Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/89/2018]

On September 13, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"I wish to obtain emails, correspondence, and documentation from the Minister of Municipal Affairs and Environment and the office of the Minister Responsible for the office of climate change sent to and from other Provincial Government staff, the Canadian Plastics Industry Association, and the Retail Council during the dates January to December 2015, August to October 2016, January 2017, October to December 2017, May to July 2018, and September 2018. Please exclude all news articles."

In our follow-up discussion, it was clarified that the topic of interest is the plastic bag ban discussion. The focus would also be correspondence and documentation transmitted between the Department and the two associations.

I am pleased to inform you that a decision has been made by the Deputy Minister to provide access to some of the requested information. In particular, access is granted to the following records:

Correspondence between the Department of Municipal Affairs and Environment, which also includes the branch of Climate Change, and the two associations named in your request, for the dates specified.
Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).
Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-5846 or by e-mail at aliaskary@gov.nl.ca.

Sincerely,

ALI ASKARY
Manager, Information Services / ATIPP Coordinator
Policy and Strategic Planning

Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).
Ok thanks

From: Michielsen, Dan
Sent: Wednesday, September 21, 2016 4:02 PM
To: Murphy, Ian
Subject: RE: Municipal Calls for a province wide plastic bag ban.

From what I understand the municipalities are calling on GNL to put in a province wide ban on the sale use of these bags. This would likely have to be done somehow through the MMSB if required. They have done a lot of research on this in the past and would be the best to advise the Minister on this.

Dan

Dan Michielsen, M.A.Sc.
Director, Pollution Prevention Division
729-5782

Hi Dan, do you have anything on a plastic bag ban? Wondering if our department would even be involved in that or if it is up to municipalities? Thanks,

Ian

From: Jim Cormier
Sent: Wednesday, September 21, 2016 3:09 PM
To: Murphy, Ian
Subject: Municipal Calls for a province wide plastic bag ban.

Ian,

Wondering if you / your Minister have been approached on the issue of a plastic bag ban? A similar call came from a Councillor in Cornerbrook back in the spring. See below:


Just checking to see if this is something that the Minister would consider. Any info would be appreciated.

Thanks Ian.

Jim Cormier
Director, Atlantic Canada
Upcoming Events and Activities

Send your MP a letter to stop the increase to de minimis click here.

DTLQC | September 21, 2016 | dtlqc.com
Loss Prevention 2016 | September 29, 2016 | cclpconference.ca
From: Jim Cormier
Sent: Thursday, November 2, 2017 3:26 PM
To: Glynn, Valerie
Cc: Simms, Randy
Subject: Request from Jim Cormier, Retail Council of Canada for a follow up meeting with Minister Joyce.

Ms. Glynn,

Thank you for taking the time to chat with me today.

As discussed, I will be flying in to St. John’s on November 20th for various meetings, including a Nov. 21st meeting with Minister Osborne. While in Newfoundland & Labrador, I would welcome the opportunity to meet with Minister Joyce and follow up on some of the issues we discussed in the spring. For instance,

- Given the increased challenges for municipalities across Canada in dealing with plastic film (including plastic bags), Retail Council of Canada (RCC) members have recently taken proactive steps to reduce the amount of single use plastic items in their business. Given that this issue has generated interest among municipalities in Newfoundland & Labrador, I would appreciate the opportunity to provide the Minister with some detail on this RCC member initiative. Our members feel that business led initiatives like this allow governments to meet their environmental objectives without introducing legislation that can be needlessly punitive for businesses.

- The province’s successful Electronic Products Recycling Program is up for renewal.

In a 2016 meeting between RCC, MMSB Chair Samson and former Environment Minister Trimper, it was suggested that MMSB’s main concern with the current electronics recycling program was a lack of consumer information in retail stores, explaining that the environmental handling fee (EHF) is not a tax. It was suggested that if RCC members increased the use of clearly worded in-store signage while improving training efforts for front line staff (messaging that the EHF is not a tax), MMSB would strongly consider maintaining the status quo in a renewed Electronic Products Recycling Program. RCC members have done what was asked of them yet the program has not been renewed. Retailers who sell electronics in the province would like the Minister to assist RCC in its efforts in having MMSB renew the successful Electronic Products Recycling Program.

