

# Update and Action Plan on the Single-Use and Takeaway Items Reduction Strategy, including the Circular Food Innovators Fund

**Date:** November 15, 2023

**To:** Infrastructure and Environment Committee

**From:** General Manager, Solid Waste Management Services

**Wards:** All

## SUMMARY

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This report presents an update on waste reduction initiatives from the Solid Waste Management Services Division (Solid Waste). The report proposes a new Single-Use and Takeaway Items Bylaw (SUTI Bylaw) applicable to retail business establishments as part of Stage 2 of the Single-Use and Takeaway Items Reduction Strategy (Reduction Strategy).

The proposed SUTI Bylaw includes the following mandatory activities by a retail business establishment operator:

- confirm a customer needs a single-use accessory food item prior to distribution;
- confirm a customer needs a paper shopping bags prior to distribution;
- charge customers a minimum amount for a reusable shopping bag, with the minimum amount to increase one year following the proposed SUTI Bylaw comes into force;
- accept the use of reusable shopping bags by a customer;
- confirm a customer needs a single-use beverage cup prior to distribution; and
- accept the use of a reusable beverage cup by a customer.

Table 1. Summary of Single-Use and Takeaway Items Bylaw and proposed implementation timeline

| Targeted Items                  | Proposed Implementation Date of Mandatory Measures, Post-Adoption by City Council |             |             |
|---------------------------------|-----------------------------------------------------------------------------------|-------------|-------------|
|                                 | March 1, 2024                                                                     | May 1, 2024 | May 1, 2025 |
| Single-Use Accessory Food Items | Ask-First/By-Request                                                              |             |             |
| Paper Shopping Bags             | Ask-First/By-Request<br>Compatibility                                             |             |             |

|                                              |                      |                                 |                                 |
|----------------------------------------------|----------------------|---------------------------------|---------------------------------|
| Reusable Shopping Bags                       | Mandatory Acceptance | Minimum Amount Charged - \$1.00 | Minimum Amount Charged - \$2.00 |
| Single-Use Beverage Cups                     | Ask-First/By-Request |                                 |                                 |
| Reusable Beverage Cups Provided by Customers | Mandatory Acceptance |                                 |                                 |

This report also responds to City Council's direction to advise on options to incentivize businesses to reduce single-use and takeaway items by proposing a new business grant program, the Circular Food Innovators Fund (CFIF). This report outlines Phase One of the CFIF, which focuses on supporting businesses to implement reuse systems that eliminate single-use and takeaway items.

Lastly, the report outlines next steps for Stage 3 of the Reduction Strategy, to further explore measures targeted towards the use of reusable items and the further reduction of single-use and takeaway items, in addition to next steps for the second phase of the CFIF.

Please note that in advance of the Infrastructure & Environment Committee meeting scheduled for November 29, 2023, Solid Waste staff will provide a supplemental report that provides an update as it relates to the recent decision issued on November 16, 2023, by the Federal Court in Responsible Plastic Use Coalition v. Canada (Environment and Climate Change) regarding the constitutionality of the Government's current approach to banning single-use plastics. The report will also address the impacts, if any, to the SUTI Bylaw proposed in this report that may result from the decision.

**RECOMMENDATIONS**

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The General Manager, Solid Waste Management Services recommends that:

1. City Council repeal City of Toronto Municipal Code, Chapter 604, Packaging, effective January 1, 2024.
2. City Council adopt a new City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items, substantially in accordance with the draft chapter attached as Attachment 1 to Update and Action Plan on Stage 2 of the Single Use and Takeaway Items Reduction Strategy, including Phase One of the Circular Food Innovators Fund (November 29, 2023), with:
  - a. §702-1. (Definitions), §702-2. (Accessory food item), §702-3. (Paper shopping bags), §702-4.A. (Use of reusable shopping bag); §702-5. (Beverage cup), §702-6. (Reusable beverage cup), §702-7. (Offence). §702-8. (Entry to inspect), §702-9. (Orders to comply), and §702-10. (Remedial action) coming into force on March 1, 2024; and

b.§702-4.B. (Minimum amount charged for reusable shopping bag) and §702-4.B. (Exemption minimum amount charged for reusable shopping bag) coming into force on May 1, 2024.

3. City Council authorize the City Solicitor, in consultation with the General Manager, Solid Waste Management Services, to make such clarifications, minor modifications, technical or stylistic amendments to the City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items as may be required to give effect to City Council's decision.

4. City Council direct the General Manager, Solid Waste Management Services, to apply to the Ontario Court of Justice for any new set fines or to review and increase, as required, the current set fines.

5. City Council direct the General Manager, Solid Waste Management Services, in consultation with the relevant City divisions, to submit for consideration as part of the 2025 Budget process, the supporting budget required to implement the City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items.

6. City Council direct the General Manager, Solid Waste Management Services, to report back to City Council in 2025, in consultation with the relevant City divisions, on further measures (Stage 3) to reduce single-use and takeaway items, including the feasibility of expanding City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items further to include:

- a. large event venues in Toronto;
- b. acceptance of reusable food containers provided by a customer at retail business establishments; and
- c. requirements for retail business establishment operators to use reusable food containers and beverage cups in their dine-in operations in Toronto.

7. City Council authorize the General Manager, Solid Waste Management Services, or their designate, until December 31, 2028, to negotiate and enter into agreements, as may be required and where it is determined that the project will support the implementation of Stages 1 and 2 of the Single Use and Takeaway Items Reduction Strategy, with non-profit, public, and private sector organizations to:

- a. collaborate on projects or initiatives;
- b. provide in-kind and/or financial support from the approved Solid Waste Management Services budget and is within the General Manager, Solid Waste Management Services financial authority; and/or
- c. receive funding and/or in-kind support,

on such terms and conditions acceptable to the General Manager, Solid Waste Management Services and in a form satisfactory to the City Solicitor.

8. City Council authorizes the implementation of Phase One of the Circular Food Innovators Fund by Solid Waste Management Services, substantially in accordance with the Framework for Phase One of the City of Toronto's Circular Food Innovators

Fund in Attachment 2 to the report (November 29, 2023) from the General Manager, Solid Waste Management Services.

9. City Council authorizes the General Manager, Solid Waste Management Services, or their designate, until December 31, 2024, to execute, on behalf of the City of Toronto, agreements with successful recipients to receive funds distributed under Phase One of the Circular Food Innovators Fund outlined in Attachment 2, on terms and conditions acceptable to the General Manager, Solid Waste Management Services, or their designate, and in a form acceptable to the City Solicitor.

10. City Council directs the General Manager, Solid Waste Management Services, to report back by Q4 2026 on the implementation of Phase One of the Circular Food Innovators Fund, and with proposed recommendations for the potential implementation of Phase Two of the Circular Food Innovators Fund that considers support for business innovation across the whole food value chain in support of the City's circular economy and sustainable consumption goals.

## **FINANCIAL IMPACT**

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Funding for the Reduction Strategy is included in the Council Approved 2023 to 2032 Capital Budget & Plan for Solid Waste.

Table 2 below details the projected cost, by year, of the Reduction Strategy and is inclusive of cost estimates for both the Reducing Single-Use program and the implementation of the proposed SUTI Bylaw. Cost estimates include promotion, education and outreach, and proposed consultations and polling. Any additional financial impacts related to enforcement of the proposed SUTI Bylaw by Municipal Licensing and Standards will be considered and determined in 2024 and will be further considered as part of the 2025 budget, following a period of monitoring.

Table 2. Estimated Cost for the Reduction Strategy

| <b>Capital Account</b> | <b>Description</b>                                                 | <b>2024</b> | <b>2025</b> | <b>2026</b> | <b>Total</b> |
|------------------------|--------------------------------------------------------------------|-------------|-------------|-------------|--------------|
| CSW013-03-01           | Promotion, Circular Economy and Innovation, Reduce, Reuse, Recycle | \$250,000   | \$100,000   | \$100,000   | \$450,000    |
| Total Required         |                                                                    | \$250,000   | \$100,000   | \$100,000   | \$450,000    |

Funding for the first phase of the CFIF was included in the Council Approved 2023 Capital Budget for Solid Waste and funding amounts are outlined in Table 3 below.

Table 3. Approved Capital Budget for Phase One of the Circular Food Innovators Fund

| <b>Capital Account</b> | <b>Description</b>                                                 | <b>2023</b>      | <b>Total</b>     |
|------------------------|--------------------------------------------------------------------|------------------|------------------|
| CSW013-06-01           | Circular Economy and Innovation                                    | \$125,000        | \$125,000        |
| CSW013-03-01           | Promotion, Circular Economy and Innovation, Reduce, Reuse, Recycle | \$125,000        | \$125,000        |
| <b>Total Required</b>  |                                                                    | <b>\$250,000</b> | <b>\$250,000</b> |

Solid Waste staff intend to launch Phase One of the CFIF in Q1 2024 and distribute grants to successful applicants on the timeframe set out in Attachment 2, subject to the terms of the signed funding agreement with the City. The above capital project(s), the Reduction Strategy and the CFIF, are categorized as Service Improvement and Enhancement and were adopted by Council to provide funding for the implementation of the Long Term Waste Management Strategy (Waste Strategy), specifically for promotion and education, circular economy and innovation, and reduction, reuse and recycling.

There are no financial impacts resulting from the adoption of the recommendations in this report beyond what has been adopted by Council in the 2023 Budget and 2024/2025 Plan. Any future additional financial impacts will be considered in other reports to Council, including, but not limited to, the City's annual budget process. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **EQUITY IMPACT**

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### **Impact Assessment of the Reduction Strategy**

The Reduction Strategy has been analysed for potential impacts on Indigenous, Black, equity-deserving groups and vulnerable residents of Toronto. Equity and accessibility considerations have been included throughout the development of the proposed Reduction Strategy, including the public consultation process.

As part of developing the proposed reduction measures, Solid Waste staff have leveraged the Equity Lens Tool and conducted an equity impact analysis.

#### *Impact of the Proposed SUTI Bylaw to Low-Income Residents*

Low-income residents could be impacted by the minimum amount that retail business establishments would be required to charge for reusable shopping bags. To help reduce or mitigate any negative impacts, the following strategies are being proposed:

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- a proposed SUTI Bylaw that is in line with Toronto Public Health's Guidance on Reusables,<sup>1</sup> which would require retail business establishments to accept a customers' reusable shopping bag;
- a mandatory minimum amount charged for reusable shopping bags would only be required at point of sale at retail business establishments or when an item is ordered by telephone or an internet-based ordering platform. It will not impact organizations that are not considered retail business establishments under the proposed SUTI Bylaw, such as medical services at hospitals, shelters or food banks, charities, places of worship, or school nutrition programs.

