action plan that sets out the measures and actions needed to implement the strategy for ministers to consider. City of Vancouver staff contributed to this action plan through a Plastic Advisory Panel established by the National Zero Waste Council, which produced a report on May 7, 2019 titled, *Regulatory Approaches for Priority Plastic Wastes*.
- **Federal government:** In June 2019, the Prime Minister announced the Government of Canada will ban harmful single-use plastics as early as 2021, where supported by scientific evidence, and aligned with the European Union where appropriate. The bans could include plastic bags, straws, cutlery, plates and stir sticks. The federal government will also work with provinces and territories to introduce EPR for plastic items.
- **International:** In 2018, five G7 countries signed an Ocean Plastics Charter launched by the Government of Canada as part of its G7 presidency. In 2017, nearly 200 nations signed a United Nations Environment Assembly resolution towards long-term elimination of plastic waste in the oceans.

Public and Stakeholder Engagement Process to Develop the Single-Use Item By-laws

Food and retail sectors, including culturally-diverse businesses, the accessibility community, neighbouring municipalities and the public were engaged through four separate processes.

The complete details of the engagement processes undertaken to develop the single-use item by-laws are presented in the engagement summary reports attached in Appendix I.

Food & Retail Sectors (*stakeholder engagement*)

In total, 406 stakeholders were invited to participate in this engagement process, of which 169 stakeholders participated between January and May 2019, including 87 culturally-diverse organizations.

The City contracted MODUS Planning, Design and Engagement (“MODUS”) and the Hua Foundation to undertake a targeted stakeholder engagement process with food vendors and retail business license holders that would be required to comply with the by-laws.

Invited stakeholders were selected to cover a broad range of:

- Food vendors (e.g. restaurants, limited food service establishments like coffee shops and bubble tea shops, grocers, convenience stores, food courts, charitable food providers, and associations)
- Retailers (e.g. non-food retailers, malls, associations)
- Large multinational chains and small independent businesses

Significant effort was made to engage ethno-cultural and linguistically diverse businesses. The Hua Foundation conducted interviews with East and Southeast Asian businesses, providing language support in Simplified Chinese and Traditional Chinese (written), Mandarin and Cantonese (spoken), and Vietnamese as needed. MODUS's subcontractor, Masala, interviewed South Asian, Southeast Asian and Latin American businesses.

Engagement methods included interviews, group workshops, and a webinar for national brands.

Participants were provided with proposed by-law details and invited to provide feedback on:

- Acceptability, timing and specific wording of the by-laws
- Issues and opportunities relating to the by-laws
- Ways to support implementation, including City of Vancouver supports

Accessibility Community (*stakeholder engagement*)

A total of 40 individuals and organizations were invited to participate in this engagement process, of which 17 participated between January and May 2019.

To determine requirements for ensuring accessibility within a ban on plastic straws, the City, through MODUS, sought to engage people with disabilities that rely on plastic straws for accessibility, as well as representatives from organizations who work closely with people who rely on plastic straws for accessibility. Stakeholders from organizations who work closely with persons with disabilities helped MODUS identify the specific disabilities where people may rely on plastic straws, including arthritis, autism, cerebral palsy, multiple sclerosis, muscular dystrophy, spinal cord injuries, and stroke recovery and rehabilitation.²

Staff also presented the findings from this engagement to the Persons with Disabilities Advisory Committee on June 13, 2019 and sought feedback on the recommendations for ensuring accessibility within the by-law, including the definition of “accessible straw.”

Talk Vancouver Survey on Shopping Bags (*public and stakeholder engagement*)

On April 29, 2019, Council directed staff to report back by November 30, 2019 with new options for a plastic bag ban that consider, among other things, how public opinion has changed since Victoria's plastic bag ban.

Staff distributed a Talk Vancouver survey to engage members of the public and stakeholders on replicating details of the City of Victoria's Checkout Bag Regulation By-law in Vancouver (i.e. ban on plastic bags with fees on paper and reusable bags).

A total of 7332 respondents completed the survey in July 2019, including 213 stakeholders who would be required to comply with a shopping bag by-law.

Survey on Shopping Bags with Metro Vancouver member municipalities

On April 29, 2019, Council directed staff to consider the growing interest among neighbouring municipalities to collaborate on a plastic shopping bag ban.

² Examples of stroke-related injuries include dysphagia (difficulty swallowing or paralysis of the throat muscles) and hemiparesis (weakness or paralysis on one side of the body).

Staff distributed a survey to staff in Metro Vancouver member municipalities to identify other municipalities pursuing shopping bag by-laws, and assess interest to collaborate on a by-law for shopping bags. Staff from 16 municipalities (containing 95% of Metro Vancouver residents, excluding Vancouver) completed the survey in July 2019.

Staff in 7 municipalities indicated that they have been directed to develop a shopping bag by-law, but only one was able to provide details about their by-law at this time. The City of Richmond has approved a by-law banning plastic shopping bags, including compostable plastic shopping bags, and the by-law has been sent to the Minister of Environment and Climate Change Strategy for approval.³

Key Engagement Findings and Technical and Social Considerations

The complete engagement findings are presented in **Appendix I**. Several key themes arose across engagement activities that informed the by-laws:

- **Simple and straightforward.** Stakeholders preferred by-laws that were easy to understand and simple to explain to customers. For example, stakeholders, especially small business, expressed concern that Reduction Plans (originally proposed as a way to provide flexibility and choice) for shopping bags and disposable cups were overly complex and likely to be confusing for customers.
- **Harmonization.** All types and sizes of business expressed the importance of harmonized regulation across jurisdictions. Stakeholders with multiple locations in different jurisdictions reported that it is onerous and expensive to comply with different regulations in different cities. Businesses located in Vancouver expressed concern that customers would favour their competitors in neighbouring municipalities where restrictions on single-use items may not apply.
- **Level playing field.** Stakeholders emphasized the importance of fairness and a level playing field, and agreed that all businesses should have to do the same thing. For example, where fees were proposed, stakeholders preferred for the City to set minimum fees. This approach will avoid competing with other businesses to attract customers with the lowest fees. Some stakeholders described this scenario as a “race to the bottom” where fee levels would end up being too low to achieve any reduction or behaviour change.
- **Customer service.** Businesses are concerned that they will be seen as providing poor customer service if they do not provide banned single-use items, do charge fees and only give out items by-request. All stakeholders agreed that widespread public awareness of each by-law is important before it comes into effect to avoid negative impacts to business, such as customer criticism.
- **Supports needed.** Stakeholders identified the following key actions the City could take to support them with compliance and avoid negative impacts to business:
 - Public education campaign to generate widespread awareness of the by-laws in advance of each by-law coming into effect
 - Behaviour change campaigns to encourage members of the public to take steps to reduce their use of single-use items and prepare for the by-laws

³ https://www.richmond.ca/cityhall/council/agendas/council/2019/072219_minutes.htm

- Educational materials distributed to businesses that can be used to understand the requirements, select appropriate alternatives, train staff and inform customers of the by-law details that businesses will be required to comply with

In addition to public and stakeholder engagement, the recommended by-laws were shaped by several key technical considerations:

- **Compostable plastic.** Compostable, biodegradable, oxodegradable and photodegradable plastic are not accepted in the City's Green Bin program, the provincial Organic Matter Recycling Regulation for compost facilities, or Recycle BC's residential recycling collection programs, and are not designed to biodegrade if littered in the natural environment.
- **Environmental impacts of plastic, paper, and other materials.** There are environmental impacts associated with single-use items, whether they're made from plastic, paper, metal, wood or other materials. It is important to address single-use items made from all types of materials in order to avoid shifting from one set of environmental impacts (e.g. plastic pollution) to another (e.g. increased greenhouse gas emissions, deforestation, etc.)
- **Environmental impacts of replacing plastic shopping bags with garbage bin liners.** 63% of plastic shopping bags found in the garbage in Vancouver have been re-used as garbage bin liners or to pick up pet waste. Some members of the public expressed concern that environmental benefits of banning plastic shopping bags will be negated by increased purchases of garbage bin liners and pet waste bags (typically made with heavier plastic). New research on plastic bag bans in California calculated a net reduction in the overall amount of plastic disposed, even with increased garbage bag purchases.⁴ In addition, plastic garbage bags are less likely to blow out of waste streams because they are weighed down by the garbage they hold, reducing the risk of plastic bags in litter and marine debris.
- **Hospitals and community care facilities:** Health organizations depend on single-use items to meet infection control, workplace health and safety, and patient care standards. For example, some single-use items are necessary to serve prepared food to hospital patients to reduce the risk of spreading infections, and single-use plastic cutlery is the preferred option in psychiatric units to address safety concerns. City staff are aware that health organizations are investigating opportunities to reduce distribution of single-use items in health care on an ongoing basis.

