



COUNCIL REPORT

Report Date: February 7, 2024
Contact: Jonathan McDermott
Contact No.: 604.871.6241
RTS No.: 15603
VanRIMS No.: 08-2000-20
Meeting Date: February 28, 2024
[Submit comments to Council](#)

TO: Standing Committee of Council on Policy and Strategic Priorities

FROM: General Manager of Engineering

SUBJECT: Single-Use Item By-laws and Report Back on Cup Policies

Recommendations

- A. THAT Council relinquish the regulation of single-use items from the City to the federal and provincial governments by approving, in principle, amendments to the License By-law and the Ticket Offences By-law generally in accordance with Appendix A, to rescind the City of Vancouver's by-law requirements concerning single-use foam cups and foam take-out containers, straws, utensils, plastic shopping bags, paper shopping bags and reusable shopping bags;

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment the by-law amendments regarding foam containers, plastic straws, single-use utensils and plastic shopping bags to be effective by March 12, 2024, and the by-laws regarding paper and reusable shopping bags to be effective on July 15, 2024.

- B. THAT Council request that the Mayor write to the federal Minister of Environment and Climate Change Canada and respectfully request amendments to the federal Single-Use Plastics Prohibition Regulations (SOR/2022-138) in order to enhance accessibility under the federal plastic straw ban and align with the City of Vancouver by allowing:
- i. Food vendors to provide an "accessible straw" (flexible plastic straw, individually wrapped in paper) when requested;
 - ii. Retailers to display packages of flexible plastic straws in stores; and
 - iii. Flexible plastic straws attached to beverage containers like drink boxes.
- C. THAT Council:
- i. Request that the Province work in consultation with local governments and other stakeholders to develop circular cup packaging regulations that are consistent across B.C., achieve the best environmental outcomes

based on B.C.'s local context, and develop these regulations as part of the Province's work to identify a policy approach by 2025 to improve the circularity of industrial, commercial and institutional (ICI) packaging; and

- ii. Share this report with the Minister of Environment and Climate Change Strategy as a demonstration of the City of Vancouver's commitment to support the Province in advancing circular cup packaging regulations for B.C.

Purpose and Executive Summary

This report has three purposes:

1. To relinquish single-use item regulation from the City to federal and provincial governments (Recommendation A)

Rescinding the City's current single-use item by-laws eliminates conflicts and overlap with new federal and provincial single-use and plastics regulations that started to be phased in on Dec. 20, 2023. As a result of a recent BC Court of Appeal ruling regarding the City's business regulation powers, the City may no longer have jurisdiction to enact such by-laws and rescinding them will avoid this issue. This will also simplify compliance for businesses and reduce confusion for residents.

For foam containers, plastic straws, single-use utensils and plastic shopping bags, staff recommend rescinding these by-laws on March 12, 2024, because federal and provincial regulations for these items took effect on Dec. 20, 2023. For paper shopping bags and reusable shopping bags, staff recommend rescinding these by-laws on July 15, 2024, because provincial regulations take effect for these items on that date.

Rescinding these by-laws can be considered a significant achievement for the City (with the exception of accessible straws as discussed in point #2). The City of Vancouver's single-use item by-laws were the most comprehensive set of single-use item regulations at the time Council adopted them in 2018. Recognizing the City can't solve the global problems of plastic pollution and single-use waste on its own, the City has advocated for, and contributed to, federal and provincial regulations that closely align with, and extend beyond, the City's by-laws.

2. To enhance accessibility under the federal plastic straw ban (Recommendation B)

The federal regulation prohibits the accessibility provisions in the City's plastic straw by-law, and is understood to render the City's by-law invalid. The report recommends Council encourage the federal government to enhance accessibility under the federal regulation by aligning with the City's current by-law. Staff's recommendation is consistent with a City's Persons with Disabilities Advisory Committee motion. This would ensure persons with disabilities who rely on flexible plastic straws to drink and eat will have barrier-free access to them in restaurants and stores. It would also enable the City to provide barrier-free food and beverage services at civic facilities in support of the City's Accessibility Strategy.

3. Respectfully request that the Province work in consultation with local governments and other stakeholders to develop circular cup packaging regulations that are consistent across B.C. and achieve the best environmental outcomes based on B.C.'s local context (Recommendation C)

On Feb. 15, 2023, Council directed staff to report back with alternative policies for cups, and resolved to work with provincial and federal counterparts to facilitate prompt, coordinated action toward comprehensive strategies on single-use items.

Given this direction, combined with Council's strategic priority to support a circular economy and ensure staff efforts are prioritized on optimal delivery of core services, staff recommend Council respectfully request that the Province develop circular cup packaging regulations for British Columbia.

The recommendation further requests that the Province work in consultation with local governments and other stakeholders to develop these regulations in order to achieve the best environmental outcomes based on B.C.'s local context. The Province's current work to identify a circular ICI policy approach by 2025 presents an opportune time to develop this cup policy.

As part of the City of Vancouver's commitment to support the Province in advancing this work, staff recommend Council share this report with the Minister of Environment and Climate Change Strategy. The report summarizes staff's research on 40 policy options in place, or being considered, in other jurisdictions worldwide. Staff will continue to work with Ministry staff, and explore opportunities to promote reusable cups.

Council Authority/Previous Decisions

- In 2019, Council approved by-law amendments to restrict single-use foam cups and foam take-out containers, and plastic and compostable plastic straws, single-use utensils, shopping bags and cups (**Appendix B**).
- On [July 19, 2022](#),^{1*} Council adopted the City's first [Accessibility Strategy](#).²
- On [Feb. 15, 2023](#),³ Council resolved to rescind all single-use cup regulations in the License By-law and Ticket Offences by-law (cup fee, filling customers' reusable cups, and reporting requirements), directed staff to report back with alternative policies for cups, and resolved to work with provincial and federal counterparts to facilitate prompt, coordinated action toward comprehensive strategies on single-use items.
- Supporting a circular economy, including reuse and recycling of materials, is a priority in [Vibrant Vancouver: Council Strategic Priorities 2023-2026](#).⁴

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

Federal and provincial single-use and plastic regulations

Federal regulations: On June 20, 2022, the Government of Canada published the [Single-use Plastics Prohibition Regulations SOR/2022-138](#)⁵ to ban the sale and distribution of six single-use plastic (SUP) items in Canada: checkout bags, cutlery, stir sticks, straws and food service ware made from specific types of "problematic" plastic, and ring carriers ("six pack rings"). On Dec. 21, 2023, the government advised City staff the regulation remains in force while it appeals a Nov. 16, 2023 Federal Court ruling that challenged the legal basis for these regulations.

* Endnotes are provided in Appendix J.

Provincial regulations: On July 14, 2023, the Province enacted the [Single-Use and Plastic Waste Prevention Regulation](#).⁶ This regulation provides consistency across B.C., and complements actions taken by B.C. municipalities. The Province is bringing the regulation into effect in stages:

- **December 20, 2023:** Restrictions on food service accessories
- **July 15, 2024:** Minimum fee for reusable or paper shopping bags, restrictions on shopping bags, food service ware and oxo-degradable plastics
- **July 1, 2028:** Restrictions on PVC film wrap
- **July 1, 2030:** Restrictions on polystyrene foam meat trays

Appendix C provides more detail, including graphics, and shows how the new federal and provincial regulations are being phased in starting Dec. 20, 2023.

Ensuring accessibility under the federal plastic straw ban

The City of Vancouver developed accessibility provisions for the plastic straw by-law through in-depth engagement with persons with disabilities who rely on flexible plastic straws to drink and eat (**Appendix D**). The B.C. Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, which sets the standard for single-use item by-laws in Community Charter municipalities, aligns with the accessibility provisions in the City of Vancouver's plastic straw by-law. Nine B.C. municipalities have plastic straw bans under this regulation.⁷

The federal plastic straw ban regulation includes several exceptions intended to ensure access to flexible plastic straws. However, the federal regulation bans the comprehensive accessibility provisions in the City's and B.C. regulations. On Aug. 18, 2022, the City's Persons with Disabilities Advisory Committee (PDAC) passed a motion outlining its accessibility concerns with the federal regulation, and recommended Council request that the federal government revise its regulations to reflect the City's by-law (**Appendix E**).

Single Use Plastic (SUP) Cups

All levels of government around the world have enacted or are proposing regulations and voluntary programs to reduce SUP waste, encourage the uptake of reusable cups, improve SUP recycling, and abate and manage litter from SUP cups (**Appendix F**).

In **Canada**, the Canadian Council of Ministers of the Environment (CCME) has prioritized SUP cups and lids on its roadmap towards zero plastic waste. The municipalities of Banff (AB), Edmonton (AB), Mascouche (QB), Montreal (QC), and Terrebonne (QC), and Toronto (ON) have enacted cup by-laws. Victoria (BC) has submitted a cup by-law for the Province's approval.

In **B.C.**, the **Province** has taken several actions on cups:

- 2014: Recycling Regulation requires [extended producer responsibility](#)⁸ (EPR) to recycle residential and streetscape SUP cups. Recycle BC is responsible for this program.
- 2022: Health [policy](#)⁹ helps businesses safely accept customers' reusable cups.
- Dec. 2023: Single-use and plastics regulation requires cup lids to be provided by request
- July 2024: Single-use and plastics regulation bans hard-to-recycle plastic cups
- [Clean BC Plastics Action Fund](#)¹⁰ expands circular reusable cup washing facilities and helps businesses and indigenous communities shift to reusable cups

In **Vancouver**, at least [three companies](#)¹¹ offer circular reusable cup services to businesses and festivals. Single-use cups can be recycled in the Recycle BC [residential recycling program](#),¹² in

the City's [on-street and parks recycling](#)¹³ program, and at the [Zero Waste Centre](#).¹⁴ The [Return-it Reusable and Single-Use Cup Recycling Program](#),¹⁵ a partnership with three major brands and support from the City to locate bins on City property, also provides convenient return locations for reusable cups and single-use cups in the public-realm. The City has also provided annual grants to The Binners' Project, which helps support their [Coffee Cup Revolution](#)¹⁶ deposit-refund demonstration project.

Discussion

Federal and provincial single-use and plastic regulations

The new federal and provincial single-use and plastic regulations should be considered paramount to the City's existing single-use items by-laws. The new regulations overlap with the City's rules, except for the following key conflicts:

1. **Federal restrictions on flexible plastic straws:** The federal plastic straw ban prohibits the City's accessibility provisions for flexible plastic straws, as discussed.
2. **B.C. exemptions for bag fees:** The B.C. regulation exempts fees on paper bags used for drive-thru and food delivery, and paper and reusable bags for personal hygiene products given out by non-profits.
3. **B.C. ban on large plastic bags:** The B.C. regulation does not exempt large plastic shopping bags for large products, as in the City's by-law.
4. **B.C. rules for tracking paper and reusable bags:** The B.C. regulation requires only *large businesses* (500+ employees) to track the average number of paper and reusable bags sold per transaction.¹⁷

Appendix G shows how the federal and provincial new rules extend beyond the City's single-use item by-laws.

Recommendation A: In support of the federal and provincial regulations that are being phased in starting Dec. 20, 2023, staff recommend Council approve, in principle, by-law amendments to rescind the City's by-law requirements for single-use foam cups and foam take-out containers, straws, utensils, and shopping bags, as described in Recommendation A. This avoids overlapping and conflicting with new federal and provincial single-use and plastics regulations, simplifies compliance for businesses, and reduces confusion for residents. As a result of a recent BC Court of Appeal ruling regarding the City's business regulation powers, the City may no longer have jurisdiction to enact such by-laws and rescinding them will avoid this issue.

Staff had intended to bring forward this recommendation on Nov. 29, 2023, but delayed the report to assess the legal implications of the Federal Court ruling. We have since confirmed the government plans to appeal and federal regulations remain in force.

- **Communications:** Subject to approval of Recommendation A, staff will develop communications to inform businesses of the transition from City to federal and provincial regulations.

Ensuring accessibility under the federal plastic straw ban

Although the federal plastic straw regulations include some exceptions intended to ensure access to flexible plastic straws, they will create new barriers to accessibility and inclusion,

inequities for persons with disabilities as outlined in PDAC's motion. The federal regulation also prevents the City from providing barrier-free and inclusive access to food and beverage services at our facilities. This is contrary to the City's [Accessibility Strategy](#)¹⁸ and the spirit and intent of the *Accessible British Columbia Act*.

Recommendation B: Staff recommend Council request the Mayor write to the federal Minister of Environment and Climate Change Canada to respectfully request enhanced accessibility under the federal plastic straw ban, as described in Recommendation B. This is consistent with PDAC's motion. By requesting these amendments to the federal plastic straw regulations, the City does not mean to challenge the federal government's positive work to address plastic pollution. Rather, the intent is to ensure barrier-free accessibility, inclusiveness and equity for all Canadians.

SUP Cups

Environmental impacts:

In 2021, the UN Environment Program published a report¹⁹ with a meta-analysis of ten separate Life Cycle Assessment studies of SUP cups and their alternatives, which suggests that:

- Reusable cups generally have the lowest climate and other environmental impacts
- SUP cups have similar environmental impacts, regardless of the material they are made of (bio-plastic, fossil-based plastic or paper lined with bio- or fossil-based plastic)^{20, 21}
- Manufacturing single-use cups with recycled materials substantially reduces their fossil fuel resource depletion and impact on climate change
- Litter and biodiversity loss impacts should be incorporated in future life cycle studies

There is growing evidence of “substances of concern” like PFAS (per-and polyfluoroalkyl substances) and other chemicals in paper cups and containers, including compostables.^{22, 23}

Cup policy considerations

Appendix H describes the different types of cup policies that governments have implemented or are proposing, with examples. Data is not yet available to assess how these emerging policies are in reducing SUP cup waste and promoting circular cup packaging. However, staff's preliminary observations are summarized as follows:

1. Most jurisdiction define SUP cups as all plastic and plastic-coated paper cups--including conventional plastic, bioplastics, non-compostable and compostable.
2. There is no one-size fits all approach, and comprehensive policies are needed to drive avoidance, reduction, reuse, recycling, and litter abatement.
3. Circular cup systems make use of reusable cups and/or “high quality recycling” programs that recycle a high percentage of SUP cups back into food packaging (e.g. 75% to 90%).²⁴
4. EPR is being applied beyond recycling to reuse and litter abatement.²⁵
5. Some of the more nimble regulations include clauses to review and adjust policies within about 3-5 years of adoption.

