TRIP TO BRITISH COLUMBIA TO ASSESS EFFECTS OF LITTER ACT ON BEVERAGE CONTAINERS

U.S. ENVIRONMENTAL PROTECTION AGENCY

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Summary

The British Columbia Litter Act, enacted in 1970, effective January 1, 1971, and amended in 1972, requires a minimum 2¢ refund per container (can or bottle) of beer or soft drinks. This is not a deposit system and does not require separate identification of a deposit in support of the refund. The purpose of the act, which had legislative concurrence by both the government (Social Credit) and opposition parties, was directed at preventing the proliferation of litter on a scale comparable to what has occurred in the States. The act has met with approval by the general public but was opposed by major segments of industry which continue to express disapproval.

The effects of the act on litter could not be determined. The parks and roadsides of British Columbia seemed generally free of beverage cans and bottles, but it was too early in the tourist and travel season to reach definitive conclusions. Government supporters of the legislation say the act has had beneficial effects. Opponents say there has been little change.

The act has had an impact on markets, prices, and retail sales of soft drinks. The impact on beer sales and the brewing industry has been negligible. For the most part beer was marketed in a standard specification refillable bottle carrying a 2¢ refund long before enactment of the Litter Law. Beer in cans had achieved about 6 percent of

the total market and is now down to about 1 percent as a result of the increase in price to compensate for the refund.

Soft drinks, under the act, have seen the following developments:

- Retail price increases amounting to 25 to 34 percent in the case of 10 oz. cans to cover cost of the refunds
- Soft drink sales increases in 1971 limited to about 1 percent in contrast to recent trends of 8 to 9 percent per year.
- Virtual elimination of nonreturnable (NR) glass containers. These had accounted for 25 percent and refillables most of the rest.
- Initial delisting of all franchise (national) brand soft drinks by the chain groceries and large supermarkets, followed later by restoration of selected brands in large (26-28 oz.) refillable bottles. In all small sizes, the large stores have gone to cans and mainly store brands.
- The convenience, "Mom and Pop", stores made up in display and sales of franchise brands for the drop in sales of these brands by the chains.
- The act has had no measurable effects on the collection and disposal of solid wastes. However, the overflowing litter receptacles in Vancouver parks and beaches resulting from the garbage strike showed little [illegible] of littered beverage containers.
- Establishment by the chains, soft drink canners, and Canada Dry

of a jointly financed Pacific Reclamation Company to handle the returns and refunds on cans. The new system was superimposed on the pre-existing depot system operating for beer bottles. Customers were directed to the depots for refunds. Following amendment of the act in 1972 to require stores as well as depots to accept cans (and bottles), Pacific Reclamation went out of business and depots no longer received cans.

- Under the depot system, can returns had been expected at 20 percent and actually reached 40 percent or more of sales. Current returns to stores may be no more than 10 to 15 percent of sales.
- The two glass container plants have lost sales--of NR bottles--but for the moment are benefiting from the bottlers' increased requirements for refillables.

The Litter Act

The British Columbia Litter Act, copy of which is attached, calls for a minimum 2¢ refund to purchasers on the return of containers of beer, ale, carbonated beverages, or drinks, defined to include "soft drinks, fruit drinks, and reconstituted fruit drinks consisting of less than eighty-five percent of pure fruit juice and concentrates thereof."*

The act has been in effect since January 1, 1971. It was enacted in May 1970 with transitional provisions followed by administrative regulations, one of which "exempts containers over 40 ounces and limits to 18 the number of containers required to be refunded to one person per day." Another regulation which would have applied a freeze on canned drink plant capacity while leaving cans free of the refund requirement was dropped on strong objections by the bottlers and glass container industries.

Under the act, containers may be returned for refund either to points of purchase or to bottle (and can) return depots. A depot system has long (50 years or more) been in effect for beer bottles, and the government acceded to retailer and industry requests that the same system be available for soft drink containers. It developed early

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*The act has applicability in other areas but this discussion is confined to its effects on beverage containers.

in 1971 that the stores of retail chains, under the leadership of Safeway, the largest grocery retailer in British Columbia, were refusing to take back containers on the ground that depots were in existence for that purpose. The Safeway interpretation was tested in court by a consumer in mid-1971. In an August 20, 1971, decision the court agreed with the consumer but threw out the case on the grounds that the act did not designate as a violation the refusal by the retailer to accept container returns; nor were there penalties for the Safeway type of action. Whereupon the government proceeded to amend the act to make it mandatory for any retailer to accept and pay refunds on their own containers. This amendment, effective in March 1972, had an immediate impact on the depot receipt of soft drink containers and on soft drink returns as a whole, to be discussed later.

