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February 26, 2016

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Ministry of the Environment and Climate Change
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Dear Ms. Sookhoo:

**Re: EBR Registry Number - 012-5832
Waste-Free Ontario Act – Bill 151**

The Association of Municipalities of Ontario (“AMO”), the City of Toronto, Regional Public Works Commissioners of Ontario and the Municipal Waste Association collectively submit these comments on behalf of municipal governments to EBR Registry Number 012-5832 to request that the Ministry of Environment and Climate Change (“MOECC”) take into consideration the views of these organizations in its review of Bill 151 to improve and enhance waste diversion programs in Ontario.

The municipal sector applauds the Province’s effort to move to an extended producer responsibility system. However, there are numerous issues that need to be addressed in the legislation now as opposed to through policy statements and regulations at a later date.

OVERVIEW OF BILL 151

The Government of Ontario has proposed three closely linked instruments: the *Resource Recovery and Circular Economy Act* (“RRCEA”), the *Waste Diversion Transition Act* (“WDTA”) (both introduced as Bill 151 and collectively referred to as the “Proposed Acts”) and a draft *Strategy for a Waste Free Ontario: Building the Circular Economy* (“Strategy”). Under the RRCEA, the Minister of the MOECC is required to develop and maintain a Strategy to support the provincial interest regarding resource recovery and waste reduction. Bill 151 represents a new direction for extended producer responsibility in Ontario and results in significant impacts on the key stakeholders, including producers, private sector service providers, and the municipal sector.

For the reasons set out below we are concerned that, while Bill 151 attempts to create certainty with respect to full producer responsibility for designated products and packaging, it in fact results in considerable uncertainty with respect to the future role of the municipal sector in integrated waste management, particularly with respect to the Blue Box program.

CRITICAL AMENDMENTS REQUESTED

We are seeking the following amendments to Bill 151 for the reasons set out in detail in this letter:

- The Blue Box reimbursement standard set out in section 11 of the WDTA requires producers to pay the appropriate “percentage of the total net costs” incurred by municipal government. To shift to full producer responsibility and provide clarity in the legislation the following sentence in section 11: *“total net costs incurred by those municipalities as a result of the program”* needs to be deleted and replaced with *“actual total net costs incurred by those municipalities with respect to the diversion of blue box waste”*.
- Add a section to the RRCEA requiring the Province to appoint a municipal advisory body to review and comment on proposed provincial policies and regulations and identify any financial burden that may be placed on municipal waste operations or negatively impact diversion rates.
- Incorporate into the RRCEA a provision allowing municipal government to be paid in full for actual costs incurred when the municipal sector collects and processes designated materials if producers fail to meet their obligations.
- The municipal role must be clearly identified throughout the Proposed Acts. Section 13 of the WDTA should be amended to require the Authority and IFO to consult with the municipal sector.
- Incorporate into the RRCEA the process for setting targets and/or performance measures so they are consistent with the goals of the Proposed Acts.

BACKGROUND ON MUNICIPAL GOVERNMENT’S ROLE IN WASTE MANAGEMENT

Municipal governments are, and will continue to be, the primary provider of waste management services to Ontarians and are responsible for developing, expanding and managing Ontario’s existing, highly effective, integrated waste management systems. The municipal sector is responsible for advancing integrated waste management in the following areas:

- the collection of garbage and addressing public health and sanitation issues for over a century;

- voluntarily collecting and processing printed paper and packaging over thirty years ago;¹
- collecting and composting of leaf and yard waste, and later food waste, to keep these materials out of landfills, thereby improving soil quality and reducing landfill methane emissions; and
- establishing depots and special collection days for hazardous materials and electronics to keep harmful toxins out of disposal, thereby reducing impacts on the natural environment and human health.

The municipal sector proudly operates one of the most advanced integrated waste management systems in the world that includes:

- delivering integrated waste management systems to over 5 million households;
- collecting, processing, marketing and disposing of almost 4.9 million tonnes of material, at an estimated total annual cost of \$1 billion to taxpayers;
- providing disposal infrastructure consisting of many large landfills (between 20 and 30), hundreds of small landfill sites and one energy-from-waste facility, with an estimated value of over \$1.6 billion;
- collecting and processing over 900,000 tonnes of printed paper and packaging at a cost of over \$325 million, in addition to converting this material into usable commodities with market revenue value of over \$87 million;
- providing collection depots and special events for hazardous materials that manage almost 18,000 tonnes annually, at an estimated annual cost of almost \$26 million;
- collecting and processing 900,000 tonnes of organics annually (leaf and yard waste, food waste) at an estimated annual cost of \$225 million to produce soil amendment; and
- providing an integrated waste management system to Ontario residents and businesses that has achieved an overall 2011 residential waste diversion rate of 47% and a Blue Box program that reduces greenhouse gases by an estimated 2.99 million tonnes annual in eCO₂ as compared to landfill.

The *Waste Diversion Act, 2002* was enacted to develop further waste diversion efforts throughout the Province and to shift part of the financial burden of waste diversion from the taxpayer to the producer. Currently, property taxes pay for more than fifty per cent (50%) of the actual Blue Box Program costs, subsidize a portion of household hazardous waste programs, and pay one hundred per cent (100%) of the costs of organics management, litter control, garbage collection and disposal.

Municipal governments are a long and trusted partner of the Province in delivering these much needed integrated waste management services to Ontarians to meet the shared objectives of environmental protection and minimize impacts to water, soil and air in our communities. Through these comments we are seeking to ensure a new legislative framework that has clearly

¹ This is now required by Ontario Regulation 101/94 increasing the utilization of precious natural resources and energy.

defined roles and responsibilities for all key players in integrated waste management, including: the municipal sector, producers, and the Province.

The municipal sector has a vested interest in the continuous improvement of waste management services and to implement best practices, generates cost saving initiatives and increase recovery, particularly with respect to lightweight and problem materials including but not limited to coffee pods and laminate pouches.

PROVINCIAL GOALS

We support the Province's goals and provide these comments to ensure that Bill 151 reflects the goals of:

- moving to a circular economy vs. the current consumption-based economy;
- increasing producer responsibility for their products and packaging;
- reducing greenhouse gas emissions; and,
- promoting the creation of durable or reusable products while using less packaging and fewer hazardous materials.

THE MUNICIPAL SECTOR SUPPORTS NEW WASTE MANAGEMENT LEGISLATION

The municipal sector supports the legislative intent to move towards producers fully funding the end-of-life costs associated with managing products and packaging rather than relying on the municipal tax base to fund these costs. We are seeking to ensure that the new legislative framework establishes clear rules with appropriate penalties, incentives, and enforcement measures coupled with effective oversight to ensure compliance.

While we support the intent of Bill 151, we are concerned that many substantive details concerning how the Strategy will be accomplished are left to regulations or policies that have yet to be drafted. These currently unavailable draft regulations and provincial policies are an integral component to the evaluation of the effectiveness, viability, and commercial fairness of the proposed regime.

MUNICIPAL ROLE IN TRANSITION

Municipal governments have a significant role in the transition of existing programs for Blue Box, Municipal Hazardous or Special Waste ("MHSW"), electronic and electrical equipment and used tires. This municipal role needs to be recognized and incorporated into the transition and wind-up process associated with these programs. Municipal governments are keenly aware of the waste management needs of their residents and uniquely positioned to provide a fair analysis of any proposed transition processes and public acceptance for proposed changes.

The WDTA focuses on the transition of the existing programs approved under the WDA to the new legislative regime under the RRCEA.

Section 9 of the WDTA states that the existing four waste diversion programs approved under the WDA will be continued until they are wound up under the WDTA. The windup and transition planning for Blue Box being conducted solely by Industry Funding Organizations (“IFOs”) is problematic as municipal governments fund in excess of 50% of these costs. The municipal sector is an integral funding partner in the provision of integrated waste management services and must be included as a key stakeholder and, more importantly, an equal funding partner in determining the transition of existing programs.

