



December 9, 2020

Ryan Parmenter
Director of the Plastics and Marine Litter Division
Environment and Climate Change Canada (ECCC)
ec.plastiques-plastics.ec@canada.ca

Mr. Ryan Parmenter

RE: York Region Response – Discussion paper: A proposed integrated management approach to plastic products to prevent waste and pollution

Regional staff thank Environment and Climate Change Canada (ECCC) for the opportunity to provide feedback on 'Discussion paper: A proposed integrated management approach to plastic products to prevent waste and pollution'. Regional staff welcome the opportunity to provide a municipal perspective. Due to timing, it was not possible to bring our response to Regional Council for endorsement prior to submission. This response will be considered by Council in January 2021 and any additional comments from our Council will be communicated to ECCC in late January.

The proposed direction aligns with York Region's leadership in waste reduction and moving toward a circular economy

York Region is a leader in waste management, with the highest diversion rate of all large urban municipalities in Ontario for the past six years. Our [SM4RT Living long term waste management plan](#) aims to move our Region towards a circular economy and is well aligned with the proposed federal actions. Regional Council has previously shown interest in [exploring Regional bans](#) on items such as plastic grocery bags, along with other measures to combat plastic waste and litter. A federal ban aligns with the Region's SM4RT Living Plan driving consistency across government jurisdictions and allowing municipalities to focus on education instead of costly enforcement.

The following summarizes the Region's recommendations and addresses some specific questions posed in the discussion paper. Key recommendations include:

- Provide exemptions for single-use compostable products and packaging only where producers actually demonstrate that their product aligns with current commercial composting processors in Canada or where they provide a producer-funded alternative to facilitate recovery. It has been York Region's experience

that most items labeled “compostable” are not currently compatible with municipal organics processing systems.

- Since neither BPI nor BNQ standards ensure compostable products/packaging will break down, a new national certification should be developed for compostable products that aligns with the significant organics processing infrastructure already in place in Ontario and other provinces.
- Support extended producer responsibility (EPR) by enforcing accurate advertising and labelling of compostable, recyclable, and “flushable” products.
- Support a circular economy by applying minimum recycled content requirements to products made from materials that are frequently and easily recovered via Blue Box programs.

These comments are 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.

Staff support federal regulatory approach to address single-use plastics

Regional staff support the government’s proposed management framework for identifying single-use plastics that should be banned or restricted based on the two criteria: degree of environmental harm and value recovery potential. Many of these problematic materials are manufactured by global companies making a federal framework more effective in managing them.

It is important to have alignment between the federal and provincial levels on managing single-use plastics. Several items covered by the proposed ban have been included as designated materials under Ontario’s draft Blue Box EPR regulation and under British Columbia’s current program. It will be crucial to work with the provinces to address any conflicting regulations and ensure all policy is based on consistent, evidence-based analysis that considers the full lifecycle impacts of products.

Recommendation:

1. Bans must be implemented at a federal level rather than at the municipal level, where enforcement can be challenging and lack of uniformity between neighbouring communities causes confusion and results in unnecessary waste in recycling and Green Bin programs.

Address accessibility considerations by consulting with impacted communities

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.

Recommendation:

2. Consult with representatives of the community of persons with disabilities to ensure bans or restrictions reflect applicable accessibility requirements and community concerns.

Only compostable products and packaging that are compatible with organics processing should be exempt from bans or restrictions

Regional staff support federal bans or restrictions on the six single-use plastic products identified in the discussion paper. Municipalities have seen “compostable versions” of various products and packaging, like compostable coffee cups and takeout containers. However, these items do not break down in current aerobic and anaerobic processing facilities, leading to increased contamination and higher management costs.

Unfortunately, existing standards for certified compostable products, like BPI and BNQ, are not reflective of the realities of the majority of green bin processing technology and do not indicate whether a material will break down. This leads to product design that does not allow for the recovery of these items for beneficial use. If rigorous standards are not applied to compostable materials, it is anticipated that many producers may shift to labelling their products as compostable alternatives. It is important that any alternatives to single-use plastics are compatible with industrial composting processes already in use by municipalities.

Recommendation:

3. Establish a national compostability standard that ensures decomposition of the material or packaging in the majority of industrial scale processing facilities already in the Canadian marketplace.

Federal government can support EPR by enforcing accurate advertising and labelling for end-of-life management of products

Regional staff have seen increasing consumer confusion around products marketed 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 the waste management realm, improper sorting reduces 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 alone spends more than \$1 million each

year to mitigate the impact of these products, in part because product manufacturers consistently and incorrectly label these products as “flushable”. For example, the flushable products industry developed a standard for flushability that is significantly less stringent than the municipal supported International Water Services Flushability Group’s standard. A report from Ryerson University’s Flushability Lab at Ryerson Urban Water tested 23 products from southern Ontario stores labelled as “flushable” by manufacturers and confirmed they would not break down in Ontario sewer systems.

Recommendations:

4. Require that producer claims of compostability and flushability are accurate and are compatible with most Canadian end-of-life processing systems.
5. Establish labelling requirements so that a product cannot be labelled as “flushable” unless it achieves the International Water Services Flushability Group’s standard.

Regional staff strongly support recycled content requirements for plastics focusing on resins recovered via blue box programs

Recycling technology and markets are struggling to keep up with the production of new types of plastics and packaging, impacting municipal costs and limiting diversion. Regional staff strongly support 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. These materials are captured at most Material Recovery Facilities (MRFs), creating both a steady market supply and the greatest benefit for driving recycling markets. Accountability for achieving these targets will also be critical, Regional staff recommend federal labelling requirements include the percentage of recycled content in plastics to help create transparency and a marketing incentive for use of recycled content in plastic products.

Recommendation:

6. Based on current waste infrastructure and recycling markets, apply minimum recycled content requirements to products made from #1 polyethylene terephthalate (PET), #2 high-density polyethylene (HDPE) and #5 polypropylene (PP), as this would provide the most effective support for recycling markets.

York Region looks forward to continued engagement as the government moves forward with the approach to plastics

Regional staff are encouraged to see the federal government making progress on plans to eliminate plastic pollution in Canada. Staff commend the government for taking action

to combat this problem and setting an example for other jurisdictions to follow. Staff are particularly interested in understanding how the proposed bans will be enforced and look forward to continued engagement in meaningful discussions with the government to help advance these plans.

If you have questions regarding this response or would like to further discuss these recommendations, please contact Laura McDowell, Director of Environmental Promotion and Protection at Laura.McDowell@york.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'EM', with a stylized flourish at the end.

Erin Mahoney, M. Eng.
Commissioner
Environmental Services
The Regional Municipality of York

cc: Charles O'Hara, Director, Resource Recovery Policy Branch, Ministry of the Environment,
Conservation and Parks
Dave Gordon, Association of Municipalities of Ontario

#11836036