



Office of the Commissioner
Environmental Services Department

MEMORANDUM

To: Members of Committee of the Whole

From: Erin Mahoney, M. Eng.
Commissioner of Environmental Services

Date: October 30, 2020

Re: Staff Comments on proposed amendments to Food and Organic Waste Policy Statement

Proposed amendments to the Food and Organic Waste Policy Statement were posted for comment on the Environmental Registry on Sept. 30, 2020. The comment deadline of November 14, 2020 did not allow sufficient time for discussion with Council prior to submitting comments. Through the submission (Attachment 1) staff requested that any comments received separately from Council be considered. Draft comments were circulated to local municipal waste staff prior to submission and there was broad support for the Region's position. This memo outlines key concerns, potential impacts of these proposed amendments on the Region's integrated waste management system, links to other initiatives and a discussion on single-use items.

The Food and Organic Waste Policy Statement aligns with the Region's existing commitments to food waste reduction and organics diversion

The [Provincial Food and Organic Waste Policy Statement, 2018](#) (the Policy Statement) identifies actions that municipalities, multi-residential buildings and some industrial, commercial and institutional waste generators must take to reduce food waste and increase resource recovery from organics. It also includes targets to measure progress in the residential and commercial sectors. As reported to [Council in 2018](#), staff participated in the original consultations on the Policy Statement and were encouraged to see much of the Region's feedback incorporated in the document. The Policy Statement aligns with the Region's existing commitments and leadership on food waste reduction and diversion through our Good Food and Green Bin programs. The Region's planned shift to anaerobic processing of its organic waste also aligns with the Policy Statement direction to maximize resource recovery and support development of local capacity for organics processing.

Ministry of Environment Conservation and Parks is proposing amendments to the Food and Organic Waste Policy Statement to increase diversion of compostable packaging

The province recently released proposed changes to the Food and Organic Waste Policy Statement detailing what can be included in mandated organics diversion programs, including how compostable single-use packaging is to be managed. The [proposed changes](#) put the onus on municipalities to work with other stakeholders to find solutions for managing these items in green bin programs. Key comments and recommendations shared with the Ministry (Attachment 1) can be summarized as follows:

- Include recovery targets and reporting requirements for compostable items into blue box producer responsibility regulations to ensure producers are held responsible for finding cost effective solutions to managing these materials
- Items currently identified as compostable single-use packaging are incompatible with processing timeframes used in current green bin processing technology in Ontario
- Collaborate with federal government and other stakeholders to update compostability certification standards to ensure products are designed to break down with existing green bin processing technology and within current retention times
- Standardize labelling requirements so consumers clearly understand which products are acceptable in green bin programs

Establishing producer responsibility for management of compostable packaging must be a priority as producers continue to advertise products and packaging as compostable despite being incompatible with most green bin programs

In 2016, [Council endorsed a series of principles](#), including producer responsibility for compostable products and packaging, as part of ongoing advocacy on improving the Blue Box program. The recent draft Blue Box Regulation includes compostable packaging however the requirement is for producers to report on how much product they supply in Ontario. Producers are not yet obligated to find and fund solutions for management of the materials. The province has committed to finding a comprehensive solution for the management of these items and reporting requirements are intended to inform that process.

As noted in Attachment 1, staff recommend the Ministry add targets for recovery of compostable packaging to the Blue Box Regulation and strengthen language regarding producer responsibility in the Food and Organic Waste Policy Statement. This will help ensure producers are responsible for the costs and operational impacts associated with recovery of their products, regardless of the diversion stream their products and packaging fit into (blue box or organics). The Region's source separated organics program is one of the most cost intensive waste programs delivered to regional taxpayers at a unit cost of \$270/tonne. This is compared to the lower unit cost of \$196/tonne for energy from waste processing for residual waste. The green bin program is funded by and delivered to taxpayers at a total annual cost of \$27 million, which

includes local municipal curbside collection as well as Regional transfer, transportation and processing costs.

Existing targets in the draft Regulation and the Policy Statement do not take effect for a number of years so there is sufficient lead time for producers to research and develop solutions. Having a producer responsibility framework in place gives producers a vested interest in improving their product design and investing in infrastructure to ensure there is capacity to effectively manage recovery of their products. Staff recommend the Ministry continue to facilitate transparent collaboration among stakeholders to establish funding, sourced from producers of compostable packaging, to support pilots and technology development aimed at improving recovery of compostable packaging.

Compostable packaging is not compatible with the Region's Green Bin, is increasing residue rates and fostering consumer confusion

Language in the proposed amendment to the Policy Statement states that municipalities should include compostable coffee pods and bags as part of their programs and are encouraged to include recovery of other certified compostable products to meet targets established in the Policy Statement. These items have caused issues throughout municipal organics programs, including the Region's Green Bin program, which is already one of the most inclusive programs in Ontario.

Processing time is the biggest hurdle. Composting facilities allow as little as three weeks for organics to be composted before it is screened to remove materials that have not broken down. This processing time allows these facilities to process a high volume of material cost effectively. This timeframe works well for the material mix currently accepted. Certified compostable packaging materials have different properties and can take two to three times as long as our other acceptable materials to break down. These items end up screened out as residue and are sent for disposal along with non-compostable items such as plastic packaging and plastic layers from diapers. To be transparent about the fate of these materials, York Region residents are currently directed to put certified compostable coffee pods or biodegradable coffee pods into the garbage stream, so they do not negatively impact the performance of our Green Bin program.