### *Impact of the Proposed SUTI Bylaw to Persons with Disabilities*

Data from public consultations and equity impact analysis revealed a potentially negative impact for persons with disabilities who may require single-use and takeaway items to meet accessibility needs, specifically access to single-use plastic straws for food and beverage intake. The Government of Canada's (Government) Single-use Plastic Prohibition Regulations under the Canadian Environmental Protection Act (Federal Regulations) prohibits the manufacture and import (effective December 20, 2022) and the distribution and sale (coming into effect December 20, 2023) of single-use plastic straws.<sup>2</sup> The Federal Regulations, however, includes an exception that allows single-use plastic flexible straws to remain available, under certain conditions, so people who need them will still have access.<sup>3</sup> In addition, the Federal Regulations includes an exemption that allows businesses to sell a package of 20 or more single-use plastic flexible straws to another business and allows a person to provide single-use plastic flexible straws in a non-commercial, non-industrial and non-institutional setting<sup>4</sup> (that is, in family or social situations, such as at home, or at a picnic). Though a food business establishment is not allowed to provide a single-use plastic straw to customers, individuals can bring their own straws to a restaurant, or request a non-plastic single-use straw.<sup>5</sup> The proposed SUTI Bylaw will require a retail business establishment to adhere to an Ask-First/By-Request requirement, in which customers request, or are asked by the retail business establishment, if a single-use straw is required before one is provided. Solid Waste does not propose prohibiting the distribution of single-use straws by retail business establishments under the proposed SUTI Bylaw. A potential negative impact of the proposed SUTI Bylaw on persons with disabilities is that a single-use straw will no longer be automatically provided, as retail

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<sup>1</sup> See Guidance on Reusables - Toronto Public Health - City of Toronto -

<https://www.toronto.ca/legdocs/mmis/2022/ie/bgrd/backgroundfile-227893.pdf>

<sup>2</sup> See Single-Use Plastics Prohibition Regulations - Government of Canada - Canada Gazette, Part II, Volume 156, Number 13 - <https://gazette.gc.ca/rp-pr/p2/2022/2022-06-22/html/sor-dors138-eng.html>

<sup>3</sup> See Single-Use Plastics Prohibition Regulations - Government of Canada - Canada Gazette, Part II, Volume 156, Number 13 - <https://gazette.gc.ca/rp-pr/p2/2022/2022-06-22/html/sor-dors138-eng.html>

<sup>4</sup> See Single-Use Plastics Prohibition Regulations - Government of Canada - SOR/2022-138 <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-138/page-1.html#h-1354039>

<sup>5</sup> See Single-Use Plastics Prohibition Regulations - Government of Canada -

<https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/reduce-plastic-waste/single-use-plastic-technical-guidance.html>

business establishments will be required to adhere to the Ask-First/By-Request requirement.

The proposed SUTI Bylaw will also require retail business establishments to adhere to an Ask-First/By-Request<sup>6</sup> requirement on single-use accessory food items (regardless of material type), single-use beverage cups, and paper shopping bags. Single-use food accessory items are items used for the consumption of food (such as utensils, straws, stir sticks, spill plugs, napkins, condiment cups and packets, cup sleeves, and cup trays) that are ordinarily used only once before being disposed as waste. The Ask-First/By-Request approach allows retail business establishments to offer customers the desired item without the customer having to disclose a disability. The Ask-First/By-Request requirement will not apply to shelters, hospital and medical services, places of worship, school nutrition programs and other similar facilities, which are not considered a retail business establishment under the proposed SUTI Bylaw, and that provide single-use accessory food items, paper shopping bags, and single-use beverage cups. However, it will apply to retail business establishments located and operating inside such organizations.

Solid Waste staff presented proposed mandatory measures that could become the proposed SUTI Bylaw to the Toronto Accessibility Advisory Committee (TAAC) in fall 2019 and in winter 2022. This included information and a request for feedback on the Ask-First/By-Request requirement and minimum amount retail business establishments would be required to charge, along with the implementation timeline of the proposed SUTI Bylaw.

Throughout the implementation period, Solid Waste staff will monitor any feedback received from equity-deserving groups to address any issues or concerns that may arise from the proposed SUTI Bylaw.

## **Impact Assessment of the CFIF**

Solid Waste staff also utilized the Equity Lens Tool to assess the potential of the CFIF to impact applicants that identify as a member of an equity-deserving group in Toronto. Phase One of the CFIF seeks to provide funding to businesses (for-profit and not-for-profit) in Toronto to support them in implementing their own reuse systems that enable the elimination of single-use and takeaway items in Toronto. Toronto's business community includes owners and operators from Indigenous and equity-deserving groups, including those who identify as women, 2SLGBTQ+, immigrants, persons with disabilities, Black or another racialized group. As such, the CFIF has the potential to

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<sup>6</sup> An Ask-First/By-Request requirement would have either the retail business establishment receive a request from the customer or by ask the customer directly if they require a single-use accessory food item, a single-use beverage cup, a paper shopping bag, or a reusable shopping bag. Retail business establishments may also offer single-use accessory food items through self-serve accessory food item stations, indicating a tacit request from the customer in accordance with the Ask-First/By-Request requirement. For online orders, a retail business establishment will not provide customers with any single-use accessory food items unless requested by the customer through the online ordering platform.

benefit members of equity-deserving groups who own or operate an eligible business by making support available for economic development opportunities.

Solid Waste staff are actively working to incorporate several measures into the design of the CFIF to ensure eligible Indigenous and equity-deserving applicants have fair and equitable access to participate in the CFIF and be awarded funding. The CFIF will be broadly promoted in an effort to attract a wide range of applicants. All publicly available CFIF materials will be provided in an accessible format and the evaluation process will give consideration to projects that are submitted by eligible owners and operators from Indigenous and equity-deserving groups.

## **DECISION HISTORY**

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At its meeting on June 14 and 15, 2023, City Council adopted item IE4.1 entitled "Long-Term Residual Waste Management Options for the City of Toronto" with amendments, which included action to provide an interim report to City Council, through the Infrastructure and Environment Committee, no later than June 2024, with a final report to be provided by June 2025, on an updated Long Term Waste Management Strategy that includes strategies to discourage single-use and take-away packaging and support a shift to reuse, in addition to a strategy and policy framework for the circular economy transition in Toronto, both of which are consistent with TransformTO and the City's carbon budget carbon accountability mechanism.

The City Council document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.IE4.1>

At its meeting on July 7, 2022, Infrastructure and Environment Committee received item IE 31.15 entitled "Update on Single-Use and Takeaway Items Reduction Strategy - Reducing Single-Use (formerly Voluntary Measures) Program Launch" which included the next steps that Solid Waste staff would report back in 2023 on an implementation timeline and approach for the Reduction Strategy, ensuring alignment between the City's proposed SUTI Bylaw and the Government of Canada's Single-Use Plastics Prohibition Regulations.

The Infrastructure and Environment Committee document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.IE31.15>

At its meeting on May 25, 2022, the Infrastructure and Environment Committee adopted item IE30.17 entitled "Single-Use and Takeaway Items Reduction Strategy - Voluntary Measures Program Launch - from Councillor Mike Layton and Councillor Jaye Robinson" which requested the General Manager, Solid Waste Management Services, to provide an update to the next Infrastructure and Environment Committee on the Single-Use and Takeaway Items Reduction Strategy status and timeline, including the steps to implement the Voluntary Measures Program to provide support for small businesses, and the steps to ensure the City is leading by example by shifting away from single-use items in City operations and facilities.

The Infrastructure and Environment Committee document can be viewed at:

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<https://secure.toronto.ca/council/agenda-item.do?item=2022.IE30.17>

At its meeting on December 15, 16, and 17, 2021, City Council adopted item IE26.16 entitled "TransformTO - Critical Steps for Net Zero by 2040" with amendments, which included actions to help the City reach its aspirational goals of zero waste and a circular economy, and identify pathways to more sustainable consumption in both municipal operations and in all sectors of the economy. Council directed Solid Waste Management Services, with involvement and leadership from other City divisions, to develop a City-wide governance structure, strategy and policy framework to make Toronto the first municipality in the province with a circular economy.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE26.16>

At its meeting on June 8 and 9, 2021, City Council adopted item IE22.8 entitled "Partnership Authority to Support Toronto's Circular Economy Outcomes," acknowledging that future City of Toronto work to deliver on the City's circular economy outcomes will require relationship building and partnerships with a range of actors, including the private sector. Council authorized the General Manager, Solid Waste Management Services to enter into agreements with private sector organizations, among others, and provide in-kind and financial support from the approved Solid Waste Management Services budget to support the advancement of circular economy outcomes.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.8>

At its meeting on June 8 and 9, 2021, City Council adopted item IE22.6 entitled "Single-Use and Takeaway Items Reduction Strategy – Stage 1" which included City Council direction to implement a Single-Use and Takeaway Item Voluntary Measures Program and directed the General Manager, Solid Waste Management Services, to report back in the first quarter of 2022 with an update and action plan on the Reduction Strategy, including a review of options to incentivize businesses to reduce single-use and takeaway items such as partnership opportunities, financial incentives and grant programs. City Council also directed the General Manager, Solid Waste Management Services, to negotiate and enter into any and all agreements and amending agreements necessary to collaborate with businesses, non-profit organizations, and community organizations to support the implementation of the Voluntary Measures Program, and to develop and implement a promotion and recognition program for businesses in the City that adopt the Voluntary Measures Program.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.6>

At its meeting on June 8 and 9, 2021, City Council adopted item IE22.7 entitled "Urging the Federal Government to Take Action to Manage Plastics," and endorsed the integrated management plan for plastics proposed by the Government of Canada, which includes: adding plastic manufactured items as a toxic substance to the Canadian Environmental Protection Act; banning six single-use items: checkout bags, stir sticks, Update and Action Plan on the Reduction Strategy, including the Circular Food Innovators Fund

six-pack rings, cutlery, and certain takeout containers and straws; and, establishing a minimum requirement for recycled plastic content. City Council requested the Government of Canada to implement the management plan as soon as possible; requested the Government of Canada to work with the City to explore, with a view to investing in, reuse systems to replace single-use plastic products; requested the Government of Canada to establish a registry that publicly reports on: descriptions of the plastic manufactured items in Canada, a list of chemicals found in each product, and the amount of plastic that enters the waste stream in Canada each year. City Council also requested that the Government of Canada establish a framework for the adoption of Extended Producer Responsibility regulation across the country and to set a national recycling target for plastic products.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.7>

At its meeting on October 27, 28, and 30, 2020, City Council adopted item EX17.1 entitled the City Manager's report "Towards Recovery and Rebuilding a Renewed Toronto" with amendments, which included the "COVID-19: Impact and Opportunities" final report from the Toronto Office of Recovery and Rebuild to City Council. The report recognizes the circular economy as a part of advancing Toronto's economic recovery and climate goals, acknowledges that food insecurity worsened during the pandemic and that building local food sovereignty is good for the local economy and public health.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2020.EX17.1>

At its meeting on October 2 and 3, 2019, City Council adopted item MM10.1 entitled "Promoting Reusable Foodservice ware at Toronto Restaurants - by Councillor Jaye Robinson, seconded by Councillor Brad Bradford," which directed the General Manager, Solid Waste Management Services to report back to the Infrastructure and Environment Committee in the third quarter of 2020 on the feasibility of implementing a requirement for all dining establishments to provide reusable foodservice ware for eat-in customers to reduce the use of single-use plastics in Toronto's restaurant industry.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.MM10.1>

At its meeting on May 23, 2019, the Infrastructure and Environment Committee adopted item IE5.9 entitled "Single-Use and Takeaway Items Consultations and Reduction Strategy Next Steps." The report provided an overview of the results from the first phase of consultation on the development of a Single-Use and Takeaway Items Reduction Strategy that occurred in fall 2018.

