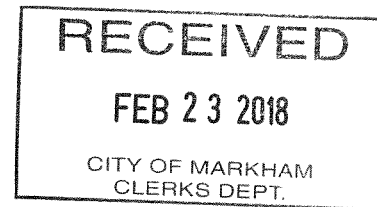


February 16, 2018

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



Dear Ms. Kitteringham:

**Re: Comments on Proposed Provincial Food and Organic Waste Framework**

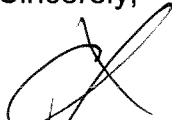
Regional Council, at its meeting held on February 15, 2018, adopted the following recommendations of Committee of the Whole regarding "Comments on Proposed Provincial Food and Organic Waste Framework":

1. Council endorse comments identified in Attachment 1, which were submitted to the Ministry of the Environment and Climate Change in response to Environmental Bill of Rights posting 013-1814: Proposed Food and Organic Waste Framework. Key recommendations for endorsement include:
  - a. Build on work of stakeholders to implement food waste education initiatives
  - b. Food rescue policies must address concerns about poverty reduction and food safety
  - c. More consultation needed on data collection and metrics for all sectors impacted by the Framework
  - d. Disposal ban implementation must be contingent on successful expansion of infrastructure
  - e. Province should support technologies that maximize resource recovery and support climate change action goals
  - f. Compostable packaging materials must be designated under extended producer responsibility
2. The Regional Clerk circulate this report to the local municipalities and the Ministry of the Environment and Climate Change.

A copy of Clause 7 of Committee of the Whole Report No. 2 is enclosed for your information.

Please contact Laura McDowell, Director, Environmental Promotion and Protection at 1-877-464-9675 ext. 75077 if you have any questions with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Raynor". The signature is stylized with a large, sweeping loop at the beginning and a long, thin tail extending to the right.

Christopher Raynor  
Regional Clerk

/C. Clark  
Attachments

Clause 7 in Report No. 2 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 15, 2018.

**7**

**Comments on Proposed Provincial  
Food and Organic Waste Framework**

Committee of the Whole recommends:

1. Receipt of the presentation by Lindsay Milne, Manager, Sustainable Waste Management, Environmental Services.
2. Adoption of the following recommendations contained in the report dated January 18, 2018 from the Commissioner of Environmental Services:
  1. Council endorse comments identified in Attachment 1, which were submitted to the Ministry of the Environment and Climate Change in response to Environmental Bill of Rights posting 013-1814: Proposed Food and Organic Waste Framework. Key recommendations for endorsement include:
    - a. Build on work of stakeholders to implement food waste education initiatives
    - b. Food rescue policies must address concerns about poverty reduction and food safety
    - c. More consultation needed on data collection and metrics for all sectors impacted by the Framework
    - d. Disposal ban implementation must be contingent on successful expansion of infrastructure
    - e. Province should support technologies that maximize resource recovery and support climate change action goals
    - f. Compostable packaging materials must be designated under extended producer responsibility
  2. The Regional Clerk circulate this report to the local municipalities and the Ministry of the Environment and Climate Change.

## **Comments on Proposed Provincial Food and Organic Waste Framework**

Report dated January 18, 2018 from the Commissioner of Environmental Services now follows:

### **1. Recommendations**

It is recommended that:

1. Council endorse comments identified in Attachment 1, which were submitted to the Ministry of the Environment and Climate Change in response to Environmental Bill of Rights posting 013-1814: Proposed Food and Organic Waste Framework. Key recommendations for endorsement include:
  - I. Build on work of stakeholders to implement food waste education initiatives
  - II. Food rescue policies must address concerns about poverty reduction and food safety
  - III. More consultation needed on data collection and metrics for all sectors impacted by the Framework
  - IV. Disposal ban implementation must be contingent on successful expansion of infrastructure
  - V. Province should support technologies that maximize resource recovery and support climate change action goals
  - VI. Compostable packaging materials must be designated under extended producer responsibility
2. The Regional Clerk circulate this report to the local municipalities and the Ministry of the Environment and Climate Change.

### **2. Purpose**

This report requests Council endorsement of Regional and local municipal staff comments provided to the Ministry of the Environment and Climate Change (the Ministry) responding to the Environmental Bill of Rights posting 013-1814: Proposed Food and Organic Waste Framework (the Framework). These comments were submitted on January 15, 2018 (Attachment 1). As part of the Region's submission, staff requested that the Ministry consider any additional comments received from Council in February.

### 3. Background and Previous Council Direction

#### **Staff submitted comments on the proposed Food and Organic Waste Framework to meet the Ministry's timeline for input**

On November 16, the Ministry of the Environment and Climate Change released the *Proposed Food and Organic Waste Framework* for comment on the Environmental Bill of Rights (EBR) Registry, with a closing date for comments of January 15, 2018. The proposed Framework includes two components: *the Food and Organic Waste Action Plan* and the *Food and Organic Waste Policy Statement*. Both pieces were commitments under the *Strategy for a Waste-Free Ontario, 2017*.

Due to timing of the EBR posting, Council input was not possible ahead of the comment submission deadline. Region staff consulted with local municipal partners to solicit input into the comment letter. Staff recommendations also aligned with comments jointly submitted by the Regional Public Works Commissioners of Ontario, Association of Municipalities of Ontario, Municipal Waste Association and City of Toronto (Attachment 2). Staff submitted comments and requested that the Ministry consider any additional comments from Council as part of the Region's official submission.

#### **Council previously endorsed five key recommendations regarding the strategic direction of the Province's Framework**

In July 2017, staff submitted comments to the Ministry on a discussion paper developed to solicit input on key priorities for improving management of Food and Organic waste in Ontario. Table 1 summarizes the recommendations endorsed by Council in response to that discussion paper and provides a brief update on how those recommendations were considered in the proposed Framework developed by the Ministry.

## Comments on Proposed Provincial Food and Organic Waste Framework

**Table 1**  
**Summary of Past Recommendations**  
**and how they were addressed in Proposed Framework**

Council-endorsed Recommendations	Ministry's Response in Proposed Food and Organic Waste Framework
Focus on food waste reduction as the primary opportunity for improvement	The Ministry has increased focus on reducing food and organic waste at the source. The Framework takes a reduction first approach with actions that prioritize food and organic waste reduction at the top of the Ontario Food Recovery Hierarchy.
Focus diversion efforts on multi-residential, industrial, commercial and institutional (IC&I) sector	The Framework strives to increase resource recovery for multi-unit residential buildings and the IC&I sector (including schools and manufacturing establishments) proposing diversion targets to be achieved by 2025 (based on size and thresholds).
Engage with public health agencies to inform policy on food donation	The Ministry intends to develop food safety guidelines to support safe donation of surplus food.
Streamline regulations and approval processes to support innovation	The Ministry will support resource recovery infrastructure using modern regulatory approaches (risk-based and electronics service delivery) to review existing approval processes; providing support for innovative demonstration projects (e.g. waste pilot projects).
Ensure the disposal ban considers implications on collection practices and includes processing contingencies	The Ministry will consider phased-in timelines (beginning 2022) and geographical boundaries in banning food and organic waste from ending up in disposal sites. Extensive consultation is planned starting in 2018.

Region's comments that were not addressed by the Ministry in the draft Framework were re-emphasised in the Region's most recent response including:

- Producer responsibility for all end-of-life management costs, including branded organics and compostable packaging regardless of which stream captures the material
- Greater engagement of public health departments to develop and share consistent messaging on holistic impacts of food waste (including climate change/health impacts, food security)
- Consideration of contingency plans for processing interruptions and practical enforcement options prior to implementing any landfill disposal ban of organic waste

## Comments on Proposed Provincial Food and Organic Waste Framework

The proposed Framework is a high level document that strives to meet the following four objectives:

1. Reduce food and organic waste
2. Recover resources from food and organic waste
3. Support resource recovery infrastructure
4. Promote beneficial uses of recovered resources

The Proposed Action Plan identifies 17 strategic actions summarized in Attachment 3 to be taken by the Province in the short term (2018-2020) and longer term (2021 and beyond) to address those four objectives.

The Proposed Policy Statement provides policy direction to further the provincial interest related to waste reduction and resource recovery of food and organic waste. It governs parties involved with food and organic waste in Ontario, including municipalities, waste generators and resource recovery system operators. This is the first policy statement to be issued under the *Resource Recovery and Circular Economy Act, 2016*.

The policy direction requires municipalities and other planning authorities to ensure that official plans are consistent with the proposed Policy Statement by the end of the period determined under subsection 26 (1) of the *Planning Act*. Through the Municipal Comprehensive Review, York Region Planning will update Regional policies, as necessary, to ensure alignment with the Policy Statement.

