



Sent via email to: [njames@ccme.ca](mailto:njames@ccme.ca)

December 5, 2019

Ms. Marie Dussault and Ms. Jennifer Lusk,  
Co-Chairs, Waste Reduction and Recovery Committee  
C/O Canadian Council of Ministers of the Environment Secretariat  
123 Main Street - Suite 360  
Winnipeg, MB  
R3C 1A3

**RE: CCME Request for input regarding Guidance to facilitate consistent extended producer responsibility policies for plastics**

Dear Committee Co-Chairs,

Thank you for the opportunity to provide input on CCME’s consultation related to consistent extended producer responsibility (EPR) policies for plastics. We are pleased to support your efforts on this comprehensive federal-provincial-territorial approach to EPR and to keep plastic within the economy and out of disposal and the environment.

We are writing to you on behalf of the Municipal Resource Recovery & Research Collaborative (M3RC). M3RC is comprised of representatives from:

- Association of Municipalities of Ontario (AMO),
- City of Toronto,
- Regional Public Works Commissioners of Ontario (RPWCO), and
- Municipal Waste Association (MWA).

The purpose of M3RC is to develop and promote policies and programs on behalf of all municipalities in Ontario to support the transition to a circular economy. We understand the importance of this transition to protect our environment and support economic growth. M3RC does not usurp or replace the autonomy of individual municipalities, but provides advice and recommendations to staff and municipal councils for consideration and action.

As mentioned in our submission to the Environment and Climate Change Canada in June 2018, M3RC is supportive of a national zero plastic waste strategy developed in partnership with provinces, territories, municipal governments, and Indigenous peoples.

We have provided specific responses to your consultation questions in the attached. If you have any questions or require further details, please contact us.

---

Association of Municipalities of Ontario  
200 University Ave., Suite 801  
Toronto ON M5H 3C6 Canada  
Tel: (416) 971-9856  
Fax: (416) 971-6191  
Toll-free in Ontario: 1-877-426-6527

RPWCO  
c/o 1266 McDougall Street  
Windsor ON N8X 3N7  
Tel: (519) 255-6247 x 6356  
Fax: (519) 973-5476

Municipal Waste Association  
PO Box 1894  
Guelph ON N1H 7A1  
Tel: (519) 823-1990  
Fax: (519) 823-0084

City of Toronto  
100 Queen St. W.  
25<sup>th</sup> Floor, East Tower  
Toronto, ON, M5H 2N2  
Tel: (416) 392-9095  
Fax: (416) 392-4754

Sincerely,



---

Dave Gordon  
Senior Advisor, Waste Diversion  
Association of Municipalities of Ontario




---

Annette Synowiec  
Interim Director,  
Policy, Planning and Outreach  
Solid Waste Management Services  
City of Toronto



---

Mark Winterton  
Chair, Regional Public Works  
Commissioners of Ontario



---

Melissa Kovacs-Reid  
Chair, Municipal Waste Association

## **Questions for discussion: priority areas for consistent EPR policies**

1. Are there additional topics that CCME should consider priority areas for greater consistency between new and existing EPR policies?

Oversight and enforcement of EPR policies are essential to ensure successful outcomes across the country. Without this oversight and enforcement an unlevel playing field can be created that hinders both service providers and producers. For municipal governments, it likely means additional costs to property taxpayers as we are often forced to manage improperly disposed of wastes. The federal government can play an important role in helping to better coordinate oversight and enforcement of EPR policies including dealing with the increased risk associated with free riders (e.g., online sales where the vendor does not have Canadian residency).

From an oversight perspective it is important for producers to report not just on residential products and packaging supplied into the market but the total products and packaging supplied (even if collection/management requirements do not extend to non-residential materials). This will allow for a better understanding of the total amount of materials generated in Canada for oversight and policy development decision-making.

2. What challenges do the current differences in EPR policies across Canada pose organizations? What changes could be made to address these challenges?

Due to the current differences in EPR policies across the country municipal governments have little ability currently to understand the effectiveness of programs. Differences include definitions, metrics used to measure outcomes, the need for transparency, the need for accountability (e.g., audit requirements). Greater consistency in some of these areas would allow for a better understanding of what may or may not be working in various parts of the country and allow for environmental and economic outcomes to be improved.

## **Questions for discussion: Accessibility and covering all sources of plastic waste**

3. How can EPR policies be designed to ensure consistent coverage including ICI sectors?

EPR policies should include collection, management and accessibility targets that all need to be met by the producers. As mentioned above, it is important for producers to report not just on residential products and packaging supplied into the market but the total products and packaging supplied (even if collection/management requirements do not extend to non-residential materials). This will allow for a better understanding of the total amount of materials generated in Canada for oversight and policy development decision-making.

4. How can EPR policies be designed to ensure consistent geographic coverage, including rural and remote areas?

Municipal governments want to ensure residents across the country have the ability to receive services. If the supply chain can send products or packaging to a given area of the country, it should also have a means to retrieve them. We do, however, understand that this geographic context is important. As a result, we would argue accessibility should be at least based on level of waste management servicing by the local government (e.g., curbside, special events and/or depot coverage) or by the existing supply chain.

5. Please provide any other comments or feedback regarding accessibility and covering all sources of plastic waste.

Municipal government believe that all sources of plastic waste should be covered by EPR policies. Artificial distinctions should be avoided such as treating a residential beverage container different from one sold through non-residential channels. It is understood that this does not necessary mean that policies need to address all sources at the same time.