The clause that is of critical importance is section 11 of the WDTA that deals with the calculation of payments to the municipal sector with respect to Blue Box waste. Any calculation of payments during the transition period must be in accordance with the amended section as proposed by the municipal sector to capture funding for *“actual total net costs incurred by those municipalities with respect to the diversion of blue box waste”*. The annual Datacall should be used to determine the costs incurred by the municipal sector as they relate to Blue Box waste. This proposed amendment is discussed in more detail below.

Section 13 of the WDTA allows the Authority and an IFO to change a waste diversion program. The WDTA allows the Authority and the IFO to determine the parties affected by the change and the method of consultation with those parties. It appears that the WDTA has left the municipal sector out of the consultation process without any regard to the significant role the municipal sector plays in existing waste diversion programs and the integrated waste management services it provides. Section 13 should be amended to require the Authority and IFO to consult with municipal governments on any changes to a waste diversion program.

PRODUCERS MUST PAY ACTUAL COSTS INCURRED DURING TRANSITION

The existing WDA requires producers to reimburse municipalities 50% of the “total net costs incurred by those municipalities as a result of the program” (s. 25(5)). This language has led to continued disagreement between the two funding partners as to the extent of steward funding to be provided. As a result of these disputes, in 2014, Stewardship Ontario, AMO, and the City of Toronto were involved in an arbitration to set the 2014 Steward Obligation (the “Blue Box Arbitration”).

The language of s. 11(1) of the WDTA to describe the payments from producers to the municipal sector mirrors what is set out in s. 25(5) of the WDA. In order to fully shift to full producer responsibility and provide clarity in the legislation, the sentence *“total net costs incurred by those municipalities as a result of the program”* needs to be deleted in its entirety and replaced with *“actual total net costs incurred by those municipalities with respect to the diversion of blue box waste”*. This change will ensure that producers pay their share of the full costs of managing their products and will adopt the recommendations of the arbitrator from the Blue Box Arbitration.

AMO, the City of Toronto and Stewardship Ontario spent an enormous amount of time, effort, and expense participating in the Blue Box Arbitration. The written decision by former Court of Appeal judge, Robert Armstrong, was issued in November 2014.²

The question brought before Mr. Armstrong related to the steward obligation for payment of Blue Box materials and how this obligation should be calculated. Mr. Armstrong ruled that there was only one applicable test for the Steward Obligation:

Apart from concluding that reasonableness is the test to be applied to net costs incurred in section 25(5) of the Act, I have nothing to add.³

Mr. Armstrong ruled that calculating the steward obligation mathematically, from the 2012 Datacall results as verified by WDO, “passes the tests of reasonableness”, and is “sensible, thorough and reliable”⁴. This method established how the “total net costs incurred” or the “actual costs incurred” by municipal Blue Box programs that stewards were required to pay.

Mr. Armstrong further recommended that the steward obligation in future years be calculated in exactly the same way as the 2014 steward obligation, subject only to prior review by the Municipal-Industry Programs Committee (“MIPC) as to whether adjustments are needed to the Datacall for that year:

I am satisfied that the method I have adopted to arrive at the Steward Obligation for 2014 is fair, reasonable and I would recommend its use for future years subject to a thorough review and discussion in MIPC as to any adjustments that need to be made each year.⁵

Mr. Armstrong’s method represents a simple, transparent, mathematical calculation that can be calculated annually upon completion of the Datacall process. The municipal sector can confirm that no elaborate or expensive process is necessary to determine the steward obligation. The voluminous evidence, materials and oral argument considered by Mr. Armstrong should not be discarded and should be reflected in the new legislative payment obligations during the transition to full producer responsibility.

Clarity is urgently required in the language of s. 11 of the WDTA as it relates to steward⁶ funding for municipal Blue Box programs. History has shown that the stewards (producers) and the municipal sector are unable to provide such clarity in the interpretation and application of this

² Association of Municipalities of Ontario and the City of Toronto v. Stewardship Ontario, 25 November 2014 [2014 Arbitration Decision].

³ 2014 Arbitration Decision at para. 287.

⁴ 2014 Arbitration Decision at para 242.

⁵ 2014 Arbitration Decision at para. 290.

⁶ Note that the term Steward is used interchangeably with the term producer depending on the context and whether it arises from the current legislation in force or the Proposed Acts. under Bill 151.

section. The municipal sector is concerned that the proposed wording will continue to perpetuate the chronic disagreements relating to the payment obligations between producers and municipal government. This is especially the case given that the transition of the Blue Box program could take five years or more.

The Proposed Acts provide an opportunity for the Province to resolve once and for all the unyielding conflicts between the producers, and AMO, and the City of Toronto as it relates to the payment obligations. Amending section 11 to refer to payment for *“actual total net costs incurred by those municipalities with respect to the diversion of blue box waste”* follows the Arbitrator’s methodology of using the Datacall to determine the steward obligations and should be explicitly incorporated into the WDTA.

ROLE OF THE MUNICIPAL SECTOR CRUCIAL TO SUCCESS

The continued role of the municipal sector in the provision of integrated waste management services is key to the successful implementation of the Proposed Acts. Given the long history of municipal governments in integrated waste management, we are disappointed to see that the Proposed Acts fail to treat the municipal sector as a key stakeholder and funding partner in the process. Instead the municipal sector is merely referred to as a potential service provider.

Municipal governments are accountable to their residents and must have a say in the type and level of integrated waste management services being provided. The municipal sector will be required to fund and operate the balance of the integrated waste management system for materials not designated under the RRCEA and because of this, it is imperative that the municipal sector has an equal voice to ensure that these programs do not have negative impacts on our interests in managing the balance of the system. The Proposed Acts fail to clearly define the role for the municipal sector moving forward. While we recognize the importance of producers having the ability to determine how to deliver programs for the designated products, these programs will have an impact on the remaining integrated waste management system that the municipal sector is solely responsible for operating and funding.

Municipal governments have invested tens of millions of dollars in waste processing infrastructure, entered into long term contracts with each other and with the private sector, and have incurred long-term obligations to employees. Municipal governments cannot simply break these contracts, terminate these employees and write off these investments without compensation. The municipal sector has also incurred long term obligations as a result of past waste diversion activities that are currently being funded as part of the Blue Box programs including but not limited to obligations to disabled workers.

Municipal governments must be fairly compensated for any stranded assets, investments and other obligations that do not form part of the system under a new legislative framework.

As evidenced above, the municipal sector is integral in the delivery of Blue Box programs throughout the Province. The integrated collection system where Blue Box materials are co-collected with other waste streams is likely the most cost-effective method of collecting Blue Box materials. We anticipate that for example, producers of printed paper and consumer packaging will want to keep these integrated systems in place as opposed to establishing separate collection systems at a higher cost. However, this will be contingent on producers and the municipal sector agreeing on fair commercial terms for service provision.

The municipal sector plays a critical role in the collection of MHSW materials and are involved in providing depots for the collection of tires and waste electronics and electrical equipment. Municipal depots ensure that these materials are diverted from landfills. However, the Strategy only briefly acknowledges the transition of MHSW to full producer responsibility and the Proposed Acts are silent on the issue. While, the municipal sector fully supports the transition to full producer responsibility, the proposed regulations need to recognize the importance of the diversion of MHSW to the existing MHSW depots operated by the municipal sector. These municipal depots play a critical role in offering taxpayers a convenient one stop MHSW disposal and manage numerous MHSW items that are not covered by the existing MHSW diversion program. Municipal depots are responsible for collecting 18,000 tonnes of hazardous materials and special waste annually at an estimated cost of approximately \$26 million.

The municipal sector is not clearly identified in the Proposed Acts but the Strategy, under the Blue Box Transition section, acknowledges the essential role of the municipal sector in delivering Blue Box programs throughout the province.⁷ We request that the Proposed Acts clearly define the role of the municipal sector to ensure ongoing and continued municipal consultation in the provision of waste management services to taxpayers.

In light of the above, we ask that a section be incorporated in the RRCEA requiring the Province to appoint a municipal advisory body to review and comment on proposed provincial policies and regulations and identify any financial burdens that may be placed on municipal waste operations or negatively impact diversion rates.

