

NO: R093

COUNCIL DATE: May 10, 2021

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 6, 2021**

FROM: **General Manager, Engineering**

FILE: **5360-01**

XC: **3900-02**

SUBJECT: **Communication Strategy for Plastic Bags and Other Single-Use Items Bylaw**

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## RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Authorize staff to proceed with the Communication and Education Outreach Strategy, as generally described in this report.

## INTENT

The intent of this report is to seek Council endorse a Communication and Education Outreach Strategy to support businesses to transition from the use and distribution of plastic checkout bags, foam cups and take-out containers to more sustainable, alternative products.

## BACKGROUND

At the December 21, 2020 Regular Council meeting, Council approved Corporate Report No. R191; 2020, attached to this report as Appendix "I", which adopted the Bylaw for the First, Second and Third Readings to ban plastic checkout bags, foam cups and foam take-out containers. Council also authorized staff to submit the proposed Bylaw to the Ministry of Environment and Climate Change Strategy (the "MOE&CCS") for approval and subsequently bring forward the Bylaw for the final reading.

On February 12, 2021, the MOE&CCS announced approval of the Bylaw which authorizes the City to proceed with the implementation of the Bylaw. This announcement paves the way for the City to take action against the negative impacts of plastic bags and single use items ("SUIs"). The MOE&CCS approval letter is attached to this report as Appendix "II".

## **DISCUSSION**

The introduction of the Bylaw will be a significant change for the Surrey business sector, primarily food service providers, retailers and manufacturers. This business sector will be required to make a shift from their long existing commercial operations. It is important that the City lead comprehensive business education and awareness activities to support and inform businesses of the new Bylaw requirements to ensure a successful transition from the use and distribution of plastic bags and/or foam take-out cups and containers to alternative, more sustainable products.

### **Business Outreach and Awareness Plan**

Staff has prepared a comprehensive Communication and Awareness Plan (the “Plan”) for both businesses and residents. The Plan incorporates the rationale and objectives for Bylaw implementation, outlines support tactics and proactively addresses potential issues. The Plan has three primary objectives as follows:

1. Support the successful implementation of the Bylaw, ensuring affected businesses understand the new requirements;
2. Provide the Surrey business community with the resources and support they need to ensure compliance, build trust, and smoothly transition away from SUIs; and
3. Ensure the community understands the Bylaw so they can support local businesses in compliance.

While the COVID-19 pandemic may pose challenges, staff will ensure that all required information is delivered through various channels and is well understood by the business community to assist with a successful and seamless transition.

The Plan is also aligned with the Retail Council of Canada’s (“RCC”) recommendations that the City initiate a robust education campaign prior to implementation of the ban. Their key take-away is that the public should be well informed of the upcoming ban and its parameters before implementation in order to ensure that there are no negative interactions with the public due to them being unaware of the City’s Bylaw.

### **Education and Outreach Tactics**

The strategy outlines key tools, resources, and awareness activities that will be employed to prepare and support businesses and the public with the upcoming bans. The use of various education and outreach approaches will ensure greater distribution and reach to various stakeholders. There are Surrey businesses that have taken an early adopter role and providing paper bags to customers including Safeway, Save-On-Foods and Fresh Street. Some restaurants such as Earls, Cactus Club and White Spot have shifted to using alternatives to styrofoam including recyclable or compostable containers. A high-level overview of the outreach tactics is provided below.

