

May 17, 2019

Ms. Kimberley Kitteringham
City Clerk
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Kitteringham:

Re: Provincial Discussion Paper on Reducing Litter and Waste in our Communities

On May 16, 2019 Regional Council adopted the following revised recommendations provided in the memorandum dated May 15, 2019, except for Item F.2.3 as noted below:

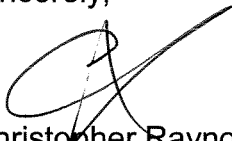
1. Council endorse comments identified in Attachment 1 (York Region Response Letter) and Attachment 2 (York Region Detailed Comments), which were submitted to the Ministry of the Environment, Conservation and Parks in response to Environmental Registry of Ontario posting 013-4689: Reducing Litter and Waste in Our Communities Discussion Paper. Due to the timeframe provided, it was not possible to bring the response to Regional Council for endorsement prior to submission. Any additional comments or clarifications by Council will be sent to the Province to supplement staff comments. Key recommendations for endorsement include:
 - a) *Immediately transition the Blue Box to full producer responsibility to make producers both operationally and financially responsible for their waste and establish high targets that obligate the implementation of deposit return programs **that augment the Blue Box program***
 - b) Include the 4th R (Recovery) in diversion calculations to recognize the benefits of recovering the value of resources

- c) Develop Green Bin compostable standards that align with existing processing systems to provide clear rules
 - d) *Take immediate and strong action to eliminate litter and plastic waste going to landfills and waterways, including single use plastics and problematic materials, through a deadline driven action plan, **including a used beverage container deposit return program***
 - e) Ensure extended producer responsibility requirements include public spaces and Industrial, Commercial and Institutional sectors to help prevent and reduce litter in communities
2. The Regional Clerk circulate this report to local municipalities and the Ministry of the Environment, Conservation and Parks.

The original staff report is enclosed for your information.

For more information on this report, please contact Laura McDowell, Director, Environmental Promotion and Protection at 1-877-464-9675 ext. 75077.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Raynor', with a large, sweeping flourish extending from the end of the signature.

Christopher Raynor
Regional Clerk

Attachments

The Regional Municipality of York

Committee of the Whole
Environmental Services
May 2, 2019

Report of the Commissioner of Environmental Services

Provincial Discussion Paper on Reducing Litter and Waste in our Communities

1. Recommendations

1. Council endorse comments identified in Attachment 1 (York Region Response Letter) and Attachment 2 (York Region Detailed Comments), which were submitted to the Ministry of the Environment, Conservation and Parks in response to Environmental Registry of Ontario posting 013-4689: Reducing Litter and Waste in Our Communities Discussion Paper. Due to the timeframe provided, it was not possible to bring the response to Regional Council for endorsement prior to submission. Any additional comments or clarifications by Council will be sent to the Province to supplement staff comments. Key recommendations for endorsement include:
 - a. Begin implementation of extended producer responsibility for Blue Box to make producers responsible for their waste
 - b. Include the 4th R (Recovery) in diversion calculations to recognize the benefits of recovering the value of resources
 - c. Develop Green Bin compostable standards that align with existing processing systems to provide clear rules
 - d. Coordinate and implement action on single-use plastics and other problematic materials to help reduce plastic waste going into landfills and waterways
 - e. Ensure extended producer responsibility requirements include public spaces and Industrial, Commercial and Institutional sectors to help prevent and reduce litter in communities
2. The Regional Clerk circulate this report to local municipalities and the Ministry of the Environment, Conservation and Parks.

2. Summary

The Ministry of Environment, Conservation, and Parks issued Reducing Litter and Waste in Our Communities Discussion Paper to obtain feedback on eight key areas:

- Preventing and reducing litter in neighbourhoods and parks
- Increasing opportunities to reduce waste
- Making producers responsible for their waste
- Reducing and diverting food and organic waste
- Reducing plastic waste going into landfills and waterways
- Providing clear rules for compostables
- Recovering the value of resources
- Supporting competitive and sustainable end markets

The discussion paper contained specific questions that Regional staff have responded to.

3. Background

Province issues discussion paper on reducing litter and waste to expand upon commitments in previously circulated Made-in-Ontario Environment Plan

On March 6, 2019, the Province issued the discussion paper on Reducing Litter and Waste in our Communities which expands upon commitments in Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan. These two papers discuss several waste management priority areas included under the *Waste-Free Ontario Act* such as shifting responsibility for municipally operated diversion programs to producers and the Food and Organic Waste Policy Statement. In addition, the province addressed new areas of focus including litter in our communities, inclusion of the 4th R, recovery of energy from waste, in the diversion rate calculation and exploring ways to reduce single use plastics.

***Waste-Free Ontario Act* will have major impact on municipal waste management, particularly the diversion programs**

In November 2016, the *Waste Diversion Act, 2002* was repealed and replaced by the *Waste-Free Ontario Act*. This new legislation will have a major impact on municipal waste management and waste diversion programs in Ontario, including the Blue Box Program, tires, electronics and household hazardous wastes. Ultimately, the Act shifts current municipally operated diversion programs to full producer responsibility whereby the producers are responsible for costs and operation of delivering these programs. The Act also includes a Food and Organics Waste Framework that sets Provincial policy direction related to reducing and diverting food and organic waste.

Municipalities and other stakeholders in the waste sector continue to advocate for improvements to municipal waste programs including the blue box program

Municipalities and other stakeholders have been advocating for full producer responsibility as it relates to the Blue Box Program for a number of years. Table 1 summarizes communications to Council over the years on the evolving waste management legislation.