Finally, consideration of the following social impacts shaped the by-laws, recommended timeline for by-laws to take effect and other report recommendations:

- **Charitable food services.** Many organizations that provide charitable food services are already using reusable dishware wherever possible and want to be part of the zero waste movement. These organizations advised that fees on disposable cups, paper shopping bags and reusable shopping bags would be a barrier to their clients accessing charitable food services.
- **Accessibility.** People who rely on plastic straws for accessibility experience stigmatization and distress when the movement to ban plastic straws does not recognize

⁴ Taylor, Rebecca L.C. (2019) "Bag leakage: The effect of disposable carryout bag regulations on unregulated bags". *Journal of Environmental Economics and Management*, 93, p.254-271.

the need for plastic straws for accessibility and inclusion. Consultation with individuals who rely on plastic straws for accessibility and organizations representing people with disabilities determined that bendable plastic straws individually wrapped in paper meet the widest range of accessibility needs.

- **Bubble tea and cultural identity.** Many residents consider drinking bubble tea to be part of their cultural identity. Businesses that sell bubble tea drinks were among the most dependent on plastic straws and are highly concerned about impacts to their business if they cannot find ways to serve bubble tea that do not require plastic straws.
- **Impacts to marginalized residents.** Members of the public and stakeholder identified potential impacts to marginalized residents from the by-law changes for shopping bags. Affordability impacts include: the cost of purchasing garbage bin liners and pet waste bags, the initial cost to purchase reusable shopping bags, and the cost of paper or reusable shopping bags when residents forget to bring their own reusable bags. Residents experiencing homelessness have myriad uses for plastic bags, such as carrying belongings and waterproofing footwear. Finally, odour and litter impacts could result if residents cannot afford to buy garbage bin liners and dispose residential garbage without bagging it first

Strategic Analysis

The first part of this section presents the recommended by-laws for plastic straws, disposable cups, single-use utensils and shopping bags. **Appendix G** shows how recommended by-laws have changed from the draft by-laws consulted on by staff and why. **Appendix H** summarizes feedback received from stakeholders and members of the public through the engagement processes, and provides staff comments on each item.

The second part of this section presents staff's recommendations and updates on Council resolutions from June 5, 2018 when the Single-Use Item Reduction Strategy was approved by Council. Finally, the recommended timeline for implementing the single-use item by-laws, communication, outreach and enforcement plans, and next steps are presented.

1. Recommended By-laws

The proposed by-laws rely primarily on Council's authority to regulate in relation to businesses and business licensing, although Council is also authorized to enact by-laws in relation to health, nuisances, and solid waste.

Plastic Straws

The recommended by-law for plastic straws is in Appendix A and summarized in **Table 2**.

Table 2. Summary of Recommended Plastic Straw By-law

Requirements	<ul style="list-style-type: none"> • Ban plastic straws (including compostable plastic straws) • Accessible straws must be provided by-request (bendable plastic straws individually wrapped in paper)
Exemptions	<ul style="list-style-type: none"> • Hospitals, community care facilities • Plastic straws attached to juice boxes/pouches • Packages of at least 20 plastic straws sold for personal use

	<ul style="list-style-type: none"> • 1-year exemption for bubble tea drinks: food vendors may opt-in by reporting what actions they are taking to comply with the ban
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Staff recommend adopting this by-law for the following reasons:

- **Eliminates the majority of plastic straw waste.** The recommended by-law bans plastic straws except where needed for accessibility.
- **Improves accessibility.** People who rely on plastic straws for accessibility experience stigmatization and distress when the movement to ban plastic straws does not recognize the need for plastic straws for accessibility and inclusion. Requiring accessible straws to be provided by-request will not only protect, but improve accessibility in Vancouver. The Persons with Disabilities Advisory Committee are in support of this approach.
- **Gives time for businesses to find alternatives for bubble tea drinks.** Businesses that sell bubble tea drinks were among the most dependent on plastic straws and are highly concerned about impacts to their business if they cannot find ways to serve bubble tea that do not require plastic straws. Staff are also aware that many residents consider drinking bubble tea to be part of their cultural identify. The recommended by-law gives bubble tea businesses additional time to find alternatives.

Disposable Cups

The recommended by-law for disposable cups is in Appendix B and summarized in **Table 3**.

Table 3. Summary of Recommended Disposable Cup By-law

Requirements	<ul style="list-style-type: none"> • Fees of at least 25 cents for every cup (all materials) • Must report annual cup distribution • Do not have to report if participating in Reusable Cup Share program • Fees must be shown on any receipts given • Fees must be displayed on menus, including online ordering platforms
Exemptions	<ul style="list-style-type: none"> • Charitable food services • Packages of at least 6 cups sold for personal use • Hospitals, community care facilities

Staff recommend adopting this by-law for the following reasons:

- **Simple and straightforward.** Stakeholders found the reduction plan approach approved in the Single-Use Item Reduction Strategy to be overly complex. Stakeholders prefer an approach that is easy to communicate to customers. 74% of business respondents chose fees as their reduction plan for disposable cups.
- **Even playing field.** Stakeholders prefer an approach that sets an even playing field where all businesses have to do the same thing.
- **Right conditions for Reusable Cup Share to expand.** Businesses are already starting to offer Reusable Cup Share programs in Vancouver, staff’s understanding is that more are under development, and many stakeholders expressed interest in these kinds of programs. The recommended by-law creates an incentive for both businesses and customers to participate.

Single-Use Utensils

The recommended by-law for single-use utensils is in Appendix C and summarized in **Table 4**.

Table 4. Summary of Recommended Single-Use Utensil By-law

Requirements	<ul style="list-style-type: none"> • Single-use utensils by request only (all materials) • Self-serve stations are allowed
Exemptions	<ul style="list-style-type: none"> • Packages of 20+ utensils sold for personal use • Hospitals, community care facilities

Staff recommend adopting this by-law for the following reasons:

- **Changes the default behaviour.** Having to request single-use utensils prevents the distribution of unwanted utensils (e.g. with food take-out and delivery) and signals that using reusable utensils is the new norm.
- **Addresses environmental impacts of all disposable materials.** Covering single-use utensils made of all types of materials, including plastic, compostable plastic, wood and bamboo, in the by-law requirements avoids shifting the problem from one set of environmental impacts (e.g. plastic pollution) to another (e.g. deforestation).

Shopping Bags

The recommended by-law for shopping bags is in Appendix D and summarized in **Table 5**.

Table 5. Recommended Shopping Bag By-law

Requirements	<ul style="list-style-type: none"> • Ban plastic shopping bags (including compostable plastic shopping bags) • Fees of at least 15 cents for paper bags (25 cents after 1 year) • Fees of at least \$1 for reusable bags (\$2 after 1 year) • At least 40% recycled content for paper bags • Must report annual bag distribution when requested by City
Exemptions	<ul style="list-style-type: none"> • Small paper bags (no more than 15 x 20 cm when flat) • Paper and reusable bags if: <ul style="list-style-type: none"> ○ Used to transport prescriptions from a pharmacy ○ Used to provide charitable food services ○ Already used and returned for reuse • Bags used to transport large bulky items (e.g. pillows)

There are many policy options for reducing the distribution of shopping bags. For any option, the best practice is to address environmental impacts of every type of shopping bag by putting measures in place for plastic bags as well as alternatives such as paper and reusable bags.

Banning plastic shopping bags without regulating paper and reusable shopping bags tends to result in substitution rather than reduction. For example, Portland, Oregon reported a 491% increase in paper shopping bag use one year after banning plastic shopping bags in 2011. Paper and reusable bags have higher greenhouse gas emissions and toxicity impacts than plastic bags due to material extraction and production processes and additional fuel used to transport heavier bags. Paper shopping bags need to be reused at least 4 times to offset GHG

emissions;⁵ however, limited research indicates there is no significant reuse of paper shopping bags, likely because they are not durable. Reusable bags made from non-woven polypropylene and cotton need to be reused at least 14 and 173 times, respectively, to offset GHG emissions.⁶ When their use is minimized, paper and reusable shopping bags do have benefits. Paper shopping bags can be recycled or composted in curbside collection programs and will biodegrade in the natural environment, avoiding litter and marine debris issues. Reusable bags prevent waste and litter when they are reused many times.

Staff consulted on two options for a shopping bag by-law. Both include measures for plastic, paper and reusable shopping bags.

- *City of Victoria's Checkout Bag By-law.* This by-law bans plastic shopping bags (including compostable plastic) and requires business licence holders to charge fees on paper and reusable shopping bags. Vancouver City Council passed a resolution directing staff to explore a similar by-law option for Vancouver on April 29, 2019. Vancouver staff engaged the public and affected stakeholders on this approach in July 2019 using a Talk Vancouver survey.
- *Reduction Plans.* This approach was developed through the consultation process to develop the Single-Use Item Reduction Strategy and included as one of the actions in the strategy, approved by Council with amendments on June 5, 2018. Staff consulted stakeholders on proposed by-law requirements for Reduction Plans for shopping bags between January and May 2019.

Staff recommend adopting the by-law attached in Appendix D (based on City of Victoria's by-law) instead of Reduction Plans for the following reasons:

- **Harmonization with other jurisdictions.** At least 14 other municipalities in BC are pursuing similar by-laws. 80% of affected business respondents agree that regulation on shopping bags should be the same across all jurisdictions.
- **Public support and business support.** 72% of public opinion respondents and 64% of affected business respondents agree with this approach. (For comparison, 59% of Vancouver residents supported a ban on plastic bags in late 2017.)
- **Simple and straightforward.** Details of the proposed Reduction Plan approaches were widely found to be overly complex. 64% of affected business respondents agree that the Victoria Checkout Bag Regulation By-law requirements were easy to understand.

