

Recommended Bylaw Direction

1. Introduction

This document describes the proposed direction for a future bylaw to regulate single-use items in Edmonton. These recommendations were developed based on engagement input, GBA+ analysis, jurisdictional scans, and local market research, and reflect a balance of environmental ambition and practicality. These recommendations are subject to change based on feedback from Utility Committee and City Council, and with further legal review and bylaw drafting work.

2. Bylaw Approach

2.1. Structure

A dedicated bylaw addressing single-use items (SUI) is proposed. The SUI bylaw will reference the Business Licence Bylaw (Bylaw 20002) to identify responsible parties, but will not be directly integrated into the Business Licence Bylaw.

2.2. Applicability

The SUI bylaw will apply to any business licence holder, but not all categories of facilities and businesses require a business licence. Typically the facilities that are exempt from the requirement to have a business licence are regulated by other orders of government, such as the provincial government, and additional municipal licencing and regulation is either not permitted or would amount to unnecessary red tape.

The following business categories are relevant to the objective of reducing single-use items but are not required to have a business licence:

- Healthcare (e.g. hospitals);
- Continuing care/long-term care facilities, although private facilities require licencing as Residential rental accommodation (long-term), and restaurants on site may also be licenced;
- Pharmacies;
- Daycare/child care facilities that are provincially licenced (such facilities are not required to have a municipal business licence);

- Schools (this does not cover commercial schools, such as private career colleges, music schools, driving schools); and
- Community Leagues (the exemption does not apply to third parties that use Community League facilities to operate a business).

As with all City bylaws, focus will be placed on bylaw education and working towards compliance with businesses. Given the extenuating circumstances of COVID-19, phasing in of requirements and the use of discretion will be necessary when implementing this bylaw. This discretion will also extend to other future emergency situations/natural disasters.

2.3. Summary

The following table summarizes the key issues and recommended regulatory approach for each type of SUI considered by the proposed bylaw, in addition to the overarching goal of waste reduction that stems from Edmonton's 25-year Comprehensive Waste Management Strategy (Waste Strategy) and Edmonton's Waste Reduction Roadmap (Roadmap '24).

SUI Type	Reason for Inclusion in Bylaw	Recommended Approach	Rationale for Recommended Approach	Example Support Programs for Residents
Shopping Bags	• Litter leading to habitat degradation • Strong public support • High levels of ownership of reusable bags (per survey data) • Other jurisdictions have set precedent, including locally	• Ban on plastic shopping bags • Fees on paper and new reusable shopping bags	• Eliminate most harmful form of bag litter • Substitutes are readily available • Incentivize waste reduction with fees on other bags	• Stores accept donations of bags • Stores set up a system to let customers pay for an additional bag(s) for those who cannot afford fees • Work with non-profit organizations to accept donations of reusable bags and make free reusable bags easily accessible
Polystyrene Foam Serveware	• Significant contributions to litter and public	• Ban	• Substitutes are readily available	• Provide information about recyclable alternatives

Attachment 2

	• realm waste • Not locally recyclable • Limited use • Strong public support • Other jurisdictions have set precedent, including locally		• Set the stage for reusable cup and container services	• Support the establishment of reusable cup and container services
Foodware Accessories	• Often unnecessary/unwanted by customer • Not recyclable • Some jurisdictional precedent	• Available on request • Provide only the foodware accessories requested	• Eliminate “zero use” accessories • Provide accessories when needed • Substitutes are readily available	• Not required, as accessories will still be readily available
Single-use Drink Cups	• Significant contributions to litter and public realm waste • High public interest in reduction and existing ownership of reusable cups (per survey data) • Not locally recyclable • Some jurisdictional precedent	• Require dine-in beverage orders at restaurants be served in reusable cups • Require restaurants to accept customer cups for dine-in and takeout orders	• Reusable cups are readily available • Set the stage for reusable cup services • Regulations can be extended to other business types in the future	• Work with non-profit organizations to increase access to reusable cups

3. Shopping Bags

3.1. Scope

The City intends to define the following items in the bylaw:

- Shopping Bags, to ensure the scope only captures the intended bags;
- Plastic Shopping Bags, to define the types of Shopping Bags that will be banned;
- Paper Shopping Bags, to define one type of Shopping Bag that will be permitted with a fee;
- Reusable Shopping Bags, to define another type of Shopping Bag that will be permitted with a fee.