Table 1
Communications to Council on Provincial Waste Management Legislation

Date	Communication
September 2013 Report	<u>Review of Bill 91, Proposed <i>Waste Reduction Act</i>, 2013</u>
June 2015 Report & Presentation	<u>Pending Waste Reduction and Resource Recovery Framework Legislation Update</u>
February 2016 Report & Presentation	<u><i>Waste-Free Ontario Act</i> – Update on Proposed Waste Management Legislation</u>
June 2016 Memorandum	Update on <u><i>Waste-Free Ontario Act</i></u>
June 2017 Report & Presentation	<u>Update on moving toward full producer responsibility under the <i>Waste-Free Ontario Act</i></u>
January 2018 Memorandum	<u>Update on Consultation Timelines for Amending the Blue Box Program Plan towards Full Producer Responsibility</u>
February 2018 Memorandum & Presentation	<u>Update on Proposed Amendment to Blue Box Program Plan</u>
March 2018 Report	<u>Update on moving towards Full Producer Responsibility under the <i>Waste-Free Ontario Act</i></u>
February 2019 Memo	<u>Proposed Made-in-Ontario Environment Plan - Staff Comments Submitted to the Province</u>

Provincial discussion topics align with SM4RT Living Plan and the *Waste-Free Ontario Act*

Overall, through their discussion paper the Province is signalling alignment with the Region's SM4RT Living Plan that focuses on reduction and reuse. The discussion paper continues to signal interest in transitioning plans for diversion programs to full producer responsibility including the Blue Box program as intended under the *Waste-Free Ontario Act*. Further analysis is provided in the following section.

4. Analysis

Inclusion of the 4th R in provincial diversion calculations raised

This discussion paper marks the first time that the Province has formally asked whether the 4th 'R' (recovery of energy from waste) should be considered in Provincial diversion rate calculations. It has been the position of Regional Council that recovery be considered in waste diversion and staff indicated strong support for this in the Region's response.

Transitioning to extended producer responsibility and standards for compostable products supported

Strong municipal support was voiced for transitioning the Blue Box Program to producers through extended producer responsibility. It is anticipated that moving to extended producer responsibility will remove or reduce the cost to manage Blue Box materials from the tax base and provide an incentive for producers to design their products for recyclability. The discussion paper included questions around how transition should occur. Staff recommended an approach consistent with the Municipal 3Rs Collaborative with respect to timing that allows for sufficient consultation and provides certainty to municipalities and producers to make informed business decisions (Attachment 3).

Given that more compostable packaging and products are being introduced by manufacturers, staff suggested the Province define standards for compostable products. Developing standards for compostability will help ensure that items entering the Green Bin will effectively break down and create a high-value compost product. The Green Bin is one of the most costly streams to manage, and these costs are borne entirely by the municipal tax base. It is crucial that the Green Bin not become an outlet for products better managed and paid for by producers through the Blue Box system.

Regulation of single-use plastics as well as diversion targets for public spaces and the commercial sector are appropriate actions at Provincial and/or Federal levels

Finally, staff supported Provincial and/or Federal action where municipalities have limited ability to impact change. Single-use plastics can be challenging to manage through the Blue Box as municipal governments have limited tools at their disposal to influence a change in packaging design. This is something better addressed by Provincial and Federal governments who have greater legislative and policy authority over these products and their design.

Staff also supported setting ambitious diversion targets for the industrial, commercial, and institutional sector and in public spaces to reduce plastic waste going into parks and waterways. The municipal sector has consistently outperformed industry due to a continued drive by municipalities to increase their diversion rates. Provincial leadership is required to drive meaningful improvement in diversion rates for public spaces and the industrial, commercial, and institutional sector by designating common litter items under extended

producer responsibility with ambitious targets. Setting ambitious targets for these materials will drive producers to implement innovative solutions and provide the greatest increase in Province-wide diversion rates and litter reduction.

5. Financial

The total cost to deliver integrated waste management services in York Region is approximately \$300 per household per year, providing good value to taxpayers when compared to other typical household costs like cell phone services totalling over \$900 per year.

Outcomes from discussion paper could result in savings for municipalities but actual cost implications are dependent on future provincial action

There are several aspects in the discussion paper that could result in future budget implications, but those are not clear at this time. Several initiatives that the Province is exploring could result in cost savings for municipalities. Provincial leadership on reducing plastic and food waste could translate to less waste municipalities are required to manage once disposed. More significant cost savings to municipalities could be realized should transition to full producer responsibility occur as the costs associated with delivering the blue box program will shift to producers.

In 2019, the Region budgeted 16 per cent of waste operating costs for the blue box program based on a forecasted 85,000 tonnes. While the discussion paper signals the Province is favourable to transitioning the blue box program, determining the long term savings and implications on budgets will be better understood once details on transition are available.

While the discussion paper signals the Province is interested in transition, municipalities continue to advocate for action on this initiative as the Blue Box program continues to face challenges. Recent changes in end markets with tightening contamination limits by China, have significantly impacted global paper and plastic recycling resulting in reduced revenues and in some cases paying to move materials to end markets. In 2018, \$7 million in capital was invested in the Region's Material Recovery Facility to improve the quality of the materials and better position the Region to re-enter global markets and recover the almost \$5 million in lost revenues last year. Municipal management of ever changing products and packaging, low value materials and uncertainty with global markets resulting in continued pressure on the tax base is no longer sustainable. Producers are best positioned to assume full responsibility for package and product design that results in better environmental outcomes and reduced costs to tax payers.

6. Local Impact

Region solicited comments and feedback from local municipal staff on the Provincial Discussion paper on Reducing Litter and Waste in our Communities

The Region solicited comments from our local municipal partners to ensure feedback represents the interests of our collective integrated waste management system. A number of local municipalities have also submitted their own responses to strengthen the municipal position and address additional concerns outside the joint submission.

