

The Corporation of the City of Kawartha Lakes
Committee of the Whole Report

Report Number WM 2019-010

Date: November 5, 2019
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Styrofoam and Single Use Plastics

Description: A review of the feasibility of banning Styrofoam and Single Use Plastics in the City of Kawartha Lakes

Author and Title: David Kerr, Manager Environmental Services

Recommendation(s):

That Report 2019-010, **Styrofoam and Single Use Plastics**, be received;

That Council approves a voluntary ban of Styrofoam and Single Use Plastics in the Kawartha Lakes; and

That Council approves the removal of styrofoam from the curbside recycling stream; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Committee of the Whole meeting on May 7, 2019 the Committee adopted the following recommendation to Council:

CW 2019-115

That the May 7, 2019 memorandum from Councilor Seymour-Fagan regarding a Styrofoam Ban, be received;

That staff review the feasibility of banning Styrofoam and Single Use Plastics from the City of Kawartha Lakes, in consultation with the Waste Management Advisory Committee and local Chambers of Commerce; and

That staff provide a report to Council by the end of Q4 2019 with a summary of the feasibility review for banning the use of Styrofoam and Single Use Plastics and/or the effective management of Styrofoam and Single Use Plastics as waste products.

Carried

At the Council meeting on May 21, 2019 Council adopted the following resolution:

CR 2019-323

That the Minutes of the May 7, 2019 Committee of the Whole Meeting be received and the recommendations, included in Section 12.3 of the Agenda, save and except for items 12.3.8 and 12.3.10, be adopted.

Carried

As CW 2019-115 was not part of 12.3.8 or 12.3.10 it was adopted through consent and this report addresses the recommendations in that report.

It is important to note that the City of Kawartha Lakes Environmental Advisory Committee (CKLEAC) included in their 2019 work plan that they would present a resolution to the Committee of the Whole on banning single use plastics.

As background research, staff consulted with the City's legal department as there has been legal action between the Plastics Industry and municipalities in Western Canada.

It is our legal department's opinion that by-laws can be created to regulate or prohibit styrofoam and single use plastics within our municipality if they can be linked to environmental well-being and/or climate change. Currently, the Ontario Municipal Act, 2001, section 10(2) allows Ontario municipalities to pass by-law in regards to the environmental well-being of the persons within the municipality,

and specifically includes by-laws in regards to climate change. Section 8(3) of the Municipal Act, 2001 makes it clear that such by-laws can regulate or prohibit with respect to the matter. However, if the City decided to proceed in advance of the province banning styrofoam and single use plastics, it is very possible the City could be exposed to risk of a legal challenge from the plastics industry.

The Single Use Plastics Ban Act, 2019 passed the first reading in the Legislative Assembly of Ontario on March 18, 2019. If this Act receives Royal Assent, within one (1) year of its passage, many single use plastics (including plastic bags and straws) would be banned in Ontario.

In June of this year, the federal government also announced that they are considering bans on single use plastics such as plastic bags, straws, cutlery, plates and stir sticks by as soon as 2021.

Working with staff, CKLEAC members helped assemble background information on other municipalities across Canada that incorporated bans. Bans have included the following items:

- Plastic Shopping Bags;
- Straws.

While some municipalities in other provinces (Alberta, B.C., Quebec, P.E.I and N.B.) have restricted plastics in their municipalities, no municipality in Ontario has done so at this time.

In Victoria B.C., legal action was pursued against the municipality by the plastic bag industry. In that case, the enacting provincial legislation required the provincial Minister to approve such a by-law, and the City did not do so. Victoria is taking the case to the Supreme Court and a ruling is expected in the next six months.

Based on discussions with other municipalities some of the key aspects of implementing bans or similar programs included the following:

- Reasonable timelines are needed for businesses to adjust to the changes;
- Implementation costs are needed for staff to promote and educate;
- Ensure that accessibility requirements are being met i.e. single use straws are available for people that require them for accessibility needs;
- Encourage reusable products rather than compostable as most of the compostable plastic products do not break down and are no better than regular plastics. Alternative products must contain wood fiber and should not be plastic-based.

Through consultation with the Chambers of Commerce, staff released an online survey to businesses across the City that had potential to be affected in some way if a single use plastic and/or styrofoam ban were to take place.

Staff reached out to over 100 businesses across the City and received responses from 77 of those businesses. In summary when asked if the businesses would consider using alternative environmentally-friendly products (i.e. paper bags, etc.) instead of plastic and styrofoam, 77% answered “yes” and 66% indicated they could implement such a change within one year.

There was good support from local businesses for reducing styrofoam and single use plastics. However they also indicated the need for support from the City in the form of advertising, promotion and alternative supplier lists.

Businesses also raised the following concerns:

- Specific items such as medical supplies, some food packaging, outside suppliers packaging, etc. should be exceptions;
- Many business chains have to answer to their parent corporations and are limited in what they can do;
- Cost of alternative products can be high and there are limited suppliers;
- A phase out period is necessary in some cases.

In summary, a voluntary ban supported with good public education and promotion would achieve positive results in reducing the use of styrofoam and single use plastics. A voluntary ban would focus on plastic shopping bags, styrofoam cups, styrofoam containers and plastic straws. This would mean that these items would not be banned through an enforced by-law, but that businesses could take the initiative in removing these products from their stores.

A voluntary ban would allow for businesses to phase out their existing materials on their own timeline and create their own business plan to take this action.

The municipality could assist business by offering promotion and education as an incentive. Businesses that had successful programs would be promoted through the City’s communication channels i.e. website, social media and selected printed materials. In addition, the City could provide support by making supplier lists and recommendations on alternative packaging. The city would also encourage residents to use their reusable bags, cups and containers in various applications throughout the City

As a leader, the City should review the feasibility of reducing or eliminating styrofoam and single use plastics (where possible) from City buildings and facilities.