### 4. Analysis and Implications

#### York Region leads the Province in waste diversion

York Region has been a leader in offering a comprehensive suite of waste management services to its residents. The Resource Productivity and Recovery Authority recently released the 2016 verified diversion rates and the Region ranked highest in the large urban category and the highest overall in the Province with a diversion rate of 65.7 per cent (Attachment 4). The overall provincial diversion rate is 49.2 per cent. Local municipalities have actively pursued waste collection programs for materials such as textiles, electronics and batteries in addition to more traditional curbside collection programs as illustrated in Attachment 5.

## Comments on Proposed Provincial Food and Organic Waste Framework

### Region's SM4RT Living Plan sets first long term target for food waste reduction in the Province

The Region and its local municipal partners were one of the first municipalities to establish a long term target for food waste reduction under the SM4RT Living Plan. The SM4RT Living Plan also established baseline and data tracking approaches and continues to develop educational programming, including a comprehensive multi-year food waste reduction strategy through the Good Food program.

### Staff support the direction and scope of the proposed Framework

Given the Region's investment in food waste reduction efforts through the SM4RT Living Plan, staff are encouraged to see how much of the Region's earlier feedback was incorporated into the proposed Framework documents. While the Framework is a step in the right direction, Table 2 provides a summary of further recommendations included in the Region's response to the Ministry. Further details on these recommendations are included in Attachment 1.

**Table 2**  
**Summary of Recommendations made on Proposed Framework**

<b>Recommendations</b>	<b>Rationale for Recommendation</b>
Build on work of stakeholders to implement food waste education initiatives	Through the work of the Ontario Food Collaborative, lessons learned have been shared amongst municipalities and health units in Ontario. Staff recommended the Ministry continue to work with the Ontario Food Collaborative and other stakeholders throughout the food value chain, building on existing successes to ramp up educational programming throughout the province.
Food rescue policies must address concerns about poverty reduction and food safety	Staff recommended that organizations receiving donated food be appropriately funded to safely deal with donated food and comply with the requirements of Ontario Regulation 252 to provide adequate refrigeration and equipment. Continued collaboration between Public Health and Environmental Services is needed to support further food waste reduction in York Region. Public Health staff recommended the Ministry consider surplus food rescue programs as a short term complement, not a replacement, for efforts to address food insecurity issues.
More consultation needed on data collection and metrics for all sectors impacted by the Framework	Staff support setting separate targets for single family, multi-residential and IC&I sectors as current diversion performance varies widely between these sectors. However, the proposed diversion rate metric is not clearly defined making it difficult to assess the Region's current performance against the proposed target. Staff recommended that the Ministry consult with key stakeholders including municipalities on data collection approaches that can build on existing efforts to gather data needed to track resource recovery and waste reduction.



## Comments on Proposed Provincial Food and Organic Waste Framework

	<p>Staff also recommended the Ministry gather baseline data and service expansion targets for multi-residential and IC&amp;I sector prior to tracking performance targets.</p>
<p>Disposal ban must be contingent on successful expansion of infrastructure</p>	<p>Region staff are encouraged to see that extensive consultation is planned starting in 2018 to develop a plan for implementation of the ban. There is concern that timing of the ban may be too aggressive to allow for proper planning and expansion of infrastructure. Staff recommended the Ministry maintain a flexible timeline until more information is known about capacity requirements.</p>
<p>Province should support technologies that maximize resource recovery and support climate change action goals</p>	<p>The proposed Framework recognizes the need to streamline approvals and develop more end markets to support growth in processing capacity. Staff recommended the Ministry focus on supporting technologies that maximize recovery of resources from organic waste such as biofuel and compost/digestate. These technologies not only divert organic waste from landfill, but also contribute to renewable energy.</p> <p>Staff support the Ministry's direction not to consider technologies that directly discharge into the sanitary sewer system as an approach for reaching targets. Many variations on food waste grinder technologies exist so more guidance from the Ministry may be needed around what types of technologies are covered by this policy.</p> <p>In addition to streamlined approvals, infrastructure investment is needed to support capture and usage of biofuels such as renewable natural gas, to make these technologies more financially viable in the coming years. Staff recommended the Ministry continue aligning food and organic waste policy with funding programs and priorities from the Climate Change Action Plan to maximize beneficial outcomes.</p>
<p>Compostable packaging materials must be designated under extended producer responsibility</p>	<p>Compostable packaging is a growing trend. The Framework sets policy direction for producers to ensure their products meet a recognized standard for compostability however it does not recognize the disconnect between existing certification standards and real world conditions in many municipal composting facilities. Staff recommended the Province collaborate with producers, municipalities, service providers and owners and operators of resource recovery systems on standards to ensure these products are managed and recovered for beneficial use instead of disposal.</p> <p>Extended producer responsibility traditionally is implemented through regulations as a designated material. Rather than try to establish a separate extended producer responsibility regime for compostable products and packaging under this framework, municipalities have advocated that the current amendment to the Blue Box Program Plan under the <i>Waste Diversion Transition Act, 2016</i> obligate all compostable products and packaging.</p>

**5. Financial Considerations**

**Organics processing is most costly for the Region**

Table 3 shows the breakdown of waste processing costs by stream. Organics processing is the highest cost curbside collected waste stream to process. By focusing efforts on food and organic waste reduction, cost avoidance can be realized. Staff will continue to advocate for producer funding for branded organics to offset source separated organic waste collection and processing costs.

**Table 3  
Processing Cost by Waste Stream**

Waste Stream	Cost/Tonne
Organics	\$170
Residual Waste	\$110
Yard Waste	\$73
Blue Box	\$72

**Improved approvals process, disposal ban and potential funding may influence timing of Region-owned organics facility**

A feasibility study looking at technology options for a possible Region-owned organics processing facility was completed in 2017. Options under consideration, including co-digestion with biosolids from Regional wastewater treatment facilities, are well aligned with the provincial direction to capture energy and nutrients from organic waste. The timeline for construction of the facilities is aligned with the end of current organics processing contracts in 2027 however proposed improvements to the approvals process for these facilities, combined with possible increased demand for processing capacity from expansion of green bin programs to more multi-residential buildings may advance planned timelines for a Region-owned organics facility. New funding opportunities may also be available to allow earlier construction. Changes to the *Development Charges Act, 2015*, permit municipalities to include funding for the collection of organics and recycling as well as the treatment and management of organics and recyclables as services eligible for funding from development charges. Staff will continue to monitor for additional funding opportunities should the Ministry make these available to help grow organics processing capacity through implementation of the Framework.

### **6. Local Municipal Impact**

#### **Multi-residential organics programs will be expanded under proposed policy statement**

The Framework proposes targets and mandating that multi-residential buildings provide options to reduce and divert food and organic waste. The Ministry has not indicated an intention to revise the 3Rs regulations to place responsibility for multi-residential servicing on to municipalities but for those who provide collection of garbage and recycling, it is possible that serviced buildings may seek support for organics in the future. For those municipalities already providing organics or seeking to expand that program, the proposed policy framework could prove beneficial in supporting efforts to get buildings engaged.

Proposed updates to the Ontario Building Code ensuring new construction includes infrastructure to support organics diversion aligns well with development standards that local municipalities are implementing. The proposed updates would support making three-stream diversion accessible in new multi-residential buildings. For older building stock, implementing organics diversion programs may be challenging; it was recommended that the Province consider making building retrofits eligible for future funding opportunities.

#### **Proposed disposal ban may require additional resources to support curbside education and enforcement**

As highlighted in past responses to the Ministry, enforcement of a disposal ban on food and organic waste at the curb would be challenging, particularly where current collection practices include use of black bags/containers for curbside garbage and front-end containers at multi-residential buildings. Municipalities would require time and resources to adjust curbside collection programs and enforcement staff to accommodate such a ban. It was recommended that the Province consult with municipalities on appropriate enforcement tools for implementation of a landfill ban.

### **7. Conclusion**

The Region supports the Ministry's efforts to address food and organic waste in the province in a holistic and inclusive approach. The proposed Framework is a good first step to set the direction and identify areas of action. There is still much work to be done to move Ontario towards a circular economy in all aspects of waste. Staff will continue to collaborate with local municipalities and the Province to advance this work. Timely updates to Council will be provided as work continues.

## **Comments on Proposed Provincial Food and Organic Waste Framework**

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

The Senior Management Group has reviewed this report.

