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Ministry of the Environment, Conservation and Parks
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Dear Ms. Acab:

Re: ERO Registry Number #013-4689

On behalf of 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), thank you for the opportunity to provide comments on the “Reducing Litter and Waste in our Communities” discussion paper (ERO #013-4689).

Municipal governments fully support the government’s intention to meet the 30% diversion target by 2020, 50% diversion by 2030, and 80% diversion by 2050. Reducing litter and waste presents an excellent opportunity to balance economic and environmental priorities. Work in this area generates economic growth and also plays a significant role in reducing greenhouse gas (GHG) emissions. According to a comprehensive UN study, resource extraction is responsible for half of the world’s carbon emissions and causes 80% of biodiversity loss.¹

Municipal governments require certainty to guide how we plan service delivery for our residents and enable investments in infrastructure and markets. Outcomes-based regulations and having producers responsible for end-of-life management of their packaging and products is the most efficient way to ensure the preservation of natural resources and maximize economic utility.

We are encouraged to hear the Honourable Rod Phillips, Minister of the Environment, Conservation and Parks, speak to the importance of balancing economic and environmental objectives by optimizing economic development associated with keeping resources out of disposal and reincorporating them into the economy.

¹ The Guardian. “Resource Extraction Responsible for Half World’s Carbon Emissions.” (March 12, 2019). <https://www.theguardian.com/environment/2019/mar/12/resource-extraction-carbon-emissions-biodiversity-loss>.

The World Economic Forum states that “Linear consumption is reaching its limits. A circular economy has benefits that are operational as well as strategic, on both a micro- and macroeconomic level. This is a trillion-dollar opportunity, with huge potential for innovation, job creation and economic growth.”²

As you are aware, a major focus of municipal governments is to see transition of the Blue Box Program to full producer responsibility via a regulation under the *Resource Recovery and Circular Economy Act, 2016* (RRCEA), and that it be initiated as soon as possible by the Minister. This approach was outlined [in a letter](#) from AMO President, Jamie McGarvey, to Minister Phillips on March 19, 2019.

We support the Ministry’s work on these important environmental issues and will work in partnership with the Province to deliver on these objectives.

We also recognize that the discussion paper goes further than just the Blue Box program. To that end, we are submitting comments on each section of the discussion paper.

2.1 Prevent and Reduce Litter in Neighbourhoods and Parks (p. 6-8)

Discussion Questions:

1. How best can the province coordinate a day of action on litter?
2. What do you or your organization do to reduce litter and waste in our public spaces? What role should the province play to facilitate this work?
3. What and where are key hotspots for litter that you think should be addressed?
4. How do you think litter can best be prevented in the first place? Where is access to diversion and disposal particularly limited?

Challenges related to litter and illegal dumping for municipal governments are increasing as litter pervades all aspects of our communities from our streets, to our parks, lakes and rivers, and waste water systems. Larger volumes of waste are being generated and its changing composition to lightweight plastics makes it easier to leak into our environment. Products and packaging such as cigarette butts, chewing gum, drink containers, snack wrappers, fast food packaging, plastic bags, and beverage cups are some of the most problematic litter types.

Additionally, communities are reporting a consistent amount of illegal dumping of waste in parks, dead end streets, along their roadsides and/or on vacant lands.

² World Economic Forum prepared in collaboration with the Ellen MacArthur Foundation and McKinsey & Company. “Towards the Circular Economy: Accelerating the scale-up across global supply chains” (January 2014)

<http://reports.weforum.org/toward-the-circular-economy-accelerating-the-scale-up-across-global-supply-chains/1-the-benefits-of-a-circular-economy>.

Municipal governments play a key role in helping to address litter through:

- Creating and maintaining infrastructure (e.g. collection bins in public spaces, equipment within wastewater facilities, street cleaners),
- Dedicating costly resources to collect litter,
- Planning and leading community clean-up days (as well as providing resources to community groups on an on-going basis),
- Performing litter audits and resulting data analysis,
- Providing education and awareness campaigns on the issue,
- Enacting bylaws (e.g. fines, requirements related to collection bins), and
- Ensuring compliance and enforcement (e.g. bylaw officers and public reporting hotlines).

We are on the frontline and as such, municipal governments are responsible for addressing these issues. However, managing litter in the waste stream is causing an increasing drain on municipal budgets. The City of Toronto estimates that litter costs the City approximately \$36 million annually.³

Municipal governments support a strong provincial role to develop and implement a comprehensive strategy to address litter. Municipalities would be pleased to assist the Ministry on this matter as the strategy is developed.

In the meantime, we recommend that the Ministry follow the lead of other jurisdictions⁴ and incorporate the following four groups of activities:

- **Invest in proper data management, research, analysis and innovation**

The Ministry or the Resource Productivity and Recovery Authority (RPR), should co-ordinate how data is collected, consolidated and analyzed through voluntary litter and branded litter audits. The Province is likely already collecting similar data as it is in its efforts to keep provincial highways and provincial parks clean.