Consultation with our aerobic organics processing contractors has determined that upgrading existing facilities or designing new facilities to accommodate longer processing time while still managing a high tonnage of organics would be prohibitively expensive. It is not economically feasible to consider extending the retention time in existing facilities. This would require a reduction in compatible facilities in a province where organics processing capacity is already limited. Anaerobic digestion facilities have similar challenges with processing compostable packaging, and it is unlikely that future contracts will be able to accommodate these items better than current aerobic composting contractors. The Region's anaerobic digestion processor that composts organics has confirmed that compostable products and packaging materials would be screened out as residue prior to digestion.

Adding single-use compostable packaging to York Region's program would not divert these materials from landfill. They would become residue managed by organics processors. While municipalities are open to working with producers to find solutions to manage these materials, changes to processing technology and product design take time and funding. Municipal systems are not currently the right solution for these items. In the interim, producers that advertise their products as compostable for green bins create confusion for customers and erode consumer confidence in Ontario's waste management system. Producers should be compelled to offer return to retail programs and/or invest in purpose-built processing facilities to ensure compostable products can be broken down for beneficial use.

Lack of standardization and poor labelling of compostable alternatives creates confusion and limits resource recovery

Designing single-use straws, cutlery, beverage cups and coffee pods from compostable material has emerged as a potential solution to growing environmental challenges with single-use plastic packaging. This is particularly true of food packaging where it can be challenging for consumers to separate food waste from recyclable plastics after use. Compostables seemingly offer an option to retain the convenience of single-use items while eliminating the environmental impact, making them appealing to producers and consumers. However, at present there are significant unresolved challenges in managing these materials as compostable, raising concerns about the value of this solution.

Lack of standardized labelling on compostable products adds confusion for consumers attempting to make informed choices and ensure items are managed for beneficial use. Without clear direction, consumers may be left unsure if items can go in the green bin or backyard composter and whether they may breakdown in the garbage stream. Many compostables look similar to non-compostable alternatives so it can be challenging for consumers, waste collectors and processors to know if they are compostable or standard plastics. This often results in residents mistakenly placing these items in the blue box where it is considered contamination and downgrades marketability of commodities. To best achieve intended environmental outcomes, the consumer should be considered as the resident, not two different people. For instance, if convenience drives decision-making for a consumer to choose a product based on environmental sustainability and convenience, this same consumer as a resident should expect the same outcomes at the end of life of the product or packaging.

Some products may have more than one 'green solution', creating confusion for consumers. Coffee pods for instance, come in many forms. Some are labelled as 100% recyclable, but only if consumers separate out the coffee grinds into a green bin or composter and put the plastic cup into a blue box program that can manage such small items. Other coffee pods are promoted as 100% compostable and consumers are encouraged to add them to the green bin where municipal programs accept these items. This places the onus on residents to look up proper disposal options and on municipalities to educate residents and clarify confusing messaging. A better solution is implementing producer responsibility programs such as the one operated by Nespresso which provides an easy solution for consumers to return pods to the company directly, and Nespresso then finds the best resource recovery solutions for their product.

Federal strategy to address plastics must tackle national certification and labelling requirements to improve recovery of compostable alternatives

On October 7, 2020 the Federal government released a [Discussion Paper](#) outlining its intention to ban ‘harmful single-use plastic items like bags and straws’ as early as 2021, which may increase the prevalence of alternative single-use compostable items. Through the Federal Plan, Environment and Climate Change Canada has committed to working with provinces and territories to develop consistent, national targets, standards and regulations to enable extended producer responsibility (EPR) for single-use plastics and packaging. Regional staff continue to advocate for inclusion of compostable products as designated materials under any harmonized federal EPR for single-use items.

Region staff recommend that federal and provincial governments collaborate with stakeholders to improve the current certification for compostability and compostable products to better align with real world conditions at most green bin processing facilities. This evidence-based approach will support improved product design and support broader acceptance of these materials in municipal and private facilities that have made considerable investments in technology to serve the marketplace.

Use of single-use compostable packaging expected to increase as businesses seek alternatives to single-use plastic items

Compostable single-use items currently make up less than 1% of in the green bin and recycling streams in York Region. Currently, residents are directed to put these items in the garbage. Given the [recent announcement](#) from the federal government of a planned ban on several commonly used single-use plastic items (bags, straws, cutlery, takeout containers, six-pack rings and stir sticks), staff anticipate the amount of single-use compostable materials may grow significantly in the next few years as businesses and residents seek alternatives to banned items. Increased demand for single-use masks and gloves is also inspiring calls for finding compostable alternatives. Impact of greater quantities on the overall green bin system is unknown and more research is needed to assess these impacts at operating aerobic and anaerobic facilities. More information on the federal ban discussion paper and York Region’s plans for addressing single use items will be shared with council in January 2021.

York Region supports focus on shifting to a circular economy, including collaboration with other sectors to find solutions on compostable packaging

Consumers, private sector stakeholders and all levels of government have shown support for reducing reliance on single-use plastics that end up in landfills or polluting ecosystems. Finding solutions to this complex problem requires collaboration and perspectives from all parts of the value chain. Alternatives including minimized packaging, reusable, recyclable and compostable options must be weighed using lifecycle analysis. York Region will continue to show leadership in advocacy, policy development, support for innovative technologies and engagement with our residents and businesses to help find these solutions and keep moving towards our SM4RT Living vision of a world where nothing goes to waste.

Erin Mahoney, M. Eng.
Commissioner of Environmental Services

Bruce Macgregor
Chief Administrative Officer

Attachments (1)
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