7. Conclusion

Timing of Provincial consultation period for discussion paper did not allow for Regional Council review prior to submission

The Province released the Reducing Litter and Waste in Our Communities Discussion paper on March 6 for a 45 day consultation period. Staff comments (Attachments 1 and 2) were submitted on April 20 to meet the submission deadline. Due to the timeframe provided, it was not possible to bring the response to Regional Council for endorsement prior to submission. However, any suggestions or clarifications Council wishes to make will be sent to the Province to supplement staff comments.

Municipalities remain committed to pursuing transition to full producer responsibility with improved service levels and environmental outcomes

As leaders in the province in waste diversion, York Region and our local municipalities remain committed to delivery of a Blue Box Program in the best interests of our communities. Staff will provide further updates on outcomes from the Provincial discussion paper and its implications to transitioning the Blue Box Program Plan to Regional Council once available.

For more information on this report, please contact Laura McDowell, Director Environmental Promotion and Protection at 1-877-464-9675 ext. 75077. Accessible formats or communication supports are available upon request.

Recommended by: **Erin Mahoney, M. Eng.**
Commissioner of Environmental Services

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

April 17, 2019
Attachments (3)
9333236



April 17, 2019

Cindy Acab
Senior Policy Advisor
Resource Recovery Policy Branch
Environmental Policy Division
Ministry of Environment, Conservation, and Parks
40 St. Clair Ave. W. 8th Floor
Toronto ON M4V 1M2

Ms. Acab:

**RE: York Region Response – Reducing Litter and Waste in Our Communities
Discussion Paper – ERO 013-4689**

York Region thanks the Province for consulting with stakeholders on the Reducing Litter and Waste in Our Communities Discussion Paper and welcomes the opportunity to provide a municipal perspective. Due to the short timeframe provided, it was not possible to bring the response to Regional Council for endorsement prior to submission, however should Council have any additional comments staff will forward them to the Province.

**Staff appreciates efforts to address a number of key municipal issues
in the discussion paper**

The discussion paper addresses a number of key municipal concerns including the benefits and need for extended producer responsibility, action on single-use plastics, action on organics and compostable products, and support for thermal treatment. Staff were also pleased to see a greater focus on improving lagging diversion rates in the industrial, commercial and institutional (IC&I) sector. Municipalities have been on the leading edge of waste management, with diversion rates that prove it. The IC&I sector now represents the greatest opportunity to increase diversion rates in Ontario, and mandatory waste diversion targets for this sector will help drive the highest increases in Ontario-wide diversion per dollar spent.

**Ministry staff should leverage municipal sector including York Region's
industry leading expertise in waste management**

York Region has demonstrated leadership in waste management, ranking number one in the large urban category consistently for the past five years. The Region was one of

the first adopters of the Green Bin program, has actively supported energy recovery from residual waste by sending materials for recovery for more than 10 years, and has taken a leading edge approach to master planning to address core challenges associated with waste generation. Many aspects of the discussion paper align with York Region's SM4RT Living waste management master plan, which was adopted by Regional Council in 2013. Region staff raised many of the priorities outlined in this response to Minister Phillips on March 22, 2019 and welcome additional opportunities to further this discussion. This response is intended to provide more detailed information to assist Ministry staff in developing feasible options for waste management policy in the Province. This letter highlights the Region's top five priorities for action, and the accompanying detailed response addresses the specific questions posed in the discussion paper.

Priority 1: Begin implementation of extended producer responsibility for Blue Box to make producers responsible for their waste

Discussions on how to implement extended producer responsibility have been ongoing for more than 10 years. Municipalities and producers are ready to transition through the *Resource Recovery and Circular Economy Act, 2016*. Transitioning provides an opportunity to re-energize recycling markets and capitalize on the existing province-wide Blue Box program. **Now is the time for the Province to take action and issue the directive to transition the Blue Box program to an extended producer responsibility model.** Municipalities (via the Municipal Collaborative M3RC) have proposed a timeline to address the transition process, which has also been provided.

Priority 2: Include the 4th R (Recovery) in diversion calculations to recognize the benefits of recovering the value of resources

Generating electricity through thermal treatment of waste provides a beneficial use for materials that would otherwise need to be landfilled and helps achieve Provincial greenhouse gas reduction goals, this should be formally encouraged by Provincial policy. In the Ontario context, when electricity generation is taken into account, energy from waste offsets approximately 0.8 tonnes of carbon for every tonne of waste processed, as compared to landfill. York Region recognizes the 4th R and in 2018 diverted 94% from landfill through the Durham York Energy Centre and other Energy from Waste contracts. **Energy generation provides a beneficial use and should be recognized as such under Provincial diversion calculations similar to other beneficial uses such as Green Bin programs.** Incorporation of the 4th R as diversion must only be considered for materials that cannot be recycled. Similar to York Region's SM4RT Living Program, the first 3Rs (Reduction, Reuse, Recycling) must be prioritized before Recovery.

Priority 3: Develop Green Bin compostable standards that align with existing processing systems to provide clear rules

There has been a significant increase in the products marketed as compostable over the last several years but many of these products do not effectively break down in

municipal Green Bin systems. **“Green Bin compostable” standards must be developed to align with the majority of Green Bin processing technology currently in place in Ontario. Significant municipal tax dollars have been invested in Green Bin facilities and programs, Green Bin compostable standards need to be clear and ensure compatibility with this existing infrastructure.** Development of these standards will need to be supported with an education campaign for Ontario consumers identifying that only “certified compostable” products that meet the standard are suitable for Green Bin programs, along with clear and consistent labelling requirements to reduce consumer confusion.

