

# Banning Plastic Bags and Building Environmental Awareness

In early 2007, the town of Leaf Rapids, Manitoba made headlines as the first municipality in North America to ban plastic bags. **BOND RYAN** was the chief administrative officer for Leaf Rapids when the ban was introduced.

## > THE TOWN

Leaf Rapids was built in a very green zone in a boreal forest in Northern Manitoba. It is a mining community located 25 km from the mine.

## > REDUCING PLASTIC BAG USE WITH A LEVY

The town council wanted to eliminate or reduce waste resulting from single-use plastic bags. Our municipal budget showed that this could be an opportunity to save money that the town had been spending to clean up our community. I wanted to take some of that money and buy reusable bags. If we could get people to use the reusable bags, the town would begin to realize savings.

We've all heard about the three Rs. Bond Ryan has five:

- Reduce;
- Reuse;
- Recycle;
- Refuse; and
- Replace, if necessary

We considered a tax levy to bring in some funds to help pay for those reusable bags. Looking on the Internet, the only levy that I could find was in Ireland, so I copied that bylaw.

The levy worked to a limited extent. Since it was only a three-cent levy, people didn't mind. If they needed a plastic bag, they were prepared to pay the three cents.

A problem with tax levies on plastic bags such as the three-cent levy we used in Leaf Rapids is that they may not be big enough. For instance, if you have introduced a one-cent tax levy, people are able to take 10 bags and lose just a dime. But make it a 25-cent tax levy like they did in Ireland and four plastic bags buys you a reusable bag. People are able to see the savings so this is one option that might work. The other problem is collecting the levy; however, during the six months our tax levy was in place, we had no problems collecting it.

I get a lot of questions about tax levies from municipalities who wonder where the authority exists in the Municipal Act. Tax levies are there, for example for bottles, and we should use them.

## > GOING TO THE NEXT STEP

Some time after we introduced the levy, we heard from a company out of Mississauga, Instore Products Limited, which makes shopping bins that reduce the need for plastic bags. They talked to us about what would happen if we went shopping bag free. This encouraged us to take up their challenge. We looked at the Manitoba Municipal Act to see how we could legally ban one-time-use plastic shopping bags.



One of the biggest problems facing municipalities across Canada that want to bring in bylaws to restrict or ban plastic bags is finding room in the Municipal Act to be able to do this legally. I found a provision in the Manitoba Municipal Act that told us that if something is a nuisance in the opinion of council, then the council can write a bylaw to ban that nuisance. It's a pretty broad provision in the law.

When the Leaf Rapids council passed the bylaw banning single-use plastic bags in March 2007 and the news hit the media, we had two lawyers call us and say: "I want a copy of this bylaw. You can't do this because it's against the constitution." I haven't heard from them since. I've heard from many lawyers since then, especially lawyers in Ontario who are working for communities and cities that are interested in our initiative.

## > THE BENEFITS OF THE BAN

The retailers in town think our bylaw is wonderful. They don't have to buy bags to give away. Instead, they sell reusable bags and can make money, although most retailers sell reusable bags on a break-even basis. One store owner was skeptical at first, wondering if the store would lose business to outsiders if bags weren't given away. But this fear did not become an issue.

### MANITOBA MUNICIPAL ACT

Section 233: A by-law under clause 232(1)(c) [activities or things in or on private property] may contain provisions only in respect of:

- (a) the requirement that land and improvements be kept and maintained in a *safe and clean* condition;
- (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
- (c) the removal of top soil; and
- (d) activities or *things* that in the opinion of the council are or could become a *nuisance*, which may include noise, weeds, odours, *unsightly property*, fumes and vibrations. [emphasis added]

## > TOWN OF LEAF RAPIDS, BY-LAW NO. 462

Being a By-law of the Town of Leaf Rapids for the establishment of Single Use Plastic Shopping Bags.

