From:	"Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>
To:	"Direct to Mayor and Council - DL"
CC:	"City Manager's Correspondence Group - DL" "LaClaire, Lon" <lon.laclaire@vancouver.ca> "Shamess, Albert" <Albert.Shamess@vancouver.ca>
Date:	12/16/2020 1:33:46 PM
Subject:	Recent submissions to Federal & Provincial govts re: Plastics Products Mgt & Recycling Regulation Policy
Attachments:	CMO - Letter re COV submission to ECCC discussion paper - Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution - 2020.12.pdf CMO - Letter to Min ECCS - re Recycling Regulation Policy Intentions Paper - 2020.11.pdf

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Dear Mayor and Council:

This email is to share the following staff submissions that have been sent to the Provincial and Federal governments:

1. Federal submission re: Environment & Climate Change Canada's discussion paper on plastics
2. Provincial submission re: Ministry of Environment & Climate Change Strategy's Recycling Regulation Policy Intentions Paper

The submission documents can be found attached to this email.

Federal Consultation on Plastics

On October 7, 2020, Environment and Climate Change Canada (ECCC) published a discussion paper seeking input on its *Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution*. The approach proposes to take a number of actions, including regulations which would be developed under the provisions of the *Canadian Environmental Protection Act, 1999* (CEPA) to ban or restrict certain single-use plastics.

Attachment 1 provides the City of Vancouver's submission, sent December 9, 2020, in response to the discussion paper. The submission highlights the following six themes:

1. **Banning or restricting certain single-use plastics:** Staff generally support the proposed federal bans on single-use plastic shopping bags, straws, cutlery, food service ware made from problematic plastics (e.g. expanded polystyrene foam cups and foam containers), stir sticks, and six-pack rings. The City of Vancouver's single-use item by-laws restrict the first four items on this list. However, staff also recommend restricting disposable hot and cold drink cups; minimizing environmental impacts from alternatives to single-use plastics such as paper, textiles, wood, bamboo, etc.; and banning the use of per- and polyfluoroalkyl substances (PFAS) in food service ware.

   Due to limited municipal regulatory authority and enforcement capacity, enforcement at the federal level is recommended to ensure regulations are effective. It would be helpful for local governments to know what resources the Government of Canada will dedicate to enforcement, and what the

overall enforcement strategy will look like.

2. **Protecting accessibility:** A federal regulation to ban plastic straws must be designed to protect accessibility while reducing the majority of plastic straw waste. This can be accomplished by requiring food vendors to provide "accessible straws" upon request for accessibility (defined as flexible plastic straws individually wrapped in paper), while banning all other plastic and compostable plastic straws.

3. **Compostable, bio-based and biodegradable plastics**: Staff do not support exempting compostable, bio-based or biodegradable plastics from the proposed bans on single-use plastic shopping bags, stir sticks, six-pack rings, cutlery and straws because they are, in the terms used by ECCC's evaluation framework, "environmentally problematic" and "value recovery problematic." Exemptions to other restrictions may be appropriate to encourage innovation if precautionary actions are taken.

4. **Exemptions and Supports:** Staff encourage ECCC to undertake targeted engagement to understand where exemptions and support measures may be needed for hospitals and community care facilities, charitable food services, and people disproportionately affected by income inequality.

5. **Extended producer responsibility:** Staff recommend ECCC work through the Canadian Council of Ministers of the Environment (CCME) to engage stakeholders in updating the CCME Canada-wide Action Plan for Extended Producer Responsibility (2009), and encourage provincial governments to renew their commitment to implement EPR according to the updated plan.

6. **Performance standards for recycled content:** Staff support establishing Canada-wide recycled content standards for plastic products and packaging, and encourage ECCC to develop standards for additional materials and products, such as pulp and paper.

Provincial consultation on extended producer responsibility

The Government of B.C. currently regulates extended producer responsibility (EPR) for many products. EPR requires producers (manufacturers, distributors and retailers) to take responsibility for the life cycle of products designated in the Recycling Regulation, including collection and recycling. This shifts the responsibility from local and Indigenous governments and taxpayers to the producers and consumers of products.

EPR plays a key role in the City of Vancouver achieving its goal of zero waste by 2040, contributes to cleaner and safer streets and other public spaces, and supports a circular economy.

On September 12, 2020, the B.C. Ministry of Environment & Climate Change Strategy published a *Recycling Regulation Policy Intentions Paper* to seek feedback on a proposal to expand EPR legislation to a number of new products/materials.

Attachment 2 provides the City of Vancouver's submission to the Province's Intentions Paper, which was sent on November 19, 2020.

In general terms, staff support the intentions paper proposal to require EPR for:

- Mattresses and box springs

- Sharps/medical syringes
- Fire extinguishers
- Compressed gas fuel tanks
- Abandoned or unlabeled hazardous waste materials
- Additional electronics and electrical products (hybrid electric vehicle batteries, solar panels, e-cigarettes, vapes, motorized yard decorations, and large drones)
- Packaging and printed paper products generated by the industrial, commercial and institutional sector
- Marine fishing debris

The City also took the opportunity to recommend EPR for the following high-priority products:

- Cigarette butts
- Hard plastic toys, car seats, high chairs, strollers and other toddler equipment
- Carpet
- Furniture
- Textiles
- Building materials

Provincial legislation already requires EPR for residential packaging and printed paper (operated by Recycle BC's recycling program), and will require EPR for single-use items and "packaging-like products" by 2023.

Please contact Albert Shamess, Director, Zero Waste & Resource Recovery (Albert.Shamess@vancouver.ca) if you require further information.

Best,
Sadhu

Sadhu Aufochs Johnston | City Manager
Office of the City Manager | City of Vancouver
604.873.7627 | sadhu.johnston@vancouver.ca

Pronouns: he, him, his

CITY OF VANCOUVER

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

CITY OF VANCOUVER

OFFICE OF THE CITY MANAGER
Sadhu A. Johnston, City Manager

December 8, 2020

Director, Plastics and Marine Litter Division
Environment and Climate Change Canada

Via email: ec.plastiques-plastics.ec@canada.ca

To Whom It May Concern:

RE: Environment and Climate Change Canada's Discussion Paper: Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution – October 7, 2020

City of Vancouver staff applaud the Government of Canada's leadership to reduce global plastic pollution by championing the development of the Ocean Plastics Charter and collaborating on the Canada-wide Strategy on Zero Plastic Waste published by the Canadian Council of Ministers of the Environment (CCME). Environment and Climate Change Canada's *Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution,* as outlined in its discussion paper released on October 7, 2020, is an important step towards regulating single-use items and fostering a circular plastics economy.

Staff would like to thank Environment and Climate Change Canada (ECCC) for engaging stakeholders in developing this plastics strategy and appreciate the opportunity to provide feedback. Since most regulation in Canada for reducing single-use items is currently at the local government level, engaging municipal governments is an important step in developing a harmonized Canada-wide approach.

City staff appreciated the opportunity to meet with ECCC staff on December 3, 2020 to share lessons learned from developing the City of Vancouver's Single-Use Item Reduction Strategy and by-laws. This submission covers topics we discussed during the meeting, as well as those in ECCC's discussion paper.

City of Vancouver's Initiatives

Vancouver City Council has taken bold steps to address plastic pollution and achieve our Zero Waste 2040 goals by passing the following by-laws in support of our Single-Use Item Reduction Strategy:

Effective January 1, 2020:

- **Foam:** Ban on polystyrene foam cups and foam take-out containers

Effective April 22, 2020:

- **Plastic straws:** Ban on plastic straws (including compostable plastic straws) other than flexible plastic straws individually wrapped in paper, which food vendors must provide upon request, without question, to protect accessibility
- **Single-use utensils:** Can only be given out by-request (all materials)

Effective January 1, 2021

- **Disposable cups:** Minimum $0.25 fee on each disposable cup distributed (all materials), and the number of cups distributed per year must be reported to the City except for locations participating in a reusable cup-share program
- **Shopping bags:** Ban on plastic shopping bags (including compostable and degradable plastic shopping bags), and minimum fees for paper and reusable shopping bags ($0.15 and $1 in 2021, rising to $0.25 and $2 in 2022)

The City of Vancouver's strategy and by-laws were developed over three years through engagement with over 15,000 residents and hundreds of small and large businesses, non-profits and organizations. Throughout the consultation, we heard the business community's interest in harmonized legislation at the broadest geographic scale in order to avoid a patchwork of regulations. As such, Vancouver City Council and staff have advocated for harmonized provincial and federal regulations that meet the highest standards and align with our by-laws.