Purposes of the Litter Act

The purpose of the act is to control litter. In a province dependent on tourist revenue it was considered essential that measures be taken to avoid the widespread littering that is characteristic of highways and other public areas in parts of the States. The scope of the Litter Act is broader than beverage containers, covering the littering of crown lands and disposal of domestic wastes -- liquid or solid -- from campers, trailers, boats, or other recreational vehicles either on land or fresh water.

Representatives of the Ministry of Recreation and Conservation*

* Hon. W. K. Kiernan wears two hats as Minister of Recreation and Conservation and Minister of Travel Industry. Mr. John Buckley is his Executive Assistant in both capacities. The letterhead includes both designations.

say that some months prior to introduction of a litter bill, there had been "jawboning" of industry to take action on beverage containers, but without result. The matter came to a head after the Prime Minister, Mr. Bennett, saw a television commercial promoting nonreturnable nonrefillable (NR) bottles as "throwaway."

Industry representatives--soft drink bottlers and glass and can companies--maintain that there was talk by the Ministry, in explaining need for the act, of the hazards of littered broken glass and that references were made to prospects for recycling. Mr. Buckley, of the Ministry, indicated to the writer that the littering of cans and bottles had gotten so bad in the U.S. that the government wanted to anticipate by preventive action. While minimal in beer packaging, cans were seen as a threat and were already important in soft drinks. Nevertheless the Ministry's proposed administrative regulation under the act was initially directed at glass containers, with cans subject only to a limitation on capacity, not the mandatory container refund. The two canners were then operating at 55 percent of their one-shift capacity and hence would have been little affected. However, the regulation ultimately approved required refunds for cans as well as bottles.

Moreover there is some indication the Ministry's current thinking has advanced toward promoting the refillable bottle as the most acceptable environmentally. This would react still further against cans. This point came up in the Minister's statements to the writer on the rationale for increasing the mandatory minimum refund from 2¢ per container to 5¢, in the absence of any substantially perceptible quantities of littered cans and bottles.

Most of the discussion below on effects of the act is limited to soft drinks since its effects on beer were minimal. The beer discussion will be concentrated in one section at the end.

Consumer Reactions

Several spot surveys of consumer attitudes indicate the Litter Act has had general approval. This was confirmed indirectly by a staff assistant to the leader of the Loyal Opposition in the Provincial parliament who confirmed that the opposition supported the bill in parliament but felt it should be broadened to include wine and liquor bottles. He also felt that retailers should have been obliged, from the beginning, to take back the containers, as effected later by amendment to the act. There was also some feeling the government should move toward mandating a uniform soft drink bottle, an end that Mr. Buckley had also seen as a possible additional measure.

Managers of a franchise (national brand) bottler and of a glass container plant referred to surveys of consumer reactions by two universities in British Columbia which confirmed general popularity of the Litter Act.

Effect on Sales

While the act may have public approval, it has, nevertheless, reduced soft drink sales at retail. What the industry describes as a reduction is the failure of soft drink sales to rise at the same rate as in recent years. As explained by a representative of a national

brand soft drink firm, total package sales of soft drinks in British Columbia have been rising at a rate of 8 to 9 percent a year whereas there was only a 1 to 2 percent advance in 1971.

It is not too clear whether the effects on sales can be attributed solely to price increases. There has also been an element of confusion from Ministry implementation of the act and from retailer decisions on what soft drinks would be carried. Decisions by the major chain stores to delist franchise (national) brands in all small containers to avoid having to make refunds on other than their own private brands undoubtedly threw the market into disarray. Moveover, changes in convenience packaging were general. By becoming returnable for a refund, the NR bottle lost almost its entire share of the market, being replaced by refillable bottles and cans, in the thousands of small stores, and by 10 oz. cans and quart (26 oz. and 28 oz.) refillable bottles in the chains. A major exception is the introduction of large size nonrefillable but resealable private brand soft drinks.

