

**REPORT TO PARKS & ENVIRONMENT COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 23, 2019**

SUBJECT **Reducing Single-Use Expanded Polystyrene Waste Items**

ISSUE

To present options and implications for creating a model bylaw to ban single-use expanded polystyrene waste items and to follow-up on questions pertaining to the gasification of plastics.

BACKGROUND

At its August 14, 2019 meeting, the Capital Regional District (CRD) Board endorsed the following two-part motion:

- That staff be directed to report back with options and implications for creating a model bylaw to ban single-use expanded polystyrene waste items, including cups and containers; and
- That staff contact the two companies that proposed gasifiers as part of the biosolids request for proposals to see if they could include plastics and Styrofoam and report back to the Parks & Environment Committee.

Bans can be implemented in some form by all levels of government given different regulatory powers in place. The federal government can impose bans on plastics if they are designated as toxic. At the provincial level, BC's Environmental Management Act allows for the banning of packaging by prohibiting, regulating or restricting the use or sale of packaging materials. Such a ban would apply province-wide. Municipalities are able to use their authority to regulate businesses and (subject to minister approval) make bylaws for the protection of the natural environment under the Community Charter. The CRD cannot regulate businesses in municipalities at all and it does not automatically have the power to do so in electoral areas unless that authority is transferred by the province upon application by the CRD. Typically business restrictions in electoral areas are managed through zoning. The CRD does have the authority to ban the disposal of materials at Hartland Landfill.

In 2017, CRD staff prepared a Single Use Plastic Bag Ban Draft Model Bylaw with the intent of helping to develop a coherent approach across the capital region. The model bylaw was distributed to all municipalities, advising them to obtain independent legal advice on their own municipal bylaws. The City of Victoria was the first municipality to adopt a Checkout Bag Regulation Bylaw. The implementation of the bylaw has been successful; however, the bylaw has been challenged in court. The City of Victoria recently decided to ask the Supreme Court of Canada to review a previous decision that sets aside its business bylaw.

A number of initiatives at different levels of government are currently underway to address plastic waste. Appendix A provides background information on these initiatives and proposed 2019 Union of British Columbia Municipalities resolutions on reducing single-use items (including expanded polystyrene cups and containers) and on proposed amendments to the BC Recycling Regulation regarding packaging and beverage containers. All resolutions were endorsed at the convention.

The Province of BC published a Plastics Action Plan Policy Consultation Paper in the summer of 2019. The proposed actions reflect many of the issues raised by local governments over the past years, including clarifying municipal authority to ban plastic items, banning single-use items and amending the BC Recycling Regulation to extend the packaging and paper product Extended Producer Responsibility program to the industrial, commercial and institutional sector. Due to political process timing constraints, comments were submitted only from the perspective of CRD staff by the deadline of September 30, 2019 (Appendix B).

ALTERNATIVES

That the Parks & Environment Committee recommend to the CRD Board:

Alternative 1

That Capital Regional District staff report the results of the Province's Plastics Action Plan Policy Consultation Paper when they are available and recommend next steps.

Alternative 2

That staff be directed to prepare a model bylaw to ban single-use expanded polystyrene waste items.

INTERGOVERNMENTAL IMPLICATIONS

Alternative 1 would help inform next steps on how to address single-use expanded polystyrene waste items. It provides an opportunity to develop a harmonized approach for all levels of government by clarifying roles and responsibilities, identifying appropriate regulatory approaches and encompassing a broader range of waste items. Given those uncertainties, it may be too early to proceed with Alternative 2.

OPERATIONAL IMPLICATIONS

As directed by Committee, CRD staff contacted the two companies that proposed gasifiers as part of the biosolids request for proposals. One company responded and advised that the proposed gasifier could handle plastics and Styrofoam. The company recommended testing the products to confirm that the output would meet the desired operating and regulatory standards.

CONCLUSION

The CRD Board asked staff to report on options and implications for creating a model bylaw to ban single-use expanded polystyrene waste items. CRD staff have previously prepared a model bylaw to eliminate single use plastic bags to help develop a coherent approach in the region. A number of initiatives at different levels of government are currently underway to address plastic waste. The Province of BC is consulting on proposed actions that reflect issues identified by local governments and the public. Awaiting the results of the consultation and provincial direction presents an opportunity to develop a harmonized approach for all levels of government.

RECOMMENDATION

That the Parks & Environment Committee recommend to the Capital Regional District Board:

That Capital Regional District staff report the results of the Province's Plastics Action Plan Policy Consultation Paper when they are available and recommend next steps.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

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Attachments: Appendix A – Union of British Columbia Municipalities Resolutions Backgrounder
Appendix B – Plastics Action Plan Policy Consultation Paper