Shopping Bags will be defined to differentiate them from other bags that may not currently have reasonable alternatives. Shopping Bags are used by customers to transport goods from a business, and include bags used to package takeout or delivery orders. Plastic bags used to contain bulk purchases (like produce bags) are not considered to be Shopping Bags.

The intent is to align the municipal bylaw with the draft federal regulations that seek to ban the manufacture, import and sale of select single-use plastics. Based on the description of “plastic” in the federal government’s regulatory impact analysis statement, all types of plastic would be included in the definition of Plastic Shopping Bags. The federal regulatory impact statement notes that “...plastics can be created from a wide range of synthetic or semi-synthetic organic compounds and are formed from long-chain polymers of high molecular mass that often contain chemical additives. Different polymers can be manufactured using different compositions of petroleum products, plant-based starting material, or recycled and recovered plastics.”¹ From this description, it appears that any and all types of Plastic Shopping Bags, including bio-plastic, biodegradable plastic, oxo-degradable plastic, photodegradable plastic, PLA (polylactic acid) plastic, compostable plastic, or plastic mixed with plant fibres, will be covered by the federal regulations, and therefore could also be covered by the municipal bylaw.

¹ Canada Gazette, Part I, Volume 155, Number 52: Single-Use Plastics Prohibition Regulations; accessed at <https://www.gazette.gc.ca/rp-pr/p1/2021/2021-12-25/html/reg2-eng.html>

Paper Shopping Bags are Shopping Bags made out of paper. In order to support circularity and markets for recycled paper products, the bylaw intends to require Paper Shopping Bags to contain at least 40 per cent recycled content.

Reusable Shopping Bags are Shopping Bags that are designed and manufactured for multiple uses, and primarily made of a material that can be washed or disinfected. While some bylaws specify a minimum number of uses, and require Reusable Shopping Bags to be machine washable, Administration proposes that Edmonton's bylaw be less prescriptive, to enable innovation.

3.2. Bylaw Requirements

The bylaw will prohibit business licence holders from providing Plastic Shopping Bags to customers.

The bylaw will only permit the distribution of specific types of Shopping Bags, and will apply the following mandatory minimum fees in an attempt to further shape consumer behaviour and reduce "new bags" overall:

- Minimum fee for each Paper Shopping Bag:
 - \$0.15 in first year
 - \$0.25 in subsequent years
- Minimum fee for each Reusable Shopping Bag:
 - \$1.00 in first year
 - \$2.00 in subsequent years

Revenue from the fees would not be remitted to the City, as the City does not have the authority to levy taxes of this nature. The bag fees are not anticipated to generate significant net revenue for business licence holders, based on the current costs of paper and reusable shopping bags.

3.3. Specific Exemptions and Clarifications

The definition of Shopping Bags has been proposed to specifically exclude certain types of plastic bags which are not Shopping Bags. For clarity, these excluded bags are:

- bags that are used to contain loose bulk food items such as fruit, vegetables, nuts, grains, or candy, or loose small hardware items such as nails and bolts;

- bags used to protect bakery goods that are not pre-packaged prior to the point of sale;
- bags used to contain or wrap frozen foods, meat, poultry or fish (alive or dead);
- bags used to wrap flowers or potted plants;
- bags used to protect newspapers or other printed material intended to be left at a customer's residence or place of business;
- bags used to protect clothes after professional laundering or dry cleaning.

Similarly, paper bags that have a surface area of 300 square centimetres or less are not considered to be Shopping Bags, and would therefore not be subject to the fee.

It is proposed that festivals and events that receive City permits will be subject to the ban on Plastic Shopping Bags. This will help festival and event organizers prepare for compliance with the upcoming federal bans. Due to logistical constraints, they will be exempt from charging fees on Paper Shopping Bags and Reusable Shopping Bags.

It is also proposed that non-profit organizations be given additional time to comply with the municipal ban on Plastic Shopping Bags, and have the choice to opt out of charging fees on paper and reusable bags. The additional time to comply with the Plastic Shopping Bag ban would be available to all organizations holding a non-profit organization business licence from the City of Edmonton. These organizations may receive donations of Plastic Shopping Bags from businesses who are unable to use up their supply within the standard transition period. In the spirit of waste reduction, it is preferable for those items to be used for their intended purpose before they are disposed of. The ability to opt out of charging fees for paper and reusable bags is intended to reduce residents' barriers to accessing services from non-profit organizations. However, non-profit organizations may choose to charge the designated minimum fees for paper and reusable bags in order to recover the costs of providing compliant bags.