England, for example, collects data from various organizations including municipalities and non-profits and publishes annual data.⁵ It also utilizes mobile phone apps to allow the public to report incidences. Scotland has also helped to fund in-depth analysis into the costs of litter.⁶

In addition, the Ministry or RPR could also assist in creating a “litter innovation

³ City of Toronto. 2019 Budget Report on Solid Waste Management Services. <https://www.toronto.ca/wp-content/uploads/2017/11/931b-Budget-Notes-SWMS-op-nov17-503p.pdf> (p. 14).

⁴ Examples of leading jurisdictions with litter strategies include England, Scotland, Western Australia, and New South Wales.

⁵ Information available at <https://www.gov.uk/government/publications/litter-and-littering-in-england-2016-to-2017/litter-and-littering-in-england-2016-to-2017>.

⁶ Zero Waste Scotland. “Exploring the Indirect Costs of Litter in Scotland,” (July 2013) <https://www.zerowastescotland.org.uk/sites/default/files/Exploring%20the%20Indirect%20Costs%20of%20Litter%20in%20Scotland.pdf>.

fund” to pilot, implement and evaluate small scale local research projects. Similar initiatives have been implemented in jurisdictions such as Victoria (Australia) and the United Kingdom.⁷

- **Help to educate, train, and encourage collaboration**

Many municipal governments have already established a day of action to address litter in their communities and we would appreciate the Province’s support to create additional visibility to these efforts.

For example, the Ministry or RPRA should:

- Coordinate province-wide messaging and seek partnership opportunities with sponsors to help fund or support municipal clean-up efforts,
- Provide information about best practices in addressing litter,
- Provide greater recognition to community leaders or community groups, and
- Collaborate or initiate voluntary actions across the Province especially related to problematic litter such as fast-food packaging, cigarette butts, plastic bags, snack wrappers, fast food packaging, drink containers, beverage cups and chewing gum.

- **Invest in infrastructure and servicing**

Municipalities spend a great deal of money on infrastructure to ensure litter is properly captured; however, there are limits on the resources available to municipal governments on collection infrastructure. To support infrastructure and servicing to reduce litter, the Province should consider the following mechanisms:

- Require businesses such as gas stations and drive-thru restaurants to provide accessible collection bins to reduce roadside litter, and
- Provide funding to upgrade municipal storm water and wastewater systems to help to reduce the amount of contaminants making their way into our lakes and rivers.

- **Enact legislation, regulations and enforcement**

The Province or RPRA should also play a legislative and enforcement role by:

- Implementing full producer responsibility for paper products and packaging (PPP) and other problematic single-use products that are most often captured as litter,
- Strengthening litter and illegal dumping laws and bylaws especially related to

⁷ Information on the UK’s litter innovation fund can be found at <http://www.wrap.org.uk/content/litter-innovation-fund> and Victoria’s at <https://www.sustainabilitymatters.net.au/content/waste/news/victorian-litter-innovation-fund-released-914715766>.

- roadside litter⁸,
- Considering banning problematic materials or packaging⁹ or activities such as balloon releases, and
 - Reviewing the requirements related to waste management vehicles to ensure these vehicles are not contributing to litter.

2.2 Increase Opportunities for Ontarians to Reduce Waste (p. 8-12)

Discussion Questions:

1. How can the province best help the public participate in waste reduction & diversion activities? How can the province facilitate better diversion in lagging areas, such as multi-unit residential buildings?
2. What types of initiatives do you think would result in effective and real action on waste reduction & diversion for the Institutional, Commercial & Institutional (IC&I) sectors?
3. What role do you think regulation should play in driving more waste reduction & diversion efforts from the IC&I sectors?
4. How can we get accurate information on waste reduction & diversion initiatives in the IC&I sectors?
5. What do you think about an ON-wide program for the recovery of clothing & textiles?

Municipal governments support the Province's commitment to increase waste diversion in multi-unit residential buildings and recommend the following initiatives:

- Review the Building Code to ensure multi-unit buildings are better designed to accommodate source separation for all diversion streams, especially organics, and make participation in diversion streams as convenient as garbage, and include design requirements for the safe and efficient delivery of waste diversion programs and collection services,
- Provide funding opportunities for research, innovation and infrastructure upgrades such as chute diverters, resource recovery markets for more contaminated streams in existing buildings, and mixed waste processing to recover resources from the waste stream,
- Lead an Ontario-wide promotion and education campaign targeted at lagging areas such as multi-unit residential buildings. Require multi-unit residential owners to provide and post waste diversion information to residents,

⁸ England has recently passed legislation that allows local governments to fine vehicle owners from which litter is thrown without the need to establish who the culprit in the vehicle is.

⁹ There are many examples of additives to products and packaging such as microbeads or toxins that could be banned. There are also design that could be altered such as the original pop tabs on drink containers that were often littered.

