

November 13, 2020

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

Dear Mr. Durrani:

RE: York Region Staff Comments – ERO Number 019-2498: Proposal to Amend the Food and Organic Waste Policy Statement

York Region staff thank the Ministry of Environment, Conservation and Parks (MECP) for the opportunity to comment on the proposal to amend the Food and Organic Waste Policy Statement. York Region continues to be a leader in organic waste reduction and diversion through its Good Food consumer education program and robust green bin diversion program, managing over 100,000 tonnes of this material every year. Based on our proven track record and experience, staff have significant concerns with proposed amendments to the Policy Statement encouraging inclusion of compostable products and packaging in municipal green bin programs. This letter provides recommendations focused on improving the workability of the Policy Statement, particularly in the area of compostable packaging.

It is recommended that MECP:

- Work with the federal government to facilitate collaboration amongst producers, municipalities, facility owners and standards agencies on certification standards and labelling requirements to ensure consistency and a level playing field for compostable products and packaging
- Ensure producers are responsible for the end-of-life management of their compostable products and packaging including funding or building new and innovative infrastructure to compost these products and packaging
- Consult with key stakeholders on data availability and collection approaches to track resource recovery and waste reduction under the new policy

Producers continue to advertise their products and packaging as compostable, despite the fact that they are incompatible with most green bin programs

Existing composting processes are designed to maximize decomposition of the mix of organics accepted in municipal systems. Certified compostable packaging has different properties than these materials and can take two to three times as long to break down. It is not economically feasible to extend the retention time in existing composting facilities to match the time required for decomposition of compostable packaging. This

additional time would effectively reduce the composting capacity available province wide to treat green bin organics. This would be an unacceptable impact on successful green bin programs as organics processing capacity is already quite limited across Ontario.

The Region's source separated organics program is funded by and delivered to taxpayers at a total annual cost of \$27 million

This annual cost includes local municipal curbside collection as well as Regional transfer, transportation and processing costs. Green bin collection and processing 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. If compostable packaging fails to break down, the result is increased residue rates, reduced quality of the final compost product along with less transparency and consumer confidence in the waste management system. Any such approach could mislead consumers about the end of life management of these materials and may be construed as green washing or wish cycling where these materials do not decompose in municipal organics processing facilities and end up as residue.

Burden to manage compostable products and packaging should not be shifted from producers to municipalities

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. The Region's organics processors have confirmed that upgrading existing facilities or designing new facilities to accommodate longer processing timeframes while managing tens of thousands of tonnes of compostable organics annually would be prohibitively expensive and burden the already limited organics processing capacity in Ontario.

Challenges associated with compostable products have been raised by municipalities and many industry stakeholders at past consultations and workshops on managing compostables¹. Given known challenges related to compostable products and packaging, the policy approach suggested by MECP is not based on a strong understanding of the performance across Ontario of municipal composting programs' science and appears to be contrary to the Policy Statement's language that "entities

¹ OWMA/CBA response to federal RFI <https://www.owma.org/articles/request-for-information-on-upcoming-requirements-on-packaging-in-public-services-and-procurement-canada-procurement-en578-190005>
Packaging and the Circular Economy: A Case Study of Compostables in Canada
http://www.nzwc.ca/focus/design/Documents/NZWC_CaseStudyCompostablesCanada.pdf

should consider how best to manage and limit contamination in the management and recovery of food and organic waste.”

This approach further undermines the move to a circular economy and to producer responsibility. As these materials will not break down within the current processing timeframes used by processing facilities, including any such materials, unfairly places additional cost on municipalities. Municipal taxpayers will ultimately carry the burden to pay higher capital and operating costs for packaging design choices made by producers. Many of these products are better suited for take back programs and should remain a producer, not a municipal, responsibility.

Producers must be held responsible for finding cost effective solutions to manage their compostable packaging

Section 5 of the Policy Statement states that “producer responsibility should be taken into account with regard to the *waste reduction* and *resource recovery* of the *compostable products and packaging* that producers sell in Ontario.” Region staff strongly support the Province’s move to include compostable products and packaging as designated materials under the forthcoming blue box individual producer responsibility regulation.

