



Sent via email to: Atif.Durrani@ontario.ca

October 30, 2020

Mr. Atif Durrani
Manager, Policy Development
Ministry of Environment, Conservation and Parks
40 St Clair Avenue West, 8th Floor,
Toronto, ON
M4V 1M2

RE: Comments on Proposed Amendments to the *Food and Organic Waste Policy Statement* - ERO 019-2498

Dear Mr. Durrani,

The Association of Municipalities of Ontario (AMO), the City of Toronto, the Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Waste Association (MWA) collectively submit these comments on behalf of municipal governments regarding ERO 019-2498 on the Ministry's proposed amendments to the *Food and Organic Waste Policy Statement*.

Municipal governments have championed efforts to divert organic material (e.g. food waste and leaf and yard waste) from disposal through operation of household organics collection programs for over a decade. We have made huge strides in this area by increasing the amount of organic waste diverted from nearly 500,000 tonnes in 2009 to over 1 million tonnes in 2018.¹

Our shared goal, and proven track record, has increased opportunities for Ontario residents to divert waste. We are focused on ensuring our communities have the capacity to successfully process the majority of materials in the organic waste stream including improving the effective functioning of these facilities and their outputs.

While municipal governments understand the positive impacts that diversion of organics from landfill has on the environment, these improvements to our facilities and their outputs have not come without challenges and costs. To that end, we collectively submit the following proposed amendments:

¹ Numbers based on the Resource Productivity and Recovery Authority's municipal datacall.

1. Municipalities DO NOT Support the Strengthened Direction from 'Encouraged' to 'Should' for "Certified" Compostable Coffee Pods and Bags.

We share the government's goals in the Food and Organic Waste Policy Statement to improve the management of food and organic waste. However, we disagree and do not support the proposal's strengthened direction (i.e. from 'encouraged' to 'should') for municipal and Industrial, Commercial and Institutional (ICI) source separated organic collection programs to accept 'certified' compostable coffee pods and bags.

Items labelled as compostable have been an area of concern as despite their label are often not suitable for compost or anaerobic digestion systems. As has been illustrated to the Ministry in previous submissions, Ontario is not alone. Governments around the world have been struggling with plastic-based compostable products and packaging.²

Municipal governments do not know why the Provincial government would want residential and ICI sector programs to focus on compostable coffee pods and bags that is estimated to make up less than a tenth of a percent of the stream. These materials have the potential to:

- Significantly increase processing costs as materials need to be shredded and then composted for longer periods of time;
- Lead to contamination in both the green bin and Blue Box streams due to consumer confusion and lack of standardization amongst products;
- Negatively impact the value of the end products as a result of contamination in both of those streams; and
- Send the wrong message to the public if the materials cannot be processed and end up being sent to disposal as processing residuals at the taxpayers' expense.

These comments were also provided to the Province by municipal facility owners and private sector operators during the Compostable Products Technical Working Group meetings last year.

2. Municipalities Support Making Producers of Compostable Products and Packaging Fully Responsible and Development of a Provincial or National Certification.

It was our understanding, based on the efforts of the Ministry's Compostable Product Technical Working Group that the focus to move forward would be three-fold:

² Norwegian Environment Agency. Bio-Based and Biodegradable Plastics: An Assessment of the Value Chain for Bio-Based and Biodegradable Plastics in Norway, 2019. Available at

<http://tema.miljodirektoratet.no/Documents/publikasjoner/M1206/M1206.pdf>.

WRAP. Considerations for Compostable Plastic Packaging, 2020. Available at

<https://www.wrap.org.uk/sites/files/wrap/Considerations-for-compostable-plastic-packaging.pdf>.

European Commission. Relevance of Biodegradable and Compostable Consumer Plastic Products and Packaging in a Circular Economy, 2020. Available at https://www.duurzaam-ondernemen.nl/wordpress/wp-content/uploads/2020/04/KH0420187ENN.en_.pdf

- a. Agree on an acceptable provincial standard for certified compostable, including the potential to support the development of a federal standard.
- b. Designate compostable packaging and single use products in the new PPPP regulation under the *Resource Recovery and Circular Economy Act* (2016) to ensure producers are responsible for their proper management.
- c. Encourage pilot programs between processors, municipalities and the producers of these products and packaging, noting the Province has a critical role to play in the development of standards, ensuring results are based on good science, have broad agreement from all stakeholders and are aligned with developments at the national level. It should be highlighted that these types of pilots can be resource intensive as they impact the regular operation of busy facilities.