I would welcome an opportunity to meet with the Minister on either November 20th or 21st. The only time where I am unable to meet is between 11am and noon on November 21st as that is when I meet with Minister Osborne.

I thank you for your consideration of my request.

Jim Cormier
Director, Atlantic Canada
Retail Council of Canada • Conseil canadien du commerce de détail
5121 Sackville Street, Suite 201, Halifax, NS B3J 1K1
Tel: [Redacted] Cell: [Redacted]
RetailCouncil.org • Twitter: @rccatlantic • Facebook • LinkedIn

Vancouver • Winnipeg • Toronto • Ottawa • Montréal • Halifax
From: Jim Cormier
Sent: Thursday, November 23, 2017 6:37 PM
To: Chippett, Jamie; Ryan, G; Craig Pollett (cpollett@municipalnl.ca); kparewick@municipalnl.ca; Bob Kenney (kenneybm@gov.ns.ca); Tony Mancini (tony.mancini@halifax.ca); Tony Mancini (tony.mancini@halifax.ca); 'Laurie Lewis'; 'Mark Miller'; John Hughes (jshughes@gov.pe.ca)
Subject: Retail Council of Canada - Position re Reduction of Single Use Plastic Items

Good evening,

Retail Council of Canada (RCC) members have developed a proactive approach to do their part in diminishing the amount of single use items coming from their retail establishments.

**RCC position regarding the reduction of single use items:**

RCC has been working with its members and with all governments across the country in attempt to find solutions. A proposal was developed among RCC members at an RCC meeting in Montreal in September 2017. The proposal has since been amended and approved by the RCC Environment Committee.

RCC members have decided to be proactive and expand the reach of this proposal beyond single use plastic shopping bags. RCC members know that governments are not only looking for industry to take action on single use plastic shopping bags but on plastic containers, plastic cutlery, coffee cups, paper bags, etc. Therefore, RCC members have committed to diminish the use of single use items. RCC has developed the following position and definition:

**RCC's Position Regarding Single Use Items**

**Definition:** Single use items: Items provided to customers to facilitate transportation or consumption of products purchased in stores, regardless of the material used.
e.g. coffee cups, take-out containers, cutlery, shopping bags

RCC supports an approach to mandate businesses to develop individual plans on reduction of single use items. This approach is part of the City of Vancouver’s consultation paper on bags and single use containers.

RCC sees this as an opportunity to allow flexibility for retailers to address single use item reduction. If members wish, RCC will work on a member guidebook highlighting best practices retailers could include in their individual plans. This would allow retailers to use similar plans in all jurisdictions moving forward with this approach. Each retailer would retain the plan for internal operations and provide it to municipalities on request.

**The RCC position is as follows:**
- Any decision regarding the material used for single use items should be up to retailers.
- Customer experience should not be negatively impacted by any regulation.
- Reliance on single-use items varies from one retail sector to another.
- Harmonization: rely on existing standards or regulations for setting guidelines
- Bylaws have to focus on single-use carry-out items.
- A reusable bag is usually made of polypropylene or PET in a thicker more robust material (woven or not) compared to HDPE, the plastic typically used for single-use bags.
- Polypropylene or PET bags should not be considered in any bans as their design implies multiple uses.
- Retailers are against mandatory take-back of single use items.

By order of preference, RCC supports the following approaches to working with municipalities and governments to reduce single-use items:
1. Mandate businesses to develop individual plans on single use item reduction
2. Impose that a voluntary fee be charged on single use items (funds allocated by retailers)
3. Impose a mandatory fee set by regulation/bylaw, but leaving businesses to decide what they are to do with the collected funds. Retailers do not support fees remitted to the government due to significant administrative burdens.

If a jurisdiction is considering a ban:
• Harmonization is needed and, if the ban is for single use plastic shopping bags, the bylaw/regulation should align with Montreal (50 microns). If thickness is mentioned with regards to single use plastic shopping bags, no requirement on handle material should be considered.
• Mandating recycled content/certification requirements will likely yield worse outcomes from a cost and administrative perspective than outright bans.

N.B. Quebec municipalities discussing shopping bag actions are considering bans using thickness as a threshold to define what a reusable bag should be. As such, the order of preference cannot apply to bags in Quebec.

