

# PREVENTING SINGLE-USE AND PLASTIC WASTE IN BRITISH COLUMBIA INTENTIONS PAPER



**cleanBC**

our nature. our power. our future.

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## Background

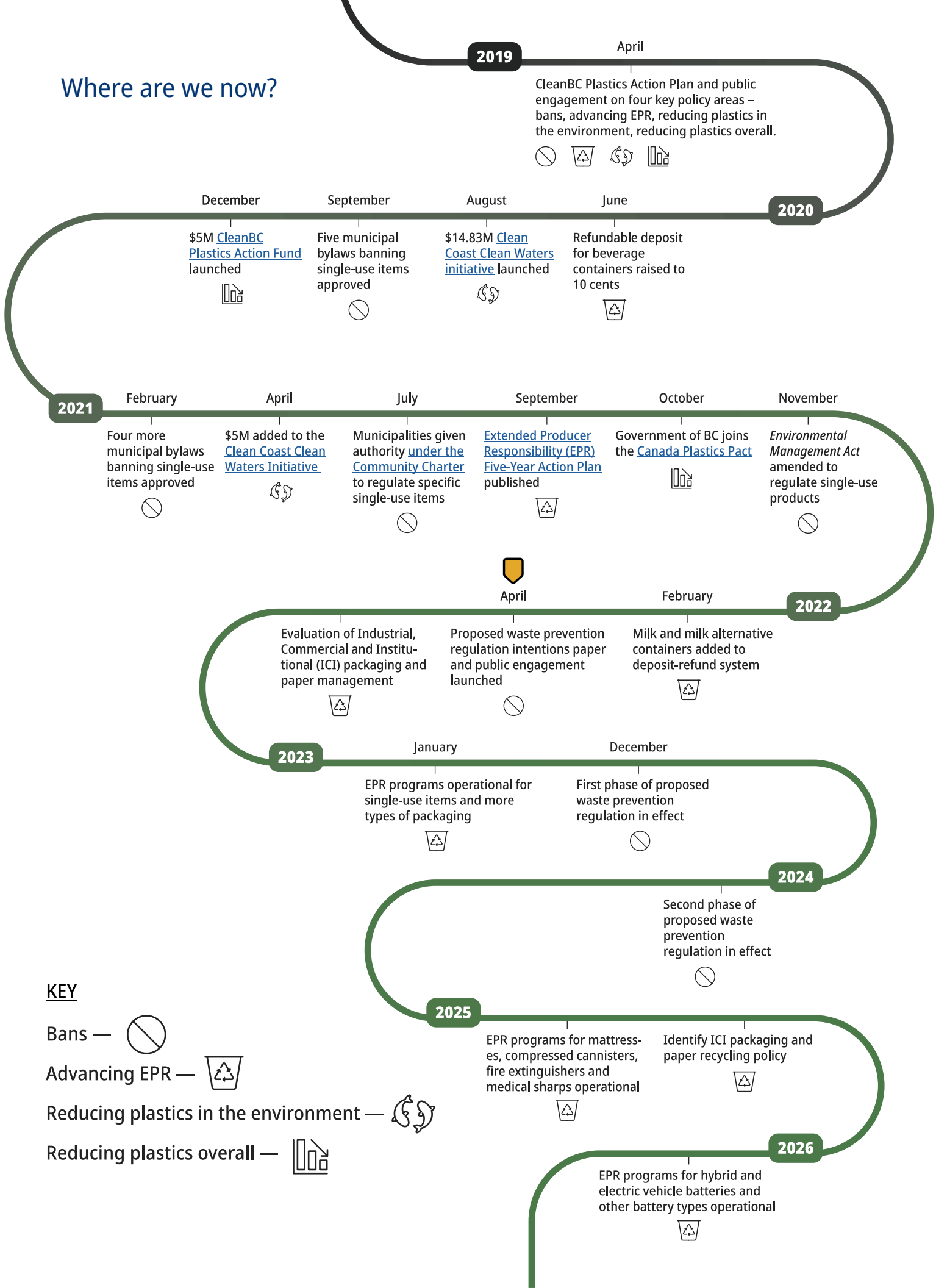
British Columbians use and throw out billions of single-use items every year. Single-use items include a range of products that are designed to be used once and are typically disposed of after one or a few uses. In B.C. producers of plastic and packaging must collect and pay for a wide variety of household plastics and packaging to be recycled through a system called Extended Producer Responsibility (EPR). However, many single-use items are difficult to recycle as they are often small or are made of plastic that is hard to recycle; and because they are often used away from the home, they are hard to collect. Additionally, single-use and disposable items account for almost all the top twelve most collected items from beach cleanups in B.C.

The federal government recently announced its plan to ban six types of single-use items. Several municipalities in B.C. have also started taking action on single-use plastics. Bans are one step towards eliminating harmful plastic items, but if we are to successfully address the use of and waste from single-use items in B.C., a combination of tools and policies are needed.

The Ministry of Environment and Climate Change Strategy is proposing the development of a new waste prevention regulation to reduce the impacts of single-use and plastic waste on the environment. The proposed approach addresses the most problematic single-use items in British Columbia and puts forward actions to address the full life cycle of plastics, moving B.C. to a circular economy approach. In a circular economy, nothing is 'waste'. The circular economy retains and recovers as much value as possible from resources by reusing, repairing, refurbishing, remanufacturing, repurposing, and recycling products and materials. The proposed regulations would adopt this approach by ensuring the value of the items that do enter our economy can be retained and are not designed to become waste.