The City should also remove styrofoam from its recycling program as it is rarely recycled and mainly ends up being landfilled.

Rationale:

The following is the rationale “to approve a voluntary ban of styrofoam single use plastics in the Kawartha Lakes and remove styrofoam from the curbside recycling stream”:

- Despite ongoing efforts in Canada, there are not reliable, consistent or cost effective processes to manage styrofoam. As a result, the majority of styrofoam ends up in landfills. In 2018, Northumberland processed and landfilled 10 tonnes of styrofoam from the City;
- Canada Fibers, the city’s new recycling processor (starting in Sept 2020), has indicated there are very limited markets for styrofoam. They do not recommend collecting styrofoam as it would be costly for processing;
- Styrofoam and single use plastics are needlessly being landfilled in the City. Both of these products have alternatives that are re-useable, recyclable and ultimately reduce the waste going to landfill;
- Through a voluntary ban businesses would have time to transition to alternative means on their own terms;
- Through a voluntary ban businesses would be prepared for any provincial and federal legislative changes that occur (potential future bans);
- A voluntary ban would reduce risk of legal action from the plastics industry;
- A voluntary ban would enable the City to initiate immediate action without risking contradiction to potential future legislation around full bans.

To support the recommendations in this report staff presented the above rationale and background research findings to four city advisory committees. Those committees made the following resolutions:

1) The Lindsay Ops Landfill Public Review Committee on September 11, 2019:

THAT the Lindsay Ops Landfill Public Review Committee supports the recommendation to proceed with a voluntary ban of single-use plastics and Styrofoam in Kawartha Lakes and to phase out single-use plastics and Styrofoam in Kawartha Lakes facilities and buildings.

Moved By Chris Appleton

Seconded By Larry Scrivens

Carried

2) The Waste Management Advisory Committee on September 16, 2019:

THAT the Lindsay Ops Landfill Public Review Committee supports the recommendation to proceed with a voluntary ban of single-use plastics and

Styrofoam in Kawartha Lakes and to phase out single-use plastics and Styrofoam in Kawartha Lakes facilities and buildings.

Moved By Chris Appleton
Seconded By Andrew Veale

Carried

3) The Fenelon Landfill Public Review Committee on September 26, 2019:

THAT the Fenelon Landfill Public Review Committee recommend that the City bans single use plastics and Styrofoam from their facilities and buildings and;

THAT the City phases in a City-wide ban of single-use plastics and Styrofoam over 2020.

Moved By Julia Taylor
Seconded By Robert Coleman

Carried

4) The Kawartha Lakes Environmental Advisory Committee on September 26, 2019:

Whereas the use of single use plastic products is a serious environmental and landfilling issue;

And Whereas the Provincial Government has implemented First Reading of the Single Use Plastics Ban, 2019;

And Whereas the Federal Government is considering a ban of single use plastics by 2021;

That the Kawartha Lakes Environmental Advisory Committee hereby resolves to encourage the Council of the City of Kawartha Lakes to implement a voluntary ban of single use plastics and Styrofoam as well as implement a public education strategy on eliminating single use plastics and Styrofoam throughout the City in 2020 and;

That the Kawartha Lakes Environmental Advisory Committee further resolves to encourage the Council of the City of Kawartha Lakes to pass a By-law to ban the use of single use plastics and Styrofoam by January 2021 and to communicate this intent to residents and businesses within the City.

Moved By J. Morris
Seconded By S. Blayney

Carried

Other Alternatives Considered:

Council could choose to go with any of the following options:

1. Status Quo (proceed with no changes):

This would mean that current programs would remain status quo, that no additional communication efforts would be made and that the City would not be responsible for any reductions seen in single use plastics and styrofoam usage. This option is not recommended as it does not address the inherent and expensive issues with having to manage styrofoam and single use plastics.

2. Full Ban of Styrofoam and Single Use Plastics:

This alternative is not recommended since it could trigger unnecessary legal costs or risk to the City from the Plastics industry. As well, this alternative would require a By-Law (including applicable products and exemptions) and additional staff time for communications and implementation. Corporate communications have indicated that additional budget (approximately \$20,000) would be needed for the communication component. Although not recommended at this time, should this alternative be selected it should not be implemented until after any potential provincial and federal legislation is enacted to ensure consistency in government messaging.

Financial/Operation Impacts:

Staff have discussed the promotion and education needed to successfully roll-out a voluntary ban with corporate communications and they have indicated this can be done within the existing budget.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This report contributes to the Council Adopted Strategic Plan, namely Strategic Action 3.1.2 which is “Executing the Waste Management Strategy”. This report aligns with the City’s Integrated Waste Management Strategy to divert materials from landfill and find opportunities to save landfill space.

This report aligns with Goal #3 of a “Healthy Environment”. The act of reducing styrofoam and single use plastics wastes aligns with the City’s vision of a naturally beautiful community that protects our local environment, enhances water quality and creates an improved quality of life.

Also, this report relates to Goal #1 of a “Vibrant and Growing Economy”. Through implementing these changes, there will be increased communications to

business and to the public. This will also highlight the City in a positive light in the media and the municipality will be ahead of the curve as new legislation comes through, this may also benefit tourism.

Review of Accessibility Implications of Any Development or Policy:

N/A

Consultations:

Waste Technician II

Manager – Communications, Advertising and Marketing

Manager – Municipal Law Enforcement and Licensing

City Solicitor

City of Kawartha Lakes Environmental Advisory Committee

Attachments:

No attachments.

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Department Head: Bryan Robinson, Director of Public Works