For more information, please visit: Vancouver.ca/reduce-single-use.

Key Themes in this Submission

The following themes are highlights from the City's submission below:

1. **Banning or restricting certain single-use plastics**: Staff generally support the proposed federal bans on single-use plastic shopping bags, stir sticks, six-pack rings, cutlery, straws, and food service ware made from problematic plastics. However, staff also recommend restricting disposable hot and cold drink cups; minimizing environmental impacts from alternatives to single-use plastics such as paper, textiles, wood, bamboo, etc.; and banning the use of per- and polyfluoroalkyl substances (PFAS) in food service ware.

   Due to limited municipal regulatory authority and enforcement capacity, enforcement at the federal level is recommended to ensure regulations are effective. It would be helpful for local governments to know what resources the Government of Canada will dedicate to enforcement, and what the overall enforcement strategy will look like.

2. **Protecting accessibility:** A federal regulation to ban plastic straws must be designed to protect accessibility while reducing the majority of plastic straw waste. This can be accomplished by requiring food vendors to provide "accessible straws" upon request for accessibility (defined as flexible plastic straws individually wrapped in paper), while banning all other plastic and compostable plastic straws.

3. **Compostable, bio-based and biodegradable plastics:** Staff do not support exempting compostable, bio-based or biodegradable plastics from the proposed bans on single-use plastic shopping bags, stir sticks, six-pack rings, cutlery and straws because they are, in the terms used by ECCC's evaluation framework, "environmentally problematic" and "value recovery problematic." Exemptions to other restrictions may be appropriate to encourage innovation if precautionary actions are taken.

4. **Exemptions and Supports:** We encourage ECCC to undertake targeted engagement to understand where exemptions and support measures may be needed for hospitals and community care facilities, charitable food services, and people disproportionately affected by income inequality.
5. **Extended producer responsibility:** Staff recommend ECCC work through the CCME to engage stakeholders in updating the CCME Canada-wide Action Plan for Extended Producer Responsibility (2009), and encourage provincial governments to renew their commitment to implement EPR according to the updated plan.
6. **Performance standards for recycled content:** Staff support establishing Canada-wide recycled content standards for plastic products and packaging, and encourages ECCC to develop standards for additional materials and products, such as pulp and paper.

Detailed Submission

We are pleased to expand on these six key themes in the following comments.

1. Banning or Restricting Certain Single-use Plastics

Staff generally agree with the proposed federal bans on plastic shopping bags, stir sticks, six-pack rings, cutlery, straws and food service ware made from problematic plastics (foamed plastics, black plastic, polyvinyl chloride, oxo-degradable plastics and composite materials) for the reasons stated in the Discussion Paper. Staff have advocated for harmonization at the highest possible level, and we welcome federal regulation that could replace or complement Vancouver's by-laws for reducing single-use items, if it meets or exceeds the standards we have set.

The proposed federal bans would be compatible with our by-laws, with the following exceptions and considerations:

- **Accessibility:** A ban on plastic straws must be accompanied by regulation to protect accessibility. More detail is provided below, under "Accessibility."

- **Enforcement:** Due to limited municipal regulatory authority and enforcement capacity, enforcement at the federal level is recommended to ensure regulations to restrict single-use items are effective. It would be helpful if ECCC could develop and publish information on provisions for enforcing the proposed restrictions, including:
    - What resources the Government of Canada will dedicate to enforcement, and
    - What the overall enforcement strategy will look like.

In addition to the items proposed in the Discussion Paper, we urge ECCC to develop restrictions for the following single-use items:

- **Disposable hot and cold drink cups:** In 2018, about 82 million disposable cups (76% plastic-coated paper, 24% plastic) were thrown in the garbage in Vancouver. On a 5-year average, disposable cups make up about 15% of large litter on Vancouver streets. According to the Great Canadian Shoreline Cleanup, cups were the 12th most common item found in shoreline litter in 2019.[1] These littered cups have the potential to break down into

[1] Great Canadian Shoreline Cleanup.

microplastics, and more research is needed to determine how this affects wildlife and microfauna in land and aquatic environments.

Vancouver's by-law requires businesses to charge a minimum 25-cent fee on each cup distributed, and report the number of cups distributed each year. The reporting requirement is waived for business locations participating in a reusable cup-share program. Reusable cup share programs are already under development in Canada, and this kind of regulation can be a significant driver for businesses and customers to participate.

- **Substitutes for banned items made from other single-use materials:** Banning plastic single-use items without also restricting items made from other materials, such as paper, textiles, wood and bamboo, tends to result in substitution rather than reduction. For example, Portland, Oregon reported a 491% increase in paper shopping bag use one year after banning plastic shopping bags in 2011.

  Paper and reusable shopping bags have higher greenhouse gas emissions and toxicity impacts than plastic bags due to material extraction and production processes, and additional fuel used to transport heavier bags.

  For these reasons, and to promote circular business models that maximize reuse, Vancouver's Single-Use Item Reduction Strategy and by-laws cover all types of single-use materials, not just plastic. We recommend ECCC also restrict the following items, which would encourage new behaviours and business models that prioritize waste reduction and reuse:

  1) paper and reusable shopping bags
  2) single-use utensils made from all material types (i.e. including wood and bamboo)
  3) wooden stir sticks

- **Single-use items containing per- and polyfluoroalkyl substances (PFAS):** A federal ban on foam or black plastic containers could lead to increased distribution of containers, bags and wrappers treated with PFAS (e.g. made from paper, bagasse, etc.). PFAS are highly persistent, mobile, and toxic chemicals often used to make food service ware more water and grease resistant, and are becoming a growing issue for compost facilities.[2] PFAS are ubiquitous in the environment due to their use in a wide variety of consumer and industrial products,[3] and actions that consider all sources are needed to address this issue. As part of these actions, we recommend introducing a ban on the use of PFAS in food service ware.

2. Protecting Accessibility

Vancouver's plastic straw by-law

[2] E.A. Crunden (October 19, 2020). "'We can never get to zero': Organics recyclers face hard choices in responding to PFAS contamination." *Waste Dive*. https://www.wastedive.com/news/pfas-chemicals-organics-recycling-compost-biosolids/587044/

[3] S.B. Gewurtz et al. (2013). "Perfluoroalkyl acids in the Canadian environment: Multi-media assessment of current status and trends." *Environment International, 59*, 183-200. https://doi.org/10.1016/j.envint.2013.05.008

Without strong protections for accessibility, such as those in the City of Vancouver's plastic straw by-law (By-law No. 12618),[4] a federal ban on plastic straws could severely injure people with disabilities and seniors with reduced mobility, and exclude them from socializing outside the home and participating in public life.

Staff identified accessibility requirements within a ban on plastic straws by engaging people with disabilities, organizations who work closely with them, and the City of Vancouver's Persons with Disabilities Advisory Committee.

Through this engagement, the City learned that many people rely on plastic straws to safely consume beverages and nutrition. People experiencing age-related physical restrictions, arthritis, auto-immune disease, autism, cerebral palsy, dental and oral conditions, multiple sclerosis, muscular dystrophy, neurological disease, spinal cord injuries, stroke recovery and rehabilitation, surgery recovery, and other illnesses and injuries, rely on plastic straws, particularly flexible plastic straws.

