

Proposed Association of Vancouver Island and Coastal Communities Resolutions

1. Right to Repair – Councillor Geselbracht

Whereas the longevity of items is decreasing because manufacturers are deliberately designing products to be disposable and;

Whereas citizens and businesses are deterred from repairing their belongings by companies that claim ownership over the intellectual property in their products, fail to provide parts or other aspects that make it hard to repair items;

Therefore be it resolved that UBCM ask the Province of BC to draft and enact Right to Repair legislation.

Background:

Repair is an important aspect of the circular economy concerned with extending the longevity of items and reducing the need to replace items. The circular economy is a key part in addressing climate change: 45% of total greenhouse gas emissions is tied to the production and consumption of products and a circular economy could prevent up to two-thirds of greenhouse gas emissions. A circular economy also becomes increasingly important as resources become scarce and land degradation persists.

In a May 2019 online survey, 75% of Canadians said they would support 'Right to Repair' legislation (survey conducted by Innovative Research Group for OpenMedia and iFixIt). Additionally, a study done by US PIRG in the States suggests that repair could reduce household spending on electronics and appliances by 22%, the equivalent of 330 USD/year for a family.

Right to repair legislation has been passed in the European Union and introduced in Ontario, Quebec, and 20 states in the United States.

EU Right to Repair legislation falls under the EcoDesign Directive; in October 2019, the European Commission adopted 10 ecodesign implementing regulations setting out energy efficiency, repairability, durability, water consumption, and other requirements for household appliances, among other products. This initial legislation requires spare parts to be provided for 7-10 years after purchase in regards to refrigerating appliances, household washing machines and washer-dryers, and household dishwashers. Additionally, manufacturers have to ensure the availability of repair and professional maintenance information for professional repairers. In November 2020, the EU adopted the Circular Economy Action Plan, a main block of the European Green Deal. This plan includes additional right to repair legislation for 2021 that will include personal electronics such as computers and handheld devices. On January 1, 2021, France also adopted a Repair Index (Indice de réparabilité) that will require certain products sold in France to include a repairability rating on a scale from 1-10, with 10 indicating a device with the best repairability.

In Quebec, MNA Guy Ouellette introduced a private member's bill in April 2019 (Bill 197). The bill proposes an amendment to the provincial Consumer Protection Act in order to fight planned obsolescence and assert the right to repair goods.

The proposed amendment would establish a good sustainability rating system that would be displayed as a label on every household appliance available for sale or lease. The rating system would score products according to their mean time to first failure. The bill also prescribes that replacement parts, and repair manuals and tools be made available at a reasonable price for as long as the good is available on the market or for a reasonable length of time after the contract has ended, whichever is most beneficial to the consumer. The proposed amendment would establish that a merchant or manufacturer could not refuse a warranty on the grounds that the good was not repaired by the merchant / manufacturer / designated third person to perform the warranty if it was repaired by someone certified to do so. The bill would additionally instate a fine on those found to be deliberately engaging in the practice of planned obsolescence.

In Ontario, MPP Michael Coteau introduced a private member's bill in February 2019 (Bill 72). The bill proposed an amendment to the provincial Consumer Protection Act in respect to the repair of electronics. The proposed amendment would have required companies to provide consumers or repair shops what they need to repair an electronic product themselves. The amendment also stated companies could charge for this, but within reasonable limits. The bill failed in a voice vote in May 2019.

The Canadian Automotive Service Information Standard (CASIS) took effect in 2011 and requires automotive manufacturers supply mechanics with the knowledge and the tools to repair vehicles of all makes and models. Similar legislation, the Motor Vehicle Owners' Right to Repair Act, exists in the United States as well (first passed by Massachusetts in 2012).

2. BC government's commitment to a province wide strategy to manage construction and demolition waste – Councillor Geselbracht

Whereas construction and demolition ("C&D") waste comprises approximately 2.8 million metric tonnes of materials annually in British Columbia ("BC"), and about one-third of municipal solid waste disposed in the province;¹ and

Whereas the materials disposed could have been resold, reused or recycled, they represent sources of embodied carbon, and deconstruction provides six times more job opportunities;

Whereas recent research in just Metro Vancouver suggests the value of salvageable wood at \$343 million annually, and the addition of other materials and other regions would radically increase this number of value;

Therefore be it resolved that UBCM request the Ministry of Environment and Climate Change Strategy develop a plan, including changes to regulations, provincial procurement policy, and economic and industrial policy, to significantly reduce Construction and Demolition waste.