January 18, 2018

Attachments (5)

#8135742

Accessible formats or communication supports are available upon request

## Attachment 1

January 15, 2018

Ian Drew  
Senior Policy Advisor  
Ministry of the Environment and Climate Change  
Climate Change and Environmental Policy Division  
Resource Recovery and Policy Branch  
40 St. Clair Avenue West  
Floor 8  
Toronto, Ontario  
M4V 1M2

*Please note that this letter is the first part of a two-part submission and accompanies a table of detailed recommendations.*

Dear Mr. Drew:

**Re: York Region Response – EBR Number 013-1814 - Proposed Food and Organic Waste Framework**

York Region staff thank the Ministry of the Environment and Climate Change (the Ministry) for the opportunity to comment on the proposed Food and Organic Waste Framework (the Framework) posted on the [Environmental Registry](#) on November 16, 2017. Municipalities such as York Region can be strong partners to assist the Ministry in transitioning Ontario towards circular economy. Staff request that Ministry consider recommendations included in this letter and accompanying Appendix 1 when moving forward with the Framework and continue to consult with municipalities throughout future phases of the process, including development of any regulations.

**York Region Council endorsed comments will be submitted following February meeting**

Due to timing of the consultation period, York Region Council endorsement of staff comments was not possible prior to submission. Consequently, this response will be considered by Council in February and any additional comments made by Regional Council will be communicated to the Ministry in late February 2018. It is requested that the Ministry consider any supplementary comments from Council as part of this submission.

The Region supports the Ministry's efforts to address food and organic waste in the province, taking a holistic and inclusive approach. The proposed Framework is a positive step to set the direction and identify areas of action. There is still much work to be done to transition Ontario towards a circular economy.

Region staff are encouraged to see that the Ministry has incorporated much of its preliminary feedback from the Discussion Paper into the proposed Framework. In this letter, staff have identified areas of the proposed Framework that we recommend as priorities for further refinement. Detailed recommendations and supporting rationale are included in Appendix 1.

### **Build on work of stakeholders to roll out food waste promotion and education initiatives**

York Region has demonstrated leadership in addressing food waste reduction in its communities. Under the Region's SM4RT Living Plan, a long term target for waste reduction has been established (including 15% reduction in food waste by 2031), with baseline and data tracking approaches developed and ongoing educational programming. In November 2014, the Region initiated the Ontario Food Collaborative (Food Collaborative) and has since contributed significant resources to work with and share lessons learned amongst municipalities and health units across Ontario.

The Food Collaborative brings together more than 30 stakeholders from provincial, regional, and municipal governments, including food businesses and industry organizations, taking a holistic food systems approach and supporting consumers to eat well and reduce food waste.

Through Food Collaborative projects, promotional and education tools are being developed including a *Municipal Waste Audit Guide* and communication toolkit. Staff recommend that the Ministry continue to work with the Food Collaborative and other stakeholders throughout the food value chain (including producers, processors, retailers, waste and health educators), building on existing successes to deliver educational programming province-wide.

### **Ministry should engage public health departments to develop and share messaging around the health impacts of food waste**

Region staff recommend the Ministry engage with Public Health as a partner to increase awareness on food waste reduction; particularly around linkages to food safety, healthy eating, climate change and associated human health impacts. Staff are pleased to see the food waste correlation to generation of greenhouse gas emissions (GHGs) as explained in the Framework. There is also strong evidence on the health impacts of climate change (see Ministry of Health's 2016 Climate Change & Health Toolkit). The Framework is missing the linkage between food waste, climate change and human health. York Region's food waste reduction program benefitted from strong collaboration between environmental and health teams to build messaging and tools that can be used across both sectors to maximize reach and impact.

### **Food rescue policies must address concerns about food safety**

York Region Public Health currently works with non-profit organizations that rely on donated food to build awareness about safe donations to priority populations. Public Health supports the recommendation that a provincial guidance document on safe donations be developed as an interim measure. It is recommended that organizations receiving donated food be appropriately funded to safely deal with donated food and comply with requirements of Ontario Regulation 252 to provide adequate refrigeration and equipment.

### **Food rescue is not a preferred solution to address food insecurity or food waste reduction**

Diverting waste to food rescue/food banks should not be viewed as a suitable way to reduce and prevent food waste or address the problem of food insecurity. The food rescue sector is not able to address the large and growing problem of household food insecurity (inadequate or constrained access to food due to financial constraints) in our communities. The most effective way to address the root cause of food insecurity is through policies that ensure sufficient and consistent income for all households. Finding more effective solutions to reducing waste at the source is a more appropriate way for dealing with food waste than diverting it to the food rescue sector. Staff recommend the Ministry consider surplus food rescue programs as a short term complement, not a replacement, for Ontario's efforts to address food insecurity issues.

### **More consultation needed on targets, data collection and metrics for all sectors impacted by the Framework**

Region staff support setting separate targets for single family, multi-residential and IC&I sectors as current diversion performance varies widely between these sectors. However, the metric proposed is not clearly defined and does not align with the Authority datacall, which tracks tonnes diverted as a percentage of total waste managed. Nor does it align with York Region's SM4RT Living target that uses annual per capita waste generation by stream to track reduction efforts. It is recommended that the Ministry consult with key stakeholders including municipalities on data collection approaches that can build on existing efforts to gather data needed to track resource recovery and waste reduction under the new policy framework.

### **Baseline data gathering and service expansion targets recommended for multi-residential and IC&I sector**

Region staff are pleased to see that the Framework addresses the lag in organics diversion in the multi-residential and IC&I sectors through policy directives requiring that these sectors implement waste reduction and diversion programs and setting targets for reduction and diversion performance to be met by 2025. Staff support implementing measurable targets to assess progress; however variability in access to diversion programs across the province and limited waste data available for these sectors make it challenging to track against performance targets in the short term. It is recommended that the Province focus first on collaborating with stakeholders to: establish a baseline of program accessibility for multi-residential and IC&I customers; identify key metrics and data collection standards and; develop targets for increasing service provision to bring communities up to a consistent standard. The Province should commit to completing these tasks within an 18 month period prior to implementing and tracking performance standards.

### **Disposal ban implementation must be contingent on successful expansion of infrastructure**

Region staff are encouraged that extensive consultation is planned in 2018 to develop an implementation plan for the ban. Staff are concerned that timing of the ban is too aggressive to allow for proper planning and expansion of infrastructure. It is recommended that the Ministry remain flexible about the ban's implementation until more information is known about capacity requirements and enforcement infrastructure required.



It is also recommended that the Ministry conduct an economic analysis for the ban to identify implications and gather evidence as well as lessons learned from provinces that have implemented bans before taking action on implementation.

The Region has raised a number of concerns in past consultations with the Ministry, including:

- Limited capacity for organics processing in Ontario;
- Challenges with enforcement at the curb or at transfer/disposal facilities when collection is done in black bags or front end bins;
- Concerns about increased illegal dumping or shipment of waste out of province by private contractors and;
- Need for contingency exemptions to accommodate unplanned service interruptions.

The Ministry is encouraged to work with Region staff to address these concerns during future consultations. Staff recommend the Ministry take a strong consultation approach to evaluate enforcement tools before implementing the ban.

### **Province should support technologies that maximize energy and nutrient recovery and support climate change action goals**

Region staff are pleased that the Framework recognizes the need to streamline approvals and develop more end markets to support growth in processing capacity. This will be essential to meet increased demand as more communities and IC&I facilities adopt measures to meet waste reduction and resource recovery targets. Staff recommend the Ministry focus on supporting technologies that maximize the recovery of resources from organic waste, particularly those that produce both biofuel and compost/digestate. These technologies not only divert food and organic waste from landfill, but also contribute to the province's supply of renewable energy. In addition to streamlined approvals, infrastructure investment is needed to support capture and use of biofuels such as renewable natural gas, to make these technologies more financially viable in the coming years. Staff recommend the Ministry continue aligning food and organic waste policy with funding programs and priorities from the Climate Change Action Plan to drive beneficial outcomes.

The proposed Policy Statement addresses the need for innovation in capturing organic waste from streams where source separation is challenging. Staff are encouraged to see mixed waste processing identified as a possible opportunity to address this challenge. Staff support the Ministry's direction not to consider technologies that directly discharge into the sanitary sewer system as an approach for reaching waste reduction and resource recovery targets. Compared to other resource recovery options, food

grinder technology accommodates a more limited range of feedstocks and consumes additional limited and costly wastewater treatment capacity. There are many variations on food waste grinder technologies and more guidance from the Ministry is required around what types of technologies are covered by this policy.