A circular cup system for B.C.

Under its [5-year action plan for EPR](#),²⁶ the Province is currently working to improve the circularity (recovery, reuse and recycling) of industrial, commercial and institution (ICI) packaging, as follows:

- 2022-2023: Complete a study of ICI packaging waste flows
- 2024: Evaluate and engage stakeholders on policy options
- 2025: Identify a policy approach

This work underway presents an opportunity to develop a circular cup policy focused on the ICI sector. Current regulations require recycling of residential cups but ICI cups are unregulated. Metro Vancouver estimates the ICI sector disposed of 270 million SUP cups in 2022, about 60% of the total 451 million disposed.

The Province has acknowledged that circular ICI packaging regulations will require a phased, measured approach. ICI packaging waste is complex because it varies by type of business. Starting with cups would be a way to move forward with phasing in ICI packaging regulations that not only recover and recycle packaging, but promote reusable packaging.

Determining the mix of cup policy options that achieves the best environmental outcomes is more appropriately and effectively done at the provincial level, given the Province's regulatory role and the cross-jurisdictional nature of waste flows. Life cycle assessments are needed to compare potential impacts of the different policy options, such as reusable cups, high quality recycling, deposits on SUP cups, and EPR to cover local government cup litter costs. Once determined, new cup requirements could be added to the Province's existing single-use item and EPR regulations for a consistent approach amongst all sectors and jurisdictions.

Recommendation C: Staff recommend Council respectfully request that the Province develop circular cup packaging regulations for British Columbia. This aligns with Council's direction to coordinate action with senior governments, prioritize support for the circular economy, and focus existing resources on core services.

The recommendation further requests that the Province work in consultation with local governments and other stakeholders to these regulations in order to achieve the best environmental outcomes based on B.C.'s local context. The Province's current work to identify a circular ICI policy approach by 2025 presents an opportune time to develop this cup policy.

As part of the City of Vancouver's commitment to support the Province in advancing this work, staff recommend Council share this report with the Minister of Environment and Climate Change Strategy. The report summarizes staff's research on 40 policy options in place, or being considered, in other jurisdictions worldwide. Staff will continue to work with Ministry staff, and explore opportunities to promote reusable cups.

Financial Implications

There are no financial implications associated with the recommendations in this report.

Legal Implications

If adopted, the Recommendations in this report will result in the rescission or repeal of the City's business regulation rules governing single use items. Substantially similar provisions enacted by the federal government and the provincial government will replace them, and should be

considered to be paramount. As a result of a recent BC Court of Appeal ruling regarding the City's business regulation powers, the City may no longer have jurisdiction to enact such by-laws because single use items will be subject to extensive provincial and federal regulation. Rescinding the by-laws will avoid this issue and is recommended.

* * * * *

BY-LAW NO. _____

**DRAFT By-law to amend License By-law No. 4450
regarding foam containers, plastic straws, single-use utensils, and plastic 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 strikes the definitions of “Accessible Straw,” “Food Service Ware,” “Food Vendor”, “Polystyrene Foam”, “Bubble Tea Drink”, “Single-Use Plastic Beverage Straw”, “Self-Serve Station”, “Single-Use Utensil”, “Plastic Shopping Bag”, and from section 2 of the By-law.
3. Council strikes sections 15.5, 15.6, 15.7, and 15.9 (1) of the By-law.
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.
5. This By-law is to come into force and take effect on March 12, 2024.

ENACTED by Council this _____ day of _____, 2024

Mayor

BY-LAW NO. _____

**DRAFT By-law to amend License By-law No. 4450
regarding paper shopping bags and reusable 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 strikes the definitions of “Charitable Food Services,” “Shopping Bag”, “Paper Shopping Bag”, “Reusable Shopping Bag”, and “Small Paper Bag” from section 2 of the By-law.
3. Council strikes sections 15.9 (2) to 15.9 (10) of the By-law.
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.
5. This By-law is to come into force and take effect on July 15, 2024.

ENACTED by Council this _____ day of _____, 2024

Mayor

City Clerk

BY-LAW NO. _____

**DRAFT By-law to amend Ticket Offences By-law No. 9360
regarding polystyrene foam, plastic straws, single-use utensils, and
plastic shopping bags**

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

1. This By-law amends the indicated provisions and schedules of the Ticket Offences By-law.
2. Council strikes “Food in polystyrene foam”, “Distribution of plastic straws”, “Failure to provide accessible straws”, “Failure to provide utensils by request”, and “Distribution of plastic shopping bags” from Column 2 of Table 3.
4. Council strikes the corresponding “Section 15.5(1)”, “Section 15.6(1)”, “Section 15.6(2)”, “Section 15.7(1)”, and “Section 15.9(1)”, from Column 3 of Table 3.
5. Council strikes the five corresponding “\$500.00” amounts from Column 4 of Table 3.
6. This by-law is to come into force and take effect on March 12, 2024.

ENACTED by Council this _____ day of _____, 2024

Mayor

City Clerk

BY-LAW NO. _____

**DRAFT By-law to amend Ticket Offences By-law No. 9360
regarding paper shopping bags and reusable shopping bags**

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

1. This By-law amends the indicated provisions and schedules of the Ticket Offences By-law.
2. Council strikes “Chief Licence Inspector or City Engineer” from Column 1 of Table 3.
3. Council strikes “Failure to distribute shopping bags correctly”, “Failure to list bag fees on receipts”, and “Failure to report bag amounts” from Column 2 of Table 3.
4. Council strikes the corresponding “Section 15.9(2)”, “Section 15.9(4)” and “Section 15.9(5)” from Column 3 of Table 3.
5. Council strikes the three corresponding “\$500.00” amounts from Column 4 of Table 3.
6. This by-law is to come into force and take effect on July 15, 2024.

ENACTED by Council this _____ day of _____, 2024

Mayor

City Clerk

CITY OF VANCOUVER SINGLE-USE ITEM BY-LAWS

By-laws in Effect

Table B1 City of Vancouver By-laws in Effect in License By-law No. 4450 for Foam, Straws, Utensils, and Shopping Bags

Section	Item	Effective	Summary of Requirements
15.5	Foam Containers*	Jan. 1, 2020	<ul style="list-style-type: none"> Bans food vendors from serving prepared food in foam cups and foam take-out containers (plates, bowls, trays, cartons, and hinged or lidded containers)
15.6	Plastic Straws	Apr. 22, 2020	<ul style="list-style-type: none"> All types of plastic straws are banned, including plastic labeled or described as compostable or degradable, and plastic made from plants. (Except flexible plastic straws for accessibility.) Accessibility provisions: <ul style="list-style-type: none"> Flexible plastic straws, individually wrapped in paper, must be provided to customers upon request. Retailers can sell (and display) packages of 20 or more plastic straws Plastic straws can be attached to beverage containers
15.7	Single-Use Utensils	Apr. 22, 2020	<ul style="list-style-type: none"> Single-use utensils can only be provided upon request or at a self-serve station Includes single-use spoons, knives, forks and chopsticks made from all types of materials (e.g. plastic, bamboo, wood)
15.9	Shopping Bags	Jan. 1, 2022	<p>Ban on plastic shopping bags</p> <ul style="list-style-type: none"> Ban on plastic shopping bags, including compostable or degradable plastic, and plastic made from plants. The ban does not apply to other types of plastic bags such as produce bags, sandwich bags and garbage bin liners. <p>Paper shopping bags</p> <ul style="list-style-type: none"> A minimum \$0.15 fee must be charged on each paper shopping bag distributed <ul style="list-style-type: none"> Increased to \$0.25 on Jan. 1, 2023 Paper shopping bags must contain at least 40% recycled content and be labelled with the word "recyclable" and the amount (percent) of recycled content. If requested by the City, business licence holders must report the number of paper shopping bags distributed in the past 12 months at each location. If receipts are provided, fees must be displayed separately. <p>Reusable shopping bags</p> <ul style="list-style-type: none"> A minimum \$1 fee must be charged on each new reusable shopping bag distributed <ul style="list-style-type: none"> Increased to \$2 on Jan. 1, 2023 New reusable shopping bags must be made of fabric, and made to last at least 100 uses. If requested by the City, business licence holders must report the number of new reusable shopping bags distributed in the past 12 months at each location. If receipts are provided, fees must be displayed separately. <p>Fee revenues</p> <ul style="list-style-type: none"> Businesses, charities and not-for-profits keep the fees.

Repealed By-laws

Table B2 City of Vancouver Cup By-law - Repealed from License By-law No. 4450 on May 1, 2023











Section	Item	Effective	Summary of Requirements
15.8	Cups	Jan. 1, 2022	Cup fee <ul style="list-style-type: none"> A minimum \$0.25 fee must be charged on each single-use beverage cup distributed. Cup fees must be displayed on menu boards, menus and online ordering platforms. Cup fees must be shown separately on any receipts provided Businesses keep cup fee revenue Reporting <ul style="list-style-type: none"> Starting with the 2023 business licence renewals, food vendors must report the number of single-use cups distributed in the past 12 months at every location with a business licence. The reporting requirement is waived for each location with a reusable cup-share program.
		Mar. 29, 2022	Cup fee exemption <ul style="list-style-type: none"> Free drinks exempted from cup fee
		Jul. 1, 2022	Accepting reusable cups <ul style="list-style-type: none"> Food vendors must accept customers' clean reusable cups for hot and cold drinks ordered in-store Food vendors must have and follow a food safety and sanitation plan with a procedure to accept customers' clean reusable cups (in accordance with public health authorities) Food vendors can refuse: <ul style="list-style-type: none"> Cups that are not food safe (e.g., dirty or damaged cups). Cups that are too small for the drink the customer has ordered. Cups that are not safe for hot drinks (e.g., an uninsulated glass jar). The requirement to accept a customer's reusable cup will also not apply to: <ul style="list-style-type: none"> Drinks already served in reusables. When a drink is already being served in a reusable cup supplied by the business (e.g., at a dine-in restaurant), the business is not required to accept a customer's reusable cup for that drink. Alcoholic drinks. Liquor licensees are responsible to ensure patrons do not take liquor outside their alcohol service area. Events with bag checks. Events where every patron is checked to prevent anyone from bringing in objects that could be used as projectiles. Drive-thrus. Food vendors are not required to accept reusable cups at drive-thrus. The cup fee and other cup regulations still apply when reusable cups cannot be accepted.

FEDERAL AND PROVINCIAL SINGLE-USE AND PLASTIC REGULATIONS

FEDERAL SINGLE-USE PLASTICS PROHIBITION REGULATIONS / BRITISH COLUMBIA SINGLE-USE & PLASTIC WASTE PREVENTION REGULATION

Single-Use Plastic Regulations 2023

December 20, 2023

PROHIBITED		CA	BC
	Plastic utensils	✗	✗
	Plastic shopping bags	✗	
	Food service ware made from expanded and extruded polystyrene foam, PVC, black coloured plastic, or oxo-degradable plastic including bowls, boxes or cartons, cups, containers, plates, platters and trays.	✗	
	Plastic straws as per the federal regulation	✗	
		✗ Prohibited in Canada	✗ Prohibited in B.C.
		⊙ Available by request in B.C.	
AVAILABLE BY REQUEST IN B.C.		CA	BC
	Wooden utensils (include spoons, forks, knives, chopsticks, stir sticks and drink splash plugs)		⊙
	Drink lids and sleeves		⊙
	Straws as permitted by the federal government		⊙
	Condiments		⊙
	Napkins and wet wipes		⊙
	Garnishes (e.g., plastic sushi grass, drink umbrellas)		⊙

Additional information and resources

For more information and resources on BC's Single-Use and Plastic Waste Prevention Regulation: gov.bc.ca/reuse
Review the [Government of Canada's Single-Use Plastics Prohibition Regulations](#) for more restrictions.

The regulation supports BC's efforts to prevent single-use and plastic waste, divert more waste from landfills and keep what we do use working for us longer – creating a cleaner, better future for everyone.





Ministry of
Environment and
Climate Change Strategy

FEDERAL SINGLE-USE PLASTICS PROHIBITION REGULATIONS / BRITISH COLUMBIA SINGLE-USE & PLASTIC WASTE PREVENTION REGULATION

Single-Use Plastic Regulations 2024-2030

June 20, 2024

PROHIBITED		CA	BC
	Drink containers with flexible drinking straws attached to package	⊗	⊗
	Ring carriers	⊗	⊗

- ⊗ Prohibited in Canada
- ⊗ Prohibited in B.C.
- ⊙ Restricted use in B.C.


Additional information and resources

For more information and resources on BC's Single-Use and Plastic Waste Prevention Regulation: gov.bc.ca/reuse

Review the [Government of Canada's Single-Use Plastics Prohibition Regulations](#) for more restrictions.


