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March 4, 2022

SENT VIA EMAIL: ec.plastiques-plastics.ec@canada.ca

Dany Drouin
Director General,
Plastics and Waste Management Directorate
Environmental Protection Branch
Deputy Minister's Office
Environment and Climate Change Canada
351 Saint-Joseph Boulevard
Gatineau, QC K1A 0H3

Dear Director General Drouin,

Re: City of Toronto Staff Comments to the Government of Canada's Single-Use Plastics Prohibition Regulations

City of Toronto ("the City") staff are pleased to provide comments in response to the Government of Canada's (the "Government") proposed [Single-Use Plastics Prohibition Regulations](#) (the "Regulations") to the *Canadian Environmental Protection Act, 1999*, published in the *Canada Gazette, Part I, Volume 155, Number 52* on December 25, 2021. Toronto City Council has endorsed the Government's integrated management plan for plastics. City staff support efforts to mitigate the impact of single-use plastic manufactured items, and prevent plastic waste and pollution. The proposed Regulations align with the City's vision of a zero waste future and a circular economy, and we look forward to advancing together our shared objectives.

The City has recently taken a number of actions to reduce single-use and takeaway items as part of the implementation of the City's Long Term Waste Management Strategy.¹ These actions include, but are not limited to, advancing the City's own Single-Use and Takeaway Items Reduction Strategy² and regularly communicating with Toronto residents on the actions that can be taken to prevent and reduce waste and eliminate the use of single-use items.

¹ City of Toronto, *Long Term Waste Management Strategy*, Link: [Long Term Waste Management Strategy – City of Toronto](#)

² City of Toronto, *Reducing Single-Use & Takeaway Items*, Link: [Reducing Single-Use & Takeaway Items – City of Toronto](#)

In June 2021, Toronto City Council ("City Council") requested that the Government consult with the City to identify how to best support the Government in its integrated management approach (see attachment). City Council also formally requested that Environment and Climate Change Canada (ECCC) work with the City to explore, with a view to investing in, reuse systems to replace single-use products. ECCC acknowledged receipt of the City's letter in January 2022, and highlighted the City's continued work and leadership in reducing single-use items. We look forward to continuing on-going dialogue to prevent waste from entering the natural environment and to help reduce the unnecessary generation of single-use waste which is not effectively captured in Canada's circular economy.

COMMENT SUMMARY

City staff have reviewed the proposed Regulations from the perspective of plastics reduction and also its impact on municipal programs and operations, and offer the following comments:

- 1. The Government should consistently apply restrictions for non-conventional plastics, such as compostable alternatives, to all proposed categories of items, including foodservice ware.**

City staff support the Government's treatment of non-conventional plastics, such as compostable plastic, in the same manner as conventional plastics. As noted in the Government's research, compostable plastics are not accepted or effectively processed in all composting facility operations. The City does not accept items marketed or labelled as compostable or biodegradable in its Green Bin organics program. These items, which may be made of or lined with a bio-based plastic, must be disposed of in the garbage. What goes in the Green Bin is very important as the organic material is used to create high-quality compost that can be used to feed and nourish soil to create a closed resource loop. The Green Bin program was designed primarily to handle food waste as well as some fibre/paper products. It was not designed to process packaging. Instead of traditional composting, the City uses anaerobic digestion technology to process Green Bin waste. Before organic material goes into the anaerobic digesters, it goes through a pre-processing phase to remove any contamination. In this phase, anything that behaves like a plastic, regardless of what it is made of, is removed and sent to landfill. Bio-based plastics, such as compostable plastic bags and cutlery, behave like plastic and as such are removed during the pre-processing phase and sent to landfill. These items ultimately end up in landfill and may not break down easily, causing harm to wildlife – as outlined in the Government of Canada's *Draft Science Assessment of Plastic Pollution*.³

Prohibiting both conventional and non-conventional plastics not only for checkout bags, cutlery, ring carriers, stir sticks, and straws but also including foodservice ware will encourage innovation in product design and help promote reduction and the use of reusable alternatives. City staff recommend that the Government explicitly restricts non-conventional plastics for single-use plastic foodservice ware, as proposed for the other single-use plastic manufactured

³ Government of Canada, *Draft Science Assessment of Plastic Pollution*, January 2020. Link: <https://www.canada.ca/en/environment-climate-change/services/evaluating-existing-substances/draft-science-assessment-plastic-pollution.html>

items, to ensure that conventional and non-conventional plastics are not used as a substitute for the foodservice ware that are proposed be prohibited under the Regulation.

