

Revised Regulations

Single-Use Retail Bags Plain Language Summary

This is a summary of the Revised Regulations for single-use plastic, paper, and biodegradable bags. The Revised Regulations take effect February 1, 2011.

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

- Public / Shoppers
- Retailers or Retail Stores
- Distributors
- Government of the Northwest Territories (GNWT)

Words to understand

What these words mean under the law, listed in alphabetical order.

Distributor

A distributor is a business or person that sells or supplies single-use bags to retail stores in the NWT. Distributors must register and collect the surcharge.

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.

Plain Language Summary**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 retailers must have with the GNWT to sell or distribute single-use retail bags.

Retail stores

A retail store is a person or business that sells goods to customers. Does NOT include:

- A store that a registered society or charity operates.
- A restaurant or other place that may sell a few goods, but mostly sells meals that customers eat right away.

Retailers

Under the law retailers are retail stores. They must register and collect the surcharge.

Single-use retail bag

Single-use retail bags are bags that people use to carry purchases from a retail store. Does NOT include:

- Bags people can re-use many times, such as cloth bags.
- Bags people get when they buy prescription drugs.
- Dry-cleaning bags.
- 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 retail store.

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

Public / Shoppers

Laws for the public:

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

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



Take a Cloth Bag



Save the Surcharge

Retailers or Retail Stores

Under the revised Regulations all retail stores must register with ENR, pay the surcharge to distributors, and collect the surcharge from consumers.

Laws for retail stores:

1. 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.

2. 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.

Plain Language Summary

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.

3. 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.

4. Must NOT transfer the registration to another retailer.

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

Each registration lasts for up to three years.

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 retailer receives the decision.

The GNWT reviews all information and responds within 60 days.

7. Obtain single-use retail bags ONLY from a distributor who is registered with this program.

Retail stores pay the \$0.25 surcharge to the distributor when the store pays for the bags. The invoice or 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.

8. Collect the \$0.25 surcharge for each bag the retailer gives to a customer.

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

Retailers that registered under the original Regulations - grocery stores - continue to collect and pay the surcharge as they did from the start of the program.

Retailers that register for the first time under the revised Regulations may keep the surcharge for any bags they have in stock and paid for before Feb. 1, 2011.

Plain Language Summary**9. May apply to the Environment Fund for a one-time, repayable loan.**

The purpose of the loan is to help newly registered retail 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 Feb. 1, 2011.

10. 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.

11. May re-sell or give single-use bags to another person or business.

Must tell the GNWT and give them the information they ask for.

Retailers may apply to the GNWT to get a refund of the surcharge, if the person or business that receives the bags isn't a retail store. Example: a retailer re-sells bags to a restaurant or registered society.

Distributors

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

Laws for distributors:

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

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

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

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.

Plain Language Summary

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.

Must not distribute / sell bags to retail 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 60 days.

7. Collect the \$0.25 surcharge from retail 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 retail 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.

Plain Language Summary

8. Keep accurate records and submit them with the surcharge. The records show:
- Name of each retail 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 application forms to:
 - Register all distributors - new applications and renewals.
 - Register all retail stores - new applications and renewals.
2. 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.

Plain Language Summary

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.

3. 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.

4. 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.
- The current list of retail stores that the distributor serves.

5. Amend, suspend, or cancel a registration.

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.

May immediately cancel a registration that a retailer or distributor gives up.

6. Receive and manage appeals from distributors or retailers.

Appoint an advisor from outside the Department, within 45 days of receiving the appeal.

Review information and respond by registered mail within 60 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.

Plain Language Summary**7. Approve or reject any application for a retailer start-up loan.**

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

8. Receive information from retail stores if they re-sell single use bags to another person or business.

GNWT may refund the surcharge for those bags that a store re-sells to a person or business that isn't a retailer, such as a restaurant or charity.

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 retail 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 records, as needed.

Registered distributors 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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