

The Regional Municipality of York

Committee of the Whole
Environmental Services
March 3, 2022

Report of the Commissioner of Environmental Services

York Region Response Draft Federal Single-Use Plastics Prohibition Regulation

1. Recommendations

1. Council endorse comments outlined in Attachment 1, to be submitted to Environment and Climate Change Canada on March 5, 2022
2. The Regional Clerk circulate this report and submission to the clerks of the local municipalities

2. Summary

On December 25, 2021, the Government of Canada published a draft of the Single-Use Plastics Prohibition Regulation and Regulatory Impact Analysis Statement in the Canada Gazette and released Guidance for Selecting Alternatives for public comment. This action was identified in a federal discussion paper outlining the proposed approach to managing plastic products that the Region commented on and updated Council in [January 2021](#). Due to timing of this federal announcement and the need for collaboration with our local municipalities on comments, staff will be submitting comments by the deadline of March 5, 2022. Through this submission (Attachment 1) staff are requesting that any subsequent comments from Regional Council be considered.

Comments on the draft regulation include input from local municipal waste staff, Region staff in Environmental Services, Economic Strategy and Community and Health Services. This report outlines the Region's comments and addresses the potential impact of the proposed approach on the community and the Region's integrated waste management system.

Key Points:

- Draft regulation bans six categories of problematic single-use plastics including plastic bags, straws, cutlery and some takeout containers
- Proposed regulation aligns with SM4RT Living direction and past advocacy efforts on single-use plastics in some areas; further exploration with impacted communities required for accessibility exemptions

- Proposed regulation lacks clarity around applicability to compostable plastic alternatives
- National labelling standards must be provided in parallel with the regulation to provide better guidance for businesses and residents seeking alternatives
- Recommendation for regular updates to the banned items list as more data and better alternatives to single-use items become available
- Impacts to Region's waste management system may include increased contamination and management costs from increased presence of alternatives to conventional single-use plastic items

3. Background

Federal Regulation bans six categories of problematic single-use plastics including plastic bags, straws, cutlery and some takeout containers

The [draft regulation](#) follows through on the approach from the [discussion paper](#) to ban or restrict six categories of single-use plastics including checkout bags, cutlery, foodservice ware made from problematic plastics, six-pack ring carriers, stir sticks and straws as seen in Table 1. The government acknowledged there are challenges posed by compostable plastics that look like conventional plastics and intend to treat single-use non-plastic manufactured items made from compostable plastics the same as conventional plastic.

Table 1
Six categories of single-use plastics included in Federal ban

Item	Definition
Checkout Bags	Bag-shaped, designed to carry goods and provided by businesses to consumers at retail point of sale
Cutlery	Plastic formed in the shape of a knife, fork, spoon, spork or chopstick that includes biodegradable and compostable plastic
Foodservice ware made from or containing problematic plastics	Clamshell, lidded container, box, cup, plate or bowl designed to transport pre-made food and beverage items. Made from or containing: <ul style="list-style-type: none"> • Polystyrene foam • Polyvinyl chloride • Black plastic • Oxo-degradable plastics (hard, breaks easily into fragments)
Ring carriers	Plastic formed in the shape of a deformable container-surrounding bands i.e. six-pack carrier
Stir Sticks	Plastic designed to stir or mix drinks and used to stop a drink from spilling (stopper in lid)
Straws	Flexible or straight plastic drinking straw (Accessibility exemption for flexible plastic straw for specified groups and settings only)

Proposed ban on manufacture and import for sale in Canada would take effect one to two years after regulation is finalized

These six categories were selected based on the federal government’s assessment framework of whether plastic products meet key criteria of being problematic for the environment and inability to recover value once disposed. The regulation would prohibit the manufacture, import and sale of these six categories of single-use plastics, although these items can be made in or imported to Canada for the purposes of export. Other exemptions include accommodations for people with disabilities through the sale of flexible straws to specified groups. Once the proposed regulations are finalized, the following prohibitions will come into force:

1. Prohibition on sale of straws one year after registration
2. Prohibition on manufacture and import of all six categories one year after registration
3. Prohibition on sale of all other single-use plastics two years after registration

The delayed implementation allows businesses time to use up their existing supply of single-use items and identify and source suitable alternatives.

4. Analysis

Regulation aligns with past advocacy efforts on single-use plastics in some areas

Staff are generally pleased with the proposed regulation as it addresses many problematic plastics that end up as litter in our community. Many of the Region's concerns from the [consultation process](#) have been addressed. Key achievements include:

- Ban implementation and enforcement at a federal level applied consistently across the country on manufacture, import and sale for use in Canada.
- Consultation with disability community resulted in accessibility exemptions provided in regulation for care facilities and individuals to purchase flexible plastic straws.

As outlined in Attachment 1, Regional staff have recommendations to improve the regulation and guidance document provided to businesses to ensure smooth implementation of the ban once the regulation comes into force.

Proposed regulation lacks clarity around applicability to compostable plastic alternatives

The Regulatory Impact Analysis Statement acknowledges feedback from stakeholders about the challenges posed by compostable plastics that look like standard single-use items. The document notes that these items will be treated the same as conventional plastics under the regulation. However, the proposed regulation does not include definitions or wording addressing non-conventional plastics such as compostable or biodegradable plastics. As noted in Attachment 1, staff recommended adding definitions to the regulation to ensure there is clarity around what single-use alternatives (i.e. paper straw, compostable plastic cutlery) are permissible under the ban.