The Infrastructure and Environment Committee decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.IE5.9>

At its meeting on April 16 and 17, 2019, City Council adopted item MM6.9 entitled "Report on eliminating single-use plastic in all City facilities - by Councillor Mike Colle, seconded by Councillor Jennifer McKelvie," which directs the City Manager, in Update and Action Plan on the Reduction Strategy, including the Circular Food Innovators Fund

consultation with the appropriate staff, to report to City Council, through the Infrastructure and Environment Committee, on a comprehensive plan to reduce or eliminate single-use plastic products in all City facilities and City events and campaigns where feasible and practical, and to include in the report an outline of other options, including reusable and alternative products that may be deployed to replace single-use plastic products.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.MM6.9>

At its meeting on July 23, 24, 25, 26, 27, and 30, 2018, City Council adopted item PW31.10 entitled "Options to Address Single-Use Items, Misleading Advertising, and Textile Waste in the City of Toronto," which directs the General Manager, Solid Waste to develop a policy which would restrict plastic straws in the City by the end of the first quarter of 2019; consult with key stakeholders that would be impacted by the restriction of plastic straws and report to the Public Works and Infrastructure Committee at its first meeting in 2019; and consult with residents and stakeholders by fall 2018 to identify items for targeted reduction and solicit input on policy tools with a report back in January of 2019.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.PW31.10>

At its meeting on April 24, 25, 26, and 27, 2018, City Council adopted item PW28.8 entitled "State of Toronto's Blue Bin Recycling Program," which directs City Council to request the Government of Canada to develop a national strategy that addresses plastic pollution that would include several regulations aimed at making the producers of products and packaging directly responsible for reducing resource, as well as developing a national single-use plastics reduction and/or recycling performance standard; establishing a national single-use plastics recycled content performance standard; eliminating the use of problematic products and packaging that pollute the environment; and reducing consumer and industrial use of single-use plastics, including, but not limited to, plastic bags, bottles, straws, tableware, polystyrene (foam), plastic tea bags, cigarette filters, and beverage containers.

The City Council decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.PW28.8>

At its meeting on January 19, 2018, the Public Works and Infrastructure Committee considered item PW26.7 entitled "Reducing the use of Single-Use Products - from Councillor Mike Layton and Councillor Mary-Margaret McMahon" and referred the item to the General Manager, Solid Waste, to report back to the Public Works and Infrastructure Committee by July 2018 with a review of options to reduce the use of (including, but not limited to, municipal fees and prohibitions), or increase the recycling rates of: single-use plastic bags; single-use hot beverage cups and lids; single-use coffee pods; black plastics used in takeout foods, grocery stores; single-use plastic straws and cutlery; and single-use plastic take out containers.

The Public Works and Infrastructure Committee decision document can be viewed at:

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At its meeting on July 12, 13, 14, and 15, 2016, City Council adopted item PW14.2 entitled "Final Long Term Waste Management Strategy," endorsing the aspirational goals of zero waste and a circular economy and directing Solid Waste Management Services to develop a strategy and policy framework to make the City of Toronto the first municipality in the province with a circular economy and align with the Provincial goal as part of the *Waste Free Ontario Act* (2016).

The City Council decision document can be viewed at:

## COMMENTS

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## SINGLE-USE AND TAKEAWAY ITEMS REDUCTION STRATEGY

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### Background

In 2018, City Council directed Solid Waste staff to develop a Reduction Strategy. The Reduction Strategy aims to reduce the use and disposal of single-use and takeaway items regardless of the material type they are made from (i.e., material agnostic) and the waste stream in which they are currently managed (for example, garbage, Blue Bin recycling program, and Green Bin organics program).

The following visual provides an overview of the stages of work undertaken in the development of the Reduction Strategy.

Table 4 - Development Timeline of the Reduction Strategy

| 2018                                                                                                                                                                                                                       | 2019                                                                                                                                                                                                                                                                                 | 2020                                                                                                            | 2021                                                                                                                                                                                                  | 2022                                                                                                                                                                                                                                    | 2023                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Council directs SWMS to develop a Single-Use and Takeaway Items Reduction Strategy.</li> <li>• Initial consultations to determine which items to target for reduction.</li> </ul> | <ul style="list-style-type: none"> <li>• Second round of consultations to determine:                             <ul style="list-style-type: none"> <li>• What approaches should the City consider</li> <li>• What should be the timelines for implementation</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Reduction Strategy placed on hold due to COVID-19 pandemic.</li> </ul> | <ul style="list-style-type: none"> <li>• City Council adopts the Single-Use and Takeaway Items Reduction Strategy - Stage 1, including the establishment of a Reducing Single-Use program.</li> </ul> | <ul style="list-style-type: none"> <li>• Third round of remotely offered consultations are held focussing on the proposed timing of mandatory measures, along with additional single-use and takeaway items to be addressed.</li> </ul> | <ul style="list-style-type: none"> <li>• Present proposed SUTI Bylaw to Council.</li> <li>• Federal Regulations in effect as of December 20.</li> </ul> |

The Reduction Strategy was developed following three rounds of extensive consultation, research, and review of best practices regarding single-use and takeaway

items reduction. It also takes into consideration the Federal Regulations – which introduce measures to control and ban the unrestricted manufacture, import, export, and sale and distribution of six plastic manufactured items: checkout bags, plastic cutlery, foodservice ware made from or containing problematic plastics (such as polystyrene foam, black pigment plastic, or oxo-degradable plastics), ring carriers, stir sticks, and straws in Canada. Included in the Reduction Strategy are single-use and takeaway items not covered by the Federal Regulations.

As previously reported,<sup>7</sup> there are several cities across Canada that have implemented single-use item reduction strategies similar to the proposed SUTI Bylaw being proposed in this report. Attachment 3 provides an updated summary of various jurisdictions that have implemented bylaws restricting single-use items. The City has an opportunity to join national, municipal and global leaders in this area by enacting the proposed SUTI Bylaw that aligns with and extends beyond the Federal Regulations.

There have been some changes to public perception and existing laws since the City's 2019 consultations on the Reduction Strategy. In 2020, the COVID-19 pandemic and corresponding public health measures impacted retail business establishments, particularly in the food service sector. During consultations held by the City in 2022, Solid Waste staff received feedback from the general public and stakeholders, expressing concerns about the City potentially introducing a minimum amount retail business establishments would be required to charge for the distribution of single-use and takeaway items that may negatively impact retail business establishments. Additionally, earlier consultations targeted some items that have since been prohibited under the Federal Regulations. Consultations held in 2022 considered additional measures that would mandate the acceptance of reusable items by retail business establishments, such as reusable shopping bags and reusable beverage cups. Further details about the consultations are provided later in the report. The City also previously consulted on mandatory measures that would address single-use and takeaway items that are no longer being put forward in the proposed SUTI Bylaw and will be examined in detail below.

In June 2021, City Council adopted the Single-Use and Takeaway Items Reduction Strategy - Stage 1,<sup>8</sup> which included the establishment of a voluntary measures program (Reducing Single-Use program). The Reducing Single-Use program is a voluntary program that recognizes and supports businesses that take a leadership role in reducing the use of single-use and takeaway items in their operations. An update on the Reducing Single-use program is provided below.

City Council also directed staff to report back with an update and action plan for Stage 2 of the Reduction Strategy, including:

- implementation details on the Federal Regulations to prevent waste and pollution of plastic products;

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<sup>7</sup> See Single-Use and Takeaway Items Reduction Strategy - Stage 1 - City of Toronto - <https://www.toronto.ca/legdocs/mmis/2021/ie/bgrd/backgroundfile-166832.pdf>

<sup>8</sup> See Toronto City Council - 2021.IE22.6 - City of Toronto - <https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.6>

- an implementation timeline and approach that aligns any future City proposed SUTI Bylaws with the Federal Regulations;
- an implementation timeline and approach should the Federal Regulations not come into effect; and
- any recommended additions or enhancements to the Reduction Strategy.

Additionally, Solid Waste was directed, in consultation with the appropriate City divisions, to implement existing initiatives to reduce single-use and takeaway items at City-run facilities. Initiatives that have been undertaken from other City divisions are detailed below.

With consultations and the jurisdictional scan helping to inform the Reduction Strategy, City staff propose that the City adopt the proposed SUTI Bylaw that includes requirements aimed at reducing single-use and takeaway items and encouraging the use of reusable items. The proposed SUTI Bylaw would regulate:

- the distribution of paper shopping bags, reusable shopping bags, single-use accessory food items, and single-use beverage cups by retail business establishments; and
- the acceptance of customers' reusable shopping bags and reusable beverage cups by retail business establishments.

The City has proposed restrictions on single-use and takeaway items beyond plastics to capture prolific and problematic single-use materials that end up as litter and in the City's waste stream. Single-use and takeaway items of various materials, even if collected in diversion streams (such as the Blue Bin recycling program or Green Bin organics program), have the potential to increase contamination of solicited materials and can be problematic in the wrong waste stream if not sorted correctly. They can also be found as litter throughout the city, as detailed in the City's 2022 Litter Audit.<sup>9</sup> Collection, transportation, processing, and landfilling of single-use materials also contribute to greenhouse gas emissions.

The proposed SUTI Bylaw was also developed with the understanding that the City has transitioned to an extended producer responsibility (EPR) model for the Blue Bin recycling program. Solid Waste staff will ensure that municipal waste composition, litter audit data and other data points are leveraged to monitor any changes in the quantity and types of single-use and takeaway waste that continue to be managed in the City's integrated waste management system.

The sections below provide a summary of consultations conducted and outlines the proposed SUTI Bylaw along with details on the implementation of the proposed SUTI Bylaw requirements, which include education and outreach plans, and a monitoring and enforcement model that was developed in consultation with Municipal Licensing and Standards. It also provides an update on the implementation of the voluntary Reducing Single-Use program and the Government's ongoing efforts to address single-use plastics at the national level.