**Compostable packaging and branded organics must be designated under extended producer responsibility**

Compostable packaging is a growing trend. The Framework sets policy direction for producers to ensure their products meet a recognized standard for compostability however it does not recognize the disconnect between existing certification standards and real world conditions in many municipal composting facilities. The policy statement encourages municipalities and facility operators to support new technology and innovation in recovery of compostable packaging and branded organics but does not explicitly support designation of these materials under extended producer responsibility. This step is vital to help offset costs for managing these materials, including investment in new technologies for capture and processing.

Rather than try to establish a separate extended producer responsibility regime under this framework, Region staff recommend that the current amendment to the Blue Box Program Plan under the *Waste Diversion Transition Act, 2016* obligate stewards for end-of-life management of compostable/biodegradable/bioplastic packaging and branded organics. Municipalities, service providers as well as owners and operators of resource recovery systems that recover these materials must be compensated by obligated stewards for management of these materials. Staff also recommend the Province collaborate with producers, municipalities, service providers as well as owners and operators of resource recovery systems on standards to ensure these products can be managed and recovered to ensure beneficial use.

**Region staff thank the Ministry for the opportunity to provide a response to the draft Framework**

Region staff thank the Ministry for considering these comments and for engaging municipalities on developing the Framework. Staff welcome opportunities for continued consultation, including participation in the Ministry's *Food & Organic Waste Stakeholder Working Group* as the Ministry moves forward with the Framework.

Tackling the challenge of food and organic waste in Ontario will require collaborative action and application of innovative solutions from stakeholders across the value chain. We look forward to further discussions with the Province on our response.

York Region Response  
EBR Number 013-1814 - Proposed Food and Organic Waste Framework

If you have any questions regarding this submission, please contact Laura McDowell,  
Director, Environmental Promotion and Protection at [Laura.McDowell@york.ca](mailto:Laura.McDowell@york.ca).

Sincerely,

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

Appendix 1: York Region Detailed Comments – Proposed Food and Organic Waste Framework  
#8031310

Copy to:  
Municipal Resource Recovery & Research Collaborative  
Fred Jahn, Chair, Regional Public Works Commissioners of Ontario  
Trevor Barton, Chair, Ontario Food Collaborative  
Dr. Karim Kurji, York Region Medical Officer of Health



**York Region Detailed Comments – Proposed Food and Organic Waste Framework – EBR 013-1814**

*Please note that this is the second part of a two-part submission, and it will be accompanied with a cover letter*

**PART A – Action Plan**

**Section 1: Reduce Food Waste**

Page	Recommendation	Rationale
<b>Promotion and Education</b>		
p.12 Action 1	Ministry staff engage with the Ontario Food Collaborative to advance food waste reduction efforts	<ul style="list-style-type: none"> <li>Leveraging efforts underway by Ontario Food Collaborative to develop standardized promotion and education tools and resources helps ensure consistent messaging and reduces duplication of efforts.</li> </ul>
p. 12 Action 1	Ministry staff engage with Public Health departments to collaborate on programs to increase awareness about health aspects of food waste	<ul style="list-style-type: none"> <li>Collaborating with Public Health departments on food waste reduction campaigns helps to align messaging to consider the holistic impacts of food waste. Campaigns should also incorporate a fulsome discussion of food waste including:               <ul style="list-style-type: none"> <li>Climate change/health benefits</li> <li>Healthy eating strategies</li> <li>Menu planning including providing clarity on the true meaning of “best before” dates.</li> </ul> </li> <li>Public Health has significant expertise in this area and can be a powerful partner to disseminate resources to the public.</li> </ul>
p.12 Action 1	Link food waste with climate change and human health impacts in promotional campaigns to identify true impacts of food waste.	<ul style="list-style-type: none"> <li>Increasing awareness of how reducing food and organic waste also reduces GHGs emissions from production and manufacturing of food, the transportation of food and organic waste, and the disposal of food and organic waste has the potential to help improve understanding of the full range of impacts of food waste.</li> </ul>

York Region Detailed Comments – EBR 013-1814  
Proposed Food and Organic Waste Framework

		<ul style="list-style-type: none"> <li>• There is strong evidence on the health impacts of climate change, including the Ministry of Health's 2016 Climate Change &amp; Health Toolkit.</li> <li>• In most cases, linkages between food waste, climate change, and human health are not made, which impacts public understanding of the full impacts of food waste.</li> </ul>
<b>Waste Reduction and Resource Recovery in Schools</b>		
p. 12 Action 2	Ministry staff work with School Boards to develop standard guidelines for provision of three stream waste management programs	<ul style="list-style-type: none"> <li>• Access to green bin programs in schools varies depending on the individual school board and administration. Developing standard guidelines will be key to successful implementation of three-stream waste programs in Ontario schools.</li> <li>• Targeted promotion and education materials for schools will help improve the effectiveness of three-stream programs in schools.</li> </ul>
<b>Surplus Food Rescue and Food Safety Guidelines</b>		
p. 15 Action 5	Develop food safety guidelines (as outlined under Action 5) to ensure effective access and funding for agencies that receive donated food	<ul style="list-style-type: none"> <li>• York Region staff strongly support development of food safety guidelines for safe donation of surplus food.</li> <li>• Providing additional funding opportunities for non-profits organizations that rely on donations would help these organizations afford adequate refrigerated storage and equipment including hand sinks. This would help these groups more easily comply with <i>Regulation. 562: Food Premises</i> and provide greater ability to safely store healthier food choices for users of these programs.</li> </ul>
p. 15 Action 5	Ministry staff consult with Public Health on new and existing reclamation programs in the proposed guideline	<ul style="list-style-type: none"> <li>• Considering and incorporating education and regulatory requirements early in the process helps improve outcomes and increases awareness when programs are rolled out.</li> </ul>
p. 15 Action 5	Rescue of surplus food programs be used as a complement, not a replacement, for Ontario's efforts to address food insecurity issues	<ul style="list-style-type: none"> <li>• "Rescue of surplus food" or food redistribution is not a solution for food insecurity; these measures provide short term support and should only be used to complement Ontario's efforts to address food insecurity issues.</li> <li>• Policies should enable access with dignity to high-quality, safe, nutritious and culturally-appropriate foods.</li> <li>• While the Food and Organic Waste Framework addresses food waste, it does not consider food insecurity. Parallel programs should</li> </ul>

York Region Detailed Comments – EBR 013-1814  
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		also be developed to address food insecurity issues. Initiatives included under the Food and Organic Waste Framework address “food response” which aims to provide more food for those in need but don’t addressing the root cause of food insecurity (inadequate income).
<b>Data Collection Mechanisms to Measure Progress in Waste Reduction and Resource Recovery</b>		
p. 16 Action 7	Ministry staff consult with all key sectors targeted on standardized data collection and measurement metrics	<ul style="list-style-type: none"> <li>The metric proposed is not clearly defined and does not align with the Authority datacall.</li> <li>A standardized data collection mechanism with consistent metrics will be essential to monitor and report on progress across municipalities in Ontario.</li> </ul>
p. 16 Action 7	Build upon existing municipal data collection mechanisms in order to not create additional reporting and/or monitoring burden on municipalities	<ul style="list-style-type: none"> <li>Progressive municipalities such as York Region are already measuring and collecting comprehensive data with monitoring of key performance indicators (KPIs) on solid waste management. Rather than developing new processes, the Province should leverage proven existing data collection mechanisms.. This will help reduce the future burden on municipalities and ensure continuity of data, which has been collected by municipalities for over ten years.</li> </ul>
p. 16 Action 7	Framework prioritize robust data collection, baseline development, and service expansion targets for multi-residential and IC&I sectors	<ul style="list-style-type: none"> <li>There is limited data available to confirm the current state of waste reduction and resource recovery in multi-residential and IC&amp;I sectors. Lack of a baseline makes it challenging to track against performance targets.</li> </ul>
p. 16 Action 7	Ministry staff provide resources (i.e. technical and financial expertise) to help advance diversion efforts and support data collection	<ul style="list-style-type: none"> <li>Waste reduction strategies undertaken in most York Region facilities align with the proposed Framework.</li> <li>Majority of the IC&amp;I sector are small businesses and many may not have access to the technical and financial resources necessary for implementation. Without additional support, these businesses may have more challenges meeting proposed requirements.</li> <li>Phasing in implementation requirements in larger businesses first can help develop and test potential supports for smaller businesses.</li> </ul>

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		<ul style="list-style-type: none"> <li>Significant technical and language barriers may exist in the multi-residential sector, building awareness of organics programs will be key to meeting targets.</li> </ul>
p. 18	Provide sufficient time for IC&I to implement organic waste collection programs.	<ul style="list-style-type: none"> <li>Waste reduction strategies undertaken in most York Region facilities align with the proposed Framework.</li> <li>York Region staff are continuing to expand these organics collection programs as new facilities are constructed.</li> </ul>