- Standardize the materials collected across the province as part of the move to full producer responsibility for PPP, and
- Expand the definition of what constitutes a multi-unit residential building so that privately serviced developments are mandated to comply with provincial direction. We are seeing more developments opt for extremely compact designs as some of the more intensely developed areas of the province strive to reach intensification targets. To that end, the definition should expand to include all types of multi-unit residential buildings and complexes with six or more dwelling units (e.g. condominiums, co-operative housing complexes, town homes etc.)

Municipal governments also support the Province driving greater diversion from the IC&I sectors. Some tools the Province should consider include:

- Continue moving to full producer responsibility for used tires, waste electrical and electronic equipment, municipal household hazardous waste and explore the inclusion of other products such as appliances, power tools, rechargeable batteries, florescent bulbs and tubes, mattresses, carpets, clothing and other textiles, and furniture and other bulky items,
- Create outcomes-based requirements where larger waste generators are now required to source separate and meet waste reduction/diversion targets,
- Require generators and waste management service providers in this sector to report data on waste generated and how it is managed. This data would help inform the Province in identifying opportunities to increase reduction, reuse and recycling in the sector, and lower GHG emissions from the waste sector, and
- Provide support to smaller business to divert materials through creating economies of scale, and gaining access to information and best practices.

Finally, it is unclear in the document whether construction demolition and renovation waste is dealt with under the IC&I sectors. This would be helpful to clarify.

2.3 Make Producers Responsible for Their Waste (p. 12-14)

Discussion Questions:

1. How do you think the Blue Box Program could best be transitioned to full producer responsibility without disrupting services to Ontario households?
2. Should it transition directly to producer responsibility under the *Resource Recovery and Circular Economy Act, 2016* or through a phased approach?
3. When do you think the transition of the Blue Box Program should be completed?
4. What additional materials do you think should be managed through producer responsibility to maximize diversion?
5. How can we make it easier for the public to determine what should and should not go in the Blue Box?
6. How should the province implement the transition process of its existing programs to producer responsibility without interrupting service?

It is the view of municipal governments that the Blue Box Program should transition to full producer responsibility via a regulation under the RRCEA, and that the Minister initiate this process as soon as possible. This approach was outlined in the letter from AMO President, Jamie McGarvey, to Minister Phillips on March 19, 2019.

There is agreement that the current Blue Box system is not working. It is costly for all stakeholders and, without substantive changes, these costs will continue to increase municipal budgets and impact Ontario tax and rate payers. Making producers fully responsible for managing the PPP that they supply into Ontario fundamentally changes this structure. Producers are best positioned to reduce waste, increase the resources that are recovered and reincorporated into the economy and enable a consistent province-wide system that makes recycling easier and more accessible.

The RRCEA ensures transparency, focuses on outcomes over process, provides producers with flexibility in decision-making, and ensures proper oversight and enforcement. It also moves us away from a process that requires constant government intervention.

Initiating the process to a regulation as soon as possible will allow for more time for important collaboration to occur. It will provide certainty to:

- Enable much needed investments into Ontario's recycling collection and processing infrastructure,
- Allow for informed business decisions between municipal governments and their contractors,
- Enable producers to prepare to assume their future obligations,

- Enable producers to drive towards outcomes-based performance standards, and incentivize them to innovate their products and packaging, and
- Provide a schedule and framework for municipal governments, their existing service providers, producers and their future service providers to develop interim steps that will enable a smooth and seamless transition for Ontarians.

Having a schedule and framework for municipal governments will be critical to ensure that there is no disruption to services for Ontario households. Additionally, we are learning from the approach already taken for used tires, and moving forward, waste electrical and electronic equipment and municipal household hazardous waste. Understanding the processes around other waste diversion programs will provide certainty for municipal governments and producers alike, and allow them to plan and mitigate against any potential service disruption.

Municipal governments are proposing that the Blue Box program transition to full producer responsibility under the RRCEA using a phased approach that would take approximately five years to complete. This timeline would include the development of a PPP Regulation under the RRCEA, a regulatory start-up period where producers would have time to register and organize themselves and see the incremental turnover of programs from municipal governments to producers over a proposed three-year period.

We believe this approach applies a thoughtful, stepwise transition to full producer responsibility under the RRCEA which is the ultimate destination for most stakeholders. It also avoids the unnecessary step of an amended Blue Box Program Plan (a-BBPP).

There were many lessons learned from the a-BBPP process in 2017 that can be leveraged in a PPP Regulation under the RRCEA. However, we found that the legislative structure under the *Waste Diversion Transition Act* (WDTA), perpetuates many of the challenges stakeholders currently face with the existing program and the need for frequent government intervention.

Moving to a regulation under the RRCEA provides all stakeholders with a clear timeline within which operational and financial decisions can be made. It will also lead to a regulation with enforceable outcomes established in the public interest that provides obligated producers with the flexibility to achieve the outcomes in the most efficient and effective manner.

In our view, the regulation should prescribe a defined transition mechanism that would allow for a municipal self-nomination process over three years with an annual cap on the amount of PPP collected that can transition. We understand that this transition mechanism is necessary to allow for change that is both orderly and balanced.

