

## BYLAW 20117 - SINGLE-USE ITEMS

### RECOMMENDATION

That Bylaw 20117 be given first reading.

### Purpose

- To reduce the number of single-use items used and discarded in Edmonton, and begin to shift the habits of residents, businesses and other organizations to make reusable alternatives their default choice.
- To reduce waste and litter, increase recycling and responsible waste management and encourage the use of reusable alternatives.

### Readings

Bylaw 20117 is a Charter Bylaw and is ready for a first reading only.

### Advertising and Signing

The Bylaw will be advertised in the Edmonton Journal for two consecutive weeks after first reading. There will be a 60-day petition period before a public hearing can be held. After the public hearing, Council may give the Charter bylaw a second reading and a third reading.

### Position of Administration

Administration supports this Bylaw.

### Previous Council/Committee Action

On April 4, 2022, City Council directed that Administration develop a draft Single-use Items Bylaw based on the direction as set out in Attachment 2 of the March 25, 2022, City Operations report CO01033.

### Report Summary

This Single-use Item Reduction Bylaw (Attachment 1) addresses the growing number of single-use items in the waste stream and natural environment in Edmonton. Passage of the bylaw will require certain businesses and organizations to:

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- Stop using single-use plastic shopping bags and polystyrene foam serviceware;
- Charge a minimum mandatory fee for any paper and new reusable shopping bags that are provided to customers;
- Provide single-use foodware accessories only when customers need them; and
- Serve dine-in drink orders in reusable cups, and develop and adhere to a policy to accept customer-supplied reusable cups.

As a Charter Bylaw, advertisements, a petition period and a statutory public hearing are required prior to approval. Pending the result of the first reading, two advertisements will be published in the Edmonton Journal. Publication of the second advertisement will trigger the beginning of the required 60-day petition period. After the petition period, a public hearing will be held. Council may choose to proceed with the second and third readings at the same meeting as the public hearing.

## REPORT

Each year Edmontonians discard an estimated 450 million single-use items such as shopping bags, takeout containers, cups, utensils and straws. The majority end up being discarded in the garbage system, while others end up littering streets, parks and other open spaces such as the river valley. Edmonton's Plan to Reduce Single-use Items was approved by Council on April 4, 2022 (CO01033). The Single-use Item Plan prioritizes eliminating unnecessary single-use items and making reusable alternatives the standard. Edmonton's Single-use Item Reduction Bylaw is one necessary component of the Plan.

The Single-use Item Reduction Bylaw has been informed by research and input from residents, businesses, industry associations, event organizers and charitable organizations in Edmonton. The bylaw requirements are based on availability of alternatives, industry and customer readiness, and the ability to mitigate unintended consequences through bylaw exemptions and support programs.

### Bylaw Requirements

The bylaw includes the following requirements:

Single-use Item	Regulatory Requirement
Shopping bags	<ul style="list-style-type: none"><li>• Ban on plastic shopping bags</li><li>• Mandatory minimum fee on paper shopping bags and new reusable shopping bags</li></ul>
Foodware accessories	<ul style="list-style-type: none"><li>• Customer request required for single-use accessories made of any material</li></ul>
Foam serviceware	<ul style="list-style-type: none"><li>• Banned</li></ul>
Cups (non-foam)	<ul style="list-style-type: none"><li>• Requirement for restaurants to serve dine-in drink orders in reusable cups</li><li>• Requirement for restaurants and event organizers to develop a policy to permit customers to bring their own reusable drink cups and to accept customers' reusable cups in accordance with the policy</li></ul>

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Facilities that do not require a business licence (such as provincially-regulated health care facilities) or a civic event permit are not subject to the bylaw. Any mandatory fees collected by businesses under the bylaw will be retained by businesses and not remitted to the City, to avoid an illegal tax. The applicability of reusable cup requirements are noted in Attachment 2.

### **Implementation Approach**

Administration recommends that the Single-use Item Reduction Bylaw be implemented by using both education-first and escalating enforcement approaches. Education-first means that the City will use a variety of communication and outreach tactics to raise awareness of the bylaw among affected businesses and organizations, including sharing information through Business Improvement Areas and industry associations. Marketing tactics will also be used to raise awareness among affected businesses, organizations and all Edmontonians. Education via direct outreach will also be part of the escalating-enforcement approach described below.

As with most other City of Edmonton bylaws, enforcement of the Single-use Item Reduction Bylaw will be complaint-driven. Complaint-driven enforcement means that municipal enforcement officers will not proactively check for compliance. Individuals who wish to report a lack of compliance will be instructed to contact 311. Escalating enforcement means that the response to a complaint will begin with outreach that will initially focus on ensuring the organization is aware of their obligations and has the information necessary to comply, including connections to any support programs that are in place. Enforcement (via ticketing) will be at the discretion of municipal enforcement officers (as with other bylaws) and would be warranted in cases of deliberate and harmful non-compliance after outreach efforts have been exhausted.