It is also critical that the Green Bin program not be used by producers as a means to avoid their requirements under a transitioned Blue Box program. The cost per tonne to manage Green Bin materials is more than double the cost per tonne of managing Blue Box materials. Any producer who creates a compostable alternative or new product must be required to pay 100% of costs associated with Green Bin collection and processing.

Priority 4: Provincial or Federal action on single-use plastics and other problematic materials will help reduce plastic waste going into landfills and waterways

There is significant public concern regarding single-use plastics. This has led to some municipalities considering taking action to ban or restrict the use of these materials. While Region staff support reducing single-use plastics, efforts at the local level should be driven through Provincial and Federal policies as these levels of government are in the best position to ensure a more coordinated and effective strategy is implemented. Provincial and Federal governments have greater legislative authority and would be able to provide a consistent set of rules for single-use plastics across large jurisdictions. For example, it may not be necessary to ban black plastics which typically enter the market as food trays if manufacturers agreed to produce these food trays using a different color or material to make them compatible with most blue box sorting facilities. In addition, producers of these materials are generally large multi-national companies, who require a consistent approach to make effective change.

Staff recommend the Province work with its Federal counterparts to take coordinated action on single-use plastics to ensure consistency across jurisdictions, which will provide clarity for both manufacturers and residents. It is recommended this review also include other problematic products such as ‘flushable’ wipes, which have significant impacts on municipal wastewater infrastructure because they don’t break down and impair pumps, resulting in millions of dollars in maintenance and repair costs to municipal ratepayers.

Priority 5: Ensure extended producer responsibility requirements include public spaces and IC&I sectors to help prevent and reduce litter in neighbourhoods and parks

Regional and local municipal staff support litter reduction initiatives. Litter is an issue that is best addressed at its source, which can be addressed in two key ways. First, **designate common/branded litter items under extended producer responsibility with ambitious targets that include public spaces and the IC&I generators.** The Province should consider expanding the list of designated items to include materials commonly found in litter, such as coffee cups, to help drive greater reductions in litter. Many of the common sources of litter are branded, meaning their source can easily be identified. Producers of these designated litter materials can then drive innovative solutions to meet targets as these materials are generally not well managed via Blue Box systems. Incentives like deposit-return in public spaces and IC&I locations under extended producer responsibility could result in reduced litter in these areas. Second, **develop Ontario-wide communications to educate Ontarians on litter and maximize clean-up efforts.**

The leadership demonstrated by the Province in driving forward innovative solutions in a complex integrated waste management system while leveraging the experience of the municipal sector is critical to achieving efficiencies while meeting the needs of Ontarians. Region staff are encouraged to see the Ministry has listened to the concerns of stakeholders across the industry to advance the system in a manner that demonstrates life-cycle thinking and respect for taxpayers.

If you have questions regarding this response or would like to further discuss these recommendations, please contact Laura McDowell, Director of Environmental Promotion and Protection at Laura.McDowell@york.ca or Brent Marissen, Policy and Advocacy Senior Program Analyst at Brent.Marissen@york.ca.

Yours truly,

Original signed

Erin Mahoney, M. Eng.
Commissioner
Environmental Services
The Regional Municipality of York

Attachments (2):

- [YORK-#9336862-York Region Detailed Comments – Reducing Litter and Waste in Our Communities Discussion Paper – ERO 013-4689](#)
- [YORK-#9341428-ES:C02.\(3\) ERO 013-4689 - M3RC Proposed Blue Box Transition Timeline](#)

#9330229

RE: York Region Detailed Comments – Reducing Litter and Waste in Our Communities Discussion Paper – ERO 013-4689

Please note this is the second part of a three-part submission. Items below provide direct responses to questions asked in the Reducing Litter and Waste in Our Communities discussion paper.

Preventing and reducing litter in neighbourhoods and parks

Page 8 of discussion paper

How best can the province coordinate a day of action on litter?

It is recommended that the Province identify a specific litter clean-up day, potentially in April. Costs related to these days should be supported by key litter producers.

What do you or your organization do to reduce litter and waste in our public spaces? What role should the province play to facilitate this work?

Parks and most public spaces in York Region fall under local municipal jurisdiction. Each municipality has methods in place to handle litter and illegally dumped material, which can include community clean-up events. The Province could support local action by helping address the source of litter through Province-wide educational campaigns.

Region staff agree with the M3RC (AMO) position that the Province could support this through:

- Data gathering including branded litter audits and innovative approaches to reduce litter
- Coordination of province-wide education campaigns to reduce litter
- Investment in infrastructure to support litter reduction (e.g. reverse vending machines for common litter items like coffee cups)
- Enacting full producer responsibility for common litter items that includes targets for public spaces

Detailed actions under each of these headings can found in the M3RC response.

How do you think litter can best be prevented in the first place? Where is access to diversion and disposal particularly limited?

Litter can most effectively be addressed by providing residents with twinned recycling and disposal options in public spaces. While producers will be designated under extended producer responsibility to achieve diversion targets, sectors that are responsible for a large portion of litter must be assigned targets for reducing litter in public spaces.

Increasing opportunities to reduce waste

Page 12 of discussion paper

How can the province best help the public participate in waste reduction and diversion activities? How can the province facilitate better diversion in lagging areas, such as multi-unit residential buildings?