As I have had not yet had an opportunity to chat with all of you about this issue, please contact me should you wish to discuss.

Jim Cormier
Director, Atlantic Canada

Retail Council of Canada | Conseil canadien du commerce de détail
5121 Sackville Street, Suite 201, Halifax, NS B3J 1K1
Tel: [redacted] | Cell: [redacted] | S.40(1)
RetailCouncil.org | Twitter: @rccthalantic | Facebook | LinkedIn

S.40(1)

Vancouver • Winnipeg • Toronto • Ottawa • Montréal • Halifax
Hello Deputy Minister Chippett,

It was a pleasure meeting you. We want to thank you, Minister Joyce and your team for the meeting to discuss effective solutions to manage plastics and retail bags. Please extend our gratitude to the Minister and your team for their time and interest in working with our industry.

**Green Ribbon Task Group – Retail Carry Bags**

The meeting was very effective with the focus on building constructive solutions with industry through a proposed Green Ribbon Task Group. The CPIA and the plastics industry encourages this partnership approach to achieve the best environmental and economic outcomes. This is an approach that has worked very successfully in other jurisdictions such as Ontario and Quebec where bag management focused on reduce, reuse and recycle actions – these can be found in the briefing book and we are confident this success can be duplicated in NL. As promised, attached is the MSWORD briefing book (PDF document on the USB we provided) to allow you to make use of the third party information in any reports you may be drafting.

**Integrated Waste Resource Management System**

With respect to managing the waste resources entering St John’s landfill, essentially an uncontrolled and difficult to manage environment, we discussed advanced thermal options such as energy from waste resources being investigated by your Ministry to replace the landfill. CPIA would be happy to assist you with information on this and other fully integrated waste resource management systems.

One system just implemented is the state of art Durham York Energy Centre in Ontario (https://www.durhamyorkwaste.ca/Home/Home.aspx). By using state-of-the-art pollution control systems and proven, reliable EFW technology, the DYEC meets the most stringent environmental standards; reduces greenhouse gas emissions compared to the existing landfill option; and reduces the overall volume of garbage being sent to landfill by up to 90 per cent. This has resulted in Durham Region achieving its goal of closing its landfills.

Durham’s Director of Waste proudly announced to politicians at the 2016 Association of Ontario Municipalities conference that no plastics go to landfill in Durham Region as they are fully managed through reuse, recycling and recovery options in the 3R’s Hierarchy. The energy facility provides electricity to local households utilizing very clean technology.

We highly recommend meeting Durham Region’s Chairman Roger Anderson and Director of Waste Management Mirka Januszkievicz who would be able to share their experience in implementing their system and taking a tour of Durham’s Energy facility. CPIA would be happy to assist you in making those contacts and arranging a tour if you wish. Below is contact information for Chair Anderson and the Director.

**Regional Chair and CEO – Roger Anderson**

Regional Headquarters  
605 Rossland Rd. E.  
P.O. Box 623  
Whitby, ON L1N 6A3  
Tel: [Redacted] or 1-800-372-1102  
Email: chair@durham.ca
Let us know how you would like to proceed on the above programs and let’s stay in touch. As mentioned at the meeting, CPIA would be fully supportive in assisting NL in the development of the Green Ribbon Task Group and your investigation into managing waste through recovery options.

Regards,
Joe Hruska
Vice President Sustainability

Canadian Plastics
Industry Association

Follow CPIA/ACIP: www.plastics.ca
Follow Intelligent Plastics to learn about the positive economic, social and environmental contributions of the Canadian plastics industry:
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Sent from my iPhone

Begin forwarded message:

From: Jim Cormier
Date: September 4, 2018 at 5:12:44 PM NDT
To: "Andrew Parsons (andrewparsons@gov.nl.ca)" <andrewparsons@gov.nl.ca>
Cc: Philippe Cantin, "Ashley Burke (aburke@mmsb.nl.ca)" <aburke@mmsb.nl.ca>
Subject: Comment from Retail Council of Canada re Plastic Bags.

Minister,

In advance of our stakeholder meeting regarding single use plastic bags, please accept the attached letter from Retail Council of Canada (RCC). Please do not hesitate to contact me should you wish to discuss.