**Section 2: Recover Resources from Food & Organic Waste**

Page	Recommendations	Rationale
<b>Disposal Ban on Food and Organic Waste</b>		
p. 19 Action 9	Implementation date for disposal ban must be delayed and/or remain flexible to allow for development of sufficient organics processing capacity	<ul style="list-style-type: none"> <li>Organics processing capacity in the Ontario is currently very constrained with limited facilities able to process materials. This will be a greater challenge for the multi-residential sector given their high contamination rates.</li> <li>Based on the shortage in processing capacity, a 2022 implementation date for an organics landfill ban is unreasonable.</li> <li>Disposal bans for organic materials should not be implemented or be mandatory until sufficient processing capacity has been established.</li> </ul>
p. 19 Action 9	Conduct an economic analysis to identify implications of a disposal ban and gather evidence from leading provinces.	<ul style="list-style-type: none"> <li>Before moving forward with an organics disposal ban, impacts must be effectively quantified.</li> <li>The Province should conduct a cost benefit analysis to identify the functional impacts and costs of bans implemented in other provinces.</li> <li>Identify financial implications and lessons learned from provinces that have implemented bans before taking action.</li> </ul>

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<p>p. 19 Action 9</p>	<p>Consult with municipalities to ensure enforcement tools consider challenges at the curb or transfer/disposal facilities, taking into account implications on collection practices and municipal costs</p>	<ul style="list-style-type: none"> <li>• Curbside collection programs vary by the municipality, a ban needs consider a wide-array of enforcement challenges.</li> <li>• Enforcement will be challenging given that current collection practices generally include use of front end containers at multi-residential buildings and black bags in single family residential areas.</li> <li>• Ministry's assessment must consider potential impact on municipal budgets, resources and programs.</li> <li>• Simply placing bans on transfer/disposal sites will not effectively address the issue.</li> </ul>
<p>p. 19 Action 9</p>	<p>Contingency must be included under a ban for organics processing interruptions and loads with high contamination rates</p>	<ul style="list-style-type: none"> <li>• There have been a number of service interruptions for organics processing facilities in recent years.</li> <li>• Service interruptions can necessitate landfilling of organic material due to limited available processing capacity, which must be accounted for under any ban.</li> <li>• Even with robust education efforts, material from communal collection sites such as multi-residential buildings and public spaces can have unacceptable levels of contamination that may impact the quality of the end product. Consideration should be given to a threshold of contamination where disposal would be permitted while corrective action is taken to address the problem at the source.</li> </ul>
<p><b>Resource Recovery in Multi-unit Residential and IC&amp;I Buildings</b></p>		
<p>p. 20 Action 10</p>	<p>Review development standards put in place by larger municipalities; and adopt different techniques and approaches depending on age of the multi-residential buildings</p>	<ul style="list-style-type: none"> <li>• Review development standards put in place by larger municipalities, who have significant experience with multi-residential waste collection.</li> <li>• Gain insights on best practices and lessons learned for waste management system design already in place.</li> <li>• Ministry should adopt different techniques and approaches depending on age of the multi-residential buildings.</li> </ul>



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p. 20 Action 10	Provide funding incentives for existing multi-residential buildings that need to retrofit their waste management infrastructure to support food and organic waste separation. This could include purchasing new front-end containers or retrofitting waste chutes and storage areas.	<ul style="list-style-type: none"> <li>Older buildings were built to manage single waste stream; will need funding incentives as they adopt changes to meet Province's policy direction.</li> </ul>
	Consult with IC&I stakeholders (including municipal building owners) to identify implementation challenges	<ul style="list-style-type: none"> <li>This will result in a number of changes, which will require time to address.</li> <li>Challenges will vary but could include:               <ul style="list-style-type: none"> <li>Meeting timelines</li> <li>Budget impacts that need to be planned</li> <li>Potential need to cancel and re-tender contracts</li> <li>Ensuring contractors and building users able to meet the changing requirements.</li> </ul> </li> </ul>

**Sections 3 & 4: Support Resource Recovery Infrastructure & Beneficial Practices**

Section/Page	Recommendations	Rationale
p. 22-25 Action 12 and Action 14	Staff support changes to the approval process for siting facilities and associated D-series guidelines but potential health impacts should be a consideration in process	<ul style="list-style-type: none"> <li>Staff support changes to the approval process for siting facilities and associated D-series guidelines given the historic challenges in siting these facilities.</li> <li>Approvals/guidelines should also consider a range of potential health impacts associated with air quality (emissions from the facility and transportation activities) and nuisance (e.g. noise and odour).</li> <li>Air pollutants are associated with negative health outcomes including cardiovascular disease, respiratory disease, and cancer. Mitigation measures for these risks should be considered in the assessment.</li> </ul>

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<p>p. 26 Action 15</p>	<p>Staff strongly support alignment with Agricultural Soil Health Strategy to address compost/digestate in a holistic manner and actions to develop end markets for compost</p>	<ul style="list-style-type: none"> <li>• Region staff strongly support the Ministry working with their municipal partners to align the Framework with the Agricultural Soil Health Strategy.</li> <li>• Staff have strongly supported this type of alignment in the past and are pleased to see the Ministry addressing the issue from a holistic perspective.</li> </ul>
<p>p. 26-28 Action 15</p>	<p>Staff strongly support actions in the Framework to develop end markets for compost/digestate that matches the material to the end use</p>	<ul style="list-style-type: none"> <li>• In some cases, development of end markets has been challenging for compost/digestate.</li> <li>• Provincial promotion of these materials as a beneficial soil amendment will help develop end markets for these materials, which will in turn improve the economics of food and organic waste diversion.</li> <li>• Mapping the right material to the right use, as proposed in the framework, has the potential to help improve markets for end products from a range of systems, including those that accept sanitary products, diapers and pet waste.</li> </ul>

## PART B – Policy Statement

Section/Page	Recommendations	Rationale
<b>Section 2 – Targets</b>		
p. 40 Policy 2.1	Ministry establish sector specific working groups (municipalities, IC&I, multi-residential) to provide guidance on targets, key metrics/data collection standards, and baseline year/calculations (not identified in the Framework)	<ul style="list-style-type: none"> <li>• Ability to meet targets by 2023 and 2025 will vary by sector. In many areas, low-hanging fruit has already been addressed, which will result in diminishing returns for future programs.</li> <li>• Each sector (municipalities, IC&amp;I, multi-residential) will be unique, obtaining sector-specific input will help inform targets and to effectively address barriers and implementation challenges that will arise.</li> <li>• Establishing a working group within each sector (municipalities, IC&amp;I, multi-residential) can help facilitate discussion and guidance on targets, metrics, data collection standards and baseline year calculation.</li> <li>• The Province should clarify if diversion targets apply only to new buildings or if they are also required for existing buildings.</li> <li>• Policy 2.1 proposes significant changes in reduction/diversion rates for a number of sectors in a short period of time but no baseline year has been identified.</li> <li>• Targets are ambitious and it is challenging for stakeholders to comment on the feasibility of meeting these targets without a baseline. Clarity needs to be provided on the year that will be used and the method for calculating the target metric.</li> </ul>
p. 40 Policy 2.1	Develop service-level targets to harmonize programs and data collection across Ontario	<ul style="list-style-type: none"> <li>• Currently, there is a general lack of consistency in service levels across sectors and a lack of quality data to develop baselines.</li> <li>• Developing service level targets will help harmonize access to programs across Ontario</li> <li>• In the short-term a data collection program must be developed to allow for consistent and comparable data.</li> <li>• In the longer-term, performance targets should be set once sufficient data on program performance is available.</li> </ul>