Refillable bottles have been subject to deposit requirements in British Columbia as in the states--2¢ on 10 oz. and other small containers and 5¢ on the quart size (26 oz. and 28 oz.). Since the act made no change in the deposit system, there have been no price increases on these packages resulting from the act. As noted, NR bottles went out of the market. Cans, now accounting for about 30 percent of soft drink package sales (up from about 27 percent) experienced price increases resulting from the costs of the refund system. No deposit is

shown separately at the cash register on sales of canned soft drinks, but empty cans returned to the store are refunded 2¢ each.

Price Changes under the Act

It has not been easy to determine what price changes occurred under the act. There were multiple price changes at wholesale resulting from misjudgment on the costs of running the refund system through Pacific Reclamation and on the rate of container returns. The latter factor also affected prices charged by franchise bottlers. The costs of cans and sugar have advanced in 1972 and tended to confuse the description of price movements given by those interviewed. There were fewer price changes at retail, but the timing and extent of these changes have been difficult to assess months after the fact. The following table gives some indication of the price changes:

Changes in Prices of 10-oz. Soft Drinks in Cans in British Columbia: 1970-1972

	Franchise brands		Store brands
	wholesale (per case of 24)	retail	retail
Mid 1970	2.80	6 for $.79	10 for $.89
Dec. 1970	2.92	NA	10 for $.95
Mid 1971	** 3.20, 3.30, 3.36, 3.48	NA	9 for $.99
Early 1972	3.00	6 for $.93, 6 for $.99	8 for $.95
Current *	3.25	NA	7 for $.95

* Increases due to sugar, can and labor cost increases

** Increases from upcharges under Pacific Reclamation system. Reduction due to withdrawal from system.

Thus before the latest cost increases in sugar and cans, prices of 10 oz. canned drinks in chain stores increased from 8.9¢ to 11.9¢ each, or 3¢ apiece and about 34 percent -- well above the 48¢ per case upcharge finally reached in the Pacific Reclamation system. Franchise brand prices increased 25 percent in the same period. These price increases affected sales, but the result was only to set back to about 1 percent the anticipated annual increases of 8 to 9 percent.

Effects on Private Enterprise

Industries involved in the soft drink business include the retailers (chains, large supermarkets, convenience stores, vendors of drinks such as drug stores and filling stations), the bottlers (franchise bottlers, contract bottlers, other), canners (2 companies, at least one of which bottles and markets a franchise brand -- Shasta), can manufacturers, glass container companies, and bottle exchange or collection depots (many of which perform other services).

At retail, major changes since passage of the Litter Act (i.e. even before its effective date) have included virtual elimination of NR bottles in all sizes below that of 26-28 oz.; delisting by the chain grocery stores and major supermarkets of franchise (national) brands -- Coca-Cola, 7-Up, Pepsi-Cola -- in all sizes in cans or bottles below that of 26-28 oz.; some compensatory expansion by smaller retailers in their facings of national brand soft drinks in small size cans and refillable bottles and in large size bottles; an initial unwillingness on the part of the chains to accept and refund on cans, which was overcome by amendment of the act in 1972, and a quick sequence between delisting of national brands and refusal to receive and refund on national brand bottles.

The franchise bottlers have seen substantial shifts in their markets from chain stores to the small independents. One bottler stated to the writer that his business and that of franchise brands generally had not lost out at the expense of the private brands and things were going to settle down, while acknowledging that a bottler

seminar which included a panel of four bottlers produced no agreement on present effects or future prospects. Another franchise bottler was less sanguine. While agreeing, in remarks to the writer, that the word "disastrous" (used by a representative of the British Columbia franchise bottler in testimony before an Oregon legislative committee) was too strong in describing the effects on franchise business, he felt that the act and the chain store reaction had produced serious results for the franchise companies. Representatives of the national brand companies themselves put the case somewhat differently. The act had halted at least temporarily, a growth in the soft drink business. While individual bottlers, particularly the smaller ones with only NR bottle lines, were hit hard, the franchise brands had generally been able to make up through the convenience "mom and pop" stores what they lost in chain store business. Moreover, there has been some swing toward the large bottles, which were still listed by the chains. Finally, grocery store business only accounts for 35 to 40% of total soft drink sales, the balance consisting of on-premise drink sales over the counter and from vending machines and package sales through non-grocery outlets.