Jim Cormier
Director, Atlantic Canada

Retail Council of Canada | Conseil canadien du commerce de détail
5121 Sackville Street, Suite 201, Halifax, NS B3J 1K1
Tel: | Cell: | RetailCouncil.org | Twitter | Facebook | LinkedIn

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September 4, 2018

Honourable Andrew Parsons
Minister of Environment
Newfoundland and Labrador
e-mail: andrewparsons@gov.nl.ca

Dear Minister,

As a follow up to our meeting in July, I would like to provide you with the perspective of Retail Council of Canada (RCC) members regarding single use plastic bag initiatives. Retail Council of Canada members developed a national position on this issue in 2017 and shared it with MMSB, Municipalities NL and your Department. However, given the upcoming stakeholder meeting on this issue and the fact that you have recently become Minister of Environment, I wanted to reiterate RCC’s position in advance of the September stakeholder meeting.

As the largest private sector employer in Newfoundland and Labrador and representing the sector most associated with single use plastic bags, I thank you for including RCC in your consultation.

In every Canadian province, retail is one of the most competitive sectors of the economy. Retailers are in a constant competition for customers. Even in small towns, retail competition is no longer limited to the bricks and mortar retailer next door as competition now includes the online retailers from the United States or overseas. In such a competitive environment, customer demands have increased, profit margins have decreased, and customer service is more important than ever.

Given this environment, RCC members understand that government action at any level to eliminate or reduce single use plastic bags will affect customer convenience and will cause some customer backlash. Backlash can result in customers deciding to change their shopping habits through shopping in neighbouring municipalities or shopping online. In an effort to recognize the competitive pressures on retailers while understanding the push for change from governments across Canada, RCC has been consistent in its national position that if action regarding single use plastic bags were to occur, it should be taken at the provincial level. If such a decision is taken provincially, it at least creates a level playing field for intra-provincial retail competition while maintaining administrative efficiency for retailers doing business in multiple communities across a province. This would be preferable to a scenario whereby municipalities take their own actions on the issue and
create customer confusion and administrative headaches through a patchwork of differing bylaws across a province.

As noted, in the Fall of 2017, Retail Council of Canada (RCC) submitted to Municipalities Newfoundland and Labrador, the provincial Department of Environment and the Multi Materials Stewardship Board a list of preferred approaches to reducing the use of single use plastic bags in Newfoundland and Labrador. This preferred approach was also sent to provincial governments and many municipal governments all across the country. This list was developed during a national meeting of retailers in Montreal during the summer of 2017. The list was well received by most provincial and municipal governments as it provided options and flexibility for governments to work with retailers in developing plans of action to deal with the single use plastic bag issue. Provincial governments like Nova Scotia have since been in continual contact with RCC to ensure a collaborative approach as it develops an official plan of action. Regrettably, the Newfoundland and Labrador government is only now engaging RCC on this important issue that impacts the customers who keep our members in business.

Given the lack of action from the provincial government, municipalities across Newfoundland and Labrador have begun to take their own action. Municipal action on this issue is already creating administrative issues as there is little consistency between municipalities in how to address the issue. Municipalities across Canada are dealing with the same issues as they try to decide:
- if single use plastic bags should be banned or if they should ask the province to institute a fee on the bags
- if a single use plastic bag ban is implemented, should it be based on the thickness of the bag? At what level of thickness would a plastic bag be considered reusable?
- If paper bags or cotton bags could be an option to replace single use plastic bags?

The answers to these questions have been as varied as the municipalities who are trying to deal with the issue. For retailers trying to run businesses in multiple communities, municipal actions on this issue have been confusing, administratively costly and have led to additional concerns from the public. For instance, in some of the areas where single use plastic bags have been banned, retailers have been directed by governments to provide consumers with paper or cotton bags. In these situations, retailers have dutifully divested themselves of their single use plastic bags; dealt with the backlash from certain customers and invested in paper or cotton bags only to hit with complaints that the production of paper and cotton bags has a greater environmental footprint than the production of single use plastic bags. Worse still, while the general public tries to get used to mandated changes involving carry-out bags, some municipalities have tried to needlessly complicate the issue by proposing any or all of the following:
- Bans on certain types of carry out bags; fees on other types
- Using the momentum towards a single use bag ban to try and ban other retail service items like in-store flyers.