Establishing targets specifically for multi-residential diversion will help drive action in this sector. Multi-residential buildings are often constrained by existing facilities in these buildings. Residents can be better enabled for diversion in four key ways:

1. Ensure that requirements for recycling and composting of waste under O. Reg. 103/94 align with the more stringent requirements under O. Reg. 101/94. Residents should have consistent levels of access to diversion regardless of what type of housing they live in.
2. Amend the Ontario Building Code to require three-stream waste collection to make diversion as convenient as disposal in all multi-residential buildings in Ontario. Many local municipalities have already included these provisions in site approval permits but this is challenging to enforce without it being included under *Ontario's Building Code Act, 1992*.
3. Encourage producers to develop an incentive program to retrofit garbage chutes/rooms in existing buildings for three-stream collection such as tri-sorter systems to help meet their diversion targets. A number of options should be established to reflect varying infrastructure and space in existing buildings.
4. Provide consistent province-wide educational materials that meet the language needs of residents for whom English is not their first language.

It is also recommended that the Province leverage its Behavioral Insights group under the Treasury Board Secretariat to identify, test, and quantitatively evaluate potential interventions. Behavioral science-based approaches could improve public participation in waste reduction and diversion activities in lagging areas such as multi-residential buildings and public spaces. The Behavioral Insights group should collaborate with M3RC, who can provide context on various interventions that have already been tested by municipalities.

What role do you think regulation should play in driving more waste reduction and diversion efforts from the IC&I sectors?

It is recommended that capture rate calculations for producers under extended producer responsibility be based on total product released to market, with a requirement to address all collection points and waste streams. It is recommended that separate and more aggressive targets be created for the multi-residential and IC&I sectors as outlined in the Provincial Food and Organics Waste Policy Statement. Both of these sectors lag well behind single-family residential programs. Sector specific approaches should be

developed as this provides the greatest opportunity to improve Province-wide diversion rates.

How can we get accurate information on waste reduction and diversion initiatives in the IC&I sectors?

Given that limited baseline information exists on waste reduction and diversion initiatives in the IC&I sector, it is recommended that more accurate data be obtained via Ministry inspections of O. Reg. 104/94 requirements. Further, waste haulers should be required to report on tonnages to ensure accurate information is submitted and tracked. Waste audits will be required to characterize IC&I materials as there will likely be significant variation among different sectors.

What do you think about a province-wide program for the recovery of clothing and textiles?

York Region staff support a clothing and textiles program. It is recommended that the Province consider designating these materials under an extended producer responsibility program with output-based performance standards. There has been support for this from industry with several retailers and manufacturers offering take-back programs. It is recommended that the Province gather data from all points throughout the lifecycle to inform an effective path forward for diverting these materials.

Making producers responsible for their waste

Page 15 of discussion paper

How do you think the Blue Box Program could best be transitioned to full producer responsibility without disrupting services to Ontario households?

Transition to extended producer responsibility should follow the plan and timeline proposed by M3RC (attached). In addition, producer's responsibility must not end with the blue box stream. Costs should be levied on producers for designated materials found in garbage or organics streams. This approach would help provide an incentive to create effective diversion programs and ensure that costs associated with managing materials in other streams are not unfairly borne by municipal taxpayers. A transparent and fair dispute resolution process will need to be developed to address disagreements between municipalities and producers.

Should it transition directly to producer responsibility under the Resource Recovery and Circular Economy Act, 2016 or through a phased approach?

It is recommended that the Province issue a directive to Stewardship Ontario to wind-up operations as soon as possible to begin the extended producer responsibility transition process for the Blue Box program to Resource Productivity and Recovery Authority.

Certainty is needed for municipalities, service providers and producers to make necessary infrastructure investments and business decisions.

When do you think the transition of the Blue Box Program should be completed?

Negotiations will need to continue between producers and municipalities on transition dates for specific municipalities, however, the transition to full extended producer responsibility should be completed for all municipalities by 2024. See the attachment for a detailed transition timeline from M3RC. Most municipalities have indicated support for this plan.

What additional materials do you think should be managed through producer responsibility to maximize diversion?

As outlined earlier in this response, common litter items such as coffee cups should be managed through producer responsibility programs to reduce litter in communities. The Province should consider designating branded organics, such as diapers. As outlined previously, Green Bin is one of the highest cost streams to manage, which is entirely borne by the municipal taxpayers.

Flushable products should also be designated for extended producer responsibility. Materials such as “flushable” wipes cause significant operational challenges and costs for wastewater infrastructure but municipalities currently have no regulatory tools at their disposal to manage the marketing or use of these materials nor any ability to recoup any of the costs associated with the negative impacts these materials have on sewage systems.

How can we make it easier for the public to determine what should and should not go in the Blue Box?

Variation in blue box materials is a result of municipalities attempting to maximize diversion. Standardization of Blue Box materials could help reduce confusion but it is recommended that harmonization include those materials currently accepted by most GTA municipalities. Significant deviation from existing programs will impact the Province’s ability to achieve diversion targets and result in high contamination rates. In addition, a significant portion of confusion related to blue box items is a direct result of misleading labels and composite packaging materials used by producers. Clear requirements should be put in place so that producers are mandated to provide effective labelling and education to ensure residents understand what can and can’t go into the Blue Box.

How should the province implement the transition process of its existing programs to producer responsibility without interrupting service?

It is recommended that the Province follow the guidance on the transition process provided by M3RC (attached). Municipalities are the sector with the greatest expertise on providing waste services to residents and are in the best position to identify a transition process that will not result in gaps in service for Ontario residents.

Reduce and divert food and organic waste

Page 19 of discussion paper

What can be done to increase the safe rescue and donation of surplus food in Ontario?

The Province could support food rescue by leveraging and raising awareness of existing tools such as Second Harvest's foodrescue.ca website, which connects those with surplus food to groups that can use it.

