

RE: York Region Detailed Comments – Reducing Litter and Waste in Our Communities Discussion Paper – ERO 013-4689

Please note this is the second part of a three-part submission. Items below provide direct responses to questions asked in the Reducing Litter and Waste in Our Communities discussion paper.

Preventing and reducing litter in neighbourhoods and parks

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How best can the province coordinate a day of action on litter?

It is recommended that the Province identify a specific litter clean-up day, potentially in April. Costs related to these days should be supported by key litter producers.

What do you or your organization do to reduce litter and waste in our public spaces? What role should the province play to facilitate this work?

Parks and most public spaces in York Region fall under local municipal jurisdiction. Each municipality has methods in place to handle litter and illegally dumped material, which can include community clean-up events. The Province could support local action by helping address the source of litter through Province-wide educational campaigns.

Region staff agree with the M3RC (AMO) position that the Province could support this through:

- Data gathering including branded litter audits and innovative approaches to reduce litter
- Coordination of province-wide education campaigns to reduce litter
- Investment in infrastructure to support litter reduction (e.g. reverse vending machines for common litter items like coffee cups)
- Enacting full producer responsibility for common litter items that includes targets for public spaces

Detailed actions under each of these headings can found in the M3RC response.

How do you think litter can best be prevented in the first place? Where is access to diversion and disposal particularly limited?

Litter can most effectively be addressed by providing residents with twinned recycling and disposal options in public spaces. While producers will be designated under extended producer responsibility to achieve diversion targets, sectors that are responsible for a large portion of litter must be assigned targets for reducing litter in public spaces.

Increasing opportunities to reduce waste

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How can the province best help the public participate in waste reduction and diversion activities? How can the province facilitate better diversion in lagging areas, such as multi-unit residential buildings?

Establishing targets specifically for multi-residential diversion will help drive action in this sector. Multi-residential buildings are often constrained by existing facilities in these buildings. Residents can be better enabled for diversion in four key ways:

1. Ensure that requirements for recycling and composting of waste under O. Reg. 103/94 align with the more stringent requirements under O. Reg. 101/94. Residents should have consistent levels of access to diversion regardless of what type of housing they live in.
2. Amend the Ontario Building Code to require three-stream waste collection to make diversion as convenient as disposal in all multi-residential buildings in Ontario. Many local municipalities have already included these provisions in site approval permits but this is challenging to enforce without it being included under *Ontario's Building Code Act, 1992*.
3. Encourage producers to develop an incentive program to retrofit garbage chutes/rooms in existing buildings for three-stream collection such as tri-sorter systems to help meet their diversion targets. A number of options should be established to reflect varying infrastructure and space in existing buildings.
4. Provide consistent province-wide educational materials that meet the language needs of residents for whom English is not their first language.

It is also recommended that the Province leverage its Behavioral Insights group under the Treasury Board Secretariat to identify, test, and quantitatively evaluate potential interventions. Behavioral science-based approaches could improve public participation in waste reduction and diversion activities in lagging areas such as multi-residential buildings and public spaces. The Behavioral Insights group should collaborate with M3RC, who can provide context on various interventions that have already been tested by municipalities.

What role do you think regulation should play in driving more waste reduction and diversion efforts from the IC&I sectors?

It is recommended that capture rate calculations for producers under extended producer responsibility be based on total product released to market, with a requirement to address all collection points and waste streams. It is recommended that separate and more aggressive targets be created for the multi-residential and IC&I sectors as outlined in the Provincial Food and Organics Waste Policy Statement. Both of these sectors lag well behind single-family residential programs. Sector specific approaches should be

developed as this provides the greatest opportunity to improve Province-wide diversion rates.

How can we get accurate information on waste reduction and diversion initiatives in the IC&I sectors?

Given that limited baseline information exists on waste reduction and diversion initiatives in the IC&I sector, it is recommended that more accurate data be obtained via Ministry inspections of O. Reg. 104/94 requirements. Further, waste haulers should be required to report on tonnages to ensure accurate information is submitted and tracked. Waste audits will be required to characterize IC&I materials as there will likely be significant variation among different sectors.