We also reiterate our concern that many substantive details concerning how the goals of the Proposed Acts will be accomplished, including setting of targets and/or performance measures, and implementation of the Strategy, to name a few, are left to regulations or policies that have yet to be drafted. These currently unavailable draft regulations and provincial policies are an integral component to the evaluation of the effectiveness, viability, and commercial fairness of the proposed regime.

⁷The Blue Box Transition section states:

“Consultation on transition of the Blue Box program would also consider (in part):

- Opportunities for municipal integrated waste management systems to support producer responsibility.

- How to address municipal contracts and assets, including existing contracts for collection and post collection management and how to avoid “stranded assets” ...”

BALANCED ROLE OF THE AUTHORITY

We support the creation of the Authority as an oversight agency that is balanced and results in accountable governance. The RRCEA empowers the Authority with oversight and enforcement abilities. The Authority plays an essential role in enforcing producer responsibility and ensuring transparency and effective reporting on producer progress in meeting defined targets. The Authority is given substantial powers to ensure the cooperation of the existing IFOs during the transition period, including the ability to determine the amount of monies required by the IFOs to fulfil their responsibilities.

The Authority is also responsible for resolving disputes between the IFOs and the municipal sector, and determining the level of financial payments to municipalities during the transition period. Given this role it is imperative that the Authority be equally balanced amongst producers and municipalities both during the transition period and under the new legislative regime.

We ask that the Authority be provided with clear and explicit powers to set the producer obligation⁸ for the Blue Box program. The Authority should also be given the ability to resolve any conflicts that may arise between producers and the municipal sector in the Proposed Acts.

We are pleased to see the inclusion of penalties and an enforcement regime to ensure that the obligations set out in the RRCEA are being met.

The proposed amending language set out to section 11 of the WDTA (outlined above) coupled with the ability of the Authority to resolve disputes will appropriately deal with any conflicts that may arise between producers and the municipal sector during the transition period with respect to Blue Box funding.

RESPONSIBILITY TARGETS FOR PRODUCERS

The municipal sector is concerned that the Proposed Acts, apart from the inspection, compliance, and offence provisions, appear to transfer the substantive details on implementation, targets, goals, and stakeholder responsibilities to regulations that have yet to be drafted.

The provincial interest set out in section 2(m) of the RRCEA promotes competition in the provision of resource recovery services and waste reduction services. This type of outcomes based approach allows the producer to determine how it is going to reach the applicable targets. Waste diversion performance measures and/or targets should not be used to minimize

⁸ Note that the term Steward is used interchangeably with the term producer depending on the context and whether it arises from the current legislation in force or the Proposed Acts. under Bill 151.

the obligations of producers and other persons⁹ defined in the RRCEA to reduce, reuse and recycle. We request clarification on how the targets will be set and specifically on the entity responsible for setting targets and/or performance measures. The process used to establish targets and performance measures should be incorporated in the enabling legislation.

Targets and performance measures must focus on the intent of the Proposed Acts to achieve greater diversion rates. There should be separate targets for: each sector covered by diversion regulations such as municipal, industrial, commercial, institutional and multi-residential; geographic location; and, the amount of a producer's waste that is allowed to enter the residual waste stream. The municipal sector should not be required to fill any gaps where producers fail to meet their targets and/or performance measures. Where the municipal sector provides these back-up services a provision must be incorporated in the RRCEA to reimburse the municipal sector completely for these costs.

The municipal sector is concerned about incurring additional costs when the producers fail to meet their regulatory obligations, established targets or performance measures. We ask that a provision be incorporated into the RRCEA to reimburse the municipal sector for these actual costs either from administrative penalties collected or from the Province calling on a Performance Bond or Letter of Credit. Such a provision would promote the goal of the Proposed Acts of extended producer responsibility and protect municipal taxpayers from increased costs.

PROVINCIAL POLICY STATEMENTS AND THE PROVINCIAL INTEREST

The municipal sector is concerned about the ability of the provincial policy statements to effectively obtain the outcomes desired by the Province. The municipal sector has a lengthy history with the application of provincial policy statements under the *Planning Act* with mixed results. The provincial policy statements should not be an alternative to promulgating regulations thereby creating lower compliance thresholds for producers and avoiding the enforcement and penalties regime set out in the RRCEA.

The municipal sector needs to be consulted on the drafting of any policy statements to avoid placing a significant financial burden on municipal waste operations and negatively impacting diversion rates.

The provincial interest in section 2 of the RRCEA needs to be amended to recognize the benefits of waste diversion and include a clear provision to increase diversion rates above the existing baseline levels for annual diversion rates throughout the province. This section 2 should also be amended to incorporate the provincial interest that Ontario have a system of resource recovery

⁹ Other person includes those defined as Brand Holders in section 61 or Convenience Packaging and Transport Packaging as defined in section 62 of the RRCEA.

and waste reduction that aims to: promote fairness for taxpayers; and increase diversion rates significantly above the current baseline for annual diversion rates across Ontario municipalities.

EXISTING OBLIGATIONS

To comply with Ontario Regulation 101/94 and with repeated requests from the MOECC to increase waste diversion, municipalities have invested tens of millions of dollars in waste processing infrastructure, entered into long term contracts and incurred long term obligations to employees. The municipal sector has invested considerably in disposal infrastructure that consists of providing disposal infrastructure consisting of many large landfills (between 20 and 30), hundreds of small landfill sites and one energy-from-waste facility with an estimated value of over \$1.6 billion.

In addition to repealing or amending Ontario Regulation 101/94, many other regulatory changes may be required including amendments to the *Municipal Act, 2001*, the *Environmental Protection Act*, and Environmental Compliance Approvals for many existing municipal waste facilities.

The municipal sector cannot and should not be held liable to drive outcomes that they are no longer responsible for and the entire legislative regime pertaining to waste must be updated to reflect this.

DEBATES (HANSARD) – SECOND READING

We have attached the excerpts from the debates on the second reading of Bill 151 as Appendix “A” to this letter. Many of the comments and concerns expressed by our elected representatives reflect the concerns identified in this letter.

The municipal sector looks forward to further discussions on the Proposed Acts and Strategy as we all move towards improving and enhancing waste diversion programs in Ontario.

Sincerely,



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



Thomas Schmidt, P. Eng
Chair, Regional Public Works Commissioner
of Ontario



Annette Synowiec
A/Director Waste Management Policy
City of Toronto



Monika Turner
Director of Policy
Association of Municipalities of Ontario

cc: The Honourable Glen Murray, Minister of the Environment and Climate Change
The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing

**Appendix “A” – Notes from Debates (Hansard)
Second Reading Bill 151**

**LEGISLATIVE ASSEMBLY OF ONTARIO
Tuesday 16 February 2016
Waste-Free Ontario Act, 2016**

Mr. Murray moved second reading of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

Mrs. Lisa Gretzky: There's been a lot said about waste management, and I think that we could all do our part to do a better job of waste management as far as recycling and that sort of thing. I'm reading through some of the notes here, and what jumps out at me is that, although it states that the producers of these products would be responsible for the cost of reclaiming the materials they used, such as packaging, municipalities would act as a service provider to producers to help them fulfill their obligation under the act. The fact that there are no details yet as to how municipalities are supposed to do that, that it's going to be rolled out throughout the regulations—we don't have a lot of information on that, and that's concerning to me, specifically in my riding, where we face a lot of economic challenges. We certainly don't want any surprise expenses to municipalities while they're trying to enforce or facilitate producers of these materials in recovering material.

It will be interesting, as the debate progresses, to see how these issues are going to be addressed and how municipalities are actually going to be affected by this legislation.

**LEGISLATIVE ASSEMBLY OF ONTARIO
Wednesday 17 February 2016
Waste-Free Ontario Act, 2016**

Resuming the debate adjourned on February 16, 2016, on the motion for second reading of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

Ms. Lisa M. Thompson: I'm pleased to take this opportunity to address Bill 151, the Waste-Free Ontario Act. Today, I would like to highlight the need for a fundamental reform to increase recycling across Ontario, protect our environment today and into the future, and create good, well-paying jobs throughout the green economy.