Flexible plastic straws, individually wrapped in paper, meet the widest range of accessibility needs compared to other types of straws, as shown in Table 1.

Table 1. Comparing the Accessibility of Different Types of Straws

	Accessibility Criteria								
	No Choking Hazard	**No Injury Risk**	**No Food Allergen Risk**	**No Cleaning Required**	**Low Cost to Consumer**	**Safe at High Temperatures**	**Positionable**	**Protects Compromised Immune System**	**Meets All Criteria**
Flexible Plastic,* Individually Wrapped	✓	✓	✓	✓	✓	✓	✓	✓	✓
Flexible Plastic,* Not Wrapped	✓	✓	✓	✓	✓	✓	✓		**X**
Plastic, Straight	✓	✓	✓	✓	✓	✓		**If wrapped**	**X**
Plastic Described as Compostable, Degradable or	✓	✓		✓	✓		**If flexible**	**If wrapped**	**X**

[4] City of Vancouver By-law No. 12618, A By-law to amend License By-law No. 4450 regarding plastic straws. https://bylaws.vancouver.ca/consolidated/12618.PDF

Made From Plants									
Metal	✓		✓						**X**
Glass	✓		✓						**X**
Silicone	✓	✓	✓			✓			**X**
Acrylic	✓		✓						**X**
Paper		✓	✓	✓	✓				**X**
Pasta				✓	✓				**X**

Chart developed by City of Vancouver based on stakeholder consultation with people with disabilities, City of Vancouver Persons with Disabilities Advisory Committee, and https://twitter.com/_sbsmith/status/998632056241307649?/lang=en

**Plastic made wholly from fossil fuel products*

Flexible plastic straws (also referred to as “bendable,” “bendy,” or “flexy” plastic straws) can be bent at the correct angle to reach the mouth, and then hold their position. This is essential for people who cannot use their hands (or have difficulty using them), or are reclined or lying down. Plastic straws can last as long as people need to consume beverages and liquid meals, which can sometimes take several hours. When individually wrapped in paper, flexible plastic straws are hygienic and protect people with compromised immune systems.

Paper, pasta, metal, glass, acrylic, silicone, and compostable plastic straws are not acceptable substitutes because they can cause injury and even death. Paper and pasta straws can be chewed into small pieces and pose a choking hazard. People with motor impairments may clamp down or jar themselves against metal, glass and acrylic straws, causing injury. Pasta and some plastics derived from biological materials like plants may cause allergic reactions. Compostable and degradable plastics may dissolve in warm liquids. Silicone straws and straight plastic straws can be forced to bend but they don’t hold their position; doing so restricts the flow of the beverage and not everyone has a care aid to hold up a cup at the correct angle.

As a result, Vancouver City Council enacted a plastic straw by-law (By-law 12618) with a requirement to provide flexible plastic straws upon request for those who have accessibility needs, and a ban on all other plastic and compostable plastic straws. This by-law was supported by the City of Vancouver’s Persons with Disabilities Advisory Committee and Seniors Advisory Committee, and came into effect on April 22, 2020.

To the best of our knowledge, Vancouver's by-law sets the highest standard for accessibility among plastic straw bans while also working to reduce the majority of plastic straw waste.

Protecting accessibility under a federal plastic straw ban

When banning plastic straws, the Government of Canada can best reflect the needs of people with disabilities through regulation, consistently communicating the intent to protect accessibility if plastic straws are banned, and providing widespread education and outreach programs.

Regulation

To reduce the majority of plastic straw waste while protecting and enhancing accessibility, the City of Vancouver recommends the Government of Canada adopt a federal plastic straw regulation with three key accessibility requirements that are in the City of Vancouver's plastic straw by-law (By-law 12618):

1. Define an "accessible straw" as a "single-use beverage straw made wholly from plastic derived from fossil fuels, such as polypropylene, that has a corrugated section that allows the straw to bend and maintain its position at various angles and is individually wrapped in paper." The flexible plastic straws cannot be made from plastic that is labeled or described as compostable, degradable, or made from plants or other biological materials. These plastics may dissolve in hot liquids or cause allergic reactions, and do not meet accessibility requirements.

2. Require food vendors to provide an "accessible straw" (flexible plastic straw, individually wrapped in paper) when a customer asks for one, or when the food vendor or its employees ask a customer if they need an accessible straw and the customer responds that they do. People should not be required to prove they have a disability or a medical need.

3. Exempt packages of at least 20 single-use plastic beverage straws sold for personal use.

Communicating the intent to protect accessibility

The City of Vancouver has learned that when mentioning an actual or proposed plastic straw ban, it is important to include clear and consistent messaging that confirms accessibility will be protected within the regulation by ensuring flexible plastic straws, individually wrapped in paper, will be provided upon request to people who rely on them for consuming beverages and nutrition. Otherwise, the very prospect of a complete ban on plastic straws can cause great distress to people with disabilities who rely on them.

Education

To implement the regulation successfully, the City of Vancouver recommends the Government of Canada launch a campaign for businesses, non-profits and other organizations, as well as a large-scale, public awareness and behaviour change campaign, to explain the accessibility requirements within the plastic straw ban.

For example, the City of Vancouver is supporting its plastic straw by-law through:

1. A campaign for businesses, non-profits and organizations that includes:

- A by-law guide with information on regulatory requirements and how to comply with the by-law, including tips to train staff on accessibility requirements within the plastic straw ban
- Customer-facing tools, like this menu icon developed by the City of Vancouver to show customers that flexible plastic straws are available for customers who need them. The icon was developed with input from the City's Persons with Disabilities Advisory Committee, and can be downloaded from the City's website or ordered as stickers at Vancouver.ca/straws

2. A public awareness campaign that includes social media, advertising and earned media with messaging to:
    - Reassure people with disabilities that the City's by-law protects their fundamental right to flexible plastic straws individually wrapped in paper
    - Build public awareness about the importance of providing flexible plastic straws individually wrapped in paper to people who need them for accessibility, within the context of a ban on all other plastic and compostable plastic straws

The City of Vancouver plastic straw by-law, communications, and education programs were developed in consultation with people with disabilities and the City of Vancouver Persons with Disabilities Advisory Committee, and also align with the City's work to develop an Accessibility Strategy.

The City of Vancouver is developing an Accessibility Strategy to reflect and reinforce the City's commitment to build inclusive communities and provide an accessible environment in which all individuals have access to City services, programs and infrastructure in a way that respects the dignity and independence of people with disabilities. The development of the Accessibility Strategy contributes to the City's "equity lens" to support the health and well-being of all. Using an "equity for all" lens helps ensure that City policy and services are both universal for all citizens and accessible for specific populations most vulnerable to inequities, including people with disabilities, seniors and people with lived experience of mental health concerns and/or substance use.

For more information about the City of Vancouver plastic straw by-law and education materials, please visit: vancouver.ca/straws.

3. Compostable, Bio-based and Biodegradable Plastics

The City of Vancouver's by-laws for reducing single-use items apply the same restrictions (bans, fees and by-request only requirements) to conventional plastics and compostable, bio-based and biodegradable plastics. This approach is based on interviews with ten industrial compost facilities in the Metro Vancouver region, British Columbia and Washington State; engagement with over 600 businesses, charities and non-profits; and a technical literature review.

System for composting Vancouver's organic waste

The City of Vancouver Landfill operates a compost facility for yard trimmings, but it is not authorized to compost food scraps. The City contracts a private industrial compost facility to manage commingled food scraps and yard trimmings collected through the City's curbside residential Green Bin program. Private industrial compost facilities also manage food scraps and landscaping material from the industrial, commercial and institutional sectors. Ultimately, the majority of food scraps and yard trimmings from Vancouver residents and businesses are composted by at least four private facilities in the Lower Mainland, each with different operational processes, including variation in processing timelines.