2. The Regulations should aim to minimize barriers and must be more explicit in addressing exemptions to accessing single-use plastics straws in consideration of health and safety, and accessibility needs, along with clearly defining "other care institutions" and exemptions for health facilities.

Through its public and stakeholder consultations the City of Toronto has repeatedly received comments and feedback that any restrictions on single-use and takeaway must be inclusive and not introduce barriers for persons with disabilities. These considerations should be expanded not only to exempt and allow the offering of flexible plastic straws at hospital, medical facilities and long-term care facilities and other care institutions, but any food establishment. Currently the Regulation does not list food service establishments as being exempted and City staff recommend that the Regulation be more explicit in this regard.

City staff also recommend that the Government eliminate the condition that the flexible plastic straws are not kept on public display and to only provide flexible plastic straws to a customer upon request. While this prohibition may pose mild inconveniences to general public consumers, it will have unintended consequences of placing additional barriers on individuals that need a single-use straw for accessibility and/or health reasons. For people who already face barriers in their daily lives, they will view this as compromising their dignity and make it that much more challenging. Also, these practices could result in potential increased costs for items (due to physical retail store changes needed to accommodate the out of public display conditions) which may be an additional challenge for disabled persons with low income.

As a result of the COVID-19 pandemic, City-operated shelters have modified how they deliver meal services and have switched to using single-use and takeaway containers. Homeless services should be included in the exemption. Shelters serve vulnerable populations – for example, the City's 2021 Street Needs Assessment (of people experiencing homelessness) noted that 20 per cent of respondents face learning or cognitive issues. This exemption could be provided through an extension of the definition of health facilities, or providing a definition of "other care institutions." This is a similar case for programs that do not fall under the definition of hospital, medical facility, or long-term care facility, such as day cares, shelters, supportive housing, and public programs that may be serving persons with disabilities. Many of these services are operated at the municipal level in Ontario.

3. To complement the Regulations, there is an opportunity for the Government to engage with municipalities to grow circular businesses and start-ups that enable the reduction and elimination of single-use items, and enable Canadian consumers to adopt low-waste behaviours.

For the years 2019 to 2023, the Regulations assume no sales growth for the six categories of single-use plastics, along with their primary substitutes, and equates projected sales volumes in 2023 with those observed in 2019. With the assumption that the market will not shift permanently onto a different course, but 'reset' to their former usages rates once public health restrictions are lifted the Government should be monitoring this data to determine if the

assumption is accurate. The City is mindful of the impact that the COVID-19 pandemic and the accompanying lockdowns have had on businesses, and is committed to helping small business owners and operators mitigate and recover. As part of the effort, the City has offered business grants, incentives and rebates, business webinars, and one-on-one virtual support to help businesses access government emergency and recovery funding and find available support programs. Coordination between different orders of government to support and enable businesses to reduce and eliminate single-use items will be critical to delivering a green economic recovery.

City staff recommend that the Government actively engage in efforts to grow circular businesses and start-ups that provide reusable and durable goods options for Canadian consumers. Although the popularity of low-waste consumer behaviours is growing, as the Government has noted, the broad uptake of low-waste consumer behaviours will not occur unless affordable, convenient, and accessible alternatives to single-use and high-waste consumer practices are widely available to all Canadians.

The City of Toronto is aware of several local businesses that are working to offer circular solutions such as durable goods and take-back schemes; however, many face barriers getting their businesses off the ground and scaling their service offerings. Identifying and addressing these barriers presents an opportunity for partnership between the City of Toronto and the Federal Government, given the proximity of municipalities to local economic development and entrepreneur ecosystems and the waste system.

4. The Regulation must explicitly state how it will restrict any continued distribution of the six proposed items after the proposed prohibitions on the manufacturing, sale and import have come into force.

The Regulation does not address how and if any restrictions will apply after the proposed prohibitions on the manufacturing, sale and import come into force. This may not prevent stockpiling the items by businesses or bartering in the future once the items can no longer be purchased. Furthermore, any stockpiled items could still be distributed until any stock is depleted. The proposed Regulations should include measures on how this will be addressed and distinguished from any potential non-compliance with the Regulation which may result in the continued illegal distribution of these items. This could include requirements for tracking or reporting where flexible straws are still being used under exemption conditions. As outlined above, the prohibition on sales and distribution should be accompanied by incentive programs that encourage the reduction in the use of single use plastics.