Speaker, I need to carry on. While I touched on specifics from my great riding of Huron–Bruce, I would also like to point out the importance of understanding the diversity of Ontario's geographic

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Second Reading Bill 151

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landscape as well. Currently, Ontario’s municipalities are working collaboratively to deliver waste management services. Recognizing the important role that our municipalities have to play in making Ontario’s waste diversion efforts more efficient is crucial. We have to treat municipalities as good partners, and respect them as such.

However, differences such as population density, number of construction projects, or commercial-to-residential space ratios all contribute to the differences between rural and urban communities and can create unique needs with respect to waste diversion. According to the Association of Municipalities of Ontario, which we all know as AMO, municipal recycling programs vary, depending on what is most efficient for the community. Some collect curbside while others depend on depots. What is collected in the blue box can also vary depending on the sorting equipment available, the size of the community and access to markets for recyclable materials.

...

I’d also like to point out that another important reason we must work with municipalities to decrease the amount of waste that is not being recovered is the whole issue of end-of-life licensed landfills. Since 1989, Ontario has been consistently closing landfills. Developing alternatives to these facilities has been encumbered by increasing costs and lengthy approval and assessment processes. Recovering a greater amount of waste and looking to other sectors, such as IC&I, to accomplish this will help alleviate the diminishing land capacity to store it and allow municipalities to free up funds for other projects that would benefit their communities.

...

Mr. Speaker, I have concerns regarding the Liberal failings to tackle the issue of waste diversion in the IC&I sectors. In fact, there are many more that go back for more than a decade. For example, a special report commissioned by Willms and Shier Environmental Lawyers found that of the staggering 7.6 million tonnes of waste being generated by these industries in 2004, 81% ended up in landfills. The same report found that with the release of the government’s discussion paper Ontario’s 60% Waste Diversion Goal, in 2004, the province’s proposed 60% diversion target for municipal solid waste—including IC&I waste—by the end of 2008 would remain unattainable without specifically tackling the IC&I component.

LEGISLATIVE ASSEMBLY OF ONTARIO
Thursday 18 February 2016
Waste-Free Ontario Act, 2016

Resuming the debate adjourned on February 17, 2016, on the motion for second reading of the following bill:

Mr. Peter Tabuns: Now, I understand philosophically why the government would do this, but I think there are substantial questions that are raised here, because I look at planning in Ontario and the way that planning is carried out and the way that planning gets bent out of shape. Under the current planning regime, my colleague from Kitchener–Waterloo could speak to Kitchener–

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Waterloo’s efforts to put in place zoning to restrain sprawl and to actually have a compact, environmentally progressive city, and yet they got beaten down totally at the Ontario Municipal Board.

So I have to ask, Speaker, will this new act, will this setting of provincial goals, with a requirement for other bodies to follow along, actually give the protection that the environment needs? Will it be extraordinarily loose? Will we be in a situation where individual councils will “have regard for” the law—and that’s a legal term—but, beyond lip service, not actually implement it?

I talk to colleagues of mine who serve on rural councils, who are engaged in huge battles over interpretations of provincial statements on planning. That has very substantial implications for development of habitation or subdivisions along roads. So it’s spread out. A lot more transportation services are required. It’s more expensive for rural municipalities to service those communities strung out along roads. Speaker, if this is as loose as the Planning Act, then I think we may have a substantial problem here.

...

The Association of Municipalities of Ontario has long advocated for extended producer responsibility for waste diversion programs. No surprise, because their members get stuck with the tab. If there is an item that’s out there that is made in such a way that it cannot be recycled, they are the ones that get stuck with the cost of finding a landfill somewhere and putting it in that landfill. So they have an interest in the bill, that it will actually do what is promised. They are concerned about rising costs for municipalities imposed on them by the industry-funded organizations that find ways to avoid paying their traditional 50% share of costs for blue box materials. Obviously, AMO would welcome legislation that would shift these responsibilities and costs to producers, but it notes that the actual effect of this act will depend on regulations—exactly the point I made and that the Ontario Waste Management Association made—and that transition is estimated to take three to five years; in other words, after this coming election cycle.

...

Speaker, in my last few minutes I again want to say that the problem with leaving most of what’s concrete to regulations means that the debate on what’s in those regulations won’t be in the public realm. Those who have the most sophisticated, most expensive lobbyists, the most well-connected lobbyists, will be the ones who will be working the committee rooms—committee rooms that most of us in this chamber won’t ever attend—going to those committee rooms and having those meetings where the regulations are hammered out and will be presented to the people of Ontario as a fait accompli. That is not very democratic. That is not what we need in terms of protecting the public good. That is very problematic. That’s something that I think the government needs to address in this bill.

Ms. Lisa M. Thompson: I’m pleased to add some comments to the debate this afternoon in response to the third party’s environment critic. Surprisingly, he and I have things in common, and

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I appreciate his comments sincerely. I enjoy working with him, actually, because he’s very thoughtful.

...

One of the thoughtful comments that he shared this afternoon was around the policy statements that could be developed. We worry about these policy statements as well, just like the environment critic for the third party does. With the way we have reviewed it, ministry directors can issue directives to businesses and require them to write reports detailing how they will meet the provisions laid out in policy statements. At the same time, the authority can issue directives to businesses to ensure that they are in compliance with reporting and recycling standards. If a business disagrees with a directive from the authority, it can appeal to the Environmental Review Tribunal. If a business disagrees with a ministry directive, they have no way to appeal it. This is a problem that we feel needs to be addressed. We worry, because how is this fair?

Ms. Teresa J. Armstrong: We don’t get that feedback on regulation. When you do that, what happens is those regulations are done by lobbyists and by special interest groups who have that leverage or that kind of advantage. Therefore, that bill that we’re agreeing to today and which we all believe, in principle, is a good thing may not be the bill that the people actually thought was going to come out of this legislation, and be effective enough to have a waste-free Ontario.

Mr. Peter Tabuns: It is my worry—it has been said by the member from Huron–Bruce and by my colleague from London–Fanshawe—that absent the concrete elements in the regulations, we have very substantial misgivings about what actually will be put on the ground at the end of the day.

I understand why a government would do this, but I also have to say it’s hugely problematic when you’re asking others to vote for a bill when a lot of what’s concretely going to be done is not visible at this point.

**LEGISLATIVE ASSEMBLY OF ONTARIO
Tuesday 23 February 2016
Waste-Free Ontario Act, 2016**

Resuming the debate adjourned on February 18, 2016, on the motion for second reading of the following bill:

Ms. Jennifer K. French: Despite its title, the Waste-Free Ontario Act has no legislated goal of a waste-free Ontario, although this bill does present a vision of the draft strategy. In fact, there is no timeline for when the transition to individual producer responsibility will be completed or even for when it will begin.

Speaker, I don’t want to be too cynical, as this bill does contain some positive steps forward, and on this side of the aisle we believe in giving credit where credit is due. But the government is also

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pretty good at congratulating itself and not quite so good at acknowledging its shortcomings, so somebody has to do it.

As I've already noted, we support building a waste-free Ontario, but we need to make sure that it is done right and it is done in a way that does not burden consumers or municipalities. That is difficult to guarantee when you're dealing with legislation that leaves more questions than answers.

There are no timelines in this bill. Nothing changes, the day after this bill passes. Industry-funded organizations will still run our waste diversion programs and could keep running them for a long time. The NDP supports this bill's promise of individual producer responsibility, but we will also seek amendments that guarantee that the government will actually follow through on their claimed goals for the bill.

...

Enough of the platitudes; let's dive a little deeper into the legislation. On second thought, because this bill is more like a shallow pond, perhaps we will just wade in.

...

But I digress. Let's talk about this new framework. We also hope that the new framework will address some of the concerns of municipalities, who share our concerns about legislation that is full of potential but thin on the details. For example, Bill 151 does not guarantee that municipal blue box costs will go down. The provincial government has already downloaded too many costs onto municipalities, and we want to make sure that this bill does not needlessly add to the burden on those municipalities. Municipalities have been burdened enough under the current system, and we want to make sure that some relief is on the way. For too long, they have seen costs shifted in their direction. Even with Bill 151, they are still looking at a transition period that may take three to five years. Don't forget, there is no timeline included for when the transition to individual producer responsibility will be completed, or even for when it will begin.