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<sup>9</sup> See 2022 Litter Audit - City of Toronto - <https://www.toronto.ca/services-payments/recycling-organics-garbage/solid-waste-reports/>



## **Consultation on Mandatory Approaches to Reducing Single-Use and Takeaway Items**

Public consultations were undertaken in 2018 to identify which single-use and takeaway items to target for reduction. Public consultations were also undertaken in 2019 to determine preferred approaches (mandatory and/or voluntary measures) to reduce single-use accessory food items, single-use beverage cups, plastic and paper shopping bags, reusable shopping bags, and expanded polystyrene foam containers and cups. Feedback from this round of consultation was presented to City Council in June 2021, indicating strong overall public support for mandatory measures to address single-use and takeaway items.

Solid Waste undertook public consultations again in early 2022, a period in which the City was continuing to respond to the COVID-19 pandemic. These consultations focused on proposed timing for implementation of mandatory measures (i.e., bylaws) as well as additional single-use and takeaway items to be addressed, with an associated minimum amount retail business establishments are required to charge for certain single-use and takeaway items. Measures that were consulted on were also revised to align with the Federal Regulations that had been released in December 2021.

Public consultations included virtual engagement and presentations to the public and stakeholders. The stakeholders that were specifically targeted included retail business establishments that do not sell food, retail business establishments that sell food ("food service business establishments"), retail and manufacturing groups, and non-governmental organizations. The City also presented proposed mandatory measures in development of the proposed SUTI Bylaw to TAAC in winter 2022. The public consultations utilized a variety of tactics including surveys and online consultation sessions for the public and stakeholders. Internal stakeholder meetings were also held with City divisions to gather input on the proposed items and reduction approaches and to ensure that proposed approaches do not conflict with or interfere with other City divisions' policies or programs.

A Public Consultation report of the 2022 single-use and takeaway items consultation results is found in Attachment 4. Consultation participants were asked to indicate their support for the following proposed SUTI Bylaw requirements that would require retail business establishments to:

- adhere to an Ask-First/By-Request requirement to address single-use accessory food items
- implement a minimum amount charged on paper shopping bags, plastic shopping bags, single-use beverage cups, and reusable bags
- accept reusable shopping bags and reusable beverage cups

Online surveys received 10,719 responses from the public and 184 responses from retail business establishments, which was supplemented with statistically significant third-party independent polling of 1,000 residents via an online panel and 250 food business establishments by telephone. Four stakeholder meetings were held, with 53 stakeholders attending, while two general public meetings had a combined attendance

of 102 people. Table 5 below provides a summary of the levels of support for the proposed mandatory approaches and targeted single-use and takeaway items from the 2022 public consultations. The City's proposed reduction measures in this report have been revised to reflect the outcome of the three rounds of public consultation and align with the Federal Regulations.

Table 5. Summary of 2022 Public Consultations

| <b>Mandatory Approach</b>                                       | <b>Representative General Population Survey</b> | <b>Representative Food Service Business Survey</b> | <b>General Public Online Survey (Residential)</b> | <b>Online (Public) Survey of Business</b> |
|-----------------------------------------------------------------|-------------------------------------------------|----------------------------------------------------|---------------------------------------------------|-------------------------------------------|
| <b>Ask-First/By-Request</b>                                     |                                                 |                                                    |                                                   |                                           |
| Single-Use Accessory Food Items                                 | 67% support proposal                            | 74% support proposal                               | 89% support proposal                              | 71% support proposal                      |
| <b>Minimum Amounts Retail Businesses are Required to Charge</b> |                                                 |                                                    |                                                   |                                           |
| Hot Beverage Cup                                                | 41% support proposal                            | 51% support proposal                               | 68% support proposal                              | 60% support proposal                      |
| Cold Beverage Cup                                               | 41% support proposal                            | 55% support proposal                               | 69% support proposal                              | 59% support proposal                      |
| Paper Shopping Bags                                             | 42% support proposal                            | 45% support proposal                               | 60% support proposal                              | 68% support proposal                      |
| Plastic Shopping Bags                                           | 66% support proposal                            | 60% support proposal                               | 89% support proposal                              | 69% support proposal                      |
| Reusable Shopping Bags                                          | 49% support proposal                            | 56% support proposal                               | 74% support proposal                              | 77% support proposal                      |



| <b>Mandatory Approach</b>          | <b>Representative General Population Survey</b> | <b>Representative Food Service Business Survey</b> | <b>General Public Online Survey (Residential)</b> | <b>Online (Public) Survey of Business</b>        |
|------------------------------------|-------------------------------------------------|----------------------------------------------------|---------------------------------------------------|--------------------------------------------------|
| <b>Mandate to Accept Reusables</b> |                                                 |                                                    |                                                   |                                                  |
| Reusable Shopping Bags             | 79% support proposal                            | 84% no difficulty accepting                        | 95% support proposal                              | 80% no difficulty accepting                      |
| Reusable Cups                      | 69% support proposal                            | 74% no difficulty accepting                        | 89% support                                       | 61% (hot) and 55% (cold) no difficulty accepting |

\*Number of participants - Online surveys: 10,719 general public; 184 retail business establishments. Independent polling: 1,000 residents and 250 food business establishments.

The following sections detail the proposed SUTI Bylaw, which comprises Stage 2 of the Reduction Strategy, to address single-use and takeaway items. The proposed SUTI Bylaw specifically contains measures that retail business establishments need to adhere to for single-use accessory food items, paper and reusable shopping bags, and beverage cups.

Bylaws enacted by other Canadian municipalities with measures targeting the same single-use and takeaway items are also described within each Section and presented in Attachment 3.

Requirements that are presently not being proposed in the Reduction Strategy are also detailed below, including a minimum amount charged on paper shopping bags, a minimum amount charged on beverage cups, a minimum amount charged on plastic bags, and a ban on cups and containers made of expanded polystyrene and black pigment plastic.

### **The Proposed Single-Use and Takeaway Items Bylaw**

The proposed SUTI Bylaw addresses single-use items that are not covered under the Federal Regulations. The authority to impose this proposed SUTI Bylaw comes from section 8(2)5. of the City of Toronto Act, 2006, which states that the City can pass a by-law respecting the "economic, social and environmental well-being of the City, including respecting climate change."

The City's intent for the proposed SUTI Bylaw is to reduce the unnecessary use of single-use and takeaway items and eliminate them from being sorted incorrectly into

diversion streams, and from becoming litter or entering Toronto's waterways. The primary goal of the proposed SUTI Bylaw is to reduce the use and disposal of specific single-use and takeaway items, regardless of which waste stream (i.e., garbage, Blue Bin recycling program, Green Bin organics program) they are currently managed in and the material they are made of. Whereas the Federal Regulations are specifically focused on plastics prohibition, the proposed SUTI Bylaw aims to eliminate the unnecessary use of the targeted single-use and takeaway items altogether and not material substitution.

The proposed SUTI Bylaw includes the following mandatory activities by a retail business establishment operator:

- confirm a customer needs a single-use accessory food item prior to distribution;
- confirm a customer needs a paper shopping bag prior to distribution;
- charge customers a minimum amount for a reusable shopping bag, with the minimum amount to increase one year following the proposed SUTI Bylaw coming into force;
- accept the use of reusable shopping bags by a customer;
- confirm a customer needs a single-use beverage cups prior to distribution; and
- accept the use of a reusable beverage cup by a customer.

The proposed SUTI Bylaw applies to retail business establishments which are premises where goods and/or services are offered for sale. This includes, but is not limited to, businesses that engage in online delivery, businesses that handle prepared food and beverages for takeout, caterers, mobile food vendors and sidewalk vendors (i.e., food trucks and carts), dine-in and fast-food restaurants, and grocery stores. A retail business establishment under the proposed SUTI Bylaw does not include shelters, hospitals and medical facilities, places of worship, school nutrition programs and other similar facilities that may provide single-use accessory food items as a part of their operations, and as a result these establishments will not be subject to the proposed SUTI Bylaw. Retail business establishments that provide or permit the provision of the targeted single-use and takeaway items to a customer at a City property event or a restricted event will also not be subject to the proposed SUTI Bylaw.

Toronto Public Health was consulted on the mandatory acceptance of reusable beverage cups and reusable shopping bags by retail business establishments put forward under the proposed SUTI Bylaw. Toronto Public Health does not have concerns with a retail business establishment that serves and prepares food accepting a customer's reusable beverage cup or container, as long as the food premises develops appropriate practices and policies to accept these reusable items that meet its obligations to ensure food safety and prevent food contamination. As detailed in Attachment 5, Toronto Public Health has developed a guideline document for retail business establishments that serve and prepare food in the event a customer wants to use a reusable beverage cup or food container.<sup>10</sup> Under the proposed SUTI Bylaw a retail business establishment would be able to refuse a customer's use of a reusable

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<sup>10</sup> See Guidance on Reusables - Toronto Public Health - City of Toronto - <https://www.toronto.ca/legdocs/mmis/2022/ie/bgrd/backgroundfile-227893.pdf>  
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beverage cup if it, in their opinion, could impact food safety and their obligations under the Health Protection and Promotion Act.<sup>11</sup>

The proposed SUTI Bylaw is provided in Attachment 1 and summarized in the sections below, which detail the single-use and takeaway items to be regulated, the proposed requirements, the dates on which the proposed SUTI Bylaw requirements will come into force and the rationale for inclusion.

### *Single-Use Accessory Food Items*

The proposed SUTI Bylaw includes an Ask-First/By-Request requirement for retail business establishments prior to providing a customer with a single-use accessory food item; this would include either the retail business establishment receiving a request from the customer or by asking the customer directly. Retail business establishments may also offer single-use accessory food items through self-serve accessory food item stations, indicating a need from the customer in accordance with the Ask-First/By-Request requirement. For online orders, a retail business establishment will not provide customers with any single-use accessory food items unless requested by the customer through the online ordering platform. Under the proposed SUTI Bylaw, single-use accessory food items can be made of any type of material, not just plastic, and can include, but are not limited to, straws, napkins, stir sticks, utensils, beverage takeout trays, and condiment packages. The single-use accessory food items Ask-First/By-Request requirement under the proposed SUTI Bylaw is proposed to come into force on March 1, 2024.

Some single-use accessory food items, such as utensils, are increasingly being labeled as "compostable" and "biodegradable" plastic alternatives; however, these items are not accepted in the City's waste diversion streams and must be placed in the garbage. These labels can create confusion on how to properly dispose of items and lead to an increase in contamination in waste diversion streams. This results in additional processing costs to remove the items from the Blue Bin recycling program and Green Bin organics program and have them sent to landfill, as well as a requirement for on-going education to explain proper disposal of these items (i.e. to place them in the garbage and not the Blue Bin recycling program or Green Bin organics program).

The Ask-First/By-Request requirement for accessory food items supports single-use and takeaway item reduction by introducing the opportunity for behavioural change in prompting customers to consider and decide whether they require the items before receiving them.