Municipal governments strongly agree with this three-fold approach and oppose any measures that would ultimately force the public sector to make costly changes to their systems based on the decisions of multinational companies in the design of compostable products and packaging.

We are concerned that the draft Blue Box regulation includes no provisions to incent producers to collect or manage compostable packaging and products for the foreseeable future. This is a lower bar than in the current Blue Box Program Plan and the proposed change to the Policy Statement places more responsibility onto municipal governments and their service providers than producers.

Ontario municipal governments would also support the inclusion of language and/or requirements in the Policy Statement that ensures clear information is available for consumers on the proper manner to dispose of compostable products and packaging.

3. Municipal Governments Seek Clarification on Province's Weakening Direction in the Policy Statement for Paper-based Products and Packaging.

We are looking for clarity behind the rationale for the Province's decision to weaken the direction related to soiled paper (i.e. from 'shall' to 'should'). We are unaware of any Ontario municipal source separated organics program that does not allow for items like:

- Soiled paper including paper towels, tissues, and napkins and organic waste that results from the preparation of coffee and tea; and
- Soiled paper food packaging including pizza boxes, flour bags, sugar bags, paper takeout containers, and paper ice cream boxes.

As emphasized by the Compostable Product Technical Working Group, these products are generally managed without issues in Ontario's current programs. Also, these items present a more substantial opportunity to divert organic waste than is presented by the compostable coffee pods and bags as discussed above.

4. There is support for the Province to Support and Encourage Existing and New Capacity to Process Compostable Packaging and Products.

Including a direction to encourage existing source separated organics operators and new source separated organics processing capacity to consider the ability to process compostable packaging and products is, in our view, a reasonable addition to the Policy Statement. This type of consideration is something municipal governments already undertake on a regular basis.

5. Municipal Governments Support Some of the Additional Provisions to Improve Clarity and Transparency.

The proposal includes a number of measures intended to make the Policy Statement more effective, including:

- stating efforts to meet targets must continue beyond 2023 and 2025
- making information publicly available and set the expectation that applicable persons and entities should make information on the results of their efforts publicly available
- supporting effective management of compostable products and packaging by encouraging municipalities, organic waste processors and compostable packaging and product manufacturers to:
 - support the use of pilot projects and research on the processing of compostable products and packaging to maximize recovery and minimize contamination;
 - examine the feasibility of updating existing technology to process compostable products and packaging; and
 - consider adopting technology to collect and process compostable products and packaging in their systems when they are planning for new technology.

Municipal governments support these amendments and any in situ processing research pilots should be Provincially led and subject to commercial agreements with the facility owners, as it must be recognized that the majority of these facilities are operating at capacity to manage existing feedstocks.

There is support for clarifying that targets must be met beyond 2023 and 2025 respectively as well as the requirement to report publicly on performance and the efforts made.

6. Detailed Provincial Guidance Materials Should be Developed to Assist in Implementation.

Although not included in these amendments, municipal governments would like to see further efforts made by the Province to produce guidance materials with details and examples for stakeholders regarding the *Food and Organic Waste Policy Statement* such as:

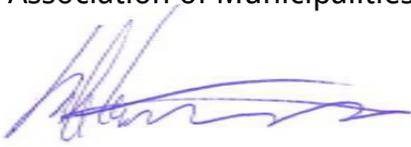
- How targets will be calculated and measured;
- Further clarification on which businesses and entities are obligated to meet targets; and,
- Data and record-keeping expectations.

Municipal governments would appreciate the opportunity to participate in further dialogue with the Province and other stakeholders on how to improve Ontario's *Food and Organic Waste Policy Statement*.

Sincerely,



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Association of Municipalities of Ontario



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Chair, Regional Public Works
Commissioners of Ontario



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