It is recommended that the Ministry of Health develop and implement food safety guidelines to help ensure rescued or donated food can be accepted and used by agencies in a safe manner. Public Health departments and community agencies that accept these foods should be included in the development process to ensure the guideline reflects operational challenges for each step in the process.

What role do you think government and industry can play in raising education and awareness on the issue of food waste?

It is recommended that the Province and industry leverage materials created by the [Ontario Food Collaborative](#). This group has developed standardized promotion and education tools to create consistency in messaging across various jurisdictions and industries for the municipal sector that has proven to be effective. This program could be expanded to include targeted messaging for various IC&I sectors that could be leveraged province-wide.

Do you think the province should ban food waste? If so, how do you think a ban would be best developed and implemented?

Timelines for enacting any food waste ban must be based on when sufficient processing capacity could be brought online. Currently, there is a significant shortage of organics processing capacity in Ontario. A disposal ban for food waste can only be implemented once sufficient organics capacity has been brought online to process Green Bin materials generated across Ontario. The discussion paper identifies that the Province intends to require specific sectors to recover 70% of their food waste by 2025, however there isn't sufficient processing capacity in development to achieve this target. Further, it would be impossible to bring sufficient capacity online by 2025 under current Ministry

approval processes. Streamlining environmental assessment and permitting processes for organics processing facilities would be the only way to bring the processing capacity required online in a timely manner.

If there isn't sufficient processing capacity, municipalities and waste collectors would be forced out of compliance due to factors beyond their control. Landfill disposal capacity should also continue to be a contingency option available if processing interruptions are experienced.

Any requirement for municipalities or waste collectors to enforce an organics ban at the point of collection would be impossible to achieve based on how waste is collected, representing an unfair regulatory burden. Any landfill ban for organics must be enforced through audits at the point of generation by the Province, given their ability to enforce requirements with all generators.

Setting ambitious targets for the IC&I sector is likely the better option to reduce the quantity of organics sent to landfill as this will drive innovation and increased organics processing capacity within the Province. This could also result in collaboration and/or partnership opportunities with municipalities for organics processing capacity within the Province.

Reduce plastic waste going into landfills and waterways

Page 21 of discussion paper

What do you think is the most effective way to reduce the amount of plastic waste that ends up in our environment and waterways?

It is recommended that the Province designate materials that are common sources of litter under extended producer responsibility that includes litter found in public spaces.

It is also strongly recommended that the Province look beyond waste streams to address plastics that end up in waterways. There are many items that are sold in Ontario that are marketed as "flushable" such as flushable wipes. Municipalities have consistently indicated to manufacturers that these products result in operational problems for wastewater systems and infrastructure. It is recommended that the Province carefully consider enacting a ban on marketing products other than toilet paper as flushable to help reduce the costly impact associated with repair and maintenance of wastewater infrastructure due to clogged pipes, pumps, and impellers.

What role do you think the various levels of government should play in reducing plastic waste?

Provincial and federal governments are the only levels of government with the legislative authority to address products supplied into the marketplace and are in the

best position to reduce plastic waste. Region staff recommend the following Provincial and Federal roles:

- Provincial: Timely transition to extended producer responsibility will be key to driving greater reduction/recyclability of plastics. Currently, there is little incentive to manufacturers to design packaging for recyclability,. Extended producer responsibility with strong targets would provide a greater incentive.
- Federal: National targets for recyclability be developed, requiring manufacturers ensure 70% of all plastic packaging be reused or recycled. This should be combined with targets for 50% average recycled material content for plastic packaging to help stimulate recycling markets for plastic packaging.

It is also recommended that Provincial and Federal governments collaborate on development of packaging guidelines for manufacturers. Guidelines will help manufacturers make decisions on packaging design for recyclability and reduce the supply of packaging into the market that is not recyclable.

Would a ban on single-use plastics be effective in reducing plastic waste?

Region staff would be supportive of restrictions such as bans on single-use plastics at the provincial level to provide consistency across jurisdictions. Bans need to be carefully considered, and proposals should be completed in consultation with all stakeholders including disability advocates as these groups may have unique needs (e.g. require straws due to a disability). Bans on other items may be able to be avoided through minor product changes, for example a ban on black plastic food trays may not be necessary if manufacturers agreed to produce these food trays in a different color to make them compatible with most blue box sorting facilities. Whatever the mechanism or tool is used, the outcome should result in high-value and more durable packaging that can be reused and then recycled.

Ultimately, focusing on reduction is the best way to ensure these products do not become an issue in the natural environment. It is recommended that research be performed that focuses on best practices for incenting behavior change that drives reduction and reuse. This research could be funded by producer responsibility programs as a tool to help achieve their collective targets.

What are your views on reducing plastic litter through initiatives such as deposit return programs?

In order to maintain resident participation rates, producers should not be permitted to develop deposit return programs for materials well managed via the Blue Box system. However, deposit return could be a useful tool for items that are low-value or difficult to manage. For example, coffee pods are very difficult to manage in Blue Box or Green

Bin programs. Some manufacturers have already developed return programs, which provide a better option to manage these materials.

Reverse vending machines could be a useful option to manage challenging materials like coffee cups in public spaces or other litter hotspots as these machines have the potential to incent less litter and provide a cleaner and dedicated stream for difficult to recycle materials.

Provide clear rules for compostables

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How do you think compostable products and packaging should be managed in Ontario?

It will be critical that compostable products and packaging not be used by producers as a solution to avoid costs associated with extended producer responsibility under the Blue Box program. It is recommended that compostable products be designated and compostability standards be developed, as outlined in the following responses.