The recommended by-law is based on the City of Victoria's Checkout Bag By-law, but there are some differences. Changes were made based on public and stakeholder engagement, technical considerations and feedback from City of Victoria staff. Appendix G shows how the recommended shopping bag by-law has changed from the draft by-laws consulted on by staff and why.

One of the concerns with the implementation of a plastic bag ban is the potential impact to marginalized residents. Staff have therefore included a recommendation that there be further

⁵ Environment Agency. (2011) "Life cycle assessment of supermarket carrier bags: a review of the bags available in 2006." Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/291023/scho0711buan-e-e.pdf

⁶ Ibid.

work with organizations representing the interests of marginalized residents to address the following concerns:

- Affordability impacts from the cost of purchasing garbage bin liners and pet waste bags, the initial cost to purchase reusable shopping bags, and the cost of paper or reusable shopping bags when residents forget to bring their own reusable bags
- Myriad uses for plastic shopping bags by residents experiencing homelessness, such as carrying belongings and waterproofing footwear
- Possible odour and litter impacts that could result if residents cannot afford to buy garbage bin liners and dispose residential garbage without bagging it first

Amendments to By-laws Adopted April 29, 2019

On April 29, 2019, Council enacted amendments to the Licence By-law to ban polystyrene foam cups and take-out containers, and approved amendments to the Ticket Offences By-law to establish ticket offences for serving prepared food in polystyrene foam. Staff recommend adopting further amendments to the Licence By-law and Ticket Offences By-law attached in Appendices E and F to:

- Clarify that the term “food vendors” includes organizations that provide charitable food services. This amendment ensures that the single-use item by-laws apply to these organizations, as intended in staff’s report to Council dated April 16, 2019, except where specifically exempted.
- Establish fines for the ticket offence of serving prepared food in polystyrene foam consistent with recommended fines for similar offences.

2. Update and Recommendations on Past Council Resolutions

Council adopted several resolutions on June 5, 2018 when the Single-Use Item Reduction Strategy was approved. These resolutions amended some of the actions in the strategy and added new ones. This section presents staff updates and the rationale for recommendations related to these resolutions.

Recycled Content for Paper Single-Use Items

Council directed staff to include by-law requirements for paper single-use items to contain a minimum 40% post-consumer content.

Staff investigated the use of different kinds of recycled paper content and the associated environmental benefits. Post-consumer content comes from paper products collected from homes and businesses. Post-industrial content comes from trimmings and rejected products generated when manufacturing paper into products, such as paper bags. Industry has an economic incentive to minimize trimmings and rejected products during manufacturing, and the amount of post-industrial content is typically a small portion of the overall recycled content in paper products with the majority being post-consumer. In some cases the amount of post-consumer content may be less than 40% due to lack of availability of suitable volumes of material. Post-consumer and post-industrial content have the same environmental benefits because they replace the same amount of virgin paper content when they are used, avoiding the emissions and resource use associated with paper production. Sticking to a strictly post-consumer requirement could inadvertently result in some products with for example 40% recycled content consisting of 37% post-consumer and 3% post-industrial being deemed unsuitable for use.

For these reasons, staff recommend that the shopping bag by-law require that paper shopping bags must contain at least 40% recycled paper content, but do not specify that it must be post-consumer.

Staff have not included requirements in the other recommended by-laws for paper food serviceware to contain at least 40% recycled content because food safety requirements for food packaging are governed at the federal level, and recycled paper can contain substances that are not suitable for food contact.

“Tested and Approved” Compostable

Council directed staff to include by-law requirements for compostable single-use items to be tested and approved in local compost facilities.

There are at least 4 compost facilities that serve Vancouver businesses, each with different operational processes, including variation in processing timelines. Design standards for certified compostable plastic give 84 days for disintegration to occur; however, these compost facilities are designed to process food scraps and yard trimmings, which take significantly less than 84 days to fully biodegrade. Staff investigated local facilities' current policies towards compostable single-use items and determined that compostable plastic is a key concern for many of the facilities and they often treat this material as a contaminant. In addition, while compostable plastics may be designed to disintegrate in engineered compost facilities within 84 days, they are not designed to break down in the natural environment when littered.

The Province of British Columbia, not local governments, approves what materials can be accepted in local composting facilities. Compost facilities in BC are governed by the provincial Organic Matter Recycling Regulation, which does not include compostable, biodegradable, oxo-degradable, photodegradable or plant-based plastic as an acceptable feedstock for composting. These materials are not accepted in the City of Vancouver Green Bin.

In April 2019, Council approved a resolution for submission to UBCM, which was approved at the 2019 UBCM Convention, calling for provincial support to address compostable single-use items including aligning standards for compostable packaging and compost facilities, and requiring EPR for compostable packaging.

However, many businesses are turning to degradable and compostable plastics in the belief they are a solution to plastic pollution. Notwithstanding the UBCM resolution, and due to the urgent need for the Province's support to address compostable and degradable single-use items, especially plastics, staff also recommend that the Mayor write to the Ministry of Environment and Climate Change Strategy on behalf of Council to request that the Province:

- Develop standards relating to the use of compostable, biodegradable, oxodegradable and photodegradable plastics,
- Develop and align standards for certified compostable plastics and compost facilities in British Columbia,
- Require EPR for all compostable packaging generated by residential, industrial, commercial and institutional sectors, as well as the public realm.

Staff further recommend that compostable single-use items be restricted as per the recommended by-laws until such time as provincial standards are in place.

2021 Reduction Targets

Council directed staff to include requirements in the single use item by-laws to set reduction targets for disposable cups and plastic shopping bags, and ban these items if targets are not met by 2021. Staff consulted on this requirement as part of the engagement on draft by-laws for disposable cups and shopping bags.

The recommended by-law for shopping bags includes a ban on plastic shopping bags beginning January 1, 2021 based on strong public support and stakeholder feedback about the importance of harmonizing with other jurisdictions. Many stakeholders also indicated they would not be impacted by a plastic bag ban because they could switch to paper bags and have seen customers adjust to this approach in other jurisdictions.

The implementation plan for the recommended disposable cup by-law does not include banning disposable cups if a reduction target set by the City is not met by 2021. This is due to a lack of market readiness. More time is needed for reusable cups to be normalized as the default behaviour. The recommended by-law creates favourable conditions for customers to bring their own cup and for both businesses and customers to participate in Reusable Cup Share programs. Staff will monitor progress on an ongoing basis to assess future readiness for a potential ban on disposable cups and should reduction targets become a viable option in the future they can be reconsidered.

Update on Request for Expressions of Interest

In June 2018, Council directed staff to issue a Request for Expressions of Interest (RFEOI) for “Made in Vancouver” single-use item solutions such as a city mug program and reusable straws.

Mug program: Since Council adopted the Single-Use item Reduction Strategy, several organizations have reached out to City staff to share their current and ongoing plans to develop or participate in Reusable Cup Share programs in Vancouver. For example, the University of British Columbia’s mug share program has already expanded to businesses outside of the UBC campus and another cup share program launched in Vancouver this fall. Some of the larger chains are considering mug share programs on their own.

Reusable straws: Many businesses have been exploring alternatives to plastic straws. For example, several beverage establishments are now serving to-go drinks with “drink-through” (sippy cup) lids instead of plastic straws. Others have started serving dine-in drinks with reusable glass or metal straws. Staff are aware of many reusable straws available on the market, including collapsible travel straws, and have also seen reusable bubble tea cups that do not require a straw. It’s important to note that reusable straws may be appropriate for some people who rely on straws for accessibility, but the bendable single-use plastic straw meets the widest range of accessibility needs and staff do not recommend seeking to replace this type of straw with a reusable version.

At this time, staff are monitoring emerging developments in the marketplace and will assess if an RFEOI would help to support further development of “Made in Vancouver” solutions for single-use items. Staff will also explore other opportunities for the City to provide in-kind support to these emerging programs.

Report Back on Increased Business Licence Fee

Council directed staff to investigate and report back on an increased business licence fee for large business in which distribution of single-use items is pervasive.

Staff have investigated the opportunities to use an increased business licence fee to incentivize large businesses to reduce their distribution of single-use items. Key findings are as follows:

- Increasing the fee is not anticipated to incentivize businesses to reduce their distribution of single-use items and is more likely to be absorbed as part of the “cost of doing business,” while negatively impacting affordability. Financial costs are most effective in incentivizing behaviour change when they are incurred at the moment the behaviour occurs.
- Categorizing licence holders as small business and large business is not currently defined or captured through business licensing. There are several ways to define a small vs large business. Industry Canada considers service-producing firms to be small businesses when they have fewer than 50 employees but definitions are often flexible. Other criteria used to assess business size include: value of annual sales, annual revenue or size of assets.⁷
- Each physical location of a business is required to hold a business licence. National and international chains that are thought of as “large business” are made up of many small, individual locations, each of which is treated as a distinct business (licence holder) requiring a City licence. As a result, it is difficult to consistently define what constitutes a “large” business.

