

Single-Use Retail Bag Regulations Plain Language Summary

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This is a summary of the Regulations for single-use plastic and paper bags. The Regulations take effect January 15, 2010.

We organized the summary based on what different people must do to follow the laws.

- Public / Shoppers
 - Retailers / Grocery Stores
 - Distributors
 - Government of the Northwest Territories (GNWT)
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Words to understand

What these words mean under the law. Listed in alphabetical order.

Convenience store

A convenience store is a retail store that sells a limited line of goods, including food and household items. Under the law - not a grocery store.

Distributor

A distributor is a business or person that sells or supplies single-use retail bags to grocery stores in the NWT.

Environment Fund

The Environment Fund is a special account under the NWT *Waste Reduction and Recovery Act*.

The Environment Fund handles all income and expenses connected with the Single-Use Retail Bag Regulations.

The GNWT uses any surplus revenue in the Environment Fund to help create new waste reduction and recovery projects.

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Grocery store

A grocery store is a retail store that mainly sells food: canned, dry, and frozen food; raw fruit and vegetables; fresh and prepared meat, fish, poultry, and dairy products; baking; and snacks.

Penalty

A person or business may pay a penalty for breaking the laws. Section 13(1) of the *Waste Reduction and Recovery Act* defines the penalty: a ticket and maximum fine of \$50,000 and / or six months in jail.

Registration

Registration is the legal agreement that distributors and grocery stores must have with the GNWT to sell or distribute single-use retail bags.

Retailers

Under the law retailers are grocery stores. They must register and collect the surcharge. Under the law convenience stores are not retailers.

Single-use retail bag

Single-use retail bags are paper or plastic bags that people use to carry purchases out of a grocery store.

Does NOT include:

- Bags people can re-use many times, such as cloth bags.
- Bags people get when they buy prescription drugs.
- Small plastic or paper bags people use to hold bulk food, fruit or vegetables, prepared foods, and hardware items.

Surcharge

The surcharge is \$0.25. Consumers pay the surcharge for each single-use retail bag they get from a grocery store.

Consumers pay the grocery store, the grocery store pays the distributor, and the distributor pays the Environment Fund.

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Public / Shoppers

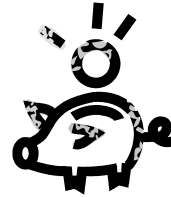
Laws for the public:

1. Pay the \$0.25 surcharge for each single-use retail bag they get from a grocery store.

The cash register receipt shows the number of bags and total surcharge.



Take a Cloth Bag



Save the Surcharge

Retailers / Grocery Stores

Under the law retailers are grocery stores. They must register, and collect and pay the surcharge.

Laws for grocery stores:

1. Take responsibility to find out if they must register.

If they're not sure if they qualify as a grocery store under the law, ask the GNWT. Receive an answer within 21 days.

If they know they're a grocery store under the law, go ahead and apply to register.

2. Apply to the GNWT and register as a retailer.

Use GNWT forms and provide all the information they ask for - new applications or renewals.

Must not distribute or sell a single-use retail bag unless they register with the program.

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- 3. Receive written notice by registered mail, to find out if the GNWT approves or rejects the application.**

Receive the notice within 45 days for a new application, within 21 days for a renewal.

If the GNWT rejects the application, the notice says why. If the GNWT needs more information, the notice says what information they need and when the retailer must provide it.
- 4. Provide additional information within the time allowed.**

If not, the GNWT sends a written notice to say they assume the retailer has dropped the application.
- 5. Must NOT transfer the registration to another person or business.**
- 6. Follow any conditions the GNWT places on the registration.**

Each registration lasts for up to three years.
- 7. May appeal a decision the GNWT makes to:**

 - Decide a retailer is a grocery store and must register.
 - Refuse to register a retailer who applies.
 - Amend, suspend, or cancel a registration.

Appeal in writing within 30 days of when the store receives the decision.

The GNWT reviews all information and responds within 45 days.
- 8. Obtain single-use retail bags ONLY from a distributor who is registered with this program.**

Starting Jan. 15, 2010 grocery stores pay the \$0.25 surcharge to the distributor when the store pays for the bags. The invoice / receipt shows the number of bags and total surcharge.

Apply to distributors to get a refund for any surcharge the store already paid on faulty bags. They must use GNWT forms.
- 9. Collect the \$0.25 surcharge for each bag the store gives to a customer.**

Collect the surcharge starting Jan. 15, 2010. Stores keep the surcharge for any bags they have in stock and paid for before Jan. 15, 2010.

The cash register receipt shows the number of bags and total surcharge.

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10. Keep accurate records that show:

- Number of single-use bags bought or obtained from distributors.
- Number of faulty bags, with refunds.
- Number of bags distributed or sold to customers.
- Total surcharge collected from customers.
- Total amount paid to distributors.
- Any other information the GNWT needs.

Grocery stores must keep records for six years and provide copies to the GNWT if / when they ask.

11. May apply to the Environment Fund for a one-time, repayable loan.

The purpose of the loan is to help grocery stores offset start-up costs - to follow the laws. For example, to help pay the surcharge for the first lot of bags they buy after Jan. 15, 2010.

12. May pay a penalty for breaking the law.

The *Waste Reduction and Recovery Act* defines the penalties for breaking the law: a ticket and maximum fine of \$50,000 and / or six months in jail.

