

September 26, 2019

The Honourable George Heyman
Minister of Environment and Climate Change Strategy
PO Box 9047 Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Heyman:

RE: City of Kamloops' Response to Provincial Plastics Action Plan

We are writing in response to the Ministry of Environment and Climate Change Strategy's call for submissions regarding proposed amendments to the Recycling Regulation to address plastic waste under the *Environmental Management Act*.

The City's recommendations below are largely borrowed from, and in support of, those outlined in the Joint Local Government Response letter submitted to the Ministry.

As the City of Kamloops is in the process of drafting its Carry-out Plastic Bag Regulation Bylaw, we appreciate the opportunity to provide input on new policies and solutions being considered by the Province.

A summary of the discussions and feedback, which represents a collaborative review of the Plastics Action Plan Policy Consultation Paper, is shared below. The following areas were determined to be matters that require specific feedback as they relate to Kamloops. We look forward to the opportunity to continue conversations on these matters.

1. **Focus on Reduction and Reuse**

The pollution prevention hierarchy emphasizes reduction and reuse over recycling and disposal, which is apparent in the Ministry's Consultation Paper discussion on reducing plastic consumption through the use of Extended Producer Responsibility (EPR) programs and bans on single-use items. However, these programs can only be considered successful if any unintended shift to excessive consumption of damaging single-use alternatives is avoided. To avoid this shift, the City recommends EPR policies be accompanied by incentives to encourage the use of sustainable, reusable options.

In addition, through its standards on recycled content, the Consultation Paper frames "reuse" in terms of "recyclability" (e.g. in the phrase "ensuring recycled plastic is reused effectively"). The City agrees that this approach can help reduce emissions and support EPR programs; however, there is also an opportunity to consider reuse in terms of behaviour. We urge the Ministry to adopt a policy that supports and enables practices of reuse outside of recycling, with the ultimate goal being reduction of single-use items.

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This includes encouraging refillable containers (e.g. growlers, wine bottles, soap bottles, etc.), allowing patrons to bring their own container (e.g. takeout food, restaurant leftovers, bulk food shopping, etc.), enabling the right to repair (e.g. repair cafes, requirements for the provision of spare parts and services, online publication of manuals, etc.), and promoting zero-waste shopping (e.g. zero-waste stores, farmers' markets, etc.). This added focus on reduction and reuse will help move the Plastics Action Plan forward in accordance with pollution prevention best practices.

2. Clarify Local Government Authority

The City appreciates the Ministry's acknowledgement of actions being taken by local governments to address the local impacts of single-use items in BC communities. More than 23 communities in BC have been actively developing bans, fees, and levies to address single-use items, including the City of Kamloops. However, as noted in the Consultation Paper, the BC Court of Appeal ruling regarding the City of Victoria's business licence regulation bylaw is of major concern as its implications for municipal authority to adopt bylaws under sections 8 and 9 of the *Community Charter* are potentially significant.

Until the Court of Appeal decision was issued, it was the view of many municipalities that the nature of concurrent powers expressly described by statute in sections 8 and 9 of the *Community Charter* allowed for the regulation of environmentally unsustainable business practices. There are numerous examples of municipal business regulations that already include one or more provisions intended to protect the environment, including imposing requirements or prohibitions on the pollution of waterways, drains, and sewers.

As the Province reviews the Court of Appeal's decision, our recommendation is for the Minister to consult with the Ministry of Municipal Affairs and Housing to provide clarity on the limits and intent of the general concurrent authorities shared by local governments and the Province in relation to the protection of the natural environment, specifically as it applies to single-use items. In light of this, a clear, timely, uniform process developed for local governments that choose to act on those matters that fall under section 9(1) [spheres of concurrent authority] of the *Community Charter* is recommended.

3. A "Stepped" or Phased Approach

Each local government faces unique challenges with respect to recycling and solid waste management. As such, a one-size-fits-all provincial regulation may not meet the needs or expectations of all communities. To this end, the recommendation is for the Minister to regulate single-use plastics through a "stepped" or "phased" approach (similar to the BC Energy Step Code Regulation). A phased approach would allow local governments to move at a pace appropriate for their communities while also providing industry with a set of consistent targets for waste reduction and recycling across BC. This flexibility is particularly important for smaller rural communities, and it will also enable faster action by local governments that are ready for more ambitious, multi-faceted approaches to regulating waste and single-use items. In this way, communities can adopt these regulations gradually or more quickly, depending on their ability and resources. Moreover, a consistent incremental framework that raises standards would ensure that, as the recycling and packaging industries innovate, we are able to avoid the current patchwork of disparate standards in each community.