For these reasons, staff do not recommend using increased business licence fees as a means to incentivize large businesses to reduce their distribution of single-use items.

3. Implementation and Next Steps

Recommended Timeline

The recommended timeline for by-laws to come into effect is informed by several considerations:

- **Urgency to take action.** 86% of Vancouver residents see the importance of reducing single-use items.
- **Staggered start dates.** Stakeholders reported that staggered start dates, announced in advance at the same time, help businesses and their customers adjust and prepare.
- **Readiness to comply.** The recommended timeline aligns with the amount of advance notice the majority of businesses reported they need in order to comply.

On April 29, 2019, Council approved deferring the start date for the plastic straw by-law from June 1, 2019 to April 2020, giving stakeholders a total of 12 months to prepare. 64% of businesses that participated in engagement activities indicated they would be ready to comply with the ban on plastic straws within 12 months.

Of the businesses that participated in engagement activities, the majority indicated they would be ready to comply with the by-laws for disposable cups (68% of businesses), single use utensils (81%) and shopping bags (84%) within 12 months.

- **Communications campaign.** A main concern from stakeholders was the risk of customer criticism towards businesses and their employees if customers perceive them to be providing poor service by not giving out banned single-use items, charging fees and only giving out items by-request. All stakeholders felt that widespread public

⁷ [https://www.ic.gc.ca/eic/site/061.nsf/vwapi/KSBS-PSRPE_July-Juillet2012_eng.pdf/\\$FILE/KSBS-PSRPE_July-Juillet2012_eng.pdf](https://www.ic.gc.ca/eic/site/061.nsf/vwapi/KSBS-PSRPE_July-Juillet2012_eng.pdf/$FILE/KSBS-PSRPE_July-Juillet2012_eng.pdf)

awareness is important to avoid these negative impacts to business. The recommended timeline allows the City to develop and launch communications and outreach campaigns that raise public awareness, encourage behaviour change and provide information to affected businesses about the single-use item by-laws before the by-laws come into effect.

- **Avoid impacts to marginalized residents.** The recommended timeline allows staff to work with organizations representing the interests of marginalized residents to address potential negative impacts associated with the by-law for shopping bags.

For these reasons, staff recommend that Council adopt the following timeline for recommended by-laws to come into effect:

- **April 22, 2020:** By-law for plastic straws.
- **January 1, 2021:** By-laws for disposable cups, single-use utensils and shopping bags.

Communications and Outreach

Staff will develop communications and outreach campaigns to raise public awareness, encourage behaviour change and help affected businesses prepare for the by-laws for plastic straws, disposable cups, single-use utensils and shopping bags. The objectives of the communications and outreach campaigns are as follows:

- Provide translated, easily accessible and tailored information to suit the public and affected businesses' needs
- Build a strong foundation in brand, messaging and civic pride that will support long-term behaviour change towards zero waste
- Amplify public desire for a sustainable city and utilize this to support small businesses
- Build trust with businesses (meet them where they are)
- High level of voluntary compliance for license holders

Businesses shared with the City that widespread public awareness before the by-laws come into effect is preferred to avoid negative impacts to business, such as customer criticism. Pending Council's adoption of by-laws for plastic straws, disposable cups, single-use utensils and shopping bags, the first communications and outreach campaign will launch in February 2020.

Education and Enforcement

The City's by-laws include provisions for penalties for business licence holders that are not in compliance with the recommended by-laws. Initial actions will focus on education, outreach and support targeting all affected business licence holders.

Following these initial actions, increasing levels of enforcement could include warning letters, issuing tickets, legal orders to comply, and referral to prosecution for non-compliant businesses.

Next Steps

Pending Council approval of the recommended by-laws, next steps in the ongoing implementation of the Single-Use Item Reduction Strategy will be as follows:

- Develop and implement communications and outreach campaigns for the plastic straws, disposable cups, single-use utensils and shopping bags by-laws (as described in the previous section)
- Explore opportunities to require that Special Event permit holders are subject to the same restrictions on single-use items as described in the recommended by-laws
- Supporting City facilities and corporate operations to show leadership and ensure compliance with restrictions on single-use items as per the recommended by-laws through the City's Green Operations Plan
- Educating and engaging City staff to encourage reducing and/or eliminating single-use items at work and at home

Implications/Related Issues/Risk

Financial

Financial impacts of \$600,000 associated with implementing the single-use item by-laws are being brought forward for approval through the budget process for 2020.

Environmental

The recommended by-laws will reduce the use of plastic straws, disposable cups, single-use utensils and shopping bags, as well as their prevalence in street litter and marine environments, and their disposal to landfill and incinerator.

Legal

The Vancouver Charter grants the Council of the City of Vancouver broad legislative authority to regulate in relation to businesses, solid waste, nuisances and health matters.

By-law amendments will be required to implement the recommended by-laws.

CONCLUSION

Based on the results of the engagement and consultation and the details contained in this report, staff have prepared by-laws for single use items and proposed future actions for implementation and recommend approval.

* * * * *

Appendix A. By-laws for Plastic Straws

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding plastic straws**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council adds the following definitions to section 2 of the By-law in correct alphabetical order:

““Accessible Straw” means a single-use beverage straw made wholly from plastic derived from fossil fuels, such as polypropylene, that has a corrugated section that allows the straw to bend and maintain its position at various angles and is individually wrapped in paper.”;

““Bubble Tea Drink” means a prepared food consisting of a beverage, including but not limited to tea, fruit juice, blended fruit, coffee or milk, and edible pieces, typically less than 12 mm in diameter or width, including but not limited to tapioca, jelly or a liquid that has undergone the culinary process of spherification.”;

““Single-Use Plastic Beverage Straw” means a tube made wholly or partially from either plastic derived from fossil fuels or plastic derived from biomass, including but not limited to corn, sugarcane or other plants, used to transfer a beverage from a container to the mouth of the person drinking the beverage and ordinarily or customarily used for its intended purpose only once before being disposed as solid waste.”; and

““Solid Waste” has the same meaning as in the Solid Waste By-law.”;

3. Council inserts a new section 15.6 to this By-law as follows:

“PLASTIC STRAWS

15.6 (1) No food vendor may distribute single-use plastic beverage straws, except as provided by subsection (2).

- (2) Every food vendor must provide an accessible straw to a customer when:
 - i) the food vendor or its employees ask a customer if they need an accessible straw and the customer responds that they do, or
 - ii) a customer requests an accessible straw.

(3) Subsections 15.6 (1) to (2) shall not apply to:

Schedule 1

**Table 3
License By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Chief Licence Inspector or City Engineer	Distribution of plastic straws	Section 15.6(1)	\$500.00
	Failure to provide accessible straws	Section 15.6(2)	\$500.00

Appendix B. By-laws for Disposable Cups

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding single-use beverage cups**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council adds the following definitions to section 2 of the By-law in correct alphabetical order:

“Reusable Beverage Cup” means a beverage cup that is made from durable materials, and is ordinarily or customarily washed, sanitized and used repeatedly.”;

“Reusable Cup Share Program” means a program that meets the following requirements:

- A food vendor and its employees provide customers the choice to be served a beverage in a reusable beverage cup;
- The customer is allowed to remove the reusable beverage cup from the premises or location where the food vendor operates; and
- The customer may return the reusable cup to the food vendor or its employees, or a designated drop-off location, at a later time.”; and

“Single-Use Beverage Cup” means a cup made from any materials, used to serve a beverage and ordinarily or customarily used for its intended purpose only once before being disposed as solid waste.”;

3. Council inserts a new section 15.7 to this By-law as follows:

“SINGLE-USE BEVERAGE CUPS

15.7 (1) Every food vendor must charge at least 25 cents for every single-use beverage cup distributed to a customer.

- (2) Every food vendor must include the amount charged for single-use beverage cups as a separate line item on any receipt provided to the customer.
- (3) Every food vendor must display information about how much it charges for a single-use beverage cup on media such as menus, internet-based ordering platforms and/or menu boards, and verbally inform customers placing orders with a telephone call how much it charges for a single-use beverage cup.
- (4) When seeking a licence renewal, every food vendor must report to the Chief Licence Inspector the number of disposable cups it distributed in the past 12 months.
- (5) Subsections 15.7 (1) to (4) shall not apply to:

Schedule 1

**Table 3
License By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Chief Licence Inspector or City Engineer	Failure to charge cup fee	Section 15.7(1)	\$500.00
	Failure to list cup fees on receipts	Section 15.7(2)	\$500.00
	Failure to communicate cup fee	Section 15.7(3)	\$500.00
	Failure to report cup amounts	Section 15.7(4)	\$500.00

Appendix C. By-laws for Single-use Utensils

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding single-use utensils**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council adds the following definitions to section 2 of the By-law in correct alphabetical order:

““Self-Serve Station” means an area on the licensed premises where customers may obtain utensils for themselves.”; and

““Single-Use Utensil” includes a spoon, fork, knife or chopstick made from any materials and ordinarily or customarily used for its intended purpose only once before being disposed as solid waste.”;

3. Council inserts a new section 15.8 to this By-law as follows:

“SINGLE-USE UTENSILS

15.8 (1) No food vendor may provide a single-use utensil to a customer unless:

- i) the food vendor or its employees first ask a customer if they want a single-use utensil and the customer responds that they do, including responses given by telephone or using internet-based ordering platforms,
- ii) a customer requests a single-use utensil, including requests made by telephone or using internet-based ordering platforms, or
- iii) a customer obtains a single-use utensil from a self-serve station.