5. In the absence of the Regulations including prohibitions on exports for the listed items, the Regulations should include proposed timelines or a roadmap towards banning exports.

In order to support the global efforts to reduce single-use plastics that are found to pose an ecological hazard and which can become plastic pollution in the natural environment and globally shared waterways the Regulations should include proposed timelines or details to move towards a ban on export of single-use plastic items.

6. There is opportunity to collaborate with the City of Toronto and help fund and pilot efforts towards monitoring of the proposed Regulations.

The proposed Regulation states that the "Department would incur incremental costs related to training, compliance and promotion activities, inspections, investigations, and measures to deal with any alleged violations."⁴ The City's experience is that federal and provincial policy measures also have a cost impact to local governments. Clarification and additional information is requested in order to determine what, if any, involvement is required on behalf of municipalities and provinces. Specifically, as there are regulations aimed to restrict retailers (including the food and beverage industry) where complaints of violations are generally directed to municipalities, the Government should work with municipalities in developing guidelines regarding roles and responsibilities, as well as providing supporting grant programs, funding or compensation to Municipalities to ensure successful rollout of any final Regulations. There is an opportunity to work with the City to fund and help develop a framework for municipalities on how to implement this important work without adding cost pressure to local governments and their local property tax and ratepayers.

Other Comments:

7. Continuous efforts should be made to promote reduction by focusing efforts on reducing the use and disposal of single-use plastic manufactured items regardless of material type, and support a harmonized approach to effectively manage single-use items made from substitute materials.

The City Council-approved Long-Term Waste Management Strategy emphasizes waste reduction over other waste management approaches. This approach is reflected in the City's Single-Use and Takeaway Items Reduction Strategy which has the objective to reduce the consumption, use and/or disposal of designated items, regardless of which waste stream (e.g., garbage, recycling, organics) they are currently managed in. The Government's proposal to eliminate specific single-use plastic manufactured items is an important and positive first step supported by the City. However, longer term efforts should also be put forth into exploring measures that encourage the use of durable and reusable alternatives, rather than replacing single-use plastic items with items made from another material (e.g., wood, paper).

Material substitution in single-use items made from paper and moulded fibres may lead to an increase in the volume of waste managed through the City's Blue Bin recycling and Green Bin organics diversion programs. The Government should also invest in expanded organics processing capacity, particularly in those services delivered by municipal governments, to ensure that the projected increased volumes of organic substitutes for single-use plastic manufactured items are diverted from landfill and managed sustainably

8. Provide realistic and definitive timelines to enable effective planning of local measures including Toronto's Reduction Strategy work for single-use and takeaway items.

⁴ Government of Canada, *Single-Use Plastics Prohibition Regulations*, Link: <https://www.gazette.gc.ca/rp-pr/p1/2021/2021-12-25/pdf/g1-15552.pdf#page187>

As Toronto is currently in its final stages of developing a proposed single-use and takeaway items Reduction Strategy for City Council consideration, the Federal Government is requested to publish realistic and definitive timelines on when regulations will come into force, and to provide this information at the earliest available opportunity.

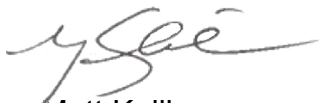
More specifically, the City is actively consulting with stakeholders and the general public on Stage 2 of its Reduction Strategy, with proposals for an "Ask First/By Request" bylaw to be enacted in 2022, and a fee bylaw to be enacted in 2023. The City is also preparing to launch a Voluntary Measures Program for single-use and takeaway items in the spring of 2022.

Thank you for the opportunity to provide comments on the *Single-Use Plastics Prohibition Regulations*. The City of Toronto looks forward to ongoing collaboration with the Government of Canada, including involvement in any future consultations. City of Toronto staff commend the Government of Canada's continued commitment to address plastic pollution and waste in the environment.

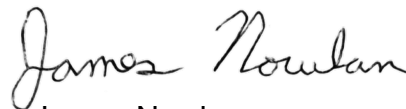
Should you have any questions regarding our submission, please contact Annette Synowiec, Director of Policy, Planning & Outreach, Solid Waste Management Services, by email at Annette.Synowiec@toronto.ca or by telephone at 416-392-9095.

Thank you for your consideration.

