

December 12, 2023

Mayor Olivia Chow
Office of the Mayor
City Hall, 2nd Floor
100 Queen St. W.
Toronto, ON, M5H 2N2

Transmitted via email: mayor_chow@toronto.ca; councilmeeting@toronto.ca.

A letter in response to IE9.3, the Single-Use and Takeaway Items Reduction Strategy

Dear Mayor Chow, and Council;

Retail Council of Canada (RCC) appreciates the opportunity to respond to the City of Toronto's Action Plan on Single-Use and Takeaway Items Reduction Strategy.

RCC and our Quick Service Restaurant (QSR) members have a strong history of success in prioritizing reuse and circularity. We are happy to see that Council is supportive of that objective. With that said, due to the haste and lack of consultation supporting the Single-Use and Takeaway Items Reduction Strategy, we believe there are several noteworthy operational concerns that Council should be aware of. As a learning, we hope that as conversations continue towards a 2025 reuse plan, Council urge and direct staff to consult with the business community more actively.

Timeline considerations:

The first operational concern relates to the proposed implementation timeline. We regret to inform Council that giving business some two months to implement the level of changes required for 'ask first', and for the mandatory acceptance of reusable cups will place undue pressure on business. Instead, we would ask Council to amend the March 1st, 2024, implementation date to July 1st, 2024. Giving business six months better enables us to modify menus, point of sale systems (POS), digital ordering systems (which can include third-party companies), as well as train in-store staff on new protocols.

'Ask first' requirement

Beyond timelines, there are two operational components related to 'ask first' that we want to call Council's attention to. There are moments where the health and safety of our staff and customers butts up against the 'ask first' policies proposed by Council. As Council can imagine, the kitchen of a QSR is a fast-paced environment. When dealing with hot liquids, we have concerns around the optionality of lids, sleeves, and similar packaging meant to ensure the health and safety of our staff. Further, when customer interactions involve drive-through windows or other forms of picking up items, lids and similar packaging play an important safety role in preventing hot liquids from spilling and protect consumers from health and safety risks.

In recognition of these operational issues, other Canadian jurisdictions, like the British Columbia and the City of Edmonton, there are exemptions or definitional omissions which support business, such that they can still make use of single-use accessories, like lids, sleeves, in situations where there are health and safety constraints, like in drive-through.

To ensure operational practices around health and safety are not compromised, we would encourage Council to adopt something in the vein of the exemption language below, which is grounded in the exemptions provided to QSRs in British Columbia's laws:

- A food service provider must not distribute or sell a single-use food service accessory unless:
 - A customer requests, or accepts an offer of, the food service accessory, including by making a request or accepting an offer electronically;
 - The food service accessory is made available in a self-service manner;
 - The food service accessory is a beverage cup lid, or sleeve and is distributed with a beverage that is:
 - Purchased for delivery, digital pick-up orders, or digital kiosk orders, or;
 - Served through a window to a customer at a drive-through restaurant;
 - The use of a food service accessory is part of a business' back of house operations to keep workers safe, or to keep customer's orders safe and free from contamination with customer-identified allergies.

The other operational idiosyncrasy RCC wanted to point out stems from the language around an 'ask first' policy for single use cups. With the policy already requiring mandatory acceptance of reusable cups, it is our QSR members' belief that it is redundant to ask customers if they want a single-use cup. Instead, the decision point around reuse for the customer occurs before they enter the store – the customer will already have made the decision when leaving home whether to carry and therefore use a reusable cup. To support Council in achieving its goals around reuse, we would encourage Council to remove the requirement to 'ask first' for single-use cups and replace it with a requirement for signage at Point-of-Sale and in the drive-through, stating that reusable cups are accepted. We believe this better achieves the objectives, without adding an additional mandatory question to every order involving a cup.

The need for jurisdictional harmonization:

Finally, while not related to this City Council motion itself, RCC would like to share its long-held belief that policies impacting business policy are best governed at the provincial level. However, a patchwork of federal, provincial and municipal plastic regulations are being implemented and are emerging across Canada, each with slightly different requirements. This is operationally challenging, inefficient and very costly for business. Moreover, patchwork regulations prevent the ability for industry to scale volumes of common materials, drive infrastructure and leverage common education and awareness campaigns towards our common goals of a circular economy.

Should Council make the changes RCC recommends in this letter to the proposed Single-Use and Takeaway Items Reduction Strategy, we would encourage Council to work with federal and provincial partners, to collaboratively work towards common objectives and policies like adopting the common 'ask first' and reusable cup policies. We would also ask that the City align with existing and any forthcoming regulatory

requirements across these jurisdictions to drive harmonization, consumer education and environmental impact. RCC would be happy to support such a call through a letter of support at that time. Ultimately, RCC and our QSR members support the principles behind reuse and reduction. We hope that the entire province moves forward with harmonized laws in support of reducing waste and driving a circular economy.

We appreciate the Mayor and Councillors' time and consideration of our recommendations, including measures such as ensuring adequate timelines for implementation and key exemptions and factors relating 'ask first' requirements and reusable cup acceptance.

Warm Regards,

A handwritten signature in black ink, appearing to read 'S. Prins', with a stylized flourish at the end.

Sebastian Prins
Director of Government Relations (Ontario)
Retail Council of Canada