



UTENSILS BY-LAW – APRIL 22, 2020

FREQUENTLY ASKED QUESTIONS

Where can I find the utensils by-law?

The rules governing single-use utensils are in an amendment to License By-law No. 4450. This by-law amendment is available at vancouver.ca/utensils:

- **By-law 12620 (amends License By-law 4450 regarding single-use utensils)**

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

Why regulate single-use utensils?

The by-request by-law for single-use utensils is part of a suite of actions the City is taking to reduce single-use item waste as we work towards becoming a zero-waste community by 2040. In 2018, about 103 million disposable utensils were thrown in the garbage in Vancouver—not including utensils that were littered in the natural environment. Eighty-four per cent of Vancouverites agree that quick-serve restaurants or cafés should provide reusable dishware for eating in. Seventy-one per cent of Vancouverites believe they would reduce their use of single-use items if they were asked if they wanted them before making a purchase.

What types of utensils are included in the by-law?

The by-law includes single-use spoons, knives, forks and chopsticks of all material types. Stir sticks are not included.

Are single-use plastic utensils still allowed?

Yes. Single-use plastic utensils are not banned. Businesses, charities and not-for-profits may continue to provide single-use plastic spoons, forks, knives and chopsticks to customers, but only upon request or at a self-serve station.

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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Why does the by-law cover single-use utensils made from plastic labeled or described as compostable, degradable, bioplastic, and plastic made from plants or other biological materials?

The by-law applies to single-use utensils made from all material types. Plastic that is labeled or described as compostable, degradable (biodegradable, oxodegradable, photodegradable, etc.), bioplastic, and plastic made from plants or other biological materials:

- Is not accepted in the City's Green Bin program
- Contaminates existing composting and recycling streams
- Is not approved for composting under provincial regulation
- Is not designed to biodegrade if littered in the natural environment

Plastic that is labeled or described as compostable or degradable is also not accepted in Recycle BC's residential recycling collection program.

As contaminants, these types of plastics are most likely to be removed from local composting streams and then disposed to landfill or incinerator.

Why does the by-law include wood and bamboo single-use utensils, like chopsticks?

The by-law applies to single-use utensils made from all material types. In 2018, of the 103 million disposable utensils thrown in the garbage in Vancouver, two thirds were single-use chopsticks and wooden utensils. This does not include utensils that are littered in the natural environment.

Does the by-law include stir-sticks? What about individually packaged sauces, napkins and other food accessories often provided with quick-serve and take-out orders?

No. The utensil by-law does not cover stir-sticks, individually packaged sauces, napkins or other food accessories. To reduce waste, we encourage food vendors to also give out these items only by request.

What kind of utensils should we provide to our customers?

As much as possible, we encourage food vendors to switch to reusable utensils, including reusable chopsticks, for dine-in service.

What types of utensils are the most desirable from an environmental perspective?

Reusable utensils made of durable, washable and recyclable materials, such as metal, ceramic or hard plastic, are suggested.

When single-use utensils are required, we encourage food vendors to choose alternatives that can be accepted in the City's Green Bin program, such as wood or bamboo.

Where can I find information about acceptable alternatives to single-use utensils?

A list of suggested alternatives is available on our website at vancouver.ca/utensils and in the Single-Use Item By-law Guide.



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Do customers have to ask for single-use utensils, or can staff offer them to customers?

Staff can offer them to customers. Businesses, charities and not-for-profits can give out single-use utensils when:

- a customer requests them, or
- a customer confirms they want utensils when offered by the food vendor

The by-law applies to all orders, including in-person, online and telephone orders. Train your staff not to automatically provide single-use utensils, both when serving in-person and when preparing take-out orders. Visit vancouver.ca/utensils for a till topper to prompt your customers to request utensils if needed.

Can single-use utensils be provided at self-serve stations?

Yes. Self-serve stations are allowed. A “self-serve station” is an area on the premises where customers can choose utensils for themselves.

Can single-use utensils be set out at dining tables?

No. Single-use utensils cannot be set out at individual place settings or in a container on dining tables. Single-use utensils must only be provided if customers ask for them, or at self-serve stations in a separate area on the premises.

Are food delivery services required to comply with the utensils 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 by-law, including sales through food delivery services. All food delivery service providers should update their online, mobile and telephone ordering platforms to ensure that customers can request the utensils they need from food vendors located in Vancouver.

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

Yes. All organizations that are required to hold a business licence under the City of Vancouver’s License By-law No. 4450 must comply with the utensils 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 disposable utensils, but are expected to begin working towards complying with the by-laws as soon as it is possible for them.



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Who and what is exempt from the utensils by-law?

Hospitals and community care facilities: The utensils by-law does not apply to food service for patients in hospitals or residents of community care facilities.

Important: The utensils by-law *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.

Selling packaged utensils in stores: Retailers are still permitted to sell packages of at least 20 single-use utensils sold for personal use.

Why are hospitals and community care facilities exempt 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.

How will the City enforce the utensils 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**](https://vancouver.ca/reduce-single-use)