



FOAM BY-LAW - JANUARY 1, 2020 FREQUENTLY ASKED QUESTIONS

Where can I find the foam by-law?

The rules governing foam cups and foam take-out containers are a series of amendments to License By-law No. 4450. These by-law amendments are available at vancouver.ca/foam and include:

- **By-law 12416 (amends By-law 4450 regarding polystyrene foam)**
- **By-law 12604 (amends By-law 4450 regarding charitable food services)**

The consolidated License By-law No. 4450 is available at vancouver.ca/your-government/licence-bylaw

Why has the City banned polystyrene foam cups and foam take-out containers?

The ban on foam cups and foam take-out containers is part of a suite of actions the City is taking to reduce single-use item waste as we work towards our long-term goal of becoming a zero-waste community by 2040.

The majority of foam cups and foam take-out containers are sent to landfill or incinerator. Only six per cent of Vancouver residents reported that they bring foam to a recycling depot. Seventy-eight per cent of Vancouver residents support a ban and 84% think quick-serve restaurants or cafés should provide reusable dishware for eating in. Foam was the 11th most common type of litter found on Canadian shorelines in 2019, according to the Great Canadian Shoreline Cleanup.

What does the foam ban include?

The ban applies to:

- All white and coloured polystyrene foam cups and foam take-out containers that food vendors use for serving prepared food or beverages, including but not limited to: plates, cups, bowls, trays, cartons and hinged (“clamshell”) or lidded containers;
- All prepared food, whether consumed on the premises, served as take-out or delivery, or packaged as leftovers, in foam cups and foam take-out containers;
- Prepared food refers to food or beverages prepared by food vendors using any cooking or food preparation technique. This may include foods like soups, stews, curries, sushi, fried food, sauces, salads, deli foods, or sliced veggies meant to be eaten without further cooking

As we take steps to reduce waste from single-use items during COVID-19, we have worked to ensure all of our by-laws align with the latest public health guidelines and protect the health and safety of residents, businesses and their staff.

For the latest COVID-19 health requirements and resources, please visit:

- The Provincial Health Officer’s web page for orders, notices and guidance.
- The British Columbia Centre for Disease Control (BCCDC), including the food business web page.
- Vancouver Coastal Health’s environmental health and inspections web page.
- Work Safe BC.



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Who and what is exempt from the foam ban?

Hospitals and Community Care Facilities: The foam ban does not apply to food service to patients in hospitals or food service to residents of community care facilities. The foam ban does apply to food vendors with a Vancouver business licence whose premises are located in hospitals or community care facilities (example: cafeterias, cafes) that serve prepared food to customers.

Foam trays used to package uncooked food such as meat, poultry, seafood, eggs or vegetables that require further preparation before they are eaten are permitted.

Prepared foods packaged and sealed outside of Vancouver in foam cups and foam take-out containers are also permitted.

Why are hospitals and community care facilities exempted from the single-use item by-laws?

The by-law exemption for hospitals and community care facilities gives health organizations flexibility to address health care needs 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.

The City is aware that health organizations are investigating opportunities to reduce distribution of single-use items in health care on an ongoing basis.

I'm a licenced food vendor that operates on hospital grounds. Does the foam ban apply to me?

Maybe. If your business is contracted to provide food service to patients in hospitals or food service to residents of community care facilities, the ban does not apply to those situations. The foam ban does apply to food vendors with a Vancouver business licence whose premises are located in hospitals or community care facilities (example: cafeterias, cafes) that serve prepared food to customers.

Do charities and not-for-profits have to comply with the foam by-law?

Yes. The by-law exempted charitable food services from the ban on foam cups and foam take-out containers until January 1, 2021. All organizations that are required to hold a business licence under the City of Vancouver's License By-law No. 4450 must now comply with the foam by-law, including registered charities and not-for-profit corporations that provide charitable food services.

"Charitable food services" means providing food for free or at low cost by an organization that is incorporated and in good standing under the Societies Act, or registered as a charitable organization under the federal Income Tax Act.

Note: *During COVID-19, charitable food services may continue to distribute single-use items with food or meals, including foam cups and foam take-out containers, but are expected to begin working towards complying with the by-laws as soon as it is possible for them.*



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Are food delivery services required to comply with the foam by-law?

If a business only provides delivery services and does not sell prepared food, this by-law does not apply directly to them. However, food vendors that are located in Vancouver must comply with the foam by-law, including sales through food delivery services.

Does the ban apply to all polystyrene plastic products, including utensils, cup lids and containers made of hard polystyrene plastic, or polystyrene foam cushion packaging or foam freezers?

No. The ban only applies to expanded polystyrene foam cups and foam take-out containers used by food vendors to serve prepared food and beverages.

Do non-foam alternatives cost more?

Cost-effective options are available. In our research, we've learned that packaging prices vary depending on material type, volume purchased and supplier. We suggest that you reach out to your supplier to source the most affordable alternative(s) available that can be recycled in Recycle BC's residential recycling collection program or composted in the City's Green Bin program.

To reduce your overall costs, we encourage you to discuss group buying options with similar businesses to yours and/or your local Business Improvement Association or restaurant association. From what we have heard, group buying can help you and other businesses save money.

Another way to reduce costs is to use as few containers as possible. For example, you can ask your dine-in customers if they'd like to have their leftovers packaged in as few single-use containers as possible, rather than packaging leftover dishes separately. You can also encourage your dine-in customers to bring their own reusable containers for taking home any leftovers.

Where can I find information about acceptable alternatives to foam cups and foam take-out containers?

On our website: a list of suggested alternatives is available at vancouver.ca/foam and in the Single-Use Item By-law Guide.

What alternatives can be used for hot liquids or saucy dishes?

We encourage you to reach out to your supplier to source acceptable alternatives that suit your needs. Some options may include hard plastic containers, polycoat paper containers and bowls, and aluminum containers. A list of suggested alternatives is available on our website at vancouver.ca/foam



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What should businesses do with leftover stock of foam cups or foam take-out containers now that the ban is in effect?

Any remaining stock of foam cups and foam take-out containers can be donated to charitable food providers if they are accepting foam cup and foam container donations during the COVID-19 pandemic.

Please be aware that many charitable food providers have already phased out foam cups and foam take-out containers and are using reusable or recyclable alternatives. Please do not drop off donations of foam cups and foam take-out containers without having made prior arrangements with the organization, and do not leave them outside their doors.

How is the City enforcing the foam by-law?

Due to the extenuating circumstances of COVID-19, City staff are prioritizing outreach and education to ensure businesses have the support they need in order to comply with the single-use item by-laws.

If a business is found to be out of compliance with the single-use item by-laws that are in effect, initial City actions will focus on education, outreach and support to help them comply.

Following these initial education actions, increasing levels of enforcement may be applied to address non-compliant operators. Enforcement may include issuing tickets, which carry a fine of \$500 per offence, or further prosecutions in provincial court that could be subject to a maximum fine of \$10,000 per offence. Ongoing non-compliance may also result in business licence suspensions, or recommendations for business licence revocation.

For the latest updates on enforcement, visit vancouver.ca/reduce-single-use