#### **Questions for discussion: definitions**

6. What kind of approach should jurisdictions take with regards to product coverage (e.g., broad coverage with exceptions versus listing specific product categories)?

Municipal governments strongly support broad coverage to ensure all new products and packaging are covered. For example, for products and packaging, the definitions should be based on the inclusions of:

- All primary and convenience packaging, as defined by section 59 of Ontario's *Resource Recovery and Circular Economy Act, 2016* (RRCEA);
- All transport packaging, as defined under section 59 of the RRCEA, delivered to residences; and,
- All packaging-like products (e.g., service packaging, paper products, similar single use items and packaging components and ancillary elements).

Material specific definitions should not be used to avoid unintended consequences.

7. What criteria could be considered in prioritizing product categories that contain plastics for application under EPR policies?

The following criteria should be considered:

- Those products and packaging most frequently managed improperly (i.e., found as part of litter audits or in wastewater systems).
- Those products and packaging that represent the highest environmental risk (i.e., hazardous).
- Those products and packaging being generated in the largest quantities.

8. Which products and product categories would benefit most from common definitions in terms of increasing overall plastic waste diversion and how should they be defined?

See question 6.

9. Does the overview of major sectors in table 1 appropriately capture sectors of the plastics end-use market that could be covered by EPR? Are there any categories that should be added or removed?

A category that includes packaging-like or single use products should be created or it should be included in the packaging category.

10. Please provide any other comments or feedback regarding definitions.

Municipal governments have undertaken a great deal of work in this area and would be pleased to assist but currently this question is far too open ended.

### **Questions for discussion: performance requirements**

11. What considerations should be taken into account in setting targets on poor-performing plastics to drive better outcomes?

Improvements will only be achieved if producers are forced to innovate in design, collection and processing of products and packaging. This can only be achieved by forcing high progressive targets and driving economies of scale in order to establish incentives for innovation.

12. How often should targets increase in ambition, and at what rate?

All targets should be progressive and the rate of improvement should be dependent on current performance. Those products and packaging with the lowest performance should have the highest rates of improvement.

13. What actions should be taken if a target is not reached?

Monetary penalties should be charged and information on non-compliant companies should be publicly posted.

14. Please provide any other comments or feedback regarding performance requirements.

### **Questions for discussion: roles and responsibilities**

15. Should all producers be required to participate in an EPR program, or should there be exceptions or alternatives for certain small and medium-sized enterprises?

Administrative burden should be a consideration in the implementation of the policy.

16. To what extent should EPR policies stipulate how a PRO works? For example, should there be rules governing who can own a PRO?

EPR policies should allow for flexibility, however, PRO's should be subject to the Federal Competition Bureau and the Bureau should be actively involved in ensuring the rules are being followed.

17. Should PROs be allowed to operate as franchises or subsidiaries of national PROs or PROs from other jurisdictions?

EPR policies should allow for flexibility, however, PRO's should be subject to the Federal Competition Bureau and the Bureau should be actively involved in ensuring the rules are being followed.

18. How can compliance with the rules of an EPR policy be verified and enforced?

Government or an arm-length government agency should be in place with appropriate resources to oversee and enforce the policies.

19. What actions should governments take to ensure that new producers and products are not faced with barriers that limit their access to the market?

The federal Competition Bureau has already provided advice in this area.

20. Please provide any other comments or feedback regarding roles and responsibilities.

### **Questions for discussion: measurement and transparency**

21. What kinds of information relevant to plastics could be provided by producers or PROs to ensure meaningful oversight, monitoring, compliance and evaluation of EPR policies?

See regulations established or under consideration for the RRCEA.

22. Are there any alternative formats in which EPR information or data could be submitted to government or presented to the public?

The public should be aware of the total amount of plastic products and packaging (residential and non-residential) supplied into the market.

23. What rules and principles should be adopted to make data and information open and easily accessible to the public?

Data should be available through one easily accessible website. Producers should be required to report the amount of all designated material supplied into the market. Historically producers have only been required to report on residential materials supplied into the market, however, total amounts of material supplied should be provided (even if collection/management requirements do not extend to non-residential materials). This will allow for a better understanding of the total amount of these materials generated in Canada.

24. How can innovative information technology and information management techniques be adopted in EPR policies?

Municipal governments support the use of digital reporting platforms to reduce administrative burden, increase transparency, and to ensure greater oversight and accountability.

25. Please provide any other comments or feedback regarding measurement and transparency.

#### **Questions for discussion: transitioning to EPR**

26. Are there any special considerations related to transitioning to EPR from specific waste diversion models, such as shared stewardship?

See Ontario Special Advisor, David Lindsay's report on Blue Box:  
<https://www.ontario.ca/page/renewing-blue-box-final-report-blue-box-mediation-process>.

27. How can governments address legacy issues such as collective agreements, ICI contractual obligations, and existing infrastructure?

Allow flexibility in the regulation as to how outcomes can be met.

28. How should stakeholders be engaged in developing a transition plan to EPR?

Engage stakeholders broadly and work with individual producers and their trade associations in addition to existing producer responsibility organizations. Ensure that municipal governments, service providers and ENGOs are thoroughly engaged.

29. Please provide any other comments or feedback regarding transitioning to EPR.