Municipalities do not seem to understand the administrative challenges they create when they try to enact bans at a local level that are not harmonized with best practices across a province or a region. Concerns of this nature stem from global issues that are not unique
to individual municipalities. Yet, regulated solutions often become unique to a given municipality, as differing approaches among municipal units create the aforementioned administrative challenges for retailers.

With regards to environmental issues surrounding single use plastic bags, in-store flyers or other items used in a retail environment, RCC's preferred approach is for the provincial government to take the lead and allow for businesses to harmonize their practices across the province. When it comes to a harmonized approach, Retail Council of Canada has tried to lead by example. As noted, our members developed RCC's national position on this issue during the summer of 2017. Given the work that went into the development of this national position, I would ask you to consider the following list of RCC's preferred approaches for the provincial government to take in order to achieve a reduction in single use plastic bag usage:

- Mandate businesses to develop individual plans on bag reduction
- Impose that a voluntary fee be charged on bags with the funds allocated by retailers
- Impose a mandatory fee set by regulation/bylaw but leaving businesses to decide what they are to do with the collected funds. Retailers do not support fees remitted to the government due to significant administrative burdens.

Although a ban on single use plastic bags is not a preferred approach, our members ask that if the province / a jurisdiction is considering a ban:

- Harmonization is needed, and the government should look to other provinces and rely on some of their existing standards or regulations for setting guidelines. In recent years, Atlantic Premiers have taken positive steps towards harmonizing regulations. Given that each Atlantic Province is experiencing the same issue with plastic film, a harmonized approach across the Atlantic region would be effective.
- Legislation must focus on single-use carry-out bags and define what is a reusable bag.
- If the thickness of the plastic bag is mentioned, the regulation should align with that of the City of Montreal (50 microns); no requirement should be considered for the material used to make the bag's handle.
- Mandating recycled content/certification requirements will likely yield worse outcomes from a cost and administrative perspective than outright bans. Recently, Canadian businesses have experienced major supply issues for paper bags with certified recycled content due to the limited number of manufacturers who can produce such a bag.

This list of preferred options has been the starting point for RCC and governments across Canada to work together on approaches that will be good for the environment, while being accepted by retailers and retail customers. Examples of the positive results that can come from this cooperation include:

- The single use plastic bag bylaw adopted by the City of Vancouver, BC. Although RCC would have preferred a provincial approach, his bylaw incorporates many aspects of RCC's preferred approach.
- The attached retailer education piece that Recycle BC developed in conjunction with RCC to work towards reduction in single use plastic bags. This document will be a great resource for retailers in helping to successfully abide by the Vancouver bylaw.
Now that the government of Newfoundland and Labrador is beginning to engage on this issue, we encourage the province to mimic the collaborative approach seen from city governments like Vancouver and provincial governments like Nova Scotia in reaching a solution. As noted, RCC would prefer a province wide approach to this issue but we also want to ensure that municipal governments in Newfoundland and Labrador are aware of retailer preferences. We have asked municipal governments – through Municipalities NL - to avoid passing a bylaw similar to the one recently passed in the City of Victoria, BC. The Victoria, BC bylaw is widely seen by retailers as the worst of all government actions taken on this issue, across Canada. The bylaw in Victoria, BC will be administratively difficult for retailers to manage and frustrating for the general public. This bylaw bans some plastic bags but not others; while charging one fee on paper bags yet another fee for reusable bags. Furthermore, retailers in Victoria are dealing with customers who are upset with the lack of single use plastic bags while also dealing with customer who are upset that retailers are permitted to use paper bags, despite the greater environmental footprint involved in producing this type of bag. This approach is not a good way to change public behavior and leads to confusion and backlash from citizens.

For these reasons, RCC would be interested in working with the province to find a balanced approach to reducing the public’s reliance on single use plastic bags. Our members want to be part of the solution. RCC has been working hard with governments in provinces all across Canada to find sensible solutions that are based on science and business realities. As you can see from our list of preferred approaches and our work with Recycle BC, our members are doing their part to advance this issue. In most provinces, our list of preferences has sparked conversation with government on ways to work towards positive solutions.