Should producers of compostable products and packaging be held responsible for the management and processing of their materials?

It is recommended that compostable/degradable packaging and branded organics be designated under the *Resource Recovery and Circular Economy Act, 2016*. While Blue Box materials will be designated, compostable/degradable products will not. This limited approach has the potential to result in some manufacturers shifting products/packaging to Green Bin streams, which are far more expensive for municipalities to operate and are entirely funded by taxpayers. Designating compostable/degradable products will help ensure that only products that are a proper fit for Green Bin programs are added.

What role do you think standards and facility approvals should play in the proper management of compostable products and packaging?

It is recommended that the Province develop "Green Bin compostable" standards that ensure that any materials labelled as compostable in Ontario will effectively break down in existing municipal Green Bin programs. Standards must be based on infrastructure and processes that currently exist in Ontario. Organics processing facilities are large and complex systems that cannot easily change their processes without incurring significant operational and capital costs. Municipalities have invested hundreds of millions in capital costs alone in organics processing facilities and operating costs of Green Bin programs are among the highest of all waste streams. Requiring costly changes to facilities and processes to fit the compostable product market does not demonstrate respect for taxpayers and would act as an economic disincentive for

groups to bring on additional processing capacity. Standards for compostability must be based on what will effectively breakdown in existing systems.

Recover the value of resources

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What role do you think chemical recycling and thermal treatment should have in Ontario's approach to managing waste?

Thermal treatment is a proven option that provides a beneficial use for materials that would otherwise be landfilled by generating electricity. It is recommended that the Province include recovery in diversion calculations as this would provide a greater incentive for thermal treatment.

Thermal treatment with energy recovery studies performed under the Provincially approved Environmental Assessment found that the Durham York Energy Centre reduced greenhouse gas emissions relative to landfill disposal. This result is consistent with numerous other peer-reviewed studies. In the Ontario context, when electricity generation is taken into account, energy from waste offsets approximately 0.8 tonnes of carbon for every tonne of waste processed, as compared to landfill.

What types of waste materials do you think are best suited for thermal treatment?

Thermal treatment should be Provincially-supported to manage the residual portion of the waste stream once other reduction, reuse, and diversion efforts have been maximized. Thermal treatment should not be used as a replacement for fiscally-responsible diversion efforts, where markets exist for end-products.

How can we clearly and fairly assess the benefits and drawbacks of thermal treatment?

It is recommended that thermal treatment be assessed in a manner that considers system-wide impacts. This should include costs and environmental impacts resulting from all phases of the process and any processes it would offset (e.g. energy generation using fossil fuels), compared to corresponding impacts of other practical options. Health impact assessments should consider these broader impacts as well.

Are there obstacles in the current regulatory requirements and approvals processes that could discourage the adoption of technologies such as chemical recycling and thermal treatment? How can we maintain air standards and waste management requirements in addressing these obstacles?

Thermal treatment facilities in Ontario are subject to rigorous environmental assessment and approvals processes that appropriately address environmental and air quality concerns. The Durham York Energy Centre, a state of the art facility, required more

than 10 years and millions of dollars to complete the environmental assessment process and obtain approvals.

Ontario Regulation 101/07 Waste Management Projects, declared certain types of new and expanding energy from waste facilities eligible for the streamlined Environmental Screening Process. York Region staff recommend that the Province demonstrate its commitment to both streamlining approvals and energy from waste by ensuring the streamlined Environmental Screening processes can be effectively leveraged by proponents. This could be accomplished by considering the full array of analysis already performed under previous environmental assessment processes when determining whether to elevate the assessment of expansions to energy from waste projects to avoid undue burden, costs, and project delays.

How can we best work with municipalities and stakeholders to integrate new soil reuse rules and other best practices into operations quickly, and to continue to develop innovative approaches to soil reuse and management?

It is recommended that the Province move ahead with implementation of excess soil regulatory proposals and guidelines. These were developed in collaboration with the development/construction industries, municipalities, and environmental groups. Moving ahead with implementation will help provide clarity to all stakeholders.

Support competitive and sustainable end markets

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What changes to the approvals process do you think would best facilitate a reduction in waste going to landfills?

Currently, there is very little available capacity in Ontario for processing of recyclables and organics. The capacity problem is further compounded by the cost and time required (often nearly 10 years) to bring new capacity online and the varying approvals processes required for different technologies such as aerobic composting and anaerobic digestion facilities. If the Province plans to increase recycling and organics diversion beyond the municipal sector, significantly more capacity will be required than currently exists or is planned for Ontario. It is recommended that the Province streamline approvals processes for waste facilities, especially organics processing, otherwise it will be impossible to achieve the goals outlined in this discussion paper in a timely manner.

It is recommended that the Province also consider options to stimulate innovation and support development of local and sustainable end markets. For example, an entrepreneur in New York City launched the Curb-To-Market Challenge, offering \$100,000 cash and \$400,000 in equity for a business plan to create a domestic manufacturer using the City's recyclables, particularly those with smaller end markets. A

similar Ontario-based initiative could help stimulate local end markets by providing funding opportunities within the private sector. The Province should consider requiring producers contribute to a research fund under the RRCEA as a tool to help support development of a variety of Blue Box end markets and the domestic manufacturing industry.

What type of end-markets for resources from waste do you think Ontario is best positioned for?

Ontario is well positioned to create strong end markets for compost and digestate from Green Bin programs. Ontario has a large agricultural sector, a local market that could immediately make use this material as a replacement for chemical fertilizers. It is recommended that the Ministry work with the Ministry of Agriculture, Food, and Rural Affairs identify best practices for use of different types of compost/digestate and promote its use within the agricultural community. Strengthening the agricultural market for these materials would provide a low cost soil amendment to Ontario farmers and would help offset the costs of organics programs.