Background

Our ask to BC Government:

To set a provincial target for the significant reduction of construction and demolition waste, as part of a larger BC-wide Circular Economy Strategy. The construction and demolition elements within the Strategy should take the form of a plan ("the Plan") which should include at least three core elements:

- Regulations — including, but not limited to, goals, targets, and specific regulatory limits on the disposal of construction and demolition waste;
- Procurement —including, but not limited to, goals, targets, actions, and other work to use provincial procurement power to help catalyze a market for salvaged and reused building materials;
- Economic and Industrial Policy — including, but not limited to, workforce transition planning, supply-chain coordination, and work to integrate salvage and re-use with BC's emerging mass timber industry.

More specifically, the Province should look to undertake elements of all of the following:

- A provincial target for the reduction of construction and demolition waste reduction, reuse and recycling that must be met before any use for fuel for in all municipal and private landfills, and all other waste processing sites and service providers, including waste that is currently processed out-of-province;
- The creation of inter-ministerial and inter-departmental working group, led by the Climate Action Secretariat;
- Implementation and conclusion of remaining recommendations from the 2016 *Guide for Selecting Policies to Reduce and Divert Construction, Renovation, and Demolition Waste* submitted to the Canadian Council of Ministers of the Environment (CCME);

- Implementation of all waste streams identified in Phase 2 of the CCME *Canada-wide Action Plan for Extended Producer Responsibility*, including and especially construction and demolition materials;
- Engagement with, and direction to, all regional districts to continue their work to develop and implement solid waste plans that include mandatory diversion rates for construction and demolition waste;
- Collaboration with the Greater Vancouver Sewerage and Drainage District, the City of Vancouver, the Regional District of Nanaimo, the City of Port Moody, and other relevant regional districts and municipalities that have put in place mandatory material bans, demolition, and deconstruction bylaws and other regulations, to create a template bylaw for deconstruction and green demolition;
- A directive the province to ensure that recycling is defined and that it does not include use of wood as fuel nor uses at landfill (alternative daily cover, contouring, etc.) to ensure highest and best use of the materials.
- Amendments to the *Environmental Management Act* to ensure regular auditing and public reporting for private waste haulers and processes of C&D materials (e.g., asbestos, concrete, etc.), especially for inter-provincial haulers that move materials between regional districts; and
- Direction to amend or undertake follow-up work to the forthcoming *CleanBC Labour Transition Strategy* and identify interventions that provincial skills and training institutions, industry and professional associations, and other organizations can provide to help transition workers in the demolition industry, and provide pathways for new entrants to meet the growing needs of the circular economy of buildings, especially Indigenous peoples, persons of colour, newcomer Canadians, and youth.

Issue:

- Construction and demolition waste makes up one third of municipal waste in Canada, and over 75% of the materials which are disposed of could have been salvaged, resold, or recycled.
- Since construction and renovations often occur before the materials and buildings have finished their useful lives, this wastes not only the materials but the embodied energy it took to make them, meaning they represent a source of embodied carbon.
- Current abatement policies are problematic. For example, there are many “loopholes” which still leaves asbestos after the removal process, and the certification process is inconsistent and unreliable. This is dangerous for the health of people nearby, since any amount of exposure is considered to be unsafe.²
- Thus, a complete strategy with a shift towards deconstruction and full abatement would bring ecological, climate, health, and economic benefits across the province.

Background:

Environmental benefits:

- The embodied carbon from building materials globally represent 11% of all emissions produced, with concrete production alone accounting for 8% of global emissions.³

- Construction is the largest source of material demand globally, and the disposal of these materials include those that could have been sold and reused, upcycled, and prevent further emissions from decomposition in landfills or via incineration.

Economic benefits:

- Deconstruction provides an opportunity for job creation, as there are six times more jobs when deconstructing a home compared to demolishing it, and some jobs can be designed for those with barriers to employment.
- The Vancouver Economic Commission, Canada's first commercial 'deconstruction' company, Unbuilders, and BCIT researchers have estimated the potential value of just the deconstructable wood in single-detached homes in Metro Vancouver, at \$343 million annually.⁴
- The Canada Green Building Council estimates that a progressive, "Climate Forward" green building policy regime could grow the green building sector across the province from over 70,000 jobs and \$8 billion in revenues today to approximately \$180,000 jobs and \$29.5 billion by 2030.⁵
- There are many other materials arising out of deconstructed homes which could provide more economic opportunities.