Ultimately, whether the changes will even be effective or not will depend on the regulations to come, and this is a big concern for municipalities as well. Unlike this Liberal government, municipalities like to think long-term, and it is pretty difficult to plan when the majority of the details are still to be determined. I hope that the government has listened to the concerns presented by those municipalities. I know that I'm not the first to outline these concerns to them, so hopefully repetition will be a powerful tool.

I know that my local municipality, the region of Durham, has shared its concerns with this legislation with the government, and since this government tends to need to hear things more than once, I am pleased to reiterate some of them today. I will start by reading an excerpt of a resolution that was sent to the Premier from the regional municipality of Durham earlier this month:

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“Whereas waste materials can become valuable resources and enhanced producer responsibility could provide significant environmental benefits should producers be encouraged to innovate to reduce waste, develop more easily recycled packaging, and work with municipalities to enhance and/or fund enhanced options for the collection and processing of waste materials;

“Whereas municipalities have no control over the form of municipal solid waste generated from packaging and products entering their jurisdiction, and yet municipal taxpayers continue to bear greater than 50% of the costs for the disposal and recycling of packaging and print materials that circulate within their waste streams;

“Whereas producer responsibility provides that producers bear responsibility for 100% of the costs of designated wastes and their end-of-life management and municipalities should not bear any net cost for the management of these materials which are becoming increasingly complex and expensive to recycle, reclaim and/or dispose of;

“Therefore be it resolved that the regional municipality of Durham calls on the Ontario government to ensure the proposed Waste-Free Ontario Act, Bill 151, results in legislation which not only replaces the current Waste Diversion Act to ensure full producer responsibility, but that in order to ensure service levels to Ontario residents are equal to or better than existing service levels provided.”

Speaker, as you can see, Durham region’s concerns are pretty clear and, as I understand, are shared by municipalities across the province. Basically, they want to ensure that producers are given the proper incentives to ensure that the legislation is actually effective and that municipalities, and subsequently the taxpayers they represent, are not left as the backstop for any grey areas or gaps in legislation.

It wouldn’t be the first time that this government has downloaded costs onto municipalities and left them to scramble to find the funds, so I think that their concerns are well founded. Just because you’ve gotten away with it in the past, though, doesn’t mean that you will forever.

Durham region has also expressed concerns with some of the ambiguity in the legislation, such as the lack of a legislated role for municipalities under the proposed act, meaning that “municipalities may find themselves negotiating with producers as service providers rather than having a predetermined, regulated role.” Durham stressed this concern further with the following request:

“While the province commits to continued collaboration, it is hoped the implementation of the Waste-Free Ontario Act and forthcoming detailed legislation and associated regulations will respect concerns already voiced by municipalities. A key concern highlighted is that the province needs to ensure the integrity of integrated municipal waste services and associated environmental benefits, while implementing a legislated full cost recovery framework for municipal waste services.”

This further supports our primary concern with Bill 151: It is just enabling legislation, and we want the details. Now I know that this government hates details. Details usually get this government in

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trouble and often result in some negative media coverage, and more recently in OPP investigations. But details are important. They're how we ensure that what you're saying and what you're doing align, and what should happen and what does happen are indeed one and the same. But for now, we wait. In the meantime, we hope that our concerns are heard, as are the concerns of municipalities across Ontario and all stakeholders that will be affected by this legislation. It's not always knowing the most that's important; sometimes, it's knowing who knows the most that counts.

Just to summarize, I will include some of the concluding remarks, again from Durham region's report:

“The impact of the province's proposed legislation and regulations on municipal solid waste management program costs and property taxes remains unclear.

“Since the introduction of the existing Waste Diversion Act, 2002, municipal taxpayers have continued to fund the majority of the capital and operating costs for diversion programs (collection, processing, haulage marketing and disposal), as well as the operating and capital costs of residual garbage waste collection and disposal.

“Over the years, municipalities have created increasingly efficient waste systems that are integrated and include co-collection, commingled waste streams, long-term contracts with private sector partners, partnerships across municipal jurisdictions and vast investments in capital infrastructure.

“There are significant service and financial risks associated with potential waste program fragmentation, contractual obligations, additional administrative burden, and future direction related to existing capital assets or transfer station infrastructure. Stranded or underfunded assets and operations are a potential risk to municipalities and the municipal property taxpayers. Even under a fully funded blue box framework, costs for the integrated collection and processing of other waste streams, including organics and residual waste, would still be borne by municipalities.

“Any proposed changes to legislation must consider system-wide impacts to municipal cost structures and capital investments, including existing contracts and investments related to the current provincial funding regime, as well as other short- and long-term contracts between municipalities and the private sector related to the ongoing integrated collection, processing, haulage and disposal of municipal solid waste.”

While that might be a lot to digest, we do hope that the government is listening. Municipalities such as Durham region will be among the most affected by the legislation, so we hope the government recognizes the impact this will have and takes the time to get it right the first time.

...

In conclusion, we appreciate the government's intentions with this bill and hope to see the substance to follow. We're all on board for reducing waste in Ontario, but we want to make sure

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that it's done the right way and that the burden isn't passed on to consumers or municipalities. By putting incentives in the right place, we can make some really positive changes that will benefit everyone involved. That is why the NDP has long urged the government to pursue greater individual producer responsibility to replace the current system, and we hope that the regulations that follow this bill will continue to advance this purpose. Before the government gets ahead of itself and officially declares Ontario waste-free, I will once again remind the chamber that this is merely enabling legislation and the success or failure of this act will depend on policies and regulations that have yet to be disclosed. As always with this government, the devil is in the details.

Ms. Lisa M. Thompson: I'm pleased to contribute to the debate on waste-free Ontario. I appreciated the comments that we received from the member from Oshawa and how tuned in she is to her municipality. I have to agree with her that one of the concerns we've heard over and over again from stakeholders is specifically the vagueness of Bill 151. We have to ensure that municipalities across the province are at the table and are partners in how we move forward in ensuring that Ontario continues to increase its diversion rate, because I have to point out to the people listening today that unfortunately, over the last number of years, which coincide with the number of years that the Liberals have formed government, waste diversion has stalled here in Ontario. They have a dismal record and stalled out at 25%.

Ms. Teresa J. Armstrong: As the member from Oshawa said, the titles of bills really kind of preempt what the expectations are of what the legislation might look like. When you talk about “waste-free,” there is the notion that this government is on board: “100% recycling, we're not going to have any environmental issues, everything is going to be waste-free; we're on board.” But really, Speaker, it's disappointing.

It really is disappointing because this bill doesn't have any meat on the bones. There's no substance to the title. We're still waiting for those regulations. We're still waiting for those policies. It leaves people hanging. It leaves stakeholders hanging. It leaves community members hanging. It leaves environmentalists hanging. It leaves municipalities hanging. What is this bill going to actually do? What kind of productive legislation is going to help the environment? We don't know what it looks like.

Ms. Jennifer K. French: I am pleased to respond to the thoughtful questions and comments of my colleagues around the Legislature this fine morning on waste management.

To the member from Mississauga–Brampton South: She was saying I had claimed that there is no benefit to the municipalities. Well, I didn't claim that, and I'm certainly hoping that that will not be the case. We want to see the details. We want to see the timelines. We want to see that all of the consultations that they've allegedly had with the municipality are not falling on deaf ears. We look forward to seeing the benefit to the municipalities. We look forward to finding out the details.

To the member from Huron–Bruce, who talked about listening to communities and their concerns, and the vagueness of this bill: As I had mentioned before, this is enabling legislation. As we heard from the member from London–Fanshawe, there isn't meat on the bones of this yet. But back to the member from Huron–Bruce, who had talked about the waste diversion rate that has stalled out

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and what makes stakeholders nervous: I think it’s the same thing that we see across the province. What makes stakeholders nervous is wondering whether or not they’re being heard, crossing their fingers that their input is indeed being heeded and that the legislation that they are going to have to live with and work with is going to address their concerns, and is going to actually make the world a better place—to actually see this waste-free Ontario.

