



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Date	Ver.	Action By	Action	Result
9/24/2020	1	Environmental Advisory Committee	approved	Pass

REQUEST FOR DECISION

DATE: September 15, 2020

Report No. EAC-20-005

TO: Environmental Advisory Committee

FROM: Tricia deMacedo, Policy Planner and EAC Staff Liaison

SUBJECT:

Esquimalt Checkout Bag Regulation and Provincial Approval

RELEVANT POLICY:

Community Charter

STRATEGIC RELEVANCE:

Work with Esquimalt community groups to advance economic, cultural, social and environmental opportunities - Implement Checkout Bag Regulation Bylaw subject to Provincial direction.

BACKGROUND:

In July 2019, Esquimalt Council gave third reading to the Checkout Bag Regulation Bylaw No. 2953 (see attached) which would prohibit the use of plastic checkout bags in the municipality. Council also approved an engagement plan for working with businesses to ensure that adequate notice was given to customers and direction given to staff who would have to implement the ban.

One week later, and prior to final adoption of the bylaw, a similar bylaw by the City of Victoria was struck down. Following a challenge from the Canadian Plastic Bag Association the B.C. Court of Appeal ruled Victoria had exceeded its powers because its bylaw was essentially an environmental regulation, within provincial jurisdiction and thus requiring provincial approval. The Supreme Court of

Canada declined to hear Victoria's appeal.

The provincial government has recently announced (see news release attached) that they have approved the City's bylaw, along with those submitted for provincial approval from Saanich, Richmond, Ucluelet and Tofino. They also are drafting a new regulation under the Community Charter that would allow municipalities to ban single use plastics without requiring provincial approval. There is no date set for when this regulation would take effect.

In order to obtain provincial approval for the Township's checkout bag bylaw, staff would need to amend the bylaw with the new dates for implementation and a line for the date of provincial approval. Alternatively, staff could wait until the province passes the new regulations that would allow the Township to proceed without provincial approval.

This update is provided to the EAC for the purposes of obtaining feedback from the committee that staff can include in the Council report on the checkout bag bylaw. In addition the Committee may wish to provide staff (and Council) with direction on the length of time allocated to public engagement between adoption of the bylaw and when the bylaw is in force. Approximately four months was allocated to this period, with an additional 3 months before enforcement provisions would take effect.

ISSUES:

1. Rationale for Selected Option

N/A

2. Organizational Implications

Development Services staff are managing this project with assistance from the Communications Specialist. There are no implications to the organization due to the requirement for provincial approval, other than the additional step required prior to adoption of the bylaw.

3. Financial Implications

Budget (\$3000) for public engagement and resources for businesses were allocated in 2019 and have not been spent. No additional budget would be needed for either approach.

4. Sustainability & Environmental Implications

The purpose of the proposed Bylaw is to reduce waste and litter of all kinds of bags and normalize the use of reusable bags in the municipality. The bag fees in the Bylaw will ensure that reduction in the use of plastic checkout bags does not cause a significant increase in the use of paper bags or an excessive use of reusable bags, both of which also have environmental impacts associated with their production and end-of-life disposal.

5. Communication & Engagement

Once the bylaw has been adopted, staff had planned to undertake a public education campaign. This campaign has somewhat lost momentum due to the long period between initial public engagement and the future adoption of the bylaw. However, the purpose of the education program is still the same:

- To ensure that impacted businesses have all the resources they need to implement the Bylaw.
- That retailers and food services are aware of all the regulations and the timeline for implementation.
- That the public is aware of the impending changes and why they are being implemented.