# Where are we now?



2019

April

CleanBC Plastics Action Plan and public engagement on four key policy areas – bans, advancing EPR, reducing plastics in the environment, reducing plastics overall.



December

September

August

June

2020

\$5M [CleanBC Plastics Action Fund](#) launched



Five municipal bylaws banning single-use items approved



\$14.83M [Clean Coast Clean Waters initiative](#) launched



Refundable deposit for beverage containers raised to 10 cents



2021

February

April

July

September

October

November

Four more municipal bylaws banning single-use items approved



\$5M added to the [Clean Coast Clean Waters Initiative](#)



Municipalities given authority [under the Community Charter](#) to regulate specific single-use items



[Extended Producer Responsibility \(EPR\) Five-Year Action Plan](#) published



Government of BC joins the [Canada Plastics Pact](#)



[Environmental Management Act](#) amended to regulate single-use products



April

February

2022

Evaluation of Industrial, Commercial and Institutional (ICI) packaging and paper management



Proposed waste prevention regulation intentions paper and public engagement launched



Milk and milk alternative containers added to deposit-refund system



2023

January

December

EPR programs operational for single-use items and more types of packaging



First phase of proposed waste prevention regulation in effect



2024

Second phase of proposed waste prevention regulation in effect



2025

EPR programs for mattresses, compressed canisters, fire extinguishers and medical sharps operational



Identify ICI packaging and paper recycling policy



## KEY

Bans —

Advancing EPR —

Reducing plastics in the environment —

Reducing plastics overall —

2026

EPR programs for hybrid and electric vehicle batteries and other battery types operational

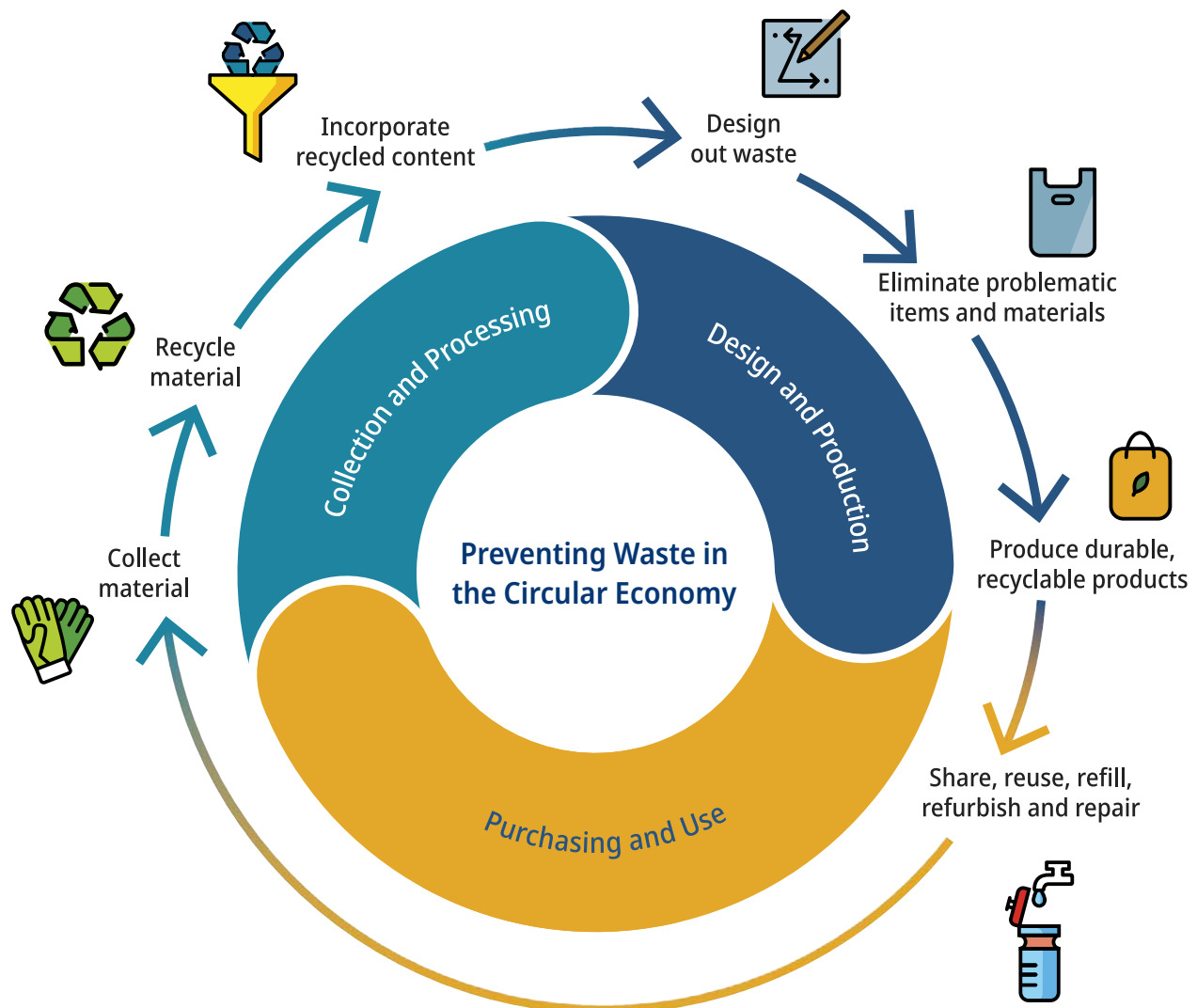


## Where are we heading?

We are working to move plastics into the circular economy. Much of our economy is currently based on a “take-make-waste” system - where we take resources from the environment, make products, and when we are done with them, they are thrown away as waste, often in landfills. In a circular economy, we can reduce waste by limiting the number of single-use items we use, stop using materials that are difficult to reuse or recycle, and keep what we do use working for us for longer.