National labelling standards must be provided in parallel with Regulation to provide better guidance for businesses seeking alternatives

To provide clarity to residents and businesses seeking more sustainable alternatives to banned items, staff recommend that the federal government address compostable packaging standards in parallel with implementation of these regulations. The Regulatory Impact Analysis Statement acknowledged municipal request for national standards to address inconsistencies in product labelling and advertising using terms like “recyclable,” “compostable” and “biodegradable.” The federal government stated the creation of national standards are “out of scope for the current proposal but will be addressed as part of the Canada-wide Strategy on Zero Plastic Waste.” Direction to complete this work was also highlighted in the Mandate Letter for the federal Environment Minister, released in December, 2021. Neither document provides a specific timeline.

Guidance is needed as the regulation is implemented to reduce confusion and widespread contamination challenges. Region staff continue to recommend that compostable products and packaging not be considered as suitable alternatives unless producers can demonstrate their products are compatible with current processing technology or a producer-funded

alternative is in place to facilitate recovery. An updated standard and labelling requirements are needed to ensure transparency around these claims.

Regular updates to the banned items list recommended as more data and better alternatives to single-use items become available

Region staff are advocating that federal restrictions on materials not end with these six items and that additional items be considered for future regulatory action under the federal strategy on zero plastic waste. Many types of packaging or products labelled as “compostable” or “flushable” do not effectively break down when disposed and continue to pose challenges for the environment, infrastructure and processing. Staff will continue to advocate for flushable wipes and other single-use items to be addressed by the federal government to provide a consistent Canada-wide approach toward these products.

Proposed accessibility exemptions in Regulation require further exploration with impacted communities to reduce barriers

In September 2021, staff engaged the York Region Accessibility and Advisory Committee (YRAAC) to understand potential barriers from implementing voluntary single-use item reduction programs. Committee feedback included importance of some single-use items to ensure safety for people with disabilities, challenges with sanitizing reusables and stigma associated with using single-use items such as straws. Based on the direction provided, the proposed regulation addresses some concerns but requires further exploration to reduce barriers. In particular, exemptions under the proposed regulation will only allow plastic flexible straws to be sold to businesses, individuals for personal use upon request and care facilities (i.e. hospitals, long term care and care institutions). Restaurants are not included in the exemption for sale and distribution of plastic flexible straws presenting a barrier to the disability community. York Region staff recommended the regulation exempt restaurants and food establishments to allow them to provide straws to those that need them; this will help demonstrate their commitment to reducing stigma and barriers to accessibility.

Draft Guide to Selecting Alternatives aligns with SM4RT Living direction to address single-use items

The government published a draft Guide for Selecting Alternatives for Single-use plastics to aid businesses and organizations in choosing less-impactful plastics or non-plastic alternatives to the six categories. The Guide applies the 4R’s waste management hierarchy providing options to reduce and reuse ahead of recycling and recovery, including best practice options that encourage voluntary measures such as ‘ask first’ or ‘by request’ programs. This aligns with the Region’s SM4RT Living Plan direction to reduce reliance on single-use items through ‘ask first’ policies, reusable alternatives and better packaging design.

5. Financial

Impacts to Region's waste management system may include increased contamination and management costs from alternatives to single-use plastics

The Regulatory Impact Analysis Statement suggests that while the proposed regulation would prevent single-use plastics from entering waste streams or ending up as litter, municipalities should expect increased alternative packaging, such as compostable plastic cutlery, compostable coffee pods and paper or compostable take-out containers, being placed in the green bin or blue box. Unfortunately, many items in the marketplace currently labelled as compostable cannot be processed through the Region's green bin program.

The impact to York Region's waste management budget is unclear. Some costs may be offset from producer obligations under the Blue Box program once it fully transitions in late 2025, and some material may be captured in commercial waste systems that service businesses such as restaurants. Voluntary waste reduction measures such as 'ask first' policies that let the customer decide if they need single-use items and offering reusable alternatives may also mitigate impacts. However, without clearer guidance around preferred alternatives to single-use plastics, it is likely that more businesses will switch their conventional single-use plastics with "compostable" alternatives, increasing their presence in the green bin program through food takeout or retail purchases. This will impact future budgets and tonnages and may increase residue rates in green bin systems or impact the quality of compost end products.

6. Local Impact

Region and local municipalities developing supports to help businesses, residents and local accessibility organizations adapt to the Regulation

Local municipal partners in consultation with the Region have developed a business engagement strategy with implementation pending COVID restrictions. The Region and local municipalities will leverage findings from business engagement and the federal Guide to develop resources to support businesses. These resources will assist in compliance with the regulation and help to voluntarily reduce more single-use items through 'ask first' policies or offering reusable alternatives. Consultations are continuing with the disability community in 2022 to incorporate their perspectives in future public and business communications and education plans. Staff expect to begin implementing single-use items reduction programming with residents and businesses later in 2022.

7. Conclusion

The federal ban is an important step forward in reducing plastic waste and pollution and driving the transition to a circular economy. The Region and its local municipal partners will remain engaged in federal government consultations throughout the process and continue collaborating on supports for York Region businesses and residents. Region and local municipal staff will implement education and enforcement efforts. This will provide clear direction to residents on proper curbside set out for alternative packaging and minimize impacts to our integrated waste management system.

For more information on this report, please contact Laura McDowell, Director, Environmental Promotion and Protection at 1-877-464-9675 ext. 75077. Accessible formats or communication supports are available upon request.



Recommended by:

Erin Mahoney, M. Eng.
Commissioner of Environmental Services



Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

February 9, 2022
Attachments (1)
eDOCS#13668981