

TO: Solid Waste Management Select Committee **MEETING:** September 5, 2019

FROM: Meghan Ebueza
Solid Waste Planner **FILE:** 5365-02

SUBJECT: Clean BC – Plastics Action Plan RDN Submission

RECOMMENDATION

That the Board endorse the submission to the Ministry of Environment and Climate Change Strategy regarding the Clean BC, Plastics Action Plan: Policy Consultation Paper.

SUMMARY

The Regional District of Nanaimo (RDN) 2018 Board approved Solid Waste Management Plan (SWMP) is targeting a waste diversion rate of 90% by 2028. The SWMP relies upon 5% of the waste diversion goal from improvements to existing, or implementation of new, federal and provincial programs such as further advancements with the British Columbia (BC) Extended Producer Responsibility (EPR) program. Clean BC, Ministry of Environment and Climate Change Strategy, is engaging the public to solicit feedback from British Columbians and stakeholders on the path forward to reduce plastics pollution in BC (Attachment 1). The feedback on the Clean BC – Plastics Action Plan will be considered by the Province as part of developing a new regulatory framework for plastic waste in the Fall 2019/Winter 2020.

The proposed submission to the Minister of the Environment and Climate Change Strategy (Attachment 2) recommends bans on single-use packaging that does not have a viable recycling market; expansion of the *Recycling Regulation* to capture all printed paper and packaging regardless of the source; expanding and improving the capture of beverage containers; and reducing the production of new plastics by requiring recyclability and recycled content.

BACKGROUND

The Ministry of Environment and Climate Change Strategy has launched an initiative to reduce plastic pollution in BC and is seeking feedback from stakeholders through the release of the Clean BC – Plastics Action consultation paper with a deadline for written submissions by September 18, 2019, at 4pm. The Ministry is engaging on the development of new policy options and seeking feedback on proposed amendments to improve existing programs. The Consultation Paper poses specific questions related to proposed action in four connected areas as follows:

1. Bans on Single-Use Packaging

Determining which types of plastic packaging to phase out altogether, as well as any necessary exemptions, such as those for health, safety and accessibility to keep products available for people that need them.

2. More recycling options

Dramatically reduce single-use plastic in landfills and waterways: requiring producers to take responsibility for more plastic products, ensuring more single-use items like sandwich bags, straws and cutlery get recycled.

3. Expanding Plastic Bottle and Beverage Container Returns

Improving the deposit-refund system to cover all beverage containers – including milk and milk-substitutes – with a 10-cent refundable deposit, keeping millions more containers out of landfills and waterways.

4. Reducing Plastics Overall

Supporting effective ways to prevent plastic waste in the first place and ensuring recycled plastic is re-used effectively.

Plastics, particularly single-use plastics, have been a concern for the RDN and many other Regional Districts across BC. Regional Districts in BC do not have authority to ban the use of single-use plastics under the powers delegated to them by the *Local Government Act* and *Community Charter*. A number of local municipalities have already proceeded to introduce bylaws regulating the use of single use plastics including Vancouver, Victoria, Tofino, and Qualicum Beach. The BC Court of Appeal recently struck down the City of Victoria's checkout bag ban bylaw.

Managing plastic waste is a complex issue and each level of government has different authorities to regulate it:

Government of Canada

Role: Has the ability to regulate plastic products. Also, deals with discharge of waste to the oceans within our territorial limits and to work on the international level to stop dumping on the high seas.

Actions:

- On June 9, 2018, Canada, France, Germany, Italy, the United Kingdom, and the European Union adopted the Ocean Plastics Charter to demonstrate their commitment to act to address the problem. The Charter lays the groundwork to ensure plastics are designed for reuse and recycling. By signing the Charter, all signees commit to a more resource-efficient and lifecycle approach to plastics stewardship on land and at sea.
- The Government of Canada is taking the following steps to reduce plastic pollution, working with provinces, territories, businesses, and others. This includes ongoing work

through the Canadian Council of Ministers of the Environment to develop an action plan to implement the Canada-wide Strategy on Zero Plastic Waste¹:

- Banning harmful single-use plastics as early as 2021 under the *Canadian Environmental Protection Act* and taking other steps to reduce plastic waste, where supported by scientific evidence and when warranted – and taking other steps to reduce plastic waste.
- Ensuring that companies that manufacture plastic products or sell items with plastic packaging are responsible for managing the collection and recycling of their plastic waste.
- Working with industry to prevent and retrieve abandoned, lost, or discarded fishing gear, known as ghost fishing gear – a major contributor to marine plastic debris.
- Investing in new Canadian technologies.
- Mobilizing international support to address plastic pollution.
- Reducing plastic waste from federal operations.
- Reducing plastic microbeads in freshwater marine ecosystems.
- Supporting community-led action and citizen-science activities.
- Launching Canada's Plastics Science Agenda.