Yours truly,



Matt Keliher
General Manager
Solid Waste Management Services



James Nowlan
Executive Director
Environment & Climate

MK/fld

Copy to:

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Karen Jones, Director, Intergovernmental & Agency Relations, City Manager's Office, Email: Karen.Jones@toronto.ca

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ATTACHMENT



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City Manager

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January 10, 2022

SENT VIA EMAIL: christine.hogan@canada.ca

Deputy Minister Christine Hogan
Environment and Climate Change Canada
200, boul. Sacré-Coeur, 2nd Floor
Gatineau, QC K1A 0H3

Dear Ms. Hogan:

Re: Government of Canada's proposed integrated management approach to plastic products to prevent waste and pollution

I am writing to commend the Government of Canada on its actions to manage plastic products and prevent waste and pollution and re-iterate the City of Toronto's interest in further federal-city collaboration to advance our shared objectives.

City Council has taken a number of actions recently to address single-use plastics and work towards a circular economy through its Long Term Waste Management Strategy. These actions include endorsement of the Government of Canada's proposed integrated management approach to plastic products to prevent waste and pollution.

As part of this effort, City Council has requested that the Government of Canada consult with the City of Toronto to identify how we can best support the Government in its integrated management approach. Toronto City Council's full Decision can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE22.6>

On December 8, 2020, City of Toronto staff provided comments in response to the Government of Canada's Discussion Paper and the proposed Order Adding a Toxic Substance to Schedule 1 to the *Canadian Environmental Protection Act, 1999*. A copy of the comments is attached to this letter for your information.

Toronto City Council has also formally requested that Environment and Climate Change Canada (ECCC) work with the City of Toronto to explore, with a view to investing in, reuse systems to replace single-use plastic products.

Toronto City Council's full decision can be found here, <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE22.7>. Through this item City Council also requested that the Government of Canada:

- Establish a registry that publicly reports on:
 - a) a description of the plastic manufactured items put on the market each year in Canada, including a list of chemicals found in each plastic manufactured item; and
 - b) the amount of plastic manufactured items that enters the waste stream in Canada each year, broken down by how and where the waste is processed (e.g., landfill, incineration/waste-to-energy, recycling, domestic versus export).
- Establish a framework for the adoption of an Extended Producer Responsibility regulation to ensure producers are responsible for the full lifecycle of the products they put on the market in Canada; and,
- Set a national recycling target for plastic manufactured items.

As one of the largest public solid waste management systems in the country committed to aggressive climate targets, the City of Toronto is in a rare position to lead by example on the circular economy. Much of this work is in collaboration with other governments including other local municipalities and regions, the Government of Ontario, and our ongoing and direct dialogue and collaboration with ECCC staff in regards to plastics, renewable natural gas and methane capture, and the circular economy.

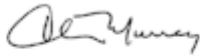
In 2022, the City of Toronto plans to continue to progress its efforts on the Single-Use and Takeaway Items Reduction Strategy - Stage 2 aimed at reducing certain single-use items. Through extensive consultations held between 2018 and 2019, the public and stakeholders stated their preference for reduction strategies to be harmonized throughout the country including, for example, standardized policies for businesses operating in multiple regions.¹

With the City of Toronto's comprehensive knowledge and continued experience with development of its Reduction Strategy and through on-going foundational work on the circular economy, we are well-positioned to support the Government of Canada in implementing a national strategy, including exploring reuse systems that can replace single-use products. By collaborating and leveraging each other's strengths and resources, the Government of Canada and the City of Toronto have an opportunity to become leaders in finding solutions to a global problem.

¹ Single-Use and Takeaway Items Reduction Strategy Phase 2 Public Consultation Report
<https://www.toronto.ca/legdocs/mmis/2021/ie/bqrd/backgroundfile-166835.pdf>

The City of Toronto looks forward to working further with the Government of Canada. Please contact Matt Keliher, General Manager, Solid Waste Management Services at 416-392-4715 or Matt.Keliher@toronto.ca if you have any questions regarding this letter and to discuss these and other partnership opportunities.

Sincerely,



Chris Murray
City Manager

CC: Dany Drouin, Director, Environment and Climate Change Canada, Government of Canada, Email: Dany.Drouin@canada.ca

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Annette Synowiec, Director, Policy, Planning & Outreach, Solid Waste Management Services, City of Toronto, Email: Annette.Synowiec@toronto.ca

Attachment: Letter dated December 8, 2020 from City of Toronto to Environment and Climate Change Canada entitled "City of Toronto Staff Comments to the Discussion Paper: A Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution and the Proposed Order Adding Plastic Manufactured Items to Schedule 1f the *Canadian Environmental Protection Act, 1999*"