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p. 41 Policy 2.5	Staff support exclusion of food waste grinder technologies that discharge to sanitary sewer systems but request clarity on types of technologies included	<ul style="list-style-type: none"> <li>As compared to other resource recovery options, food grinder technology accommodates a more limited range of feedstock and places additional burden on limited wastewater treatment capacity.</li> </ul>
<b>Section 4: Resource Recovery from Food and Organic Waste</b>		
Policy 4.6	Clarify how activities such as home composting and community composting will be credited toward targets	<ul style="list-style-type: none"> <li>Municipalities have long-standing backyard-composter programs and there has been an increased amount of community composting and community gardens.</li> <li>Given that municipalities will be required to meet ambitious targets, it will be important for data systems to consider these activities.</li> </ul>
Policy 4.10	Work with multi-residential sector stakeholders to develop guidance for retrofitting older buildings that may lack space for organics diversion infrastructure	<ul style="list-style-type: none"> <li>Many multi-residential buildings were built before diversion programs were a consideration, which has contributed to challenges in diversion.</li> <li>Consideration will need to be given to providing flexibility in how existing multi-residential buildings will be addressed.</li> <li>Many building and site footprints do not readily permit storage of materials or for standard waste collection vehicles to access sites for pick up.</li> <li>Province should consult with the multi-residential sector to determine how best to address these challenges.</li> </ul>
<b>Section 5: Compostable Products and Packaging</b>		
p. 50 Policy 5.1	Establish 'Green Bin compatible' compostable labelling standards that ensure that materials included will break down in commonly used processing technologies	<ul style="list-style-type: none"> <li>BPI certified compostable products and packaging do not necessarily break down in existing organics processing systems. This has been an on-going challenge for the sector.</li> <li>Compostable packaging often ends up in the residue stream from organics processing facilities because they don't break down quickly enough during the composting process.</li> <li>It will be necessary to develop a standard to identify materials that will break down in processing systems commonly used in Ontario to provide clarity to all parties on what can and can't be accepted in Green Bin programs.</li> </ul>

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p. 50 Policy 5	Expand designated materials list in proposed amendment to the Blue Box Program Plan under <i>Waste Diversion Transition Act, 2016</i> to obligate stewards for compostable/biodegradable/bioplastastic packaging and branded organics	<ul style="list-style-type: none"> <li>• With the Blue Box program transitioning to an Extended Producer Responsibility (EPR) program and organics being expanded, some producers may try to shift their products out of the blue Box stream.</li> <li>• Requiring producers to be responsible for end-of-life management costs for compostable packaging and branded organics, regardless of the stream would help minimize free-riders and promote Ministry's goal of circular economy</li> <li>• This may also enable increased innovation by producers.</li> </ul>
<b>Relationship to Municipal Official Plans and Policy Statements</b>		
p. 38	Align Policy Statement updates with other waste legislation to allow for Official Plans to be updated in a single amendment.	<ul style="list-style-type: none"> <li>• York Region Official Plan policies (Section 7.4) contains policy and targets to work the long term of objective of zero-waste in keeping with York Region's SM4RT Living Plan and Provincial requirements.</li> <li>• This includes policies that address waste diversion within the ICI, multi-residential, and construction sectors.</li> <li>• Through the Municipal Comprehensive Review, York Region Planning will update policies as necessary, to ensure alignment with the Policy Statement.</li> <li>• To simplify this process, it is recommended that any changes to waste management requirements be released in a single policy statement to allow for items to be considered in a holistic manner by Regional Council.</li> </ul>
p. 38	Consider aligning implementation of three-stream waste collection requirements with existing standards.	<ul style="list-style-type: none"> <li>• York Region supports implementation of three-stream waste diversion in multi-residential buildings through sustainable development incentive programs such as the "Sustainable Development through LEED" and Servicing Incentive Program.</li> <li>• Other municipalities may have also adopted similar standards, it would be beneficial for the Ministry to consider how to align their requirements with those that have already been adopted as a best practice by a wide range of municipalities.</li> </ul>

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<b>Other Misc. Recommendations</b>	
p. 36 Part II	<p>Conduct first review of the Policy Statement within five years of implementation</p> <ul style="list-style-type: none"> <li>Proposed review timeline of ten year a significant amount of time for a new program.</li> <li>A shorter time frame to review would help address issues such as adoption rate from stakeholders and report on progress.</li> <li>A review timeline of five years would help the Ministry adjust the program to better meet its goals.</li> </ul>
p. 57	<p>GHG emissions, air quality (reductions in criteria air contaminants) should be included as performance measurements in the framework.</p> <ul style="list-style-type: none"> <li>Reducing GHG emissions provides health co-benefits by reducing criteria air contaminants that are linked to multiple adverse health outcomes.</li> <li>Tracking these benefits can help identify health benefits that can support the program in reviews of the framework and legislation.</li> </ul>
p. 57	<p>Framework should support climate change adaptation activities such as reducing urban heat islands (e.g. supporting local food through green roofs/community gardens) should be included in the food waste framework strategy</p> <ul style="list-style-type: none"> <li>While the proposed Food Waste Framework focuses on the mitigation side of climate change (e.g. reducing GHG emissions) there is an opportunity for this initiative to contribute to climate change adaptation and community resiliency.</li> <li>Adapting to climate change such as addressing urban heat islands (e.g. supporting local food through green roofs/community gardens) should be included in the food waste framework strategy.</li> </ul>
p. 59	<p>Define "disposal" as it is proposed to appear in the legislation</p> <ul style="list-style-type: none"> <li>"Resource Recovery" and "Resource Recovery Systems" have been defined terms to including, but not limited to food and organic waste.</li> <li>While some policies using these terms are drafted in a way that is specific to food and organic waste, others are not. Ensuring policies are clear, unambiguous and specific to food and organic waste will make them more effective. .</li> <li>"Disposal" should be defined in the Framework in the manner that it is proposed to appear in the legislation, to help provide line-of-sight on implications of the term as it relates to the Framework.</li> </ul>

#8031218



January 15, 2018

Ian Drew, Senior Policy Advisor  
Ministry of the Environment and Climate Change  
Climate Change and Environmental Policy Division  
Resource Recovery Policy Branch  
40 St. Clair Avenue West, Floor 8  
Toronto, ON M4V1M2

Dear Mr. Drew,

**RE: Proposed Food and Organic Waste Framework - EBR Registry Number: 013-1814**

The Association of Municipalities of Ontario (“AMO”), the City of Toronto, the Regional Public Works Commissioners of Ontario (“RPWCO”) and the Municipal Waste Association (“MWA”) collectively submit these comments on behalf of municipal governments regarding EBR Registry 013-1814 on the Ministry’s Food and Organic Waste Framework. We appreciate the consultative approach the Province has taken on this file and also applaud the government’s continued efforts to drive resource recovery.

Municipal governments support the Ministry’s work on this important environmental issue and appreciate the consideration shown to the unique circumstances rural, northern and remote communities face. However, at the outset we must highlight a remaining challenge: The lack of a funding source for implementation of these programs. Financing the implementation of these programs will be extremely difficult for many communities.

**Vision, Guiding Principles and Objectives:**

Municipal governments are supportive of the Framework’s aspirational vision to move towards zero food and organic waste and zero greenhouse gas emissions from the waste sector. We also support the guiding principles outlined in the Framework and the key objectives:

1. Reduce food and organic waste
2. Recover resources from food and organic waste
3. Support resource recovery infrastructure
4. Promote beneficial uses of recovered resources

**Part A: Proposed Food and Organic Waste Action Plan**

The Action Plan identifies strategic commitments to be taken by the Province to address food and organic waste.

**1. Reduce Food Waste:**

The municipal sector strongly supports initiatives to prevent food waste and agrees with the Ministry’s recommendations in the Action Plan to drive this outcome.



We support the Ministry's recommendation to develop a multi-stakeholder promotion and education campaign to support food waste prevention and reduction. The provincial campaign should be developed and implemented to drive awareness and behavior change to reduce the amount of food waste generated. In the United Kingdom, the "Love Food, Hate Waste" campaign has successfully reduced avoidable household food waste by 21%<sup>1</sup>.

The campaign should be done on a Provincial basis and be collaborative nature across the entire supply chain. This should include brand holders, retailers, the various levels of government, consumers, and the waste management sector.

## *2. Recover Resources from Food and Organic Waste*

Municipal governments support the recommendation to amend the 3R's Regulations to include food and organic waste and increase resource recovery across the IC&I sector. Diversion of food waste in the IC&I sector has lagged behind the results achieved in the residential sector.<sup>2</sup> Municipal governments have long understood the importance of waste reduction and diversion and have dedicated resources and funding to achieve results. Similar broad based dedicated efforts have not been made in the IC&I sectors.

The challenge with using the 3R's Regulations has historically been the inability of the Province to ensure compliance and enforcement. In order to be successful this needs to be addressed. The Action Plan makes reference to the need for data gathering and reporting by generators. These requirements could also encompass waste management service providers and potentially be used by the Ministry to oversee and monitor compliance.

The Action Plan recommends the implementation of a food and organic waste disposal ban. As mentioned in our previous submission on the Discussion Paper: Addressing Food and Organic Waste in Ontario - EBR Registry Number: 013-0094, any consideration of food and/or organics disposal restrictions or ban needs to take into account the differences in Ontario between densely populated urban areas and remote/rural sparsely populated areas. It should also take into account the hard work already taken by municipalities to fund infrastructure, collection and education programs to drive the majority of organics diversion in the province.

