



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: June 9, 2021

Re: Province Releases Producer Responsibility Regulations for Blue Box Program as well as Hazardous and Special Products

On Thursday, June 3, 2021, the Ministry of Environment, Conservation, and Parks (the Ministry) released the final regulation (Attachment 1) to make producers fully responsible for the blue box program by the end of 2025. Staff welcome this news as a positive step towards improved environmental outcomes as it relates to blue box packaging and paper products. The Ministry also released producer responsibility regulation for [Hazardous and Special Products](#) on June 8 to make producers of products, such as paints, pesticides, and solvents, responsible for collecting, managing and/or promoting the recycling or proper disposal of these products.

Region staff are analysing both regulations along with local municipal staff and municipal peers to better understand potential impacts to the Region's integrated waste system including financial implications and service levels. This memo complements report F.2.3. on the June 10 Committee of the Whole agenda and outlines the main points of each regulation based on staff's preliminary review.

Final blue box regulation includes many provisions aligned with municipal advocacy

Highlights from the announcement on the regulation include:

- Expanding collection to more facilities such as apartment buildings, municipally run or non-profit long-term care homes, retirement homes, and schools, as well as more public spaces such as parks, playgrounds, and transit stations once transition is complete
- Standardizing what can be recycled across Ontario and expanding this list to include some common single-use products such as paper and plastic cups, foils, trays, stir sticks, straws, cutlery and plates

Transition of the blue box program will move costs away from municipal taxpayers and the Province estimates that this will result in total savings of \$156 million annually for Ontario municipalities. This represents approximately \$5 - \$7 million annual net cost to the Region. Further analysis is needed to better understand the net impacts on the Region's budget as the program moves towards transition and beyond. While this program transitions to full producer responsibility over the next four years it will be important to monitor green bin and garbage streams for products and packaging that should be captured under the blue box.

Final blue box regulation does not include some recommendations made by the Region

As reported in [January 2021](#), Region staff supported the draft regulation, however, recommendations for improvement were provided to the Province during the comment period. The following staff recommendations are not reflected in the final regulation:

- Business Improvement Areas (BIAs) as an eligible source post transition
- Performance targets and management requirements for certified compostable materials
- Individual subcategory targets and reporting for single-use packaging
- Minimum weekly collection frequency and provision of supplemental depots in areas receiving curbside collection

In addition to the Ministry not including the above recommendations, the final regulation scaled back performance targets for paper products and delayed other performance targets for materials including flexible and rigid plastics. Performance targets for glass were increased. Analysis is underway on how the shift in performance targets will impact overall performance of the blue box program under the new regulation.

Transition timing of the Region's blue box program will continue as planned in 2025

The transition schedule will continue as planned; however, the final regulation lists lower tier municipalities on the schedule. Staff are investigating any potential impacts of this listing to the Region's integrated system. While the City of Markham General Committee approved Markham staff recommendations to request from the Province an earlier transition date of January 1, 2023, the transition schedule posted with the final regulation lists a December 31, 2025 transition date for all nine local municipalities in York Region as requested in most Council resolutions passed in 2020.

Region and local municipalities will continue to collaborate to ensure a smooth transition of the blue box program across the integrated waste system

Municipalities are required to submit an Initial Report to the Resource Productivity and Recovery Authority with information about their current blue box collection systems by September 30, 2021.

Staff will work with local municipalities to determine if any additional delegated authority is needed to assist municipalities in meeting their reporting requirements, given that the upper tier municipalities are not listed in the transition schedule.

Final blue box regulation positions producers more effectively to design packaging that promotes a circular economy with improved environmental outcomes

Release of the final blue box regulation is a positive step as producers are in the best position to design packaging that is more recyclable and/or reusable and achieve improved environmental outcomes. Region staff and local municipal staff will work closely to prepare for transition of the blue box program in 2025 to full producer responsibility. As previously communicated to Council, a later transition date will help staff better understand the transition process as other municipalities transition in the earlier stages. Preparation and planning activities will determine the optimum approach to transition contracts and assets, while assessing impacts on budget and service levels to achieve the best possible outcome for York Region residents. Staff will continue to participate in ongoing blue box transition consultations and will report back to Council with critical updates.

Hazardous and Special Products regulation released on June 8 with a start date of October 1, 2021

The current Municipal Hazardous or Special Waste (MHSW) program is scheduled to end on September 30, 2021 and will transition to the new Hazardous and Special Products producer responsibility regulation on October 1, 2021. Region staff will assess the transition schedule and determine next steps to ensure seamless transition for residents using hazardous waste collection services at York Region depots.

This new regulation requires producers of hazardous and special products, including paints, pesticides, solvents, oil filters, oil containers, antifreeze, pressurized containers, mercury-containing devices and fertilizers to collect, manage, and/or promote the recycling or proper disposal of these products at end-of-life. Staff expressed disappointment in the earlier draft of this regulation to the Ministry and advocated for a more inclusive list of designated materials and improved performance targets across all material types. Analysis of this regulation is now underway to determine how the Ministry addressed these concerns and the resulting impact to operations, budget, and service levels.

Staff will continue to work with local municipal partners to prepare for transition of programs to full producer responsibility and manage impacts to service levels

York Region together with our local municipal partners have demonstrated leadership in diversion in Ontario and the value of services that residents have come to expect. While we welcome producer responsibility to achieve improved environmental outcomes and shift the costs of managing these materials to producers, it will be critical to remain engaged as transition rolls out to determine any impacts to other streams and/or service levels.



Erin Mahoney, M. Eng.
Commissioner of Environmental Services



Bruce Macgregor
Chief Administrative Officer

Attachment (1)
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