My colleague from London–Fanshawe: Thank you for your comments. As you said, “waste-free” is a bit of a misnomer, because this is a bill that sort of lays out a strategy or a framework, but it doesn’t give us the timelines, doesn’t give us the deadlines and doesn’t give us the stuff of the bill, so we don’t know what it’s going to look like. As she mentioned, there’s not a lot of trust in this. I talked about reducing government waste, while we’re talking about actual waste. I think that the trust and money of the people of Ontario have been laid to waste with reckless abandon, and that’s a shame.

Mrs. Lisa Gretzky: We need to make sure that municipalities have a lot of information on how this is going to affect them. The other side talked about consultation with municipalities and how they listened, but my father-in-law has a saying: “Just because we have spoken, it doesn’t mean we’ve communicated.”

Ms. Lisa M. Thompson: One thing that the PC Party of Ontario is committed to is that when we’re talking about the blue box specifically, municipalities are at the table. In terms of determining the best way forward, we need to have our producers and municipalities, together, addressing how to move forward with the blue box so that, again, nobody is caught bearing the cost of previous government mismanagement.

Ms. Sylvia Jones: Another area of concern I have with Bill 151 are changes made to Waste Diversion Ontario. Under part III of the Resource Recovery and Circular Economy Act, Waste Diversion Ontario will be renamed the Resource Productivity and Recovery Authority—I guess that’s the “reuse” part of reduce, reuse and recycle—and given extensive new powers and an unlimited budget. The authority would set and impose fees on brand holders to pay for its operations.

What’s concerning about this new authority is that much of the mandate of the new authority will be left to regulations. Speaker, you know that I have spoken many times on my concerns with leaving so much of the detail in legislation to regulation. As I’ve said before, a regulation can be made within days. Three cabinet ministers have to sign it; it doesn’t even have to go to the full cabinet, let alone coming to the legislative chamber, where we as legislators get an opportunity to debate it.

When I read so much of Bill 151 talking about “by regulation,” “enforced through regulation,” it concerns me greatly. I have seen bills change completely when the regulations are actually put in place, and the implications without consultation, without input from legislators or stakeholders. I have a lot of concern with that authority and how much of the mandate will be left to regulation. This government continues to leave things to regulation instead of fleshing it out in legislation so that we can have a proper debate.

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**LEGISLATIVE ASSEMBLY OF ONTARIO
Wednesday 24 February 2016
Waste-Free Ontario Act, 2016**

Resuming the debate adjourned on February 23, 2016, on the motion for second reading of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

Mr. Michael Mantha:

Bill 151 does not guarantee that municipal blue box costs will go down, another big concern for the various municipalities across my riding of Algoma–Manitoulin. The provincial government has already downloaded too many costs on to municipalities. For some of you MPPs getting a call or two from your local municipalities, think about the earful I get from mine. I have 37 municipalities that are at their wits' end on their budgets and cannot take any more of these fees—21 First Nations and 15 local services boards. I hear time and time again about the burdens this government is placing on the backs of municipalities and constituents with their continuous downloading of programs, costs and services to municipalities.

Many of the municipalities across Algoma–Manitoulin just can't afford this. They are already struggling with lost revenues and increased costs. They simply can't afford any more fees. This bill must not needlessly add to the burdens on municipalities.

...

I also meet regularly with the Association of Municipalities of Ontario. The Association of Municipalities of Ontario has long advocated for extended producer responsibility for waste diversion programs. As I mentioned before when speaking about many discussions with municipalities in my riding of Algoma–Manitoulin, AMO has been concerned about rising costs to municipalities, imposed on them by industry-funded organizations that find ways to avoid paying their traditional 50% share of the cost. We know that AMO would welcome legislation that would shift these responsibilities and costs to producers, but it notes that the actual effect of this act will depend on regulations, and that transition is estimated to take about three to five years.

Mr. Taras Natyshak: Unfortunately, what we have before us today, for viewers who are tuning in at home, is simply enabling legislation. What that means, to folks that are tuning in, is that it gives the government the legislative ability and framework to, in the future, do something regarding this issue. It's pretty basic stuff; it's not really visionary. It doesn't give a whole lot of details. It doesn't give any targets. It simply says, "This is something that we think we should

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move towards,” and we will applaud the government on that front. However, as legislators, our job is to criticize and scrutinize the mechanics of the bills that are put before the House from the government, and unfortunately, it’s difficult to do that because we don’t really have any.

Therefore, we look forward to further discussion and a whole lot more consultation, especially when it comes to municipalities, which certainly have borne the brunt of failures in waste diversion in the province for quite some time.

Mr. Michael Mantha: The one thing that he did quote on is what we heard over at OGRA/ROMA: optimistic and positive comments coming from municipalities. I also heard quite a few questions and some concerns that are coming from them as well, and I hope you heard those issues as well while there.

The member from Prince Edward–Hastings: You pretty well hit the nail on the head as far as the points that I was trying to bring across—the actions, or the inactions of this government, the costs and the fees, and the fact that we keep hearing promises of deliverance, and there is nothing that is happening. I’ll leave it to the viewers to determine who’s most handsome between you and me this morning. Anyway, we’ll leave it at that.

My good friend the member from Essex, it’s always a privilege to be in the House with you. You talked about the circular economy—absolutely. This is something that we need to see come into action. That’s essentially what we’re calling for from this government. This is enabling legislation, and we see no directive, we see no timeline and we see no targets. We don’t see how you’re going to be doing this. We see the grandiose idea, but there is no action.

Mr. Jim McDonell: Bill 151 is the perfect example of this kind of bad policy-making. Out of the provisions of this bill, the Liberal government intends to create a system whereby they can write a policy statement and impose its obligations on industry. It is unclear what particular aspects of the waste cycle the policy statements will affect and how the government intends to enforce them. To be honest, the public doesn’t even know whether the Liberals will write any policy statements at all. Once a policy statement comes from the ministry, however, the government intends to apply its principles to all industries and expects them all to comply. This direction might include specific requirements for packaging, labelling and distribution and affect the other steps in the supply chain and the waste cycle.

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 25 February 2016

Waste-Free Ontario Act, 2016

Resuming the debate adjourned on February 24, 2016, on the motion for second reading of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l’économie circulaire et la Loi

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transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

Mr. Jim McDonell: To continue, this is not job creation. It's a make-work project. We can become neither prosperous nor waste-free by endlessly splitting our supply-chain links between an increasing number of middlemen. By the same token, we won't achieve proper waste diversion through an endless list of agency creations and appointments.

Many countries in Europe, for example, have extended producer responsibility, which can work to increase the recycling and waste diversion rate. Countries like Switzerland, Germany, Austria, the Netherlands and Sweden have exemplary recycling rates and share a common commitment to extending producer responsibility, a policy that forces the producer to internalize the waste diversion and disposal costs of their product into their own supply chain rather than delegating this to municipalities or other levels of government.

As an example, the Blue Box Program is jointly paid for by municipalities and producers. Blue boxes have been a feature of daily life in many municipalities and are often the single greatest reminder to consumers that recycling is an important component of a sustainable waste management strategy.

Residential recycling programs, however, are but a fraction of the commitment to reducing pressure on our landfills. According to Statistics Canada, less than 40% of Ontario's waste came from residential sources, with the balance coming from construction, commercial, industrial and institutional sources. We consider the Blue Box Program and other consumer recycling initiatives an investment in building a strong attitude toward waste reduction and recycling in our population. But they don't, just by themselves, bring us to any waste reduction and diversion target that we may set for the province.

Even in examining international waste diversion statistics, we have to pay attention to whether the waste referred to is municipal solid waste or overall waste generated within the country. Peaks of 60% diversion can quickly be reduced to 50%.