July 15, 2024

PROHIBITED		CA	BC
	Plastic shopping bags (new reusable and paper bags have minimum fees)		⊗
	Food service ware* (excludes polystyrene foam trays for raw proteins)	⊗	⊗
	Biodegradable plastic or PVDC film wrap		⊗
	All oxo-degradable plastics		⊗


RESTRICTED USE		CA	BC
	Compostable plastic food service ware and film wrap		⊙

*Made of biodegradable plastic, polystyrene foam, PVC or PVDC including bowls, boxes or cartons, cups, containers, plates, platters and trays

July 1, 2028

PROHIBITED		CA	BC
	PVC film wrap		⊗

July 1, 2030

PROHIBITED		CA	BC
	Polystyrene foam trays (used for raw proteins)		⊗

The regulation supports BC's efforts to prevent single-use and plastic waste, divert more waste from landfills and keep what we do use working for us longer – creating a cleaner, better future for everyone.



Ministry of
Environment and
Climate Change Strategy

Source:

<https://www2.gov.bc.ca/gov/content/environment/waste-management/zero-waste/plastics>

ACCESSIBILITY PROVISIONS IN CITY OF VANCOUVER'S PLASTIC STRAW REGULATIONS

On April 22, 2020, the City of Vancouver's plastic straw regulations (Section 15.6 in License By-law No. 4450) took effect with three accessibility provisions shown in **Table C1**.

Table D1 Accessibility Provisions in the City of Vancouver's Plastic Straw Ban

Accessibility Provision	Section
Food vendors must provide "accessible straws" (flexible plastic straws, individually wrapped in paper) when requested by people who rely on them to eat or drink	15.6 (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.
Retailers can sell packages of 20 or more plastic straws	15.6 (3) Subsection 15.6 (1) and (2) shall not apply to: (c) packages of at least 20 single-use plastic beverage straws sold for personal use
Plastic straws can be attached to beverage containers like drink boxes and pouches	15.6 (3) Subsection 15.6 (1) and (2) shall not apply to: (b) single-use plastic beverage straws packaged together with drinks packaged and sealed in a carton or flexible plastic pouch at a different location than the licensed premises where the drinks will be distributed for consumption;

Alignment with Other B.C. Municipalities

Since July 2021, nine other municipalities in B.C. have banned plastic straws with similar accessibility provisions.²⁷ The Province gives *Community Charter* municipalities the authority to ban plastic straws if the municipal by-laws allow food vendors to give out flexible plastic straws for accessibility. The Province gives them this authority through the [Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation](#).²⁸

Section 5 (4) of the Province's regulation states that if a Community Charter municipality makes a bylaw to ban plastic drinking straws, *"the bylaw must have an exemption so that businesses would not be prevented from providing an accessible straw on request by a person with disabilities or due to medical reasons."*

In addition, the Province's regulation does not authorize *Community Charter* municipalities to ban retailers from displaying plastic straws, or ban the sale of plastic straws attached to beverage containers.

**CITY OF VANCOUVER PERSONS WITH DISABILITIES ADVISORY COMMITTEE
MOTION REGARDING FEDERAL PLASTIC STRAW BAN**

<https://vancouver.ca/docs/council/pdad20220818min.pdf>



PERSONS WITH DISABILITIES ADVISORY COMMITTEE

MINUTES

August 18, 2022

A Special Meeting of the Persons with Disabilities Advisory Committee was held on Thursday, August 18, 2022, via electronic means.

PRESENT: Peter Brown (Co-Chair)
Laura Mackenrot (Co-Chair)
Jacques Courteau (Vice-Chair)
Tasia Alexis
Nathan Bragg
Michelle Chakraborti
Salina Dewar
Paul Gauthier
Chris Morrissey

ABSENT: Caitlin Anderson (Leave of Absence)
Alfiya Battalova (Leave of Absence)
Michael Frazer (Leave of Absence)
Yat Li

ALSO PRESENT: Paul Storer, Director, Transportation (Staff Liaison)

CITY CLERK'S OFFICE: Brian Fukushima, Committee Clerk

WELCOME

Co-Chair Brown acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh People.

Leave of Absence Requests

MOVED by Laura Mackenrot
SECONDED by Peter Brown

THAT the Persons with Disabilities Advisory Committee approve a leave of absence for Caitlin Anderson.

CARRIED UNANIMOUSLY

MOVED by Laura Mackenrot
SECONDED by Paul Gauthier

THAT the Persons with Disabilities Advisory Committee approve a leave of absence for Michael Frazer.

CARRIED UNANIMOUSLY

1. Single-Use Plastic Federal Ban

MOVED by Laura Mackenrot
SECONDED by Paul Gauthier

WHEREAS:

1. The federal Single-use Plastics Prohibition Regulations (laws-lois.justice.gc.ca/) ("Federal Regulations"), published on June 20, 2022, provide some provisions for persons with disabilities to access single-use plastic flexible straws, but:
 - a. As of Dec. 20, 2023, bans restaurants and food vendors from giving out flexible plastic straws upon request; and allows retailers to sell flexible plastic straws in packages of 20 or more, but only if they are not on public display and customers request them; and
 - b. As of June 20, 2024, bans flexible plastic straws from being attached to beverage containers (e.g. boxes, pouches);
2. The Persons with Disabilities Advisory Committee understands that the Federal Regulations conflict with, and will be paramount to, the City of Vancouver's plastic straw by-law (By-law No. 12618), which came into effect in April 2020, and was enacted after in-depth consultation with persons with disabilities organizations who support them, and was endorsed by the City of Vancouver's Persons with Disabilities Advisory Committee, and includes:
 - a. An accessibility requirement for food vendors to provide flexible plastic straws, individually wrapped in paper, upon request;
 - b. An exemption to allow retailers to display and sell packages of at least 20 plastic straws for personal use; and
 - c. An exemption to allow plastic straws attached to beverage containers packaged outside Vancouver;
3. Individually-wrapped flexible plastic straws meet the widest range of accessibility needs, and the City of Vancouver's requirement that food vendors provide them ensures customers who have difficulty drinking, or are unable to drink without a straw, can safely consume beverages and nutrition outside the home, and prioritizes equity and inclusion for persons with disabilities;
4. By prohibiting food vendors from distributing flexible plastic straws, the Federal Regulations will force persons with disabilities to carry straws at all times in case they end up drinking at food establishments;

- a. Will add to the planning burden for persons with disabilities who need to socialize, a particularly onerous burden for persons with cognitive disabilities;
 - b. Will result in inequitable treatment compared with able-bodied persons who do not need flexible straws and can therefore enjoy a beverage anytime without carrying these straws;
 - c. Will affect the ability to remain hydrated for persons with disabilities who do not bring a straw;
 - d. Exclude persons with disabilities from socializing outside the home if they are not carrying a flexible plastic straw, which might result in increased social isolation and loneliness; and
 - e. Injure, perhaps severely, persons with disabilities and older adults with reduced mobility if they are forced to eat or drink without a flexible plastic straw outside the home, in the event they are not carrying their own;
5. It is simple, affordable and reasonable for restaurants and food vendors to provide paper-wrapped single-use flexible plastic straws upon request, as they only need to stock small quantities;
6. Regulators can reduce over-consumption of flexible plastic straws by providing education and outreach, such as the City of Vancouver's single-use item by-law toolkit, to help food vendors and the public understand these straws are intended for those who rely on them to consume beverages and nutrition;
7. The condition in the Federal Regulations that only allows retailers to sell packages of 20 or more flexible plastic straws if they are not on public display, and they are requested by customers, will place a disproportionate burden and cost on persons with disabilities and older adults with reduced mobility by:
 - a. Reducing supply if retailers choose to stop carrying them and manufacturers stop making them, leading to increased prices and time needed to search for straws;
 - b. Medicalizing flexible plastic straws, repositioning them as a medical device and further inflating their price or making them more scarce; and
 - c. Creating stress for persons with disabilities, especially if they do not have the cognitive abilities, skill, or confidence to ask for flexible plastic straws at retailers, particularly when they are not displayed;
8. The federal ban on plastic straws attached to beverage containers will disproportionately affect persons with disabilities, older adults with reduced mobility, and children with disabilities;
9. The following sections of the Federal Regulations are misaligned with the intent of the Accessible Canada Act [laws-lois.justice.gc.ca/] and the Accessible British Columbia Act [bclaws.gov.bc.ca/]:
 - 5(2) Exception - sale in certain settings
 - 5(4) Exception - retail sales

- 5(5) Exception - beverage containers; and

10. The Government of British Columbia intends to introduce province-wide single-use plastic and waste prevention regulations in 2023, as described in its Clean BC Intentions Paper, "Preventing Single-Use and Plastic Waste in British Columbia" (April 2022) [engage.gov.bc.ca], which will allow food vendors to provide single-use flexible plastic straws upon request, consistent with the B.C. Reg. 144/2004 Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation [bclaws.gov.bc.ca], which states:

"5 (4) If a municipality makes a bylaw prohibiting plastic drinking straws under subsection (2) (a) (iv), the bylaw must have an exemption so that businesses would not be prevented from providing an accessible straw on request by a person with disabilities or due to medical reasons";

THEREFORE BE IT RESOLVED THAT the Persons with Disabilities Advisory Committee recommends that Council:

- A. Request that the Government of Canada revise the federal Single-use Plastics Prohibition Regulations to reflect the City of Vancouver License By-law (section 15.6) to:
 - i. Require food vendors to provide a flexible plastic straw to a customer who requests one for accessibility needs;
 - ii. Allow retailers to display packages of 20 or more flexible plastic straws and sell them without customers having to request them; and
 - iii. Allow flexible plastic straws attached to beverage containers (e.g. juice boxes and pouches);
- B. Direct staff to submit a resolution for the Federation of Canadian Municipalities annual conference in 2023, resolving to request that the Government of Canada revise the federal Single-use Plastics Prohibition Regulations as described in paragraph A.;
- C. Direct staff to submit a resolution to the Union of B.C. Municipalities Convention in 2023, resolving to request that the Province of British Columbia:
 - i. Ask the Government of Canada to revise the federal Single-use Plastics Prohibition Regulations as described in paragraph A.; and
 - ii. Ensure that Federal, Provincial, and Municipal Regulations are aligned; and
- D. Direct staff to engage Environment and Climate Change Canada, the Chief Accessibility Officer at Employment and Social Development Canada and the B.C. Ministry of Social Development and Poverty Reduction to ensure the federal Single--Use Plastic Straw Prohibition Regulations meet the requirements, spirit, and intent of the Accessible Canada Act and the Accessible British Columbia Act.

CARRIED UNANIMOUSLY

MOVED by Salina Dewar
SECONDED by Nathan Bragg

THAT the Persons with Disabilities Advisory Committee authorizes the Co-Chairs to send a letter to Environment and Climate Change Canada, and to the Chief Accessibility Officer of the Employment and Social Development Canada, with regards to the Federal Single Use Plastics Prohibition Regulations and how this will affect persons with disabilities who need to use flexible plastic straws.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Laura Mackenrot
SECONDED by Peter Brown

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

Next Meeting:

DATE: Thursday, September 15, 2022
TIME: 5:30 pm
PLACE: Cascadia Room, 3rd Floor, City Hall /
Webex Online

The Committee adjourned at 5:44 pm.

PAGE 1 OF 7

[illegible]

CUP REGULATIONS BY JURISDICTION^a

Legend: Enacted & in force Enacted but not in force Approved in principle, but not enacted Proposed Uncertain, further investigation required

Government	SUP cup reduction target																																						Reusable cup target										Ban SUP cups: On-site dining										Ban SUP cups: Parks										Lids and/or sleeves by request										On-site dining reusables										Takeaway reusables										Delivery reusables										Event reusables										Venue reusables										Office reusables										Sports club reusables										Customers' refillable cups										Labelling reusable cups										Reuse criteria										Signs for reusables/refillables										EPR: reusable cups										Tax / Levy										Half Tax / Half Fee										Cup fee (min. price)										Charge for SUP cups										Deposit on reusable cups										Discount on SUP cups										Reusables can't cost more										High quality recycling										Design for recycling										Ban hard-to-recycle SUP cups										EPR: recycling res. SUP cups										EPR: recycling ICI SUP cups										Recycled content										Consistent recycling labels										"Contains plastic" labels										EPR: littered SUP cups										Allow only SUP paper cups										Ban non-fibre SUP compostable cups										Compost bins										Substances of concern										Similar rules for SUP containers																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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Notes:

a. SUP cup policies are emerging rapidly. This list is representative, and is intended to show the different types and combinations of cup policies in different jurisdictions. It may not include all jurisdictions with existing or proposed regulations, or all rules within a regulation.

b. In addition, these B.C. cities have banned foam cups and foam containers: Chilliwack, Harrison Hot Springs, Port Moody, Revelstoke, Richmond, Sidney, Squamish, Surrey, Tofino, Ucluelet, and Vancouver.

<https://www2.gov.bc.ca/gov/content/environment/waste-management/zero-waste/municipal-plastics-bylaws>

c. The European Union is currently negotiating a revised Packaging and Packaging Waste Directive Regulation. This row includes rules proposed by the E.U.'s governing bodies, including European Commission, The European Parliament, and the Council of the European Union. The final E.U. regulation may change.