- a) *City Website*  
The website will continue to serve as a central repository for information and resources.
- b) *Developing and Distributing a Toolkit*  
The toolkit will provide rationale for the Bylaw provisions, an explanation of fees, timelines, paper bag requirements, alternative product information, supplier information, public campaign resources (posters, till toppers) and FAQs.
- c) *Hosting Virtual Information Sessions*  
A series of targeted, open house-style, virtual information sessions will be hosted with businesses to provide an overview of the Bylaw requirements, timelines, transition process, and resources, and will also provide an opportunity for stakeholders to ask questions.
- d) *Direct Mail-Outs and Door-to-Door Visits*  
A direct mailout (including online translated options) will be developed to advise of the proposed Bylaw and its requirements and will summarize the SUI Toolkit resource available to guide Surrey businesses through the transition period. Copies of the direct mailouts will be made available to hand out to customers. Door-to-door visits will provide an opportunity for the City and businesses (e.g., core business areas in each town centre and commercial districts in Surrey) to further have discussions regarding the transition process.
- e) *Initiating a Public-facing Campaign*  
An awareness campaign will be carried out to inform the public of the upcoming Bylaw through social media platforms, a series of videos, transit shelter ads, radio and TV.
- f) *Establishing a Task Force*  
The task force will be diverse and include experts, business representatives, and community leaders to exchange feedback on the communication and awareness process.

Staff will report back to Council following the communication and education campaign in November 2021.

### **Bylaw Effective Date**

Staff recommends that the Bylaw be brought forward for Final Adoption on November 22, 2021, at which time all affected businesses and the public will be required to comply with the new Bylaw. Staff considered setting an earlier commencement date; however, the RCC raised concerns that businesses should be afforded sufficient time to prepare and order new, alternative inventory for the upcoming Bylaw. RCC, on behalf of their members, requested a lead time of at least 26 weeks from when the Bylaw is adopted. RCC's main concerns include retailers maintain up to a year's supply of bags in their stores which requires time to deplete, supply chains remain impacted due to the COVID-19 pandemic and business may occur increased operational costs if sufficient time is not provided due to rush production orders and transportation of supply. By adopting the Bylaw later in the year, businesses will be aware of their requirements, commence to prepare and transition for upcoming bans to ensure compliance. In addition, adopting the Bylaw in November is beneficial for businesses as they will be well aware of their requirements, commence to prepare and transition for upcoming bans to ensure compliance.

In consideration of the above concerns, and to further support businesses with the transition phase, staff will work with local manufacturers in an effort to make alternative products available at cost effective prices for businesses. This will ease the process for businesses to secure products locally where possible, reducing impacts to the supply-chain, and ensuring the best value.

Furthermore, the recommended commencement date balances the importance of the program, allows adequate time to source alternative product supply, prevents landfilling unused material and allows for sufficient outreach to stakeholders. With Final Adoption of the Bylaw occurring November 22, 2021, Surrey will be the first municipality in the region to implement the ban; following suit, the City of Vancouver is anticipated to implement their ban in early 2022. This will result in fewer implementation challenges for businesses and will be a more efficient and consistent approach as both municipalities have used a harmonized approach.

### **Bylaw Enforcement**

Consistent with municipal bylaws, the Bylaw includes provisions for issuing penalties to businesses that do not comply with the proposed Bylaw. As mentioned above, a comprehensive education and outreach campaign will be completed to assist all businesses with compliance at the onset of the Bylaw effective date. Following the education phase, staff will utilize continued education in advance of a gradual and discretionary enforcement approach with businesses that continue to be non-compliant. This process will involve more direct outreach with businesses that are not compliant, followed by warnings prior to consideration of penalties.

### **Internal Plastic Bag and Other Single-Use Items**

To demonstrate the City's commitment to reducing the impacts of plastic bags and other SUIs, staff will look for opportunities to eliminate their use at City facilities, events, and operations. Educational materials and resource information will be distributed to staff by way of the intranet, email, and a toolkit.

### **Updated Implementation Timelines**

The proposed next steps are provided in the table below:

<b>Step</b>	<b>Details</b>	<b>Date</b>
1	Commence communication and education campaign	May to November 2021
2	Report back to Council and anticipated Final Adoption of Bylaw	November 22, 2021

## **SUSTAINABILITY CONSIDERATIONS**

Taking action on SUIs supports the objectives of the City's Sustainability Charter 2.0. In particular, this initiative supports the Sustainability Charter 2.0 theme of Infrastructure. Specifically, it supports the following Desired Outcomes ("DO") and Strategic Directions ("SD"):

- Materials and Waste DO19: Residents and businesses are conscious of their consumer choices and reuse existing materials first;

- Materials and Waste DO20: Materials and resources are used efficiently, sourced locally where feasible, and repurposed or recycled at the end of their life cycle;
- Materials and Waste DO21: The City is moving toward a zero-waste target, in line with regional waste diversion goals;
- Materials and Waste SD13: Work with local businesses and organizations to maximize the recovery and reuse of local materials and waste products as part of the circular economy; and
- Materials and Waste SD14: Provide tools and educational resources that support residents and businesses to reduce consumption.