Government of British Columbia

Role: Provincial governments are also equipped, from the perspective of regulatory authority, to impose bans on single-use plastics that end up in its environment and in the waste stream.

Actions:

- Clean BC – Plastics Action Plan, this provincial consultation is an important opportunity to determine interest on how plastics might be managed and regulated across BC.
- In BC, EPR is an environmental policy approach in which the producer's responsibility for reducing environmental impact and managing the product is extended across the whole life cycle of the product, from selection of materials and design to its end-of-life. The two existing EPR programs in BC that have the greatest impact on plastic production and recycling are Encorp and Recycle BC:
 - Recycle BC – the stewardship program for residential packaging and paper products currently manages a large percentage of the residential plastic packaging in BC. Recycle BC's national service partner, Canadian Stewardship Services Alliance (CSSA) is among more than 350 organizations worldwide to endorse the New Plastics Economy Global Commitment² vision of a circular economy for plastics, where plastics never become waste. In addition to

¹ <https://pm.gc.ca/en/news/backgrounders/2019/06/10/government-canada-taking-action-reduceplastic-pollution>

² <https://recyclebc.ca/new-plastics-economy-global-commitment/>

supporting CSSA's endorsement, Recycle BC has made following specific commitments with CSSA in support of the Global Commitment:

- Collaborate with businesses and governments in order to help increase reuse/recycling/composting rates for plastics;
 - Advocate for a system of harmonized EPR regulations across Canada as a critical mechanism for developing circular supply chains; and
 - Advocate for public procurement policies that require increasing amounts of recycled content in packaging and products and 100% recyclable plastic packaging as effective and visible means of promoting circular economy outcomes.
- Encorp – the stewardship program for all ready-to-drink beverage containers sets the rates for deposit-refund rates under approval of their Stewardship Plan from the Province. In 2018, Encorp recovered 77.4% of products sold in BC.

Municipalities

Role: Have one potential regulatory tool through the *Community Charter* allowing the regulation of business. Electoral Areas do not have this authority.

Actions:

- In December 2017, the City of Nanaimo Council passed a motion instructing staff to create a bylaw that would ban the use of plastic bags by retailers in the City of Nanaimo to the extent permitted by law. Earlier this year, City staff gathered feedback from the public and they are anticipated to bring a proposed regulation to Council in the Fall 2019³.
- Town of Qualicum Beach (TQB) adopted a plastic ban bylaw that as of July 1, 2019 businesses in TQB cannot provide customers with single-use plastic checkout bags, or single use plastic straws. These changes are outlined in the TQB Single-Use Item Regulation Bylaw No. 723, 2018⁴.

Regional District of Nanaimo

Role: Implementation of approved Solid Waste Management Plan.

Actions:

- Regional Districts can ban plastics from the waste stream by way of a bylaw adopted under s25(3) EMA *for the purpose of implementing an approved waste management plan*. Such a bylaw (and the plan itself) requires the approval of the Minister of Environment and given past history with the Ministry on these bylaws, approval is extremely unlikely. Even if such consent were given, it would not stop the sale nor the use of plastics; and would create a waste stream without a lawful means of disposal. Regional Districts have no regulatory to regulate the production, use or sale of plastics.

³ <https://www.nanaimo.ca/your-government/projects/projects-detail/single-use-checkout-bags>

⁴ <https://www.qualicumbeach.com/plastic-bags>

- Advocate to the Ministry of Environment and Climate Change to encourage guidance and leadership on a provincial level to regulate the use of single use plastics.

The attached proposed submission to the Minister responds to the questions outlined in the Clean BC - Plastics Action Plan Consultation Paper.

ALTERNATIVES

1. The Board endorse the submission to the Ministry of Environment and Climate Change Strategy regarding the Clean BC, Plastics Action Plan: Policy Consultation Paper.
2. That the Board provide amendments to the written submission or alternative direction to staff.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC PLAN IMPLICATIONS

Environmental Stewardship - Achieve the 90% waste diversion target as per the Solid Waste Management Plan.

The Plastics Action Plan will assist the RDN in achieving the 90% waste diversion target. Programs and regulations at the provincial and federal level regarding waste diversion and waste reduction are anticipated to increase regional waste diversion by 5%.



Meghan Ebueza
mebueza@rdn.bc.ca
August 13, 2019

Reviewed by:

- L. Gardner, Manager, Solid Waste Services
- R. Alexander, General Manager, Regional and Community Utilities
- P. Carlyle, Chief Administrative Officer

Attachments

1. Clean BC - Plastics Action Plan Consultation Paper
2. Letter: Feedback on the Clean BC - Plastics Action Plan