The BC Energy Step Code is an excellent example of collaboration between the Province, local governments, industry, and other stakeholders. The Ministry is encouraged to

consider a similar approach to the regulation of single-use items to encourage innovation while respecting the capacity of all municipalities.

4. Improving Extended Producer Responsibility (EPR)

BC is a leader in implementing EPR programs and moving ahead on its commitments to the Canadian Council of Ministers of Environment Canada-wide Action Plan on EPR. As the Ministry now has experience with these programs, it is important to foster continuous improvement, address problems that have arisen, and push for programs to meet their full potential.

EPR programs are designed so that producers pay for their products' end-of-life management so that products and packaging become better designed. The Recycling Regulation and the work of the Ministry have focused on collection for recycling or responsible handling; however, few programs are achieving success in redesign, reduction, or reuse. There needs to be a focus higher in the hierarchy, which would hold the business sector accountable. This could include exploring ways to redesign products, reduce the amount of packaging, or change the materials used. There are different ways to achieve this, including mandating differential fees based on environmental impact or waste creation (rather than fees set by operational costs only), implementing financial penalties for non-compliance, or requiring targets for reduction or redesign.

Another area for expansion within the EPR framework is the inclusion of industrial, commercial, and institutional (ICI) materials. The main driver for businesses' participation in diversion is the cost of participation relative to disposal. Changes in global markets are driving down the revenue potential of these diverted materials, and the cost of transport to recycling markets is high; therefore, the segregation and recycling of materials (e.g. plastic containers, plastic film, and expanded polystyrene) are challenging to justify for many businesses. Thus, the segregated collection and diversion of materials from the ICI sector is cost prohibitive to the businesses and, in many cases, is substantially subsidized by local governments and taxpayers. Inclusion of ICI materials (with a focus on packaging) into the Recycling Regulation would create efficiencies within the transportation network from remote communities and prevent recyclables from the ICI sector from being sent to the landfill. In this way, the expansion of regulated products captured by the Recycling Regulation is supported, including packaging-like products, mattresses, single-use household pressurized cylinders, and new and used gypsum drywall.

EPR programs also need to be structured to ensure that they are accountable and cover the full costs related to the product disposal, including the collection and management of material that escapes the stewardship collection program (through streetscapes, litter collection, illegal dumping, etc.). In addition, EPR programs should enhance accountability and transparency. This includes local government and public representation on decision-making boards, open access to information given to those boards and to their decisions, and the inclusion of financial and material management information for all programs. These changes to EPR programs would greatly enhance their effectiveness in the reduction of plastic waste.

5. Ensuring Internal and External Consultation

It is unclear from the Consultation Paper how and when other Ministries and impacted stakeholders will be specifically consulted. When policy tools are evaluated, it is important to consider all impacts and to ensure that viable alternatives are available. To this end, it is recommended that the Ministry of Health be specifically consulted regarding potential regulatory changes to allow restaurants to fill takeout orders in

reusable containers brought in by customers. This measure is integral to the implementation of bans on single-use containers and packaging, as the City of Vancouver found that nearly 50% of all garbage collected from public waste bins consists of take-out containers and disposable cups. Compostable and recyclable packaging materials often get mixed up when discarded, which contaminates both recycling streams and makes them impossible to process.

In the development of exemptions, the City of Kamloops supports evidence-based policies that have been shown to be effective at reducing waste. Moreover, disability advocates, care facilities, local governments, and other provincial agencies (such as the Ministry of Social Development and Poverty) should be specifically consulted in the development of exemptions as a means to highlight and ensure accessibility.

The City of Kamloops appreciates the opportunity to provide input on the policies being considered. To summarize the highlights of this letter, the City is recommending the need for a focus on reduction and reuse, clarity on local government authority, and further internal and external consultation. Suggestions have also been made on the need for the improvement of EPR programs and a community-led approach akin to the existing BC Energy Step Code adoption model.

We look forward to the opportunity for further engagement with the Ministry.

Sincerely,



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Civic Operations Director



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Director

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