The Province of British Columbia, not local governments, approves what materials can be accepted in BC's compost facilities. Compost facilities in BC are governed by the provincial Organic Matter Recycling Regulation, which does not include compostable, bio-based or biodegradable plastics as an acceptable feedstock for composting. As a result, these materials are not accepted in the City's curbside residential Green Bin. Compostable and biodegradable plastics are also not accepted in Recycle BC's residential recycling program.

Exemption to proposed bans

Staff do not support exempting compostable, bio-based or biodegradable plastics from the proposed bans on single-use plastic shopping bags, stir sticks, six-pack rings, cutlery and straws. From the City's perspective, compostable, bio-based and biodegradable plastics would fall into both the "environmentally problematic" and "value recovery problematic" categories used in ECCC's framework to identify single-use plastics that should be banned or restricted.

Shopping bags, stir sticks, six-pack rings, cutlery and straws made from compostable, bio-based or biodegradable plastic are "environmentally problematic" because:

- **Prevalence in the environment.** Shoreline clean-ups and street litter audits in Vancouver align with findings in the ECCC Discussion Paper that identify plastic bags, stir sticks, six-pack rings, cutlery and straws among the items most commonly littered to the environment. This was a key driver for developing Vancouver's by-laws to reduce single-use items. Replacing these items with compostable, bio-based and biodegradable plastic substitutes will not reduce their prevalence in litter.
- **Environmental harm.** Compostable, bio-based and biodegradable plastics, including certified compostable plastics that meet international and national design standards, are not designed to biodegrade in marine and soil environments. They pose the same environmental harms as conventional plastic when littered to the environment. (For example, ingestion by wildlife or entanglement risk to wildlife, etc.)
- **Toxicity impacts.** Understanding the fate of chemical additives used in compostable, bio-based and biodegradable plastics in compost and soil environments is an emerging field. While further research is needed, there is concern about potential soil toxicity impacts.

These items are also "value recovery problematic" for several reasons:

- **Incompatible with compost facilities.** There is currently no regulation of compostable, bio-based and biodegradable plastics, and the design standards that do exist for compostable plastic are inadequate because they do not reflect real world compost infrastructure. Even if

certified compostable plastic, which is designed to disintegrate within 84 days and biodegrade within 180 days, makes it into a compost facility at end-of-life, most compost facilities in BC's Lower Mainland have a retention time of less than 60 days. Any material not sufficiently broken down in that period of time is screened out of the compost and disposed to landfill or incinerator.

- **Pressure on compost facilities.** Exempting compostable, bio-based and biodegradable plastics would put pressure on compost facilities to accept loads contaminated with these materials. Increased contaminant volumes pose a threat to compost facilities' ability to produce a value-added product while diverting food scraps and yard trimmings from landfill and incinerator.
- **Potential to disrupt solid waste infrastructure.** Municipal government rely on compost facilities to manage food scraps and yard trimmings. Due to land use pressure and the risk of odour complaints, compost facilities in the Metro Vancouver region are already a fragile infrastructure. In the worst case scenario, additional pressures can lead to facility closures, which in turn puts pressure on the rest of the system. Disrupting organics infrastructure is a significant risk when disposal facilities are already operating at capacity.
- **Incompatible with recycling facilities.** Plastics labeled or described as compostable or degradable contaminate existing recycling streams.

Innovation and precautionary actions

We encourage ECCC to find ways to spur innovation while proceeding in a precautionary fashion. Although the City does not support exempting compostable, bio-based or biodegradable plastics from bans on single-use plastic shopping bags, stir sticks, six-pack rings, cutlery or straws, it could be appropriate to exempt these materials from other restrictions on single-use plastics. The following actions need to be addressed by senior levels of government, and would help to ensure any exemptions from other restrictions maintain the objectives of environmental protection and fostering a circular economy for plastic:

- **Criteria for exemption.** Limit exemptions for compostable, bio-based or biodegradable plastics to products and packaging that are not prevalent in the natural environmental (i.e. based on shoreline cleanups and street litter audits).
- **Performance standards.** Work with standards organizations to develop performance standards for compostable plastics that can completely biodegrade in compost facilities across Canada, based on the actual operating conditions of those facilities.
- **Align labeling with infrastructure.** Update regulations and guidelines for environmental claims[5] to limit the use of the term "compostable" to products and packaging approved as a feedstock and readily accepted in compost facilities across Canada.
- **Terminology restrictions.** Ban or restrict the use of the term "biodegradable" for labelling or marketing products and packaging.[6]
- **Extended producer responsibility.** Require EPR programs for compostable, bio-based and biodegradable plastics to be in place before introducing exemptions.[7] EPR programs

[5] For example, the Consumer Packaging and Labelling Regulations and Environmental Claims: A guide for industry and advertisers.
[6] For example, the State of California has laws regulating the marketing and labeling of degradable plastic products sold in California: https://www.calrecycle.ca.gov/plastics/degradables/labeling

must provide collection and processing, with 100% producer responsibility for the costs of these programs.

- **Enforcement.** Enforce updated regulations and guidelines to create an even playing field for producers, and enable compost facilities to continue making a value-added product from food scraps and yard trimmings.

Unintended consequences

Finally, the City cautions that exempting compostable, bio-based or biodegradable plastics from the proposed bans, or introducing exemptions to restrictions for other single-use plastics without taking the precautionary actions described above, carries a risk of several unintended consequences:

- **Worsen existing challenges.** Exempting compostable, bio-based and biodegradable plastics from the proposed bans would create the perception that they are the preferred material choice, leading to increasingly widespread use of these materials for the list of banned single-use plastic items, as well as other items such as take-out containers and beverage cups. Flooding the market with compostable, bio-based and biodegradable plastics would exacerbate the existing "environmentally problematic" and "value recovery problematic" challenges with these materials.
- **Education challenges.** Many municipal governments cannot accept compostable, bio-based and biodegradable plastics in residential green bin programs because they are incompatible with most compost facilities. Exempting these materials from the proposed bans creates confusion, and makes it more difficult for local government to educate residents on the correct way to sort their waste.
- **Plastic contamination.** During the City's investigation on compostable plastics, compost facilities cautioned that inviting residents to dispose compostable plastic in their green bins would significantly increase contamination rates for all types of plastic because it would normalize disposing plastic alongside food waste, and because consumers cannot easily tell the difference between compostable and conventional plastics.
- **Increased costs to businesses, charities and non-profits.** Many businesses, charities and non-profits are already turning to compostable, bio-based and biodegradable plastics in the belief they are a solution to plastic pollution, despite these options typically being more expensive than other materials, and incompatible with most compost facilities. It is objectionable for stakeholders with limited budgets, such as charitable food services, to incur these additional costs when there are cheaper, more recyclable options available for products such as cups and take-out containers. This is of particular concern during the COVID-19 pandemic, due to the severe financial impacts on businesses, charities and non-profits.
- **Missed opportunities.** In a circular economy, and according to the pollution prevention hierarchy, reducing waste by increasing reuse should be prioritized ahead of recycling. Exempting compostable, bio-based and biodegradable plastics from the proposed bans on

[7] The Discussion Paper states that "the introduction of new products across value-chains outpaces the deployment of regulations or programs to ensure collection and new technologies to process the growing variety of plastic products on the market" (p.12). This problem also applies to compostable, bio-based and biodegradable plastics, which have been introduced to the Canadian market with no regulations or programs in place to ensure they can be collected and composted or recycled at end-of-life.

single-use plastics would be a missed opportunity to encourage the adoption of new behaviours and business models that prioritize reusable options as a first choice.

4. Exemptions and Supports

During the City's engagement to develop Vancouver's single-use item by-laws, members of the public and stakeholders identified several cases where by-law exemptions and certain support measures were needed.

- **Charitable Food Services:** Charitable food services may be affected by bans on plastic shopping bags, plastic utensils, and food service ware made from problematic plastics. During our by-law engagement, we learned that although many charitable food services in Vancouver already use reusable dishware wherever possible, and want to be part of the zero waste movement, there are situations where they use plastic utensils, plastic shopping bags, foam cups and foam take-out containers to serve free and low-cost meals.