Alignment with previous commitments from the BC provincial government:

- The Government of Canada, Province of BC, and industry bodies such as Forestry Innovation Investments, (FII) FP Innovations, are already working on 'design for disassembly' approaches that may be eventually incorporated into the BC Building Code (BCBC) and industrial policies, especially approaches that enable greater use of mass timber and other engineered wood products
- The Province of BC committed to the Canada-wide Action Plan for Extended Producer Responsibility which included developing programs for construction and demolition materials.

¹ Marc Lee, Belinda Li, Sue Maxwell, Tamara Shulman. *Closing the Loop 2020*. (2021) Pre-publication calculation, Table 1.

² Kurumatani, Norio, and Shinji Kumagai. "Mapping the risk of mesothelioma due to neighborhood asbestos exposure." *American Journal of Respiratory and Critical Care Medicine* 178, no. 6 (2008): 624-629. Accessed from <<https://www.atsjournals.org/doi/full/10.1164/rccm.200801-063OC>>

³ Canada Green Building Council (CaGBC). *Zero Carbon Building - Design Standard Version 2.0*. (CaGBC, 2020) Accessed from: <https://www.cagbc.org/cagbcdocs/zerocarbon/v2/CaGBC_Zero_Carbon_Building_Standard_v2_Design.pdf>

⁴ Kinsey Elliott, Erica Locatelli, Carl Xu. *The Business Case for Deconstruction*. (July, 2020) Accessed from: <<https://www.vancouvereconomic.com/research/the-business-case-for-deconstruction/>>

⁵ CaGBC. *Canada's Green Building Engine: Market Impact and Opportunities in a Critical Decade*. (2020). Accessed from: https://www.cagbc.org/cagbcdocs/advocacy/CaGBC_CanadasGreenBuildingEngine_EN.pdf

3. BC Circular Economy Strategy – Councillor Geselbracht

Whereas the provisioning and management of goods and food consumed by BC communities produces excessive and unnecessary quantities of waste, pollution and carbon emissions that threatens environmental health.

Whereas the concept of a Circular Economy provides a vision and framework to design out waste and pollution, keep products and materials in use and regenerate natural systems to help BC communities move towards Zero Waste; and

Whereas, the province has yet to develop a comprehensive strategy to transition BC's economy to a circular one;

Therefore, be it resolved that UBCM request that the province of BC develop a provincial Circular Economy strategy.

Background

The provisioning and management of food and goods consumed by BC Communities produces quantities of waste, pollution and carbon emissions that exceed equitable per capita environmental limits. The average British Columbian is consuming materials at a rate 3x what the earth can sustain¹ and Canadians in general are one of the highest per capita generators of waste in the world.² Through a “by systems” analysis of GHG emissions, nearly 50% of North American emissions result from the extraction, production, transportation, consumption and disposal of materials for the provisioning of goods and food³. As a global community we have exceeded key environmental limits in terms of per capita ghg emissions, land conversion, loss of biodiversity and chemical pollution.⁴ With the large amount of materials consumed and disposed of by British Columbians, an increased effort to transition out of our current linear take-make-waste economic system is necessary to do our fair share for the health of the planet.

The concepts of Zero Waste and Circular Economy provide a Vision and Policy Framework to transition BC's economy to sustainably provision and manage the materials it consumes. ZWIA defines Zero Waste as:

“The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.”⁵

To date, hundreds of local governments have adopted Zero Waste as the ultimate goal for waste reduction efforts. The concept of the Circular Economy broadens the vision of Zero Waste and establishes a concrete model that couples economic well-being with environmental sustainability. The concept of the “Circular Economy” is in contrast to the linear “take-make-waste” economy and can be characterized as:

“An industrial economy that is, by design or intention, restorative and in which material flows are of two types, biological nutrients, which are designed to

re-enter the biosphere safely, and technical nutrients, which are designed to circulate at high quality without entering the biosphere. Materials are consistently reused rather than discharged as waste.”⁶

A circular economy operates on three key principles; designing out waste and pollution, keeping materials in use and regenerating natural systems.⁷

There is a need for a comprehensive provincial circular economy strategy to improve BC's waste reduction efforts and to take advantage of emerging economic opportunities. To date, waste reduction policy, has been focused on "downstream" interventions looking for disposal alternatives to materials such as composting and recycling collection for selected materials. Critical "upstream" drivers of waste, pollution and GHG's resulting from the types and origins of products entering into local economies and the infrastructure and services necessary to keep materials in circulation have not been given adequate attention. Currently only 9% of BC's economy is circular in nature, with too few measures in place to address the other 91% of materials still following the linear take-make-waste path. A circular economy strategy would provide the vision and framework to adequately prioritize and identify policy initiatives capable of addressing the systems change necessary.