By moving plastics into the circular economy, we will reduce our reliance on a constant flow of new raw materials and offer environmental benefits in both urban and remote communities by reducing litter and the volume of material going to landfill. It can also provide opportunities for small businesses and innovators, including reuse and recycling service providers, product designers, entrepreneurs thinking of new ways to provide zero waste services, and more.

We are using a combination of strategic policy, investment, and regulation to stimulate the movement of plastics into the circular economy in British Columbia.



## Design and Production

**It's easy to think that waste and pollution are inevitable by-products of the things we make and do. By changing how we design and make products we can minimize the creation of waste and pollution in the first place.**

The **EPR 5-Year Action Plan** will expand the range of packaging and products producers are responsible for recycling and managing, in turn increasing the incentive to design better. For single-use and plastic items that are more difficult to recycle the proposed provincial **waste prevention regulation** will either ban or significantly limit their use. This builds on the change in **regulation under the Community Charter** that enabled municipal action on single-use plastics. Government is also exploring options for recycled content standards that would require designers and producers to use more recycled material to make their products.

## Purchasing and Use

**By sharing, leasing, reusing, refilling, refurbishing, and/or repairing items we can make materials go further and last longer. This saves raw materials and reduces waste, while creating new economic opportunities.**

The proposed **waste prevention regulation** will help to increase the use of everyday reusable items (e.g., durable checkout bags, cutlery) by limiting the availability of single-use disposable items. B.C. Municipalities are also encouraging businesses in their communities to switch to reusables by introducing bylaws under the **Community Charter** that either ban or limit certain single-use items. Meanwhile, **EPR** compels producers to follow the waste prevention hierarchy. This means that producers are expected to prioritize reduction and reuse over recycling. The Province may also consider additional tools and policies that could facilitate reuse, refill, and repair in the future.

## Collection and Processing

**Sometimes there is a limit to how many times an item can be reused or repaired, but the materials it is made of are still valuable. These materials can be collected and used as the 'raw' materials for making new products. In many cases, these 'secondary raw materials' can be used just like traditional raw materials. Over time this will mean that less raw materials are needed, and greenhouse gas emissions from mining, processing and using virgin materials will be reduced.**

The **EPR 5-Year Action Plan** will require industry to establish and fund provincewide recycling programs for a range of new packaging and products, such as more single-use items, electric vehicle batteries and mattresses; increasing the number of items that will be sent for recycling and remanufacturing. The Action Plan also demonstrates B.C.'s position as a leader in recycling by being the first in North America to commit to identifying a policy approach to improve the way packaging and paper in the industrial, commercial and institutional sector is managed.

In addition, the **Clean BC Plastics Action Fund** launched in 2020 has helped kickstart B.C.'s circular economy by enabling businesses to reduce their use of virgin plastics and make better use of post-consumer recycled plastic in manufacturing processes. The **Clean Coast Clean Waters** initiative has enabled the collection of over 500 tonnes of marine plastics and debris from our coastline, maximizing the amount of material reused and recycled.

## Co-ordination with federal and municipal actions

Preventing single-use plastic pollution and waste requires effort at all levels of government. Over a dozen municipalities in B.C. have already passed bylaws banning one or more single-use items since 2020, aided by the Minister's changes to the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* in 2021 to make it easier for them to move more quickly to prevent plastics from polluting their communities. We also know from previous engagement that local governments and industry want plastics to be regulated at the highest possible level of government.

In 2021, the federal government announced its intention to ban six types of single-use items, specifically plastic checkout bags, cutlery, stir sticks, drinking straws, ring carriers and foodservice ware made from or containing problematic plastics. This regulation is expected to come into effect by the end of 2022.

The proposed provincial waste prevention regulation will both provide greater consistency for citizens and businesses across B.C. and expand on the proposed federal regulation. The regulation

will ensure that the use of unnecessary single-use plastics in the province not only stops but that B.C. moves plastics and their alternatives into the circular economy where reuse, repair, recycling and remanufacture are the norm.



## 1.0 Policy overview

The Province is moving plastics into the circular economy, where unnecessary or challenging to manage plastics are eliminated, and the plastics that are used stay in the economy and out of the environment. This shift will increase the number of times items are used, and how long they are used for before being recycled or thrown out when no longer of value. Opportunities to replace single-use with reusable items exist – from grocery bags to foodservice ware to refillable packaging. Reuse provides wide-ranging benefits, including reduced environmental impacts from waste, pollution and resource extraction, as well as potential cost savings for businesses.

Plastic packaging and single-use items are rapidly increasing in Canada's economy, and have been identified as a significant issue – creating harm to the environment and potential harm to human health. In B.C., over 2.5 million tonnes of waste are disposed of each year – an average of 500 kg per person<sup>1</sup>. Of this waste, an estimated 10-20% is plastic, including plastic packaging, food containers, beverage containers, bags, overwrap and other durable plastic items. In 2019, the Ministry of Environment and Climate Change Strategy led public engagement on the CleanBC Plastics Action Plan. Over 35,000 British Columbians responded, and 94% of participants reported being concerned about the problem of plastic waste.