  Reliance on these items has increased during the COVID-19 pandemic because charitable food services have had to switch from providing dine-in to take-out meals, in order to maintain physical distancing. Before COVID-19, the City gave charitable food services a one year exemption to the ban on foam cups and foam take-out containers to allow more time to source affordable alternatives. At this time, the City is using discretion on when and where to enforce the by-laws, and have advised charitable food services that they may continue to distribute single-use items with food or meals during COVID-19, but are expected to begin working towards the by-laws as soon as it is possible for them.

  Charitable food services are also exempt from Vancouver's by-law requirements to charge fees on paper and reusable shopping bags and disposable cups,[8] so as to ensure that fees are not a barrier to accessing charitable food services.

  We encourage ECCC to engage charitable food services across Canada to understand potential impacts of the proposed bans and restrictions, and identify opportunities to prevent or mitigate those impacts, such as temporary or permanent exemptions.

- **People Disproportionately Affected by Income Inequality:** Through engagement, we heard that the City's shopping bag by-law poses an affordability challenge due to the initial cost to purchase reusable shopping bags, and the cost to purchase garbage bin liners and pet waste bags. There could be odour and litter impacts if residents dispose residential garbage without bagging it first. Also, residents experiencing homelessness have myriad uses for plastic bags, such as carrying belongings and waterproofing footwear.

  To mitigate these potential impacts, the City of Vancouver is developing a support plan that identifies opportunities to work with non-profits and social enterprises to create a network to distribute free reusable shopping bags to low-income residents and residents experiencing homelessness. The support plan will also identify possible roles for the City in helping to

[8] Vancouver's License By-law defines charitable food services as providing food for free or at low cost by an organization that is incorporated and in good standing under the BC Societies Act, or registered as a charitable organization under the federal Income Tax Act.

make substitutes for plastic shopping bags, like rain boots, backpacks, and alternative garbage bin liners readily accessible.

We encourage ECCC to undertake targeted engagement to understand the potential impacts of proposed single-use plastics restrictions on people disproportionately affected by income inequality, and opportunities to avoid or mitigate unintended consequences. This engagement could include non-profits and social enterprises, such as shelter and housing organizations and clothing providers, as well as people with low incomes and people experiencing homelessness.

- **Hospitals and Community Care Facilities:** We recommend engaging hospitals and community care facilities to understand if they need to be exempted from any of the federal restrictions on single-use items. Through stakeholder engagement, the City learned that health organizations depend on single-use items to meet infection control, workplace health and safety, and patient care standards. For example, some single-use items are necessary to serve prepared food to hospital patients to reduce the risk of spreading infections, and single-use plastic cutlery is the preferred option in psychiatric units to address safety concerns. For these reasons, hospitals and community care facilities are exempted from Vancouver's single-use item by-laws.

5. Extended Producer Responsibility (EPR)

EPR programs play a key role in the City of Vancouver achieving the goal of zero waste by 2040, contribute to cleaner and safer streets and other public spaces, and support a circular economy. In 2016, the City of Vancouver transitioned the residential curbside and multi-family recycling program to Recycle BC, the producer responsibility organization that manages the packaging and printed paper EPR program in British Columbia. This transition made it possible for the City to direct the funds previously used to cover recycling costs to other high-priority programs.

Updating the Canada-wide Action Plan for EPR

Staff recommend that the federal government work with the provinces to advance EPR by working through the Canadian Council of Ministers of the Environment to:

- Engage stakeholders in updating the CCME's Canada-wide Action Plan for Extended Producer Responsibility (October 2009)[9]
    - Include interim and long-term targets to maximize the number of new EPR categories to support a circular economy and zero waste
- Refresh the plan every 5 years to maintain national momentum and incorporate new developments
- Encourage the provinces to incorporate their action plan commitments into their annual ministry service plans
- Publish annual reports on progress made towards EPR programs across Canada
    - Within these, report on key performance indicators such as tonnes collected, reused and recycled; avoided greenhouse gas emissions; energy savings; green jobs created; and economic value created through provincial EPR programs.

[9] Canadian Council of Ministers of the Environment. *Canada-Wide Action Plan for EPR (October 2009).* https://www.ccme.ca/files/current_priorities/waste/pn_1499_epr_cap_e.pdf

When the first version of this action plan was adopted eleven years ago, it set out an important national vision with provinces committing to introduce EPR programs in two phases:

- Phase 1 products by 2015: Packaging, printed materials, mercury-containing lamps, other mercury-containing products, electronics and electrical products, household hazardous and special wastes, and automotive products.
- Phase 2 products by 2017: Construction materials, demolition materials, furniture, carpet, textiles, and appliances, including those containing ozone-depleting substances (ODS).

Much of the Phase 1 list has been fulfilled or is underway. However, the Phase 2 list was not completed, with the exception of appliances and ozone-depleting substances in provinces like British Columbia.

With local governments like British Columbia undertaking stakeholder engagements to expand EPR to new product categories,[10] now is an excellent time to revisit this conversation at the national level.

Updating the Canada-wide Action Plan for EPR will reinvigorate Canada's efforts to expand EPR, help harmonize implementation across the country, and help local governments identify opportunities for waste reduction in their Solid Waste Management Plans and zero waste plans and forecast waste projections.

Priority products for EPR

Table 2 lists plastic-containing products that, from the City of Vancouver's perspective, are high priorities for an updated Canada-wide Action Plan on EPR.

These products are identified in the paper titled, *Regulatory Approaches for Priority Plastic Wastes*, published by the National Zero Waste Council's Plastics Advisory Council.[11] The City of Vancouver participated on the panel and contributed to the paper.

Table 2 High-priority plastic-containing products for EPR

Item	Rationale
Single-use items (e.g. cups, containers, cutlery, straws, stir-sticks), including those made from plastics derived from fossil-fuels; and compostable, bio-based and bio-degradable plastics	The Government of British Columbia will require EPR for single-use items made from all materials in 2023.
Packaging and packaging-like products generated by the industrial, commercial and	Producers being fully responsible for managing their end-of-life packaging and products, regardless of which sector generates the waste, helps drive the transition to a

[10] Government of British Columbia (September 12, 2020). "Recycling Regulation Policy Intentions Paper." https://engage.gov.bc.ca/govtogetherbc/consultation/recycling-regulation-policy-intentions-paper/

[11] National Zero Waste Council Plastics Advisory Panel, *Regulatory Approaches for Priority Plastic Wastes* (Amended, December 6, 2019) http://www.nzwc.ca/Documents/RegulatoryApproachesforPriorityPlasticWastes.pdf

institutional sectors	circular economy. Deposit-refund systems for beverage containers cover the residential and commercial sectors. The operating model for EPR for ICI PPP/single-use items/packaging-like products may need to be different than residential EPR programs.
Sharps/syringes	Each year, the City: • Collects about 110,000 littered needles through local non-profits funded through the City's Street Cleaning Grant Program in the amount of $1.8 million for litter and needle collection • Responds to about 5,000 inquiries regarding sharps, and feedback from residents is that this is a significant safety concern. The presence of sharps in other material streams puts other public realm waste collection and diversion programs, such as streetscape recycling, at risk.
Mattresses and box springs (foundations), and upholstered furniture	Each year, at a net cost of roughly $1 million covered by taxpayers and ratepayers, the City: • receives over 3,500 abandoned mattress calls; • collects about 5,000 abandoned mattresses from lanes and other public spaces; and • manages about 30,000 mattresses for recycling through the City's transfer station and landfill
Cigarette butts	Each year, about 360 million cigarette butts—or 1 million per day—are littered in Vancouver. This is a significant source of pollution in land and aquatic environments from the plastic filters and toxins they contain.
Hard plastic toys, car seats, high chairs, strollers and other toddler equipment	• These items are routinely found in residential loads of materials dropped off for disposal at Vancouver's transfer station and landfill, and are brought to City recycling drop off events, even though they are not accepted for recycling. • As a trial in 2018, the City collected over 540 children's car seats from seven drop-off events, demonstrating that public recycling demand is high while options are limited.
Electronic and electrical products	There is a need to expand existing EPR programs to new products like e-cigarettes, vapes, motorized yard decorations, large drones, photovoltaic solar cells,
Carpet	Carpet EPR programs exist in the United States.
Textiles	Reusable shopping bags could be an early priority for textiles EPR as more are distributed as a result of restrictions on plastic and paper shopping bags.
Marine fishing debris/lost gear	The National Zero Waste Council recommends EPR for marine fishing debris delivered in conjunction with senior governments, with immediate priority placed on

	abandoned fishing nets as a high-ranking problematic ocean plastic. However, the paper acknowledges that while EPR is usually funded entirely by product brand owners, the high cost, low turnover, and small number of fishing net manufacturers will likely require a hybrid model to allow for rapid implementation, possibly with partial funding from the federal government, and strict enforcement of minimum recovery rates.