(2) Subsection 15.8 (1) shall not apply to:

- (a) a hospital or any facility licensed as a community care facility under the Community Care and Assisted Living Act;
- (b) packages of at least 20 single-use utensils sold for personal use”.

Severability

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

5. This By-law is to come into force and take effect on January 1, 2021.

Schedule 1

**Table 3
License By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Chief Licence Inspector or City Engineer	Failure to provide utensils by request	Section 15.8(1)	\$500.00

Appendix D. By-laws for Shopping Bags

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding shopping bags**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council adds the following definitions to section 2 of the By-law in correct alphabetical order:

“Shopping Bag” means a bag used for the purpose of transporting items sold or otherwise provided to a customer by a licence holder, including but not limited to take-out and to-go food, delivery of food, and leftovers from a meal, and customarily provided by a licence holder at the point of sale or when items ordered by telephone or internet-based ordering platforms are retrieved from the licence holder by the customer or a delivery service, but does not include:

- a. Bags used to:
 - i. contain loose bulk items such as fruit, vegetables, nuts, grains, or candy;
 - ii. contain loose small hardware items such as nails and bolts;
 - iii. protect bakery goods that are not pre-packaged prior to the point of sale;
 - iv. contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged prior to the point of sale or not;
 - v. wrap flowers or potted plants;
 - vi. transport live fish;
 - vii. protect newspapers or other printed material intended to be left at the customer’s residence or place of business; or
 - viii. protect clothes after professional laundering or dry cleaning; or
- b. Packages of at least 10 bags sold for use at the customer’s home or business, including but not limited to garbage bags, bin liners and pet waste bags;

“Licence Holder” means any person or organization required to obtain a licence under subsection 3(1) of this By-law;

“Paper Shopping Bag” means a shopping bag made out of paper and contains at least 40% recycled paper content, that displays the words “recyclable” and “made of 40% recycled content” or other applicable amount on the outside of the bag;

“Plastic Shopping Bag” means a shopping bag made wholly or partially from either plastic derived from fossil fuels or plastic derived from biomass, including but not limited to corn, sugarcane or other plants, but does not include a Reusable Bag;

“Reusable Shopping Bag” means a shopping bag designed and manufactured to be capable of at least 100 uses, and primarily made of fabric;

“Small Paper Bag” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

3. Council inserts a new section 15.9 to this By-law as follows:

“SHOPPING BAGS

- 15.9 (1) No licence holder may provide a plastic shopping bag to a customer.
- (2) No licence holder may provide a shopping bag to a customer, except as provided by subsection (3).
- (3) A licence holder may provide a shopping bag to a customer only if:
- a. The customer is first asked if they need a shopping bag; and
 - b. The shopping bag is a paper shopping bag or a reusable shopping bag; and
 - c. The customer is charged a fee not less than:
 - i. 15 cents for every paper shopping bag
 - ii. \$1 for every reusable shopping bag.
- (4) Every licence holder must include the amount charged for any paper shopping bags and reusable shopping bags provided to a customer as a separate line item on any receipt provided to the customer.
- (5) Every licence holder must report, at the request of the Chief Licence Inspector, the number of paper shopping bags and reusable shopping bags it distributed during the previous 12 months.
- (6) Subsections 15.9 (1) to (5) shall not apply to:
- (a) Small paper bags; and
 - (b) Shopping bags used to transport linens, bedding, or other similar large items that cannot easily fit in a paper bag or reusable bag.
- (7) Subsection 15.9 (3)(c) shall not apply to paper or reusable shopping bags:
- (a) Used to transport prescription drugs received from a pharmacy;
 - (b) Used in the course of providing charitable food services; or
 - (c) That have already been used by a customer and returned to a licence holder for the purpose of being re-used by other customers.
- (8) Subsection 15.9(3)(c)(i) is amended by deleting “15 cents” and substituting “25 cents” on January 1, 2022.
- (9) Subsection 15.9(3)(c)(ii) is amended by deleting “\$1” and substituting “\$2” on January 1, 2022.

Severability

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

5. This Bylaw is to come into force and take effect on January 1, 2021.

Schedule 1

**Table 3
License By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Chief Licence Inspector or City Engineer	Distribution of plastic shopping bags	Section 15.9(1)	\$500.00
	Failure to distribute shopping bags correctly	Section 15.9(2)	\$500.00
	Failure to list bag fees on receipts	Section 15.9(4)	\$500.00
	Failure to report bag amounts	Section 15.9(5)	\$500.00

Appendix E. By-law Amendment for Charitable Food Services

BY-LAW NO. _____

**A By-law to amend Licence By-law No. 4450
regarding charitable food services**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Licence By-law.
2. Council strikes the definition of "Food Vendor" from section 2 of the By-law and replaces it with:

"Food Vendor" means a holder of a licence issued under this By-law who sells prepared food or provides charitable food services.";

3. Council adds the following definitions to section 2 of the By-law in correct alphabetical order:

"Charitable Food Services" means the provision of food or prepared food for free or at low cost by an organization incorporated and in good standing under the Society Act, or registered as a charitable organization under the federal Income Tax Act."

4. Council strikes subsection 15.5 (2)(b) and replaces it with:

15.5 (2)(b) food service ware that contains polystyrene foam used in the course of providing charitable food services.

Severability

5. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

6. This By-law is to come into force and take effect on January 2, 2020.

ENACTED by Council this _____ day of _____, 2019

Mayor

City Clerk

Schedule 1

**Table 3
License By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Chief Licence Inspector or City Engineer	Food in polystyrene foam	Section 15.5(1)	\$500.00

Appendix G. Comparison of Draft and Recommended By-laws

The following tables present details of the draft single-use item by-laws as consulted on by staff, describes what changes were made in the recommended by-laws, and describes the rationale for the change based on engagement findings and technical considerations.

Plastic Straws

Table G-1 describes how the recommended plastic straw by-law has changed from the draft by-law for consultation and why.

Table G-1. Comparison of Draft and Recommended Plastic Straw By-law

Draft By-law Details for Consultation	Changes Made in Recommended By-law Details	Rationale
Ban plastic straws (including compostable plastic straws)	No change.	
Accessible straws must be provided by-request Accessible straw = bendable plastic straws (compostable plastic not allowed)	Revised the definition of an accessible straw to specify that it be individually wrapped in paper.	<ul style="list-style-type: none"> • Bendable plastic straws individually wrapped in paper meet the widest range of accessibility needs • People who rely on plastic straws for accessibility may be more likely to experience a compromised immune system
Exemptions <ul style="list-style-type: none"> • Hospitals, community care facilities • Plastic straws attached to juice boxes/pouches • Packages of at least 20 plastic straws sold for personal use 	No change.	
Phasing <ul style="list-style-type: none"> • At first – applies to Restaurant licence holders only • In 3 years – applies to all licence holders 	Replaced with a 1 year opt-in exemption for licence holders that serve bubble tea drinks, if they report what actions they are taking to comply by the end of 1 year.	<ul style="list-style-type: none"> • Stakeholders' licence type did not correspond to their readiness to stop using plastic straws • Majority of stakeholders, regardless of licence type, were ready to stop using plastic straws in less than 3 years • Bubble tea businesses were among the most dependent on plastic straws and many residents consider drinking bubble tea part of their cultural identity

Disposable Cups

Table G-2 describes how the recommended disposable cup by-law has changed from the draft by-law for consultation and why.

Table G-2. Comparison of Draft and Recommended Disposable Cup By-law

Draft By-law Details for Consultation	Changes Made in Recommended By-law Details	Rationale
<p>Licence holders must have reduction plans for disposable cups (made from any material).</p> <p>Choose from: i) Don't give out ii) Charge a fee* iii) Submit a Customized Plan,** subject to additional reporting and reduction requirements</p> <p>*Consulted on fees set by business vs. minimum fees set by the City (25 cents)</p> <p>**Consulted on allowing this option or not</p>	<p>Replaced with fees of at least 25 cents for every cup (made from any material).</p> <p>Fees must be shown on any receipts given.</p> <p>Fees must be displayed on menus, including online ordering platforms.</p>	<ul style="list-style-type: none"> • 74% of stakeholders would choose fees as their reduction plan • Preference for by-law requirements that are simple and easy to communicate to customers • Seen as more fair for City to set minimum fees – avoids “race to the bottom” and creates even playing field • 56% of stakeholders ranked a 25 cent minimum fee as acceptable or slightly acceptable • 26% of stakeholders ranked a 25 cent fee as “neutral” (neither acceptable nor unacceptable) • Communicating fees to customers helps to motivate behaviour change to use a reusable cup • Fee amount consistent with others: <ul style="list-style-type: none"> ○ UBC (25 cents) ○ Berkeley (25 cents) ○ Vancouver School Board (30 cents)
<p>Reporting - Consulted on:</p> <ul style="list-style-type: none"> • Report number and weight of disposable cups distributed each year vs. • Determine reporting requirements in 2 years 	<p>Replaced with requirement to report number of cups distributed annually (at the time of business licence renewal).</p> <p>Reporting requirement waived if licence holder is participating in Reusable Cup Share program.</p>	<ul style="list-style-type: none"> • Consistent with reporting requirements for cups approved in the Single-Use Item Reduction Strategy on June 5, 2018 • Reporting will allow staff to monitor progress, effectiveness of fee amounts over time and participation in Reusable Cup Share programs • Low stakeholder support due to concerns about additional time or resources needed to track and report data, but would be possible using purchase order, inventory or point-of-sale data
<p>Reduction Targets</p> <ul style="list-style-type: none"> • Ban disposable cups if their weight in residential garbage 	<p>No by-law requirement for banning disposable cups.</p>	<ul style="list-style-type: none"> • Food vendors are highly dependent on disposable cups and a ban would heavily negatively impact business unless more customers get used to

