

STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | www.princegeorge.ca

DATE: October 9, 2019

TO: MAYOR AND COUNCIL

NAME AND TITLE: Adam Homes, Director, Engineering

SUBJECT: Regulating the Business Use of Single Use Checkout Bags in the City of Prince George

ATTACHMENT(S):

1. Appendix A – Plastic Bag Bans in Other Jurisdictions;
2. Appendix B – Impacts of Plastic Bag Regulation Oct 2019; and,
3. Appendix C - Joint Local Government Submission to MOECCS re. Plastics Action Plan.

RECOMMENDATION(S):

That Council RECEIVES FOR INFORMATION the staff report dated October 9, 2019 from the Director of Engineering titled “Regulating the Business Use of Checkout Bags in the City of Prince George.”

PURPOSE:

This report provides Mayor and Council with information on the requirements and potential impacts of regulating the business use of plastic checkout bags in the City of Prince George, and the regulation of plastic checkout bags in British Columbia and other jurisdictions.

STRATEGIC PRIORITIES:

This initiative aligns with the myPG goals of Reducing Waste and Green City, Green Practice and Council’s Focus Area to “pursue operations and activities that conserve water and energy, improve air quality, enhance the urban forest and green spaces, reduce waste and consider environmental sustainability.”

BACKGROUND:

At the July 29, 2019 Council Meeting, Council directed Administration to develop a report outlining the requirements and potential impacts of regulating the business use of single use plastic checkout bags in the City of Prince George.

INTRODUCTION:

Plastic pollution is a global problem with a local impact, and plastic waste has been evident in parks, ditches and waterways across Prince George. Concerns regarding plastic pollution in Prince George were raised by residents during the City of Prince George Climate Change Mitigation Plan Public Participation sessions over the summer of 2019, with many suggesting a tax or ban on single-use items (ie. plastic bags, straws, cups).

Single use plastic checkout bags are consistently named as one of the top items of debris collected in spring cleanup events in Prince George and beach cleanup events worldwide and are extremely harmful to birds, livestock, and terrestrial and aquatic wildlife when bags are mistaken for food. It is estimated that single-use plastic checkout bags account for 1-2% of waste that makes it to the landfill, and that 200

bags are used per capita annually (Globe and Mail, 2012). Using this estimate, Prince George's population of 74,003 utilizes approximately 14.8 million single-use plastic checkout bags annually.

The Government of Canada announced on June 10, 2019 that it would be taking steps to reduce plastic waste which includes a ban on single-use plastics, including plastic bags, straws, cutlery, plates and stir sticks, as early as 2021 (Government of Canada, 2019).

DISCUSSION:

City of Victoria – Court of Appeals Decision

The City of Victoria has been a leader in municipal bylaws regulating single-use plastic checkout bag usage in British Columbia with Council passing a motion to consider a single-use plastic bag ban in November 2015 in an attempt to reduce unsustainable consumer behavior (City of Victoria, 2016). Significant consultation with the business community and general public was conducted over a two-year period which shaped the bylaw. The *Checkout Bag Regulation Bylaw* was instated on July 1, 2018 which banned the use of single-use checkout bags and set a minimum price on both paper and reusable checkout bags. The City of Victoria's Sustainable Waste Management Specialist stated that there was a 99% compliance rate with businesses in the first year, and anecdotally litter has considerably decreased around the City (City of Victoria, personal communication, Sept 6, 2019).

The Canadian Plastic Bag Association (CPBA) challenged the City of Victoria's bylaw in the BC Supreme Court prior to it coming into effect, where the court ruled in the City of Victoria's favour. The CPBA lobbied against the bylaw commencing in January 2018 where it claimed the ban would "significantly impact" members that "manufacture and supply bags" to the Victoria market (Victoria News, May 13, 2019). The lobby group challenged this decision taking it to the BC Court of Appeal. On July 11, 2019, the BC Court of Appeal struck down Victoria's *Checkout Bag Regulation Bylaw* stating that the predominant purpose was to protect the natural environment rather than regulate business which the Court argues is a provincial subject area and requires approval from the Minister of Environment as per the *Community Charter s. 9(3)* (Young Anderson, Barristers & Solicitors, 2019). The City of Victoria argued that the bylaw falls within its power to regulate business and therefore did not require approval from the Minister as per the *Community Charter s. 8(6)*.

Following the overturn of Victoria's *Checkout Bag Regulation Bylaw*, the Provincial government enacted a public feedback campaign on regulating single-use packaging, reducing single-use plastics in landfills and waterways by "requiring producers to take responsibility for more plastic products," expanding the beverage deposit-refund program to cover all beverage containers and reducing plastic waste overall (Province of BC, 2019). The consultation period for the CleanBC Plastics Action Plan ended on September 30th 2019. The Regional District of Fraser Fort George provided comments on the CleanBC Plastics Action Plan on behalf of the Environment and Parks Standing Committee.

The City of Victoria has requested that the Supreme Court of Canada "review the Court of Appeal decision to clarify a municipal government's power to regulate unsustainable business practices that negatively impact the community" (City of Victoria, Sept. 25, 2019). It is estimated that the City of Victoria will receive a decision in four to six months on whether the Supreme Court of Canada will hear the case.

