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CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Legislation Text

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REQUEST FOR DECISION

DATE: July 3, 2019 Report No. DEV-19-062

TO: Laurie Hurst, Chief Administrative Officer

FROM: Tricia deMacedo, Policy Planner and Bill Brown, Director of Development Services

SUBJECT:

Checkout Bag Regulation Bylaw

RECOMMENDATION:

That Council give second and third readings to Checkout Bag Regulation Bylaw, 2019, No. 2953 as amended, as attached to Staff Report DEV-19-062 Appendix A, to change the maximum size of free paper bags and to shorten the 'phase in' period.

RELEVANT POLICY:

Community Charter

STRATEGIC RELEVANCE:

Continue with consultation for implementation of Checkout Bag Regulation Bylaw.
Work with the Chamber of Commerce to increase engagement with local business.

BACKGROUND:

Enclosed with this Staff Report are the following Appendices:
Appendix A: Amended Checkout Bag Regulation Bylaw, 2019, No. 2953
Appendix B: Checkout Bag Regulation Bylaw, 2019, No 2953 (at first reading)
Appendix C: Checkout Bag Survey Results
Appendix D: List of Esquimalt businesses contacted by mail
Appendix E: Correspondence
Appendix F: Amended timeline

At the regular Council meeting of January 21, 2019, Council gave first reading to Checkout Bag Regulation Bylaw No. 2953 (Appendix B) and approved a timeline, work plan, engagement plan and budget related to regulating retail checkout bags. The purpose of this Staff Report is to present the outcome of Phase 1 of the work plan (Engagement) and present Council with amendments to the Bylaw that reflect the comments made during the engagement for second and third reading.

Engagement Summary

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Since first reading of the Bylaw, staff have conducted the engagement strategy as approved by Council. The main method of collecting feedback was through a public survey, launched on April 4, 2019. The survey was hosted on a Township webpage created specially for the Checkout Bag Regulation Bylaw. Between April 4 and April 24, this webpage generated over 800 page views.

The results of the survey are attached in Appendix C. Four hundred and fifty one surveys were completed by the closing date in early May. Eighty five percent of the surveys were completed by Esquimalt residents and 9 were business owners in the Township.

Some results of the survey are as follows:

- 53% of the respondents strongly agree and a further 15% agree with limiting the use of all checkout bags in the municipality.
- 35% indicated they always use a reusable bag already.
- 16% strongly disagree with limiting the use of all checkout bags.
- 80% of respondents felt the best place to receive information about the upcoming changes was in stores.

When asked specifically about the exemptions in the proposed Bylaw, respondents most frequently mentioned prescription drugs, produce, newspapers, bakery items and dry cleaning as items which did not require an exemption to the Bylaw.

Although it is hard to draw statistics from such a small sample size, about half of the businesses also supported the Bylaw (49% strongly agree or agree, 26% disagree or strongly disagree).

Business owners indicated they had a good to average understanding of the City of Victoria's bylaw and preferred to be notified by mail about upcoming changes to regulation (67%). Eighty five percent of the businesses that answered the survey currently distribute plastic bags but only 57% give out paper bags.

In an effort to engage further with businesses, a letter was sent to approximately 100 retailers with business licences in Esquimalt in order to give them information about the proposed Bylaw and obtain feedback from them either via the survey or by individual phone or meeting (see Appendix D for list of businesses contacted). No phone calls were received from this mailout. Staff approached several larger retailers in person or by phone to inform them of the survey as well. Staff also attended the 'linger and lunch' at the Esquimalt Chamber of Commerce in order to engage with local businesses. The Chamber promoted the survey through their membership via their online newsletter on at least three occasions. Copies of the correspondence received on the Checkout Bag Regulation Bylaw are attached in Appendix E.

The Township social media sites were also used to promote the survey several times during the month of April. A news release on April 11, 2019 garnered a number of stories in local papers, and CHEK TV carried the story as well. An article was also included in the spring edition of The Current.