While an unquestionably admirable result by general Canadian and Ontario standards, there is clearly a lot more work to be done. Ontario's waste diversion market has the potential to grow. As I said previously, only 25% of Ontario's waste is diverted, according to the Ontario Waste Management Association.

We encourage the government. They supported some of our policies and incorporated them. I think we all want to see a waste-free Ontario.

Ms. Teresa J. Armstrong: Yes, we agree with the idea and the concept of a waste-free Ontario. We're all here to make sure that we leave this world a better place for the next generation, so we're not arguing that by any means.

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It's a good thing that this bill is actually in transition to making it so that the producers are responsible for the waste they create, and not the consumer. That's a good thing. Business needs to also have a role to play in the environment. Making them responsible and a part of this process is the way that they're going to buy into a waste-free Ontario.

Mrs. Amrit Mangat: While the transition process will be happening, Bill 151 would set clear goals and responsibilities for the process of the transition. The Minister of the Environment and Climate Change would provide clear direction on how this transition will take place. The new oversight authority, the new Resource Productivity and Recovery Authority, would approve and oversee that implementation of the windup plans to ensure that the minister's direction is followed, and to mitigate the risk of interruption of any services.

Mr. Speaker, if this proposed legislation, Bill 151, is passed, we will be working extensively with all the relevant parties, including the existing industry funding organizations, producers, municipalities and waste management service providers, and the public on how to make this transition as seamless and efficient as possible.

Ms. Lisa M. Thompson: I'm pleased to add my voice to the debate today because I have to ask Ontarians: Please be sure that you read this legislation and you read the budget, and you read the information that comes out on cap-and-trade. I implore you: Do your homework. Don't be fooled by this government yet again.

...

As opposition, we're here to do our job. I suggest to you that Bill 151 is on the right track, largely because Bill 91 was such a dismal failure they had to embrace many good ideas that we put forward as a PC plan. We intend to continue to try and make Bill 151 better through amendments. Stakeholders are very concerned about some of the issues that we've seen percolate. We look forward to making it better.

Ms. Cindy Forster: Those of us around this chamber who have either been a local or a regional politician before our days here at Queen's Park know of the struggles that our municipalities actually have with landfill sites, waste diversion, consumer complaints about the rising cost of putting out your garbage at the end of the driveway, the endless consultations that have gone on over the years about incineration versus not incineration; that other communities are doing it this way and we should try and move in that direction. It is a struggle, but to be clear, this is only enabling legislation. The proof of how it's going to work will actually be in the pudding.

I've heard the members of the government say there's going to be extensive consultation. I hope that really happens because, as with many pieces of legislation, they pick who they want to actually consult with, and then we all are here with tens or hundreds of groups who said, "I wasn't consulted on this issue at all."

There have been some positive comments from stakeholders, certainly that we've outreached to. One in particular was the Workers Health and Safety Centre, which is hopeful that this bill will

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actually reduce the hazardous materials that are in the waste stream, but talks about the importance of having to have monitoring and enforcement of that monitoring.

Mr. Jim McDonell: One of the common themes—I was down at ROMA this week, and we heard one of the mayors talk about death by 1,000 downloads. That’s just what it is. More and more work, but no results. We can’t afford, in Ontario, to be wasting. It’s scarce capital. It’s a resource that we haven’t got a lot of, and it is being wasted in red tape from this government. I think the municipalities are getting tired of it.

Ms. Teresa J. Armstrong: Now we have Bill 151 before us, a bill that finally, after more than 10 years, enables a transition to a new regime of individual responsibility for waste and resource recovery. Speaker, it’s about time. We’re glad that’s actually something we are discussing here in this Legislature. We’re putting the responsibility back to producers for manufacturing excessive packaging.

In some ways, what this bill attempts to accomplish is long overdue. Too many times we have seen the kind of legislation that is half measures and tokenistic. Even in this bill, despite my hopes for it to do more, it is so vague on details that it comes across as merely enabling legislation.

We know that the success of any bill like this comes down to regulation and, more importantly, enforcement. To date, we have not seen any timelines in this bill; nothing changes in the world for those industry-funded monopolies. For all we know, this could be another promise from the government to reduce wait times in hospitals.

So we do need to make sure, when we create these pieces of legislation to implement a waste-free Ontario, that the resources are behind them so they’re going to be successful, and enforcement is a piece of that success.

Despite its title, the Waste-Free Ontario Act, this bill has no legislative goals or targets. Since this government first proposed individual producer responsibility back in 2008, we have seen little to no change. We are not buying the new waste-as-energy mentality. The facts show that municipal waste is non-renewable. It primarily consists of discarded materials such as paper, plastic and glass that are diverted from finite natural resources, such as forests, that are being depleted at unsustainable rates. Burning these materials in order to generate electricity does nothing but create a demand for waste and discourages much-needed efforts to conserve our resources, reduce packaging and encourage recycling and composting. More than 90% of materials currently disposed of in incinerators and landfills can be reused, recycled and composted.

...

At the end of the day, this bill claims to want to create a waste-free Ontario, but the fact is that burning waste contributes to climate change. Incinerators emit more carbon dioxide per unit of electricity than coal-fired plants, and this government is very proud of its record on coal, as I said

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before. As I mentioned, incineration also drives up climate-changing cycles of new resources pulled out from the earth, processed in factories and shipped around the world and, then, repopulating our incinerators and landfills.

Bill 151’s list of provincial interests includes aims such as minimizing greenhouse gas emissions; minimizing waste generation; increasing the durability, reusability and recyclability of products and packaging; holding those responsible for the design of products and packaging responsible for the end-of-life management; reducing hazardous and toxic materials in products and packaging; minimizing need for waste disposal; plus, “do any other related thing that may be prescribed.”

These sound like lofty ideas but, at the end of the day, we know there are no real targets or goals here. I wanted to see a strong vision for climate change and zero waste but, instead, we have baby steps. I guess a step is better than no step. When they consult lobbyists, producers, business people, environmentalists and consumers—and, I hope, everyday Ontarians—I hope this will be stronger legislation that we can all be proud of.

I have a few quotes here from stakeholders. People are excited about energy. We want to see a better energy program. We want to make a difference for the next generation. I’ll read a couple of quotes from stakeholders.

AMO says: The Association of Municipalities of Ontario has “long advocated for extended producer responsibility for waste diversion program....” AMO has also been concerned about rising costs to municipalities imposed on them by IFOs that find ways to avoid paying their traditional 50% share of costs. Obviously AMO would welcome legislation that would shift these responsibilities and costs to producers, but it notes that the actual effect of this act will depend on regulations, and that transition is estimated to take three to five years. That’s what we’ve been saying, Speaker. Again, we’re all speaking on the bill; we’re all debating the bill. We’re hopeful with this bill, but there is a timeline that we’re all just waiting for the details on.

The Workers Health and Safety Centre is hopeful that Bill 151 will result in fewer hazardous materials in the waste stream, noting that while the Toxics Reduction Act requires monitoring and reduction of plans, the implementation of these plans is not mandatory. That’s a concern that they have as well.

I actually look forward to when this legislation comes back with the consultations from stakeholders, and to believe that this government is going to make a difference to a waste-free Ontario and make life better for Ontarians throughout the province.

Hon. Glen R. Murray: The member from London–Fanshawe makes some very good points; I don’t disagree with them. She points to the linkage between the cap-and-trade bill and the circular economy waste-free Ontario bill, because they are linked. This is a fundamental shift, probably the largest shift in public economic policy and environmental policy in maybe 50 years in Canada.

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The time frame will come forward in regulation, as they always do. We have to move quite quickly on them because we have to dismantle the IFOs and to establish the right of the resource recovery agency that will replace all of these bureaucracies. The penalties are quite severe if you do not comply. Industry is very aggressively moving on this. I spoke to the Ontario waste association yesterday, and the level of enthusiasm and drive is—people think that they can have this done quite quickly.

The other thing we're concerned about is household costs. It's interesting to look at the evidence. The consumer price index, which is the thing that determines the cost of living in jurisdictions: What are the two provinces that have the lowest increases in CPI? Well, they've been British Columbia and Quebec, the two jurisdiction in Canada that have for many years had a price on carbon; BC at twice the rate in Ontario. They also have similar legislation on waste.