One of the franchise bottlers was considering upping the deposit level on small bottles from 2¢ to 5¢ because of loss of refillable bottles on which he believes he is now getting less than 6 trips.

Small bottlers which had concentrated on NR bottles were hard hit since retail stores were generally refusing to take such bottles and since capital expense was involved in converting to refillables, to say

nothing of the much greater expense in installing can lines. Such bottlers could shift to contract canning but this was not a hopeful direction to take.

The one canner to whom the writer spoke cans on contract for both Safeway and Coca-Cola and, in addition, is a franchise bottler and canner of Shasta beverages. This company joined with the other canner (Multipak Custom Canners), the chain stores, and Canada Dry in setting up Pacific Reclamation Company to handle the return of cans--mainly financing the refund system and the costs of participants. The can business has grown under the act from about 27 percent to about 30 percent of the package business; consequently canners have apparently improved their position.

Can manufacturers' business would reflect beer as well as soft drink demand. Since beer sales are important in B.C., the decline in canned beer from a recent 6 percent of the market to about 1 or 2 percent would certainly adversely effect the can manufacturer. How much of this decline will have been made up through sales to soft drink canners is in question.

The glass container companies are in immediate trouble because of the act through loss of the NR soft drink business. Temporarily, at least, this has been compensated for by orders for refillable bottles to take up the slack. The glass container story is complicated by the fact that up until 1970 there was only one glass container manufacturer in British Columbia, although some containers were being shipped

in. This company, Dominion Glass, is a branch of a firm headquartered in Montreal (which ranks sixth in size in North America). In 1970 after a market survey the Consumers Glass Company, another Canadian firm, established a plant in B.C. From initial entry and acquisition of 25 percent of the brewery business, the new plant now has 50 percent of the beer trade and supplies the soft drink bottlers as well. (There is not much fruit or vegetable canning or bottling in B.C.). Nevertheless by early 1971 only two out of six bottle machines in the new plant were in use. While the situation is a little better now, it fluctuates with orders for refillables.

Representatives of Dominion stated flatly that their business was hurt by the act and that some 250 to 300 employees in the Calgary and Vancouver plants, with total personnel of 900, were dropped. It was denied that this was due in any way to the increased competition. Alberta (the Calgary plant) has recently passed a litter act very similar to B.C.'s. Consequently the drop in employment may reflect the situation in both provinces. It was noted that the only saving feature of the B.C. situation is that NR's are a relatively small part of the package business. The original Ontario proposals, similar to the B.C. and Alberta acts, would have cut deeper because NR's are 60 percent of the package business in that province.

Effects on depot system

A depot system was already in existence for some 50 years prior to the Litter Act, for the return of beer bottles which were refunded

at the rate of 2¢ per bottle or 25¢ per case of 12 (or per 12 bottles). Most package beer is sold through government liquor stores, but prior to the act no containers were returned to these stores. They interpreted the act, however, as mandating store readiness to receive and refund on beer containers (contrary to the food chain interpretation on soft drinks). It is believed that few such containers are actually flowing back through the liquor stores, due to the ingrained habits of consumers built up over the years to use the depots for beer bottles and now also for cans, although convenience of location also makes a difference in return rates to vendors in individual situations. The so-called bottle exchange depots are small independent service establishments frequently with other lines of business. They offer certain advantages to consumers in a return system. Employees service cars as they drive up to the curb. The depots put no limit on brand or the number of containers which they will accept from an individual, in distinction to vendors whose responsibilities under the act are limited to 18 containers per person per day of their own brands. They will also take refillable soft drink bottles, on which, however, the refund to the consumer is reduced. Locations of many of the depots have been known for years and consumers would bring in soft drink containers along with the beer bottles.

As noted, food chains, the two canners, Canada Dry and Shasta formed an organization called Pacific Reclamation Ltd, to handle the return of soft drink cans. Glass container companies did not join

nor did the other major franchise bottlers located in Vancouver and Victoria, two of whom bottled Coca-Cola and one of whom bottled Pepsi-Cola, 7-Up, Schweppes, and Crush (a Canadian owned line of soft drinks). Eventually and for a short period two of these three franchise bottlers joined along with the two glass container companies. The ups and downs of their participation in Pacific Reclamation was largely influenced by food chain willingness or unwillingness to stock and display the franchise brands.