A general public online survey conducted by Solid Waste in 2022 found that 89 per cent of Toronto residents support the City's proposal to implement an Ask-First/By-Request requirement for single-use accessory food items, including utensils, straws, and other single-use accessory food items, while a general public online survey undertaken by Solid Waste staff during public consultations in 2019, found that 93 per cent and 92 per

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<sup>11</sup> See Health Protection and Promotion Act, R.S.O. 1990, c.H.7 - O. Reg. 493/17: Food Premises - Government of Ontario - <https://www.ontario.ca/laws/regulation/170493>

cent of respondents supported an Ask-First/By-Request requirement on single-use accessory eating utensils and single-use straws, respectively.<sup>12</sup>

Among Toronto food service business establishments surveyed in a 2022 representative food service business survey, 74 per cent supported the City's proposal to implement an Ask-First/By-Request requirement for single-use accessory food items, including utensils and straws, while 62 per cent indicated that they already had some form of an Ask-First/By-Request policy in effect for single-use accessory food items.<sup>13</sup> 59 per cent of food service business establishments surveyed did not anticipate the proposed SUTI Bylaw would have a negative impact on their business.

Several Canadian municipalities have enacted bylaws on single-use accessory food items. Some of these bylaws have taken the form of either an Ask-First/By-Request requirement or a ban. A By-Request bylaw for single-use accessory food items came into effect on April 22, 2020 in the City of Vancouver.<sup>14</sup> Ask-First/By-Request bylaws for single-use accessory food items have also been implemented in the Town of Banff and the City of Edmonton, in July 2023,<sup>15</sup> and will be implemented in the City of Calgary in January 2024.<sup>16</sup> The City of Montreal has also implemented a ban on certain single-use plastic foodservice ware items, which came into effect on March 28, 2023.<sup>17</sup>

### *Paper Shopping Bags*

The proposed SUTI Bylaw includes an Ask-First/By-Request requirement for retail business establishments prior to providing a customer with a paper shopping bag. This measure will come into force on March 1, 2024. An Ask-First/By-Request requirement for paper shopping bags will support waste reduction by prompting customers to consider whether a paper shopping bag is required for their purchase. Additionally, the

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<sup>12</sup> See Single-Use and Takeaway Items Reduction Strategy - Phase 2 Public Consultation Report - February 2020 - <https://www.toronto.ca/legdocs/mmis/2021/ie/bgrd/backgroundfile-166835.pdf>

<sup>13</sup> See The Representative Food Service Business Survey conducted by Ipsos Public Affairs, an independent research consulting firm, surveyed 250 food service establishments in Toronto by telephone.

<sup>14</sup> See City of Vancouver By-Laws to Reduce Single-Use Items - RTS 13201, Section 3 - <https://council.vancouver.ca/20191127/documents/pspc2.pdf>

<sup>15</sup> See Town of Banff Bylaw 468 - Single-Use Item Reduction Bylaw, Section 4 - <https://banff.ca/DocumentCenter/View/15039/Single-Use-Item-Reduction-Bylaw-468>; City of Edmonton Charter Bylaw 20117 - Single-Use Item Reduction Bylaw, Part III - <https://pub-edmonton.escribemeetings.com/filestream.ashx?DocumentId=163591>

<sup>16</sup> See City of Calgary Charter Bylaw Number 1H2023 - Being a Charter Bylaw of the City of Calgary to Regulate Single-Use Items, Section 8 - <https://pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=230150>

<sup>17</sup> The City of Montreal by-law prohibits the distribution of several single-use plastics in grocery stores and restaurants, including for on-site consumption, takeout or delivery. Single-use plastics include all plastics, compostable or not (for cups, glasses, stirring sticks, straws, and utensils for on-site consumption) and polystyrene (no.6) and compostable plastics (no.7 PLA and PHA) (for plates, containers, lids, trays, and utensils for takeout and delivery). See City of Montreal Bylaw - 21-040 - <https://montreal.ca/en/reglements-municipaux/recherche/615766882f8ac90011ca5888>

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proposed SUTI Bylaw requires paper shopping bags to be compatible with the City's diversion programs (i.e., no metal grommets or plastic handles) effective March 1, 2024.

For online orders and take-out there are currently no other options for consolidating an order unless a customer provides a bag. As detailed below, a minimum amount charged for paper shopping bags is not recommended.

### *Reusable Shopping Bags*

The proposed SUTI Bylaw would require a retail business establishment to charge their customer a minimum amount for each reusable shopping bag distributed starting May 1, 2024. A graduated minimum amount charged is recommended as follows:

- \$1.00 per reusable shopping bag, starting on May 1, 2024;
- \$2.00 per reusable shopping bag, starting on May 1, 2025.

A graduated minimum amount retail business establishments are required to charge, that applies to reusable shopping bags, is recommended to prevent their unrestricted distribution, as there is a risk of reusable shopping bags becoming replacements for single-use shopping bags, and to incentivize customers to bring reusable bags or totes. This reduces the need for single-use paper shopping bags and prevents unnecessary waste from ending up in landfill or in Toronto's waterways and environment.

Several Canadian municipalities have adopted a bylaw requiring businesses to charge a minimum amount for a reusable shopping bag. The minimum amount proposed for reusable shopping bags is comparable with jurisdictions across Canada. The City of Calgary, the City of Edmonton, and the City of Vancouver have all implemented a \$1.00 minimum amount for reusable shopping bags that escalates to \$2.00 minimum amount after one year.<sup>18</sup> Effective January 1, 2024, the Town of Banff will require businesses to charge a minimum amount of \$2.00 for a reusable shopping bag.<sup>19</sup>

A representative general population survey conducted by Solid Waste in 2022 showed 43 per cent of respondents did not support a minimum amount charged on reusable shopping bags, while the representative food service business survey found 56 per cent of respondents from food service business establishments supported being required to charge a minimum amount, with an option of a \$1.00 minimum amount garnering the highest level of support (22 per cent).

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<sup>18</sup> See City of Calgary Charter Bylaw Number 1H2023 - Being a Charter Bylaw of the City of Calgary to Regulate Single-Use Items, section 3 - <https://pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=230150>; City of Edmonton Charter Bylaw 20117 - Single-Use Item Reduction Bylaw, section 6 - <https://pub-edmonton.escribemeetings.com/filestream.ashx?DocumentId=163591>; City of Vancouver By-Laws to Reduce Single-Use Items - RTS 13201, table 5 - <https://council.vancouver.ca/20191127/documents/pspc2.pdf>

<sup>19</sup> See Town of Banff Bylaw 468 - Single-Use Item Reduction Bylaw, section 7.2 - <https://banff.ca/DocumentCenter/View/15039/Single-Use-Item-Reduction-Bylaw-468> Update and Action Plan on the Reduction Strategy, including the Circular Food Innovators Fund

The minimum amount charged on reusable shopping bags would be retained by the retail business establishment. The City is not able to require retail business establishments to remit this minimum amount charged to the City or into a special fund, etc.<sup>20</sup> The intent of the City's proposed minimum amount retail business establishments are required to charge is to encourage behavioural change in consumers to reduce their consumption of single-use bags and to incent consumers bring their reusable shopping bags to avoid the minimum amount.

The proposed SUTI Bylaw would also require a retail business establishment to accept a reusable shopping bag provided by a customer. Public consultation feedback from 2022 indicated that 79 per cent of respondents in the statistically representative survey stated they would support a bylaw mandating the acceptance of reusable shopping bags. In the representative food service business survey, 84 per cent of respondents from food service business establishments indicated they would have no difficulty accepting reusable shopping bags.

### *Beverage Cups*

The proposed SUTI Bylaw includes an Ask-First/By-Request requirement for retail business establishments prior to providing a customer with a single-use beverage cup for their hot or cold beverage, or through a self-serve accessory food items station within the retail business establishment that indicates an implied request from the customer, effective March 1, 2024.

Under the proposed SUTI Bylaw, a retail business establishment would also be required to accept a reusable beverage cup provided by a customer when purchasing either a hot or cold beverage, effective March 1, 2024. A reusable beverage cup provided by a customer for their beverage must be suitable for use as a beverage cup, in good repair, of sound construction, visibly clean, and of a shape and a material that permits it to be readily cleaned and sanitized. As stated above, a retail business establishment that serves and prepares food would need to abide by Provincial requirements regarding reusable beverage cups and would have the right to refuse reusable beverage cups under these requirements.

An Ask-First/By-Request requirement for single-use beverage cups introduces the opportunity for behavioural change in prompting customers to consider and decide whether they require the items before receiving them.

Solid Waste's representative food service business survey, conducted in 2022, showed 74 per cent of respondents from food service business establishments said they would have no difficulty accepting reusable beverage cups, while the online public survey of businesses showed 61 per cent would have no difficulty accepting reusable beverage cups for hot beverages and 55 per cent for cold beverages.

Table 6 below provides a summary of the proposed SUTI Bylaw, as well as implementation timelines.

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<sup>20</sup> See City of Toronto Act, 2006, Part X, Power to Impose Taxes - Government of Ontario - <https://www.ontario.ca/laws/statute/06c11#BK380>

Table 6. Summary of Single-Use and Takeaway Item Bylaw and proposed implementation timeline

| Targeted Items                               | Proposed Implementation Date of Mandatory Measures, Post-Adoption by City Council |                                 |                                 |
|----------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------|---------------------------------|
|                                              | March 1, 2024                                                                     | May 1, 2024                     | May 1, 2025                     |
| Single-Use Accessory Food Items              | Ask-First/By-Request                                                              |                                 |                                 |
| Paper Shopping Bags                          | Ask-First/By-Request<br>Compatibility                                             |                                 |                                 |
| Reusable Shopping Bags                       | Mandatory Acceptance                                                              | Minimum Amount Charged - \$1.00 | Minimum Amount Charged - \$2.00 |
| Single-Use Beverage Cups                     | Ask-First/By-Request                                                              |                                 |                                 |
| Reusable Beverage Cups Provided by Customers | Mandatory Acceptance                                                              |                                 |                                 |

*Exclusions to the proposed SUTI Bylaw*

The paper shopping bag Ask-First/By-Request requirement will not apply to certain types of paper shopping bags, such as paper bags less than 15 cm x 20 cm when flat.

The proposed SUTI Bylaw will not apply to retail business establishments selling goods and services at a City property event (i.e., a single day or multi-day public or private event that has been permitted by the City to occur on city property), or at a restricted event (i.e., a single day or multi-day public or private event restricted through requirement of a ticket or otherwise not open to general public attendance).

Solid Waste staff, in consultation with relevant City divisions, will review waste management plans for permitted events that are held on City property and undertake stakeholder consultations to explore options and incentives to expand the Reduction Strategy to large venues and other ticketed events. Enforcement of the proposed SUTI Bylaw, along with associated resource and budget planning, will need to be reviewed if the Bylaw is expanded in the future to restricted events or events on City property, in consultation with Municipal Licensing and Standards.

