



CHECKOUT BAG REGULATION BYLAW IMPLEMENTATION

December 13, 2018



PURPOSE

Provide Council with options to address compliance concerns with the Checkout Bag Regulation Bylaw raised by the food service sector and members of the Accessibility Working Group

Background

Checkout Bag Regulation Bylaw Purpose

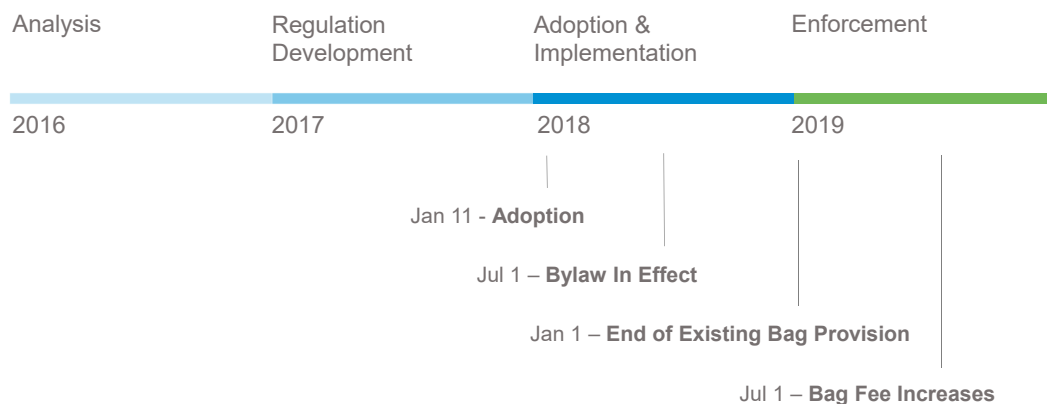
Regulate the business use of single use checkout bags to:

- Reduce the creation of waste and its associated impacts
- Better steward municipal spaces (sewers, streets, parks, beaches, waterways)
- Promote responsible and sustainable business practices that are consistent with the values of Victorians.



Background

Checkout Bag Timeline



2018 Engagement Summary

Activities (since adoption)

- Formed business focus group
- Created business communication tools
- Held 3 information sessions
- Conducted public awareness campaign
- Visited business sites
- Held food service workshop

Feedback

- 350 communication toolkits distributed
- 200 emails (90% from business)
 - Bylaw guidance and interpretation - 78%
 - Application of fees - 18%
 - Reusable bag food safety concerns - 4%



Bylaw Compliance Snapshot November 2018

Category of Business	Number of Businesses Visited (% of total)	Businesses that have stopped using plastic checkout bags	Businesses charging a fee for paper and reusable bags
Major Retail and Grocery	13 (100%)	92%	90%
SME Retail	79 (6%)	85%	82%
Food Service	45 (7%)	91%	38%

- Several businesses still using remaining stock of plastic checkout bags
- Low degree of compliance meeting the full paper bag specifications



Food Service Sector – Issues Raised

Restaurants Canada correspondence - July 18, 2018 and October 25, 2018.

Concerns:

- Incompatibility of drive-through operations with reusable bags
- Incompatibility of customer-provided reusable bags with food safety
- Customer price sensitivity of paper bag fees for small orders

Workshop with City staff and food service representatives in November 2018.

Participants indicated that **their businesses were not or no longer using plastic checkout bags**, and as a result their concerns were related to the Bylaw **provisions associated with paper and reusable bags**.



Issues Addressed via Staff Recommendation

Drive-Through Food Services

1. The paper bags used to package take-out food form a component of restaurant **food safety** procedures.
2. No **viable reusable packaging** alternatives currently exist for drive-through food services.

Accessibility Considerations

1. An exemption in the Bylaw is ambiguous in that it refers to fish and not other seafood.



Analysis

Business Insights

- Staff observed drive through and fast-food operations and discussed details and considered possible alternatives.

Food Safety Procedures

- Food preparation operations currently rely on paper bags, the number of which are not known at time of payment.
- Customer reusable bags are not yet a viable, safe alternative (cannot cross the drive through window threshold).
- Other alternatives (e.g. containers, trays) are not yet practical, due to operational design.

Payment Systems

- Food service businesses have been subject to the same information and notifications to meet bylaw timings.
- Any further concessions do not align with the approach to date with city stakeholders.

Front Counter, Take Away and Delivery Operations

- Challenges with restaurants are mainly consistent with those across sectors, where customer reusable bags provide a safe and viable alternative to single-use bags.
- Hot liquid and food safety issues can still be met through packaging and management of customer transactions.



Options

Drive-Through Food Services

The existing Bylaw includes precedent to provide exemptions for various bag uses and types.

Potential options to address drive-through food service food safety considerations:

- Exemption for business activity
- Exemption for business type
- Exemption for paper bag dimensions

Considerations:

- Allow business to continue with current food safety and operational procedures
- Exemption would not apply to self-serve or delivery
- Still require that business ask the customer whether a bag is needed
- Avoid rebound to increased paper bag use across the city



RECOMMENDATION

That Council:

1. Direct the City Solicitor to bring forward amendments to the Checkout Bag Regulation Bylaw:
 - a) To provide an exemption to the requirement that a business charge a fee for paper bags provided as part of a drive-through food service;
 - b) To clarify that the exemption for packaging of fish also includes other seafood.
1. Direct staff to delay any enforcement of the Checkout Bag Regulation Bylaw until after adoption of any amendments referred to in paragraph 1.
2. Direct staff to report back on the performance of the Checkout Bag Regulation Bylaw after one year of it coming into effect.