The federal government is proposing to ban the manufacture and import of plastic checkout bags, straws, cutlery, stir sticks, flexible ring carriers and problematic takeout containers by 2022/23. Followed by a ban on the sale of these items a year later.

This intentions paper proposes complementary provincial actions to reduce single-use and plastic waste through a new regulation prohibiting or limiting their use. The intention of the provincial regulation is to work in co-ordination with the federal regulation, ensuring consistency between the two jurisdictions while further supporting British Columbians' desire to address plastic waste. This paper also discusses further provincial support for municipal government actions

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1 [Municipal Solid Waste Disposal in B.C.](#)

### Definitions in this paper:

**Checkout bag:** A paper or plastic single-use bag provided to a customer to transport purchased items.

**Disposable foodservice accessories:** Used as part of food or beverage service or packaging, these include all single-use straws, cutlery, stir sticks, sachets, condiment packets, napkins, cold cup lids, cup sleeves, food and beverage trays, and any other similar accessory or accompanying disposable item.

**Foodservice packaging:** All food packaging used for serving or transporting perishable food packaged and sold in British Columbia. This includes packaging for food that requires further preparation such as heating, cooking or boiling (e.g., meat trays, egg cartons, produce and bulk food bags, deli containers, clamshell containers, lidded containers, cartons, cups, plates and bowls).

**HDPE (#2) plastic:** High-density polyethylene

**LDPE (#4) plastic:** Low-density polyethylene

**Oxo-degradable plastic:** Plastic material with additives that, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.

**PET (#1) plastic:** (PETE) Polyethylene terephthalate

**Plastic checkout bag:** This includes compostable, biodegradable and conventional plastics; with handles.

**PP (#5) plastic:** Polypropylene

**Recycling:** The reclamation of materials in such a manner that they can be used to displace the primary or raw materials they were produced from.

**Reusable bag:** A bag that is designed and manufactured to be used and machine washed at least 100 times.

**Single-use or disposable product:** A product that is ordinarily disposed of after a single or short-term use, whether the product could be reused. It is recognized that some single-use items can be used more than once (e.g., checkout bags used as garbage bags). However, the item is not designed to be durable, washable or routinely used for its original purpose multiple times before disposal.



to regulate single-use and plastic items. These measures build upon existing work by the Province to reduce single-use and plastic waste, including expanded recycling and extended producer responsibility programs, and funding new recycling, processing and collection of plastics through the CleanBC Plastics Action Fund and the Clean Coast Clean Waters Initiative.

**The proposed waste prevention regulation aims to reduce the impacts of single-use and plastic items, and the amount of single-use and plastic waste found in the environment, by:**



- **Moving plastics into B.C.'s circular economy:**
  - **Phasing out unnecessary single-use and plastic items;**
  - **Promoting a shift to durable reusable options; and**
  - **Ensuring necessary single-use and plastic items are recycled or composted.**
- **Providing a consistent provincewide approach to regulating single-use and plastic items.**

## 2.0 What have we heard about bans, single-use and plastic items?

In 2019, the Province consulted on the CleanBC Plastics Action Plan. The resulting [What We Heard Report](#) outlined key messages about bans, as well as single-use and plastic items:

- Survey respondents strongly supported bans for single-use plastic packaging and polystyrene foam (Styrofoam) packaging.
- Top plastic items identified as items of concern were plastic straws, plastic bags, polystyrene packaging, oxo-degradable plastics, biodegradable or compostable plastics and take-out containers, single-use utensils and cutlery.
- Survey respondents supported provincial or federal bans.
- Local governments expressed the desire to ban additional items that are problematic for their specific communities.
- Concerns were identified regarding the unintended consequences of using items offered as alternatives to single-use and plastic items.
- Bans must not prevent accessibility and access to items (e.g., plastic drinking straws) that are necessary for medical, health, and disability or accessibility reasons.
- Items accepted through B.C.'s extended producer responsibility program should not be banned.
- More expensive alternatives could disproportionately impact smaller businesses.

- Businesses expressed the desire to be consulted on proposals to regulate single-use plastics.

Engagement on single-use and plastic items has also occurred at the Indigenous, federal, regional and municipal government levels, and has identified similar concerns and priorities across Canadian jurisdictions. In B.C., some municipalities have already started taking actions on single-use and plastic items through bylaws regulating their use.

### 3.0 Overview of the actions to prevent single-use and plastic waste

Based on the feedback from the CleanBC Plastics Action Plan engagement, as well as municipal actions within British Columbia, the Province is proposing to move forward with a waste prevention regulation under the *Environmental Management Act*.

The phased implementation of the proposed waste prevention regulation would regulate the following single-use and plastic items: checkout bags, disposable foodservice accessories, problematic plastic foodservice packaging (polystyrene foam, PVC and compostable plastics) and oxo-degradable plastics.

The Province is also proposing to continue to empower municipalities to take actions on single-use and plastic items, including beverage cups, under the Spheres of Concurrent Jurisdiction Regulation.



## 4.0 Highlights of the proposed waste prevention regulation

The proposed waste prevention regulation would reduce problematic single-use and plastic items using a phased approach to provide businesses time to transition. Priority items have been identified based on multiple factors, including their ability to be effectively recycled or composted throughout B.C., how long they are used for, impact on the environment, prevalence in the environment and the availability of acceptable alternatives. These provincial actions will complement the proposed federal government single-use plastic bans to prevent waste overall and reduce the use of single-use and plastic items in British Columbia.