We look forward to having similar conversations with the province and key stakeholders across Newfoundland and Labrador. We remain hopeful that by working together, we can achieve a sensible solution for the entire province.

Thank you again for taking the opinions of the Newfoundland and Labrador retail sector into consideration on this issue. Should you have any questions or comments regarding the information provided in this letter, please feel free to contact me at (902) 422-4144.

Sincerely,

Jim Cormier
Director (Atlantic)
Retail Council of Canada

cc: RCC members who conduct business and employ people in Newfoundland & Labrador
Sent from my iPhone

Begin forwarded message:

From: "Jim Cormier" <AndrewParsons@gov.nl.ca>
To: "Parsons, Andrew" <AndrewParsons@gov.nl.ca>
Cc: "Ashley Burke (aburke@mmsb.nl.ca)" <aburke@mmsb.nl.ca>, "Philippe Cantin"
Subject: RCC Position re Single Use Plastic Bags.

Minister,

Please use this version of the document explaining RCC's position regarding single use plastic bags. In the first version, I mistakenly used an outdated version and neglected to include the Recycle BC Guide.

My apologies for any confusion that I have created.

Again, please do not hesitate to contact me should you wish to discuss. Thank you.

Jim Cormier
Director, Atlantic Canada

Retail Council of Canada | Conseil canadien du commerce de détail
5121 Sackville Street, Suite 201, Halifax, NS B3J 1K1
Tel: [Redacted] | Cell: [Redacted]
info@RetailCouncil.org | Twitter | Facebook | LinkedIn

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September 4, 2018

Honourable Andrew Parsons
Minister of Environment
Newfoundland and Labrador
e-mail: andrewparsons@gov.nl.ca

Dear Minister,

As a follow up to our meeting in July, I would like to provide you with the perspective of Retail Council of Canada (RCC) members regarding single use plastic bag initiatives. Retail Council of Canada members developed a national position on this issue in 2017 and shared it with MMSB, Municipalities NL and your Department. However, given the upcoming stakeholder meeting on this issue and the fact that you have recently become Minister of Environment, I wanted to reiterate RCC’s position in advance of the September stakeholder meeting.

As the largest private sector employer in Newfoundland and Labrador and representing the sector most associated with single use plastic bags, I thank you for including RCC in your consultation.

In every Canadian province, retail is one of the most competitive sectors of the economy. Retailers are in a constant competition for customers. Even in small towns, retail competition is no longer limited to the bricks and mortar retailer next door as competition now includes the online retailers from the United States or overseas. In such a competitive environment, customer demands have increased, profit margins have decreased, and customer service is more important than ever.

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- if a single use plastic bag ban is implemented, should it be based on the thickness of the bag? At what level of thickness would a plastic bag be considered reusable?
- If paper bags or cotton bags could be an option to replace single use plastic bags?

The answers to these questions have been as varied as the municipalities who are trying to deal with the issue. For retailers trying to run businesses in multiple communities, municipal actions on this issue have been confusing, administratively costly and have led to additional concerns from the public. For instance, in some of the areas where single use plastic bags have been banned, retailers have been directed by governments to provide consumers with paper or cotton bags. In these situations, retailers have dutifully divested themselves of their single use plastic bags; dealt with the backlash from certain customers and invested in paper or cotton bags only to hit with complaints that the production of paper and cotton bags has a greater environmental footprint than the production of single use plastic bags. Worse still, while the general public tries to get used to mandated changes involving carry-out bags, some municipalities have tried to needlessly complicate the issue by proposing any or all of the following:

- Bans on certain types of carry out bags; fees on other types
- Using the momentum towards a single use bag ban to try and ban other retail service items like in-store flyers.

Municipalities do not seem to understand the administrative challenges they create when they try to enact bans at a local level that are not harmonized with best practices across a province or a region. Concerns of this nature stem from global issues that are not unique
to individual municipalities. Yet, regulated solutions often become unique to a given municipality, as differing approaches among municipal units create the aforementioned administrative challenges for retailers.

