

DATE OF MEETING November 26, 2018  
AUTHORED BY DAVID THOMPSON, MANAGER OF SANITATION  
**SUBJECT REGULATION OF SINGLE-USE PLASTIC CHECKOUT BAGS**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council direction on the regulation of single-use plastic checkout bags. |

### **Recommendation**

That Council direct staff to proceed with consultations to implement a bylaw regulating the use of single-use plastic checkout bags.

## **BACKGROUND**

At the 2017-DEC-18 Open Council Meeting, Council made the following motion:

“It was moved and seconded that Mayor and Council of the City of Nanaimo wish to ban the use of plastic bags by retailers in the City of Nanaimo to the extent permitted by law and direct Staff to report back to Council with options and soon as possible.”

A legal review was carried out and it was recommended that the City postpone any decision in this matter until the legal proceedings against the City of Victoria with regard to its’ plastic bag ban has been concluded.

On June 19, 2018, the BC Supreme Court ruled in favour of the City of Victoria. The City of Victoria case confirmed that municipalities have the right to regulate single-use checkout bags under the *Community Charter*, Section 8(6) – Authority to Regulate Business. Specifically, Victoria’s regulation considers the way “in which discarded plastic bags impact municipal facilities and services.” (Mr. Justice Smith, June 19, 2018). Plastic bags can clog storm drains, wrap around pump impellers, get hung up in landscaping and interfere with the proper operation of sewage treatment facilities. Each of these impacts on municipal operations is costly to address, either through added maintenance or capital investments, and creates unsightly litter.

Victoria’s bylaw banning the use of single-use checkout bags (Bylaw No. 18-008) came into effect on July 1, 2018.

Other municipalities and jurisdictions have committed to either banning the use of single-use plastic check-out bags or establishing a strategy to eliminate all forms of single-use plastics, including:

- Victoria – banned the sale or provision of single use checkout bags (paper and plastic);
- Parksville – banned the sale or provision of single-use plastic checkout bags;

- Vancouver – implemented a strategy to reduce and eliminate the use of all single use items, including plastic bags, straws, take-out containers, polystyrene and disposable cups;
- Montreal – banned the distribution of light-weight plastic checkout bags;
- European Union – directive to reduce the use of single use items including straws, cutlery, in addition to banning plastics such as bags and packaging, fast-food containers, and polystyrene.
- Hundreds of the largest global brands have pledged to eliminate single-use plastics and redesign their products to reduce the amount of unnecessary plastic packaging by 2025.

When considering and implementing a potential local remedy to plastic bag pollution, it is important to be aware of the local landscape in which these materials are managed. The list below provides information on how plastic bags are handled in BC and locally:

- RecycleBC collects over 70% of recyclable material available in BC, mostly through contracts with municipalities and depots;
- The City of Nanaimo is contracted to RecycleBC to collect all residential printed paper and packaging; however, plastic bags are excluded from the residential program as they have to be collected separately to minimize contamination and issues at sorting facilities. As a result plastic bags are collected through the services of RecycleBC depots in our community. At present there are three RecycleBC depots in our community and a number of retail outlets that also accept plastic bags for recycling;
- All plastics collected in BC by RecycleBC are recycled in Canada; and
- RecycleBC has a secure marketplace for a variety of plastics, which means they are not impacted by the recent closure of Chinese markets. Furthermore, it means that we know that items being collected by RecycleBC are handled ethically (these BC plastics are not ending up in the ocean).
- Many local retailers encourage use of re-usable checkout bags through a combination of discounts for customers providing their own bags and small charges for either plastic or paper checkout bags

## OPTIONS

1. That Council direct staff to proceed with consultations regarding the implementation of a bylaw regulating the use of single-use checkout bags
  - **Budget Implication:** funding for consultation exercises are currently unbudgeted
  - **Policy Implication:** will create a new bylaw requiring management and enforcement
  - **Engagement Implication:** Some members of the public may be disgruntled that regulation is not proceeding quickly enough
  - **Strategic Priorities Implication:** provides a framework through which to reduce pollution
2. Direct staff to prepare a bylaw to regulate the use of single-use checkout bags, using City of Victoria's bylaw as a model

- **Policy Implication:** will create a new bylaw requiring management and enforcement.
- **Engagement Implication:** members of the community on both sides of the plastics debate will be satisfied
- **Strategic Priorities Implication:** provides a framework through which to reduce pollution

3. Provide staff with alternate direction.]

#### **SUMMARY POINTS**

- Under Section 8(6) (Authority to Regulate Business) of the *Community Charter*, Council has the authority to regulate business.
- The City of Victoria's Checkout Bag Regulation Bylaw has been confirmed as being lawful by the BC Supreme Court.
- There is significant momentum throughout all sectors to reduce the use of single-use plastics.
- A process of community and stakeholder engagement is recommended prior to proceeding with a bylaw regulating single-use checkout bags.]

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