

## **Clarification to “5-Cent Plastic Bag Tax – Environmental Initiative” Answers**

<b>Date:</b>	October 16, 2009
<b>To:</b>	Executive Committee
<b>From:</b>	General Manager, Solid Waste Management Services
<b>Wards:</b>	All
<b>Reference Number:</b>	p:/2009/swms/Nov./021EC

### **SUMMARY**

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This report is intended to clarify an answer given by the City Manager in response to Councillor Walker’s Administrative Inquiry – “5-Cent Plastic Bag Tax – Environmental Initiative.”

#### **Financial Impact**

This report has no financial impacts.

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### **DECISION HISTORY**

Councillor Walker submitted an Administrative Inquiry, 5-Cent Plastic Bag Tax – Environmental Initiative, dated September 21, 2009, to the City Clerk for answers by the appropriate City Staff.

<http://www.toronto.ca/legdocs/mmis/2009/cc/ia/backgroundfile-23705.pdf>

The City Manager provided answers to the Administrative Inquiry, dated September 29, 2009 at the September 29 and 30 City Council.

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/ia40.1a.pdf>

City Council referred the Administrative Inquiry and Answers to the Executive Committee for consideration.

## ISSUE BACKGROUND

Councillor Walker's Administrative Inquiry regarding the "5-cent Plastic Bag Tax – Environmental Initiative" included five questions concerning the By-law and policy regarding source reduction of plastic retail shopping bags. The questions focused on the by-law's impact on the affected retailers, by-law interpretation, and how the by-law was enforced.

Staff determined after the Answers to the Administrative Inquiry was submitted to the City Clerk and placed on City Council's September 29 and 30, 2009 agenda that part of the answer to question 4 was incomplete and required clarification.

## COMMENTS

Question 4 and the answer submitted by the City Manager, dated September 29, 2009 is as follows:

- 4) If a retail business does not offer an alternative to a plastic bag and contravenes the bylaw, how does ML&S take enforcement action – what is the process followed?**

ML&S is using a progressive enforcement strategy for the City's new plastic retail shopping bag bylaw. Enforcement will generally be reactive in nature (responding to specific complaints). First step will focus on education, enforcement officers educate retailers about the new bylaw (e.g., minimum charge for bags, signs posted at checkout, charges recorded on receipts, and permit the use of re-useable containers). Following this initial educational step, officers will give the retailer a reasonable amount of time to comply with the new bylaw. Officers will re-visit the retailer to verify that they are complying with the new bylaw. If not, the retailer will be given one more opportunity to comply with the bylaw. After this second educational visit, if the retailer has complied with the bylaw, no further action will be taken. If the retailer has not complied with the bylaw, the officer will take appropriate enforcement action, which would include the laying of charge(s) (e.g., fail to allow customer to use reusable container, fail to charge customer a minimum five cents for each plastic bag).

A retailer is only obligated, under Municipal Code Chapter 604, Packaging, to provide a free alternative when they do not provide (and therefore charge) for plastic bags at all. If a retailer provides, and charges, for plastic bags, they do not have to provide a free alternative; however, if they wish to provide a free alternative that is acceptable.

The second paragraph is incomplete as it does not accurately reflect the requirements of Municipal Code Chapter 604, Packaging, and suggests that when a retailer is providing plastic bags and chooses to also provide an alternative such as paper bags or cardboard

boxes, that the retailer has a choice to provide an alternative for free or for a charge. The second paragraph of the answer should read as follows:

A retailer is obligated, under Municipal Code Chapter 604, Packaging, to provide a free alternative when they do not provide (and therefore charge) for plastic bags at all. If a retailer provides, and charges, for plastic bags, they do not have to provide an alternative; however, if that retailer chooses to also provide an alternative, such as a cardboard box or paper bag or both, the retailer would have to provide at least one of the alternatives (i.e. the cardboard box or the paper bag) for free.

To ensure that Council is given the proper answers to questions regarding Chapter 604, Packaging, this report was prepared to clarify the answer.

## **CONTACT**

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## **SIGNATURE**

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