## CONCLUSION

Approval of education outreach will enable the City to transition from the use and distribution of plastic checkout bags, foam cups and foam takeout containers to alternative sustainable products.

Scott Neuman, P.Eng.  
General Manager, Engineering

RK/HJ/cc

Appendix "I" - Corporate Report No. 191; 2020  
Appendix "II" – MOE&CCS Approval Letter of the Bylaw

[https://surreybc.sharepoint.com/sites/eng.administration/wp/docs/2021/admin/cr/vl4 implementation date and communication strategy for plastic bags and other single-use items bylaw.docx](https://surreybc.sharepoint.com/sites/eng.administration/wp/docs/2021/admin/cr/vl4%20implementation%20date%20and%20communication%20strategy%20for%20plastic%20bags%20and%20other%20single-use%20items%20bylaw.docx) CLR 5/6/21 4:46 PM

**CORPORATE REPORT**NO: *R191*COUNCIL DATE: *December 21, 2020*

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**REGULAR COUNCIL**TO: **Mayor & Council**DATE: **December 14, 2020**FROM: **General Manager, Engineering**FILE: **5360-01**XC: **3900-02**SUBJECT: **Plastic Bags and Single-Use Items Bylaw**

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**RECOMMENDATION**

The Engineering Department recommends that Council:

1. Receive this report as information;
2. Authorize the City Clerk to bring forward the *Plastic Bags and Single-Use Items Bylaw, 2020, No. 20250* (the "Bylaw") as documented in Appendix "I" for the required readings.
3. Authorize staff to submit the *Plastic Bags and Single-Use Items Bylaw, 2020, No. 20250* to the Ministry of Environment and Climate Change Strategy for approval and to grant the City authority to enact the Bylaw; and
4. Upon Ministry approval, authorize the City Clerk to bring forward, for the required readings, amendments to the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*, as amended (Appendix "II") and *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691*, as amended (Appendix "III"), in order to permit the issuance of penalties and fines to businesses in contravention of the Bylaw

**INTENT**

The purpose of this report is to seek Council approval to adopt a Plastic Bags and Single-Use Items ("SUIs") Bylaw to ban plastic checkout bags, foam cups and foam take-out containers and authorize staff to submit the Bylaw to the Ministry of Environment and Climate Change Strategy (the "MOE&CCS") for approval.

**BACKGROUND**

At the February 24, 2020 Regular Council meeting, Council approved Corporate Report No. R030; 2020, attached to this report as Appendix "IV", and authorized staff to bring forward a Plastic Bag and Single Use Item Bylaw.

The report proposed that Bylaws be implemented to ban the commercial provision and distribution of plastic checkout bags, including those labelled as compostable or biodegradable. Bylaw provisions using a phased-in approach for fees on paper and reusable bags were recommended. This is to ensure that plastic bag substitutes (paper or other single-use bags) are avoided, minimizing environmental trade-offs. In addition, it was proposed that the City take action to reduce foam cups, plates and take-out containers. The report also proposed exemptions to these provisions for hospitals and community care facilities to be incorporated into a proposed Bylaw.

## **DISCUSSION**

The Engineering Department has prepared a Bylaw to prohibit the use and distribution of plastic checkout bags and polystyrene foam take-out containers and cups for Council's consideration (Appendix "I"). The recommended implementation plan is to proceed with First, Second and Third Readings and assess timing for Final Adoption pending the MOE&CCS approval. In the interim, staff to prepare and conduct soft education with businesses. The following provides a high-level overview of the features related to the Bylaw.