The Pacific Reclamation arrangement was superimposed on the already existing depot system for beer although other individuals (consisting often of retirees) were also encouraged to set themselves up as depots. The financing arrangements arrived at to make the soft drink system work included several elements.* The 2¢ per container refund due the consumers was the overriding element. The payment factors included the following:

	Reimbursement, cents per case of 24 cans
To the consumer	48
To the depot	8
To the central depot or agent for collecting and flattening cans	12
Administrative costs (Pacific Reclamation)	10
TOTAL	78

*These arrangements were patterned somewhat on beer but were necessarily more complicated. The single beer return system is discussed in a separate section.

To finance this system the canners charged 12¢ a case, on the assumption that returns were expected to be no more than 20 percent of sales and that there would be net income from the sale of can scrap. As 1971 wore on these expectations proved unfounded. The administrative costs included above had not been anticipated. The freight cost on can scrap shipped to M. & T. Chemicals in Seattle (for eventual use in copper precipitation) equalled the price received for the scrap. Finally, the rate of consumer return of cans was double what was expected, amounting to over 40 percent of sales, providing costs per case of soft drinks sold of 15.6¢ compared to the 12¢ upcharge. The canner upcharge was repeatedly increased to provide income to run the system, finally reaching 48¢, equivalent to the refund value of a case and four times the original upcharge. Meanwhile Pacific Reclamation had run up a deficit of $300,000 because of levels which were too low to begin with and suffered the coup de grâce when the act was amended in May 1972 to require retailers to refund on (up to 18 per person per day) containers of the brands they sold. In a "chain" reaction, the food chains stopped paying the upcharge, Pacific Reclamation stopped paying the depots, and the depots stopped taking in soft drink cans. Pacific Reclamation went out of business still owing money to the depots for cans accumulated.

Reactions to the depot system varied. Both depot operators interviewed told the writer they welcomed the additional volume of the soft drink cans and had hoped for continuation of the system. They claimed more cans would be returned through such a system than through

the vendors. One of the two depots, a central depot or agent, had moved to a larger location, installed can flattening equipment (used), and bought some trucks. Consequently he was out more than the smaller depots who had can inventories which would eventually be compensated by the organizers of Pacific Reclamation. The central depot had managed (since March of this year) to contract with Safeway to pick up cans returned from stores to a central warehouse in the Vancouver area. He also picks up cans from separate stores of a smaller chain and bottles as well as cans from the liquor stores in his territory. In a relatively recent arrangement, after collecting and flattening the cans he hauls them to the Brittania mine of Anaconda, about 50 miles north, for copper precipitation. The delivered price on the can scrap is $35 a ton. Bottles of imported beer are collected by the agent, broken up, and sold to the Dominion Glass plant for $15 a ton.

During 1971 under the act this central depot worked out a route collecting glass from depots in outlying area, which was then delivered to the Vernon plant of Consumers Glass (some distance from Vancouver). On the return leg of the route cans were collected for return to the premises in Vancouver.

The claim that more cans would return under the depot system than to retail stores seems to be borne out in statements by other participants in the soft drink business. As noted, can returns to depots reached 40 percent of sales and a 50 percent rate was anticipated by a board

member of Pacific Reclamation. This same contact indicated returns of his cans to a small chain since the recent amendment of the act were running currently at about 20 percent. An official of a larger chain told the writer returns were about 10 percent and were constituting such a small problem that consideration was being given to relisting the franchise brands. In other words, earlier fears of having to take in cans from drinks sold by other stores had been largely overcome.

The depot system seemed to have general approval from interviewees if for no other reason than the sanitation aspects of store receipt of empty containers. Can returns appeared to be viewed in a worse light than bottle returns. Several pointed out that garbage collectors scavenged cans for refund at depots. This was confirmed by an engineer in the North Vancouver sanitation agency and by the central depot operator who exhibited a batch of cans recently received which were partly rusted through.

One dissent from approval of the depot system was largely directed at the financial arrangements needed to run it. This interviewee foresaw that Pacific Reclamation would generate excessive administrative costs partly supporting what he considered the luxurious appointments now found in the offices of Pacific Brewers Distributors Ltd.

The beer system

In British Columbia beer is sold largely through provincial liquor stores under the jurisdiction of the Attorney General. On-premise beer sale and consumption is by license, and some package sales occur through the bars and hotels. Traditionally beer is packaged in a

uniform amber colored refillable bottle. Most liquor store sales seem to be by the 12-bottle case, although some 6-bottle cases were seen in the one liquor store visited and in the depots.