The provincewide regulation would apply to all persons, including businesses at the point of sale or distribution of items, and would include the sale of packs of multiple items.

The timelines for the proposed regulation of the items identified below may be altered based on concerns or opportunities identified through this consultation, as well as changes to the proposed federal regulation.

### Summary of the proposed waste prevention regulation

Material/Action	Regulatory Tool	Proposed Items	Alternatives Available for Use
To be phased out in 2023			
<b>Checkout bags</b>	Ban (plastic checkout bags); Fee (paper bags); Reusable bags	Plastic checkout bags include all plastic film, including compostable plastics. Paper bags must include a minimum of 40% recycled content. Reusable bags must be designed and manufactured to be used and machine washed at least 100 times.	Durable reusable bags; paper bags (for a fee).
<b>Disposable foodservice accessories</b>	By-request	All single-use straws, cutlery and stir sticks. Ketchup, soy sauce and other condiment sachets, napkins, cold cup lids, cup sleeves, food or beverage trays.	Durable reusable items, including cutlery, and refillable or bulk options for condiments.
To be phased out in 2024			
<b>Problematic plastic foodservice packaging</b>	Ban	Containers, bowls, plates, trays, cartons, film wrap, and cups made from polystyrene foam, PVC or compostable plastic.	Durable reusable containers; PET, PP, HDPE and LDPE plastics; aluminum; glass; and fibre-based containers.
<b>Oxo-degradable plastic</b>	Ban	All packaging made from oxo-degradable plastic, including oxo-degradable bin liners, dog waste bags and clothing packaging.	Other conventional plastic, non-plastic or reusable alternatives.

**Regulating single-use and plastic items can take many forms. The proposed waste prevention regulation is using three main tools:**

**Ban** – prohibition on the sale or distribution of an item, including items made from specific materials (e.g., polystyrene foam).

**Fees** – requiring fees (retained by retailers) on disposable items promotes the use of reusable items to ensure overall reduction in waste by encouraging customers to use their own durable reusable items.

**By-request** – requiring customers not be provided items that they have not asked for (e.g., straws and utensils).

## 4.1 Checkout bags

*Goal: Prevent waste and environmental harm associated with single-use checkout bags, and promote reusable alternatives.*

Material/Item	Proposed Restriction	Exemptions or out of scope	Alternatives Available for Use
<b>Checkout bags</b>	Ban on all plastic film checkout bags, including compostable plastics  Fees for Paper: min \$0.25 Reusable min \$2.00	Exemptions would be included to allow bags to be reused and to provide paper or durable reusable bags at no-cost in cases of financial hardship.  Does not include non-checkout bags, such as bags for prescription drugs and medical devices; bags for bakery or bulk items, including produce bags.	Bring your own durable reusable bags (free); New reusable bags for a fee; Paper bags (for a fee); reuse of other items

The proposed regulation intends to prevent waste from single-use checkout bags and encourage a move to reusable options by prohibiting single-use plastic checkout bags, as well as requiring that a fee be charged on paper and new reusable checkout bags. Customers are encouraged to bring their own bags to be reused. Retailers would be required to ask if a customer would like to purchase a paper or reusable bag, with the fees charged retained by the retailer to help offset the additional costs of these options. Many B.C. municipalities have already introduced similar bylaws regulating checkout bags in their jurisdictions.

If provided by the retailer, paper bags must contain at least 40% recycled paper content. The word “recyclable” and the amount of recycled content must be printed on the outside of the bag. These requirements promote the use of recycled material, and are consistent with actions taken by the State of California and B.C. municipalities.

## What are the fees and why are they needed?

Jurisdictions that have banned plastic bags but not charged for alternative bags have seen an unintentional increase in non-plastic bag use. In these instances, bans have resulted in consumers switching to other disposable or low-quality bags and have failed to prevent waste overall. The proposed regulation would require businesses to charge a minimum of \$0.25

for each paper bag and \$2.00 for each reusable bag requested by a customer. Consistent with the amended Spheres of Concurrent Jurisdiction Regulation, reusable bags must meet a minimum quality requirement of withstanding at least 100 uses and washes.

Recognizing that small businesses are likely to bear a higher burden for the cost of alternatives, retailers would retain the fees to offset the additional costs associated with paper and reusable bags. This fee model is consistent with what leading B.C. municipalities already have in place, and is widely accepted by businesses and consumers. It has also been used successfully in jurisdictions outside of B.C., such as California and New Zealand. It is recognized that fees can be a barrier to people experiencing financial hardship and it will be necessary for businesses to provide an option

to avoid a fee, by either not using a bag or reusing an existing bag. Exemptions would also be included to allow the distribution of reusable bags at no cost in situations of financial hardship, and to promote reusable bag sharing or re-distribution.

The suggested fees are intended to cover the additional costs to retailers of purchasing paper or reusable bags compared to plastic bags. Small businesses have expressed support for the \$0.25 fee. This is also consistent with the paper bag fee established by most municipalities with single-use bylaws and the recently established \$0.25 paper bag fee charged at B.C. Liquor Stores. Some jurisdictions have set fees as low as \$0.05; however, the total reduction in the use of paper bags at this fee level is less. This can lead to increased costs to both businesses and consumers who pay the fee instead of switching to re-usable bags.



