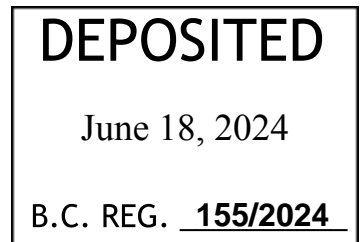


PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
ENVIRONMENT AND CLIMATE CHANGE STRATEGY

Community Charter

Ministerial Order No. M186

I, George Heyman, Minister of Environment and Climate Change Strategy, order that the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, B.C. Reg. 144/2004, is amended as set out in the attached Schedule.



June 13, 2024

Date



Minister of Environment and Climate Change Strategy

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Community Charter*, S.B.C. 2003, c. 26, s. 9 (4)

Other: M71/2004

R1077716

SCHEDULE

- 1 *Part 3 of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, B.C. Reg. 144/2004, is repealed and the following substituted:*

PART 3 – SINGLE-USE AND PLASTIC WASTE PREVENTION

Definitions for Part 3

- 3 In this Part:

“**biodegradable plastic**” means any type of plastic that is, or is held out to be, biodegradable;

“**business operator**” means a person who, in the ordinary course of business, sells a commodity or product, whether by wholesale or retail;

“**care facility**” means any of the following:

- (a) an assisted living residence as defined in section 1 of the *Community Care and Assisted Living Act*;
- (b) a community care facility as defined in section 1 of the *Community Care and Assisted Living Act*;
- (c) a hospital as defined in section 1 of the *Hospital Act*;
- (d) a private hospital as defined in section 4.1 of the *Hospital Act*;
- (e) a Provincial mental health facility as defined in section 1 of the *Mental Health Act*;

“**compostable plastic**” means any type of plastic that is, or is held out to be, compostable;

“**correctional facility**” means a lawful place of confinement, including, without limitation, a jail, prison, lockup, place of imprisonment, camp or correctional institution, and any land connected with it;

“**customer**” includes a person to whom a commodity or product is distributed for free;

“**fish**” means fish as defined in section 1 of the *Fish and Seafood Act*;

“**food service accessory**” means any of the following products:

- (a) a beverage cup lid;
- (b) a beverage cup sleeve;
- (c) a condiment;
- (d) a drinking straw;
- (e) a garnish;
- (f) a napkin;
- (g) a utensil;
- (h) a wet wipe;

“food service provider” means a person

- (a) who, in the ordinary course of business, prepares and serves food or beverages to individuals, or
- (b) in the case of a person who is not a business operator, whose activities ordinarily include preparing and serving food or beverages to individuals who are not members of the person’s household;

“food service ware” means any of the following types of container or packaging:

- (a) a bowl;
- (b) a box or carton, including an egg carton;
- (c) a cup;
- (d) a hinged or lidded container;
- (e) a plate;
- (f) a platter;
- (g) a tray;
- (h) film wrap;

“oxo-degradable plastic” means a plastic that contains an additive that, through oxidation, leads to chemical decomposition or to the fragmentation of the plastic material into microfragments;

“packaging”, except in section 9 (4) (b), means packaging as defined in section 1 (1) of the *Environmental Management Act*;

“plastic” includes any type of compostable plastic and any type of biodegradable plastic;

“prepare”, when used in relation to food or beverages, means

- (a) cook, slice, chop, mix, brew, squeeze or otherwise make ready to eat or drink, or
- (b) remove from a container or packaging and place or repackage in a different container or package;

“recycled paper bag” means a paper bag

- (a) that is composed of at least 40% recycled paper content, and
- (b) on the outside of which is printed a reference to the applicable percentage of recycled content and the word “recyclable”;

“restricted material” means any of the following materials:

- (a) biodegradable plastic;
- (b) compostable plastic;
- (c) polystyrene foam;
- (d) polyvinyl chloride;
- (e) polyvinylidene chloride;

“reusable bag” means a bag that is manufactured to be used and machine-washed at least 100 times;

“sell” includes offer for sale;

“**shopping bag**” means a bag that is distributed or sold by a business operator for the purpose of facilitating the transport of a commodity or product that is distributed or sold by the business operator, from the business operator’s place of business;

“**single-use**”, when used in reference to an item, means the item is ordinarily disposed of after a single use or short-term use, whether or not it could be reused;

“**splash plug**” means any type of plug manufactured to prevent a beverage from spilling from the lid of its container;

“**used bag**” means a bag that has been previously used and is being reused;

“**utensil**” includes a spoon, fork, knife, chopstick, stir stick and splash plug.

Application

- 4 The authority to establish a prohibition under section 10, 11 or 12 does not apply to food service accessories sold by a food service provider in quantities of 20 or more.

Authority of municipality

- 5 For the purposes of section 9 (4) (a) (i) of the Act, a municipality may, under section 8 (3) (j) of the Act, regulate, prohibit, and impose requirements in relation to the protection of the natural environment in accordance with this Part.

Packaging and single-use products composed of oxo-degradable plastic

- 6 (1) A municipality may prohibit a business operator from distributing or selling packaging, or a single-use product, that is wholly or partly composed of oxo-degradable plastic.
- (2) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) is subject to the condition that the bylaw must exclude from its application all of the following:
- (a) a device as defined in the *Pharmaceutical Services Act*;
 - (b) packaging or a single-use product intended for sale or distribution to a person outside British Columbia.