The bottle return system is operated through Pacific Brewers Distributors, Ltd. an organization owned by the domestic breweries (believed to be six) serving British Columbia. Pacific Brewers manages bottle returns through a province-wide chain of depots and central depots or agents. Prior to the act all beer bottles were returned to the depots where the consumer received refunds at the rate of 25¢ for 12 bottles. The agent picks up bottles (or receives delivery of bottles) from the depots, pays the depot 29¢ a case, loads the cases on pallets (160 cases to the pallet), and trucks them to the brewery or to Pacific Brewers itself, as directed by Pacific Brewers. Since the bottle used is uniform and interchangeable, exact control is exercised over the destination of the empties, quantities being based on beer sales of the individual breweries. Controlled sale (mainly through about 150 government outlets) plus controlled returns are needed in order to support use of a uniform bottle.

A depot that ships directly, without an agent as intermediary, receives 30¢ (rather 29¢) from Pacific Brewers. The agent, whose role is described above, gets 3¢ per case above the 29¢ from Pacific Brewers.

A case of 12 bottles of beer sells currently for $2.70 plus a tax of $.14 in the government liquor store. There is no separate bottle deposit in the transaction.

Canned beer introduced by one brewery in 1966 and in seven other brands in 1968 (for a total of 8 out of 45 brands marketed in B.C.) had achieved about 6 percent of sales when the Litter Act came along. The case price for cans was 10¢ more than on bottles, or $2.80, but the bottle price allowed for refunds whereas there were no refunds on cans prior to the act. Under the act, the retail price of canned beer was increased a full 25¢ a case immediately, thus upping the differential over bottled beer to 35¢. This affected the market and canned beer sales have declined to about 1 or 2 percent of total package sales.

The Litter Act had minimal effects on beer. No changes in bottled beer prices occurred because of the act. Bottled beer may have benefited from the decline in canned beer sales which were, however, a small part of the market.

Theoretically the beer distribution system, based as it is largely on refillable bottles, should be highly acceptable to the government. Ironically, however, beer bottles appear to cause a good part of what litter problem there is in the province. It was noted by the writer that container littering at scenic overlooks consisted largely of smashed beer bottles. There was little evidence of littered soft drink containers. A depot operator in Victoria indicated he has periodic visits from a farmer who picks up along the highways and elsewhere in upper Vancouver Island as many as 100 cases of empty bottles for refund at the depot. Part of the beer bottle situation is caused by another B.C. law which makes it a serious

offense to be caught with an empty beer bottle in the car. Theoretically even a part empty case would be an offense. In any case, this would encourage getting rid of the bottles even to the extent of bundling them up for deposit in a litter can, as noted once by the writer.

The general manager of Pacific Brewers indicated bottles now have a trippage of 9 - 10. Some 6 percent a year are replaced.

Effects on littering and solid waste management

The city of Vancouver was in its second week of a garbage strike (municipal collection) at the time of the writer's visit. This provided opportunity to get a view of overflowing litter cans in public areas but made it unwise to take the time of operating officials for a discussion of effects of the Litter Act. While considerable paper and plastic wrappings and some food containers were observed around the litter cans, these areas and the parks and streets were remarkably free (by U.S. standards) of littered containers, either soft drink or beer.

An operating official of North Vancouver, a separate municipality not on strike, was interviewed on effects of the act. Although he considered the act a good thing and although by personal observation believed it had reduced litter, the municipality had no data to indicate a change in litter or solid waste loads or costs as a result of the act. He gave the impression it had produced no cost reduction. He confirmed that garbage men had picked soft drink and beer cans for refund. However, he cited the tonnage record of three crews on one shift as indicating it would have been virtually impossible for them to have spent time digging through household waste.