Distributors

Under the law distributors include any person or business that sells or supplies single-use retail bags to grocery stores in the NWT. They must register, and collect and pay the surcharge.

Laws for distributors:

1. Apply to the GNWT and register as a distributor.

Take responsibility to make sure they qualify to register.

Use GNWT forms and provide all the information the GNWT asks for.

Must not sell or distribute single-use retail bags to grocery stores unless they register with the Program.

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- 2. Receive a written notice by registered mail, to find out if the GNWT approves or rejects the application.**

Receive the notice within 45 days for a new application, within 21 days for a renewal.

If the GNWT rejects the application, the notice says why. If the GNWT needs more information, the notice says what information they need and when the distributor must provide it.

- 3. Provide any additional information within the time allowed.**

If not, the GNWT sends a written notice to say they assume the distributor has dropped the application.

- 4. Must NOT transfer the registration to another person or business.**

- 5. Follow any conditions the GNWT places on the registration.**

Each registration lasts up to three years.

Not distribute / sell bags to grocery stores if the GNWT suspends or cancels the registration.

- 6. May appeal a decision the GNWT makes to:**

- Reject an application to register.
- Amend, suspend, or cancel a registration.

Appeal in writing within 30 days of when the distributor receives the decision.

The GNWT reviews all information and responds within 45 days.

- 7. Collect the \$0.25 surcharge from grocery stores, for each single-use retail bag they sell or distribute in the NWT.**

Pay the Environment Fund every three months. Pay within 30 days of the end of the quarter, for the previous quarter. Example: By April 30 pay the surcharge for bags sold during Jan/Feb/March.

A parent company or other business may pay for the distributor.

Refund the surcharge to grocery stores for any faulty bags the store already paid for. Use GNWT forms to account for refunds.

- If distributors pay refunds for the surcharge on bags sold during the current quarter, they don't pay the Environment Fund.
- If distributors pay refunds for the surcharge on bags sold during the previous quarter, they can apply to the GNWT for a refund.

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8. **Keep accurate records and submit them with the surcharge. The records show:**
- Name of each grocery store and number of bags distributed or sold to each store.
 - Number of faulty bags and the name of each store that reported them.
 - Total surcharge. Any refunds paid for faulty bags.
 - Any other information the GNWT asks for.

Distributors may submit the records more often if they choose.

Must keep records for six years and provide copies to the GNWT if / when they ask.

9. **May pay a penalty for breaking the law.**

The *Waste Reduction and Recovery Act* defines the penalties for breaking the law: a ticket and maximum fine of \$50,000 and / or six months in jail.

GNWT

The Department of Environment and Natural Resources, GNWT administers the Single-Use Retail Bag Regulations. The Chief Environmental Protection Officer has overall responsibility.

Laws for the GNWT:

1. **Design and produce a form so retailers can confirm whether or not they must register with the Program.**

Review the information and decide if a grocery store must register.
Notify the store in writing, within 21 days.
2. **Design and produce application forms to:**
 - Register all distributors - new applications and renewals.
 - Register all grocery stores - new applications and renewals.

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3. Approve or reject an application.

Send a written notice with their decision, by registered mail: within 45 days for new applications and 21 days for renewals.

If the GNWT refuses the application, the notice says why. If they need more information, the notice states what other information they need and when they expect it.

4. Review additional information.

Send a written notice by registered mail to say if they approve or reject the application based on more information. Send the notice within 45 days of when they receive the information.

If the applicant doesn't respond within the time allowed - send a written notice by registered mail that the GNWT believes the application dropped.

5. Register all distributors and retailers.

Each registration lasts for up to three years.

Place any needed conditions on a registration, such as:

- A period of time less than three years.
- The method a distributor must use to pay the surcharge to the Environment Fund.

6. Amend, suspend, or cancel a registration - based on a review.

Must send a written notice by registered mail to the distributor or retailer, and invite them to respond within 30 days. The notice says why the GNWT may amend, suspend, or cancel the registration.

Consider the input and send the distributor or retailer a copy of the written decision, by registered mail.

Restore a suspended or cancelled registration under certain conditions.

7. Receive and manage appeals from distributors or retailers.

Appoint an advisor from outside the Department, within 30 days of receiving the appeal.

Review information and respond by registered mail within 45 days.

Distributors and retailers may appeal any GNWT decision related to their registration. They must send their appeal in writing, within 30 days of when they receive the decision.

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8. Approve or reject any application for a retailer start-up loan.

Review applications from grocery stores. Decide whether or not to grant a loan from the Environment Fund.

9. Receive quarterly payments and records from distributors.

Distributors pay the surcharge to the Environment Fund - within 30 days of the end of the quarter, for the previous quarter. Example: By April 30 distributors pay for bags sold during Jan/Feb/March.

The records show:

- Name of each grocery store and number of bags distributed or sold to each store.
- Number of faulty bags and the name of each store that reported faulty bags. If a refund applies to bags sold during a previous quarter, distributors can apply to the GNWT for a refund.
- Total surcharge.

A parent company or other business may pay for the distributor.

10. Inspect distributor or retailer records, as needed.

Registered distributors and retailers must keep records for six years and provide copies to the GNWT if / when they ask.

11. Produce an annual report for the Legislative Assembly that shows:

- Total number of distributors and retailers registered with the Single-use Retail Bag Program.
 - Total number of single-use retail bags distributed or sold, based on distributor's reports.
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