## 4.2 By-request disposable foodservice accessories

*Goal: Prevent waste and environmental harm associated with unnecessary use of disposable foodservice accessories while conserving accessibility.*

Material/Item	Proposed Restriction	Exemptions or out of scope	Alternatives Available for Use
<b>Disposable foodservice accessories</b>	By-request for all single-use straws, cutlery, stir sticks, ketchup, soy sauce and other condiment sachets, napkins, cold cup lids, cup sleeves, food or beverage trays and any other similar accompanying disposable item used as part of food or beverage service or packaging.	Lids for warm beverages; self-service stations are permitted.	Durable reusable options preferred; single-use options available.

The proposed regulation would prohibit the automatic distribution of disposable foodservice accessories by restaurants, cafeterias and other foodservice providers. To receive a disposable foodservice accessory, customers would have to request what they need, confirm their choice when asked or select the item they want from a self-serve station. The proposed regulation would also prohibit items from being distributed in pre-packaged bundles.

In Metro Vancouver alone, it is estimated that over 400 million straws and utensils are disposed of each year. This includes plastic cutlery, straws and stirrers that are frequently found on beach clean-ups and urban litter audits in British Columbia. Research conducted by food delivery platforms already implementing by-request systems for cutlery and other foodservice accessories indicates that most of these items are not needed or wanted.

[British Columbia Centre for Disease Control](#) (BCCDC) stated there is no evidence of COVID-19 transmission risk from reusable foodservice accessories or bags, and encouraged the use of reusables to reduce waste and improve environmental health. Provincial policy on the use of reusable containers is available on the [Ministry of Health website](#).

By-request restrictions are intended to address the unnecessary waste, without burdening businesses or consumers in situations where disposable items are still useful.

Businesses are encouraged to provide bulk or refill options for condiments, reusable options for dine-in, including reusable cutlery or cups, and to participate in emerging reuse programs for to-go items such as beverage cups and takeout containers. Customers are encouraged to bring their own durable reusable foodservice accessories, or use reusable and bulk options at home or the workplace to help reduce single-use and plastic waste.



### 4.3 Foodservice packaging - problematic plastics

*Goal: Prevent waste from single-use plastic packaging that is not effectively recycled throughout B.C. and is prevalent in the environment.*

Material/Item	Common Examples	Exemptions or out of scope	Alternatives Available for Use
<b>Polystyrene foam foodservice packaging</b>	Rigid containers and beverage cups, including trays, cartons, clamshells, salad and deli containers.	Coolers used to transport seafood or perishable items. Foods packaged out of province may be considered for future regulation.	Durable reusable containers; PET, PP, HDPE, LDPE plastics; aluminum; glass; and fibre-based containers.
<b>PVC foodservice packaging</b>	Rigid containers and beverage cups, including trays, cartons, clamshells, salad, deli containers and film wrap made from PVC.	Foods packaged out of province may be considered for future regulation.	Durable reusable containers; PET, PP, HDPE, LDPE plastics; aluminum; glass; and fibre-based containers.
<b>Compostable plastic foodservice packaging</b>	Rigid containers and beverage cups, including trays, cartons, clamshells, salad and deli containers.	Materials that could be processed in the majority of B.C. composting facilities; may include compostable plastic bin liners.	Durable reusable containers or bags; PET, PP, HDPE, LDPE plastics; aluminum; glass; and fibre-based containers.
<b>Oxo-degradable plastic</b>	All packaging made from oxo-degradable plastics including bin liners, dog waste bags and clothing packaging.	None	Other conventional plastic, non-plastic or reusable alternatives.

To reduce the waste that ends up in the landfill the proposed regulation would support the phase out of plastics that are not effectively recycled or composted throughout B.C. and are known to cause harm in the environment.

Eliminating hard to recycle plastics supports improved package design that ensures items can be recycled or composted when no longer in use. Certain plastics (i.e., PET, HDPE, LDPE and PP) can be effectively recycled in B.C. and put back into food-grade packaging. Eliminating hard to recycle plastics reduces contamination of our existing recycling system (i.e., with materials that look similar but cannot effectively be recycled), and promotes the use of plastic types that are widely available and recyclable using existing infrastructure.

The proposed regulation would ban the sale and distribution of plastics that are not effectively recycled or composted in B.C., initially prohibiting the sale and distribution of expanded polystyrene foam, PVC (and PVDC) and compostable plastic foodservice packaging, and all oxo-degradable packaging.

Foodservice packaging includes all food packaging used for serving or transporting perishable food packaged and sold in British Columbia. Includes packaging for food that requires further preparation such as heating, cooking or boiling (e.g., meat trays, egg cartons, produce and bulk food bags, deli containers, clamshell containers, lidded containers, cartons, cups, plates and bowls).

**Expanded polystyrene (EPS) foam (Plastic #6)**, also referred to by the trademark name Styrofoam, makes up a small portion of B.C.'s recycling stream and is not recycled as effectively as other plastics such as PET, PP, HDPE and LDPE. While polystyrene foam is accepted for recycling under the province's extended producer responsibility program, it is collected at select depots only. Polystyrene foam easily breaks apart, leading to collection and processing issues. Its light weight also increases the tendency for it to end up in the environment. It is regularly found in beach clean-ups, and breaks down into small pieces that harm marine and wildlife when eaten.

**Polyvinylidene chloride (PVC) or polyvinylidene dichloride (PVDC) (Plastic #3)** is not effectively recycled within B.C. and can disrupt the recycling of other plastics.

The proposed regulation would ban the sale and distribution of polystyrene foam and PVC foodservice packaging, including meat trays, cartons and deli containers. The proposed regulation intends to prohibit the sale and distribution of these plastic items, including the sale of multiples of these items.