What they've done with both this legislation is that they have improved productivity. There's less waste in the economy and more resource recovery. While pollutants cost more, non-polluting energy sources both become subsidized and more available. What you've seen overall is that those two provinces have experienced the lowest increases in the consumer price index, lower than the Canadian average and lower than all Canadian provinces.

When you actually look at the range of change here, this should put Ontario much more competitively with Quebec and BC, in seeing a lower cost of living over time.

Ms. Lisa M. Thompson: This act is called the Waste-Free Ontario Act. Well, if we're going to be proud of this legislation, let's walk and talk and make reality those words, “waste-free.” In doing so, I would suggest that we need legislated timelines to be rid of wasteful spending and unnecessary bureaucracy. I reference specifically the eco tax program, Ontario Tire Stewardship, Orange Drop and e-waste. We want to see this government stand up and do the right thing. As opposed to just saying they're gone, let's put some measurables in place. Let's see a legislated timeline.

Over and above that, let's make sure that transparency is paramount in this legislation.

Ms. Peggy Sattler: We have a waste diversion rate that is far below the target that is set by the province, because, as the member pointed out in her speech, municipalities are effectively subsidizing the blue box system. They are having to subsidize the cost of recycling packaging materials that are, quite frankly, out of control.

So shifting the responsibility to producers is something that is long overdue. It's something that the NDP has been calling for for a very long time. Our concerns about this bill revolve around the vagueness, around the lack of timelines and around the lack of targets. We are going to be at the end of the line in London in terms of the capacity of our landfill site, as the member mentioned. We need to do something now in order to get those waste diversion targets up and in order to remove that downloading of cost to municipalities that the government has imposed, not just with the blue box recycling program but in many, many different areas of the economy.

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Mrs. Amrit Mangat: I have said it earlier and I would like to reiterate it: The overarching intent of this legislation is to reduce waste, reuse, recycle and recover materials from waste so that we can create well-paying jobs in the waste diversion sector. Studies across Canada and around the world have shown that Ontario’s existing waste diversion program can create up to 10 times more jobs than waste disposal.

The shift is happening throughout the world. We can sit on our hands and watch it. If we don’t take action, it has economic consequences; it has environmental consequences. Why are we doing it? We are doing it for our future generations, for our children and grandchildren, so that they can get well-paying jobs and can breathe clean air, and we can reduce the strain on our health care system.

Ms. Teresa J. Armstrong: In our role as MPPs, transparency is paramount, and it builds public confidence in the legislation that we actually create, because they’re a part of that legislation they’re engaging, and they feel like they’re contributing to something that is actually going to make a difference, and that their voices were listened to.

I think the message—and I’ve read some comments from stakeholders—is that AMO talks about being concerned about this legislation because, of course, the act will depend on regulations; and the transition time it takes, we mentioned timelines; and the Workers Health and Safety Centre: They talk about how the mandatory requirement about implementation of these plans isn’t there.

Mr. Lou Rinaldi: Bill 151: It almost sounds like a bit of a love-in this morning, because I think we all support it to some extent. I know some members from the opposition are really struggling to find the negative side of this thing, but it’s difficult, which is good, which is fantastic, because we’re talking about the environment. Obviously, I worry about what I leave behind to my kids and grandkids and great-grandkids. So anything that we can do to alleviate those fears for our future generations is a good thing.

So I look forward to Bill 151 passing, which will allow us an enormous amount of consultation with all the stakeholders: municipalities, industry, folks in waste diversion and retailers—with the packaging that we see today, that we hear from all sides of the House, that’s certainly excessive.

I just want to maybe take a couple of minutes to talk about the draft strategy for a waste-free Ontario and building that circular economy, because when you talk about waste diversion, really, it is a circle. So what does some of this strategy really mean? Ontario, as we said in the past, is showing some leadership by taking some action to support this circular economy, a system where nothing is wasted and valuable materials destined for landfill are put back into the economy without negative effects on people or the environment.

I would add that quite often, as I talk with my constituents and, frankly, with people outside my constituency in the province, we talk about the enormous amount of waste when it comes to—well, packaging seems to be the most common. I really, really think that, as we debate this in this House, I certainly look forward to that regulatory regime.

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As I talked, just a couple of days ago, to some of the folks at the ROMA/Good Roads convention, obviously, Bill 151 did come up as part of the discussion. I can tell you, although there were some questions—same as there are in this House—there was also a lot of optimism, same as there is in this House.

As we move forward—and I know that the opposition criticized the length of time that this is going to take, but I think it’s time well invested, because many times we—I’m not pointing fingers at anybody, but we all did it. We try to get from A to Z at a very fast pace, and sometimes we trip. I would say that with such an important issue, we need to take the right time to make sure we get it right and get it done.

Ms. Eleanor McMahon: The Minister of the Environment and Climate Change—it’s not only in his mandate to help us all, as citizens and as legislators, navigate the important conversations we’re having about our planet and where it’s going. He lives this every day, and this is embedded within his DNA, I think. But for the rest of us who are having this conversation along with him, thinking about waste diversion and heading towards what I like to think of as a vision zero, the circular economy that my colleague from Northumberland–Quinte West talked about in terms of taking waste and diverting it properly, is really important.

I’m really pleased to be part of a government that’s showing leadership by taking action to support that circular economy we’ve been talking about, and that we look at a system where nothing is wasted and valuable materials destined for landfills are put back into the economy and are recycled—we look often at our clothing.

...

Of course, as those watching today and people in my riding know, a draft strategy was released when the proposed Waste-Free Ontario Act was introduced last December. That road map continues to be commented on. We want people across Ontario to be part of this conversation we’re having.

Of course, this draft strategy details the key actions that support our visions and goals as a province. They establish clear provincial direction that looks at expanding producers’ responsibilities for their products and packaging, diverting more waste from disposal, increasing promotion and education, and stimulating markets for recovering materials.

Again, I’m happy to take part in today’s debate and to join colleagues from all sides of this House. I heard a colleague say earlier that there’s a bit of a love-in. I’m not surprised, because all of us understand that in this rapidly changing world where we find ourselves that we have a responsibility, as legislators, to make sure that Ontarians—businesses and individuals alike—have the tools they need to navigate the changing world that we find ourselves in, to really capture the innovation that’s already happening, to assist entrepreneurs to create better and new innovative ways of doing things, and to educate our citizens.

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Mr. Glenn Thibeault: How we handle and deal with waste is not something that I think most people think about actively on a day-to-day basis, yet pretty much every person and business will be affected by this legislation because of how all-encompassing this issue is. It took time to get it right, and I would like to recognize all those who put so much time and effort into ensuring that this legislation is as good as it is. I know consultation was widespread and I know the opposition is saying they would like to see more, but, being here three times in over 10 years, we have been talking a lot and consulting a lot.

The province’s waste diversion rates have been stagnant for far too long, and that was a product of the current Waste Diversion Act introduced by the Harris government back in 2002. That bill didn’t work as intended. It laid out conflicting roles and responsibilities that led to unproductive relationships and ineffective compliance and enforcement mechanisms for overseeing the single-industry funding organizations that it set up to operate each recycling program.

In addition to these programs not working as intended, that also meant that individual companies within a given industry were limited or at least not encouraged to explore ways that they could innovate everything from product disposal to packaging in order to reduce waste and increase the recovery of material that is currently being sent to landfills. Under this bill, Mr. Speaker, we are shifting the responsibility for recovering the resources and reducing the waste associated with a given widget and its packaging to its producer. That means that now producers will have to directly consider the externalities associated with disposing of the widget and its packaging in its design process. Companies would probably then look at whether there was a way to produce their widget in a way that limits those externalities. This could mean lower input costs for the company and a better environment for everyone.

This bill is doing some really good things. It really is focusing on making sure that we can stop a lot of the waste that is currently being sent to our landfills, putting the onus on the companies and the producers, and making sure that we are looking at the circular economy.