Most other jurisdictions that have successfully implemented disposal bans have taken factors like these into considerations. They have done so by providing consideration for:

- the timing of when the ban is applied to various entities,
- whether the ban or restriction is based on the source of the waste, type of waste, or properties or a combination thereof,
- the process or set of rules that allow for exemptions,

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<sup>1</sup> BC government, Organics Case Studies. Available at [https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/organics/casestudies/cs\\_1\\_wrap.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/organics/casestudies/cs_1_wrap.pdf).

<sup>2</sup> Reports on Organic Waste Management in Ontario, prepared for the Ontario Ministry of the Environment and Climate Change, 2015





- actions to encourage development of processing infrastructure and end markets are as aggressive as the diversion targets,
- the application of different mechanisms for compliance, and
- temporary exemptions should processing challenges occur.

Municipal governments are encouraged that the Province has included considerations on how best to implement a ban that addresses many of the above suggestions such as exemptions for rural, northern and remote communities as well as phased-in timelines and geographical considerations. We are also glad to see the Province's commitment to consultation before any new requirements are implemented.

However the ban might be implemented, there will be additional costs that will be borne by municipalities that need to be factored in. Given the associated greenhouse gas reductions, the Province should look at ways to offset municipal costs through the Climate Action Plan, infrastructure funding or other similar programs. Jurisdictions such as California have shown that organics diversion activities have one of the best cost-per-tonne reductions.<sup>3</sup>

Municipal governments support the Province's commitment to increase recovery of food and organic waste in multi-unit residential buildings and the review of the Building Code is welcomed. We also encourage expansion of the scope of this review to include the design requirements for the safe and efficient delivery of collection services to residential developments. This will be important to ensure that new buildings are designed to support resource recovery and municipal governments would encourage the Province to consider expanding the scope of the review to include paper products and packaging and other streams that may be targeted in the future. We would also encourage the Province to consider funding mechanisms for infrastructure and other resource recovery mechanisms such as chute diverters that may drive resource recovery in existing buildings. In addition to infrastructure improvements, there needs to be extensive promotion and education which again points to the need for a provincial campaign.

The definition of what constitutes a multi-unit residential building should be examined. The definition should be expanded sufficiently to include all types of multi-unit residential buildings and complexes with six or more dwelling units. This would include condominiums, co-operative housing complexes, town homes etc. As some of the more intensely developed areas of the Province strive to reach intensification targets, we are seeing more developments opt for extremely compact designs that preclude municipal servicing for waste management services. It will be critical to ensure these privately serviced developments are mandated to comply with this Framework.

### ***3. Support Resource Recovery Infrastructure***

In order to realize the ambitious outcomes envisioned in this Framework it will be pivotal for the government to move quickly to remove some of the current barriers to ensure new capacity can be developed to accommodate new increasing volumes.

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<sup>3</sup> Available at <http://www.lao.ca.gov/handouts/resources/2016/Cap-and-Trade-Report-Provides-New-Information-042016.pdf>.



Municipalities strongly support streamlining the approvals process and reviewing existing requirements. We are aware of a number of examples where process improvements or new infrastructure plans have been abandoned due to these barriers. Municipalities are prepared to meet quickly with the government and other stakeholders to explore options to reduce approval timelines for new facilities or changes to current approvals.

It is important to emphasize that this is not about making it easier to get approvals for organic processing facilities. These facilities do pose potential environmental risks so they should have appropriate controls in place. Municipalities often are forced to become involved when environmental rules are too lax. Instead, this is about ensuring organizations who are seeking an approval for change, an expansion or a new facility have a clearer and more prompt path to receive a response.

The actions proposed in the Action Plan are a good start to modernizing Ontario's approval regime for resource recovery systems, however we feel more could be done. Some options include:

*Exemptions:*

A number of activities that the Ministry of the Environment and Climate Change currently regulate should be considered exempt (with appropriate boundaries), such as collection facilities (e.g. community recycling depots), and small community compost facilities.

*Use of Qualified Professionals:*

Allow for modifications to approved facilities or infrastructure without the requirement of a formal Environmental Compliance Approval amendment but with sign-off by a qualified professional. Many modifications to waste processing facilities have little potential negative environmental impacts and in many cases offer environmental benefit (e.g. renewable natural gas processing, new sorting processes/screens, slight variations in feedstocks). For organic processing facilities, ensuring these changes can happen in a timely manner is especially important to allow them to adapt to changing markets or incoming stream. The current process of potentially waiting 300 days (the current median) for an approval is simply not practical.

A sign-off letter from a Qualified Professional confirming the outcome meets Ministry criteria could be provided to the Regional Office with updated drawings. This type of amendment would allow facilities to make timely changes enabling them to function within dynamic markets. This process needs to be transparent and the Qualified Professional must have the appropriate knowledge and skills and insurance. We would be pleased to work with the government to ensure the right balance.

*Environmental Activity and Sector Registry:*

The new Environmental Activity and Sector Registry (EASR) system could be broadened to deal with certain compost and anaerobic digestion facilities that have a relatively consistent risk profile. These facilities are well understood by the government and the types of conditions placed on many of them are already relatively standardized. The EASR system, where deemed necessary, could allow for a range of assessment to manage any risk exposure.



#### *Review of D-Series Land Use Compatibility Guidelines:*

The review of the D-Series guidelines needs to strike a balance between avoiding land use conflicts between resource recovery processing systems and adjacent properties while ensuring there is an ability to actually site sufficient numbers of these facilities, sometimes in urban areas, to be able to realize the ambitious targets the Province has set. We would be happy to work with the Province in the review of the D-Series Guidelines to ensure sufficient processing capacity infrastructure can be constructed.

#### **4. Promote Beneficial Uses:**

The Action Plan states that the Province will support markets for biogas and that the Climate Change Action Plan will provide financial support to encourage the use of cleaner, renewable natural gas. No details or commitments are provided however. The Province needs to connect policy frameworks for energy, climate change and resource recovery to ensure appropriate incentives for production of renewable natural gas are available to enable investments in infrastructure to support the ambitious resource recovery outcomes this Framework envisions. A specific recommendation is that the Province should include a minimum content of RNG derived from food and organic waste processing to help spur capital investment in processing infrastructure.

Municipalities remain supportive of the use of carbon offsets to help support this infrastructure through organic waste management and for Anaerobic Digestion (organic waste and manure). It should, however be underlined that based on the consultation process for the landfill gas protocol, we are concerned that Ontario specific conditions will not be properly taken into account and as a result the protocol may not be utilized. There is also concern around how a potential disposal ban may impact the ability to obtain these credits.

Municipalities are also supportive of incentives related to RNG that are identified in Ontario's Climate Action Plan such as creating Renewable Fuels Standard to increase the percentage of renewable content required in transportation fuels sold in the province; piloting a program that uses methane obtained from agricultural materials or food wastes for transportation purposes, with funding for commercial-scale demonstration projects; and setting a renewable content requirement for natural gas.

Incentives should be utilized to support processing infrastructure. This could include tools discussed in Ontario's Climate Action Plan such as utilizing the Green Ontario Fund or program for organics diversion which have been shown to have one of the best cost-per-tonne reductions<sup>4</sup>; and including carbon mitigation measures as a consideration in the environmental approvals process.

Municipal governments encourage the province to develop regulatory approaches that support the expansion and diversification of markets for soil amendment materials expected from the full scope of resource recovery approaches needed to achieve the province's targets. Clear quality standards and permitted uses (i.e. not requiring individual site Environmental Compliance Approvals) are needed to support the development of new resource recovery approaches such as mixed waste processing.

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<sup>4</sup> Available at <http://www.lao.ca.gov/handouts/resources/2016/Cap-and-Trade-Report-Provides-New-Information-042016.pdf>.

Finally, it is important to note that a number of paper products and packaging are processed through organic diversion programs (shredded paper, soiled pizza boxes and other paper products and packaging). These products and packaging are entirely funded by municipal governments. If one of the intents of the Strategy for a Waste-Free Ontario is to promote greater producer responsibility, we encourage the government to consider how responsibility could be extended to these alternative delivery models.

## Part B: Proposed Food and Organic Waste Policy Statement

The Policy Statement is established under the Resource Recovery and Circular Economy Act, 2016 and provides direction to the province, municipalities, the IC&I sector, owners and operators of resource recovery systems and others to further the provincial interest in waste reduction and resource recovery as it relates to food and organic waste.