**Compostable plastics** are not designed to be recycled alongside plastic and are not included in the list of materials that can be composted under B.C.'s [Organic Matter Recycling Regulation \(OMRR\)](#), which regulates B.C.'s composting facilities. Compostable plastics can rarely be effectively composted in B.C.'s existing composting facilities, and can disrupt the recycling of other plastics when they enter the recycling stream. While some compostable plastics may have beneficial uses, due to the inability of current facility operations to effectively compost the material, many end up going to landfill. There is also consumer and business confusion regarding compostable plastics, and a lack of clear labelling regarding compostable plastics and end-of-life disposal.

The proposed regulation would ban the sale and distribution of compostable plastic foodservice packaging not accepted under the OMRR. The ban would include both rigid compostable plastic containers and other flexible compostable food packaging. The proposed regulation intends to prohibit the sale and distribution of these plastic items, including the sale of multiples of these items. The regulation would exempt compostable plastic bin liners, as these products can support municipal solid waste reduction goals by encouraging diversion of organic waste from landfill.

Compostable plastics pose significant challenges to composting facilities and anaerobic digestion facilities (i.e., waste to energy facilities). Common issues, across Canada and beyond, include difficulty distinguishing compostable plastics from traditional single-use plastics, and that most compostable plastics do not adequately breakdown in B.C.'s existing facilities.

The province continues to support diversion of organic waste from landfills to reduce greenhouse gases through projects such as the Food Waste Provincial Partnership, as well as the [Organics Infrastructure Program](#) and CleanBC [Organics Infrastructure and Collection Program](#) that invest in modern composting and anaerobic digestion facilities.



It is anticipated that as national standards for compostable plastics improve, more compostable products may be incorporated. Ultimately, the provincial plan emphasizes prevention of plastic waste through reusables and use of materials that can be effectively recycled throughout B.C.

**Oxo-degradable plastics (including oxo-biodegradable)** and plastics with oxo-degradable additives contribute to microplastic pollution, and are not suitable for long-term reuse, recycling or composting. Oxo-degradable plastics contain additives that lead to fragmentation of the plastics

into microplastics that further contaminate the environment. Research indicates that they are not suitable for composting or anaerobic digestion processing, do not breakdown in landfills or if littered in marine environments, and are not suitable for recycling. In addition, there are potential toxic effects on soils from the residual additives.

Given the negative impacts of oxo-degradable plastics and the availability of conventional plastic alternatives, the proposed regulation would ban the sale and distribution of all oxo-degradable plastics.

In a health emergency, like COVID-19, public health regulations can take precedence over other regulations, including the proposed waste prevention regulation. In such cases, single-use items could be used if they were deemed necessary in an emergency.

Some single-use and plastic items can play important roles in medical situations or as personal protective equipment. The proposed and future regulations are not intended to be used to regulate necessary medical or safety items.

The Province continues to work with the health sector to identify opportunities to reduce waste and reliance on single-use plastic items, while maintaining strict hygiene and safety standards.



## 5.0 Future provincial actions

There are additional provincial actions that will need to be taken to continue reducing single-use and plastic waste. As the Province receives more information about problematic single-use and plastic items, this will be considered for future regulations to prevent plastic pollution and waste, including the use of bans and other appropriate regulatory tools. Other problematic plastic types have been identified through resources such as the Golden Design Rules<sup>2</sup>, created by the Consumer Goods Forum with implementation led by the [Canada Plastics Pact](#) (of which B.C. is a partner).



Further regulation may be necessary to address these additional problematic plastics that are not effectively recycled or composted. This may include expanding the scope of the regulation for the identified plastic types (i.e., polystyrene foam) beyond food packaging. Future regulation may also occur by plastic type, including flexible plastics (i.e., non-food film wraps and other plastic bags) or to move from by-request regulations to bans on certain disposable foodservice accessories. Results of previous engagement and feedback from local governments have also indicated that single-use items, including beverage cups, are of concern and may require future regulatory actions.

In addition to bans, other opportunities have been identified for reducing single-use and plastic waste, including requiring reuse and refill options for products (e.g., home cleaning products), requiring reusables for dining in, and introducing recycled content standards for items (e.g., plastic trash bag, beverage containers, other packaging and single-use items). Bans and regulations on single-use and plastic items are one step to move plastics into the circular economy, reducing pollution and waste.

## 6.0 Co-ordinating actions across governments

Single-use and plastic pollution and waste are not constrained by borders; they cross jurisdictions within B.C., Canada and globally. The Province will continue to work with Indigenous governments, municipalities and the federal government to co-ordinate actions to reduce single-use and plastic waste, moving plastics into the circular economy.

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2 [Golden Design Rules](#)

## 6.1 Engaging Indigenous governments

The UN Declaration recognizes Indigenous Peoples right to land or resources within their traditional territory (Art. 26), and rights to conservation and protection of the environment and the productive capacity of their lands/territories/resources (Art. 29). The proposed waste prevention regulation is intended to support an overall reduction in waste, including in Indigenous communities. We have heard concerns from Indigenous communities regarding the problems of single-use and plastic waste, including difficulties managing and transporting waste from remote communities. The Province will continue to engage with Indigenous governments and people to support initiatives to prevent single-use and plastic waste, recognizing the unique challenges and opportunities in each community.