**Requirements Not Presently Being Included in the Proposed SUTI Bylaw**

The City has previously consulted on mandatory measures that would address single-use and takeaway items that are no longer being proposed in the Bylaw. To ensure alignment with the Government's Regulation, and in consideration of ease of implementation for businesses and public consultation feedback and in learning from insights from other communities with single-use and takeaway measures in place, the



proposed SUTI Bylaw excludes a minimum amount charged on single-use beverage cups, a minimum amount charged on paper shopping bags, a minimum amount charged on plastic shopping bags, and bans on the distribution of single-use food containers made from expanded polystyrene foam or black pigment plastic.

### *Minimum Amount Charged on Single-Use Beverage Cups*

Support for a retail business establishment to charge a minimum amount on a single-use beverage cup (hot and cold) distributed to their customers has decreased as evidenced in Solid Waste's public consultations, with general public online surveys showing support decreased from 84 per cent for both single-use hot and cold beverage cups in 2019<sup>21</sup> to 68 per cent for hot single-use beverage cups and 69 per cent for cold single-use beverage cups, respectively, in 2022.

In addition, no other municipality in Canada requires a business to charge a minimum amount for single-use hot and/or cold beverage cups in their single-use and takeaway item bylaws. The City of Vancouver had required businesses to charge their customers a minimum amount of \$0.25 for a single-use beverage cup starting on January 1, 2022. However, on February 15, 2023 the City of Vancouver voted unanimously to repeal the single-use beverage cup fee bylaw, as of June 1, 2023.<sup>22</sup> A subsequent report in February 2022 entitled "Revisiting the City's Single-Use Beverage Cup Fee Policy" noted that the ongoing experience and feedback regarding the City of Vancouver's single-use beverage cup fee indicated that the bylaw was not effective in accomplishing its intended objectives of changing consumer behaviour, reducing the use of single-use beverage cups ending up in landfill, and encouraging customers to switch to reusable cups.<sup>23</sup>

### *A Minimum Amount Charged on Paper Shopping Bags*

Although bylaws requiring a business to charge their customers a minimum amount for a paper shopping bag have been introduced by several Canadian municipalities, staff are not recommending one in the proposed SUTI Bylaw. With the Government banning plastic shopping bags through the Federal Regulations, retail business establishments will have limited alternatives to provide their customers. Furthermore, through consultations, the representative general population survey and the representative food service business survey showed 42 per cent and 45 per cent support for a minimum amount charged on paper shopping bags, respectively.

Minimum amounts charged on paper shopping bags have been introduced by several Canadian municipalities. The Town of Banff has required businesses to charge a minimum of \$0.25 for paper shopping bags as of July 1, 2023. The City of Vancouver

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<sup>21</sup> See City of Toronto Single-Use and Takeaway Items Reduction Strategy - Phase 2 Public Consultation Report - February 2020 - <https://www.toronto.ca/legdocs/mmis/2021/ie/bgrd/backgroundfile-166835.pdf>

<sup>22</sup> See City Council - Motion Repealing Vancouver's Single-Use Beverage Cup Fee - City of Vancouver - February 15, 2023 - <https://council.vancouver.ca/20230215/documents/pspc3.pdf>

<sup>23</sup> See Revisiting the City's Single-Use Beverage Cup Fee Policy - City of Vancouver - February 18, 2022 - <https://council.vancouver.ca/20220302/documents/pspc1.pdf>



implemented an initial minimum amount of \$0.15 effective January 1, 2022, on paper shopping bags, which will escalate to \$0.25 on July 1, 2024. The City of Edmonton implemented a bylaw that required businesses to charge an initial minimum amount on paper shopping bags of \$0.15, which began on July 1, 2023, and which will escalate to \$0.25 on July 1, 2024. Similarly, the City of Calgary implemented a bylaw that required businesses to charge an initial minimum amount of \$0.15, which will begin on January 16, 2024, and escalate to \$0.25 on January 16, 2025.

As plastic shopping bags are being banned through the Federal Regulations, the City determined that retail business establishments are left with few alternatives to paper shopping bags to provide customers. Also, if customers order through a food delivery service, and their order must be consolidated in a paper shopping bag, they would not be able to avoid the minimum amount charged.

### *Minimum Amounts Charged on Plastic Shopping Bags*

Although Solid Waste's public consultations in 2019 and 2022 indicated strong support for retail business establishments to charge their customers a minimum amount for a plastic shopping bag, at 91 per cent and 89 per cent, respectively, a minimum amount charged on plastic shopping bags was excluded from the proposed SUTI Bylaw. A minimum amount charged on plastic shopping bags is not being proposed by Solid Waste since the Government, through the Federal Regulations, is banning the distribution of plastic bags effective December 20, 2023. In advance of the Federal Regulations, a number of large retail business establishments have already eliminated distribution of plastic shopping bags, including Walmart,<sup>24</sup> Metro (including Food Basics),<sup>25</sup> Loblaw Companies Ltd (including Shoppers Drug Mart, No Frills, Real Canadian Superstore, and Fortinos),<sup>26</sup> and Sobeys (including Farm Boy).<sup>27</sup> The City's proposed SUTI Bylaw was drafted to align with and to complement the Federal Regulations.

Several Canadian municipalities and provinces have imposed a ban, or have approved a ban, on plastic shopping bags. Laws banning plastic shopping bags have been enacted by the Province of Prince Edward Island, effective since July 1, 2019;<sup>28</sup> in the

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<sup>24</sup> See "Walmart Canada says goodbye to single-use plastic bags," -

<https://www.walmartcanada.ca/newsroom/2022/04/21/walmart-canada-says-goodbye-to-single-use-plastic-bags>

<sup>25</sup> See "Metro eliminates single-use plastic shopping bags in all its food stores and pharmacies," -

<https://corpo.metro.ca/en/media/newsroom/2022/METRO-eliminates-single-use-plastic-shopping-bags.html>

<sup>26</sup> See "Loblaw to eliminate all single-use plastic shopping bags from its stores by early 2023," -

<https://www.loblaw.ca/en/loblaw-to-eliminate-all-single-use-plastic-shopping-bags-from-its-stores-by-early-2023/>

<sup>27</sup> See "Sobeys removing plastic bags from its stores on Friday," <https://www.cbc.ca/news/canada/nova-scotia/say-goodbye-sobeys-bags-1.5444451>

<sup>28</sup> See Province of Prince Edward Island - Plastic Bag Reduction Act - Section 4 -

[https://www.princeedwardisland.ca/sites/default/files/legislation/p-09-2-plastic\\_bag\\_reduction\\_act.pdf](https://www.princeedwardisland.ca/sites/default/files/legislation/p-09-2-plastic_bag_reduction_act.pdf)

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Town of Dawson City, effective since October 2019;<sup>29</sup> in the Province of Newfoundland and Labrador, effective since July 1, 2020;<sup>30</sup> in the Province of Nova Scotia, effective since October 20, 2020;<sup>31</sup> in the City of Victoria, effective since April 15, 2021;<sup>32</sup> in the Yukon Territory, effective since October 1, 2021;<sup>33</sup> in the City of Regina, effective since February 1, 2022;<sup>34</sup> in the City of Vancouver effective since April 2022;<sup>35</sup> in the City of Guelph, effective since January 1, 2023,<sup>36</sup> in the City of Edmonton, effective since July 1, 2023,<sup>37</sup> and the Town of Banff, which will come into effect on January 1, 2024.<sup>38</sup>

A bylaw enacting a ban or minimum amount charged on plastic shopping bags would have to be repealed prior to December 20, 2023, as their distribution and sale will be prohibited through the Federal Regulations as of that date.

### *Ban on Cups and Containers Made of Expanded Polystyrene Foam and Black Pigment Plastic*

A general public online survey conducted by Solid Waste staff in 2019 found that 64 per cent of respondents felt black pigment plastic items should be included in the City's Reduction Strategy, while 95 per cent of respondents supported a ban on expanded polystyrene (foam) food takeaway containers and cups.<sup>39</sup> Single-use containers made of black pigment plastic are also not accepted in the Blue Bin recycling program. Expanded polystyrene foam cups and containers, although accepted in the Blue Bin recycling program, remain challenging to sort and market even when it can be

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<sup>29</sup> See Town of Dawson City - Single-Use Plastics Bylaw No. 2019-10 -

<https://www.cityofdawson.ca/Home/DownloadDocument?docId=847a340b-faac-4d3d-ab3a-7d6811af0ee3>

<sup>30</sup> See Province of Newfoundland and Labrador - Plastic Retail Bag Regulation 1/20 -

<https://www.assembly.nl.ca/legislation/sr/annualregs/2020/nr200001.htm>

<sup>31</sup> See Province of Nova Scotia - Bill No. 152 - An Act to Reduce the Use of Plastic Bags and Other Single-Use Products -

<https://nslegislature.ca/sites/default/files/legc/PDFs/annual%20statutes/2019%20Fall/c025.pdf>

<sup>32</sup> See City of Victoria - Checkout Bag Regulation Bylaw No. 20-025 -

[https://www.victoria.ca/assets/Departments/Sustainability/Checkout%20Bag%20Regulation%20Bylaw%20No.%2020-025%20-%202018%20\(1\).pdf](https://www.victoria.ca/assets/Departments/Sustainability/Checkout%20Bag%20Regulation%20Bylaw%20No.%2020-025%20-%202018%20(1).pdf)

<sup>33</sup> See Yukon Territory - Order in Council 2021/131 -

[https://laws.yukon.ca/cms/images/LEGISLATION/SUBORDINATE/2021/2021-0131/2021-0131\\_1.pdf](https://laws.yukon.ca/cms/images/LEGISLATION/SUBORDINATE/2021/2021-0131/2021-0131_1.pdf)

<sup>34</sup> See City of Regina - The Plastic Checkout Bag Ban - Bylaw No. 2020-49 -

<file:///C:/Users/scamero2/Downloads/2020-49.pdf>

<sup>35</sup> See City of Vancouver By-Laws to Reduce Single-Use Items - RTS 13201 -

<https://council.vancouver.ca/20191127/documents/pspc2.pdf>

<sup>36</sup> See City of Guelph - Guelph Council Approves Single-Use Items Bylaw -

<https://guelph.ca/2022/09/guelph-council-approves-single-use-items-bylaw/>

<sup>37</sup> See City of Edmonton Charter Bylaw 20117 - Single-Use Item Reduction Bylaw, section 6 - <https://pub-edmonton.escribemeetings.com/filestream.ashx?DocumentId=163591>

<sup>38</sup> See Town of Banff Bylaw 468 - Single-Use Item Reduction Bylaw, section 7.2 -

<https://banff.ca/DocumentCenter/View/15039/Single-Use-Item-Reduction-Bylaw-468>

<sup>39</sup> See Single-Use and Takeaway Items Reduction Strategy - Phase 2 Public Consultation Report -

February 2020 - <https://www.toronto.ca/legdocs/mmis/2021/ie/bgrd/backgroundfile-166835.pdf>

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recovered in sufficient volume. The Federal Regulations, as of December 20, 2023, ban the distribution and sale of expanded and extruded polystyrene foam and black pigment plastic - a category that includes clamshell containers, lidded containers, cartons, cups, plates and bowls used for serving or transporting prepared food or beverages. Due to the Federal Regulations on expanded and extruded polystyrene foam and black pigment plastic, the City's proposed SUTI Bylaw does not include a ban on these items.