The table below lays out our proposal for Blue Box transition in more detail:

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

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

We think that this transition schedule would allow for the wind-up of the WDTA which perpetuates some of the issues of the previous legislation and brings the full benefits of the RRCEA into effect for all designated wastes.

With full financial and operational control, producers are best positioned to enable a consistent province-wide system that makes recycling easier and more accessible. A harmonized list of acceptable materials for the program across the province would enable promotion efforts to be done with more scale and ensure residents know what materials can be included.

Municipal governments think this process is reasonable because the main elements of the regulation have already been discussed in some detail as part of the proposed

a-BBPP. This includes determining what PPP should be designated across the province, and outlining targets for accessibility and environmental outcomes.

There is a growing understanding between the various stakeholders of the issues each has, and of practical solutions to address to ensure a smooth transition of the Blue Box which will lead to better outcomes for all. We are confident that any remaining issues can be addressed through a robust, government-led consultation.

Additional Designations under Full Producer Responsibility

Municipal governments support the expansion of full producer responsibility to a number of items that the discussion paper references (e.g. small and large appliances, power tools, rechargeable batteries, fluorescent bulbs and tubes, carpets, mattresses, clothing and textiles, furniture and other bulky items). We would also like the Ministry to consider these additional items:

- Any product or package with an electrical current,
- Compostable products and packaging (understanding the challenges this has for the current municipal infrastructure – see section 2.6),
- Construction and demolition waste,
- Durable plastics such as children’s toys, play structures, outdoor patio furniture and like products, and
- “Flushable” products.

The Province may also want to consider moving the existing program for Sharps and Pharmaceuticals that is governed under [O. Reg. 298/12](#) under the *Environmental Protection Act* (EPA). While not a new designation, it would make sense to also transition this program to the RRCEA rather than a stand-alone regulation under the EPA.

With rising levels of home health care¹⁰ and increasing needs for safe disposal of medical waste including dialysis waste, intravenous bags and tubing, additional items should be considered for inclusion in the program. The volume of these materials is growing in the waste stream and improper disposal exposes waste management workers to health risks and increased costs of management for improper disposal into diversion streams.

We would be happy to work with the Ministry and other stakeholders to discuss these proposals in more detail.

¹⁰ Homecare Ontario infographic from: <https://www.homecareontario.ca/home-care-reports/infographics/technology> (2016).

2.4 Reduce and Divert Food and Organic Waste (p. 14-19)

Discussion Questions:

1. What can be done to increase the safe rescue and donation of surplus food in Ontario?
2. What role do you think government and industry can play in raising education and awareness on the issue of food waste?
3. Do you think the province should ban food waste? If so, how do you think a ban would be best developed and implemented?

We support the Ministry's work on reducing and diverting food and organic waste and appreciate the consideration shown to the unique circumstances faced by rural, northern and remote communities in delivering waste services. However, we must highlight that the lack of a funding source for implementation of these programs remains a challenge. Financing and operating organics waste diversion program implementation will be difficult for many communities.

The Ministry has completed extensive consultations on food and organic waste. This consultation led to broad support for the Food and Organic Waste Framework and Policy Statement. We are pleased that this direction is being continued.

We strongly support initiatives that would prevent food waste, and agree with the Ministry's recommendations to build a culture of food avoidance and support the safe donation and rescue of surplus food. We recommend that the Ministry convene multi-stakeholder roundtables to address each of these recommendations.

In the meantime, we are recommending that Province explore the following initiatives:

- Further advance technological solutions being undertaken by the non-profit sector to support the safe donation and rescue of surplus food (e.g. Second Harvest's Food Rescue app¹¹). Note that we recognize that caution is needed in supporting donation programs so that food waste is not simply passed from one sector to another. Collaboration with food security organizations and public health agencies is essential to ensure concerns are addressed,
- Promote and advance collaborative efforts such as the work undertaken between the Region of Durham and the Recycling Council of Ontario¹²,
- Develop and implement a provincial food reduction campaign to drive awareness and behaviour change to reduce the amount of food waste generated. The campaign should be collaborative across the entire supply chain (e.g. brand holders, retailers, various levels of government, consumers, and the

¹¹ More information is available at <https://www.foodrescue.ca/public/about-food-rescue>.

¹² Durham Region, "Reduce, reuse, recycle ... rescue?", October 11, 2018. Available at <https://www.durhamregion.com/news-story/8952285-reduce-reuse-recycle-rescue/>.

waste management sector). It could be informed by similar collaborative initiatives like that of the “Love Food, Hate Waste” campaign in the UK, which has proven success in reducing avoidable food waste across the supply chain and work completed by the National Zero Waste Council and the Ontario Food Collaborative, and

- Engage with the federal government on food waste prevention and discuss labelling (e.g. best before dates, consistent public education campaigns etc.).

Municipal governments would be pleased to help with any of these initiatives.