Staff have reviewed this draft blue box regulation which, unfortunately only includes supply reporting requirements at this time. Staff recommend that MECP go further and include specific recovery targets specific to compostable packaging to track and monitor success of programs under producer responsibility regulations. Targets will not come into full effect under that regulation until 2026, leaving sufficient time for producers to fund research and pilot solutions for effective management of compostable packaging. This is a similar approach to that being used for producers of other challenging single-use items.

Producers must be responsible for costs and operational impacts associated with recovery of their products, regardless of the diversion stream they choose. Connecting the consequence of their design choices to cost inherently provides an incentive to improve product design and invest in infrastructure to effectively manage recovery of their products. In fact, producers should be compelled to either design compostable products and packaging that break down within the current retention time of existing facilities or build and/or fund purpose-built composting facilities for processing their compostable packaging. The green bin cannot be used as a tool for producers to avoid their responsibilities and shift costs to municipal taxpayers under the guise of extended producer responsibility.

Producers must prove products break down in most processing systems before advertising and labelling their product as compostable

Region staff have seen increasing consumer confusion around compostable products; some are certified, some not, some advertise acceptance in the green bin without approval from municipalities. Staff recommend strengthening the language in the policy

to require producers of these products ensure they will break down within the retention times of existing facilities before labelling or advertising their product as compostable. In addition, accurate evidence-based information needs to be provided on all such product labels to ensure consumers easily understand how to properly dispose of these products.

Collaboration with federal government to improve national compostable standards to align with single-use plastics strategy

Until there is a compostable standard that better reflects conditions in typical commercial composting facilities, there will be continued challenges for compostable products. It is anticipated that the proposed federal ban on products such as straws, plastic takeout containers and grocery bags will lead to more compostable alternatives coming into the market. It is recommended that MECP work with the federal government to facilitate collaboration amongst producers, municipalities, facility owners and standards agencies, regarding certification standards and labelling requirements.

Collaboration is key to finding innovative and environmentally beneficial solutions to ensure these products can be managed and recovered for beneficial use. An example of leading collaborative work on compostable packaging is occurring at Simon Fraser University through their Food Systems Lab projects on [Social Innovation Management for Bioplastics](#). The project is using a social innovation approach to address environmental and social challenges of bioplastic packaging throughout its entire supply chain. This work is being advanced in collaboration with researchers from Brazil, Poland, and the United Kingdom. The Food Systems Lab facilitated their first [webinar](#) in August 2020, and will assess systems influencing and affected by packaging, bring together a variety of stakeholders to develop a common understanding of the problem, and facilitate stakeholders to work together on innovative solutions through iterations of information collection, analysis, creative engagement, and prototype development. This project is expected to be completed by 2022.

More clarity needed on targets, data collection and metrics for all sectors

Region staff support the clarification that targets and program requirements apply beyond the date listed in the original policy statement and the addition of a reporting requirement. However, there is a lack of clarity on how these target metrics are to be calculated and how they will be consistently measured. The Region would be subject to *target 2.1a: 70 per cent waste reduction and resource recovery of food and organic waste generated by single family dwellings in urban settlement areas by 2023*. While we track tonnages managed through the green bin and yard waste programs, overall food and organic waste generated by single family homes would require estimating the quantity found in all streams based on audit data. It is unclear how waste reduction efforts would be tracked as part of the metric. Similarly, many multi-residential buildings and private businesses do not have the generation and diversion data needed. Region staff recommend aligning with the existing Resource Productivity and Recovery Authority data call to establish centralized reporting and tracking for organics. It is

recommended that MECP consult with key stakeholders identified in the targets on data availability and suitable collection approaches to track resource recovery and waste reduction under the new policy.

York Region Council comments will be submitted following its December meeting

Due to timing of the consultation period, engagement with York Region Council was not possible prior to submission. This response will be considered by Council in December and any additional comments will be communicated to MECP in early January.

Staff thank the Ministry for considering these comments and strongly recommend that this proposed direction be changed to ensure fairness for municipal taxpayers. If you have any questions or would like to discuss further, please contact Laura McDowell, Director, Environmental Promotion and Protection at laura.mcdowell@york.ca.