Shopping bags

- 7 (1) A municipality may do any of the following:
- (a) prohibit a business operator from distributing or selling a shopping bag other than a recycled paper bag or reusable bag;
 - (b) require that a business operator report to the municipality respecting the sale or distribution of shopping bags.
- (2) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) (a) is subject to the following conditions:
- (a) the bylaw must permit a business operator to provide a recycled paper bag or reusable bag on payment of a charge for the bag, as follows:
 - (i) at least \$0.25 for each recycled paper bag;
 - (ii) at least \$2 for each reusable bag;

- (b) the bylaw must include an exemption from the payment of the charge if any of the following apply:
 - (i) the bag is a used bag;
 - (ii) the bag is a paper bag that is less than 15 cm by 20 cm when flat;
 - (iii) the bag is a recycled paper bag and is distributed to facilitate the transport of any of the following:
 - (A) a drug specified in Schedule I, IA, II or III of the Drug Schedules Regulation;
 - (B) a device as defined in the *Pharmaceutical Services Act*;
 - (iv) the business operator is a food service provider, and the bag is a recycled paper bag that is distributed for any of the following purposes:
 - (A) to facilitate the transport of food or beverages that are prepared by the business operator and purchased for delivery;
 - (B) to contain prepared food or beverages served to a customer through a window at a drive-through restaurant;
 - (v) the bag
 - (A) is a recycled paper bag, reusable bag or used bag, and
 - (B) contains food, beverages or personal hygiene products that are to be provided directly or indirectly to an individual for free or at reduced cost by a society or by a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada).

Bag charge not a fee payable to municipality

- 8** An amount referred to in section 7 (2) (a) must not be collected by the municipality as a fee payable to the municipality.

Food service ware composed of specified material

- 9** (1) A municipality may do any of the following:
 - (a) prohibit a food service provider from distributing or selling food or beverages if the food or beverages are
 - (i) prepared by the food service provider for takeout, delivery or immediate consumption, and
 - (ii) contained or packaged in food service ware that is wholly or partly composed of a restricted material specified in the bylaw;
 - (b) prohibit a business operator from distributing or selling food or beverages that are contained or packaged in food service ware that is wholly or partly composed of a restricted material specified in the bylaw;
 - (c) prohibit a business operator from distributing or selling food service ware that is wholly or partly composed of a restricted material specified in the bylaw.

- (2) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) (a) is subject to the condition that the bylaw must, subject to subsection (5), exclude from its application all of the following:
 - (a) food service ware that is wholly composed of paper or a plant fibre material and lined with compostable plastic;
 - (b) food or beverages intended for sale or distribution to a person outside British Columbia;
 - (c) film wrap that is wholly composed of polyvinyl chloride.
- (3) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) (b) is subject to the condition that the bylaw must, subject to subsections (5) and (6), exclude from its application all of the following:
 - (a) food or beverages intended for sale or distribution to a person outside British Columbia;
 - (b) film wrap that is wholly composed of polyvinyl chloride;
 - (c) a tray that is wholly composed of polystyrene foam and used to contain any of the following types of food, whether fresh or frozen:
 - (i) raw meat;
 - (ii) raw poultry;
 - (iii) raw fish in a state not ready to be eaten.
- (4) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) (c) is subject to the condition that the bylaw must, subject to subsections (5) and (6), exclude from its application all of the following:
 - (a) food service ware intended for sale or distribution to a person outside British Columbia;
 - (b) food service ware sold or distributed to a business operator for the purpose of containing or packaging food or beverages intended for sale to a person outside British Columbia;
 - (c) film wrap that is wholly composed of polyvinyl chloride;
 - (d) a tray that is wholly composed of polystyrene foam and sold or distributed to a business operator for the purpose of containing any of the following types of food, whether fresh or frozen:
 - (i) raw meat;
 - (ii) raw poultry;
 - (iii) raw fish in a state not ready to be eaten.
- (5) An exclusion referred to in subsection (2) (c), (3) (b) or (4) (c) must cease to apply on July 1, 2028.
- (6) An exclusion referred to in subsection (3) (c) or (4) (d) must cease to apply on July 1, 2030.

Single-use food service accessories

- 10** (1) A municipality may prohibit a food service provider from distributing or selling a single-use food service accessory.

- (2) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) is subject to the condition that the bylaw must provide an exception permitting the distribution or sale of a single-use food service accessory in any of the following circumstances:
 - (a) a customer requests, or accepts an offer of, the food service accessory, including by making a request or accepting an offer electronically;
 - (b) the food service accessory is made available in a self-service manner;
 - (c) the food service accessory is a beverage cup lid and is distributed with a beverage that is
 - (i) purchased for delivery, or
 - (ii) served through a window to a customer at a drive-through restaurant;
 - (d) the food service accessory is distributed or sold at a care facility for use by a person admitted to or receiving assistance, care, supervision, treatment, maintenance or rehabilitation at the care facility;
 - (e) the food service accessory is a utensil for use by a person confined in a correctional facility and at risk of self-harm or harming another person.

Plastic single-use utensils

- 11** (1) A municipality may prohibit a food service provider from distributing or selling a single-use utensil that is wholly or partly composed of plastic.
- (2) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) is subject to the condition that the bylaw must provide an exception permitting the distribution or sale of a single-use utensil wholly or partially composed of plastic for use by a person confined in a correctional facility and at risk of self-harm or harming another person.

Bundled single-use food service accessories

- 12** (1) A municipality may prohibit a food service provider from distributing or selling a single-use food service accessory that is bundled or pre-packaged together with one or more other single-use food service accessories.
- (2) For the purposes of section 9 (4) (b) of the Act, the exercise of the authority under subsection (1) is subject to the condition that the bylaw must provide an exception permitting the distribution or sale, at a care facility, of a single-use food service accessory that is bundled or pre-packaged together with one or more other single-use food service accessories for use by
 - (a) a person admitted to the care facility, or
 - (b) a person receiving assistance, care, supervision, treatment, maintenance or rehabilitation at the care facility.