Recycling cannot subsist purely on international markets, local markets need to be developed. As a base of manufacturing, Ontario is well suited to develop local markets for recycled materials, especially metals and plastics. Encouraging local manufacturers to use recycled materials, such as creating recycled content requirements, would drive investment in local markets. In addition to strengthening local markets, this would help manufacturers reduce the carbon footprint of their products.

How do you think municipalities should be given more of a say in the landfill approvals process?

While Region staff support Provincial efforts to provide municipalities a greater say in the landfill approvals process, there must be recognition under Provincial approvals processes of the need for disposal of non-divertable materials. This can be partially mitigated through high diversion targets for the IC&I sector, which is likely to reduce reliance on landfill for the IC&I sector. While thermal treatment of waste provides a potential option to further reduce landfill requirements, landfills will still be required to manage the ash from these facilities. Residual waste disposal will be required for the foreseeable future, it will be critical that the Province clearly identify practical ways to develop landfill capacity in Ontario to manage this ongoing need.

Association of Municipalities of Ontario Municipal 3Rs Collaborative (M3RC) – Proposed Blue Box Transition Timeline

Please note is the third part of a three-part submission. Items below provide a proposed timeline for transition of the Blue Box program to extended producer responsibility under the RRCEA.

Moving to a regulation under the RRCEA provides all stakeholders with a clear timeline within which operational and financial decisions can be made. The regulation should prescribe a defined transition mechanism that would allow for a municipal self-nomination process over three years with an annual cap on the amount of material collected that can be transitioned to ensure change that is both orderly and balanced. The current thinking of municipalities on transition for the Blue Box program is below:

Proposed Step	Proposed Timeline	Description
1. <u>Initiate the Regulation:</u> Minister gives direction to the Resource Productivity & Recovery Authority (RPRA) and sets the completion date for transition to full producer responsibility	As soon as possible	<ul style="list-style-type: none"> • Minister should send a letter to Stewardship Ontario (SO) and RPRA to start the transition of the Blue Box program • We are suggesting the letter be sent as soon as possible and that it include two important dates to ensure adequate time and certainty for all to plan and collaborate: <ul style="list-style-type: none"> • A date to start transitioning municipalities to the RRCEA (proposed Q4 2021); • A date when all municipalities would be transitioned to the RRCEA (proposed Q4 2024) • Provides an almost 5-year window to transition all operational and financial responsibility to producers
2. <u>Draft a Regulation:</u> Minister leads a province-wide consultation to develop a regulation for paper products and packaging under the RRCEA	Q2 2019 to end of Q3 2020	<ul style="list-style-type: none"> • Given the range of stakeholders, the province should lead the consultation • Key areas of discussion should include targets for recovery and accessibility, eligible sources of material (i.e. residential), designated materials, transition timeline, transition approach • Changes to Regulation 101/94 would need to be considered at the same time
3. <u>Regulatory Start-up Period:</u> An appropriate amount of time is provided to register producers and potentially service providers before the regulation fully comes into force	Q4 2020 – end of Q3 2021	<ul style="list-style-type: none"> • After the regulation is approved, time is required for producers to establish contracts to assume operational and financial responsibility • Municipal self-nomination would begin to occur during this period

Proposed Step	Proposed Timeline	Description
4. <u>Begin Transition</u> : The municipal self-nomination process would take place over three years with an annual cap on the amount of paper products and packaging collected that can transition	Q4 2021 – end of Q4 2024	<ul style="list-style-type: none"> • The proposed transition schedule would include: <ul style="list-style-type: none"> • First set of municipalities (up to 1/3 by tonnage of Blue Box materials) would transition between Q4 2021 and Q4 2022 • Second set of municipalities (up to 2/3 by tonnage of Blue Box materials) would transition between Q4 2022 and Q4 2023 • Third set of municipalities (total tonnage of Blue Box materials) would transition between Q4 2023 and Q4 2024 • Municipalities that have transitioned would have O. Reg 101/94 requirements removed (as producers would not have these requirements under the RRCEA) • Producers would be required to meet targets linked to transitioned municipalities • For those municipalities not transitioned, the Blue Box Program Plan would continue with 50% funding being provided by Stewardship Ontario until transition is complete
5. <u>Transition Completed</u> : At a defined date outlined in the Minister's letter, all municipalities must transition their Blue Box programs to producers.	End of Q4 2024	<ul style="list-style-type: none"> • The paper products and packaging regulation under the RRCEA would be in place with province-wide targets and servicing in place • The <i>Waste Diversion Transition Act</i> would cease and all municipalities would be relieved of all Blue Box related requirements under Reg. 101/94

We think that this transition schedule would allow for the wind-up of the old *Waste Diversion Act* and brings the full benefits of the RRCEA into effect for all designated wastes. With full financial and operational control, producers are best positioned to enable a consistent province-wide system that makes recycling easier and more accessible. To date, promotion and education has been up to individual municipalities who each take different items based on their own infrastructure and residents. A harmonized list of acceptable materials for the program across the Province would enable promotion efforts to be done with more scale and ensure residents know what materials can be included. Municipal governments think this process is reasonable because the main elements of the regulation have already been discussed in some detail as part of the proposed amended Blue Box Program Amendment. This includes what paper products and packaging are designated across the province, accessibility, environmental outcomes and targets. There is a growing understanding between the various stakeholders of the issues each has and of practical solutions to address to ensure a smooth transition of the Blue Box which will lead to better outcomes for all. We are confident that any remaining issues can be addressed through the consultation.