What do you think about a province-wide program for the recovery of clothing and textiles?

York Region staff support a clothing and textiles program. It is recommended that the Province consider designating these materials under an extended producer responsibility program with output-based performance standards. There has been support for this from industry with several retailers and manufacturers offering take-back programs. It is recommended that the Province gather data from all points throughout the lifecycle to inform an effective path forward for diverting these materials.

Making producers responsible for their waste

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How do you think the Blue Box Program could best be transitioned to full producer responsibility without disrupting services to Ontario households?

Transition to extended producer responsibility should follow the plan and timeline proposed by M3RC (attached). In addition, producer's responsibility must not end with the blue box stream. Costs should be levied on producers for designated materials found in garbage or organics streams. This approach would help provide an incentive to create effective diversion programs and ensure that costs associated with managing materials in other streams are not unfairly borne by municipal taxpayers. A transparent and fair dispute resolution process will need to be developed to address disagreements between municipalities and producers.

Should it transition directly to producer responsibility under the Resource Recovery and Circular Economy Act, 2016 or through a phased approach?

It is recommended that the Province issue a directive to Stewardship Ontario to wind-up operations as soon as possible to begin the extended producer responsibility transition process for the Blue Box program to Resource Productivity and Recovery Authority.

Certainty is needed for municipalities, service providers and producers to make necessary infrastructure investments and business decisions.

When do you think the transition of the Blue Box Program should be completed?

Negotiations will need to continue between producers and municipalities on transition dates for specific municipalities, however, the transition to full extended producer responsibility should be completed for all municipalities by 2024. See the attachment for a detailed transition timeline from M3RC. Most municipalities have indicated support for this plan.

What additional materials do you think should be managed through producer responsibility to maximize diversion?

As outlined earlier in this response, common litter items such as coffee cups should be managed through producer responsibility programs to reduce litter in communities. The Province should consider designating branded organics, such as diapers. As outlined previously, Green Bin is one of the highest cost streams to manage, which is entirely borne by the municipal taxpayers.

Flushable products should also be designated for extended producer responsibility. Materials such as “flushable” wipes cause significant operational challenges and costs for wastewater infrastructure but municipalities currently have no regulatory tools at their disposal to manage the marketing or use of these materials nor any ability to recoup any of the costs associated with the negative impacts these materials have on sewage systems.

How can we make it easier for the public to determine what should and should not go in the Blue Box?

Variation in blue box materials is a result of municipalities attempting to maximize diversion. Standardization of Blue Box materials could help reduce confusion but it is recommended that harmonization include those materials currently accepted by most GTA municipalities. Significant deviation from existing programs will impact the Province’s ability to achieve diversion targets and result in high contamination rates. In addition, a significant portion of confusion related to blue box items is a direct result of misleading labels and composite packaging materials used by producers. Clear requirements should be put in place so that producers are mandated to provide effective labelling and education to ensure residents understand what can and can’t go into the Blue Box.

How should the province implement the transition process of its existing programs to producer responsibility without interrupting service?

It is recommended that the Province follow the guidance on the transition process provided by M3RC (attached). Municipalities are the sector with the greatest expertise on providing waste services to residents and are in the best position to identify a transition process that will not result in gaps in service for Ontario residents.

Reduce and divert food and organic waste

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What can be done to increase the safe rescue and donation of surplus food in Ontario?

The Province could support food rescue by leveraging and raising awareness of existing tools such as Second Harvest's foodrescue.ca website, which connects those with surplus food to groups that can use it.

It is recommended that the Ministry of Health develop and implement food safety guidelines to help ensure rescued or donated food can be accepted and used by agencies in a safe manner. Public Health departments and community agencies that accept these foods should be included in the development process to ensure the guideline reflects operational challenges for each step in the process.

What role do you think government and industry can play in raising education and awareness on the issue of food waste?