Table F2 - Regulation Names and Links

Government	Regulations	Adopted	Cup Sections In Effect	Links
CANADA				
Canada	Single-use Plastics Prohibition Regulations		Dec. 20/23	https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-138/FullText.html
Province of B.C.	B.C. Single-Use and Plastic Waste Prevention Regulation	Dec. 1/23	Dec. 20/23	https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0642_2023 https://www2.gov.bc.ca/gov/content/environment/waste-management/zero-waste/plastics
	B.C. Recycling Regulation	Oct. 7/04	2014	https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/449_2004
Victoria, BC	NO. 23-013 SINGLE-USE ITEMS REDUCTION BYLAW A BYLAW OF THE CITY OF VICTORIA (approved in principle)			https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=88026 https://pub-victoria.escribemeetings.com/FileStream.ashx?DocumentId=88055 https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=87411 https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=88027 https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=88028 https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=88029
Banff, AB	BYLAW 468 SINGLE-USE ITEM REDUCTION BYLAW	Feb. 13/23	Jul. 1/23	https://banff.ca/DocumentCenter/View/15039/Single-Use-Item-Reduction-Bylaw-468 https://banff.ca/1273/Single-Use-Items-Reduction-Strategy
Edmonton, AB	REVISED CHARTER BYLAW 20117 SINGLE-USE ITEM REDUCTION BYLAW (CONSOLIDATED ON DECEMBER 20, 2023)	Oct. 4/22	Jul. 1/23	https://www.edmonton.ca/sites/default/files/public-files/Bylaw20117.pdf?cb=1707503942
Mascouche, QB	RÈGLEMENT NUMÉRO 1308 - Règlement régissant la distribution d'objets à usage unique	Nov. 21/22	Mar. 1/23	https://mascouche.ca/wp-content/uploads/2023/03/Reglement_1308.pdf
Montreal, QB	Règlement interdisant la distribution de certains articles à usage unique (21-040)	Sep. 27/21	Mar. 27/23	https://montreal.ca/reglements-municipaux/recherche/615766882f8ac90011ca5888
Prevost, QB	RELATIF À LA VENTE ET À LA FOURNITURE DE CONTENANTS, EMBALLAGES ET AUTRES OBJETS À USAGE UNIQUE OU INDIVIDUEL PAR CERTAINS COMMERÇANTS	Nov. 9/20	Jul. 1/22	https://eco-choix.ca/wp-content/uploads/2022/04/Prevost-R779-Contenants-et-items-a-usage-unique-et-redevance.pdf
Terrebonne, QB	RÈGLEMENT NUMÉRO 868 - Règlement régissant la distribution d'objets à usage unique	Nov. 14/22	Mar. 1/23	https://terrebonne.ca/wp-content/uploads/2023/08/R868_DistributionUsageUnique_VF.pdf
Toronto, ON	TORONTO MUNICIPAL CODE CHAPTER 702, SINGLE-USE AND TAKEAWAY ITEMS (approved in principle)	Dec. 13/23		https://secure.toronto.ca/council/agenda-item.do?item=2023.IE9.3
UNITED STATES				
Washington State	Single-use serviceware		Jan. 1/22 June 2024	https://ecology.wa.gov/waste-toxics/reducing-recycling-waste/plastics/2021-plastic-pollution-laws/food-serviceware https://ecology.wa.gov/waste-toxics/reducing-recycling-waste/plastics/2021-plastic-pollution-laws/food-serviceware
Arcata, CA	Ordinance No. 1527 - Single Use Disposable Foodware Items and Plastic Bottle R	Feb. 5/20	Mar. 5/20	https://www.cityofarcata.org/DocumentCenter/View/9466/1527-Single-Use-Plastics-Title-V-Chapter-35-PDF?bidId= https://www.cityofarcata.org/885/Disposable-Foodware-Regulations
Bainbridge Isl., WA	Ordinance No. 2021-34- Disposable Food Service Ware and Waste Reduction	Nov. 19/21	Jan. 1/23	https://www.bainbridgewa.gov/DocumentCenter/View/15609/Ordinance-No-2021-34-Relating-to-Chapter-824-BIMC-Waste-Reduction_Approved-110921?bidId=
Bellingham, WA	Ordinance No 2021-05-023	Jun. 2/21	Jul. 31/22	https://cob.org/services/environment/plastic#:~:text=Passed%20by%20Bellingham%20City%20Council,disposables%20for%20on%2Dsite%20dining. https://bellingham.municipal.codes/BMC/9.32
Belvedere, CA	Ordinance No. 2023-03 - Reusable Foodware Ordinance	May 10/22	Nov. 10/23	https://belvedere.municipal.codes/Code/8.09.010
Berkeley, CA	Single Use Foodware and Litter Reduction ORDINANCE NO. 7,639-N.S.		Jul. 1/20	https://berkeley.municipal.codes/BMC/11.64
Culver City, CA	Ordinance No. 2021-010 Waste Reduction Regulations	Jul. 12/21	Jan. 1/23	https://www.culvercity.org/files/assets/public/v/1/documents/public-works/polystyrene/amending-tittle-5-of-ccmc-to-add-5.07-waste-reduction-regulations-and-to-repeal-11.18-polystyrene-regulations.pdf https://www.culvercity.org/City-Hall/Reports-policies-local-laws/City-Ban-On-Single-Use-Plastics#section-4

Government	Regulations	Adopted	Cup Sections In Effect	Links
UNITED STATES, continued				
Cupertino, CA	Ordinance No. 22-2239 Single Use Plastics Ordinance	Sep. 6/22		https://engagecupertino.org/single-use-plastics https://ehq-production-us-california.s3.us-west-1.amazonaws.com/3f968bad2a6ddaf3cc3c325121c847cc91454c49/original/1662482165/39dfa83075f470e238fd91a8c803a36f_Draft_SUPs_Ordinance_for_Second_Reading_9-6-2022.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20240216%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20240216T165432Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=405abc52dc4ae456d75c408049aeb9053a7c1544846cf2fcd0bbd65d4ae25e41
Fairfax, CA	Ordinance NO. 838- Single-Use Foodware	Apr. 5/22	Nov. 10/23	https://www.townoffairfax.org/documents/ordinance-878-reusable-foodware-and-compliant-compostable-foodware/ https://www.townoffairfax.org/single-use-foodware/
Goleta, CA	Plastic Waste Reduction Regulations	Sep. 6/22	Jun. 1/23	https://www.cityofgoleta.org/home/showpublisheddocument/27276/637980781654070000 https://www.cityofgoleta.org/your-city/planning-and-environmental-review/sustainability/single-use-plastics-reduction#:~:text=The%20ordinance%20includes%20measures%20that,on%2Dpremises%20reusable%20foodware%20policy.
Half Moon Bay, CA	Ordinance # 2022-06- Disposable Foodware Ordinance			https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay07/HalfMoonBay0730.html#7.30
Larkspur, CA	Ordinance 1064- Reusable Foodware Ordinance	May 3/23	Nov 10/23	https://larkspur.municipal.codes/Code/6.19
Marin County, CA	Ordinance No. 3673- Reusable Foodware Ordinance	May 10/22	May 10/23	https://www.marincounty.org/-/media/files/departments/cd/ehs/reusable-foodware/05232022-update/approvedreusablefoodwareord3763.pdf?la=en https://www.marincounty.org/-/media/files/departments/cd/ehs/reusable-foodware/05232022-update/approvedreusablefoodwareord3763.pdf?la=en
Mill Valley, CA	Reusable Foodware Ordinance	Apr 17/23	Nov 10/23	https://library.qcode.us/lib/mill_valley_ca/pub/municipal_code/item/title_7-chapter_7_30-7_30_020 https://cityofmillvalley.granicus.com/MetaViewer.php?view_id=2&clip_id=1812&meta_id=88182
New York City, NY	Int 1003-2023 Requiring reusable eating utensils and eating containers at food service establishments and returnable food packaging at fast casual food establishments.			https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6165443&GUID=B6D03540-836C-4352-965C-B3A58E16A0C1&Options=ID%7CText%7C&Search=Reusable+Food+Packaging https://portal.311.nyc.gov/article/?kanumber=KA-01373#:~:text=Businesses%2C%20agencies%2C%20institutions%2C%20and,Cups
Novato, CA	Ordinance No. 170- Single-Use Reusable Foodware Ordinance	May 9/23	Nov 10/23	
Oakland, CA	Ordinance No. 13773 Reusable Foodware and Plastic Litter Reduction Ordinance- File No. 23-0866	Dec. 15/23	Jul. 1/25	https://oakland.legistar.com/LegislationDetail.aspx?ID=6393013&GUID=7CFB5B14-3DF2-4F19-A7CB-BD29E54865A2&Options=&Search=
Pacifica, CA	Disposable Foodware Ordinance	Mar. 14/22	Jun. 1/23	https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT6SAHE_CH5GACORE_ART4RE_USDIFOSEWAFOFA https://www.cityofpacifica.org/about-us/environment-and-sustainability/disposable-food-service-ware-ordinance
Palm Springs, CA	Ordinance 2045 - Reusable Food Service Ware and Plastic Waste Reduction		Jan. 1/22, Jan. 1/23	https://www.palmspringsca.gov/services/sustainability-and-recycling/single-use-plastics https://www.palmspringsca.gov/home/showpublisheddocument/80124/637677515575570000 https://www.palmspringsca.gov/home/showpublisheddocument/80122/637677515568870000
Ross, CA	Ordinance No. 721- Reusable Foodware Ordinance	Jun 15/23	Nov 10/23	https://www.townofross.org/sites/default/files/fileattachments/town_council/meeting/4268/final_foodware_ordinance_staff_report_web.pdf https://www.townofross.org/sites/default/files/fileattachments/town_council/meeting/4268/may_11_2023.pdf

Government	Regulations	Adopted	Cup Sections In Effect	Links
UNITED STATES, continued				
San Anselmo, CA	Ordinance No. 1136	May 11/23	Nov 10/23	https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1878123/Foodware_Ordinance.Attachment_1-Draft_Ordinance.V1.04.05.23._sa.pdf
San Francisco, CA	Proposed San Francisco Reusable Foodware Ordinance			https://www.sf.gov/sites/default/files/2023-03/SFE_zw_reusable_foodware_policy_EN.pdf
San Rafael, CA	Ordinance No. 2027- Reusable Foodware Ordinance	May 15/23	Nov 10/23	https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2023/05/4.b-Resusable-Foodware-Ordinance.pdf
Santa Rosa City, CA	Zero Waste Food Ware Ordinance			https://santa-rosa.legistar.com/LegislationDetail.aspx?ID=5030877&GUID=2ADD8035-D203-4AB4-A9D6-C4EF79FEF52F&Options=&Search= https://www.srcity.org/3660/Zero-Waste-Food-Ware-Ordinance-Elements
Sausalito, CA	Ordinance No. 1271- Reusable Foodware Ordinance	May 9/23	Nov 10/23	https://www.codepublishing.com/CA/Sausalito/html/Sausalito11/Sausalito1140.html
Seattle, WA	Requirements and Temporary Exceptions for Food-Service Ware and Packaging Products		In effect	https://www.seattle.gov/documents/Departments/SPU/Documents/Policies/SW-500_TemporaryExceptions-FoodServiceWare.pdf https://www.seattle.gov/utilities/your-services/collection-and-disposal/food-and-yard/business-and-commercial-compostables/food-packaging-requirements
Sebastopol, CA	Zero Waste Foodware Ordinance		Aug. 1/22	https://sebastopol.municipal.codes/SMC/8.36.025 https://www.cityofsebastopol.gov/special_project/zero-waste-food-ware-ordinance/
Shoreline, WA	Ordinance No. 990	Aug. 14/23	Jun. 1/24	https://www.shorelinewa.gov/home/showpublisheddocument/59400/638277081958730000
Tiburon, CA	Reusable Foodware Ordinance	Aug. 17/22	Aug. 17/23	https://www.townoftiburon.org/DocumentCenter/View/3777/598_NS_Foodservice_Ware?bidId=#:~:text=No%20Town%20department%20shall%20purchase,Foodware%20and%20Compliant%20Foodware%20Accessories.
Truckee, CA	Ordinance No. 2022-09- Single-Use Foodware Reduction Ordinance			https://www.keeptruckeegreen.org/wp-content/uploads/2022/11/Town-of-Truckee-Ordinance-2022-09-1.pdf https://www.townoftruckee.com/Home/Components/News/News/6937/21?backlist=%2F#:~:text=In%20addition%20to%20the%2025,of%20waste%20townwide%20each%20year.