### **Implementation Timeline**

Adequate lead time between the adoption and implementation of the bylaw is required to provide businesses, event organizers and residents with time to prepare and transition to the new way of working. The Bylaw will come into effect on July 1, 2023. A firm date supports clear communications (as opposed to the previously recommended timeline of 12 months after adoption). Some businesses have reported that they could prepare in less than a year. The bylaw exemption for registered charities is indefinite at this time.

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## RISK ASSESSMENT

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations
<b>If recommendation is not approved</b>						
Public Perception	Failure to implement the unanimously approved bylaw direction erodes public confidence in the City's commitment to reduce single-use items and waste reduction overall.	5 - almost certain	3 - major	15 - high	Continued implementation of other actions outlined in Edmonton's Plan to Reduce Single-use Items and the Waste Reduction Roadmap.	Analysis to understand ongoing challenges related to single-use items once federal regulations are implemented.

## COMMUNITY INSIGHTS

Additional outreach (after the approval of CO01033) was conducted with a variety of charitable organizations that provide supportive housing, emergency shelters, meals and groceries, clothing and hygiene products to vulnerable residents. The organizations expressed a strong desire to be good environmental stewards by minimizing single-use items when safe and operationally feasible. Current approaches to reducing dependence on single-use items ranged from a complete transition to reusables, a transition to reusables that was derailed due to COVID-19, to ongoing reliance on single-use items.

The discussions revealed a number of key factors influencing a charitable organization's ability to reduce single-use items including:

- Scale of operations (larger organizations tend to find the transition to reusables more difficult due to the logistics, and smaller organizations may lack the infrastructure necessary to clean reusables).
- Type of meal service (dine-in or takeout) and whether food is prepared onsite or offsite.
- Level of reliance on volunteers (more dependence on volunteers makes it more challenging to transition to reusables due to turnover and training).
- Number of staff available to oversee the distribution, use, collection and sanitization of reusables or oversee volunteers doing this work.
- Number of competing priorities (organizations generally prioritize responding to urgent human needs).

In addition to the above variables, all organizations interviewed indicated concerns related to the safety of using reusables during the COVID-19 pandemic and other potential outbreaks, and noted that the increased demand for their core services has limited their capacity to source reusables, develop protocols for their use, train staff and volunteers, and work to create "buy-in" for reuse with their clients, for whom this issue is not top of mind. Furthermore, budget constraints mean that organizations do not typically have funds available to invest in the upfront costs of reusables and cleaning equipment. It should be noted that experience in

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restaurants and other food service businesses demonstrates that the transition to reusables results in cost savings after a relatively short payback period.

In order to mitigate concerns and avoid overburdening charitable organizations that are helping society's most vulnerable people, the Single-use Item Reduction Bylaw exempts registered charities from all requirements indefinitely. In lieu of regulatory requirements, Administration will work with charitable organizations to build capacity and achieve voluntary compliance.

Although the bylaw exempts registered charities, upcoming federal regulations are expected to eliminate single-use plastic bags, utensils and styrofoam serviceware from the Canadian market. As charitable organizations will not be exempt from the federal regulations, they will still need to find alternatives to federally-regulated items in the future.

### **Budget/Financial Implications**

Edmonton's Plan to Reduce Single-use Items, including the implementation of the Single-use Item Reduction Bylaw, will be funded within the approved utility budget and the utility rate forecasts presented in the December 9, 2021, Utility Committee, City Operations report CO00823, Waste Services 2022 Rate Filing and Fall 2021 Supplemental Budget Adjustment. Non-utility funding may be leveraged where actions integrate with the strategic priorities, work plans and approved budgets of other City business areas funded by the tax levy.

### **Legal Implications**

*The City of Edmonton Charter 2018 Regulation*, AR 39/2018 (the "Charter"), and the *Municipal Government Act* RSA 2000, c M-26 (the "MGA") permit the City to pass Bylaw 20117 to support waste reduction and diversion for the purposes of the well-being of the environment. A Charter bylaw requires advertisement, a petition period and a public hearing before Bylaw 20117 may receive third reading by City Council.

The federal government has indicated they intend to enact regulations by the end of June 2022 that would prohibit the manufacture, import and sale of specific single-use plastics. Prohibitions on manufacture and import are expected to come into force by the end of December 2022, and prohibitions on sale would come into force by the end of December 2023. Once this federal regulation is enacted, Bylaw 20117 can be reviewed to identify whether any provisions are affected, including whether any exemptions will become ineffective.

## **ATTACHMENT**

1. Bylaw 20117 - Single-use Item Reduction Bylaw
2. Applicability of Reusable Cup Requirements

## **OTHERS REVIEWING THIS REPORT**

- M. Plouffe, City Solicitor