Staff recommend the CCME use its EPR program evaluation tool to prioritize the plastic-containing products listed in Table 2 within the context of a broader list of high priority products made from all materials (not only plastic). From the City's perspective, this broader list also includes:

- Continued expansion of Phase 1 materials, such as:
  - An expanded list of hazardous wastes, including abandoned, unknown and/or unidentified hazardous waste materials
  - Automotive products
- Introduction of EPR for Phase 2 materials (beyond those containing plastic), such as:
  - Carpet
  - Construction and demolition materials (e.g. building products like gypsum drywall and asphalt shingles)
  - Textiles
  - Furniture
- Single-use items and packaging-like products made from all types of materials, as the Government of British Columbia has required to begin in 2023
- Fire extinguishers
- Compressed gas fuel tanks

6. Recycled Content Performance Standards

- **Recycled content for plastics:** Staff support establishing Canada-wide recycled plastic content standards. A key theme from the engagement to develop Vancouver's single-use item by-laws was that industry prefers harmonization at the broadest possible geographical scale. Regulations and incentives to increase recycled content in plastic products and packaging would help to build strong recycling markets and drive the transition to a circular economy. When developing standards, it will be important to ensure a level playing field for recycled plastics to ensure they are not disadvantaged compared to virgin plastics. We encourage ECCC to explore how other jurisdictions in North America and around the world are developing performance standards for recycled content, and align Canada's requirements with the highest standards.

- **Recycled content for paper and other materials that replace plastics:** Staff also support developing recycled content standards for other materials commonly used to replace plastics, such as pulp and paper products. This can help to minimize negative environmental impacts when other materials are substituted for banned single-use plastics (for example, using paper shopping bags instead of plastic shopping bags). For example, the City of Vancouver and other British Columbia municipal shopping bag by-laws require paper shopping bags to have at least 40% recycled content.

- **Avoiding unintended consequences with recycled plastics:** When developing recycled content standards for different types of products, we encourage ECCC to investigate options for avoiding potential unintended consequences. For example, research shows high amounts of synthetic microfiber pollution are released when laundering recycled polyester.[12]

- **Circular procurement guidelines:** ECCC can help to foster a circular economy for plastics by developing circular procurement guidelines for use by all levels of government and other institutions with significant purchasing power. These guidelines could recommend minimum recycled content requirements for plastic and paper products, as well as other criteria for prioritizing circular products and services.

We hope you find our comments and recommendations helpful. To support the federal government in developing its regulatory approach to plastics and their substitutes, City of Vancouver staff would be pleased to continue this conversation and share our information, resources and contacts with ECCC staff.

Members of the City of Vancouver's Persons with Disabilities Advisory Committee would also welcome the opportunity to meet with ECCC staff and demonstrate why flexible plastic straws, individually wrapped in paper, meet the widest range of accessibility needs and discuss the importance of ensuring access to these straws within the context of a federal plastic straw ban. City staff would be pleased to arrange this video call and facilitate the meeting.

If you have any questions, please contact Albert Shamess, Director, Zero Waste and Resource Recovery Division, Engineering Services, at albert.shamess@vancouver.ca.

Yours truly,

Sadhu A. Johnston
City Manager
604.873.7627 | sadhu.johnston@vancouver.ca

[12] Ocean Wise Research Institute – Microfiber Partnership https://research.ocean.org/project/Microfiber-partnership

CITY OF VANCOUVER

OFFICE OF THE CITY MANAGER
Sadhu A. Johnston, City Manager

November 19, 2020

Ministry of Environment and Climate Change Strategy
Email to: ExtendedProducerResponsibility@gov.bc.ca

To Whom It May Concern:

RE: September 12, 2020 BC Recycling Regulation Policy Intentions Paper

Thank you for the opportunity to comment on the British Columbia Recycling Regulation Policy Intentions Paper. Extended producer responsibility (EPR) programs play a key role in the City of Vancouver achieving the goal of zero waste by 2040, contribute to cleaner and safer streets and other public spaces, and support a circular economy. Accordingly, Vancouver staff are pleased that a multi-year EPR strategy is under development, and amendments to the Recycling Regulation to support new and expanded EPR programs are planned. We appreciate BC government staff's work on this file and effort to shape EPR regulatory and policy changes based on stakeholder input, and offer the following comments.

GENERAL COMMENTS

Staff commend the Ministry of Environment and Climate Change Strategy for its leadership in EPR policy and regulation. The City of Vancouver has benefited from BC's EPR programs, which have expanded recycling opportunities for our residents, and have allowed the City to reallocate resources to address additional priorities for the public. We look forward to EPR for single-use and packaging-like products scheduled to begin in 2023.

In developing the multi-year EPR strategy, we recommend the Province consider the following:

- **Full producer responsibility and full cost recovery:** Although BC's EPR programs are predicated on the principle of full producer responsibility, in practice, some EPR programs provide insufficient compensation to cover the cost of receiving and handling their materials at drop-off locations like depots, retailers and drop-off events. To support a stable collection network, covering the full cost of collection and handling of stewardship materials, for all parties who provide these services should be an essential requirement of any stewardship program.

- **Individual producer responsibility**: Financial responsibility alone has not created enough of an incentive to motivate producers to redesign products and packaging for the environment. As a result, emerging EPR policy also makes individual producers legally liable for meeting statutory targets like recovery rates and recycling rates, even if their material is collected through a collective system operated by a stewardship agency. For

example, the Government of Ontario has updated its legislation to make individual producers responsible for achieving collection targets for packaging and paper products, and tires, even if they meet their statutory obligations through a producer responsibility organization (PRO).

- **Emphasis on reduction, reuse and repair:** BC's EPR programs are often regarded as recycling programs. We suggest this is a narrow view of the potential of EPR. The pollution prevention hierarchy in the Recycling Regulation requires producers to maximize redesign, reduction and reuse, before turning to recycling. As a strategy for requiring producers to meet this requirement, we suggest the Province consider setting reduction and reuse targets where appropriate.
- **New collection models**: We suggest that it is time for producers to evolve their collection systems and move beyond traditional depots which are designed primarily to accommodate vehicle access. In our opinion, what is needed is new, innovative, convenient, and comprehensive collection infrastructure which serves a range of mobility options and considers the limitations resulting from increased density in large urban centers. Examples of other types of services that should be encouraged include large item pickup programs, on-demand curbside collection, mobile depots, and drop-off events. Our perspective is that the current fragmented nature of the collection infrastructure across the various EPR programs is a barrier to public participation. Where drop-off models are appropriate, one-stop-drop events such as those hosted by the City of Vancouver can improve customer convenience, with producers providing full cost recovery.