It is recommended that the Province and industry leverage materials created by the Ontario Food Collaborative. This group has developed standardized promotion and education tools to create consistency in messaging across various jurisdictions and industries for the municipal sector that has proven to be effective. This program could be expanded to include targeted messaging for various IC&I sectors that could be leveraged province-wide.

Do you think the province should ban food waste? If so, how do you think a ban would be best developed and implemented?

Timelines for enacting any food waste ban must be based on when sufficient processing capacity could be brought online. Currently, there is a significant shortage of organics processing capacity in Ontario. A disposal ban for food waste can only be implemented once sufficient organics capacity has been brought online to process Green Bin materials generated across Ontario. The discussion paper identifies that the Province intends to require specific sectors to recover 70% of their food waste by 2025, however there isn't sufficient processing capacity in development to achieve this target. Further, it would be impossible to bring sufficient capacity online by 2025 under current Ministry

approval processes. Streamlining environmental assessment and permitting processes for organics processing facilities would be the only way to bring the processing capacity required online in a timely manner.

If there isn't sufficient processing capacity, municipalities and waste collectors would be forced out of compliance due to factors beyond their control. Landfill disposal capacity should also continue to be a contingency option available if processing interruptions are experienced.

Any requirement for municipalities or waste collectors to enforce an organics ban at the point of collection would be impossible to achieve based on how waste is collected, representing an unfair regulatory burden. Any landfill ban for organics must be enforced through audits at the point of generation by the Province, given their ability to enforce requirements with all generators.

Setting ambitious targets for the IC&I sector is likely the better option to reduce the quantity of organics sent to landfill as this will drive innovation and increased organics processing capacity within the Province. This could also result in collaboration and/or partnership opportunities with municipalities for organics processing capacity within the Province.

Reduce plastic waste going into landfills and waterways

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What do you think is the most effective way to reduce the amount of plastic waste that ends up in our environment and waterways?

It is recommended that the Province designate materials that are common sources of litter under extended producer responsibility that includes litter found in public spaces.

It is also strongly recommended that the Province look beyond waste streams to address plastics that end up in waterways. There are many items that are sold in Ontario that are marketed as "flushable" such as flushable wipes. Municipalities have consistently indicated to manufacturers that these products result in operational problems for wastewater systems and infrastructure. It is recommended that the Province carefully consider enacting a ban on marketing products other than toilet paper as flushable to help reduce the costly impact associated with repair and maintenance of wastewater infrastructure due to clogged pipes, pumps, and impellers.

What role do you think the various levels of government should play in reducing plastic waste?

Provincial and federal governments are the only levels of government with the legislative authority to address products supplied into the marketplace and are in the

best position to reduce plastic waste. Region staff recommend the following Provincial and Federal roles:

- Provincial: Timely transition to extended producer responsibility will be key to driving greater reduction/recyclability of plastics. Currently, there is little incentive to manufacturers to design packaging for recyclability,. Extended producer responsibility with strong targets would provide a greater incentive.
- Federal: National targets for recyclability be developed, requiring manufacturers ensure 70% of all plastic packaging be reused or recycled. This should be combined with targets for 50% average recycled material content for plastic packaging to help stimulate recycling markets for plastic packaging.

It is also recommended that Provincial and Federal governments collaborate on development of packaging guidelines for manufacturers. Guidelines will help manufacturers make decisions on packaging design for recyclability and reduce the supply of packaging into the market that is not recyclable.

Would a ban on single-use plastics be effective in reducing plastic waste?

Region staff would be supportive of restrictions such as bans on single-use plastics at the provincial level to provide consistency across jurisdictions. Bans need to be carefully considered, and proposals should be completed in consultation with all stakeholders including disability advocates as these groups may have unique needs (e.g. require straws due to a disability). Bans on other items may be able to be avoided through minor product changes, for example a ban on black plastic food trays may not be necessary if manufacturers agreed to produce these food trays in a different color to make them compatible with most blue box sorting facilities. Whatever the mechanism or tool is used, the outcome should result in high-value and more durable packaging that can be reused and then recycled.