As mentioned in our previous submissions, any consideration of food and/or organics disposal restrictions/ban needs to take into account the geographic and population differences in Ontario. It should also take into account the work already taken by municipalities to fund infrastructure, collection and education programs to drive the majority of organics diversion in the province.

Jurisdictions that have successfully implemented disposal bans have followed these common approaches or guiding principles that we recommend the Ministry explore:

- **Evolution over revolution** – Food and organic waste bans are typically implemented over a five to 10-year period to provide time for adequate infrastructure to be put in place, to allow entities to take appropriate steps to reduce waste and for economies of scale to be developed.
- **Complementary push and pull mechanisms** – Most jurisdictions will establish common mechanisms to encourage or discourage certain outcomes:
 - Incentives related to energy generation (e.g. fuel, heat, electricity) or construction of processing or collection infrastructure (e.g. grants & funding),
 - Quality standards for recycled products (e.g. fertilizer and other soil amendments),
 - Streamlining of environmental approvals for processing infrastructure,
 - Government procurement practices (e.g. servicing & end-market related), and
 - Disposal levies.

The mechanisms also include efforts to ensure greater access to collection in a manner that preserves the quality of the materials such as mandatory source separation requirements. Mandatory source separation requirements and targets are usually applied to the largest generators of organic waste and over time additional generators are added until a complete ban is in place.

- **Clear established direction and consistent communication** – There needs to be clear direction about whether the ban or restriction is based on the source of the waste, type of waste, or properties or a combination thereof, and if a process or set of rules exists that allow for exemptions. Ongoing communication is essential.

- **Phase-in and exemptions** – Most jurisdictions provide for a phasing in of smaller waste generators and also consider exemptions for rural, northern and remote communities.
- **Proper oversight and enforcement** – Proper resources must be in place and capture both material that is sent to disposal and at consolidation points to ensure material does not simply move to other waste streams. Given there are less waste service providers than generators, oversight could be much more effectively applied to these entities.
- **Promotion & education** - Most jurisdictions have focused on establishing the tools necessary to help families, businesses and institutions reduce the amount of food and organic waste they are generating in the first place.

2.5 Reducing Plastic Waste Going into Landfills or Waterways (p. 19-21)

Discussion Questions:

1. What do you think is the most effective way to reduce the amount of plastic waste that ends up in our environment and waterways?
2. What role do you think the various levels of government should play in reducing plastic waste?
3. Would you support and participate in shoreline and other clean-up projects to keep our waterways and land free of plastic waste?
4. Would a ban on single-use plastics be effective in reducing plastic waste?
5. What are your views on reducing plastic litter through initiatives such as deposit return programs?

Municipalities support the following steps:

1. **Move to full producer responsibility** – Shifting this responsibility to producers will create economic opportunities, incent innovation, improve our environment, and reduce the burden on Ontario's taxpayers.

Producers are in the best position to communicate directly with consumers about whether their products and packaging can be recycled and how to best collect them, once the requirements are standardized across the province. They are also best informed to invest in the recycling collection and processing system necessary and to create markets to support their end use.

This means making producers directly responsible for ensuring province-wide accessibility, continually improving both collection and recycling outcomes, allowing for competition to drive innovation both at the service provider and producer level, and ensuring transparency and direct accountability. Ontario's

RRCEA is a leading example for this framework. Many elements of this legislation are relevant to all regions of Canada.

With high targets, mechanisms like deposit return may need to be considered by producers.

2. **Seek national targets and consistent definitions & metrics** – The federal government should set national mandatory targets that at a minimum match those already agreed to in other leading jurisdictions.¹³

By 2025, Canada should transform the plastic packaging sector by meeting four targets:

- Along with reduction efforts, all plastic packaging should be reduced where possible, reusable or recyclable,
- A 70% target for all plastic packaging to be effectively reused or recycled including individual targets,
- Take actions to eliminate problematic or unnecessary single-use packaging items through redesign, innovation or alternative (reuse) delivery models, and
- A target of 50% average recycled content across all plastic packaging.

Note it is not enough to confirm that there are municipal or industry collection systems where the product is sold in order to make a claim of “recyclable” or “compostable.” There must also be facilities that are able to process the collected materials and reuse them as an input to another product that can be marketed and used. This is in line with the Canadian Standards Association’s environmental claims: A guide for industry and advertisers from 2008.

These targets must be accompanied by consistent national definitions (e.g. circular economy, resource recovery, recycling), performance standards, and measurement protocols including auditing to gauge progress towards zero plastic waste.

3. **Address issues related to single-use packaging and problematic materials** – The Province should work with the federal government to target action, such as bans, fees, or recycled content requirements, to reduce the use of disposable single-use products and eliminate problematic plastics and plastic additives.
4. **Support end markets** – The Province should work with the federal government to provide support for recyclable commodity markets to incentivize the use of secondary materials over virgin material through tax incentives and procurement practices.¹⁴

¹³ Information on the Plastic Pact can be found at <http://www.wrap.org.uk/content/the-uk-plastics-pact>.