Draft By-law Details for Consultation	Changes Made in Recommended By-law Details	Rationale
and public litter cans doesn't decrease 50% below 2018 (consulted on timelines of 2021 vs. 2024)		bringing their own cup or using Reusable Cup Share <ul style="list-style-type: none"> Lack of market readiness for a ban on disposable cups – more time needed for behaviour change and for Reusable Cup Share to expand in order to normalize reusable cups as the default Staff will review annual distribution data and participation in Reusable Cup Share to monitor progress on an ongoing basis and assess future readiness for a potential ban on disposable cups
Exemptions <ul style="list-style-type: none"> Hospitals, community care facilities Packages of at least 6 cups sold for personal use Cups used as take-out food containers (e.g. to serve food such as desserts, jello, etc.) 	Same exemptions plus additional exemption for: <ul style="list-style-type: none"> Charitable food services 	<ul style="list-style-type: none"> Fees on disposable cups would be a barrier to accessing charitable food services Engagement with charitable food providers found that many are using reusable cups wherever possible

Single-Use Utensils

Table G-3 describes how the recommended single-use utensil by-law has changed from the draft by-law for consultation and why.

Table G-3. Comparison of Draft and Recommended Single-Use Utensil By-law

Draft By-law Details for Consultation	Changes Made in Recommended By-law Details	Rationale
Only give out single-use utensils by-request (all materials).	No change.	
Single-use utensils may not be stocked at self-serve stations.	Removed the restriction on self-serve stations.	<ul style="list-style-type: none"> Businesses with high volume service periods (e.g. weekday lunch hour) were concerned that the removal of utensils from self-serve stations would significantly impact order times Stakeholders suggested they would give out pre-bundled sets of single-

Draft By-law Details for Consultation	Changes Made in Recommended By-law Details	Rationale
		use utensils by-request to comply without slowing down their service, inadvertently leading to more waste if unwanted utensils are included in pre-bundled sets (e.g. the customer only needs a spoon but also gets a knife and fork)
Exemptions <ul style="list-style-type: none"> Hospitals, community care facilities Packages of at least 20 single-use utensils sold for personal use 	No change.	

Shopping Bags

There are many policy options for reducing the distribution of shopping bags. For any option, the best practice is to address environmental impacts of every type of shopping bag by putting measures in place for plastic bags as well as alternatives such as paper and reusable bags.

Staff consulted on two options for a shopping bag by-law. Both include measures for plastic, paper and reusable shopping bags.

- City of Victoria's Checkout Bag By-law. This by-law bans plastic shopping bags (including compostable plastic bags) and requires licence holders to charge fees on paper and reusable shopping bags. Vancouver City Council passed a resolution directing staff to explore a similar by-law option for Vancouver on April 29, 2019. Vancouver staff engaged the public and affected stakeholders on this approach in July 2019 using a Talk Vancouver survey.
- Reduction Plans. This approach was developed through the consultation process to develop the Single-Use Item Reduction Strategy and included as one of the actions in the strategy, approved by Council with amendments on June 5, 2018. Staff consulted stakeholders on Reduction Plans for shopping bags between January and May 2018.

The recommended shopping bag by-law is based on the City of Victoria's Checkout Bag By-law, but there are some differences. Changes were made based on public and stakeholder engagement, as well as feedback from City of Victoria staff. **Table G-4** describes how the recommended by-law differs from the City of Victoria's by-law and why. **Table G-5** describes how the recommended by-law differs from the Reduction Plan approach and why.

Table G-4. Comparison of Recommended Shopping Bag By-law and City of Victoria's Checkout Bag By-law

Draft By-law Details for Consultation	Changes Made in Recommended By-law	Rationale
Ban plastic shopping bags (including	No change.	

Draft By-law Details for Consultation	Changes Made in Recommended By-law	Rationale
compostable plastic).		
Fees of at least 15 cents for paper bags (25 cents after 1 year).	No change.	
Fees of at least \$1 for reusable bags (\$2 after 1 year).	No change.	
Does not specify if bag charges must be shown on any receipts given.	Must show bag charges on any receipts given.	<ul style="list-style-type: none"> • Communicating fees to customers helps to motivate behaviour change for customers to bring their own reusable bags when they shop • Consistent with recommended disposable cup by-law requirements
At least 40% <u>post-consumer</u> recycled content for paper bags.	At least 40% recycled content for paper bags.	<ul style="list-style-type: none"> • Post-industrial content is a small amount of overall recycled paper content • Same environmental benefits of post-consumer and post-industrial recycled content
Reporting - No reporting requirement.	Must report annual bag distribution when requested by City.	<ul style="list-style-type: none"> • Consistent with reporting requirements for bags approved in the Single-Use Item Reduction Strategy on June 5, 2018 • Reporting will allow staff to monitor progress and effectiveness of fee amounts over time • Low stakeholder support due to concerns about additional time or resources needed to track and report data, but would be possible using purchase order, inventory or point-of-sale data
<p>Exemptions</p> <p>Small paper bags (less than 15x20cm).</p> <p>Bags used to:</p> <ul style="list-style-type: none"> • Package loose bulk items such as fruit • Package loose hardware items • Contain or wrap frozen foods, 	<p>Revised exemption for bags used to transport prescription drugs from a pharmacy to apply to paper and reusable bags only (plastic bags not allowed).</p> <p>Added an exemption for paper and reusable bags used to provide charitable food services.</p>	<ul style="list-style-type: none"> • Opportunity to remove one exemption since many pharmacies already use paper bags for prescriptions • Engagement with charitable food providers found that fees on paper and reusable shopping bags would be a barrier to accessing charitable food services • Talk Vancouver public opinion survey found that some people feel the exempted bags should also be banned (e.g. produce bags, bulk bags, drycleaning bags etc.)

Draft By-law Details for Consultation	Changes Made in Recommended By-law	Rationale
<p>meat, poultry or fish</p> <ul style="list-style-type: none"> • Wrap flowers or potted plants • Protected prepared food or bakery goods that are not pre-packaged • Contain prescription drugs received from a pharmacy • Transport live fish • Protect bedding or other similar large items that cannot easily fit in a reusable bag • Protect newspaper left at a customer's residence or place of business • Protect clothes after professional cleaning <p>Bags sold in packages of multiple bags.</p> <p>Fees do not apply to bags that have already been used by a customer and returned to the business.</p>	<p>Otherwise, same bags, but clarified that the following are not subject to the by-law requirements because they do not meet the definition of a shopping bag rather than identifying them as exemptions:</p> <p>Bags used to:</p> <ul style="list-style-type: none"> • Package loose bulk items such as fruit • Package loose hardware items • Contain or wrap frozen foods, meat, poultry or fish • Wrap flowers or potted plants • Protected prepared food or bakery goods that are not pre-packaged • Transport live fish • Protect newspaper left at a customer's residence or place of business • Protect clothes after professional cleaning <p>Bags sold in packages of multiple bags</p>	<ul style="list-style-type: none"> • Many of the exempted bags in Victoria's by-law are out-of-scope for Vancouver's Single-Use Item Reduction Strategy because they do not meet the definition of a shopping bag. In the City of Vancouver's proposed by-law, these clarifications are written into the definitions section to avoid confusion