Ultimately, focusing on reduction is the best way to ensure these products do not become an issue in the natural environment. It is recommended that research be performed that focuses on best practices for incenting behavior change that drives reduction and reuse. This research could be funded by producer responsibility programs as a tool to help achieve their collective targets.

What are your views on reducing plastic litter through initiatives such as deposit return programs?

In order to maintain resident participation rates, producers should not be permitted to develop deposit return programs for materials well managed via the Blue Box system. However, deposit return could be a useful tool for items that are low-value or difficult to manage. For example, coffee pods are very difficult to manage in Blue Box or Green

Bin programs. Some manufacturers have already developed return programs, which provide a better option to manage these materials.

Reverse vending machines could be a useful option to manage challenging materials like coffee cups in public spaces or other litter hotspots as these machines have the potential to incent less litter and provide a cleaner and dedicated stream for difficult to recycle materials.

Provide clear rules for compostables

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How do you think compostable products and packaging should be managed in Ontario?

It will be critical that compostable products and packaging not be used by producers as a solution to avoid costs associated with extended producer responsibility under the Blue Box program. It is recommended that compostable products be designated and compostability standards be developed, as outlined in the following responses.

Should producers of compostable products and packaging be held responsible for the management and processing of their materials?

It is recommended that compostable/degradable packaging and branded organics be designated under the *Resource Recovery and Circular Economy Act, 2016*. While Blue Box materials will be designated, compostable/degradable products will not. This limited approach has the potential to result in some manufacturers shifting products/packaging to Green Bin streams, which are far more expensive for municipalities to operate and are entirely funded by taxpayers. Designating compostable/degradable products will help ensure that only products that are a proper fit for Green Bin programs are added.

What role do you think standards and facility approvals should play in the proper management of compostable products and packaging?

It is recommended that the Province develop “Green Bin compostable” standards that ensure that any materials labelled as compostable in Ontario will effectively break down in existing municipal Green Bin programs. Standards must be based on infrastructure and processes that currently exist in Ontario. Organics processing facilities are large and complex systems that cannot easily change their processes without incurring significant operational and capital costs. Municipalities have invested hundreds of millions in capital costs alone in organics processing facilities and operating costs of Green Bin programs are among the highest of all waste streams. Requiring costly changes to facilities and processes to fit the compostable product market does not demonstrate respect for taxpayers and would act as an economic disincentive for

groups to bring on additional processing capacity. Standards for compostability must be based on what will effectively breakdown in existing systems.

Recover the value of resources

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What role do you think chemical recycling and thermal treatment should have in Ontario's approach to managing waste?

Thermal treatment is a proven option that provides a beneficial use for materials that would otherwise be landfilled by generating electricity. It is recommended that the Province include recovery in diversion calculations as this would provide a greater incentive for thermal treatment.

Thermal treatment with energy recovery studies performed under the Provincially approved Environmental Assessment found that the Durham York Energy Centre reduced greenhouse gas emissions relative to landfill disposal. This result is consistent with numerous other peer-reviewed studies. In the Ontario context, when electricity generation is taken into account, energy from waste offsets approximately 0.8 tonnes of carbon for every tonne of waste processed, as compared to landfill.

What types of waste materials do you think are best suited for thermal treatment?

Thermal treatment should be Provincially-supported to manage the residual portion of the waste stream once other reduction, reuse, and diversion efforts have been maximized. Thermal treatment should not be used as a replacement for fiscally-responsible diversion efforts, where markets exist for end-products.

How can we clearly and fairly assess the benefits and drawbacks of thermal treatment?

It is recommended that thermal treatment be assessed in a manner that considers system-wide impacts. This should include costs and environmental impacts resulting from all phases of the process and any processes it would offset (e.g. energy generation using fossil fuels), compared to corresponding impacts of other practical options. Health impact assessments should consider these broader impacts as well.

Are there obstacles in the current regulatory requirements and approvals processes that could discourage the adoption of technologies such as chemical recycling and thermal treatment? How can we maintain air standards and waste management requirements in addressing these obstacles?