Key themes that arose from the survey and other feedback were as follows:

- The timeline as proposed was too long and the municipality should implement the bylaw much faster then proposed.
- Many comments were received about other single use items that were considered to be just

as problematic as plastic checkout bags and the respondents wished or encouraged the Township to include these items.

- Many respondents felt that charging for a paper bag was unfair or unnecessary as these bags are more environmentally friendly than plastic bags.
- The impact of paper bag restrictions on fast food service outlets where the bag forms part of the food safety precautions and reusable bags would not be permitted within the food preparation area.

ISSUES:

1. Rationale for Selected Option

   The amendments to the Bylaw address some, but not all of the themes raised above. In order to keep consistency as much as possible with the neighbouring municipalities, staff have not added additional exemptions to the Bylaw. Council may wish to address this through an amendment at a later date. In addition, staff are not recommending bringing forward the start date for the Bylaw, as a period of education will still be necessary after adoption in order to prepare businesses and residents for the regulation.

   Victoria staff report that there is a very high level of compliance (98%) with the ban on plastic checkout bags in the City, and fees are being charged at least 50% of the time for paper bags. With this level of compliance, there is no compelling reason to reduce or eliminate fees for paper bags. However, they have also found that there has been considerable difficulty in the quick service restaurant (QSR) industry in complying with the bylaw. This is also noted in the letter from the Esquimalt Chamber of Commerce and in letters from Restaurants Canada to both Saanich and Victoria during their engagement sessions.

   QSRs use paper bags currently as part of their food safety and hygiene measures in the kitchen as food is packaged for the customer. It is not possible for a customer to provide their reusable bag for use in the kitchen due to hygiene reasons, so they are forced to accept the paper bag(s) provided. Restaurants Canada also points out that the cost of the paper bag under the bylaw would be disproportionate to the cost of some of the QSR food items. While Victoria Council rejected staff's recommendation to address this problem, Saanich has recently adopted a bylaw with an exemption for QSRs. Staff are recommending that instead of exempting one specific business type, it would be preferable to increase the size of the 'small paper bag' as defined in the Bylaw to 600 cm^2 which would cover the size of most (if not all) QSR bags. This will also address some of the concerns raised around charging for paper bags.

   The other change staff recommend is to shorten the timeline to reduce the 'phase in' period. Many respondents felt that 6 months was unnecessarily long for businesses to continue using up stock of plastic bags and for the Bylaw to be fully implemented. Therefore, the phase in period has been shortened to 3 months and the Bylaw would be fully implemented by March 31, 2020 (Appendix F). If Council adopts the Bylaw by September 1, 2019, and the Bylaw is not in force until January 1, 2020, this will give businesses seven months to use up stock and adjust to the new Bylaw.

2. Organizational Implications

   No additional staff resources have been requested for this initiative. Development Services staff will continue managing the project with assistance from the Communications Specialist.

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3. Financial Implications
   Council has allocated $3000 for engagement and education which will be more than adequate for the final education phase of the work plan. Businesses will be provided with printed materials to advertise the Bylaw in stores and advertisements in local newspapers will be purchased to ensure all residents are aware of the impending changes.

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
   The second phase of engagement would follow final reading of the Bylaw and would take place during the fall and early winter of 2019. The objectives of this phase of engagement will be:
   - 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.

   Engagement techniques proposed for this phase include newspaper ads, business toolkits, pop up sessions, posters, social media, website updates, notification list, and written articles. Because most residents will have shopped in Victoria or be aware of the City's bylaw, the scope and time period for education have been reduced from that conducted in Victoria.

ALTERNATIVES:

1. That Council give second and third readings to Checkout Bag Regulation Bylaw, 2019, No. 2953 as amended, as attached to Staff Report DEV-19-062 as Appendix A, to change the maximum size of free paper bags and to shorten the 'phase in' period.

2. That Council provide alternate direction to staff.