

BYLAW 20629

Single-use Item Reduction Bylaw 20117, Amendment No. 1

Recommendation

That Utility Committee recommend to City Council:

That Bylaw 20629 be given the appropriate readings.

Purpose

To revise Bylaw 20117 to remove charitable exemptions to align municipal regulations with incoming federal regulations.

Readings

Bylaw 20629 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 20629 be considered for third reading.”

REPORT

Bylaw 20117 - Single-use Item Reduction Bylaw aims to reduce single-use items (SUI) in Edmonton and took effect on July 1, 2023. Numerous categories of SUI have been regulated or banned to reduce waste in Edmonton and advance goals set out in the 25-year Waste Strategy and Waste Reduction Roadmap.

Charitable organizations may rely on SUI to provide safe and hygienic service delivery. Administration wrote Bylaw 20117 with these considerations in mind and included exemptions for charities registered with the Province of Alberta or the Canada Revenue Agency. These exemptions were informed by public engagement and GBA+ and provided charitable organizations nearly six additional months to source SUI alternatives. Businesses subject to Bylaw 20117 were encouraged by the City to donate their SUI to charitable organizations for beneficial use.

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The federal government is also involved in reducing plastic waste and introduced the first steps on regulating single-use plastics in 2020, after the City initiated its SUI planning. The federal *Single-use Plastics Prohibition Regulations*¹ starting in 2022 bans six categories of single-use plastics² through a phased process from 2022 to 2025. These federal regulations mean charitable organizations will no longer be permitted to use many single-use plastics as of December 20, 2023.

Administration has been monitoring the intersection between the federal and municipal approaches for years. During Bylaw 20117 development and approval, the City incorporated the need for an amendment after the federal regulations took effect. To provide clarity to charitable organizations and the residents who rely on their services, the City has prepared amending Bylaw 20629 to remove Bylaw 20117 exemptions that will be made obsolete by federal regulations. Exemptions for institutions such as health care, long-term care facilities or businesses operating within them were also included in Bylaw 20117, as provincial health care facilities are not licensed by the City and cannot be regulated by Bylaw 20117, and exemptions for similar patient-care focused institutions that do have business licenses were created to provide consistency. While the City's exemptions allowed them to continue using certain SUI (specifically polystyrene foam serviceware), federal regulations will prohibit this. These exemptions will also be removed from Bylaw 20117 to align with federal regulations, as noted in Attachment 1 and Attachment 2.

Community Insight

The development of the Single-use Item Reduction Strategy, including the SUI Plan and Recommended Bylaw Direction, considered community insights from three separate engagement and market research initiatives. These public engagement initiatives supported the 25-year Waste Strategy, the Waste Reduction Roadmap and targeted SUI engagement to residents and businesses prior to Bylaw 20117's creation, approval and implementation. These are covered in greater detail in the September 5, 2023, City Operations report CO01992, Single-use Item Reduction Bylaw Implementation Update.

In anticipation of the proposed amendments to remove exemptions to align with the incoming federal regulations, Administration is updating web content, developing information and support tools to help charities adapt, and proactively reaching out to charitable organizations to inform them of the coming change to the bylaw and how it will affect them.

Legal Implications

The Municipal Government Act (MGA) allows City Council to make revisions to its bylaws without following the usual procedures in situations where a provision of a bylaw is inoperative or a title needs to be altered. Such revisions must be done by bylaw. Prior to the first reading of a revision bylaw, the City Manager must certify that the revisions were prepared in accordance with the MGA. This certification is provided in Attachment 3.

¹ *Single-use Plastics Prohibition Regulations*, SOR/2022-138 (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-138/>)

² List of plastic categories: Checkout bags, cutlery, foodservice ware, ring carriers, stir sticks, straws

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When a bylaw is revised in accordance with the MGA, the revisions operate retrospectively as well as prospectively, and the usual prescribed process for amending these bylaws, such as the requirement for a public hearing, is deemed to have been completed. As a result, neither advertising nor a public hearing are required for these corrections.

Attachments

1. Bylaw 20629 - Single-use Item Reduction Bylaw 20117, Amendment No. 1
2. Bylaw 20117 REDLINE Revised Version
3. Revision Certification - Bylaw 20629

Others Reviewing the Report

- M. Plouffe, City Solicitor