### **Plastic Bags**

Businesses will be prohibited from providing and distributing plastic checkout bags to customers, including those bags labelled as "compostable" or "biodegradable". A list of exemptions is included in the Bylaw, such as plastic bags used to package bulk foods, produce, frozen foods, meat, small hardware items (such as nails and bolts), as well as other similar items.

In addition, Bylaw provisions include fees for paper and reusable bags to ensure that it does not result in unintended consequences where consumers simply substitute plastic with paper bags. While the use of reusable bags is encouraged, as they reduce waste and litter, a fee implemented to the purchase of reusable bags will prevent residents from purchasing one during each store visit. Although research indicates that single-use paper bags have higher greenhouse gas emissions than plastic bags due to material extraction, production and transportation, they have less post-production environmental drawbacks, as they are accepted in both recycling and organics collection programs. Paper bags will also biodegrade, avoiding litter and marine debris issues. Accordingly, these items are not banned, but simply discouraged through the implementation of fees.

The following fees are proposed:

- Fees of at least \$0.25 for paper bags; and
- Fees of at least \$2.00 for the purchase of reusable bags.

The above fees are aligned with other municipalities that have enacted a plastic bag Bylaw. The proposed fees also ensure that there are no trade-offs resulting in excessive paper bag or reusable bag usage which reduces associated GHG emissions. The proposed fees also provide retailers with appropriate cost recovery. Provisions that paper bags be at least 40% recycled content are also incorporated in the Bylaw. The fees will be exempted if paper bags have been returned to the business for the purpose of being reused by the customer. In addition, the Bylaw states that businesses will be required to report on an annual basis the number of paper and reusable checkout bags they distributed during the year.

## **Foam Take-out Containers and Cups**

Businesses will be prohibited from providing and distributing all white and coloured polystyrene foam take-out containers and cups for the purpose of serving or transporting prepared food, including but not limited to: plates, cups, bowls, trays, cartons, and hinged or lidded containers. There are other environmentally friendly alternatives readily available for businesses, such as rigid plastic containers which can be recycled in residential curbside programs and fibre-based material which can be composted in curbside organics programs.

These provisions will be exempt for hospitals and community care facilities as these organizations depend on SUIs to eliminate the increased risk of patient-to-patient contamination that may be present in these facilities, and to meet patient care standards. In addition, a temporary exemption for a one-year period will be provided to charitable food providers.

## **Provincial Approval**

In September 2020, the Province announced that they will be approving Bylaws banning plastic bags and other SUIs submitted by municipalities. This announcement addresses earlier concerns that municipalities do not have the regulatory authority to enact such Bylaws that are intended for the protection of the natural environment if Provincial approval is not granted. In addition, MOE&CCS has recently given approval to Richmond, Victoria, Saanich, Tofino and Ucluelet, joining the City of Vancouver who implemented similar Bylaws without having to seek Provincial approval.

The Province is also laying the framework and legislation to allow local governments to ban certain types of plastic products. The Province is proposing to draft a new regulation under the Community Charter which will allow local governments to ban SUIs, such as shopping bags, plastic straws and polystyrene foam take-out containers, without requiring Provincial approval. This is slated to be completed within six to eight months. In the interim, the MOE&CCS has advised that municipalities wishing to implement Bylaws should submit them to the Province for approval.

In addition, the Province is also expanding the number of SUIs to be recycled through industry-funded residential recycling programs, including plastic cutlery, sandwich bags, stir sticks and other items. Details on how the program will unfold will be part of future consultations.

## **Federal Government Announcement**

In October 2020, the Government of Canada ("GOC") announced they are taking steps towards eliminating plastic pollution in Canada, including potentially banning or restricting certain harmful single-use plastic products, where warranted and supported by science. The announcement came after the GOC completed its Science Assessment of Plastic Pollution which presented a thorough scientific review of the occurrence and potential impacts of plastic pollution on human health and the environment. The assessment recommended pursuing actions to reduce plastics that end up in the environment.