WHEREAS Single Use Plastic Shopping Bags are a very visible component of litter throughout the Town of Leaf Rapids, lakeside, trails, roadside and the nuisance grounds;

AND WHEREAS Single Use Plastic Shopping Bags have a negative impact on our wildlife habitat and are not environmentally friendly;

AND WHEREAS the Town of Leaf Rapids incurs a significant cost to clean up the Single Use Plastic Shopping Bags each year;

AND WHEREAS local businesses can reduce merchandise cost by not having to purchase Single Use Plastic Shopping Bags;

AND WHEREAS the Town of Leaf Rapids has provided education to shoppers and school children about the environmental advantages and reduced cost of using reusable shopping bags;

AND WHEREAS by using a multi-use shopping bag, residents are reminded of the positive impact of recycling;

NOW THEREFORE upon passing this By-law, the Council of the Town of Leaf Rapids, enacts as follows:

1. THAT the Town of Leaf Rapids will be Single Use Plastic Shopping Bag free effective April 2, 2007.
2. THAT retailers in the Town of Leaf Rapids will not be permitted to give away or sell plastic shopping bags that are intended for single use.
3. THAT a person who contravenes this By-law of the Town of Leaf Rapids is guilty of an offence and is liable on summary conviction of a fine of not more than \$1000.00.
4. THAT where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
5. THAT on passing of this By-law, By-law No. 457 is hereby rescinded.
6. DONE AND PASSED as a By-law of the Town of Leaf Rapids at the Townsite of Leaf Rapids, in the Province of Manitoba, this 21st day of March, 2007, A.D.

Our residents are taking more pride in our community because they're doing something that's good for the environment and certainly our residents are proud to be the first in North America to do this. Because the bags are an environmental issue, people are thinking more about the environment as a result of our initiative. For example, more people are joining our recycling program.

The town is much cleaner following the ban and we expect it to be even cleaner than that over time. The cost for clean-up is reduced this year and next year we should see an even greater reduction in costs.

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## > MORE WORK TO DO

One of the big things the media questioned was the fine for contravening the bylaw, which is \$1,000 a day. Enforcement for us is simple, because we have only two major stores in our community.

Leaf Rapids is not a plastic bag-free zone. It's a single-use shopping bag free zone. You still get those real thin one-time-use bags for meat and dairy products and bulk items. We are looking at options to deal with those bags, but we wanted to start by getting the most unsightly bags away from our environment.

*Town of Leaf Rapids, By-law No. 462, continued*

### EXEMPTIONS TO THE BY-LAW

Small plastic bags that are used to store non-packaged goods such as:

- a. Dairy products;
- b. Fruit, vegetables or nuts;
- c. Confectionery;
- d. Cooked foods, hot or cold;
- e. Ice;
- f. Smaller bags for fresh meat, fish, candy and poultry; and
- g. Bags that cost more than \$1.50.

## > THE ENVIRONMENTAL IMPACT OF PLASTIC BAGS

Here are some statistics to consider: The average family of four uses 1,500 bags a year. One million sea birds and 100,000 sea animals die every year from ingesting plastic. I use these statistics when I talk to school kids. I show them pictures of whales that have died from swallowing plastic bags. The kids think what we have done is wonderful.

In the United States consumers go through 100 billion plastic bags a year, which is equivalent to 12 million barrels of oil. In Canada, the statistic is 15 billion bags a year. So dealing with plastic bags can make a big impact on our landfills and our environment.

The polls show that about 75 to 80 per cent of Canadians are ready to make changes like getting rid of plastic bags. If that many people make that change then we will make a big dent in the use of bags. It's certainly going to happen in the US as well, since San Francisco and other communities are looking at reducing and banning one-time-use plastic bags.

## > INDUSTRY DOESN'T LIKE THE BAN

The plastic bag industry doesn't like us at all. If you can take away 80 per cent of 115 billion bags, they are going to fight it.

When I hear criticism of our decision, my rebuttal is that we did it to reduce costs. We didn't start out to help the environment. But when we realized that plastic bags have a huge environmental impact, we started looking at this as an issue not just for Leaf Rapids, but as one that involves all of North America.

## > NEXT STEPS

We are thinking about biodegradable alternatives to plastic bags. We are looking at a bag made of corn starch and cooking oil, which after about two weeks in the landfill begins to break down. There are also biodegradable alternatives to disposable diapers and dog waste bags. We are still doing research on biodegradable bags, because there are some questions about them.

## > ON-LINE RESOURCE

Bring your own bag: [www.bringyourbag.com](http://www.bringyourbag.com)