Thermal treatment facilities in Ontario are subject to rigorous environmental assessment and approvals processes that appropriately address environmental and air quality concerns. The Durham York Energy Centre, a state of the art facility, required more

than 10 years and millions of dollars to complete the environmental assessment process and obtain approvals.

Ontario Regulation 101/07 Waste Management Projects, declared certain types of new and expanding energy from waste facilities eligible for the streamlined Environmental Screening Process. York Region staff recommend that the Province demonstrate its commitment to both streamlining approvals and energy from waste by ensuring the streamlined Environmental Screening processes can be effectively leveraged by proponents. This could be accomplished by considering the full array of analysis already performed under previous environmental assessment processes when determining whether to elevate the assessment of expansions to energy from waste projects to avoid undue burden, costs, and project delays.

How can we best work with municipalities and stakeholders to integrate new soil reuse rules and other best practices into operations quickly, and to continue to develop innovative approaches to soil reuse and management?

It is recommended that the Province move ahead with implementation of excess soil regulatory proposals and guidelines. These were developed in collaboration with the development/construction industries, municipalities, and environmental groups. Moving ahead with implementation will help provide clarity to all stakeholders.

Support competitive and sustainable end markets

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What changes to the approvals process do you think would best facilitate a reduction in waste going to landfills?

Currently, there is very little available capacity in Ontario for processing of recyclables and organics. The capacity problem is further compounded by the cost and time required (often nearly 10 years) to bring new capacity online and the varying approvals processes required for different technologies such as aerobic composting and anaerobic digestion facilities. If the Province plans to increase recycling and organics diversion beyond the municipal sector, significantly more capacity will be required than currently exists or is planned for Ontario. It is recommended that the Province streamline approvals processes for waste facilities, especially organics processing, otherwise it will be impossible to achieve the goals outlined in this discussion paper in a timely manner.

It is recommended that the Province also consider options to stimulate innovation and support development of local and sustainable end markets. For example, an entrepreneur in New York City launched the [Curb-To-Market Challenge](#), offering \$100,000 cash and \$400,000 in equity for a business plan to create a domestic manufacturer using the City's recyclables, particularly those with smaller end markets. A

similar Ontario-based initiative could help stimulate local end markets by providing funding opportunities within the private sector. The Province should consider requiring producers contribute to a research fund under the RRCEA as a tool to help support development of a variety of Blue Box end markets and the domestic manufacturing industry.

What type of end-markets for resources from waste do you think Ontario is best positioned for?

Ontario is well positioned to create strong end markets for compost and digestate from Green Bin programs. Ontario has a large agricultural sector, a local market that could immediately make use this material as a replacement for chemical fertilizers. It is recommended that the Ministry work with the Ministry of Agriculture, Food, and Rural Affairs identify best practices for use of different types of compost/digestate and promote its use within the agricultural community. Strengthening the agricultural market for these materials would provide a low cost soil amendment to Ontario farmers and would help offset the costs of organics programs.

Recycling cannot subsist purely on international markets, local markets need to be developed. As a base of manufacturing, Ontario is well suited to develop local markets for recycled materials, especially metals and plastics. Encouraging local manufacturers to use recycled materials, such as creating recycled content requirements, would drive investment in local markets. In addition to strengthening local markets, this would help manufacturers reduce the carbon footprint of their products.

How do you think municipalities should be given more of a say in the landfill approvals process?

While Region staff support Provincial efforts to provide municipalities a greater say in the landfill approvals process, there must be recognition under Provincial approvals processes of the need for disposal of non-divertable materials. This can be partially mitigated through high diversion targets for the IC&I sector, which is likely to reduce reliance on landfill for the IC&I sector. While thermal treatment of waste provides a potential option to further reduce landfill requirements, landfills will still be required to manage the ash from these facilities. Residual waste disposal will be required for the foreseeable future, it will be critical that the Province clearly identify practical ways to develop landfill capacity in Ontario to manage this ongoing need.