Requirements of Introducing Plastic Bag Ban

For the City of Prince George to implement a bylaw regulating single-use plastic checkout bags, approval would be required by the Minister of Environment. The provincial government is currently in the process of reviewing public feedback on the CleanBC Plastics Action Plan, and has advised that it will not be reviewing municipal bylaw requests pertaining to plastic bags until the public feedback is finalized (Ministry of Environment, personal communication, Sept. 6, 2019). The provincial government has advised it will provide a response on this feedback in late 2019.

Prior to submission of a bylaw for review by the Minister of Environment, consultation with stakeholders including business owners, the Regional District of Fraser-Fort George, Recycling BC, the Chamber of Commerce, REAPs, Solid Waste Services, Bylaw Services and the general public is needed. The key to a

successful single-use plastic checkout bag ban involves “extensive consultation with industry and commercial representatives prior to enactment” (Convery et al, 2006). This would be best achieved through an online survey, and hosting focus groups with members of the retail, grocery and food service industries. It is anticipated that these costs could be covered by pre-existing operations budgets.

In addition to public consultation, a public education campaign would be necessary to ensure compliance among business owners and the general public. This campaign may include the creation of pamphlets and posters, attendance at local events, advertisements online, in print and on the radio, and posts on social media. It is recommended that public education materials utilize photos of plastic waste in City parks, ditches and waterways to demonstrate the need for change. The City would work closely with the Regional District and REAPS on this campaign which, in conversation with other municipalities, may cost approximately \$10,000 - \$15,000.

To impose a single-use plastic checkout bag ban, additional resources would be necessary for Bylaw Services as current resources would not allow for enforcement of any significant nature.

Considerations

There are several options to consider regarding regulating single-use plastic checkout bags in the City of Prince George. Given that the Provincial government is in the process of reviewing feedback from stakeholders across the Province regarding management of plastics – it is recommended that the City of Prince George await information on this response. The Provincial government is anticipated to make an announcement regarding the regulation of plastic waste in British Columbia in late 2019. Should the Province elect to allow municipalities to regulate single-use plastics the following options may be considered by the City of Prince George:

Option 1 – That Council impose a voluntary ban on carry-out plastic bags and work with partners to encourage local businesses to phase out plastic carry-out bags and other single-use plastics in preparation for potential provincial or federal bans on single-use plastics.

A voluntary ban would show environmental leadership and demonstrate support for those businesses that have already begun to make sustainable changes such as reducing their use of single-use plastics. Many local retailers are already working to reduce their distribution of single-use plastic checkout bags by imposing fees on bags. This would also motivate other businesses to consider implementing options to phase out single-use plastic items. A voluntary ban would also mitigate additional resource demands of Bylaw Services associated with a new bylaw and has proven to be effective in many jurisdictions. This would also be a great first step for Prince George to prepare businesses for potential future bans from the City of Prince George, or the Provincial or Federal governments.

Option 2 – That Council direct Administration to draft a bylaw regulating single use checkout bags for consideration and commence the development of public education materials, and begin a consultation period.

This option would prepare the City of Prince George in advance of a decision from the Federal government pertaining to regulating single-use plastic checkout bags. Many local governments across the province are undertaking the development of bylaws regulating single-use plastic bags in an effort to reduce plastic bags from ending up in the landfill or as litter. Residents of Prince George have expressed an interest in having single-use plastic checkout bags regulated by the City. Regulatory action in the form of bylaws, have proven to be more widely effective than voluntary bans on single-use plastic checkout bags.

Option 3 – That Council not proceed with any regulation of single-use checkout bags.

It appears that the Federal and Provincial governments may regulate single use plastics in the near future.

FINANCIAL CONSIDERATIONS:

The development of a new bylaw regulating plastic checkout bags would likely incur negligible costs given that the bylaw could mirror those of other municipalities in British Columbia, such as the City of Nanaimo or the City of Kamloops. Some legal counsel may be necessary during this process.

It is anticipated that costs associated with stakeholder consultation could be covered by pre-existing resources for staff time, online survey platform subscriptions and the use of meeting rooms. The development of a successful public education campaign would likely cost approximately \$15,000.

Enforcement of a new bylaw regulating plastic checkout bags would likely require additional staff resources.

SUMMARY AND CONCLUSION:

Plastic pollution is an increasing problem worldwide, and members of the public and local governments across Canada are expressing their frustration with the impacts of single-use plastic checkout bags on municipal infrastructure, public space and waterways by requesting regulatory action. Concerns regarding plastic pollution were raised as a part of the Climate Change Mitigation Plan Public Participation sessions that occurred this past summer. It is currently estimated that residents of Prince George utilize 14.8 million single-use plastic checkout bags annually. Plastic bags can be dropped off at local Recycle BC depots, but are not picked up through the curbside recycling program.

The Canadian Federal Government has announced that it intends to ban single-use plastics as early as 2021, and the British Columbia Provincial Government is currently reviewing public feedback on regulating plastic waste as part of the CleanBC Plastics Action Plan.

This public consultation period was triggered as a result of the overturn of the City of Victoria's *Checkout Bag Regulation Bylaw* by the BC Court of Appeals in July 2019, in response to the Canadian Plastic Bag Association (CPBA) challenging the municipality's authority to regulate single use checkout bags. It is anticipated that further direction will be given on local government jurisdiction in regulating plastic waste in late 2019, and it is recommended that the City of Prince George prepare a Report to Council following this announcement to determine next steps.

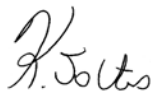
RESPECTFULLY SUBMITTED:



Adam Homes, Director, Engineering

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APPROVED:



Kathleen Soltis, City Manager
Meeting date: October 23, 2019