¹⁴ These types of mechanisms are being proposed in jurisdictions such as the UK and have been recommended in as a series of recent reports including the Smart Prosperity’s report entitled “A Vision

5. **Ensure stranded materials are addressed** – Permanent, dedicated, and annual federal and/or provincial funding will need to address products and packaging that do not have a responsible producer. Community-led projects should also be started to clean up plastics and debris on shores, banks, beaches and other aquatic peripheries that do not take away from the goals of producer responsibility. Education and outreach campaigns on the root causes and negative environmental effects of waste products and packaging in and around all bodies of water should be created.

2.6 Provide Clear Rules for Compostables (p. 21-23)

Discussion Questions:

1. How do you think compostable products and packaging should be managed in Ontario?
2. Should producers of compostable products and packaging be held responsible for the management and processing of their materials?
3. What role do you think standards and facility approvals should play in the proper management of compostable products and packaging?

Like all other PPP, municipal governments believe that producers of compostable products and packaging should be responsible to meet the associated outcomes established under a RRCEA regulation. Property taxpayers should not have to pay for a system when they have no influence over the types of materials entering the waste stream. Government policies should focus responsibility on those that can most effectively and efficiently drive change – the producer.

Existing organic processing infrastructure in the province has been primarily designed for treatment of food waste and items like soiled paper products, and not compostable products and packaging waste. Ensuring successful degradation of compostable products and packaging will require changes and upgrades to existing facilities that are costly and impacts to beneficial end products such as biogas and compost are not known. These upgrades should not be funded by taxpayers.

The amount of these materials is growing and causing issues with the current system. A recent report¹⁵ undertaken by the Norwegian Environmental Agency on bio-based and

for a Circular Economy for Plastics in Canada: The Benefits of Plastics Without the Waste and How We Get it Right”, the OECD’s Environment Policy Paper entitled “Improving Plastics Management: Trends, policy responses, and the role of international co-operation and trade”, Eunomia’s report entitled “Demand Recycled: Policy Options for Increasing the Demand for Post-Consumer Recycled Materials”, and the Energy Transitions Commission’s report entitled “Mission Possible: Reaching Net-Zero Carbon Emissions From Harder-to-Abate Sectors to Mid-Century.”

¹⁵ The Norwegian Environmental Agency. “Bio-Based and Biodegradable Plastics: An Assessment of the Value Chain for Bio- Based and Biodegradable Plastics in Norway,” 2018. Available at <http://tema.miljodirektoratet.no/Documents/publikasjoner/M1206/M1206.pdf>.

biodegradable based plastics provides a helpful context in the challenges these materials represent to the current waste diversion system.

Issues identified in the report include:

- **Impact on the recycling stream** – “The interference of biodegradable plastics amongst fossil-based plastics gives a contamination that reduces the quality of the recyclate. It is possible that the near-infrared sorting technology in the sorting plants can be programmed to sort out biodegradable plastics to avoid contamination of the other fractions. The effects of small quantities of biodegradable plastics in the recycled material is uncertain. Studies indicate levels of 2-10% could be problematic.”
- **Impact on the composting and biogas facilities** – “There is a range of problems tied to the use of biodegradable and compostable items in the waste management systems in Norway. Most food waste (~60%) is sent to treatment plants for biogas production while the remaining food waste is sent to industrial composting. As contamination levels are so high, due to incorrect sorting and the use of bags to collect food waste, a pre-treatment process is in place to remove all contaminations before the food waste enters both biogas plants and industrial composting plants. Regardless of what material the bag is made of, or whether a product is biodegradable or compostable, or made from fossil resources, the objects will be removed in the pre-treatment process.

“In this pre-treatment process the bags are ripped open and shredded and the removal of the entire bag, and other contaminations, is challenging. Some particles will follow the process and mix in with the final product (digestate or compost). Leftover plastics that are not removed can cause mechanical trouble to the equipment used in the plant, but also to the equipment used in agriculture when using the digestate or compost. Microplastics have become a severe challenge and there is a high risk that food waste bags and contaminations will give rise to microplastics in the digestate. Some plastics are biodegradable, and these will degrade over time...Although some products are certified as *compostable* as per EN 13432, it is not guaranteed that they will degrade in Norwegian composting and biogas plants as the treatment period does not match the criteria of the test method. The test conditions used for certification of biodegradability of packaging products are not comparable to real life conditions in most Norwegian plants. The pre-treatment process in place at these industrial plants will also remove waste bags and other contaminations to the food waste, including biodegradable and compostable products.”

We were encouraged that the Ministry has proposed in the discussion paper to convene a multi-stakeholder working group on compostable products and packaging. We look forward to working with you further on this.

Other initiatives we recommend that the Ministry work towards:

- Full producer responsibility for compostable products and packaging through development of take back programs for these products,
- A standard for compostability and stricter requirements related to advertising so property taxpayers are not burdened by companies making misleading claims,
- Consistency across product/packaging categories to avoid cross-contamination between recycling and organic processing streams and avoid consumer confusion,
- Assistance for current municipal organic processing facilities to change their processes and/or infrastructure to allow them to determine the feasibility of processing these products in existing systems or researching what types of facilities would be required for their management (e.g. research and innovation), and
- Consideration for future organic processing facilities in Ontario on if and how they might process certified compostable products and packaging. The Province should not require facilities to process these materials as it will likely add processing costs and impact their end product.

