



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: December 11, 2020

Re: Staff Comments on Federal Discussion paper: A proposed integrated management approach to plastic products to prevent waste and pollution

On October 7, 2020 the Government of Canada announced its proposed approach to management of plastics and released a discussion paper for public comment. Due to timing of this federal announcement and the need for collaboration with our local municipalities on comments, Council input was not possible ahead of the submission deadline. Through the submission (Attachment 1) staff requested that any subsequent comments received from Regional Council be considered.

Draft comments were circulated to local municipal waste staff and their input was included in the Region's submission. The Region's comments on this paper align with comments made on the Provincial Amendments to the Food and Organic Waste Policy statement in December 2020 and the Draft Blue Box Regulation, also on today's agenda. The submission to the Government of Canada also aligned with those jointly submitted by the Regional Public Works Commissioners of Ontario, Association of Municipalities of Ontario, Municipal Waste Association, and City of Toronto (Attachment 2). This memo outlines the Region's comments and addresses the potential impact of the proposed approach on the Region's integrated waste management system.

Federal government approach includes regulatory and market stimulus measures and considers national alignment on Producer Responsibility

The [discussion paper](#) addresses some key municipal concerns including banning six single-use plastic items and the need to make extended producer responsibility consistent, comprehensive and transparent across provinces and territories. The federal government has outlined a three-pronged approach that includes:

1. Banning or restricting certain single-use plastics by the end of 2021
2. Establishing recycled content requirements for plastic products and packaging
3. Working with provinces and territories to develop consistent national targets, standards and regulations to mandate extended producer responsibility for plastic products

The government's management framework for single-use plastics assesses whether plastic products meet two key criteria to determine a material management approach: proven environmental impacts (environmental problematic) and difficulty with recycling (value-recovery problematic). Based on these criteria, the following six single-use plastic items were categorized as problematic and have been identified for a ban or restriction, under a regulation to be developed by the end of 2021:

- Plastic checkout bags
- Plastic stir sticks
- Plastic six pack rings
- Plastic cutlery
- Plastic straws
- Food packaging and service ware such as takeout containers and lids, plates and cups made from 'problematic plastics', including foamed plastics, black plastics, polyvinyl chloride, oxo-degradable plastic or multiple (composite) materials

Proposed federal direction aligns with York Region's leadership in waste reduction and move toward a circular economy

In the discussion paper, the federal government asserts that Canada is seeking to transition to a more circular economy for plastics by focusing on greater prevention, collection, innovation and value recovery of plastic waste. This approach is in line with York Region's SM4RT Living Plan, which is moving the Region away from the traditional model of waste management (take, make, dispose) to a more sustainable, circular economy approach that values waste, focuses first on reduction and maximizes diversion from landfill. Regional Council's leadership in advancing waste reduction, setting high diversion targets and in [exploring Regional bans](#) on items such as plastic grocery bags, along with other measures to combat plastic waste and litter is aligned with this federal direction. A federal ban creates consistency across jurisdictions and allows municipalities to focus efforts on education and support for residents and local businesses instead of costly enforcement.

This national direction meshes with priority actions under the SM4RT Living Plan including reduction in single-use plastics within Regional and local municipal facilities and events, and implementation of a voluntary 'ask first' program with local businesses. The Region plans to engage with businesses in 2021 to identify ways to support them in reducing reliance on single-use plastics in preparation for a federal ban at the end of the year.

Proposed ban could lead to increase in compostable packaging that is not compatible with the Region's Green Bin program

As noted in Attachment 1, Regional staff support federal bans or restrictions on use of the six single-use plastic product types identified but are concerned about a proposed exemption for compostable products. Staff recognize that once the ban is in place, producers and consumers will likely start moving to compostable products and packaging as alternatives. As reported in December 2020, compostable products are not compatible with many green bin processing facilities in Ontario, including those used by the Region.

At this time, compostable single-use products are not a viable alternative to plastic. More work is needed to ensure that compostable single-use items will actually break down during processing. Regional staff recommended single-use compostable products not be exempt from bans unless producers can demonstrate their products are compatible with current processing technology or a producer-funded alternative is put in place to facilitate recovery.

Federal government can enhance environmental outcomes by improving standards and enforcing accurate labelling for end-of-life management of products

The federal government has jurisdiction over product labelling requirements and can play a key role in the recovery of compostable products through improved compostability certification requirements and labelling. Existing standards for certified compostable products do not reflect the realities of the majority of green bin processing technology. Regional staff have recommended that green bin compostable standards be developed. Any new standards must ensure compatibility with existing Canadian infrastructure, including both aerobic and anaerobic processing. Regional staff recommended that the federal government require producers of items intended to be recovered through Green Bin programs ensure that these products align with requirements of most existing programs before labelling or advertising their products as compostable.

Region staff have seen increasing consumer confusion around products labelled as recyclable, compostable, or flushable. Some advertise acceptance in public diversion programs without consultation or approval from municipalities. This results in resident confusion and widespread contamination challenges. In waste management this can reduce the quality of the final recycled/composted materials. In the case of products being mislabeled as flushable, it leads to sewer back-ups and higher infrastructure maintenance costs. York Region spends more than \$1 million annually to mitigate the impact of these products, in part because product manufacturers consistently and incorrectly label these products as "flushable". Staff recommended that the federal government require that producers' claims of compostability and flushability are accurate and are compatible with the majority of Canadian end-of-life processing systems.

Biggest opportunity for benefits from recycled content requirements proposed by the federal government is with plastics recovered via Blue Box programs

The government's proposal to drive greater investment in recycling technologies and greater use of recycled plastics through minimum recycled content requirements in plastic products and packaging could result in a strengthened domestic recycling industry. As outlined in Attachment 1, Regional staff encouraged the federal government to start with applying minimum recycled content requirements for products made from #1 polyethylene terephthalate (PET), #2 high-density polyethylene (HDPE) and #5 polypropylene (PP) to provide the most effective support for recycling markets. These materials are captured at most Material Recovery Facilities offering a steady market supply and infrastructure to capture and sort material. While York Region has domestic end markets for these materials, many other communities rely on overseas markets that are less transparent about environmental outcomes. Canada would benefit from improved local end markets nation-wide to ensure material collected gets recycled. Federal labelling requirements should include the percentage of recycled content in plastics to help create transparency.

Accessibility considerations should be addressed through consultation with impacted communities

It will be critical that representatives from the community of persons with disabilities are consulted during the implementation planning phase to ensure any bans or restrictions reflect applicable accessibility requirements and community concerns. Certain products like straws, and potentially other items, can be vital to communities with mobility or physical ability challenges. Removing barriers to accessibility is a priority for Ontario organizations, including municipalities. Under the *Accessibility for Ontarians with Disabilities Act, 2005* municipalities and businesses are required to consider accessibility in their operations and will be looking to the federal government to ensure this commitment to accessibility is similarly reflected in its decision-making process. The Region plans to engage its Accessibility Advisory Committee during implementation to advise whether proposed federal policies, processes or guidelines will result in accessibility challenges.

York Region will remain engaged as the federal government continues to develop its approach to managing plastics

The Region and its local municipal partners will remain engaged in federal government consultations throughout the process, with the aim of sharing the municipal perspective to help advance these plans.

Erin Mahoney, M. Eng.
Commissioner of Environmental Services

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Attachments (2)
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