The GOC is now developing an integrated management approach to plastics which will involve various regulatory and non-regulatory instruments including, but not limited to, bans and restrictions, establishing performance standards, and ensuring end-of-life responsibility. Currently, the GOC has identified an initial six single-use items that meet the requirements for a ban or a restriction which could be brought forward in 2021 at the earliest. These items could include plastic checkout bags, stir sticks, six-pack rings, cutlery, straws, and food service ware.

Accordingly, to date, the GOC has made no final decisions on the proposed instruments, including the list of single-use plastic item product categories for a potential ban or restrictions. Rather, it has developed a Discussion Paper and is seeking input on and consulting in line with its proposed integrated management approach to managing plastic waste including single-use items. While the GOC expects there to be opportunities for stakeholders to provide input throughout the entire instrument development process, no further information on the process or next steps beyond January 2021 has been made public at this point in terms of plans for additional technical research, stakeholder input, or the actual design of the instruments (i.e., bans or restrictions) and drafting of proposed regulation.

## **COVID-19**

On March 29, 2020, the BC Ministry of Health and Centre for Disease Control (the “BCCDC”) recommended that the public not use their own reusable bags or containers in food retailers and grocery stores on a temporary basis to help contain the spread of COVID-19. Grocery stores and retailers provided customers with plastic bags and disposable take-out containers at no additional costs. Research indicates that globally, this was the case as well. The Provincial advisory was lifted on April 25, and retailers have started to allow customers to bring their own reusable bags, even in light of recent increases in COVID-19 active cases, and other health agencies have not implemented such restrictions on reusable bags.

The City of Vancouver start dates for the SUI Bylaws for straws, utensils and foam containers have remained unchanged throughout the pandemic; however, they are using discretion when and where to enforce these Bylaws. They also recently announced a revised start date of January 1, 2022 for the shopping bag and disposable cup Bylaws. Furthermore, the City of Vancouver also suspended education, outreach, and enforcement on a temporary basis at the onset of the pandemic, but in October 2020, they announced that they will be restarting their outreach and education soon to help businesses, organizations, and non-profits comply with their SUI Bylaws.

The City of Richmond has suspended their communication and education for businesses for a temporary period due to the challenges brought on by the pandemic. Furthermore, the City of Richmond is assessing the timing for the implementation of the Bylaw, including Final Adoption depending on the COVID-19 pandemic. The approach that staff will be taking aligns with the City of Richmond’s where staff are recommending that Council proceed with First, Second and Third Readings and will assess the timing for Final Adoption. In the interim, this will allow staff to prepare and conduct soft education with businesses advising them on the upcoming requirements.

### Updated Implementation Timelines

Staff have developed an updated implementation plan, taking into consideration and subject to developments with respect to the COVID-19 pandemic and the MOE&CCS approval. It is recommended that the City move forward with approving the Plastic Bags and Single-Use Items Bylaw for the First, Second and Third Readings, submitting it to the MOE&CCS for approval, and then give Final Adoption. Subsequently, to ensure success of businesses transitioning away from plastic bags and other SUIs, staff will assess the timing for education/outreach, implementation, and enforcement of the Bylaw based on the COVID-19 pandemic. By completing steps one to three, the City will be well-positioned to start education and implementing the Bylaw (steps four and five) when the timing is appropriate. Staff will continue to monitor and assess this situation closely and will provide Council with updates.

Step	Details	Date
1	Proposed Bylaw 1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> Reading	December 2020
2	Submit Bylaw to the Province for approval	January 2021
3	Anticipated Bylaw Approval (Final Adoption)	TBD (pending provincial approval)
4	Commence communication and education campaign	TBD
5	Implement Bylaw	TBD

### **Legal Review**

Legal Services has reviewed this report and the related Bylaw and Bylaw amendments. They have no concerns.