PERSONS INTERVIEWED

VICTORIA

B.C. Dept. of Recreation & Conservation
B.C. Dept. of Travel Industry

Hon. W. K. Kiernan, Minister
John Buckley, Exec. Asst. to Minister

B.C. Dept. of Municipal Affairs:

Don South, Chief Planning Offices

Goodwill Bottling Co.:

Bill Sherwood, General Manager

Victoria Bottle Exchange:

Jake, manager

B.C. parliament:

Mr. Wood, assistant to Mr. David Barrett, leader of the Loyal Opposition

VANCOUVER

Pepsi-Cola:

A. C. Goetz, Jr., VP, Government and Corporate Relations for Pepsi-Cola, Canada, Ltd., Montreal

Lloyd Curtiss, Manager, Environmental Affairs Department, Pepsi-Cola, USA

Gray Beverages:

Peter M. Kains, General Manager, (Pepsi, Schweppes, 7-Up, Crush, Hires)

Dominion Glass Company, Ltd.:

J.E. Souccar, VP Marketing, Montreal 101
PO Box 190

Jack Wallace, Regional Sales Mgr., Western District

Pacific Brewers Warehousing, Ltd.:

R. A. Smoker, General Manager

Shasta Beverages, Ltd.:

W. B. Thomson, General Manager

Super Value Stores:

Ken Williams

Coast Container Refunding. Ltd.:

North Vancouver
Art Schopp, manager

City of North Vancouver, Office of the Engineer:

Mr. Excell, engineer in charge of program management

Greater Vancouver Regional District:

F. R. Bunnel, Commissioner

+ Manager of a Super Value store
Manager of a produce market (flowers, et al)
Personnel of a delivery grocery business
Floor man of a B.C. liquor store

Litter Act

[Consolidated for convenience only, May 1, 1972]

Short title.

1. This Act may be cited as the *Litter Act*. 1970, c. 22, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires,

(*a*) "enforcement officer" means a peace officer and includes a conservation officer, park officer, forest ranger, and such other persons as may be designated or appointed by the Lieutenant-Governor in Council as enforcement officers under this Act;

(*b*) "class" means the identification of a container by either

(i) the name of the manufacturer or distributor designated on the container; or

(ii) the brand or trade name of the product designated on the container; or

(iii) the particular liquid in the container;

(*c*) "litter" means

(i) rubbish, garbage, or waste materials, including containers, packages, bottles, cans, or parts thereof; or

(ii) any abandoned or discarded article, product, or goods of manufacture; but not including wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(*d*) "kind" means either

(i) a refillable glass container; or

(ii) a non-refillable glass container; or

(iii) a non-refillable metal container; or

(iv) a plastic container;

(*e*) "minister" means the Minister of Recreation and Conservation. 1970, c. 22, s. 2; 1972, c. 33, s. 1.

Sale subject to refund.

3. (1) No person shall sell or offer for sale beer, ale, carbonated beverages, or drinks in a glass, plastic, or metal container for consumption or use off the premises on which they are sold or offered for sale unless the person undertakes to refund and does refund to the purchaser on delivery up of the container to the premises at which they are sold or offered for sale the sum of not less than two cents for each container or such other greater amount as may be prescribed by regulations of the Lieutenant-Governor in Council.

(2) Without limiting subsection (1), a person may make arrangements with an agent, or with a wholesaler or a distributor in the same locality, to provide a depot, convenient for his customers, for the acceptance of containers purchased from him and for refunds to the purchaser as required under subsection (1), and a purchaser may elect to deliver up

the containers at the premises at which they are sold or offered for sale, or at a depot provided under this subsection; but, in any case, the refund prescribed by subsection (1) shall be made at the place to which the containers are delivered.

(3) This section applies to a Government Liquor Store under the *Government Liquor Act*.

(4) A person may refuse to accept delivery of a container, or to refund the amount prescribed under subsection (1), if the container

(*a*) is not of the kind and class he sells or offers for sale; or

(*b*) is in a flattened, damaged, dirty, or rusty condition; but dents or damage to extract the contents thereof shall not be considered to be damage under this subsection.

(5) Any person referred to in subsection (1) who refuses, neglects, or fails to give the undertaking, or to carry out the undertaking, or to make the refund required under this section is guilty of an offence and is liable to the penalties prescribed in this Act. 1970, c. 22, s. 3; 1972, c. 33, ss. 2–4.

Littering prohibited.

4. No person shall discharge, dump, discard, or dispose of litter on any land or fresh water or ice thereon, except

(*a*) in compliance with a permit issued under the *Pollution Control Act, 1967;* or

(*b*) where litter is burned in compliance with the *Forest Act,* or a by-law, permit, or licence of a municipality or village; or

(*c*) by burying and covering with not less than twelve inches of clean soil; or

(*d*) where disposal facilities are provided, in compliance with proper and accepted methods of disposal using those facilities, and in accordance with the *Health Act* and regulations. 1970, c. 22, s. 4; 1972, c. 33, s. 5.

