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To: ["Direct to Mayor and Council - DL"](#)
Date: 5/30/2022 3:10:23 PM
Subject: [By-law Amendments to Require Food Vendors to Accept Reusable Cups](#)
Attachments: ENG - Memo - RTS 15017 - By-law Amendments to Require Food Vendors to Accept Reusable Cups.pdf

Dear Mayor and Council,

Please see the attached memo from Lon LaClaire. A short summary of the memo is as follows:

- ☐ Following Council's direction on March 2, the Director of Legal Services is bringing by-law amendments forward for enactment on June 7 to require food vendors to accept customers' reusable beverage cups by July 1.
- ☐ The purpose of the by-law amendments is to:
 - Ensure the single-use cup fee works as intended to allow customers to avoid the fee and reduce waste by choosing reusables, and
 - Create a level playing field for all businesses.
- ☐ Staff developed the by-law amendments based on consultation with stakeholders: Vancouver Coastal Health, businesses, charitable food services, and other non-profits.
- ☐ The proposed by-law amendments are in accordance with public health regulation and guidance.

If you have any questions, please feel free to contact Lon LaClaire at 604-873-7336 or lon.laclaire@vancouver.ca.

Best,
Paul

Paul Mochrie (he/him)
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations.

MEMORANDUM

May 30, 2022

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Armin Amrolia, Deputy City Manager
Karen Levitt, Deputy City Manager
Katrina Leckovic, City Clerk
Lynda Graves, Administration Services Manager, City Manager's Office
Maria Pontikis, Chief Communications Officer, CEC
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Sandra Singh, General Manager, Arts, Culture and Community Services
Albert Shames, Director, Solid Waste Management and Green Operations
Sarah Hicks, Chief Licence Inspector
Andrea Law, General Manager, Development, Buildings and Licensing
Doug Smith, Director, Sustainability Group
Francie Connell, Director, Legal Services

FROM: Lon LaClaire
General Manager, Engineering Services

SUBJECT: By-law Amendments to Require Food Vendors to Accept Reusable Cups

RTS #: 15017

Following Council's direction on March 2, 2022, the purpose of this memo is to provide background to Council on by-law amendments the Director of Legal Services is bringing forward for enactment on June 7 to require food vendors to accept customers' reusable beverage cups by July 1.

These by-law amendments are to:

- Ensure the single-use cup fee works as intended to allow customers to avoid the fee and reduce waste by choosing reusable alternatives, and
- Create a level playing field for all businesses, ensuring proactive businesses that have adjusted their operations to accept reusable cups are not at a competitive disadvantage.

Engagement on Proposed By-law Amendments

From April 4 to May 6, 2022, staff consulted with the following stakeholders:

- **Vancouver Coastal Health**

- **Businesses.** Including: BIAs, industry associations representing food and drink vendors, bubble tea vendors, and small and large event venues that host concerts, theatre, sporting events, etc.
- **Non-profits, community networks, and charitable food services.** Including: Binnners' Project, Coordinated Community Response Network and Downtown Eastside Chefs.

Engagement findings are described in Attachment 1.

By-law Amendments

Based on stakeholder feedback, staff have prepared the following by-law amendments:

- Food vendors must have a procedure for serving drinks (hot and cold) in a reusable cup supplied by a customer, and must follow their procedure when a customer supplies a reusable cup when they order a drink.
 - The procedure must be in accordance with food safety and sanitary practices required by public health authorities.
- Food vendors will have the discretion to not accept:
 - **Cups that are not food safe.** Including: dirty cups, damaged cups, and vessels made from materials that may not be safe for coming into contact with food.
 - **Cups that are too small** for the drink the customer has ordered.
 - **Cups that are not safe for hot drinks.** For example: an uninsulated glass jar.
- The requirement to accept a customer's reusable cup will also not apply to:
 - **Drinks served in reusables.** When a drink is already being served in a reusable cup supplied by the business (for example: at a dine-in restaurant), the business is not required to accept a customer's reusable cup for that drink.
 - **Alcoholic drinks.** Liquor licensees are responsible to ensure patrons do not take liquor outside their alcohol service area.
 - **Events with bag checks.** Events where every patron is checked to prevent anyone from bringing in objects that could be used as projectiles.
 - **Drive-throughs.** The scope of the by-law amendments is limited to in-store orders at this time.

Enforcement

The City will use an education-based approach to enforcing these new requirements. Following initial education actions, increasing levels of enforcement may be applied to address non-compliant operators. This may include issuing tickets that carry a fine of \$500 per offence, or further prosecutions in provincial court (consistent with Vancouver's other by-laws for reducing single-use items).

If you have any further questions or concerns, please do not hesitate to contact me.



Lon LaClaire, M.Eng., P.Eng.
General Manager, Engineering Services

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Attachment 1: Key Engagement Findings

- **Vancouver Coastal Health:** The proposed by-law amendments are in accordance with public health direction and guidance, including provincial policy on reusable containers.¹
- **Businesses:**
 - The majority of food vendors already accept customers' clean reusable cups, or are working towards doing so by July 1, 2022.
 - Businesses need to have discretion to reject dirty cups and non food-safe cups in order to comply with public health regulation.
 - Businesses are developing procedures for accepting customers' reusable cups for all drinks. E.g. preparing drinks in reusable vessels with fill lines for the correct amounts.
 - Accepting customers' reusable cups can slow down the speed of food service.
 - Residents cannot bring reusable cups to some live events, to prevent their use as projectiles. Upon entry to these events, organizers check every patron ("bag checks").
 - Some businesses are beginning to accept reusable cups for drive-through orders. However, this is not yet a widespread practice, and food vendors signaled they need more time to develop the needed procedures (for example: procedures for safely serving hot drinks, and managing customers' reusable cups at back-of-house).
 - Representatives from the BIA Partnership felt that regulation for accepting reusable cups will create confusion for businesses and customers, and is unnecessary because market demand will be a sufficient driver for transitioning to reusables.
 - Some quick serve restaurants use automated machines, where a single-use cup is built into the automation process.² They can only accept a customer's cup for these drinks by preparing it in a single-use cup, and pouring into the reusable cup. (Note: the fee does not apply to single-use cups used to pour a drink into a reusable cup.)
 - Support is needed from the City and public health authorities to educate residents that cups must be clean in order to be accepted, and reusable cups are safe to use.
 - When customers' reusable cups cannot be accepted, other reusable options may still be available. E.g. reusable cups supplied by the business, or cup-borrowing programs.
- **Charitable food services:** Although they are exempt from the single-use cup fee, charitable food services are avoiding single-use cups to reduce costs and protect the environment. E.g. by serving drinks in reusable cups, and accepting community members' reusable cups.
- **Other non-profits and community networks:** Requiring food vendors to accept customers' reusable cups will help people avoid the cup fee and reduce waste. Businesses and the City can further improve equity by: providing education about not stigmatizing people experiencing poverty when they bring a reusable cup, and increasing access to facilities where people can wash their reusable cups, or exchange dirty cups for clean ones.³

¹ Provincial Policy on the use of Reusable Food Containers in Food Premises in British Columbia (Feb. 2022): https://www2.gov.bc.ca/assets/gov/health/keeping-bc-healthy-safe/food-safety-security/policy_on_the_use_of_reusable_containers_2022_02.pdf

² Businesses are encouraged to use the revenue from the cup fee to transition to reusables, including adjusting these kinds of automated processes to accommodate reusable vessels.

³ Staff are currently working with non-profits and other stakeholders to explore options for providing this education, and increasing access to clean reusable cups and wash facilities within the scope of a low barrier cup-borrowing pilot this year.