Several Canadian municipalities have imposed a ban on expanded and extruded polystyrene foam cups and containers. Bans were put in place in the City of Vancouver, effective since January 1, 2020;<sup>40</sup> in the City of Guelph, effective since January 1, 2023;<sup>41</sup> in the City of Edmonton, effective since July 1, 2023, and will come into effect in the City of Winnipeg, on January 1, 2025.<sup>42</sup>

### *Repeal of City of Toronto Municipal Code Chapter 604*

City of Toronto Municipal Code Chapter 604, Packaging, states that plastic shopping bags distributed in Toronto must be compatible with the City's Blue Bin recycling program (that is, composed of a single material for example, without metal grommets or rope handles).<sup>43</sup> As plastic shopping bags are being regulated by the Government and are now captured as part of the EPR regime in Toronto (as of July 2023), the compatibility of plastic shopping bags with the City's Blue Bin recycling program will not be included in the proposed SUTI Bylaw and Chapter 604 will be repealed.

### **Implementation Plan and Phased Enforcement Strategy**

To support the roll-out of the proposed SUTI Bylaw, staff are developing an implementation plan, in consultation with Municipal Licensing and Standards and Strategic Public & Employee Communications, that considers education and outreach. Prior to the proposed SUTI Bylaw coming into effect, the City will aim to educate retail business establishments on the new requirements through multi-channel tactics. Once the proposed SUTI Bylaw comes into effect, Solid Waste staff will monitor bylaw complaints and inquiries for the first year to track the volume and assess the nature of the service requests. Following this one-year period of monitoring by Solid Waste staff, Municipal Licensing and Standards will further determine if additional resources are required to enforce the proposed SUTI Bylaw.

The estimated budget for delivering on the first year of the implementation plan is \$100,000 in 2024, consisting of promotion and education. No net new staffing resources are anticipated for the implementation of the proposed SUTI Bylaw. Municipal Licensing and Standards and Solid Waste will review the number of complaints and inquiries over

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<sup>40</sup> See City of Vancouver By-Laws to Reduce Single-Use Items - RTS 13201, table 5 - <https://council.vancouver.ca/20191127/documents/pspc2.pdf>

<sup>41</sup> See City of Guelph - Guelph Council Approves Single-Use Items Bylaw - <https://guelph.ca/2022/09/guelph-council-approves-single-use-items-bylaw/>

<sup>42</sup> See City of Winnipeg - City of Edmonton Charter Bylaw 20117 - Single-Use Item Reduction Bylaw, section 6 - <https://pub-edmonton.escribemeetings.com/filestream.ashx?DocumentId=163591>

<sup>43</sup> See Toronto Municipal Code Chapter 604, Packaging - [www.toronto.ca/legdocs/municode/1184\\_604.pdf](http://www.toronto.ca/legdocs/municode/1184_604.pdf)

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the implementation period to determine future staffing and budget needs which will be incorporated into the 2025 budget process.

### *Communications, Promotion, Education and Outreach*

Strategic Public & Employee Communications will develop a communications plan in partnership with Solid Waste to help inform retail business establishments of the elements of the proposed SUTI Bylaw and the dates on which they will come into effect. Outreach will target retail business establishments, especially food service business establishments, that are captured under the proposed SUTI Bylaw. Public education efforts will continue to encourage the public to bring and use reusable shopping bags, containers and cups, as well as to refuse the unnecessary use of single-use and takeaway items, whenever possible.

To advance the City's Reduction Strategy, this report seeks authority for the General Manager, Solid Waste Management Services, to enter into partnerships, including with local, national, and international collaboration activities, that support the objectives and implementation of the Reduction Strategy. This includes opportunities to provide community-level education initiatives. Such opportunities to collaborate with external parties and participate in projects and initiatives may require entering into agreements to provide, or seek out, potential in-kind and/or financial support from, or for, the City. Solid Waste will also explore opportunities for the City to receive funding or in-kind support from external parties that will support the advancement of the Reduction Strategy outlined in the report.

### *Monitoring*

Based on initial research from other jurisdictions, Solid Waste staff expect inquiries and service requests from the public about the proposed SUTI Bylaw during the first year after it has come into effect. Solid Waste staff will develop and deliver a training program for City staff to respond to inquiries. Staff will also maintain a database of service requests directed to Municipal Licensing and Standards (i.e., complaints received in regard to potential bylaw violations etc.), as well as general inquiries and comments received from 311 and through other channels on the proposed SUTI Bylaw, as well as resolution tracking.

Solid Waste staff will monitor the progress of implementing and enforcing the proposed SUTI Bylaw and observe behaviour changes through the prevalence of single-use and takeaway items found in waste composition and litter audits.

### *Compliance and Enforcement*

Solid Waste and Municipal Licensing and Standards will jointly initiate a compliance strategy focused on persistent areas of concern. In the first year, Solid Waste will receive and monitor complaints/service requests. Following the receipt of a complaint, Solid Waste staff will first provide education to the retail business establishment to support compliance. If non-compliance of the proposed SUTI Bylaw continues to be observed, then service requests may be escalated to Bylaw Enforcement Officers within

Municipal Licensing and Standards for investigation and any appropriate enforcement action.

The proposed SUTI Bylaw includes offence language and proposes a minimum fine for convictions of \$500. Other jurisdictions, like Vancouver and Edmonton, have a set fine of \$500 for a first offence, while Banff and Calgary have an initial set fine of \$200 and \$250, respectively. Jurisdictions, such as Montreal, Regina, and Iqaluit, have escalating fines that differentiate based on individuals or businesses, with businesses receiving an initial fine of \$400, \$500 and \$1,000, respectively.

### **Update on the Reducing Single-Use Program**

As directed by City Council on June 8, 2021, Solid Waste staff developed and implemented a promotion and recognition program for businesses in Toronto that adopt reduction measures voluntarily.<sup>44</sup> In June 2022, Solid Waste launched the Reducing Single-Use program, to encourage and enable retail business establishments to take small actions to eliminate the unnecessary use of single-use and takeaway items in their operations and to celebrate those who were already doing so.

As of the date of this report, the Reducing Single-Use program has enrolled over 75 retail business establishments and service providers. In January 2023, the Reducing Single-Use program established online business and service provider directories<sup>45</sup> on the City's website of Reducing Single-Use program participants that are working to eliminate the unnecessary use of single-use and takeaway items.

On June 8, 2021, City Council directed Solid Waste to develop and release a guidance document for businesses. The Reducing Single-Use and Takeaway Items Guide (Guide) was released in spring 2023 and aims to support businesses to minimize single-use and takeaway items; encourage the safe use and acceptance of reusable items; and provide guidance on choosing alternatives to single-use and takeaway items that are difficult to recycle or not accepted in the City's waste management system.<sup>46</sup> The Guide offers information on product alternatives for single-use food and beverage containers and accessory food items and was designed to assist retail business establishments in switching to more environmentally compatible alternatives which are also compatible with the City's diversion programs.<sup>47</sup> The Guide is available for download on the City's website in 12 languages. The City also developed posters for

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<sup>44</sup> See Toronto City Council - 2021.IE22.6 - City of Toronto - <https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.6>

<sup>45</sup> See City of Toronto - Reducing Single-Use - Directory of Businesses - <https://www.toronto.ca/services-payments/recycling-organics-garbage/long-term-waste-strategy/reducing-single-use-takeaway-items/reducing-single-use-program/reducing-single-use-directory-of-businesses/>

<sup>46</sup> See Toronto City Council - 2021.IE22.6 - City of Toronto - <https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.6>

<sup>47</sup> See City of Toronto - Reducing Single-Use & Takeaway Items Guide - <https://www.toronto.ca/wp-content/uploads/2023/02/95ef-DS-23-0001-ReducingSingleUseGuide-WEB-FINALAODA.pdf>

both residents and businesses to assist in choosing alternatives to single-use and takeaway items.<sup>48</sup>

As directed by City Council on June 8, 2021, Solid Waste, in consultation with the appropriate City divisions, was to identify where voluntary measures could be implemented at City-run facilities, events and with City vendors, in order to take a leadership role in supporting the reduction of single-use and takeaway items.<sup>49</sup> City divisions, such as Corporate Real Estate Management and Toronto Public Library, are enhancing the Reducing Single-Use program by promoting the reduction of single-use and takeaway items in City facilities. These City divisional champions either have, or are in the process of, corresponding with vendors to encourage their enrollment in the Reducing Single-Use program and/or to participate in planned webinars intended to educate on the Reducing Single-Use program's purpose and benefits. The initiatives include communications targeting vendors within City facilities, including St. Lawrence Market and Union Station; print advertising displayed by the Toronto Public Library; and information displayed at community centres and children's centres throughout the city.

Following the adoption of the proposed SUTI Bylaw by City Council, the focus of the Reducing Single-Use program will include promotion and education related to the proposed SUTI Bylaw and responding to inquiries or service requests. The Reducing Single-Use program will continue championing and promoting emerging local solutions to reducing single-use and takeaway items.

### **Update on Further Government of Canada Efforts to Address Plastics**

As reported to City Council in June 2022, the Government published the Federal Regulations to restrict single-use plastics nationally, including prohibiting the manufacture, import and sale of six categories of single-use plastics: checkout bags, cutlery, foodservice ware made from or containing problematic plastics, ring carriers, stir sticks and straws. Solid Waste staff submitted comments to the Federal Regulations in March 2022, as detailed in the report submitted to the Infrastructure and Environment Committee on July 7, 2022.<sup>50</sup>

In April 2023, the Government released two consultation papers outlining further proposed regulatory schemes to address single-use plastics as components of the Canada-wide Strategy on Zero Plastic Waste. One consultation paper proposed a

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<sup>48</sup> See "Let's Choose to Reduce Single-Use Items" - <https://www.toronto.ca/wp-content/uploads/2021/09/9627-Lets-choose-to-reduce-single-use-items.pdf>; "Reduce Single-Use Items in Your Business" - <https://www.toronto.ca/wp-content/uploads/2021/09/8e2c-Reduce-single-use-items-in-your-business.pdf>

<sup>49</sup> See Toronto City Council - 2021.IE22.6 - City of Toronto - <https://secure.toronto.ca/council/agenda-item.do?item=2021.IE22.6>

<sup>50</sup> See Update on Single-Use and Takeaway Items Reduction Strategy - Reducing Single-Use (formerly Voluntary Measures) Program Launch - Infrastructure and Environment Committee - July 7, 2022 - <https://secure.toronto.ca/council/agenda-item.do?item=2022.IE31.15%20>

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federal registry for plastic producers,<sup>51</sup> while the other provided a proposed regulatory framework for the development of national rules for recycled content and labelling rules for plastics.<sup>52</sup> Solid Waste staff submitted comments on the papers in May 2023 (Attachments 6 and 7).