With regards to environmental issues surrounding single use plastic bags, in-store flyers or other items used in a retail environment, RCC’s preferred approach is for the provincial government to take the lead and allow for businesses to harmonize their practices across the province. When it comes to a harmonized approach, Retail Council of Canada has tried to lead by example. As noted, our members developed RCC’s national position on this issue during the summer of 2017. Given the work that went into the development of this national position, I would ask you to consider the following list of RCC’s preferred approaches for the provincial government to take in order to achieve a reduction in single use plastic bag usage:

- Mandate businesses to develop individual plans on bag reduction
- Impose that a voluntary fee be charged on bags with the funds allocated by retailers
- Impose a mandatory fee set by regulation/bylaw but leaving businesses to decide what they are to do with the collected funds. Retailers do not support fees remitted to the government due to significant administrative burdens.

Although a ban on single use plastic bags is not a preferred approach, our members ask that if the province / a jurisdiction is considering a ban:

- Harmonization is needed, and the government should look to other provinces and rely on some of their existing standards or regulations for setting guidelines. In recent years, Atlantic Premiers have taken positive steps towards harmonizing regulations. Given that each Atlantic Province is experiencing the same issue with plastic film, a harmonized approach across the Atlantic region would be effective.
- Legislation must focus on single-use carry-out bags and define what is a reusable bag.
- If the thickness of the plastic bag is mentioned, the regulation should align with that of the City of Montreal (50 microns); no requirement should be considered for the material used to make the bag's handle.
- Mandating recycled content/certification requirements will likely yield worse outcomes from a cost and administrative perspective than outright bans. Recently, Canadian businesses have experienced major supply issues for paper bags with certified recycled content due to the limited number of manufacturers who can produce such a bag.

This list of preferred options has been the starting point for RCC and governments across Canada to work together on approaches that will be good for the environment, while being accepted by retailers and retail customers. Examples of the positive results that can come from this cooperation include:

- The single use plastic bag bylaw adopted by the City of Vancouver, BC. Although RCC would have preferred a provincial approach, this bylaw incorporates many aspects of RCC’s preferred approach.
- The attached retailer education piece that Recycle BC developed in conjunction with RCC to work towards reduction in single use plastic bags. This document will be a great resource for retailers in helping to successfully abide by the Vancouver bylaw.
Now that the government of Newfoundland and Labrador is beginning to engage on this issue, we encourage the province to mimic the collaborative approach seen from city governments like Vancouver and provincial governments like Nova Scotia in reaching a solution. As noted, RCC would prefer a province wide approach to this issue but we also want to ensure that municipal governments in Newfoundland and Labrador are aware of retailer preferences. We have asked municipal governments – through Municipalities NL - to avoid passing a bylaw similar to the one recently passed in the City of Victoria, BC. The Victoria, BC bylaw is widely seen by retailers as the worst of all government actions taken on this issue, across Canada. The bylaw in Victoria, BC will be administratively difficult for retailers to manage and frustrating for the general public. This bylaw bans some plastic bags but not others; while charging one fee on paper bags yet another fee for reusable bags. Furthermore, retailers in Victoria are dealing with customers who are upset with the lack of single use plastic bags while also dealing with customers who are upset that retailers are permitted to use paper bags, despite the greater environmental footprint involved in producing this type of bag. This approach is not a good way to change public behavior and leads to confusion and backlash from citizens.

For these reasons, RCC would be interested in working with the province to find a balanced approach to reducing the public’s reliance on single use plastic bags. Our members want to be part of the solution. RCC has been working hard with governments in provinces all across Canada to find sensible solutions that are based on science and business realities. As you can see from our list of preferred approaches and our work with Recycle BC, our members are doing their part to advance this issue. In most provinces, our list of preferences has sparked conversation with government on ways to work towards positive solutions.

We look forward to having similar conversations with the province and key stakeholders across Newfoundland and Labrador. We remain hopeful that by working together, we can achieve a sensible solution for the entire province.

Thank you again for taking the opinions of the Newfoundland and Labrador retail sector into consideration on this issue. Should you have any questions or comments regarding the information provided in this letter, please feel free to contact me at (902) 422-4144.

Sincerely,

Jim Cormier
Director (Atlantic)
Retail Council of Canada

cc: RCC members who conduct business and employ people in Newfoundland & Labrador