Table G-5. Comparison of Recommended Shopping Bag By-law and Reduction Plans

Draft By-law Details for Consultation	Changes Made in Recommended By-law	Rationale
<p>Licence holders must have reduction plans for plastic bags (including compostable plastic).</p> <p>Choose from:</p> <p>i) Don't give out</p> <p>ii) Charge a fee (consulted on fees set by business vs. minimum fees set by the City, and minimum fees of 15 cents vs. 25 cents)</p> <p>iii) Submit a Customized Plan, subject to additional reporting and reduction requirements (consulted on allowing this option or not)</p> <p>Ban plastic bags if their weight in residential garbage and public litter cans doesn't decrease 80% below 2018 amounts (consulted on timelines of 2021 vs. 2024)</p>	<p>Ban plastic shopping bags (including compostable plastic).</p>	<ul style="list-style-type: none"> • Harmonization - 80% of affected business respondents agree that regulation on shopping bags should be the same across all jurisdictions (Talk Vancouver) • 80% of public opinion respondents and 70% of affected business respondents agree with a ban on plastic bags (Talk Vancouver) • Some stakeholders say they would not be negatively impacted by a plastic bag ban because they will switch to paper bags and have seen customers adjust to plastic bag bans in other jurisdictions • Other stakeholders say there could be negative impacts to their business that need to be mitigated by public education and behaviour change campaigns • 19% of respondents indicated they would choose to not give out plastic bags as their reduction plan (e.g. voluntarily ban plastic bags) • Few respondents were interested in Customized Plans for plastic bags (only 7% of respondents) • Stakeholders expressed concern that allowing Customized Plans would be confusing to the public and create an uneven playing field since each business would be doing different things. • Stakeholders found the additional reporting and reduction requirements for Customized Plans overly complex and burdensome, and that they do not take business growth or reduction progress to-date into account
<p>Licence holders must have reduction plans for paper bags.</p> <p>Choose from:</p> <p>i) Don't give out</p> <p>ii) Charge a fee (consulted on</p>	<p>Fees of at least 15 cents for paper bags (25 cents after 1 year).</p>	<ul style="list-style-type: none"> • 67% of public opinion respondents and 57% of affected business respondents agree with fees on paper bags (Talk Vancouver) • Majority of respondents indicated they would choose fees as their reduction plan for paper shopping bags (85% of

Draft By-law Details for Consultation	Changes Made in Recommended By-law	Rationale
<p>fees set by business vs. minimum fees set by the City, and minimum fees of 15 cents vs. 25 cents)</p> <p>iii) Submit a Customized Plan, subject to additional reporting and reduction requirements (consulted on allowing this option or not)</p>		<p>respondents)</p> <ul style="list-style-type: none"> • Stakeholders, particularly small businesses, preferred for the City to set minimum fees to avoid competing with other businesses to attract customers with the lowest fees. Some stakeholders described this scenario as a “race to the bottom” where fee levels would end up being too low to achieve any reduction • Preference for fees to start low and increase over time • Stakeholders gave a range of paper bag fees between 5 cents and \$1 (median of 15 cents, average of 22 cents) • Few respondents were interested in Customized Plans for paper bags (only 7% of respondents) • Stakeholders expressed concern that allowing Customized Plans would be confusing to the public and create an uneven playing field since each business would be doing different things. • Stakeholders found the additional reporting and reduction requirements for Customized Plans overly complex and burdensome, and that they do not take business growth or reduction progress to-date into account
<p>Charge a fee on reusable bags above a minimum set by the City (consulted on \$1 vs. \$2)</p>	<p>Fees of at least \$1 for reusable bags (\$2 after 1 year).</p>	<ul style="list-style-type: none"> • 68% of public opinion respondents and 62% of affected business respondents agree with fees on reusable bags (Talk Vancouver) • Preference for fees to start low and increase over time • Stakeholders gave a range of reusable bag fees between 50 cents and \$5 (median of \$1.50, average of \$1.73)

Appendix H. Feedback from Stakeholders and Staff Comments

The following table summarizes feedback received from members of the public and businesses through the engagement processes and provides staff comments on each item. Refer to Appendix I for the full engagement findings.

By-law	Feedback	Staff Comments
All by-laws	<p>1. Compostable plastic. Some stakeholders and members of the public questioned why single-use items made from compostable plastic would not be exempted from the by-laws.</p>	<p>Compost facilities in BC are governed by the provincial Organic Matter Recycling Regulation, which does not include compostable, biodegradable, oxo-degradable, photodegradable or plant-based plastic as an acceptable feedstock for composting. These materials are not accepted in the City of Vancouver Green Bin and are not designed to biodegrade if littered in the natural environment.</p> <p>In April 2019, Council approved a resolution for submission to UBCM, which was approved at the 2019 UBCM Convention, calling for provincial support to address compostable single-use items including aligning standards for compostable packaging and compost facilities, and requiring EPR for compostable packaging. Staff reiterated this need in the City’s submission to the CleanBC Plastic Action Plan consultation in September. Staff also recommend that the Mayor write to the Ministry of Environment and Climate Change Strategy on behalf of Council to request that the Province address these issues.</p> <p>The City will support increased awareness about compostable plastics through its communications and outreach campaigns for stakeholders and the public.</p>
All by-laws	<p>2. Customer experience and customer service. Businesses are concerned that they will be seen as providing poor customer service if they do not provide banned single-use items, do charge fees and only give out items by-request. Businesses suggested that they may experience criticism from customers</p>	<p>Stakeholders advised that the City can support businesses and avoid negative impacts by increasing widespread public awareness of the City’s by-laws. Achieving widespread public awareness of the City’s by-laws will be a component of the communications approach including distributing materials that businesses can display in store to</p>

	when the by-laws come into effect.	help educate their customers.
All by-laws	3. Public education and behaviour change campaigns. Affected businesses agreed that public education and behaviour change campaigns are needed to encourage reduction of single-use items. Some stakeholders emphasized the need for communications campaigns to accompany by-law implementation, while other stakeholders argue that these campaigns should be developed instead of regulation.	Effective communication and outreach are an essential part of encouraging behaviour change as well as successfully implementing new regulation. The communications campaign will seek to support businesses with voluntary compliance as well as encourage behaviour change.
All by-laws	4. Exemptions for hospitals and community care facilities. Some stakeholder questioned why hospitals and community care facilities would be exempted from the by-laws.	<p>The by-law exemptions for hospitals and community care facilities applies to food service to patients in hospitals or food service to residents of community care facilities. This gives health organizations flexibility to meet infection control, workplace health and safety, and patient care standards. For more information, refer to the Key Findings section in the Background/Context section of the report.</p> <p>The exemptions do not apply to food vendors with a Vancouver business license whose premises are located in hospitals or community care facilities (e.g. cafeterias, cafes) that serve prepared food to customers in hospitals and community care facilities.</p> <p>The overall communications approach for stakeholders and the public will aim to address this.</p>
All by-laws	5. Food and health safety uncertainty. Stakeholders expressed uncertainty about health and food safety requirements for cleaning reusable straws, and for customers to use their own reusable shopping bags for take-out food and reusable cups, particularly for cold drinks. Businesses indicated the need for more information and clarity on this topic.	<p>Staff have confirmed with Vancouver Coastal Health that food facilities will be required to demonstrate in their sanitation plans how reusable items such as straws, shopping bags and cups will be used in their operations. Sanitation plans are reviewed and approved by local health authorities.</p> <p>The overall communications approach for stakeholders and the public will aim to address this.</p>
Plastic straw	6. Cost of alternatives. Some businesses advised that alternatives	82% of Vancouver residents said they would be willing to pay more for single-

<p>by-law</p>	<p>to plastic straws, such as paper straws, are currently more expensive and that switching to these alternatives could negatively impact their business.</p>	<p>use items that are reusable or accepted in residential collection programs. Some stakeholders also advised that by serving drinks without straws, complying with the by-law would be a cost-savings for them.</p>
<p>Plastic straw by-law</p>	<p>7. Misuse of accessible straws by-request. Businesses expressed concern that the accessible straws requirement will lead to all customers requesting an accessible straw whether they need one or not.</p>	<p>Raising awareness about the need for accessible straws, and the need to avoid public misuse, will be included in the communications approach for stakeholders and the public.</p>
<p>Plastic straw by-law</p>	<p>8. Uncertainty about when and how to provide accessible straws. Businesses were concerned about the right way to provide accessible straws.</p>	<p>People who rely on plastic straws for accessibility had different preferences for whether they or the business initiates the request, but all agreed that best practice is to put information in visible places, such as the business' website and on menus, notifying customers of the availability of accessible straws. The overall communications approach for stakeholders and the public will aim to address this.</p>
<p>Cup by-law</p>	<p>9. Effectiveness of fees. To avoid customer criticism and potential affordability issues, several businesses indicated they would decrease the current price of a drink and then add the cup fee so that the overall price of their product does not change.</p>	<p>This approach would be acceptable under the by-law, and is not expected to decrease the effectiveness of cup fees in driving reduction. Behaviour change research indicates that people are sensitive to perceived losses (such as paying fees) when making decisions. In addition, having to pay "extra" for a disposable cup signals that using a reusable cup is the default expected behaviour.</p>
<p>Utensils by-law</p>	<p>10. Restrictions by material type. Some stakeholders questioned why the by-law would apply to single-use utensils made from all materials and suggested that wooden and bamboo utensils should be exempt from by-request requirements, or that plastic utensils should be banned and wooden and bamboo utensils be allowed with no restrictions.</p>	<p>The Single-Use Item Reduction Strategy targets all types of materials to avoid shifting from one set of environmental impacts to another. The federal government is also considering a ban on plastic utensils, where supported by evidence. The overall communications approach for stakeholders and the public will aim to address this.</p>
<p>Shopping bags by-law</p>	<p>11. Environmental impacts of paper and reusable bags. Some stakeholders and members of the public perceive paper and reusable shopping bags as environmentally friendly and questioned why fees are</p>	<p>Banning plastic bags without regulating paper and reusable bags tends to result in substitution rather than reduction. Paper and reusable bags have higher greenhouse gas emissions and toxicity impacts than plastic bags due to</p>