2.7 Recover the Value of Resources (p. 23-26)

Discussion Questions:

1. What role do you think chemical recycling and thermal treatment should have in Ontario's approach to managing waste?
2. What types of waste materials do you think are best suited for thermal treatment?
3. How can we clearly and fairly assess the benefits and drawbacks of thermal treatment?
4. Are there obstacles in the current regulatory requirements and approvals processes that could discourage the adoption of technologies such as chemical recycling and thermal treatment? How can we maintain air standards and waste management requirements in addressing these obstacles?
5. How can we best work with municipalities and stakeholders to integrate new soil reuse rules and other best practices into operations quickly, and to continue to develop innovative approaches to soil reuse and management?

Municipal governments agree that recovery in the context of a waste hierarchy is a better treatment methodology than landfill, but a lower value than recycling. Some municipal governments have chosen recovery as both an energy recovery and waste disposal option to meet specific community needs.

The Province's policy priority should be to reincorporate resources into new products and packaging in support of the broader objective of promoting a more circular economy for Ontario. The federal government also has a major role in this as well.

Having expanded definitions and recovery solutions that keep valued materials out of landfills and not discarded on the ground will help municipal governments with current and future waste management systems.

There is a major opportunity to better utilize renewable natural gas through processing of organic waste and recovering landfill gas. Ontario could significantly boost the opportunities related to a voluntary market for renewable natural gas by being the first to opt into the program. This would show important leadership and help drive outcomes.

In order to reduce inappropriate dumping and reduce landfilling through excess soil management, municipal governments are encouraging the Province to:

- Through regulation place responsibility on the owners of source sites of excess soil to manage excess soils rather than on the receiving sites, as this should be the responsibility of the former rather than municipal governments,
- Require tracking of excess soil to appropriate reuse sites, and
- Promote Best Management Practices (BMPs) and provide general education to municipalities on monitoring and reporting on how to improve and find new BMPs.

For more information, please refer to AMO's previous submissions made on the [EBR #013-2774](#) (May 24, 2018), and [EBR #013-0299](#) (June 21, 2017).

2.8 Support Competitive and Sustainable End-Markets (p. 26-28)

Discussion Questions:

1. What changes to the approvals process do you think would best facilitate a reduction in waste going to landfills?
2. What type of end-markets for resources from waste do you think Ontario is best positioned for?
3. How do you think municipalities should be given more of a say in the landfill approvals process?

We recommend making changes to the approval process to accommodate minor alterations to existing infrastructure, and in building new or expanded processing infrastructure that support waste reduction, reuse and recycling to help drive waste diversion.

It is pivotal that the government move quickly to remove some of the current barriers to ensure new capacity can be developed to accommodate new volumes. However, it is important to emphasize that this is not about making it easier to get approvals. Waste

management facilities do pose potential environmental risks so they should have appropriate controls in place.

Instead, this is about ensuring organizations who are seeking an approval for change, an expansion or a new facility have a clearer and quicker path to receive a response. Ensuring these approvals can happen in a timely manner is especially important for waste diversion facilities, so they can adapt to changing markets or incoming stream. Three years ago, the median time for an approval was 307 days.¹⁶ It is unclear whether this has been improved but it is not practical to have approvals that improve environmental outcomes held up in an unduly long process.

These are some ways the Ministry could improve on the approvals process:

- Consider exemptions for a number of low-risk activities that the Ministry currently regulates (e.g. collection facilities, community recycling depots, and small community compost facilities),
- Allow a sign-off letter from Qualified Professionals related to routine infrastructure, or minor process improvements to facilities confirming that the outcome meets Ministry criteria. The letter could be provided to the Regional Office with updated drawings rather than requiring an approval change through the Environmental Compliance Approval (ECA) process:
 - For example, some 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 landfill wells, new sorting processes/screens, slight variations in feedstocks), and
 - 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.
- The Environmental Activity and Sector Registry (EASR) system should be broadened to deal with compost and anaerobic digestion facilities and transfer stations. These facilities are well understood by the government and the types of conditions placed on them are already relatively standardized,
- With a proposed landfill ban pending, it may be necessary to consider a co-operative, concurrent approvals process for resource recovery systems. This would assist municipalities who wish to develop processing infrastructure to navigate concurrently the required approvals under both the *Planning Act* and the EPA. A streamlined process would benefit from consistent teams of provincial staff working with municipalities through pre-consultation on siting, land use and ECA approvals, through commissioning and operation.

¹⁶ Environmental Approvals Branch, Monthly Report (April 2016).

Ensuring Ontario capitalizes on increased economic opportunities through re-incorporating resources into the economy is a sizable opportunity from this sector. There is a substantial opportunity to better utilize renewable natural gas through processing of organic waste and recovering landfill gas.