The sale of plastic bags intended for use at a customer's home would be permitted under the bylaw, provided that they are sold in packages of multiple bags.

Businesses will be permitted to provide a Shopping Bag at no cost to a customer if the bag has been returned to the business for the purpose of being reused by other customers. This is intended to support charitable organizations and thrift stores who commonly use this practice to cut costs for their customers and reuse materials already in circulation. This practice will also help mitigate impacts on low-income Edmontonians, while still meeting waste reduction objectives.

4. Polystyrene Foam Serviceware

4.1. Scope

“Food Serviceware” will be defined to include things like clamshell containers, lidded containers, boxes, plates, bowls and cups that are used to contain prepared food and beverages.

“Polystyrene Foam” is the material colloquially known as Styrofoam®.

“Prepared Food” is intended to include food and beverages that are ready to be consumed without any further preparation.

4.2. Bylaw Requirements

The bylaw will prohibit business licence holders from using Polystyrene Foam Food Serviceware.

4.3. Specific Exemptions and Clarifications

The Polystyrene Foam Food Serviceware ban is not intended to apply to trays used to package uncooked meat, poultry, seafood, eggs, vegetables or other foods that require further preparation before they are eaten.

The City does not have the authority to regulate packaging used for Prepared Foods that are packaged and sealed outside of the City. However, Polystyrene Foam Food Serviceware is included in the draft federal regulations banning single-use plastics; therefore all Canadian makers of Prepared Foods are expected to be required to source alternate packaging in the near future, regardless of location.

The foam ban is not intended to apply to food vendors located in hospitals or community care facilities that serve prepared food to patients. If a food vendor in

such a facility has a business licence and sells Prepared Food to customers, the Polystyrene Foam Food Serviceware ban applies.

Non-profit organizations will be given additional time to comply with the municipal ban on Polystyrene Foam Food Serviceware. This additional time would be available to all organizations holding a non-profit organization business licence from the City of Edmonton. These organizations may need additional time to secure a supply of reusable or non-foam single-use replacements, and may also receive donations of Polystyrene Foam Food Serviceware from businesses who are unable to use up their supply within the standard transition period. In the spirit of waste reduction, it is preferable for those items to be used for their intended purpose before they are disposed of.

5. Foodware Accessories

5.1. Scope

“Foodware Accessories” are intended to include items such as single-use utensils, straws, stir sticks, splash sticks, cocktail sticks, toothpicks, pre-packaged condiments and napkins. These are items that some customers may need with some orders, but not necessarily all customers will need these items with all orders.

“Utensils” include but are not limited to spoons, forks, knives, sporks and chopsticks.

5.2. Bylaw Requirements

The bylaw will permit Foodware Accessories to be provided only in response to a customer request, or via a self-serve station.

Only the specific accessories requested may be provided.

The requirements apply to dine-in, drive-through, takeout and delivery orders, including those ordered through a third-party ordering and/or delivery service.

5.3. Specific Exemptions and Clarifications

The request for accessories may be customer-initiated or in response to a prompt from a server or other employee.

6. Single-use Drink Cups

6.1. Scope

The City intends to define the following items in the bylaw:

- **"Single-use Drink Cup"**
- **"Reusable Drink Cup"**

Single-use Drink Cup is intended to be defined as a cup made from any materials, used to serve a drink and ordinarily or customarily used for its intended purpose only once before being disposed of. Single-use Drink Cups may be used for either hot or cold drinks.

Reusable Drink Cup is intended to mean a cup that is made from durable materials that is able to withstand repeated washing, sanitizing and use. Reusable Drink Cups may be used for either hot or cold drinks.

6.2. Bylaw Requirements

The recommended approach to regulating cups has multiple parts, as no one solution is able to shift customer behaviour and achieve the intended environmental objectives. Furthermore, Administration recognizes the critical need for exemptions and support programs to mitigate impacts on equity-seeking groups. This section describes the proposed bylaw requirements, and the following section describes proposed exemptions. Support programs will also be developed in consultation with equity-seeking groups once Utility Committee and City Council provide direction on the bylaw.