Sincerely,

Erin Mahoney, M. Eng.
Commissioner of Environmental Services

Attachments (1)
#11750405

York Region Detailed Comments – Proposal to amend Food and Organic Waste Policy Statement – EBR 019-2498

Please note this is the second part of a **two-part submission**, and it will be accompanied with a **cover letter**

Section/Page	Recommendation	Rationale
p. 10 Section 2.1	Include recovery targets for brand owners, producers or marketers of compostable products and packaging	<ul style="list-style-type: none"> Brand owners, producers or marketers of compostable products and packaging should be required to meet targets for recovery of their materials and be subject to Sections 2.9 and 2.10. Targets could also be set through the blue box regulation
p. 10 Section 2.1	Provide clear guidance on how waste reduction and resource recovery targets are to be calculated and measured and reporting expectations	<ul style="list-style-type: none"> Municipalities and other entities subject to the targets may not have the data required to measure their own progress as the metric is different from traditional waste diversion rates Lead time may be needed to implement processes to gather data Clear guidelines will ensure all parties are collecting data and reporting in the same manner
p. 11 Sections 2.5 and 2.6	Clarify the difference between 'should' and 'encouraged'. Explain why coffee pods and compostable bags have been moved from 'encouraged' to 'should' be managed over other types of compostables and some commonly accepted items have been moved from 'shall' to 'should'.	<ul style="list-style-type: none"> It is unclear what these terms mean leaving responsible persons unsure of expectations Staff recommend the Ministry provide evidence or research to support decisions made to include certain difficult to manage compostable products such as coffee pods, under a 'should' definition while others were included in 'encouraged' Wooden chopsticks, stir sticks and toothpicks do not break down in York Region's contracted facilities but can be placed in yard waste Unclear why soiled paper products were moved from 'shall' to 'should' when these are commonly accepted in many green bin programs

Section/Page	Recommendation	Rationale
p. 21-22 Sections 5.1 and 5.5	<p>Strengthen Section 5.1 wording: entities that are brand holders of or those who market compostable products and packaging shall ensure their products are certified and meet environmental standards in Ontario.</p> <p>Strengthen Section 5.5 wording: entities that are brand holders of or market compostable products and packaging shall provide promotion and education to inform consumers how to participate in resource recovery programs for compostable products and packaging.</p>	<ul style="list-style-type: none"> • The use of “shall” instead of “should” is more directive • Language creates more alignment with producer responsibility • Ensures brand holders of or marketers of compostable products and packaging provide accurate information
p. 22 Sections 5.3, 5.4	Add brand holders of and those who market compostable products to both actions	<ul style="list-style-type: none"> • Compostable packaging producers must be involved in development and funding of upgrades or new technology needed to meet their obligations under extended producer responsibility
p. 29 Glossary	<p>More robust definition of “certified” is required.</p> <p>Include certification according to a provincial standard which is established through collaboration with stakeholders.</p>	<ul style="list-style-type: none"> • Current international, national or industry standards for certification are incompatible with municipal and commercial composting facilities • Ensures proper labelling of products and reduces consumer confusion when products are purchased • Provides transparency between brand owner and consumer and between consumer and municipal waste management programs

Section/Page	Recommendation	Rationale
Miscellaneous	Ministry allow time for research and assessment of the impacts of an increased volume of compostable products and packaging in organics waste streams before requiring recovery of these materials.	<ul style="list-style-type: none"> • Region staff are concerned about the impacts of larger quantities of these materials as they will change the composition of the entire stream • The current expected rates of microbial growth and degradation of bioplastics is based on a small percentage of these materials in stream; an increase in compostable products and packaging alters the composition of the stream and all variables that affect biological processes required for breaking down these materials. Research used to establish compostability standards should occur at operating aerobic and anaerobic processing plants under normal operating conditions and should consider the impact of increasing percentages of compostable products and packaging on rates of microbial degradation and residue generation • The Region's processor that uses anaerobic digestion to compost organics has confirmed that compostable products and packaging materials would be screened out prior to digestion as residue