We also recommend that the Ministry explore the following initiatives:

- Provide tax credits for farmers for the use of agricultural amendments,
- Subscribe to the voluntary renewable natural gas program,
- Explore mandatory content recycling requirements for products and packaging,
- Explore tax incentives for recycled content, and
- Invest funds into research and development to better support market options.

Regarding landfills, the Province is recommending that municipal governments and the communities they serve have a say in landfill siting approvals. We welcome this local say and look forward to further discussions with the Province on the mechanisms that can be implemented to provide this. We note that the basis of the current municipal say is through the Environmental Assessment process.

3.0 Measure our Success (p. 28)

It is important to municipal governments that progress is tracked using standardized metrics and reporting measures across the sector. Measuring progress will allow for a proper assessment of how various initiatives and mechanisms are working.

Municipal governments appreciate the Province's efforts to drive positive and needed action in this area. However, we do have concerns with the Province's assertion that it is currently meeting a 30% diversion target. Based on Statistics Canada information on Diversion¹⁷ and Disposal Rates¹⁸, and RPRA's Datacall, it does not appear that this target is being met.

¹⁷ Statistics Canada. Materials Diverted, by Source.
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3810003301> (2016).

¹⁸ Statistics Canada. Disposal of Waste, by Source.
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3810003201> (2016).

4.0 We Want to Hear From You (p. 29)

Discussion Questions:

1. Of all the initiatives detailed in this discussion paper, what do you think should be a priority for early action?
2. How do you think Ontario can best maintain its competitiveness and growth while reducing the amount of waste going to landfill and litter in our communities?
3. How do you think we can make Ontario a leader in waste reduction and diversion once again?

The transition of the Blue Box program to full producer responsibility through a regulation under the RRCEA is the biggest priority for municipal governments.

Transitioning the Blue Box program to full producer responsibility will give the entire industry the certainty required to open up investment in collection, transportation, processing and markets. The Blue Box program is the largest waste diversion program in the province and performance has stalled. Having the producers who design products and packaging responsible for the end-of-life management of these materials will increase the economic utility of these resources and result in innovative collection, processing and marketing strategies to increase the amount of this material diverted from landfill.

The transition to full producer responsibility the Province is proposing has been recognized by the federal government as a model for the rest of Canada to follow. Reducing food and organic waste will also establish Ontario as a leader. Moving forward with programs to divert more waste in the IC&I sector is critical to address a growing diversion gap between the residential sector and IC&I generators. Gains in diversion from this sector will be required to see Ontario's results compare with global leaders in waste reduction and diversion.

There is an opportunity for the Province to drive economic development by extending the lifecycle of natural resources and re-incorporating them into the economy. Taking this focus on reducing waste and litter will help ensure Ontario is competitive and balance environmental and economic objectives.

For example:

- Deloitte Touche Tohmatsu research for Canadian Council of Ministers of the Environment (CCME) on plastics found that "86% of plastics waste goes to landfill in Canada representing a lost value of \$7.8 billion." (Presentation to CCME Workshop, March 2019).
- The World Economic Forum says that "Linear consumption is reaching its limits. A circular economy has benefits that are operational as well as strategic, on both a micro- and macroeconomic level. This is a trillion-dollar opportunity, with huge

potential for innovation, job creation and economic growth." ([The Benefits of a Circular Economy](#), January 2014).

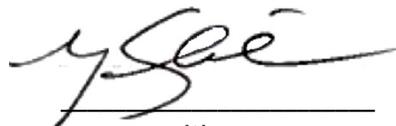
- A 2014 report from the Conference Board of Canada provided a conservative estimate that "increasing our overall waste diversion rate to 60% could create close to 13,000 net new jobs in Ontario and increase our GDP by \$1.5 billion." ([Opportunities for Ontario's Waste: Economic Impacts of Waste Diversion in North America](#), May 2014).
- A 2015 Report commissioned by the OWMA, Compost Council of Canada & Canadian Biogas Association, states that "the proper processing of organic waste into soil amendments enhances the ongoing sustainability of Ontario's agricultural sector, which employs nearly 158,000 people, and contributes \$8.1 billion in wages and salaries annually. A vibrant agricultural sector, in turn, supports farm suppliers and the food and beverage processing sector." ([Rethink Organic Waste](#), October 2015).
- Second Harvest has found that "the total financial value of this potentially rescuable lost and wasted food is a staggering \$49.46 billion." ([The Avoidable Crisis of Food Waste](#), January 2019).
- According to WRAP, "by working collaboratively to take action on these issues, organisations in the sector can achieve a 14:1 positive return on investment and help fulfil UK and international responsibilities to the environment." ([Food and Drink](#), 2015).
- The Ministry has calculated that, "Recycling generates ten times more jobs than disposal...every additional 1,000 tonnes of recycled waste generates seven new jobs." ([Ministry News Release](#), January 2013).

Thank you for the opportunity to comment.

Respectfully,



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