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December 12, 2018

Mayor Lisa Helps & Council
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Via Email mayorandcouncil@victoria.ca

Re: Checkout Bag Regulation Bylaw Implementation

Dear Mayor Helps and Council:

On behalf of both Restaurants Canada and the BC Restaurant & Foodservices Association (BCRFA), we would like to follow up on the previous October 25th and July 18th Restaurants Canada letters regarding potential amendments to the Checkout Bag Regulation Bylaw city staff are bringing forward for your consideration on December 13th.

First, we want to congratulate Mayor and Council on achieving the primary objective of the Checkout Bag Regulation Bylaw in banning plastic checkout bags. Our industry supports collaborative efforts to reduce waste and single-use packaging and switch to more environmentally sustainable packaging. The industry has made the switch away from plastic bag packaging and have been compliant with the bylaw in that regard. However, a number of concerns and challenges remain with some of the non-plastic bag related requirements of the bylaw that have been raised with the City since the bylaw was implemented in July.

We would also like to thank city staff for their responsiveness and willingness to address our concerns culminating in organizing the November 19th restaurant industry workshop where many of our industry's food safety and operational concerns were discussed. From that workshop city staff prepared the December 13th Committee of the Whole Report recommending amendments to the Checkout Bag Regulation Bylaw including "1. (a) to provide an exemption to the requirement that a business charge a fee for paper bags provided as part of drive-through foodservice". While we support and appreciate this recommendation as a positive step towards addressing certain industry concerns, in our members' opinion the recommended amendments do not go far enough to address their food safety and operational concerns.

From a food safety perspective *Section 12 of the BC Food Premises Regulation* specifically states:

"Every operator of food premises must ensure that all food on the premises is

*(a) protected from contamination, and
(b) offered for sale, sold, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported and dispensed in a sanitary manner and without risk of spoilage."*

Our members take this legal requirement very seriously and prioritize this responsibility in all operations. However, there remain significant concerns with the bylaw – and the proposed amendment to exempt drive-through business only – in how restaurants maintain the ability to protect customer health and safety. These concerns have been communicated on several occasions to city staff, and while the recommended drive-through exemption option acknowledges health and safety challenges, it fails to recognize and acknowledge the very same concerns for at-counter orders and service. Our recommendation to staff has been that they consult and inquire with regional and provincial public health officials to better understand how these policies might co-exist. It remains our position that this must be better understood before enforcement of the bylaw commences.

Given the severity of the health and safety concerns of industry members, we respectfully submit that Council support Option 3 from the report, which exempts all restaurant takeout food from the bag request and fee requirement. This would be similar to other checkout bag bylaws including Seattle's checkout bag bylaw which exempts all restaurant takeout food recognizing the food safety risk associated with using reusable bags for prepared restaurant takeout food. (See attached Seattle bag bylaw requirements flyer exempting restaurant takeout food). Similar exemptions also exist in Europe where foodservice is exempt from single-use packaging restrictions.

In addition to the health and safety concerns outlined above and in previous communication, there remain a number of operational challenges that prevent full compliance by businesses, particularly those that have multiple check-out options available. Many businesses impacted by the bylaw are global in nature and have sophisticated systems in place that are not designed or cannot accommodate carve-outs by points of service. In addition, we continue to have significant concerns by the cost impact of these regulations, particularly given that \$0.25 is a significant additional cost to lower-cost items that the bags themselves will transport.

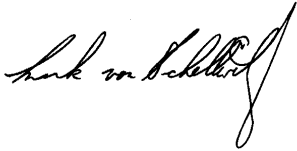
We also support and appreciate the report's recommendation "2. *Direct staff to delay any enforcement of the Checkout Bag Regulation Bylaw until after the adoption of any amendments referred to in paragraph 1.*" However, after adopting any amendments our industry will also need additional time to communicate and implement any bylaw amendments before enforcement commences.

We once again appreciate the City's report and recommendations but urge you to consider expanding the drive-thru recommendation to include Option 3 exempting all restaurant takeout food to help protect the public safety of the thousands of Victorians our industry serves every day.

Please feel free to contact us to discuss the above bylaw recommendation with Mayor Helps and all Councillors at your convenience before a final decision on the bylaw amendments is made.

We appreciate your consideration and look forward to answering any questions you may have.

Sincerely,



Mark von Schellwitz
Vice President, Western Canada

Ian Tostenson
President, BC Restaurant & Foodservices Association

Attachment

cc. Fraser Work, Director, Engineering & Public Works
Rory Tooke, Manager of Sustainability, Assets & Support Services