COMMENTS ON PRODUCTS IDENTIFIED IN THE INTENTIONS PAPER

Mattresses and Box Springs (Foundations)

City of Vancouver staff support adding mattresses and mattress foundations as a new product category to the Recycling Regulation, and we would suggest that this category include futons, sofa beds and foam mattress toppers. Each year the City:

- receives over 3,500 abandoned mattress calls and collects about 5,000 abandoned mattresses from lanes and other public spaces; and
- manages about 30,000 mattresses for recycling through the City's transfer station and landfill.

We estimate the annual net cost to the City for providing these services is roughly $1million, which is spread across tax/rate payers. Including mattresses and mattress foundations as EPR products would shift this cost burden to consumers of these items, resulting in a more equitable system. Given how unique mattresses are compared to items currently included under EPR regulation, options designed to reduce the occurrence of illegal dumping and the associated cost burden on municipalities should be prioritized, such as free curbside and multi-family residential collection services, and take-back options for when new mattresses are purchased, for example.

Schedule 2 Residual Product Category

We support adding the full list of 'moderately hazardous' products mentioned in the Intentions Paper to the Recycling Regulation. In the absence of EPR programs covering these materials, they can end up illegally dumped in laneways and other public areas, or disposed with municipal solid waste at facilities such as Vancouver's transfer station and landfill. This results in public and worker safety risks, and costly and operationally challenging emergency facility closures and clean ups.

Comments on some specific items follow:

- **Sharps/medical syringes**
  - We support the addition of sharps and medical syringes. A stewardship program for syringes should focus not only on recovering syringes from those that use them in their homes for medical purposes, but also address the disposal of these items in the public realm
  - Each year approximately 110,000 needles are collected in Vancouver through the City's Street Cleaning Grant program alone. This program provides approximately $1.8 million annually to local non-profits for litter and needle collection.
  - The City responds to approximately 5,000 inquires/yr regarding sharps, and feedback from residents is that this is a significant safety concern.
  - The presence of sharps in other material streams puts other public realm waste collection and diversion programs, such as streetscape recycling , at risk.
  - A significant challenge with a stewardship program for needles in the public realm is the free and unrestricted distribution of needles through local clinics as a harm reduction measure. Any EPR collection program for needles should be planned in collaboration with regional Health Authorities, in the context of harm reduction, and designed to capture sharps where they are being used (public areas) and consider incentives for returning needles to distribution points.
- **Fire extinguishers**
  - We support the addition of Fire extinguishers. In 2019 the City managed 1,749 fire extinguishers received at our Zero Waste Center in south Vancouver, at a cost of approximately $8,500. Like the previously discussed products, this cost is spread across facility users, rather than being directly by the product consumer.
- **Compressed gas fuel tanks**
  - We support the addition of compressed gas fuel tanks.
  - In 2019 the City managed over 23,000 propane tanks at the Zero Waste Centre and over 3,300 from the Vancouver Landfill at a cost of approximately $11,500.
  - The 1 pound green propane tanks designed for camping stoves and barbeques are particularly problematic as they are frequently left abandoned in City parks and need to be managed separately from regular waste.
  - Convenient drop-off options should be considered when designing an EPR program for this product. Stores that sell compressed gas fuel tanks would be ideal locations to take them back, and agreements with municipalities, regional districts and provincial park operators should be considered to enable the collection of these tanks in parks, with full cost recovery.

- **Additional residual products**
  - Abandoned, unknown, and/or unidentified hazardous waste materials are particularly challenging for local governments to properly handle and dispose of. Accordingly, we would like the Ministry's strategy to consider options for how best to manage these types of items under expanded EPR regulation.

Electronic and Electrical Product Category

Vancouver staff agree with the proposed approach to close the gap between regulated and unregulated electronic and electrical products for the reasons stated in the Intentions Paper. We would like to see new products including e-cigarettes, vapes, motorized yard decorations, large drones, hybrid and electric vehicle batteries and photovoltaic (solar) panels included in EPR programs designed to be safe, convenient and equitable, and provide full cost recovery.

In terms of what electronic and electrical products types should be prioritized for regulation, our recommendation would be to prioritize products which result in the greatest environmental and public safety risk if those products are improperly disposed, such as lithium-ion batteries).

We also recommend EPR for any gas-powered counterparts to the electrical or electronic equipment covered in the Recycling Regulation, since these products can also be recovered in circular models, and doing so would increase convenience and reduce confusion for consumers.

Schedule 5 – Packaging and Paper Product (PPP) Category beyond Residential Sources

EPR is the correct policy for industrial, commercial and institutional (ICI) PPP for the same reasons it's the correct policy for residential and streetscape PPP. In a circular economy, producers are fully responsible for managing their packaging and products at the end of their useful lives, and financing this system regardless of which sector generates the waste. The Recycling Regulation already requires several BC EPR programs to collect both residential and commercial waste, including one for packaging: the deposit system for beverage containers.

Given the Province recently required EPR programs to be in place by 2023 for single-use items and packaging-like products generated by residents and on streetscapes, the City recommends expanding these EPR programs to the ICI sector as well.

EPR for ICI PPP, single-use items and packaging-like products will:

- Ensure producers pay for the cost of collecting and managing materials.
- Build the cost of the program into product prices.
- Give businesses and non-profits free access to recycling, which could increase diversion and speed progress towards zero waste.
- Provide transparency on the amount of material collected, and where and how it is managed.
- Reduce contamination rates, provided that quality targets are set at similar levels as the residential program.
- Drive more capital investments in BC's recycling processing infrastructure and create local green jobs, as when the residential program was introduced.

- Provide even more feedback to producers on the design and end-of-life costs of their packaging and paper products, based on their program fees.

The operating model for EPR for ICI PPP/single-use items/packaging-like products may need to be different than the residential EPR programs. Compared to the municipal system that was in place before the residential EPR program was introduced, the market for collecting ICI PPP/single-use items/packaging-like products is more decentralized.

Implementation should not be rushed. Significant input from stakeholders and experts will be needed to determine the guiding principles and requirements for program plans that meet the Recycling Regulation's environmental standards while also supporting competition and contributing to a strong green economy in BC. A successful transition to EPR for ICI PPP/single-use items/packaging-like products will require a change management approach that gives stakeholders ample time to help shape the program and then adapt to future requirements.

Through stakeholder engagement, the Ministry could explore the possibility of phasing in these ICI EPR programs by type of packaging or product, starting, for example, with cardboard. This is how BC's electronics EPR program grew, initially starting with TVs, monitors, and desktop computers, and expanding over time to cover almost everything with a battery and a chord.

Marine Fishing Debris/Lost Gear

In a paper published in December 2019,[1] the National Zero Waste Council recommends EPR for marine fishing debris delivered in conjunction with senior governments, with immediate priority placed on abandoned fishing nets as a high-ranking problematic ocean plastic. However, the paper acknowledges that while EPR is usually funded entirely by product brand owners, the high cost, low turnover, and small number of fishing net manufacturers will likely require a hybrid model to allow for rapid implementation, possibly with partial funding from the federal government, and strict enforcement of minimum recovery rates. We recommend the Government of BC explore this option with Environment and Climate Change Canada as they consider methods for addressing plastic marine debris through their national plastics plan.

That said, the problem with marine fishing debris is not limited to fishing nets. Plastic bouys, lead sinkers/weights, fishing hooks, fishing rods and other tackle must also be addressed, and these items are received by the City for disposal at the Vancouver Landfill.

Implementation

Our general recommendations for timing are as follows:

- Allow suitable time to consult on, develop and transition into an ICI PPP EPR program.
- While the ICI PPP EPR program is under development
  - introduce "quick start" EPR programs for mattresses, sharps, compressed fuel tanks and fire extinguishers where there is high demand, urgent need to reduce

[1] National Zero Waste Council Plastics Advisory Panel, *Regulatory Approaches for Priority Plastic Wastes* (Amended, December 6, 2019) http://www.nzwc.ca/Documents/RegulatoryApproachesforPriorityPlasticWastes.pdf

municipal costs, some recycling experience to build on, and learnings from stewardship programs in other jurisdictions;
  - expand new EPR programs for the residuals and electronics identified in the discussion paper; and
  - engage Environment and Climate Change Canada and stakeholders on possible models for marine fishing gear.