Government	Regulations	Adopted	Cup Sections In Effect	Links
EUROPE				
European Union*				
European Parliament & Council of the European Union	DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on waste and repealing certain Directives	Nov. 19/08		https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008L0098#d1e1132-3-1
Single-use plastics directive				
European Parliament & Council of the European Union	DIRECTIVE (EU) 2019/904 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 June 2019 on the reduction of the impact of certain plastic products on the environment	Jun. 5/19		https://environment.ec.europa.eu/topics/plastics/single-use-plastics_en https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L0904
Proposed revision of EU legislation on packaging and packaging waste				
European Commission	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC	Nov. 30/22	n/a	https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677 https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7155
European Parliament	Amendments adopted by the European Parliament on 22 November 2023 on the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (COM(2022)0677 – C9-0400/2022 – 2022/0396(COD)) ⁽²⁾	Nov. 22/23	n/a	https://www.europarl.europa.eu/doceo/document/TA-9-2023-0425_EN.html
Council of the European Union	Proposal for a Regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC – General Approach	Dec. 18/23	n/a	https://data.consilium.europa.eu/doc/document/ST-16946-2023-INIT/en/pdf
France	LOI n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire	Feb. 11/20		https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041553759/
	Décret n° 2021-517 du 29 avril 2021 relatif aux objectifs de réduction, de réutilisation et de réemploi, et de recyclage des emballages en plastique à usage unique pour la période 2021-2025	Apr. 30/21		https://www.legifrance.gouv.fr/loda/id/JORFTEXT000043458675
Germany	Packaging Act: Act on the Placing on the Market, Take-Back and High-Quality Recycling of Packaging			https://www.bmuv.de/gesetz/gesetz-ueber-das-inverkehrbringen-die-ruecknahme-und-die-hochwertige-verwertung-von-verpackungen https://www.bmuv.de/en/topics/water-management/circular-economy-overview/overview-types-of-waste-and-waste-flows/packaging-waste https://www.gesetze-im-internet.de/verpackg/VerpackG.pdf
Ireland	Draft of REGULATIONS entitled Circular Economy (Environmental Levy) (Single-Use Cup) Regulations 2022		n/a	https://www.gov.ie/pdf/?file=https://assets.gov.ie/237108/67bc8118-6d76-4b02-bda1-1e7c277fb3ae.pdf#page=null
Scotland	Charges on single-use drinks cups (proposed)			https://www.gov.scot/news/charges-on-single-use-drinks-cups/
The Netherlands	Regulation of the State Secretary for Infrastructure and Water Management, of 29 March 2022, No IENW/BSK-2022/50452, laying down rules on designated single-use plastic products (Scheme for plastic products for single use)	Mar. 29/22		https://minderwegwerpplastic.nl/
Tübingen, Germany	Packaging Tax		Jan. 1/22	https://www.tuebingen.de/33361.html https://www.tuebingen.de/verwaltung/uploads/satzung_verpackungssteuer.pdf

Government	Regulations	Adopted	Cup Sections In Effect	Links
ASIA				
Hong Kong	Product Eco-responsibility (Amendment) Ordinance 2023	Oct. 27/23	Apr. 22/24	https://www.legco.gov.hk/yr2023/english/ord/2023ord027-e.pdf https://www.packaginginsights.com/news/hong-kongs-single-use-plastic-tableware-ban-pushed-to-2024-environmentalists-express-cautious-optimism.html
South Korea	ACT ON THE PROMOTION OF SAVING AND RECYCLING OF RESOURCES - Act No. 19311, Mar. 28, 2023	Mar. 28/23		https://eng.me.go.kr/eng/web/board/read.do?pagerOffset=0&maxPageItems=10&maxIndexPages=10&searchKey=titleOrContent&searchValue=plastic+cup&menuId=461&orgCd=&boardId=1551470&boardMasterId=522&boardCategoryId=&decorator=
Quezon City, Phillippines	Ordinance No. SP-2876, S-2019 An Ordinance Prohibiting the Distribution and/or Use of Single-Use Plastics/Disposable Materials Including Cutlery for Dine-in Purposes in All Restaurants in Quezon City			http://www.quezoncitycouncil.ph/ordinance/SP/SP-2876,%20S-2019.pdf
Taiwan				https://www.taipeitimes.com/News/taiwan/archives/2023/11/07/2003808814

**NEW IN VANCOUVER:
SINGLE-USE AND PLASTIC WASTE RULES
AS A RESULT OF FEDERAL AND PROVINCIAL REGULATIONS**

In addition to the rules currently in the City of Vancouver's single-use item by-laws (Appendix A), the following rules will be new in Vancouver as a result of federal and provincial regulations:

As of Dec. 20, 2023:

Status	Rule	Canada	B.C.
Banned	Plastic utensils	×	×
	Food service ware made from black coloured plastic, PVC or oxo-degradable plastic	×	
	Accessible straws (flexible plastic straws, individually wrapped in paper) given out by food vendors	×	
	Retailers displaying packages of flexible plastic straws	×	
Available by request	Straws as permitted by federal government (e.g. paper straws)		⊙
	Drink lids and sleeves		⊙
	Condiment packages		⊙
	Napkins and wet wipes		⊙
	Garnishes (e.g. plastic sushi grass, drink umbrellas)		⊙

As of June 20, 2024:

Status	Rule	Canada	B.C.
Banned	Flexible plastic straws attached to drink boxes and pouches	×	
	Flexible plastic ring carriers (six pack rings)	×	

As of July 15, 2024:

Status	Rule	Canada	B.C.
Banned	<u>For ready-to-eat food</u> : Food service ware containing compostable plastic, biodegradable plastic, PVC, or PVDC, or oxo-degradable plastic • Exception: paper food service ware lined with compostable plastic		×
	<u>For packaged foods</u> : Packaging containing biodegradable plastic, oxo-degradable plastic, PVC, PVDC, or polystyrene foam		×
	Biodegradable plastic or PVDC film wrap		×
	All oxo-degradable plastics		×

As of July 1, 2028:

Status	Rule	Canada	B.C.
Banned	PVC film wrap		×

As of July 1, 2030:

Status	Rule	Canada	B.C.
Banned	Foam trays for raw meat, poultry and fish		×

Sources:

- https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/sudp_reg_overview.pdf
- https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/food_service_ware_regulation_factsheet.pdf

TYPES OF CUP POLICIES

This appendix provides an overview, with examples, of many types of regulations and voluntary programs that jurisdictions around the world have implemented or proposed for SUP cups.

This list is based on a scan of over 50 jurisdictions, but it is not exhaustive. Existing and proposed SUP cup regulations are complex and evolving rapidly. This is particularly the case in Europe, where the legislative bodies of the European Union are negotiating revised packaging and packaging waste regulations, including SUP cups.

Notes:

European Union

The EU is currently developing a revised Packaging and Packaging Waste Directive Regulation. This process involves three [EU governing bodies](#),²⁹ each of which have tabled their respective proposed regulations:

- 1. European Commission:** The European Commission represents the common interests of the EU and is the EU's main executive body. It uses its 'right of initiative' to put forward proposals for new laws, which are scrutinised and adopted by the European Parliament and the Council of the European Union. The European Commission tabled their proposed regulation on Nov. 30, 2022.
- 2. European Parliament:** The European Parliament represents the citizens of EU countries and is directly elected by them. It takes decisions on European laws jointly with the Council of the European Union. The European Parliament published their report with draft amendments for the proposed regulation on Nov. 22, 2023.
- 3. Council of the European Union:** Represents the governments of EU Member States. The Council of the EU is where national ministers from each government meet to adopt laws and coordinate policies. It takes decisions on European laws jointly with the European Parliament. The Council of the EU published their draft amendments for the proposed regulation on Dec. 18, 2023.

The European Parliament and the Council of the EU are now negotiating the terms of the regulation based on their proposed amendments.

The tables in **Appendix F** and here in **Appendix H** consider all the draft cup policies published by the three EU governing bodies as "proposed."

Sources

Links to regulations adopted or proposed by the jurisdictions mentioned here are provided in **Appendix F**.

More details are also provided in the Endnotes in **Appendix J** as noted.

Summary: Types of Cup Regulations

Table H-1 Types of Cup Regulations Adopted or Proposed by Jurisdictions

Type	Regulations
Targets	<ul style="list-style-type: none"> • SUP cup reduction target • Reusable/refillable cup target
Reduction through Avoidance	<ul style="list-style-type: none"> • Ban SUP cups for on-site dining • Ban SUP cups in parks • Cup lids and/or sleeves by request
Reduction through Reuse	<ul style="list-style-type: none"> • On-site dining reusables • Take-away reusables • Delivery reusables • Event reusables • Venue reusables • Office, company, institution reusables • Sports club reusables • Customers' refillable cups • Labeling reusable cups • Reuse criteria • Signs for reusable/refillables • EPR for reusable cups
Economic instruments	<ul style="list-style-type: none"> • Tax/Levy • Half Tax / Half Fee • Cup fee (governments set minimum price) • Charge for SUP cups (businesses set price) • Deposit on reusable cups • Deposit on SUP cups • Discount on customers' refillable cups • Reusables can't cost more
Recycling	<ul style="list-style-type: none"> • High quality recycling • Design for recycling • Allow only recyclable SUP cups • Ban hard-to-recycle SUP cups • EPR for recycling residential SUP cups • EPR for recycling ICI SUP cups • Recycled content • Consistent recycling labels • Recycling bins
Litter Abatement	<ul style="list-style-type: none"> • "Contains plastic" labels on SUP cups • EPR for littered SUP cups
Other	<ul style="list-style-type: none"> • Allow only SUP paper cups • Allow only SUP compostable cups • Allow only natural fibre-based SUP compostable cups • Compost bins • Substances of concern • Similar rules for SUP containers

Cup Regulation Descriptions:

Targets

- **SUP cup reduction target:** Target to specifically reduce the amount of beverages sold in SUP cups by a given year, compared to a baseline year.
- **Reusable/refillable cup target:** Targets to increase the percentage of all beverages sold in reusable cups provided by the business or refill customers' reusable cups.

Table H-2 Targets in beverage cup regulations

Regulations	Examples
SUP cup reduction target	<u>Europe:</u> <ul style="list-style-type: none"> • The Netherlands: 40% reduction of SUP cups by 2026 (3 years after reduction and reuse regulations begin in 2023), or regulations will be reassessed • France has set a goal to end the marketing of SUP packaging by 2040
Reusable/refillable cup target	<u>Europe:</u> <ul style="list-style-type: none"> • France is reported to require 5% of packaging entering the market to be reusable by 2023 and 10% by 2027. • European Commission³⁰ has proposed the following targets for takeaway beverages to be served in reusable cups or customers' refillable cups: 20% by Jan. 1, 2023 and 80% by Jan. 1, 2040. <ul style="list-style-type: none"> ○ Similar targets are proposed for reusable food containers: 10% by Jan. 1, 2030 and 40% by Jan. 1, 2040. • The EU Parliament's negotiating position is to eliminate reuse targets. • The Council of the EU proposes to: <ul style="list-style-type: none"> ○ Increase the reuse targets to "at least" the amount proposed by the European Commission so that Member States could adopt even higher targets ○ Extend the target dates up to 5 years if economic operators cannot meet the targets ○ Require the Commission to review the 2030 targets and, on that basis, reassess the targets for 2040 and the exemptions laid out in the provision

Reduction through Avoidance

- **Ban SUP cups for on-site dining:** A rule that prohibits SUP cups for drinks to be consumed on-site. Regulations may explicitly state that SUP cups cannot be used for drinks to be consumed on-site, or may imply this rule by saying reusable cups must be used for all drinks to be consumed on-site. Some regulations only apply this rule to purchased drinks, while others apply this rule to all purchased and free drinks.
- **Ban SUP cups in parks:** A rule to prohibit SUP cups and create “plastic free zones” in parks, for example parks close to rivers and shorelines.
- **Cup lids and/or sleeves by request:** A rule that requires food vendors to only provide single-use beverage cup lids and sleeves if customers ask for them, confirm they want them if asked, or select them at self-serve stations. Some regulations only apply to sleeves.

Table H-3 Regulations intended to reduce SUP cups through avoidance

Regulations	Examples
Ban SUP cups for on-site dining	<p><u>Canada:</u> Banff, AB (Jan. 1/24 – cups, dishes, cutlery), Edmonton, AB (Jul. 1/23), Mascouche, QC (Jan. 1/23), Terrebonne, QC (Jan. 1/23)</p> <p><u>US:</u> At least 25 cities in California, New York and Washington states have or proposed to ban SUP cups (and dishware) for on-site dining (Appendix F)</p> <p><u>Europe:</u> Enacted: France (2023), The Netherlands (2024) Proposed: European Commission³¹, European Parliament³², Council of the European Union³³</p>
Ban SUP cups in parks	<p><u>Asia:</u> Seoul, South Korea (2024)³⁴</p>
Cup lids and/or sleeves by request	<p><u>Canada:</u> Province of BC (Dec. 20, 2023), Banff, AB (July 1, 2023) Toronto (2024)</p> <p><u>US:</u> State of Washington (cold cup lids only) and at least 18 cities in California and Washington States (Appendix F)</p>

Reduction through Reuse

- **On-site dining reusables:** Food vendors must serve prepared drink orders for on-site consumption in reusable cups. Typically includes restaurants, cafes, bars and other food vendors with seating. Often includes outdoor areas, with or without seats, like patios, terraces and picnic areas. May also include food courts, grocery stores, retailers, kiosks, catering, etc. Regulations may clarify that businesses may rely on the customer's stated intention to consume their drinks on or off the premises at the time of the order, regardless of whether the customer does consume the drink on or off the premises. May specify that dine-in reusable cups must be retained, washed and sanitized by the business at no cost to the customer. Some regulations require proof of commercial dishwashing facilities (on or off site) to clean the reusable food ware, and provide adequate seating (e.g. minimum of 10 seats) for consumption on the premises. Some regulations may allow food vendors that do not have onsite or off-site dishwashing capacity, or are unable to contract for off-site washing services may petition the government for an exemption or extension. Exemptions may apply for charitable food services, non-profits, certain business licences, businesses with a small floor area, or health permits.
- **Take-away reusables:** Food vendors must provide the option of reusable cups with a return system (cup borrowing programs) for take-away drinks. The return systems involves collecting, cleaning and sanitizing the cups according to public health standards, either on-site or a remote location. Some regulations require a deposit-refund system for the reusable cups. Regulations may stipulate that food vendors cannot charge more for these reusable cup systems than SUP cups.
- **Delivery reusables:** Food vendors that sell beverages for delivery must offer reusable cup systems, with a return option. Regulations may stipulate that food vendors cannot charge more for these reusable cup systems than SUP cups.
- **Event reusables:** Events must provide reusable cups for on-site consumption and/or reusable cup systems with return options. Requirements may vary depending on whether they are open events with uncontrolled access, or closed events with controlled access to event areas within buildings or fences. May be paired with a partial or total ban on SUP cups for on-site consumption.
- **Venue reusables:** Rules that require venues (permanent facilities) to provide reusable cups. May include but not be limited to a public, private, or non-profit stadium, amphitheatre, arena, hall, amusement park, conference or civic centre, zoo, aquarium, airport, racetrack, horse track, performing arts centre, fairground, museum, theatre, or other public attraction facility. May be limited to large venues defined by a minimum average number of persons attending in a day.
- **Office, company, institution reusables:** Office buildings, company locations and institutions must provide reusable cups for on-site consumption and/or reusable cup systems with return options. May be paired with a ban on SUP cups for on-site consumption. Typically exempt health institutions.
- **Sports club reusables:** Ban on SUP cups for sports clubs and associations. May provide reusable cups for on-site consumption, or encourage athletes to bring their own.

- **Customers’ refillable cups:** Food vendors must accept customers’ reusable cups for dine-in or take-away orders. Typically requires businesses to have and follow an approved health and safety procedure in their sanitation plans. Drive-thrus may be exempt. May require vending machines to accept customers’ reusable cups. Draft European Union legislation calls these “refillable” cups to distinguish them from reusable cup systems provided by food vendors.
- **Labelling reusable cups:** Reusable cups in a return system (cup borrowing programs) must be labelled as reusable. Some regulations further require the label to include a QR code to support the collection and redistribution of the cups.
- **Reuse criteria:** Criteria to define reusable packaging, such as the minimum number of trips or rotations in its use.
- **Signs for reusables/refillables:** Food vendors must post signs to remind customers that reusable alternatives are available, and they can bring their own refillable cups.
- **EPR for reusable cups:** Regulations for collective extended producer responsibility (EPR) schemes require producers to offer reusable cups. Some regulations allow companies to pool together to join reusable cup program pools without explicitly calling them EPR.

Table H-4 Regulations intended to reduce SUP cups through reuse

Regulations	Examples
On-site dining reusables	<p><u>Canada:</u> Enacted: Banff, AB (Jan. 1, 2024 – reusable cups, dishes and cutlery), Edmonton, AB (2023), Mascouche, QC (2023), Terrebonne, QC (2023) Approved in principle, pending Province’s approval: Victoria, (BC) Proposed: Toronto, ON</p> <p><u>US:</u> Over 25 cities in California and Washington states have adopted regulations to require dine-in reusables. New York City is also considering a bill. (Appendix F.)</p> <p><u>Europe:</u></p> <ul style="list-style-type: none"> • France (2023)³⁵ • Germany: As of 1 January 2023, placing SUP packaging for food and SUP cups on the market shall also require offering reusable packaging alternatives. Less stringent rules shall apply to small retailers with up to 5 employees and a sales floor of up to 80 m2, who are not obliged to offer reusable packaging themselves.³⁶ • The Netherlands (2024) • E.U: European Commission, European Parliament and Council of the EU support this proposal. (See endnotes in Table H-3 for ban SUP cups for on-site consumption.) <p><u>Asia:</u> Enacted: Quezon City, Philippines (2020) Possibly proposed or under consideration (more research is required): Hong Kong, Seoul, Taiwan</p>

Regulations, continued	Examples, continued
Take-away reusables	<p><u>Europe:</u></p> <ul style="list-style-type: none"> • Germany (2023): As of 1 January 2023, placing SUP packaging for food and SUP cups on the market shall also require offering reusable packaging alternatives. • The Netherlands (2023) • EU <ul style="list-style-type: none"> • European Parliament proposes that within 3 years after the date of entry into force of the proposed regulation, companies selling cold or hot beverages filled into a container at the point of sale for take-away would have to offer consumers the possibility to use reusable packaging, at no higher costs.³⁷ <p>Asia: Taiwan may be considering reusables for takeaway</p>
Delivery reusables	<u>Europe:</u> Germany (2023), The Netherlands (2023)
Event reusables	<u>Europe:</u> The Netherlands ³⁸ : Open Events must charge for SUP cups/containers and provide reusable alternatives with a return system, or accept customers' reusable cups/containers (2023). Closed events with fencing and/or controlled access can only provide circular reusable cup systems or high quality recycling of SUP cups (2024).
Venue reusables	<u>US:</u> San Francisco – stadiums (proposed for 2024) <u>Europe:</u> The Netherlands (2023)
Office, company, institution reusables	<u>Europe:</u> The Netherlands (2023)
Sports club reusables	<u>Europe:</u> The Netherlands (2023)
Customers' refillable cups	<p><u>Canada:</u> Banff, AB (July 1, 2023), Edmonton, AB (2023)</p> <p><u>U.S.:</u> San Francisco (proposed for 2024)</p> <p><u>Europe:</u></p> <ul style="list-style-type: none"> • France (2023), Germany (2023), The Netherlands (2023) • EU (proposed): The European Parliament proposes that within 2 years of the regulation coming into force, food vendors must provide a system for consumers to bring their own container to be filled.³⁹
Labeling reusable cups	<p><u>Europe:</u></p> <p>The Netherlands (2023)</p> <p>EU is negotiating possible requirements for labeling reusable cups.⁴⁰</p>
Reuse criteria	<p><u>Europe:</u></p> <p>France requires reuse standards to be developed by 2022⁴¹</p>
Signs for reusables/refillables	<p><u>Europe:</u></p> <p>France (2023)⁴²</p> <p>Germany (2023)</p> <p>EU (proposed)</p>
EPR for reusable cups	<p><u>Europe:</u></p> <ul style="list-style-type: none"> • France has expanded reuse requirements in its EPR regulations. More research is needed to determine how this applies to cups. • In Germany, manufacturers and distributors downstream of the supply chain of reusable packaging are generally obliged to take back free of charge used, emptied packaging of the same type, shape and size as packaging they place on the market at the point of transfer or in the immediate vicinity. More research is needed to determine how this applies to cups.⁴³

Economic Instruments

The following instruments have been adopted or proposed with the intent to reduce SUPs and/or promote reuse:

- **Tax/Levy:** Consumers must pay a tax or levy paid by consumers on SUP cups. Businesses remit the whole portion to the government. Taxes range from CDN \$0.10 to €0.50 per SUP cup. Regulations may stipulate that the government must direct the tax to a fund dedicated to waste reduction, reuse, recycling and recovery of residuals.
- **Half Tax / Half Fee:** Consumers must pay a surcharge on SUP cups. Businesses remit a portion (typically half) to the government as a tax, and keep the rest for themselves. For example, on a \$0.10 eco-contribution, businesses remit \$0.05 as a tax and keep \$0.05 as revenue.
- **Cup fee:** Consumers must pay a surcharge on SUP cups. Government sets the minimum fee amounts. Businesses keep the revenue. Often paired with a requirement for customers to be able to choose a reusable alternative, such as on-site reusables and a reusable cups for takeaway and delivery. For equity, may exempt free drinks.
- **Charge for SUP cups:** Also called a “ban on free SUP cups,” consumers must pay for SUP cups. Businesses set the amount of the surcharge and keep the revenue. Governments provide guidance on the suggested surcharge amount. Often paired with a requirement for customers to be able to choose a reusable alternative, such as on-site reusables and a reusable cups for takeaway and delivery.
- **Deposit on reusable cups:** A rule that requires food vendors to offer a refundable deposit to foster the actual return of the reusable cup.
- **Deposit on SUP cups:** A rule that requires food vendors to charge a refundable deposit on SUP cups to give a financial incentive for customers or binners to return the cup for recycling.
- **Discount for customers’ refillable cups:** A rule to require that food vendors give customers a discount for bringing in their own clean reusable cup.
- **Reusables can’t cost more:** Drinks sold in reusable cups, including reusable takeaway cups, must be at a lower or equal price and in no less favourable conditions than beverages sold in single-use cups.

Table H-5 Economic instruments intended to reduce SUP and promote reusables

Regulations	Examples
Tax / Levy	Canada: Prévost, QB (\$0.10 for hot beverage SUP cups - 2022) Europe: Tübingen, Germany (€ 0.50 in 2022); Ireland (€ 0.20 proposed)
Half Tax / Half Fee	Canada: Mascouche and Terrebonne, QB: proposed \$0.10 eco-contribution where businesses keep \$0.05 and remit \$0.05 to the cities.
Cup fee	U.S.: At least 14 cities in California require a min. USD \$0.25 fee (Appendix F) UK: Scotland (proposed 20-25 pence)
Charge for SUP cups	<u>Europe:</u> <ul style="list-style-type: none"> The Netherlands: As of 2023, customers must pay for SUP cups for takeaway and delivery. The government recommends surcharges of € 0.25/cup, €0.50/take-out container or meal, and €0.05 small portion container. This is paired with requirements to provide reusable alternatives. European Commission proposes Member States may use economic incentives like charges on SUP packaging to promote reuse⁴⁴
Deposit on reusable cups	<u>Europe:</u> Germany's Packaging Act requires deposits on reusable cups and containers ⁴⁵
Deposit on SUP cups	<u>Asia:</u> <ul style="list-style-type: none"> In Dec. 2022, South Korea introduced a refundable deposit of KRW 300 on disposable cups sold on Jeju-do island and in Sejong city, refunded through an application run by the Container Deposit System Management Organization when customers return the used cup.^{46, 47} Seoul, South Korea announced plans to introduce a disposable cup deposit on single-use cups at cafes in 2025.⁴⁸
Discount on customers' cups	<u>US:</u> <ul style="list-style-type: none"> Arcata, CA requires min. USD \$0.25 discount on customers' cups and containers <u>Europe:</u> <ul style="list-style-type: none"> France's <i>Anti-Waste Law</i> requires sellers of take-away beverages to adopt a lower tariff when the beverage is sold in a reusable container presented by the consumer compared to the price charged when the beverage is served in a disposable cup.⁴⁹ EU: The European Parliament proposes that food vendors must fill food and beverages in containers and cups brought by the consumer at a lower price and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.⁵⁰
Reusables can't cost more	<u>Europe:</u> Germany, The Netherlands

Recycling

- **High quality recycling:** A form of “closed-loop” or “circular” recycling where all the material in SUP cups are recycled back into food contact materials for food and beverage packaging. (Compared to “downcycling,” where SUP cups are recycled into less circular products like tissue.) The definition may require recycling rates in the order of 75%-90%, as in The Netherlands.
- **Design for recycling:** Criteria to define how packaging will be designed and considered recyclable, and when the waste packaging can be separately collected, sorted and recycled at scale.
- **Allow only recyclable SUP cups:** A rule to allow food vendors to provide only SUP cups that are recyclable in municipal in EPR programs.
- **Ban hard-to-recycle SUP cups:** Ban on cups made of “problematic” plastics that are hard to collect or recycle, may have weak recycling markets, or may contaminate other recyclables. Commonly includes polystyrene foam. Some regulations also ban PVC, oxo-degradable plastic, carbon black plastic, compostable plastic and biodegradable plastic.
- **EPR for recycling residential SUP cups:** Producers are financially and operationally responsible for ensuring SUP cups, lids, and sleeves are recycled, often as part of producer responsibility for packaging and paper products. Producers may provide collection through contractors or reimburse local governments for the service. May cover all sectors or be limited to residential recyclables.
- **EPR for recycling ICI SUP cups:** Same as EPR for recycling residential SUP cups, but for the ICI (industrial, commercial and institutional) sector.
- **Recycled content:** Mandatory rates of recycled content that producers have to include in new plastic packaging, including cups. This helps turn recycled plastic into a valuable commodity and strengthens end-markets. May include labeling requirements to show the amount of recycled content.
- **Consistent recycling labels:** Harmonized labels on packaging and recycling bins throughout and sometimes across jurisdictions to help consumers sort materials properly for recycling.
- **Recycling bins:** Food vendors must provide clearly labeled bins on the premises to collect SUP cups for recycling or composting.

Table H-6 Regulations intended to recycle SUP cup

Regulations	Examples
High quality recycling	<p><u>Europe:</u></p> <ul style="list-style-type: none"> The Netherlands permits SUP cups for on-site consumption if they are collected through a “high quality recycling” program that recycles 75% of cups back into food contact packaging in 2024, increasing to 90% in 2026. The EU is negotiating terms for high quality recycling for its revised packaging and packaging waste regulation.
Design for recycling	<p><u>Europe:</u></p> <ul style="list-style-type: none"> European Commission’s proposed regulation requires packaging to meet detailed design for recycling criteria by Jan. 1, 2030, which would be defined through subsequent regulations. The Council of the European Union (Member States) proposal goes further than the European Commission’s proposal by introducing parameters in their proposed regulation to define the design for recycling criteria, including additives, labels, sleeves, closures, adhesives, colours, material composition, barriers/coatings, inks/laquers/printing/coding, product residues/ease of emptying, and ease of dismantling. The draft regulation lists the type of packaging that must meet design for recycling requirements, including hard plastic and composite paper/plastic SUP cups.⁵¹
Allow only recyclable SUP cups	<p><u>US:</u> Sausalito, CA</p>
Ban hard-to-recycle SUP cups	<p><u>Canada:</u></p> <ul style="list-style-type: none"> Government of Canada: foam, black carbon, PVC, oxo-degradable plastics (2023) Province of B.C.: foam, PVC, PVDC, oxo-degradable, biodegradable plastic, compostable plastic cups – except paper cups lined with compostable plastic (2023) Cities in B.C with foam bans: Chilliwack, Harrison Hot Springs, Port Moody, Revelstoke, Richmond, Sidney, Squamish, Surrey, Tofino, Ucluelet, and Vancouver <p><u>U.S.:</u> Many cities ban foam cups and containers (Appendix F)</p> <p><u>Europe:</u> EU member states ban polystyrene foam cups in accordance with the Single-Use Plastics Directive (e.g. France, Germany, The Netherlands)</p> <p><u>Asia:</u> Hong Kong (2024)</p>
EPR for recycling residential SUP cups	<p><u>Canada:</u> Provinces of British Columbia - residential cups (2014)</p> <p><u>Europe:</u> EU Directive 2008/98/EC on waste states that Member States may require EPR for waste, including recycling.⁵² Staff consider this “proposed” for SUP cups because more research is needed to confirm if Member States designate them in their residential recycling EPR programs.</p>

Regulations, continued	Examples, continued
EPR for recycling ICI SUP cups	<p><u>Europe:</u> EU Directive 2008/98/EC on waste states that Member States may require EPR for waste, including recycling. Staff consider this “proposed” for SUP cups because more research is needed to confirm if Member States designate them in their ICI recycling EPR programs.</p>
Recycled content	<p><u>Europe:</u> European Commission’s draft regulation⁵³ proposes that:</p> <ul style="list-style-type: none"> • The plastic part in packaging shall contain the following minimum post-consumer recycled content per unit of contact-sensitive food packaging: <ul style="list-style-type: none"> • As of Jan. 1, 2030, 30 % for polyethylene terephthalate (PET) as the major component; • As of Jan. 1, 2030, 10% plastic materials other than PET, except single use plastic beverage bottles • As of Jan. 1, 2040, 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles • The packaging must be labeled to show the percentage of recycled content.⁵⁴ <p>The Council of the EU supports these targets. The European Parliament proposes to reduce the target to 7.5% (from 10%) by 2030 and 25% by 2040 for food contact packaging made from plastic materials other than PET.⁵⁵</p>
Consistent recycling labels	<p><u>Canada:</u> Government of Canada is working to develop criteria for standardized and accurate labeling of recyclable material across Canada.⁵⁶</p> <p><u>Europe:</u> European Commission’s draft regulation calls for Member States to require harmonized labels on packaging and recycling bins by Jan. 1, 2028.⁵⁷</p>
Recycling bins	<u>U.S.:</u> At least 15 cities in the U.S. (Appendix F)

Litter Abatement

- **“Contains plastic” labels on SUP cups:** SUP cups (and often other SUP products and packaging) must have a label that states the cup contains plastic, may harm wildlife, and how to safely dispose of it.
- **EPR for littered SUP cups:** Based on the ‘polluter pays’ principle, producers cover local government costs for managing designated SUP products and packaging, including SUP cups, in public waste bins and litter, and raising awareness. Governments measure the amount of SUP cups (and other designated SUPs) in public realm waste and litter, study local government’s costs, and determine how much producers must pay on an annual basis.

H-7 Regulations intended to abate and manage SUP cup litter

Regulations	Examples
Labelling SUP cups	Europe: <ul style="list-style-type: none"> • EU member states require labels in accordance with the Single-Use Plastics Directive (e.g. The Netherlands)
EPR for littered SUP cups	Europe: <ul style="list-style-type: none"> • EU member states require EPR for litter in accordance with Article 8 in the Single-Use Plastics Directive <ul style="list-style-type: none"> ◦ e.g., The Netherlands regulation has been in effect since 2021, and first producer payments are due in 2024)

Other

- **Allow only SUP paper cups:** Ban on all SUP cups, except SUP paper cups. Does not preclude food vendors from offering reusable cups.
- **Allow only SUP compostable cups:** Single-use cups for on-site consumption and/or take-away must be made from compostable paper and/or plastic. Sometimes called a ban on non-compostable cups and lids. Does not preclude food vendors from offering reusable cups.
- **Ban non-fibre SUP compostable cups:** Rule to ban rigid SUP compostable cups (e.g., PLA, PHA, or other compostable plastic), even if labeled or certified as compostable. The rationale for banning these cups is often that they don’t break down in industrial compost facilities designed for food and yard waste, and don’t break down as litter. May allow only “natural fiber-based” compostable cups, including those coated or lined with biologically based polymer, such as, but not limited to, corn or other plant sources (e.g., compostable plastics), if certified/approved by approved independent third parties.
- **Compost bins:** Food vendors must provide clearly labelled bins to collect compostable packaging, including cups. May require food vendors to sign up for composting service offered by a collection service provider.

- **Substances of concern:** In the U.S., rules to require single-use cups (and often containers) to be free of free of fluorinated chemicals (PFAS), for example by using only all natural fiber BPI-certified food ware. In Europe, draft regulations include commitments to investigate or address the presence of substances of concern in packaging to determine whether they negatively affect the re-use or recycling of materials or have an impact on human health and the environment.
- **Similar rules for SUP containers:** Jurisdictions have the same or similar requirements for SUP containers as SUP cups.

Table H-8 Other regulations

Regulations	Examples
Allow only SUP paper cups	<u>Canada:</u> Montreal (2023) <u>Asia:</u> Taiwan (2024) ⁵⁸
Allow only SUP compostable cups	Mexico City
Ban non-fibre SUP compostable cups	<u>Canada:</u> Province of BC (July 15, 2024) <u>US:</u> Several cities in California (Appendix F)
Ban hard SUP compostable cups	<u>Canada:</u> Province of BC (2024) <u>US:</u> Many cities in California (Appendix F)
Compost bins	Mexico City, and some cities in the U.S. (Appendix F)
Substances of concern	<u>Europe:</u> <ul style="list-style-type: none"> • European Commission: Calls for “packaging to be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal.”⁵⁹ • Council of the EU: Proposes to strengthen the European Commission’s proposal by calling on the European Commission, assisted by the European Chemicals Agency, to prepare a report by 2026 on the presence of substances of concern in packaging, to determine whether they negatively affect the re-use or recycling of materials or have an impact on chemical safety. The Council also calls for labeling.⁶⁰ • European Parliament: Proposes to ban food contact packaging containing intentionally added per- and polyfluoroalkyl substances (PFAS) or bisphenol A from 18 months after the date of entry into force of the proposed regulation.
Includes containers	<u>Canada:</u> Banff (AB), Mascouche (QC), Terrebonne (QC) <u>US:</u> Most U.S. cities with cup restrictions apply the same rules to containers (Appendix F) <u>Europe:</u> Proposed EU, France, Germany, The Netherlands

Voluntary Program Descriptions

- **Grants for small businesses to adopt reusable alternatives:** Financial support to help businesses offset the cost of reusable cups for dine-in, take-away, commercial dishwashers, etc. Examples:
 - Canada
 - Province of BC: [Clean BC Plastics Action Fund](#)⁶¹
 - City of Edmonton, AB offered grants to small businesses at the beginning of cup by-law implementation
 - Ville de Terrebonne, QC: offers \$1,000 to \$10,000⁶²
 - Toronto Circular Food Innovators Fund: up to \$35,000 per application. Total fund: \$450,000 (\$250,000 in 2024, \$100,000 in 2025 and \$100,000 in 2026).⁶³
 - Seattle, WA: Provides up to \$500 in reusable dishware⁶⁴
 - San Francisco, CA: Commercial Reuse Program provides up to \$500
 - Tübingen, Germany: €500 for reusable packaging, €1000 for dishwashers
- **Guidance for businesses:** Zero waste coaching, educational materials, and procurement guides to help small businesses source reusable alternatives. Examples:
 - North Shore municipalities fund Ocean Ambassadors to provide zero waste coaching for small businesses
 - Cities in the U.S. (primarily California and northeastern states) contract ReThink Disposable to provide technical assistance to businesses that switch away from single-use items. ReThink offers a turnkey program to research, buy, deliver, set up and communicate the reusable system, and “pass through” rebates offered by local governments.
- **Promoting reusable take-away cup systems:** Cities promote the uptake of reusable cups and containers. Examples:
 - The Reuse Seattle program is a partnership between the city and r.Cup to provide reusable cups, initially for large events but now also expanding to other food establishments.
 - Berlin: Better World Cup initiative - promotes uptake of reusable containers.

CASE STUDY: THE NETHERLANDS' SINGLE-USE PLASTIC REGULATIONS

The Netherlands currently has one of the most comprehensive sets of regulations for SUP cups.

Source: <https://minderwegwerpplastic.nl/>

Regulation: Regulation of the State Secretary for Infrastructure and Water Management, of 29 March 2022, No IENW/BSK-2022/50452, laying down rules on designated single-use plastic products (Scheme for plastic products for single use)

- Arises from the EU's Single-Use Plastic Directive 2019/904.

Goal: To reduce the use of disposable cups and containers containing plastic by 40 percent in the Netherlands by 2026.

Rules

Table I-1: As of July 3, 2021 - Foam ban and SUP label in The Netherlands

Rule	Description	Sectors
Ban on foam cups/containers	<ul style="list-style-type: none"> • Ban on cups and containers containing polystyrene foam 	<ul style="list-style-type: none"> • All
Plastic label	<ul style="list-style-type: none"> • Mandatory logo on designated SUP products, including cups • Standard pictogram shows: <ul style="list-style-type: none"> ○ The product contains plastic ○ Which bin to discard the product ○ Litter harms the environment 	<ul style="list-style-type: none"> • All

Table I-2: As of July 1, 2023 - Takeaway and delivery in The Netherlands

Rule	Description	Sectors
Charge for SUP cups and containers for takeaway & delivery	<ul style="list-style-type: none"> • Customers must pay for SUP cups and containers for takeaway and delivery • Businesses determine amount of surcharge • Government recommends these target amounts: <ul style="list-style-type: none"> ○ € 0,25 for cups ○ € 0,50 for containers (or meal with multiple containers) ○ € 0,05 for single-serving and condiment containers • Includes ready-to-eat prepared and pre-packaged food and beverages • Includes self-serve vending machines • Receipts must show SUP surcharges separately 	<ul style="list-style-type: none"> • HORECA (hotels, restaurants, cafes, catering) • Supermarkets, retail, kiosks • Open Events (unfenced or have uncontrolled access, like fairs, carnivals, and street festivals, and marathon spectator areas)
Reusables with a return system	<ul style="list-style-type: none"> • Customers must be able to use a reusable cup or container with a return system offered by the food vendor • Cost cannot be higher than SUP cups and containers 	
BYO (bring your own)	<ul style="list-style-type: none"> • Customers must be able to bring their own reusable cup or container 	

Table I-3: As of Jan. 1, 2024 - On-site dining in The Netherlands

Rule	Description	Sectors
Ban on SUP cups and containers for on-site dining	<ul style="list-style-type: none"> SUP cups and containers are not allowed for on-site consumption Applies to all locations where on-site consumption takes place Exception for health care institutions 	<ul style="list-style-type: none"> HORECA (hotels, restaurants, cafes, catering) Grocery, retail, kiosks Offices, companies and institutions Sports clubs and associations Closed Events (fenced or have controlled access, like music festivals or concerts at a private indoor or outdoor location, stadium sporting events, areas restricted to athletes at marathons)
Reusables for on-site dining	<ul style="list-style-type: none"> Reusable dishware that can be washed on site Reusable cups and containers that can be returned and washed offsite 	
Exception for high quality recycling	<ul style="list-style-type: none"> Instead of reusables, food vendors can offer SUP cups and containers if they have a recycling program that collects 75% of material starting in 2024 (increasing to 90% in 2027 and beyond), and recycle it back into food service packaging. Currently only PET SUP cups are suitable Plastic-coated paper cups don't qualify because the plastic can't be recycled back into food service packaging Must report use of this exception to the national government 	

Table I-4: As of Aug. 1, 2024 - EPR for SUP litter costs, including cups, in The Netherlands

Rule	Description	Sectors
EPR for SUP cup litter costs	<ul style="list-style-type: none"> Producers must contribute to government litter clean up costs for designated SUP products, including cups National government determines amount of annual contribution from producers based on review of municipal costs and waste audits Government organizations start receiving annual funds on Nov. 1, 2024 	<ul style="list-style-type: none"> Producers

ENDNOTES

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- ¹ City of Vancouver Council Meeting Minutes (July 19, 2022). <https://council.vancouver.ca/20220719/documents/regu20220719min.pdf>
- ² City of Vancouver Accessibility Strategy: Phase 1 (July 19, 2022). <https://vancouver.ca/people-programs/accessibility-strategy.aspx>
- ³ City of Vancouver Meeting Minutes: Report To Council Standing Committee Of Council On Policy And Strategic Priorities February 15, 2023, Item 3. Repealing Vancouver's Single-Use Beverage Cup Fee (Members' Motion B3) <https://council.vancouver.ca/20230215/documents/pspc20230215min.pdf>
- ⁴ Vibrant Vancouver: City Council's Strategic Priorities (2023-2026). <https://vancouver.ca/files/cov/strategic-priorities-2023-2026.pdf>
- ⁵ Government of Canada Single-use Plastics Prohibition Regulations: SOR/2022-138. Canada Gazette, Part II, Volume 156, Number 13. <https://www.gazette.gc.ca/rp-pr/p2/2022/2022-06-22/html/sor-dors138-eng.html>
- ⁶ Province Of British Columbia, Order of the Lieutenant Governor In Council, Order In Council No. 642, Approved And Ordered December 1, 2023. Single-Use And Plastic Waste Prevention Regulation. https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0642_2023
- ⁷ The B.C. municipalities of Chilliwack, Harrison Hot Springs, Port Moody, Revelstoke, Richmond, Sidney, Squamish, Tofino, and Ucluelet adopted plastic straw by-laws under the Community Charter Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation. <https://www2.gov.bc.ca/gov/content/environment/waste-management/zero-waste/municipal-plastics-bylaws>
- ⁸ Province of British Columbia extended producer responsibility web page. <https://www2.gov.bc.ca/gov/content/environment/waste-management/recycling/extended-producer-responsibility>
- ⁹ Provincial Policy on the Use of Reusable Food Containers in Food Premises in British Columbia (Feb. 2022). https://www2.gov.bc.ca/assets/gov/health/keeping-bc-healthy-safe/food-safety-security/policy_on_the_use_of_reusable_containers_2022_02.pdf
- ¹⁰ The Plastics Action Fund is administered on behalf of CleanBC and the Government of British Columbia by Alacrity Canada, in partnership with the Synergy Foundation. <https://www.alacritycanada.com/plasticsactionfund/>
- ¹¹ Suppliers offering reusable cup-share programs in the City of Vancouver (Dec. 2022). <https://vancouver.ca/files/cov/reusable-cup-share-providers.pdf>
- ¹² Recycle BC operates the EPR program for recycling residential packaging and paper products in British Columbia. <https://recyclebc.ca/vancouver/>
- ¹³ City of Vancouver on-street and park recycling. <https://vancouver.ca/streets-transportation/on-street-and-park-recycling.aspx>
- ¹⁴ City of Vancouver Zero Waste Centre. <https://vancouver.ca/home-property-development/zero-waste-centre.aspx>
- ¹⁵ Return-It to Reuse-It and Recycle-It Reusable and Single-Use Cup Recycling Program. <https://www.return-it.ca/cups/>
- ¹⁶ Binnars' Project Coffee Cup Revolution. <https://www.binnarsproject.org/ccr.html>
- ¹⁷ The City's by-law requires all businesses and non-profits to keep records on the total number of paper and reusable bags sold, and provide the records to the City if requested by the Chief Licence Inspector. The City has never requested these records.

¹⁸ In the City's Accessibility Strategy, Focus Area 6, Governance and Engagement, the goal is to make sure there is fair access to municipal programs and services in the City of Vancouver. This includes food and beverage services. <https://council.vancouver.ca/20220719/documents/ra-appendixa-plainlanguage.pdf#page=21%C2%A0>

¹⁹ United Nations Environment Programme (UNEP), Economy Division (2021). Single-use beverage cups and their alternatives - Recommendations from Life Cycle Assessments. https://www.lifecycleinitiative.org/wp-content/uploads/2021/02/UNEP_-LCA-Beverage-Cups-Report_Web.pdf

²⁰ The above UNEP report concluded that different types of SUP cups have different sustainability impacts, and no material consistently performs the best or worst across the studies. However, some trends are evident, depending on local recycling rates: paper cups are comparable to recycled plastic (rPET); paper and bio-plastic cups have lower impacts than polystyrene cups (PS and HI-PS); paper cups lined with plastic (PE) have lower impacts than paper lined with bio-plastic (PLA); and wax-lined paper cups have lower impacts than PE-lined paper cups. While this may seem counter-intuitive for bio-plastics, the report notes that:

- One life cycle study reviewed found that bio-plastic lined paper cups have the highest water consumption, the highest land-use demand, as well as the highest human non-carcinogenic toxicity potential (from plant material production, fuel use and the use of fertilisers and pesticides in plant production).
- Another life cycle study reviewed found that bio-plastic and bio-plastic lined paper cups have lower global warming potential than polystyrene foam cups, but higher cumulative energy demand, acidification, eutrophication, photochemical oxidation, human toxicity, freshwater aquatic eco-toxicity, marine aquatic eco-toxicity, terrestrial eco-toxicity and ozone layer depletion potential.
- Compostable plastics may biodegrade under the correct conditions in industrial composting facilities, but these facilities are often limited or may not exist, resulting in bio-plastics being landfilled or incinerated.
- Compostable and conventional plastics are visually indistinguishable, resulting in cross-contamination of compost and recycling streams.
 - Notably, there is a risk of contaminating recycled PET plastic, which currently has a relatively high recycling rate in many countries.
- PLA – the bio-plastic considered in the studies for beverage cups – is not suitable for home composting.
- Littered bio-plastics do not break down in the natural environment and contribute to marine litter.
- However, the UNEP report also notes that PLA is to some degree still an emerging technology, with different feedstocks and scales of production leading to less certain life cycle inventory data sets on the material.

²¹ In Nov. 30, 2022, the European Commission published a science-informed policy framework for biobased, biodegradable and compostable plastic to bring clarity and understanding of these plastics, and inform the development of the EU's proposed packaging and packaging waste regulation. Similar to the UNEP report, the European Commission's report found that:

- Biobased plastics are made from biomass, which currently originates mainly from **primary biomass** sources like plants grown specifically to be used as bioplastic feedstock, such as sugarcane, cereal crops, oil crops or non-food sources like wood.
 - In most cases, the production of biomass requires the use of natural resources such as land and water and the use of chemicals such as fertilisers and pesticides.
 - Producing plastics from primary biomass can lead to direct or indirect land-use change, which in turn can result in biodiversity loss, ecosystem degradation, deforestation and water scarcity, as well as competition with crops intended for human consumption.

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- In line with the circular economy principles, producers should prioritise the use of more sustainable **secondary biomass** feedstock sources such as organic waste and by-products, such as used cooking oil, bagasse and tall oil.
 - For short-lived biobased and biodegradable plastic products like single-use packaging:
 - The carbon initially taken up from the atmosphere is quickly released back
 - The resources used to produce these products are rapidly lost
 - Substituting biodegradable or compostable plastics for conventional plastics risks:
 - Slowing down the development of circular economy solutions based on reducing waste and reuse of such products
 - Disincentivising designs to recycle plastics to keep materials in the loop for as long as possible,
 - Disincentivizing the use of more sustainable alternatives that do not contain plastics
 - Cross-contaminating conventional and compostable plastic packaging waste, which reduces the quality of resulting secondary raw materials and should be prevented at source
 - Suitable applications for compostable plastic packaging are fruit and vegetable stickers, tea bags and filter coffee pods, as well as very light plastic carrier bags (although alternatives with no packaging or reusable alternatives are to be preferred)
 - The Commission will promote research and innovation with the aim of designing circular biobased plastics that are safe and sustainable by design and that allow for reusability, recyclability and biodegradability

Source: European Commission (Nov. 30, 2022). Communication from the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions: EU policy framework on biobased, biodegradable and compostable plastics. https://environment.ec.europa.eu/document/download/14b709eb-178c-40ea-9787-6a40f5f25948_en?filename=COM_2022_682_1_EN_ACT_part1_v4.pdf

²² Schwartz-Narbonne, et al. (2023). Per- and Polyfluoroalkyl Substances in Canadian Fast Food Packaging. *Environmental Science and Technology Letters*. 10, 4, 343–349. <https://pubs.acs.org/doi/10.1021/acs.estlett.2c00926>

²³ Carney Almroth, et al. (2023). Single-use take-away cups of paper are as toxic to aquatic midge larvae as plastic cups. *Environmental Pollution*. Volume 330, 1 August 2023, 121836. <https://doi.org/10.1016/j.envpol.2023.121836>

²⁴ As defined in The Netherlands regulation. The Netherlands' guidance advises that currently only PET plastic cups qualify as high quality recyclables because they can be recycled into food contact materials. Composite plastic packaging, like coffee cups and other plastic-lined food packaging, does not qualify for high quality recycling because the plastic lining is not recycled into new food contact materials. Sources: The Netherlands Ministerie van Infrastructuur en Waterstaat <https://minderwegwerpplastic.nl/qa> and <https://minderwegwerpplastic.nl/branche/horeca> .

²⁵ Article 8 in the E.U. Single-Use Plastics Directive calls for Member States to introduce EPR schemes to cover the necessary costs of waste management and clean-up of litter, as well as the costs of awareness raising measures to prevent and reduce such litter. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0904>

²⁶ B.C. Ministry of Environment and Climate Change Strategy. Advancing Recycling in B.C.: Extended Producer Responsibility Five-Year Action Plan 2021-2026. https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended_producer_five_year_action_plan.pdf

²⁷ Municipalities of Chilliwack, Harrison Hot Springs, Port Moody, Revelstoke, Richmond, Sidney, Squamish, Tofino, and Ucluelet. <https://www2.gov.bc.ca/gov/content/environment/waste-management/zero-waste/municipal-plastics-bylaws>

²⁸ British Columbia Community Charter: Spheres Of Concurrent Jurisdiction — Environment And Wildlife Regulation B.C. Reg. 144/2004.

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/144_2004

²⁹ Types of institutions and governing bodies in the European Union: https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/types-institutions-and-bodies_en

³⁰ Article 26 in the European Commission's proposal: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677>

³¹ Article 22 in the European Commission's proposal stipulates that economic operators should not place on the market packaging in the formats and for the purposes listed in Annex V to the proposed Regulation as of Jan. 1, 2030. This includes single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677>

³² Amendment 330, Proposal for a regulation, Annex V – row 3 in the European Parliament's proposal supports bans on single-use packaging for food and beverages consumed on the premises, “unless there is a demonstrated need to use single packaging given inability of access to infrastructures that are necessary for the proper operation of a reuse system.” https://www.europarl.europa.eu/doceo/document/TA-9-2023-0425_EN.html

³³ Article 22(1) in the Council of the European Union's proposal: <https://data.consilium.europa.eu/doc/document/ST-16946-2023-INIT/en/pdf>

³⁴ The Korea Herald (Sep. 7, 2023). “Seoul to add 300 won surcharge for single-use cups at cafes in 2025.” <https://www.koreaherald.com/view.php?ud=20230907000708>

³⁵ Ellen MacArthur Foundation (2021). France's Anti-waste and Circular Economy Law: Eliminating waste and promoting social inclusion https://emf.thirdlight.com/file/24/kLSzgopkL_2CJxQkLb3XkLQIS7_/Case%20Studies%20-%20French%20Anti%20Waste%20Law.pdf

³⁶ Germany Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection web page on packaging waste. <https://www.bmuv.de/en/topics/water-management/circular-economy-overview/overview-types-of-waste-and-waste-flows/packaging-waste>

³⁷ Article 28(b) in the European Parliament's proposal: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0425_EN.html

³⁸ The Netherlands' rules for events: <https://minderwegwerpplastic.nl/branche/evenementen>

³⁹ Article 28(b) in the European Parliament's proposal: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0425_EN.html

⁴⁰ In the European Commission's proposed regulation, Article 11 (2) requires reusable packaging to have a label on packaging reusability and a QR code within 4 years of the regulation coming into force: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677>

⁴¹ Article 65 in France's regulation: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041553759/>

⁴² Article 44 in France's regulation: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041553759/>

⁴³ <https://www.bmuv.de/en/topics/water-management/circular-economy-overview/overview-types-of-waste-and-waste-flows/packaging-waste>

⁴⁴ Article 45 (2) (b) in the European Commission's proposed regulation states, “the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale.” <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677>

⁴⁵ Germany's Packaging Act Article 3(3): <https://www.bmuv.de/en/topics/water-management/circular-economy-overview/overview-types-of-waste-and-waste-flows/packaging-waste>

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- ⁴⁶ Republic of Korea Ministry of Environment press release (2022-09-27): “The Ministry of Environment will implement a deposit scheme for disposable cups in Jeju-do island and the city of Sejong, starting from December 2” <https://perma.cc/WY9E-7R4D>
- ⁴⁷ Republic of Korea Ministry of Environment press release (2022-01-26): “Government to charge KRW 300 deposit per disposable cup starting from June 10 of this year” <https://eng.me.go.kr/eng/web/board/read.do?pagerOffset=0&maxPageItems=10&maxIndexPages=10&searchKey=&searchValue=&menuId=461&orgCd=&boardId=1505560&boardMasterId=522&boardCategoryId=&decorator=>
- ⁴⁸ The Korea Herald (Sep. 7, 2023). “Seoul to add 300 won surcharge for single-use cups at cafes in 2025.” <https://www.koreaherald.com/view.php?ud=20230907000708>
- ⁴⁹ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041553759/>
- ⁵⁰ Amendment 240 for Article 28 (a) in the European Parliament’s proposal: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0425_EN.html
- ⁵¹ In the Council of the European Union’s proposed regulation, Annex II describes parameters for design for recycling criteria, and includes SUP cups in the list of materials that must be designed for recycling. <https://data.consilium.europa.eu/doc/document/ST-16946-2023-INIT/en/pdf>
- ⁵² Article 8 in EU’s existing directive, Directive 2008/98/Ec Of The European Parliament And Of The Council of 19 November 2008 on waste and repealing certain Directives <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008L0098#d1e1132-3-1>
- ⁵³ Article 7 in the European Commission’s proposal covers minimum content for plastic packaging. eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677
- ⁵⁴ Article 11(3) in the European Commission’s proposal calls for recycled content labels: eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677
- ⁵⁵ European Parliament briefing on legislation in progress for the revision of the Packaging and Packaging Waste Directive: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/745707/EPRS_BRI\(2023\)745707_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/745707/EPRS_BRI(2023)745707_EN.pdf)
- ⁵⁶ Government of Canada (2022). Consultation paper: Towards Canada-wide rules to strengthen recycling and composting of plastics through accurate labelling. <https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/consultation-rules-recycling-composting-plastics-labelling.html>
- ⁵⁷ Articles 11 and 12 in the European Commission’s proposed regulation calls for clearly labeled recycling bins. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677>
- ⁵⁸ Taipei Times (Nov. 7, 2023). “Disposable cup bans come into effect: All six major municipalities have implemented bans on single-use plastic cups ahead of the central government’s timeline, cutting down on trash and emissions.” <https://www.taipeitimes.com/News/taiwan/archives/2023/11/07/2003808814>
- ⁵⁹ Article 5 (1) in the European Commission’s proposed regulation addresses substances of concern: eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0677.
- ⁶⁰ Article 5 (1) (a) in the Council of the EU’s proposal: <https://data.consilium.europa.eu/doc/document/ST-16946-2023-INIT/en/pdf>
- ⁶¹ Clean BC Plastics Action Fund: <https://www.alacritycanada.com/plasticsactionfund/>
- ⁶² Terrebonne, QC single-use item reduction grants: https://terrebonne.ca/subventions-visant-la-reduction-des-objets-a-usage-unique/?page_id=25378
- ⁶³ City of Toronto Circular Food Innovators Fund: <https://www.toronto.ca/services-payments/grants-incentives-rebates/circular-food-innovators-fund/>
- ⁶⁴ Seattle reuse incentive: <https://reuseseseattle.org/reuse-rebate/>