The first part of the bylaw is intended to address the use of Single-use Drink Cups for dine-in orders in restaurants. In compliance with existing AHS permits, restaurants would be required by the bylaw to serve all beverage orders that are intended to be consumed on site (i.e. dine-in orders) in Reusable Drink Cups. This would apply to establishments that hold restaurant and food service business licences, but would initially exclude establishments that also hold other specific business licence categories, such as spectator entertainment (e.g. movie theatres, arena/stadiums and live music venues). The requirement would not apply to food courts or food halls, where orders are consumed in a common area that is not controlled by the restaurant and food service business licence holder. This

requirement could expand to apply to other business types over time, such as stadiums, movie theatres and other entertainment venues. The requirement to serve dine-in beverages in a Reusable Drink Cup would not apply to orders placed for takeout, drive-through or delivery.

The second part of the bylaw is intended to reduce barriers to customers bringing their own Reusable Drink Cups for dine-in or takeout orders. The bylaw would require restaurants to amend their policies and sanitation programs, if/as required, to accommodate customers bringing their own reusable cups for orders. The amended sanitation programs would need to comply with the requirements of Section 29 of the [Food Regulation 31/2006](#) of the *Alberta Public Health Act* and Section 3.6.6 of the Alberta Health [Food Retail and Foodservices Code 2003 \(Amended June 2020\)](#). Sanitation programs should clearly articulate the conditions under which customers' reusable cups may be refused, such as when cups are cracked, chipped or corroded; when cups appear to be inappropriate in size, material or condition for the intended beverage; or when cups appear to be soiled or unsanitary. Alberta Health Services (AHS) has indicated a willingness to be involved in developing the criteria for cup acceptance. Recognizing that customer-supplied reusable cups may not be compatible with drive-through operations, the requirement to accept customer-supplied reusable cups will apply to dine-in orders and takeout orders that are placed inside the restaurant. Spectator entertainment licence holders are currently intended to be exempted from this requirement in order to maintain security of their venues. Convenience stores are also not proposed to be included at this time.

At this time, Administration is not recommending that fees be charged on single-use drink cups. There are two main reasons fees are not currently recommended:

- Fees would be retained by businesses, and there is no mechanism for the City to require that fees to be used to support sustainability programs or to provide social benefits; and
- Customers, including equity-seeking groups, may be burdened by repetitive fees in situations where there are no viable alternatives to single-use drink cups currently in place (e.g. drive-through).

Other jurisdictions in Canada have either implemented or are expected to implement a fee on single-use cups. Administration recommends that the impact of cup fees in

these jurisdictions be observed, with particular attention to the actual waste reduction and GBA+ outcomes of such fees, before considering a fee in Edmonton. Positive impacts of cup fees could include a reduction in single-use cups, and the establishment of alternatives, such as cup-share services. Negative impacts of cup fees could include lack of accountability for the revenue from fees, lack of single-use cup reduction due to the number of scenarios where a fee will have limited impact because reusable cups are difficult to accommodate (e.g. drive through, convenience stores, entertainment venues), and disproportionate impacts on low-income individuals and other equity-seeking groups who may not have easy access to appropriate reusable cups. If the cup fees are determined to have an overall positive impact, Administration may return with recommendations to amend the SUI bylaw. If fees are recommended in the future, Administration will engage with equity-seeking groups to develop appropriate support programs before the new bylaw is enforced.

The suggested bylaw direction related to single-use cups could also be expanded in the future to include a requirement for Single-use Cups to be compatible with diversion programs. This requirement is not recommended at this time, as the scope and timing of the provincial Extended Producer Responsibility (EPR) regulations is not yet known. It is anticipated that single-use drink cups will be included in EPR regulations, and as such, opportunities to recycle cups will increase.

6.3. Specific Exemptions and Clarifications

The bylaw requirements for cups are intended to focus on traditional restaurants, including those that offer takeout and fast food. Specific Business Licence categories, to be determined at a later time, will be exempted from the requirements. Initially exempted businesses may be included in the requirements at a later date, once practical considerations are addressed. This could require a bylaw amendment.

In addition, some establishments with food handling permits from AHS are restricted to offering customers “single-use utensils/items only” as a condition of their permit. The requirement to provide reusable cups at establishments with that condition on their food handling permit is proposed to be phased in over an extended period, longer than the proposed one year transition period for other portions of the bylaw, to ensure adequate time for these business to prepare to comply with the bylaw and secure an updated permit from AHS. AHS has indicated willingness to work with the City on this.