- While these new EPR programs are introduced, engage stakeholders in identifying and prioritizing future product categories that could be the starting point for the remaining EPR programs identified in the CCME's Canada-wide Action Plan for EPR (carpet, furniture, textiles, construction and demolition materials – refer to recommendation below), plus additional EPR programs discussed below. The CCME's tool for prioritizing products for EPR provides practical evaluation criteria for this purpose.

ADDITIONAL PRODUCTS RECOMMENDED FOR THE EPR STRATEGY

While we recognize Provincial resources are limited, we would like to take this opportunity to express our interest in having the following additional products considered for EPR regulation as soon as possible:

- **Cigarette butts**
  - Vancouver has a strong interest in including cigarette products in the Recycling Regulation for the purpose of establishing a province-wide mechanism to incentivize recovery, such as through a deposit-refund scheme.
  - An estimated 1 million cigarette butts are littered in Vancouver every day resulting in a significant source of pollution in land and aquatic environments from the plastic filters and the toxins they contain.
  - While the City of Vancouver has taken many steps to discourage cigarette butt litter, including educational campaigns, installing dedicated receptacles, and providing free pocket ashtrays through street outreach and at City facilities, cigarette butts are consistently reported as the number one collected item in litter cleanups in Vancouver.
  - Once vapes are added to the electronics EPR program, there will be increased demand for cigarette butts to be included within an EPR scheme.

- **Hard plastic toys, car seats, high chairs, strollers and other toddler equipment**
  - These items are routinely found in residential loads of materials dropped off for disposal at Vancouver's transfer station and landfill, and are brought to City recycling drop off events, even though they are not accepted for recycling.
  - As a trial in 2018, the City collected over 540 children's car seats from seven drop-off events, demonstrating that public recycling demand is high while options are limited.
  - Stores that sell equipment and toys for children may be ideal locations to take them back under a province-wide EPR program.
  - If such a program were to be implemented, opportunities to maximize reduction and reuse should be considered, such as though certified refurbishing programs.
  - City staff are available to assist Provincial staff in exploring this potential EPR product category, by collecting data and participating in pilot collection events, for example.

- **CCME Canada-wide Action Plan for EPR Phase 2 Items - carpet, furniture, textiles, building materials**
  - Vancouver staff have had a long-standing interest in these items being considered for inclusion in EPR regulation, and would like to see them acknowledged in the Province's multi-year strategy.
  - Within these items, some early product categories may include:
    - Reusable shopping bags, since the need and demand for EPR may increase as new by-laws to restrict plastic and paper shopping bags are introduced
    - Carpet, which is covered by EPR in the US
    - Upholstered furniture, which could complement mattresses
    - Gypsum and asphalt shingles
  - To help support the justification of including these items as regulated products, we are available to discuss how we can assist in some capacity (e.g. data collection, pilot programs, etc.), and apply the CCME's prioritization tool for new EPR programs.

We hope you find our comments and recommendations helpful. Photos of potential EPR products found in Vancouver are enclosed for illustrative purposes.

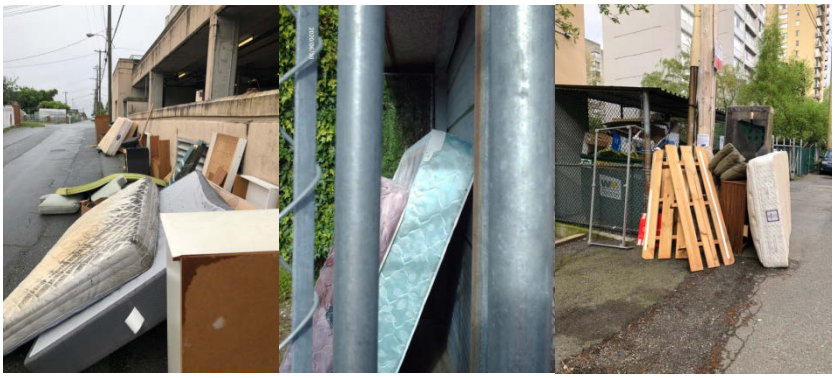
Please contact Albert Shamess, Director, Zero Waste and Resource Recovery at 604.873.7300 or Albert.Shamess@vancouver.ca if you have any questions.

Yours truly,

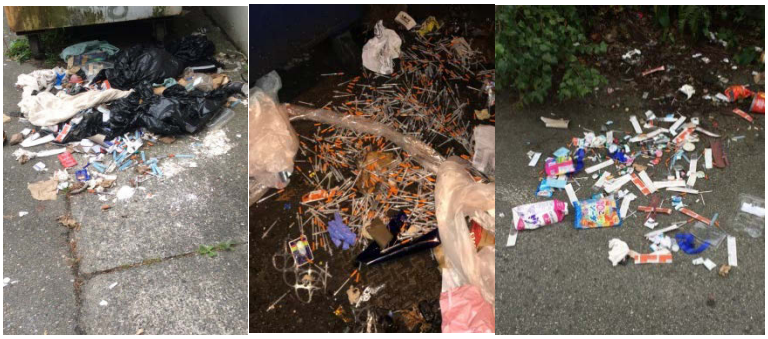
Sadhu A. Johnston
City Manager
604.873.7627 | sadhu.johnston@vancouver.ca

Photos of Potential EPR Products in Vancouver

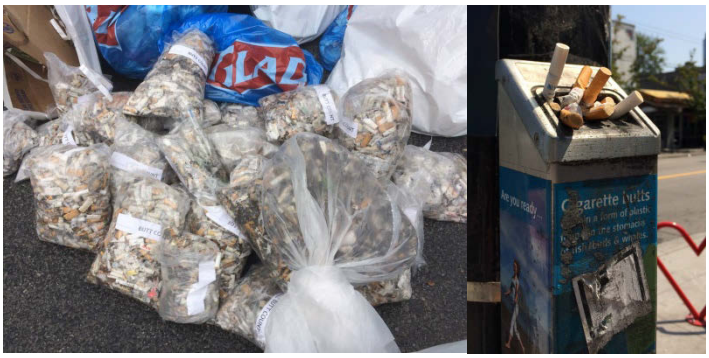
Illegally dumped mattresses and foundations:



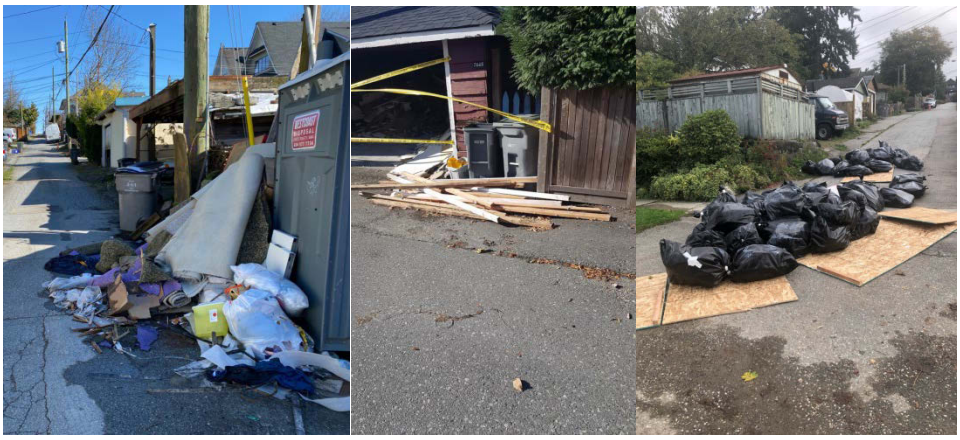
Illegally dumped sharps/medical syringes:



Cigarette butts collected through a community program:



Illegally dumped carpet, furniture, textiles and building materials:



Illegally dumped cardboard from commercial properties: