

Update on Stage 2 of the Single-Use and Takeaway Items Reduction Strategy

Date: April 18, 2024

To: Infrastructure and Environment Committee

From: General Manager, Solid Waste Management Services

Wards: All

SUMMARY

In December 2023, City Council adopted IE9.3, Update and Action Plan on the Single-Use and Takeaway Items Reduction Strategy, including the Circular Food Innovators Fund report (SUTI Report), and the adoption of Municipal Code Chapter 702, Single-Use & Takeaway Items (SUTI Bylaw). The new SUTI Bylaw, which took effect March 1, 2024, is part of Stage 2 of the Single-Use and Takeaway Items Reduction Strategy (Reduction Strategy) and is applicable to all retail business establishments in Toronto. The development of the Reduction Strategy took into consideration the Government of Canada's (Government) Single-Use Plastic Prohibition Regulations (Federal Regulations).

A Supplementary Report (Supplementary Report) was also provided to the Infrastructure and Environment Committee on November 27, 2023, detailing the Federal Court of Canada (Federal Court) ruling that found the Order which added "plastic manufactured items" to the List of Toxic Substance on Schedule 1 of the Canadian Environmental Protection Act (CEPA) was unreasonable and unconstitutional (the Decision).¹ The Decision has been appealed to the Federal Court of Appeal and is stayed until the appeal is heard in June 2024 and a judgement is rendered.

This report responds to City Council direction from IE9.3 to report back on Stage 2 of the Reduction Strategy with the following information:

- any recommendations to adjust the Reduction Strategy that considers the Federal Regulations
- any recommendations to adjust the Reduction Strategy that considers a review of items prevalent in the City's Litter Audits
- any recommendations to include requirements for reusable shopping bags
- a review for a requirement that retail business establishments post that they accept reusable beverage cups

¹ See Federal Court Decisions - Responsible Plastic Use Coalition v. Canada (Environment and Climate Change) - November 16, 2023 - section VI. Conclusion - <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/524419/index.do?q=plastic+toxic>

- the feasibility of expanding the Ask-First/By-Request requirements to Restricted Events
- changing the definition of Restricted Events to be time-limited in nature
- details on the monitoring plan for the SUTI Bylaw.

This report also provides an update on Stage 2 implementation and recommends the following additions and amendments to the SUTI Bylaw:

- Exempting delivery operations from the Ask-First/By-Request requirement for paper shopping bags, effective May 25, 2024
- Adding clarification to specify that a lid is part of a beverage cup, effective May 25, 2024
- Requiring retail business establishments to post signage that they accept reusable beverage cups effective September 1, 2024
- Expanding the Ask-First/By-Request requirement to include Restricted Events effective January 1, 2025.

RECOMMENDATIONS

The General Manager, Solid Waste Management Services, recommends that:

1. City Council direct the General Manager, Solid Waste Management Services, to include in the report back on Stage 3 of the Single-Use and Takeaway Items Reduction Strategy (Reduction Strategy) in Q1 2025:

- a. Further updates on the implementation of the revised Stage 2 of the Reduction Strategy, including any additional or updated key performance indicators;
- b. An update on the continued monitoring of the prevalence of reusable bags in the City's waste stream; and
- c. Any recommendations on revising the definition of 'Restricted Events' to be only time-limited in nature and excluding retail business establishments that operate ticketed events on a regular scheduled basis.

2. City Council direct the General Manager, Solid Waste Management Services to report back on the outcome of the Government of Canada's appeal of the Federal Court decision to quash the Order adding "plastic manufactured items" to the List of Toxic Substance List in Schedule 1 to the Canadian Environmental Protection Act, 1999 (CEPA).

3. City Council amend City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items, as follows:

1. Amend the definition of "BEVERAGE CUP" in §702-1. to clarify that a cup may also include a lid as follows:

BEVERAGE CUP – A cup designed to serve hot and/or cold beverages, and may include a lid to the cup.

2. Add the following definition to §702-1.:

SINGLE-USE BEVERAGE CUP – A beverage cup that is:

- A. Designed to be used once and then disposed of as waste; and
- B. Ordinarily provided at the point of sale for a beverage at a retail business establishment, or, when a beverage is ordered by telephone or internet-based ordering platforms, is retrieved from the retail business establishment by the customer or a delivery service.

3. Add a new subsection to §702-3. Paper shopping bags., that includes the following exemption provision:

§702-3.B. does not apply to a retail business establishment if a single-use paper bag is being used to carry any goods purchased by a customer and is either:

- (1) being delivered by the retail business establishment to a customer off the premises of the retail business establishment; or
- (2) is picked up from the retail business establishment by a third-party delivery service and delivered to a customer off the premises of the retail business establishment.

4. Add a new subsection to §702-5. Reusable beverage cup., that includes the following provision:

If a retail business establishment sells or provides a beverage in a single-use beverage cup to a customer, they shall post a notice visible to customers at any physical or virtual location stating that the retail business establishment accepts the use of a reusable beverage cup by a customer.

5. Delete §702-2.B.(2) to remove the restricted event exemption from single-use accessory food item requirement under §702-2.A.
6. Delete §702-3.D.(2) to remove the restricted event exemption from single-use paper shopping bag requirement under §702-3.B.

4. City Council direct that the amendments to the City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items, described in:

- a. Recommendations 3.1., 3.2., and 3.3. comes into force on May 25, 2024;
- b. Recommendation 3.4. comes into force on September 1, 2024; and
- c. Recommendations 3.5. and 3.6. comes into force on January 1, 2025.

5. City Council authorize the City Solicitor, in consultation with the General Manager, Solid Waste Management Services, to prepare the necessary bill required to give effect

to City Council's decision and to make such clarifications, minor modifications, technical or stylistic refinements as may be identified by the City Solicitor.

FINANCIAL IMPACT

There are no financial implications resulting from this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

EQUITY IMPACT

Impact of the Proposed Amendments to the 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.

Amendments to the SUTI Bylaw will include extending the Ask-First/By-Request requirement to Restricted Events, in which customers must request, or be 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 at Restricted Events under the SUTI Bylaw. A potential negative impact of the SUTI Bylaw on persons with disabilities is that a single-use straw will no longer be automatically provided, as retail business establishments will be required to adhere to the Ask-First/By-Request requirement.²

DECISION HISTORY

At its meeting on December 13, 14, and 15, 2023, City Council adopted item IE9.3 entitled "Updated and Action Plan on the Single-Use and Takeaway Items Reduction Strategy, including the Circular Food Innovators Fund," which included the adoption of the City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items. City Council directed the General Manager, Solid Waste Management Services, to report back in Q1, 2024, with whether requiring retail business establishments to post a notice stating they accept reusable cups will reduce the use of single-use beverage cups as opposed to an Ask-First/By-Request by-law for single-use beverage cups; any

² The Federal Regulations prohibit the manufacture and import (effective December 20, 2022) and the distribution and sale (coming into effect December 20, 2023) of single-use plastic straws. The Federal Regulations, however, include an exception that allows single-use plastic flexible straws to remain available, under certain conditions, so people who need them will still have access - <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-138/>

recommendations to adjust the Single-Use and Takeaway Items Reduction Strategy that considers the Federal Court's decision quashing the Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999, the pending appeal and any amended approaches by the Federal Government; any recommendations to adjust the Single-Use and Takeaway Items Reduction Strategy to include any recommendations to modify the list of items and measures to reduce single-use and takeaway items that may result from a review of the City's 2022 Litter Audits, an item's potential to persist in the environment, and any operational challenges for the item as litter; additional details on a monitoring plan; amendments to City of Toronto Municipal Code Chapter 702 that would require retail business establishments to charge customers a minimum amount for a reusable shopping bag; and, on the feasibility of expanding City of Toronto Municipal Code Chapter 702 to require Restricted Events to adhere to an Ask-First/By-Request requirement for single-use and takeaway items, and to narrow the definition of Restricted Events.

The City Council decision can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.IE9.3>

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:

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

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, 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 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 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:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.PW26.7>

COMMENTS

Background

In December 2023, City Council adopted the SUTI Report, which included the adoption of the SUTI Bylaw, as part of Stage 2 of the Reduction Strategy. The SUTI Bylaw took effect on March 1, 2024. Table 1 below outlines the by-laws that retail business establishments are required to follow under the SUTI Bylaw.

Table 1 – SUTI Bylaw Requirements

Ask-First/By-Request	Prior to distributing a single-use accessory food item, either (i) ask a customer if they need the item, (ii) have a customer request the item, or (iii) make the item available to a customer in a self-serve station.
	Prior to distributing a single-use paper shopping bag, either (i) ask a customer if they need the bag or (ii) have a customer request the bag.
Accept the use of reusable items	Accept the use of reusable shopping bags and reusable beverage cups by customers.
Compatibility	Only distribute single-use paper shopping bags that are compatible with the City's waste diversion programs to customers.

City Council also directed Solid Waste to report back on a number of items including:

- the appeal of the decision to quash the Government of Canada's Order to add "plastic manufactured items" to the List of Toxic Substance on Schedule 1 of CEPA and whether to propose by-laws to prohibit the plastic manufactured items regulated by the Federal Regulations
- a review of items in the City's Litter Audits and considerations to adjust the Reduction Strategy to add top litter items to the SUTI Bylaw
- considerations of any recommendations on reusable shopping bags
- proposed additions and amendments to the SUTI Bylaw
- a review of the monitoring plan and update on Stage 2 Reduction Strategy implementation.

Federal Regulations and Court Decision

The Federal Regulations came into force on a staggered timeline beginning December 20, 2022, and placed prohibitions on the manufacture, import and sale (including distribution for free) of six plastic manufactured items. These items are single-use plastic: checkout bags, cutlery, foodservice ware (made from problematic plastics), stir sticks, straws, and ring carriers. When Solid Waste was developing the SUTI Bylaw it took into consideration that the Federal Regulations prohibited the sale, and distribution for free, of these items. The SUTI Bylaw regulates specific single-use items regardless of composition and does not focus only on those made from plastic.

As detailed in the Supplementary Report,³ on November 16, 2023, the Federal Court released its decision finding the Order adding “plastic manufactured items” as a toxic substance to Schedule 1 of the Canadian Environmental Protection Act, to be unreasonable and unconstitutional. The Federal Government has appealed the ruling and was granted a stay of the decision pending a judgement on the appeal. Therefore, the Order, which is the legal basis of the Federal Regulations, is still valid.

The Federal Court of Appeal has directed that the appeal should be heard in June 2024.⁴ Solid Waste will continue to monitor this appeal and will report back to Council on any potential recommended actions if the appeal is unsuccessful.

The report from the City Solicitor entitled Prohibiting Distribution of Plastic Manufactured Items dated May 2, 2024, provides an assessment of the legal feasibility of enacting and enforcing, pursuant to the City of Toronto Act, 2006, a by-law that would prohibit retail business establishments in Toronto from providing their customers with the same plastic manufactured items that the federal government prohibits in the Federal Regulations.

Review of Top Litter Items

The City prioritizes keeping public spaces vibrant and beautiful, with dedicated efforts to refresh streets, parks and ravines. The City’s Litter Operations run 20 hours per day, seven days a week. Litter typically consists of trash or other substances that are intentionally or unintentionally improperly disposed of on land or in waterways.

Litter throughout the City pollutes the environment and can lead to less use and enjoyment of public spaces. Aside from appearing unpleasant, litter is a major cause of pollution, degrading and releasing chemicals and microplastics into the natural environment. Animals may be the unintended victims of litter, while also contributing to the spread of diseases, viruses and parasites. Even food scraps and other organic items that are disposed of improperly can negatively affect animals both land-based and marine.

The effects of litter can also be costly, be it through regular pickup, clogging drains (with litter cluttering and causing build-ups in storm drains, blocking them so that they cannot properly drain water from city streets during heavy rainfalls) or through deterring tourism due to messy streets.

Litter costs the City millions of dollars a year to clean up and if the amount of litter on city streets is reduced, the associated costs could be reduced. Annually, the City receives approximately 12,265 service requests pertaining to litter, with Collection and Litter Operations staff responding to them through both manual cleanup (bag and broom) and mechanized (i.e. sidewalk sweepers, litter vacuums, backpack blowers,

³ See City of Toronto – Supplementary Report on Update and Action Plan on the Single-Use and Takeaway Items Reduction Strategy, including the Circular Food Innovators Fund - <https://www.toronto.ca/legdocs/mmis/2023/ie/bgrd/backgroundfile-241205.pdf>

⁴ See Canada (Attorney General) v. Responsible Plastic Use Coalition, 2024 FCA 18 < <https://decisions.fca-caf.gc.ca/fca-caf/decisions/en/item/521334/index.do>>

specialized pick-up trucks and pressure washers). Operationally, there are challenges to the City with the prevalence of small pieces of litter that break up and become more difficult to manage or are broken down further during grass cutting and vehicle traffic. Reducing single-use and takeaway items that are prevalent in the litter stream may have the potential to reduce service requests to the City pertaining to litter, alleviating responses, creating operational efficiencies, and improving the City's service delivery. To mitigate litter in the city, Solid Waste places an emphasis on behavioural change through education, with educational campaigns and annual spring cleanups (i.e. Corporate 20-Minute Makeover, Community Cleanup Days, School Cleanup Days).⁵

Solid Waste staff conducted Litter Audits in 2022,⁶ seasonal Single-Family household audits in 2018 (with new seasonal audits that began Fall 2023), and seasonal Multi-Family household audits between 2020-2022.

For items that were prevalent and among the top ten litter items in the City's audits, some items may already be regulated under federal laws or may be challenging to restrict and may be better reduced through education campaigns (i.e. cigarette butts being targeted items of focus for proper disposal via street litter bins that include a special receptacle designated for cigarette butt disposal.⁷) For a list of small litter items, large litter items, and the six items from the Federal Regulations not captured under small or large litter items, refer to Attachment 1. It is not recommended at this time to include any further items identified in the list of top litter items in the SUTI Bylaw. Solid Waste will continue to monitor trends in litter audits to identify any items of concern that may be explored for the ability to restrict their use.

Reusable Shopping Bags

At its December 2023 meeting, City Council revised the SUTI Bylaw to remove a requirement for retail business establishments to charge a minimum amount for reusable shopping bags and directed staff to report back on this requirement.

The intent of placing mandatory measures on the distribution of reusable shopping bags was to encourage behavioural change in consumers to bring their reusable shopping bags to avoid any imposed fee amount. The purpose was also to prevent the unnecessary distribution of bags and to ensure there would not be any unintended consequences of reusable shopping bags becoming replacements for single-use shopping bags. Reusable shopping bags continue to be observed in the waste stream and as litter and if reusable shopping bags are provided at no cost or for low amounts, quantities are anticipated to increase.

Until the outcomes of the appeal to the Decision of the Federal Court are known, and while residents and businesses adjust to the elimination of single-use plastic bags, staff are not recommending a minimum fee, as many businesses now charge a fee for

⁵ See City of Toronto – Clean Toronto Together - <https://www.toronto.ca/explore-enjoy/festivals-events/clean-toronto-together/>

⁶ See City of Toronto – Solid Waste Reports & Diversion Rates - <https://www.toronto.ca/services-payments/recycling-organics-garbage/solid-waste-reports/>

⁷ See City of Toronto – Litter – Top Litter Items in Toronto - <https://www.toronto.ca/services-payments/recycling-organics-garbage/litter/>

reusable bags. Staff will monitor the impacts of Stage 2 of the Reduction Strategy for two years, including the prevalence of reusable shopping bags in the waste stream and as litter, and report back should any future changes to the SUTI Bylaw related to reusable bags be proposed.

Amending the Definition of ‘Restricted Events’ in the SUTI Bylaw

At its December 2023 meeting, City Council directed Solid Waste to report back on the possibility of amending the SUTI Bylaw definition of ‘Restricted Events’ to narrow it to events that are not regularly occurring as a part of a retail business establishment’s operation. Restricted Events are currently defined in the SUTI Bylaw as a single day or multi-day public or private event restricted through requirement of a ticket or otherwise not open to general public attendance. This definition change would remove retail business establishments that operate regularly as an event restricted through the requirement of a ticket or are not open to the general public attendance (e.g. museums, cinemas, gyms).

If the definition of Restricted Events is narrowed, retail business establishments presently captured under the SUTI Bylaw exemption must consider the operational and logistical challenges in accepting reusables cups. This requires further consultation with affected stakeholders, and as part of the report back for Stage 3 of the Reduction Strategy, Solid Waste will include a review of amending the definition of Restricted Events to exclude venues that operate on a regular scheduled basis. Solid Waste does not recommend amending the SUTI Bylaw to revise the definition of ‘Restricted Events’ at this time.

Proposed Additions and Amendments to the SUTI Bylaw

The primary goal of the SUTI Bylaw is to reduce the use and disposal of specific single-use and takeaway items in Toronto, 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.

In response to City Council directions and in consideration of initial feedback and review of the SUTI Bylaw, the following are proposed additions and amendments to the SUTI Bylaw:

- Exempting delivery operations from the Ask-First/By-Request requirement for paper shopping bags, effective May 25, 2024
- Adding clarification to specify that a lid is part of a beverage cup, effective May 25, 2024
- Requiring retail business establishments to post signage that they accept reusable beverage cups, effective September 1, 2024
- Expanding the Ask-First/By-Request requirement to include Restricted Events, effective January 1, 2025.

Exemption of Delivery Operations from Paper Shopping Bag Ask-First/By-Request Requirement

Retail business establishments are limited in how they consolidate deliveries to customers. In consideration of initial feedback received since the SUTI Bylaw has been implemented, Solid Waste is proposing a revision to the Ask-First/By-Request requirement for paper shopping bags (§702-3D), effective May 25, 2024, by adding an exemption to the by-law for when a retail business establishment needs to use a single-use paper shopping bag to hold an item(s) sold to a customer that is to be delivered. Delivery may be by the retail business establishments themselves or picked up by a third-party delivery service, working as an intermediary between a customer and a retail business establishment.

Clarification Amendment on Definition of a Beverage Cup

Solid Waste staff have received feedback and inquiries regarding the SUTI Bylaw definitions of a “Beverage Cup” and whether or not it includes cup lids. The current definition of a Beverage Cup is a cup designed to serve hot and/or cold beverages (§702-1B).

In order to provide more clear interpretation on SUTI Bylaw requirements, Solid Waste is proposing revisions to the SUTI Bylaw to the definition of a Beverage Cup, effective May 25, 2024, to clarify that a lid is considered to be part of a beverage cup and the definition of Single-Use Accessory Food Item to clarify that a beverage cup, which includes a cup lid, is not considered a single-use accessory food item.

Reusable Beverage Cups

At its December 2023 meeting, City Council did not adopt Solid Waste’s proposed Ask-First/By-Request by-law for single-use beverage cups and directed Solid Waste to report back with a review for retail business establishments to reduce the use of single-use beverage cups through a requirement that they post signage advising customers that they accept reusable cups. This proposed signage requirement will act as a reminder and to educate customers that reusable beverage cups are accepted by all retail business establishments that sell or provide beverages, and to encourage customers to remember to bring their reusable beverage cups, supporting and encouraging behaviour change from consumers. It is also less onerous on business operations than the previously recommended requirement for the Ask-First/By-Request requirement for reusable beverage cups.

Solid Waste is proposing a revision to the SUTI Bylaw which will require retail business establishments to post signage that they accept reusable beverage cups with the by-law coming to effect on September 1, 2024. Solid Waste will develop signage for retail business establishments that can be downloaded for use.

Requiring Restricted Events to Ask-First/By-Request

At its December 2023 meeting, City Council directed Solid Waste to report back on the feasibility of expanding the SUTI Bylaw to require Restricted Events to adhere to an Ask-First/By-Request requirement for single-use accessory food items and paper shopping bags. Many Restricted Events have already taken initiatives in tackling single-use and takeaway items (see Attachment 2).

Solid Waste expects that an Ask-First/By-Request requirement for single-use accessory food items and paper shopping bags is anticipated to have low operational impact on venues. In consideration of feedback received, Solid Waste is proposing a revision to expand the Ask-First/By-Request requirement to include Restricted Events. It is recommended that the SUTI Bylaw be amended to delete the Restricted Event exemption from the Ask-First/By-Request requirement for single-use food accessory items (§702-2) and single-use paper shopping bags (§702-3B, §702-3C, §702-3D), effective September 1, 2024.

Solid Waste continues to encourage establishments and venues not subject to the SUTI Bylaw to adopt voluntary measures to reduce the use of single-use and takeaway items and to implement 'bring-your-own' programs and, where possible, accept the use of or provide reusable utensils, bags and beverage cups for on-site use. Solid Waste will be conducting consultations for Stage 3 of the Reduction Strategy to explore the feasibility to further expand the SUTI Bylaw to large event venues.

Stage 2 Monitoring Plan

Solid Waste staff have developed a monitoring plan, which will be used to measure the outcomes of the SUTI Bylaw, including, but not limited to: the amount of targeted items found in Litter Audits and Residential Waste Composition Audits; input and feedback from retail business establishments on the awareness of the SUTI Bylaw; input and feedback from retail business establishments on any changes in the distribution and quantities of single-use and takeaway items; public and stakeholder input and feedback on any behaviour changes related to the use of single-use and takeaway items; any enforcement related statistics resulting from compliance measures related to the SUTI Bylaw; and a proposed reporting frequency of the monitoring plan.

To measure the success of the SUTI Bylaw, Solid Waste has put forward four key performance indicators (KPIs), detailed further in Attachment 3:

1. Reduction of single-use and takeaway items in the waste stream, litter stream, and distributed by businesses
2. Increased use of reusables
3. Compliance with the SUTI Bylaw
4. Increased knowledge and awareness of the SUTI Bylaw.

Update on Stage 2 Implementation

As of the date of this report, 74 inquiries have been received about the SUTI Bylaw. Since the SUTI Bylaw went into effect, 2 communications on potential non-compliance have been received that are currently being investigated.

Solid Waste, in collaboration with Strategic Public and Employee Communications, has provided information on the SUTI Bylaw to businesses, stakeholders and the public through mail, email, social media, web content, media and posters which are available on the City website for download by retail businesses establishments to display to

customers and staff.⁸ A webinar was conducted in February 2024, with over 200 attendees, to provide information and allow opportunity for retail business establishments to ask questions about the SUTI Bylaw.

Solid Waste, in collaboration with Toronto Public Health, has provided informational material and guidelines for safe handling of reusable cups and food containers to retail business establishments to assist them to operationalize the requirement to accept reusable beverage cups (see Attachment 4).

To continue demonstrating that the City is taking a leadership role to reduce the use of single-use and takeaway items, Solid Waste will be leading and overseeing, in collaboration with relevant City Divisions, the development of an inter-divisional working group in 2024 to prioritize and accelerate the advancement of Stage 1 and Stage 2 of the Reduction Strategy in the appropriate City Divisions, associated City Agencies, Boards, and Commissions, and at City properties, events and City-run facilities.

Next Steps

Solid Waste will continue to monitor the Federal Government's appeal of the Federal Court's decision to quash the Order that added "plastic manufactured items" to the List of Toxic Substance to Schedule 1 to CEPA and report back with any recommended actions to adjust the Reduction Strategy in the event the appeal is not successful.

Solid Waste will report back in Q1 2025 on Stage 3 of the Reduction Strategy, including an update on Stage 2 of the Reduction Strategy, key performance indicators relevant to the monitoring plan, an update on monitoring the prevalence of reusable bags in the waste stream, and a review of revising the definition of 'Restricted Events' to include large event venues.

Solid Waste will also report back in Q1 2025 with an update on the inter-divisional working group and the advancement of Stage 1 and Stage 2 of the Reduction Strategy in City Divisions and City-run facilities.

CONTACT

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⁸ See City of Toronto – Resources for Businesses Reducing Single-Use & Takeaway Items - <https://www.toronto.ca/services-payments/recycling-organics-garbage/long-term-waste-strategy/reducing-single-use-takeaway-items/resources-for-business-reducing-single-use-takeaway-items/>

SIGNATURE

Matt Keliher
General Manager
Solid Waste Management Services

Attachments

Attachment 1 – Top Litter Item Summary
Attachment 2 – Supporting Information and Data
Attachment 3 – KPIs – Monitoring Plan
Attachment 4 – TPH Guidelines on Reusables