Discharge of sewage prohibited.

5. No person shall discharge domestic sewage or waste from a trailer, camper, portable housing unit, boat, or house-boat to any fresh water or watercourse or ice thereon or on land, except

(*a*) in compliance with a permit issued under the *Pollution Control Act, 1967;* or

(*b*) where disposal facilities are provided, in accordance with proper and accepted methods of disposal using those facilities, and in accordance with the *Health Act* and regulations; or

(*c*) by excavating a pit on land and burying and covering the domestic sewage or waste with not less than twelve inches of clean soil. 1970, c. 22, s. 5; 1972, c. 33, s. 6.

Camping.

6. (1) No person shall establish or maintain a camp on any land unless

(*a*) toilet and sanitary facilities are provided and properly used; or

(*b*) the person excavates and maintains and uses a pit toilet.

(2) No person shall abandon or leave a camp unless he first buries and covers the pit toilet with at least twelve inches of clean soil. 1970, c. 22, s. 6; 1972, c. 33, s. 7.

Offences and penalties.

7. A person who contravenes any provision of this Act or of the regulations or who refuses, omits, or neglects to fulfil, observe, carry out, or perform any duty, undertaking, or obligation thereby created, prescribed, or imposed, is guilty of an offence and is liable on summary conviction to a fine of not more than five hundred dollars, or to a term of imprisonment not exceeding six months, or to both such a fine and such imprisonment; and, if the offence is of a continuing nature, to a fine not exceeding one hundred dollars for each day the offence continues. 1972, c. 33, s. 8.

Ticket of summons.

8. (1) For the contravention of any of the provisions of this Act or the regulations, an information may be laid and a summons issued by means of a ticket in accordance with this section instead of the procedure set out in the *Summary Convictions Act*.

(2) A ticket may be composed of any one or more of the following:—

(*a*) Information:

(*b*) Summons:

(*c*) Enforcement officer's record:

(*d*) Report of conviction.

(3) The Lieutenant-Governor in Council may make regulations

(*a*) to prescribe the form of tickets;

(*b*) to define any word or expression used in the regulations;

(*c*) to authorize the use on tickets of any word or expression to designate an offence under this Act or the regulations; and

(*d*) respecting any matter that the Lieutenant-Governor in Council deems necessary for the use of a ticket.

(4) The use on a ticket of any word or expression authorized by this Act or the regulations shall be deemed sufficient for all purposes to describe the offence designated by such word or expression.

(5) An enforcement officer shall sign the ticket and shall indicate the offence charged on the ticket by marking or punching the box that shall be to the left of the word or expression describing the offence charged as printed on the ticket; or if the word or expression describing the offence charged is not printed on the ticket he shall write it in the space that shall be provided.

(6) A ticket summons may, without the swearing of an information, be delivered by an enforcement officer or by registered mail to the person charged with an offence, and the delivery of the ticket summons to the person shall be deemed to be personal service of the summons upon the person. 1970, c. 22, s. 8.

Regulations.

9. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant-Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith and as are considered necessary or advisable; and every regulation or order made under this section shall be deemed part of the Act and have the force of law; and without restricting the generality of the foregoing may make regulations

(*a*) respecting containers, the refunds thereon, and the disposal thereof under section 3;

(*b*) exempting any container or sales thereof from the provisions of this Act and prescribing the conditions of such exemption;

(*c*) respecting the disposal of litter and domestic sewage and waste; and

(*d*) where authorized, respecting the construction and maintenance of litter and sewage pits. 1970, c. 22, s. 9; 1972, c. 33, s. 9.

Subject to *Pollution Control Act, 1967.*

10. This Act is subject to the *Pollution Control Act, 1967.* 1970, c. 22, s. 10.

Commencement.

11. (1) This Act, excepting section 1 and this section, comes into force on a day to be fixed by the Lieutenant-Governor by his Proclamation and he may make separate Proclamations bringing into force the several provisions of this Act.

(2) Section 1 and this section come into force on Royal Assent. 1970, c. 22, s. 11.

[NOTE.—*Litter Act* proclaimed in force July 1, 1970, Gazette Vol. 13, June 4, 1970.]

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