These include addressing product design, shortening supply chains and expanding circular material management such as repair, re-use, sharing and remanufacturing capacity. A comprehensive circular economy strategy with benchmarked targets for increasing circularity would provide a clearer road map of what needs to be accomplished, allowing the province to best utilize its powers in supporting local governments in tackling the waste issue and create sustainable jobs.

¹ <https://www.footprintnetwork.org/our-work/ecological-footprint/>

² <https://www.usatoday.com/story/money/2019/07/12/canada-united-states-worlds-biggest-producers-of-waste/39534923>

³ <https://www.no-burn.org/wp-content/uploads/PPI-Climate-Change-White-Paper-September-2009.pdf>

⁴ <https://www.stockholmresilience.org/research/planetary-boundaries/planetary-boundaries/about-the-research/the-nine-planetary-boundaries.html>

⁵ <http://zwia.org/zero-waste-definition/>

⁶ Jurisdictional Scan for Circular Economy, Final Report; BC Ministry of Environment; https://delphi.ca/wp-content/uploads/2019/09/delphi_circular_economy_scan.pdf ⁷ <https://www.ellenmacarthurfoundation.org/circular-economy/concept>

4. Restorative Justice – Councillor Armstrong

That a Municipality be given the option of allowing Restorative Justice as a means to resolve bylaw infractions.

Background

Rationale,

Many people cannot afford to pay for bylaw infractions. By allowing these matters to go to RJ creative solutions can be found. Some could be educational programs, community service hours, speaking engagements to name a few.

Example

If someone is given a ticket for littering and they cannot or choose not to pay the fine then a Municipality would have the option of giving service hours for an individual to do community cleanup. The same could apply to graffiti etc

5. To Reinstate Three-Year Local Government Terms Of Office – Councillor Thorpe

WHEREAS: Three-year terms allow greater accountability to voters, who are able to show, through, elections, their regard for the directions their local governments are taking, and;

WHEREAS: Four-year terms are an onerous commitment for many, and more likely to make potential candidates willing to stand for election hesitant to do so; and

WHEREAS: The original reasoning for moving from three to four-year terms has been shown to be invalid;

THEREFORE: Be it resolved that the provincial government reinstate three-year local government terms of office.

Background

B.C. has a history of changing the municipal election cycles. Prior to 1986, there were two-year terms and prior to that one-year terms.

UBCM Resolutions:

1986 vote to extend term to three years, and a provision for local autonomy be provided that would allow annual elections if the affected electors so decided – endorsed.

1990 – first three-year election term

2003 – vote for a choice of either three-year terms or staggered two-year terms – defeated

2006 – vote for four-year terms – defeated

2007 – vote for four-year terms – endorsed

2010 – vote for four-year terms – defeated

2013 – vote for four-year terms – endorsed

2014 – first four-year election term

In 2010 UBCM (Union of British Columbia Municipalities) did not endorse a resolution to move to a four-year term of office and the provincial government agreed not to change the term of office.

Subsequently in 2013 UBCM members narrowly approved extending the term to four years, and within six months, without any public input, the province announced that the 2014 election would be the beginning of a four-year term.

A main justification for moving to a four-year term was the argument to bring municipal election terms in line with the fixed four-year election cycles of senior governments. However, events have shown that the fixed four-year elections for provincial and federal governments are often not adhered to.

2018 a resolution to AVICC sponsored by Metchosin “To Rescind Four-Year Local Government Term” was not endorsed.

We are now nearing the end of the second cycle of four-year terms. There has been more time to evaluate pros and cons, and it is appropriate to again examine the issue.

Incumbent Councillors, out of convenience, would probably prefer longer terms between campaigns. This should not be a consideration. What is more important is that voters have more frequent chances to exercise their democratic right, and to judge how they feel elected officials

are representing their citizens. For potential candidates considering running, a three-year commitment is much less daunting than a four-year term. And for incumbents pondering whether or not to run again, the same can be said.

If one or two-year terms were too short to be effective, four-year terms have proven in many cases to be too long to optimize good governance. More and more we seem to see examples of dysfunctional Councils, which harm their communities. A three-year term allows the electorate an earlier chance to reaffirm good Councils or to make changes to bad situations.

To quote from an editorial in the Victoria Times Colonist newspaper on December 15, 2020: "...the move for four-year teams for municipal councillors was a massive mistake. It is simply too long. The provincial government should revisit the decision soon, and give municipalities across the province a more effective system before the scheduled 2022 vote. Four-year terms were a bad idea. Let's fix it."