	<p>proposed for these bags. Conversely, some stakeholders argue that plastic bags should not be banned because paper and reusable shopping bags have higher environmental impacts.</p>	<p>material extraction and production processes and additional fuel used to transport heavier bags.⁸ For more information, refer to the Shopping Bags section in the Strategic Analysis section of the report.</p> <p>Fees on paper and reusable bags are recommended to incentivize behaviour change towards customers using their own reusable bags for the majority of purchases. The overall communications approach for stakeholders and the public will aim to address this.</p>
<p>Shopping bags by-law</p>	<p>12. Garbage bin liners and pet waste bags. 63% of plastic shopping bags found in the garbage in Vancouver have been re-used as garbage bin liners or to pick up pet waste. Some members of the public expressed concern that environmental benefits of banning plastic shopping bags will be negated by increased purchases of garbage bin liners and pet waste bags (typically made with heavier plastic).</p>	<p>New research on plastic bag bans in California calculated a net reduction in the overall amount of plastic disposed, even with increased garbage bag purchases.⁹ In addition, plastic garbage bags are less likely to blow out of waste streams because they are weighed down by the garbage they hold, reducing the risk of plastic bags in litter and marine debris. The overall communications approach for stakeholders and the public will aim to address this.</p>
<p>Shopping bags by-law</p>	<p>13. Affordability. Stakeholders and the public identified potential affordability impacts to marginalized residents. These include: the cost of purchasing garbage bin liners and pet waste bags, the initial cost of purchasing reusable shopping bags, and the cost of fees on paper or reusable shopping bags when residents forget to bring their own reusable bags.</p>	<p>Pending Council's adoption of Recommendation A (iv) and B, staff will work with organizations representing the interests of marginalized residents in 2020 to address potential affordability impacts.</p>
<p>Shopping bags by-law</p>	<p>14. Impacts to marginalized residents. In addition to affordability issues, there are other potential impacts to marginalized residents. Plastic shopping bags have myriad uses for residents experiencing</p>	<p>Pending Council's adoption of Recommendation A (iv) and B, staff will work with organizations representing the interests of marginalized residents in 2020 to address potential negative impacts.</p>

⁸ Environment Agency. (2011) "Life cycle assessment of supermarket carrier bags: a review of the bags available in 2006." Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/291023/scho0711buan-e-e.pdf

⁹ Taylor, Rebecca L.C. (2019) "Bag leakage: The effect of disposable carryout bag regulations on unregulated bags". *Journal of Environmental Economics and Management*, 93, p.254-271.

	<p>homelessness, including carrying belongings and waterproofing footwear. Another risk identified by a resident in single-room occupancy housing is that if lower income households can't use free plastic shopping bags as garbage bin liners, they may opt to throw out loose garbage which could lead to odour issues and increased litter in disposal areas.</p>	
<p>Shopping bags by-law</p>	<p>15. Functional performance of paper bags. Affected businesses stakeholders are concerned that paper bags are not a suitable alternative to plastic bags because they are less strong, not malleable and not weather proof.</p>	<p>Businesses may address these concerns by making reusable bags available to customers for a fee or offering free reusable bags that have already been used once and returned for reuse (take-a-bag, leave-a-bag program).</p> <p>Customers can address these concerns by bringing their own reusable shopping bags for the majority of purchases. The overall communications approach for stakeholders will aim to address this.</p>
<p>Shopping bags by-law</p>	<p>16. Fee amounts and free alternatives. Some stakeholders and members of the public indicated that proposed fees are too high, and that a free option should be available to customers.</p>	<p>Fees must be high enough to incentivize behaviour change and customers can avoid fees by bringing their own reusable shopping bags for the majority of purchases. Businesses may distribute free paper and reusable shopping bags to customers if they have already been used once and returned for reuse (take-a-bag, leave-a-bag program).</p> <p>The overall communications approach for stakeholders and the public will aim to address this.</p>

Appendix I-1. MODUS Engagement Summary Report

Appendix I-2. Hua Foundation Engagement Summary Report

Appendix I-3. Talk Vancouver Shopping Bags Survey Summary Report

Appendix I-4. Survey on Shopping Bags with Metro Vancouver Member Municipalities

On April 29, 2019, Council directed staff to consider the growing interest among neighbouring municipalities to collaborate on a plastic shopping bag ban.

In July 2019, Vancouver staff distributed a survey to staff in Metro Vancouver member municipalities through the Metro Vancouver Regional Engineers Advisory Sub-Committee on Solid Waste and the Metro Vancouver Municipal Waste Reduction Coordinators Committee.

The objectives of the survey were to identify other municipalities pursuing shopping bag by-laws, and assess interest to collaborate on a by-law for shopping bags.

Question 1 - Please name your municipality or jurisdiction.

Staff from 16 municipalities completed the survey.

Question 2 – Has your Council directed your municipality’s staff to develop or report back on a by-law on the distribution of shopping bags?

Staff in 7 municipalities indicated they had directed to develop or report back on a shopping bag by-law.

Staff in 9 municipalities indicated they had not been directed to develop or report back on a shopping bag by-law.

Question 3 – Details of Proposed By-laws for Shopping Bags

Municipal staff that indicated they had been given direction by their Council to develop or report back on a by-law on the distribution of shopping bags were asked to provide any details of the by-law they were able to share.

Of the 7 municipal staff that indicated they have been directed to develop a shopping bag by-law, only one was able to provide details about their by-law at this time.

Table 1 shows how each municipality that indicated they have been directed to develop or report back on a by-law for shopping bags answered questions about the details of their proposed by-laws.

Table 1. Details of By-laws for Shopping Bags Under Development

Municipality	Requirements for Plastic Shopping Bags	Requirements for Paper Shopping Bags	Requirements for Reusable Shopping Bags	Comments
Respondent 1	Unable to answer at this time	Unable to answer at this time	Unable to answer at this time	Still in early stages and cannot provide details yet.
Respondent 2	Unable to answer at this time	Unable to answer at this time	Unable to answer at this time	Deferring consideration of regulatory actions related to single-use items until the Province concludes its work on the Plastics Action Plan.
Respondent 3	Unable to	Unable to	Unable to	

Municipality	Requirements for Plastic Shopping Bags	Requirements for Paper Shopping Bags	Requirements for Reusable Shopping Bags	Comments
	answer at this time	answer at this time	answer at this time	
Respondent 4	Unable to answer at this time	Unable to answer at this time	Unable to answer at this time	Reporting back to Council in fall 2019.
Respondent 5	Unable to answer at this time	Unable to answer at this time	Unable to answer at this time	Council requested stakeholder consultation.
Respondent 6	Unable to answer at this time	Unable to answer at this time	Unable to answer at this time	Currently in the planning stages to introduce a single-use item strategy.
Respondent 7	Ban	None at this time but staff are reviewing the issue further	None at this time but staff are reviewing the issue further	By-law proposes to ban plastic shopping bags, plastic straws and foam food serviceware. The by-law has been sent to the Minister of Environment and Climate Change Strategy for approval.

Question 4 – Potential Interest in a Shopping Bag By-law

All 16 respondents completed a set of questions designed to assess potential interest in pursuing the development of a by-law for shopping bags. Figure 1 shows respondents' interest in different aspects of a shopping bag by-law.

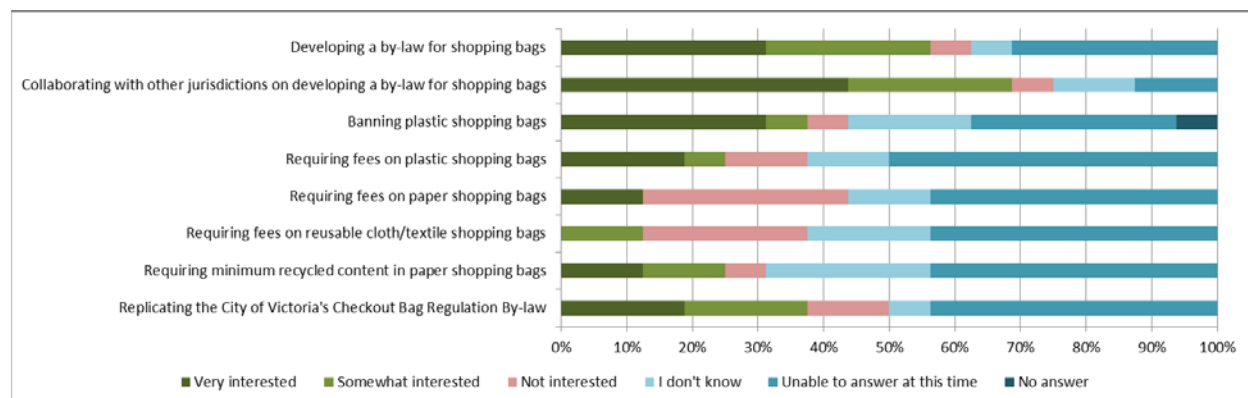


Figure 1. Respondents Interest in Pursuing Different Aspects of a Shopping Bag By-law