## 6.2 Supporting municipal actions

In July 2021, the Province enabled municipalities to regulate four specific single-use items (checkout bags, straws, utensils and polystyrene foam containers). The amended Spheres of Concurrent Jurisdiction Regulation provided provincial consistency for municipalities to address the issue of single-use and plastic items in their communities, allowing them to create bylaws relevant to their unique circumstances. Enacting single-use and plastic item regulations at a municipal level has provided the opportunity for municipalities to address their local waste and challenges with plastic now, while requirements and circumstances across the province are considered for provincial regulations.

**Beverage Cups** Through the CleanBC Plastics Action Plan engagement, we heard that beverage cups are a high priority for waste reduction. Some local governments have already started taking actions on beverage cups. The Province will continue to support municipalities to act on single-use and plastic waste through the Spheres of Concurrent Jurisdiction Regulation. The Province will monitor the impact of municipal bylaws, including around beverage cups, to determine if bylaws are achieving the desired results and whether actions applied at a local level could be applicable on a provincial scale. Provincial actions may look different than those at the local level, given the different regulatory tools available and the provincial scope.



Going forward, the proposed regulation would stand alongside municipal bylaws that regulate the same items at the municipal level. However, municipal bylaws can be stricter than the provisions of the proposed regulation, and municipalities may further enforce and/or educate at the local level about single-use and plastic reduction. For items not covered under the proposed regulation, municipalities can continue to submit bylaws to the province for minister approval under the Spheres of Concurrent Jurisdiction Regulation (aside

from the City of Vancouver, which is acting under the *Vancouver Charter*). The Province will provide guidance regarding the approval process for individual bylaws, including ensuring municipalities have conducted consultation, and taken into consideration requirements for accessibility and other needs. Recognizing the need for provincial consistency, bylaws made in accordance with the Spheres of Concurrent Jurisdiction Regulation will require a level of uniformity with other jurisdictions within the province that are taking similar actions.

Local governments have indicated that beverage cups, as well as requiring reusables for on-site dining, are priority areas under consideration for future municipal bylaws. The Province will continue to support municipal governments to enable further actions to reduce plastic pollution and waste at the local level.

### 6.3 Co-ordinating with federal regulations

The federal regulation of the six plastic items (plastic checkout bags, straws, cutlery, stir sticks, flexible ring carriers and problematic plastic takeout containers), under the Canada Environmental Protection Act will prohibit the manufacture and import of the items, followed by the prohibition on the sale of the items a year later.

The proposed provincial regulation would work in co-ordination with the federal regulation to ensure consistency between the two jurisdictions. Some of the items identified through the federal regulation (checkout bags, straws, cutlery, stir-sticks, and some of the problematic plastic takeout containers) will also be regulated under the provincial regulation, providing consistency and enabling provincial actions to further support waste prevention. In the event of changes to the proposed federal regulation, including scope or timelines, the proposed provincial regulation will aim to provide consistency for those items in the federal regulation that have also been identified by the Province under the Spheres of Concurrent Jurisdiction Regulation.



## 7.0 When will the regulation come into effect?

The proposed regulation would coordinate with federal timing, where possible, to support businesses and consumers in the transition. Businesses will be given a minimum of six months for implementation of the proposed regulation, to use stock and prevent stranded assets.

## 8.0 How will government promote compliance and measure success?

Education of consumers and businesses is a key component of the proposed regulation to support and promote compliance. Education may include the creation and sharing of promotional materials for businesses, helping to inform customers about the regulation changes, as well as ensuring businesses are aware of their obligations under the regulations.

The ministry's approach to assuring compliance includes a range of tools and actions – from written advisories to administrative monetary penalties. Compliance and enforcement is informed by the Compliance Management Framework and Compliance and Enforcement Policy and Procedure, which considers the compliance history for the regulated party and the significance of the impact from the non-compliance occurrence.

The ministry is proposing shared enforcement authority by both the ministry and local governments, including regional districts and municipalities. Where appropriate, authority would be delegated to local governments to allow penalties to be administered at the provincial level and regional district or municipal level. For items also banned by the federal government, the Province would have authority for enforcement at the provincial level.

The ministry would use a variety of measures to determine and monitor effectiveness of the regulation in waste prevention for the items regulated. For example, large businesses offering paper and reusable bags for sale may be required to report on the number of these bags sold on a bi-annual basis, or as requested; delivery apps may be required to report the percentage of orders requesting foodservice accessories (e.g., single-use straws, cutlery). This would provide information to monitor the effectiveness of the regulation, and help to determine if the regulation is having the desired outcome of reducing use and waste.

In addition, the effectiveness of the regulation for reducing single-use items overall would be monitored through waste composition studies, and compliance and enforcement reports, as well as indicators of increased use and availability of reusable options.



## 9.0 Providing comment

The ministry welcomes comments on the proposals outlined in this document, and has provided a range of opportunities to provide feedback.

To complete the survey and/or share your comments visit [engage.gov.bc.ca/plastics](https://engage.gov.bc.ca/plastics).

Alternatively, you may mail your comments to:

Ministry of Environment and Climate Change Strategy –

Waste Prevention Regulation

PO Box 9341 Stn Prov Govt

Victoria, BC V8W 9M1

All comments received through the public survey, formal submission, webinars, mail or email by 4:00pm on June 21, 2022 will be compiled for review by ministry staff before final drafting of the regulation or other policy changes.

All submissions will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note that comments you provide and information that identifies you as the source of those comments could be made public, either through a decision by the ministry or if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Thank you for your time and input!



Province of British Columbia

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