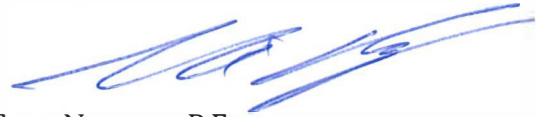
### **SUSTAINABILITY CONSIDERATIONS**

Taking action on SUIs supports the objectives of the City's Sustainability Charter 2.0. In particular, this initiative supports the Sustainability Charter 2.0 theme of Infrastructure. Specifically, it supports the following Desired Outcomes ("DO") and Strategic Directions ("SD"):

- Materials and Waste DO19: Residents and businesses are conscious of their consumer choices and reuse existing materials first;
- Materials and Waste DO20: Materials and resources are used efficiently, sourced locally where feasible, and repurposed or recycled at the end of their life cycle;
- Materials and Waste DO21: The City is moving toward a zero-waste target, in line with regional waste diversion goals;
- Materials and Waste SD13: Work with local businesses and organizations to maximize the recovery and reuse of local materials and waste products as part of the circular economy; and
- Materials and Waste SD14: Provide tools and educational resources that support residents and businesses to reduce consumption.

## CONCLUSION

The Engineering Department recommends that Council approve the Plastic Bags and Single-Use Items Bylaw to ban the commercial provision and commercial distribution of plastic checkout bags, foam cups, and foam take-out containers. Furthermore, it is recommended that the City submit the Bylaw to the MOE&CCS for approval.



Scott Neuman, P.Eng.  
General Manager, Engineering

RK/HJ/cc

Appendix "I" - Proposed *Plastic Bags and Single-Use Items Bylaw*, 2020, No. 20250

Appendix "II" - Proposed Amendments to *Surrey Municipal Ticket Information Utilization By-law*, 1994, No. 12508

Appendix "III" - Proposed Amendments to *Surrey Bylaw Notice Enforcement Bylaw*, 2016, No. 18691

Appendix "IV" - Corporate Report No. R030; 2020

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Note: Appendices available upon request



Reference: 368868

*February 12, 2021*

His Worship Mayor Doug McCallum  
and Councillors  
City of Surrey  
13450 – 104 Avenue  
Surrey BC V3T 1V8

Sent via email: [mayor@surrey.ca](mailto:mayor@surrey.ca)

Dear Mayor McCallum and Council:

Thank you for your letter of January 7, 2021, regarding the Plastic Bags and Single Use Item Bylaw, 2020, No. 20250.

Staff from the Ministry of Environment and Climate Change Strategy have reviewed Bylaw No. 20250 and related documentation. Pursuant to Section 9(3) of the *Community Charter*, as the Minister responsible for approving bylaws made under Section 8(3)(j) of the *Community Charter* [protection of the natural environment], I consider Bylaw No. 20250, 2020 approved. Please ensure that a copy of the final adopted bylaw is sent to my office for our records.

My approval should not be taken as a formal approval as to the validity or enforceability of Bylaw No. 20250, 2020 or compliance with any other procedural requirements relating to the exercise of the City of Surrey's bylaw authority. Future amendments to Bylaw No. 20250 will require Ministerial approval.

Our government strongly supports municipal leadership to address single-use plastics and is committed to ensuring that regulation of single-use plastics in B.C. is consistent across communities. As announced in September 2020, the Province is taking steps to address these important issues, including proposed regulatory changes to support municipal bylaws that meet certain parameters for accessibility, public health, and reduction of waste from alternative materials.

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If you have any questions, please do not hesitate to contact Gwendolyn Lohbrunner, Director, Clean Communities, in the Environmental Protection Division of the Ministry of Environment and Climate Change Strategy, at [Gwendolyn.Lohbrunner@gov.bc.ca](mailto:Gwendolyn.Lohbrunner@gov.bc.ca).

Thank you again for taking the time to write.

Sincerely,



George Heyman  
Minister

cc: Harry Janda, Solid Waste & Contracts Manager, Engineering Department, Solid Waste,  
City of Surrey