The City advocated for strong, standardized and consistent regulations by the Government on the compostability and recyclability of packaging, along with consistent laws for what can be managed in waste diversion programs, particularly in large urban areas where residents often work and reside in different municipalities.

In August 2023, the Government released a consultation paper seeking feedback on the development of a pollution prevention planning notice requiring large grocery retailers to prepare and implement a plan targeting primary food plastic packaging. This includes targets to increase the sale of products within reuse-refill systems, concentrated products and products free of plastic-packaging. The City was pleased to see an effort to reduce the environmental impact of primary food plastic packaging but cautioned that there may be a shift to materials that are difficult to recycle or compost. (Attachment 8). Solid Waste staff will continue to monitor Government efforts to address plastic waste and pollution.

## **CIRCULAR FOOD INNOVATORS FUND**

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### **Background**

As part of the Waste Strategy, the City is working toward an aspirational goal of zero waste and a circular economy. The Reduction Strategy is a vital component of Toronto's overall circular economy transition and a key pathway to sustainable consumption that is supported by both residents and businesses. City investment in community and business-led initiatives will help enable the City to achieve its Waste Strategy, Reduction Strategy and circular economy goals.

Single-use and takeaway items, such as beverage cups, eating utensils and shopping bags are common litter items, require valuable resources and energy to produce, collect, process and dispose of, and have serious impacts on the environment. In a circular economy the unnecessary use of single-use items is eliminated. Encouraging food system businesses to use reusable foodservice ware, such as reusable takeout containers, and invest in the systems that support the ongoing use of reusable

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<sup>51</sup> See Consultation Paper: A Proposed Federal Plastics Registry for Producers of Plastic Products - Environment and Climate Change Canada - <https://www.canada.ca/content/dam/eccc/documents/pdf/cepa/consultationplasticproductreg/Federal%20Plastic%20Registry%20Consultation%20Paper%20EN.pdf>

<sup>52</sup> See Consultation Paper: Towards Canada-wide Rules to Strengthen Recycling and Composting of Plastics Through Accurate Labelling - Environment and Climate Change Canada - [https://www.canada.ca/content/dam/eccc/documents/pdf/cepa/consultationplasticproductreg/Labelling%20consultation%20paper\\_final%20EN.pdf](https://www.canada.ca/content/dam/eccc/documents/pdf/cepa/consultationplasticproductreg/Labelling%20consultation%20paper_final%20EN.pdf)

foodservice ware, such as cleaning services and digital logistics tools, will help make progress towards transitioning to a more circular economy in Toronto.

Circular and sustainable consumption actions also help achieve the City's TransformTO Net Zero Strategy climate action goals and will play a key role in building a resilient, inclusive, green, and prosperous future for residents and businesses, particularly during the economic recovery from COVID-19.

The Reducing Single-Use program is one part of a larger transformation toward more circular and sustainable consumption in Toronto. Transitioning to a circular economy requires transforming existing economic systems so that our activities support the natural environment we rely on. Although the City is actively working toward a circular economy, the transition is not a goal that the City can achieve on its own. This transformation will require participation and innovation from all participants in the economy. The City can help realize this change in Toronto by:

- enabling innovation through the provision of tools and resources;
- encouraging innovation, including by celebrating successes; and
- convening various economic participants to build networks and foster greater collaboration and connectivity.

Toronto businesses are key change agents in the circular economy transition. Businesses provide the products, services and solutions that are required for change to take place, making it possible for other businesses as well as Toronto residents to participate in a more circular economy. As an enabler, motivator and convener of solution providers, the City can invite innovation from the Toronto business community by setting and communicating the outcomes that need to be achieved and ensuring that innovation delivers positive public benefit within Toronto.

### **Development of a Grant Program for Food System Businesses that helps Support the Reduction Strategy**

In 2021, Council directed Solid Waste staff to report back with an update and action plan on the Reduction Strategy, including a review of options to incentivize businesses to reduce single-use and takeaway items such as partnership opportunities, financial incentives and grant programs. As part of the review, Solid Waste staff are recommending, and seeking Council authority to establish, a grant program, the Circular Food Innovators Fund (CFIF), to support local small businesses (both for-profit and not-for-profit) in the delivery of their projects that will make progress toward achieving a more circular food system for Toronto residents and businesses.

The City has previously identified the food system<sup>53</sup> as a significant area of opportunity for circular intervention in Toronto. A circular food system provides healthy and

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<sup>53</sup> The food system refers to all the resources, activities and actors involved in the creation and movement of food and beverage products across the food value chain – from farm to the consumer. The resources used in the food system include both edible goods and non-edible inputs and outputs, such as water, energy and packaging.



sustainable food for all while eliminating food loss and waste, maximizing resource use and protecting and restoring natural ecosystems. In a circular food system, food and beverage products are sourced as locally as possible and produced, processed, packaged and distributed as sustainably as possible. Achieving a circular food system requires action at each step along the food value chain, from food production, processing and manufacturing, to distribution, food retail (sale), and food service (preparation of meals outside the home).

Focusing on Toronto's food system also provides the opportunity for the City to deliver on multiple policy priorities. When intentionally designed, projects that achieve circular food system objectives may also deliver co-benefits, such as poverty reduction, climate change solutions, and reducing food insecurity, as well as supporting economic recovery, given the significant impacts that the food and hospitality industries have faced during the COVID-19 pandemic.

Solid Waste staff propose implementing the CFIF in two phases. In alignment with the Reduction Strategy, Phase One of the CFIF will focus on supporting businesses in implementing their own reuse systems that enable the elimination of single-use and takeaway items in Toronto. Increasing the uptake of reuse systems in Toronto is an opportunity for the City to deliver immediate public benefit and make progress toward its circular economy and waste reduction goals. Through industry engagement and research, Solid Waste staff have identified market readiness to adopt reuse systems in food service and retail.

Eliminating the unnecessary use of single-use and takeaway items in Toronto is an important first step in transitioning to a more circular food system. To that end, Phase Two of the CFIF will consider additional opportunities to support business innovations that contribute to the wider food system transformation, in addition to ongoing support of reuse systems and the elimination of single-use and takeaway items. A circular food system includes making sustainable consumption choices related to the production, processing, distribution, sale and preparation of food and beverage products, such as taking and wasting less, using better, and giving back to the planet at any stage of the food value chain. In addition to increasing the uptake of reuse systems, a circular food system requires business innovation to reduce packaging in food distribution, reduce resource intensity, avoid food loss and waste, turn food waste into a resource and regenerate nature. Solid Waste staff will report back to Council by Q4 2026 with recommendations on how to expand support provided to business through the CFIF to stimulate innovation across the whole food value chain and achieve a more circular food system for Toronto residents and businesses.

The CFIF is an opportunity for the City to better understand what an urban circular food system looks like for Toronto, what business innovations exist and how to best support continued business innovation in enabling a circular food system that can deliver public benefit to Toronto. Thus, as part of the implementation of Phase One of the CFIF, Solid Waste staff will consult with food system businesses to inform future work, including the implementation framework for Phase Two of the CFIF. In sharing success stories and lessons learned from Phase One of the CFIF, the City will be able to celebrate local business innovation and inform, inspire, and accelerate additional progress toward a circular food system in Toronto.

### *Phase One of the Circular Food Innovators Fund*

Phase One of the CFIF will support local small businesses (both for-profit and not-for-profit) in the delivery of their projects that implement a new reuse system, or demonstrably enhance an existing reuse system, to enable the elimination of single-use and takeaway items in Toronto. Through Phase One of the CFIF, the City is aiming both to encourage business-to-consumer organizations to adopt reuse systems, and to support business-to-business organizations that can accelerate or scale the uptake of reuse systems.

The CFIF will be administered by Solid Waste staff and is designed to comply with the City of Toronto Community Grants Policy (May 29, 2019). Attachment 2 outlines the complete framework for Phase One of the CFIF, including the eligibility requirements, the application and assessment processes, obligations of grant recipients and evaluation of the CFIF program. Solid Waste only intends to have one intake period for application and award of CFIF funding during Phase One.

Once approved by Council, the CFIF will be promoted through a variety of City communications channels to attract a wide range of applicants that are representative of Toronto's diversity, including businesses owned by Indigenous and equity-deserving groups. The City intends to launch Phase One of the CFIF in Q1 2024. Grants will be allocated for a term of approximately one-year, with project funding anticipated to conclude by 2026.

### **Next Steps**

#### *Single-Use and Takeaway Item Bylaw*

Solid Waste staff will report back to City Council in 2025 with Stage 3 of the Reduction Strategy and other potential requirements to be included into the proposed SUTI Bylaw, such as requiring retail business establishments to accept reusable food containers provided by a customer and requiring the use of reusable beverage cups and food containers within dine-in retail business establishments in the city. The report back will also include options for reducing single-use and takeaway items in large event venues. Staff will undertake consultations to obtain feedback on these potential further measures that will aim to further reduce single-use and takeaway items and expand the requirements for the acceptance of reusable items.

In addition, Solid Waste staff will, in consultation with relevant City divisions, review waste management plans for City property events to explore options and incentives to incorporate the use of reusables.

#### *Circular Food Innovators Fund*

Solid Waste staff will report back to City Council by Q4 2026 on the implementation of Phase One of the CFIF, and with recommendations for Phase Two of the CFIF that consider support for business innovation across the whole food value chain in support

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of the City's circular economy and sustainable consumption goals. Continued relationship building and collaboration with a range of economic participants is important to accelerate the City's progress toward its aspirational circular economy goal. Solid Waste staff will explore opportunities to raise additional funding from external sources to support business innovation through the CFIF beyond Phase One.

## **CONTACT**

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## **SIGNATURE**

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Matt Keliher  
General Manager  
Solid Waste Management Services

## **ATTACHMENTS**

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Attachment 1: Single-Use and Takeaway Items Bylaw

Attachment 2: Framework for Phase One of the City of Toronto's Circular Food Innovators Fund

Attachment 3: Jurisdictional Scan update

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Attachment 4: 2022 Public Consultation Report (with Executive Summary from IPSOS report)

Attachment 5: Toronto Public Health Guidance on Reusables / Retailer obligations under Provincial Regulations

Attachment 6: May 18, 2023 - Letter to Environment and Climate Change Canada in response to the Government of Canada's Plastics Proposals - *Technical Paper: Federal Plastics Registry*

Attachment 7: May 18, 2023 - Letter to Environment and Climate Change Canada in response to the Government of Canada's Plastics Proposals - *Consultation Paper: Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper*

Attachment 8: August 30, 2023 - Letter to Environment and Climate Change Canada in response to the Government of Canada's Consultation Document - *Pollution Prevention Planning Notice for Primary Food Plastics Packaging: Targets for reduction, reuse, redesign, and recycled content*