### 1. Ontario Food Recovery Hierarchy:

Municipal governments support the use of a hierarchy to prioritize actions in our move towards a sustainable model of waste reduction and resource recovery. We did note however that most hierarchies include an additional level of “Feed Animals” between Feed People and Resource Recovery<sup>5</sup>. We would suggest that the Province consider adding this level, it is included in other food waste hierarchies such as the one used in the United Kingdom.

### 2. Targets

The diversion targets need careful consideration. Details on organic program performance are limited and make it difficult to set accurate targets. Flexibility in how the diversion numbers are calculated will be important. The targets need to effectively measure prevention and reduction as well as diversion from disposal. We recommend consideration of a food and organic waste generation rate that considers the amount of organic waste that remains in the disposal stream and tracking this year-over-year.

The timeline to reach prescribed diversion targets also needs to be considered carefully. A community that has to design and implement a collection, transportation and processing system along with all requisite approvals can currently take up to a decade. We are concerned about the requirement to meet prescribed diversion targets in the 7-year timeline proposed. There needs to be consideration given unique circumstances that might impact the implementation timeline for these municipalities.

Municipal Governments would be happy to work further with MOECC and other stakeholders to set appropriate targets and timelines for the diversion programs.

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<sup>5</sup> US EPA Sustainable Management of Food, Food Recovery Hierarchy <https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy> ; see also House of Commons, Food Waste in England, (April 30 2017) Food Waste Hierarchy. Retrieved from <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/429/429.pdf>

### 3. Reduce Food Waste

Similar to our comments earlier regarding the Action Plan, there should be a joint responsibility across the supply chain to drive the reduction of food waste. Waste service providers should have a role as well in helping to deliver promotion and education programs to drive food waste reduction.

Given the role the connection the Provincial government has to food delivery through the broader public sector and institutions like hospitals, long term care facilities, youth detention centres and jails, the Province has the ability to play a leading role in illustrating how food waste reduction can occur and providing best management practices. This role should be included.

### 4. Recover Resources from Food and Organic Waste

Municipal Governments have been leaders in diverting food waste and organics in Ontario.

In 2014, Ontario's residential sector diverted over one million tonnes of organic materials, including about 480,000 tonnes of green bin waste and 567,000 tonnes of leaf and yard waste. Some 37 municipalities in Ontario, covering about 70% of Ontario's population, have already implemented residential green bin programs<sup>6</sup>. Programs cover a wide range of organic materials, including food waste, soiled paper, and pet waste.

This is in stark contrast to the IC&I sector that has only diverted about 400,000 tonnes of organic material.<sup>7</sup> It is important to note that certain sectors of the IC&I have made significant advancements in this area and should be recognized. However, as a whole, it has lagged behind the residential sector.

Diverting organic material is one of the more expensive and complex waste diversion programs. The cost to collect, transport and process organics is high given the putrescible nature of the material and the potential for odour.

Municipal governments support the Ministry's work on establishing thresholds for implementation of programs and giving special consideration to the unique circumstances rural, northern and remote communities face. However, some challenges remain.

Implementation of these programs requires a funding source. There have been some suggestions that allocating potential savings from Blue Box transition to full EPR could be used to fund these programs. This is *not* supported by Municipal Governments. There are many substantial unfunded mandates and budget pressures municipal governments are dealing with. Funding implementation of these programs will be extremely difficult for many communities.

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<sup>6</sup> Ontario Ministry of the Environment and Climate Change, 2017. This is an approximate figure. Green bin services are currently available in municipalities that represent about 71 per cent of Ontario's population (2011 Census data). Note that the actual figure should be lower given multi-unit residential buildings are offered services in only seven municipalities

<sup>7</sup> 4 Reports on Organic Waste Management in Ontario, prepared for the Ontario Ministry of the Environment and Climate Change, 2015



As part of the Framework and an opportunity to reduce GHG and reduce collection and processing costs could be for the Province to invest in at-source organic waste management by subsidizing the cost for rural and northern Ontarians to purchase and properly use back yard composters. This program must work in tandem with an extensive province wide promotion and education campaign to manage their own food and organic wastes in-situ in order to be successful.

We noted a reference to section 4.2 (iii) in section 4.5 however section 4.3 (iii) does not exist.

### ***5. Compostable Products and Packaging***

The Policy Statement indicates a desire to see compostable products and packaging diverted from disposal for beneficial use. Municipal governments support this, however there are some significant hurdles to overcome in the Province to see it achieved.

Currently producer responsibility programs in Ontario do not apply to materials that would be captured in the organic recycling stream. The concept of including “branded organics” (e.g. tissues, tea bags, paper towels, diapers, soiled paper) and compostable packaging has been discussed for over a decade. Some jurisdictions such as the Netherlands and Austria already include compostable packaging and branded organics in their extended producer responsibility (EPR) programs.

Rather than try to establish a separate EPR regime for compostable products and packaging under this framework, the Province should ensure the current amendment to the Blue Box Program Plan under the Waste Diversion Transition Act obligates all compostable/biodegradable/bioplastic etc. packaging and that municipalities, service providers and owners and operators of resource recovery systems that recover these materials are compensated by obligated stewards for management of these materials.

The Province, Stewards, municipalities, service providers and owners and operators of resource recovery systems should collaborate on standards to ensure these products can be managed and recovered to ensure beneficial use instead of disposal.

### ***8. Implementation and Interpretation:***

Section 8.5 encourages municipalities to establish performance indicators to monitor the implementation of the policies in their Official Plans. The ability to monitor performance indicators in the Official Plan is not practical. Waste management plans or sustainability plans may offer better metrics. Planning documents govern land use, not the activities on that land. Official Plan performance would simply be that the item is present or absent in terms of a land use, nothing more.



Thank you for the opportunity to provide feedback and please contact us if you have any additional questions.

Sincerely,

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Fred W. Jahn, P.Eng  
Chair, Regional Public Works Commissioners  
Of Ontario

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Karyn Hogan, BA, MLIS, MA  
Chair, Municipal Waste Association

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Jim McKay  
General Manager  
Solid Waste Management Services Division  
City of Toronto

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Monika Turner  
Director of Policy  
Association of Municipalities of Ontario

### Strategic Actions to be undertaken by the Ministry in the Proposed Framework

1. Province to work with partners to develop promotion and education tools to support food waste prevention and reduction
2. Province to enhance and incorporate waste reduction and resource recovery activities within schools
3. Province to work with the Government of Canada on preventing food waste
4. Province to work with partners to support innovative approaches and tools to rescue surplus food
5. Province to develop food safety guidelines to support the safe donation of surplus food
6. Province to develop data collection mechanisms for measuring progress in waste reduction and resource recovery of food and organic waste
7. Province to develop data collection mechanisms for measuring progress in waste reduction and resource recovery of food and organic waste
8. Province to amend the 3Rs Regulations to include food and organic waste and increase resource recovery across the IC&I sector
9. Province to ban food and organic waste from ending up in the disposal sites
10. Province to support resource recovery of food and organic waste in multi-unit residential buildings
11. Province to develop best management practices to support effective use of public waste receptacles
12. Province to use modern regulator approaches to review existing approval processes and requirements for resource recovery systems
13. Province to require standardized training for owners and operators of resource recovery systems that undertake composting and anaerobic digestion
14. Province to review its D-Series Land Use Compatibility Guidelines to support the development of resource recovery systems
15. Province to support healthy soils with strong standards and clear requirements for use of soil amendments, while protecting the environment and human health
  - A. Province to review regulatory approaches related to soil amendments (e.g. compost, digestate)
  - B. Province to promote the on and off-farm end-use of soil amendments made from food and organic waste
  - C. Province to promote the use of soil amendments as part of the Agricultural Soil Health and Conservation Strategy
16. Province to support development of renewable natural gas including consideration for linkages to food and organic waste
17. Province to support green procurement practices, including the use of products, such as compost and digestate



**2016 Resource Productivity and Recovery Authority**  
**Verified Diversion Rates**

**Table 1**  
**2016 Overall Municipal Diversion Rankings**

Rank	Municipality	Diversion Rate
1	<i>Regional Municipality of York</i>	65.7%
2	<i>County of Simcoe</i>	60.7%
3	<i>Dufferin County</i>	60.1%
4	<i>City of Kingston</i>	60.1%
5	<i>City of Guelph</i>	58.7%

**Table 2**  
**2016 Large Urban Municipal Diversion Rankings**

Rank	Municipality	Diversion Rate
1	<i>Regional Municipality of York</i>	65.7%
2	<i>Regional Municipality of Halton</i>	56.6%
3	<i>City of Toronto</i>	51.3%
4	<i>Regional Municipality of Peel</i>	49.6%
5	<i>City of London</i>	44.5%

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