

23 June 2020

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Ministry of the Environment, Conservation, and Parks (MOECP)
40 St. Clair Ave. W, Foster Bldg. 8th Fl.
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RE: RRCEA Regulations: Blue Box Transition / PPP

The undersigned environmental and health organizations fully support your government's desire to transition Printed Paper and Packaging (PPP) and the Blue Box Program to full Extended Producer Responsibility (EPR) in Ontario.

We have long been actively engaged with the Ministry, industry, municipalities, and other stakeholders in supporting the adoption of the *Resource Recovery and Circular Economy Act* (RRCEA) framework and, in particular, the proposed regulation for PPP.

The proposed EPR regulation for PPP in Ontario provides opportunity to improve performance of the Blue Box Program and expand PPP waste reduction and recycling outcomes beyond the residential sector for the province. However, these outcomes will only be realized with effective regulation

Despite being given little opportunity to participate in the closed sector-specific consultations, we have gathered background materials and understand that the Ministry has grouped key provisions into five categories.

In addition to achieving the Provincial Interests as set out in the RRCEA, we also understand that there are two distinct phases associated with the design and implementation of PPP regulation:

- Phase I begins directly with the transition of the existing Blue Box Program.
- Phase II begins post-transition when producers are fully responsible for the obligations related to PPP they sell into Ontario's marketplace.

The following recommendations are offered under a similar structure and associated with key elements critical to achieve an effective PPP EPR Regulation.

Key regulatory principles that guide these recommendations:

- No backsliding on existing levels and breadth of service and performance during transition, and continuous improvement post-transition.
- Comprehensive data reporting to ensure transparency and accountability.

- Producers are individually responsible and have complete freedom of choice to manage their obligation through competitive Producer Responsibility Organizations (PROs) and/or supplemental compliance where possible.
- Scope out the responsibility to improve PPP waste reduction where it is most needed, and where there is the most economic and environmental gains (the non-residential sector).
- Set standards to ensure PPP materials maintain their highest and best use for reintegration into production.
- Targets should be set high and increase over time to facilitate continued environmental benefit and enhanced economic opportunity.
- Each PPP sub-material type should have performance targets and stand on its own merit, and costs should not be subsidized by other better performing or valuable material.

Category 1: Collection and Accessibility - Performance

Key regulatory principles:

- No backsliding on existing levels and breadth of service and performance during transition, and continuous improvement post-transition.
- Producers are individually responsible and have complete freedom of choice to manage their obligation through competitive Producer Responsibility Organizations (PROs) and/or supplemental compliance where possible.

During transition:

- Collection and accessibility requirements should be set at current (2019) levels to ensure no backsliding in service and/or performance.
- All current (2019) PPP residential collection points, including curbside pick-up at single-family or multi-residential homes, depots, or other collection or consolidation sites serviced by any size of municipalities, First Nations, and/or subcontractors should continue to be serviced during transition.
- An arbitrary 25 percent of market thresholds, which we do not support, for prospective PROs to achieve to be part of the common collection system could favour the establishment of a single PRO.

Post-transition:

- All communities with populations between 2,000 and 5,000 residents should continue to receive curbside collection if it was provided in 2019, or be provided with depots or other drop-off collection options within a 20-minute drive.
- Expand accessibility and collection services to include open spaces, parks and all additional schools in 2026.
- Expand services to including all PPP sources, including non-residential, by 2030.

Pre- and post- transition:

Supplemental collection channels:

- All producers and PROs be allowed to establish supplemental collection channels (outside of the common collection system) to support their ability to comply with performance requirements, as long as the material collected by the supplemental channel are managed within by the prescribed management standards and verified through audit.

Alternative collection channels:

- All producers and PROs should be allowed to continue and/or establish alternative collection channels, and be exempt from the common collection system as long as the material claimed toward performance can be verified and is managed by the prescribed materials management standards.

Category 2: Reporting and Registration

Key regulatory principle:

- Comprehensive data reporting is essential to ensuring transparency and accountability.

During and post- transition:

- Require data collection and reporting of all PPP supplied (residential and non-residential) into Ontario, and all materials collected, reused, and processed by individual producers.
- Require PROs to register and confirm their member producers.
- Require no set limits on the number of producers needed to establish a PRO that wish to be part of the common collection systems or alternative or supplemental collection system.
- Require individual producers (not part of PROs) and PROs to report tonnes collected and processed by material type (as per targets).

- Require RPRA to publicly report provincial data for each material category and sub-category, including overall PPP diversion rate and individual rates by material category and sub-category.
- Require reporting details on any PPP that contain toxic substances, including the group of polybrominated diphenyl ethers (PBDEs) and short chain chlorinated paraffins (SCCPs) that are used as softeners in plastics, to ensure safe processing and prevent recirculation through recycling producers.
- Require all service providers – including municipalities, private sector collectors, and processors – to report materials collected, transported, processed, and disposed of by sub-category material type.
- Require all producers and PROs that establish alternative/supplemental collection systems to report tonnes collected and processed by sub-material type.
- Require all materials to be reported by weight, or in the case of reuse, weight equivalents.

Category 3: Definition of Designated Materials – Scope

Key regulatory principle:

- Scope out the responsibility to improve PPP waste reduction where it is most needed, and where there is the most economic and environmental gains (the non-residential sector).

We suggest the Ministry adopt the definition of PPP used by the EU Packaging Directive and the full list of printed materials currently covered under the *Waste Diversion Transition Act*. Furthermore, during the transition, regulation should narrow the scope to materials sold into the residential sector; and expand the scope to include all materials, irrespective of where they are consumed in the province, by 2030. Collective coverage should also be increased in phases over five years from 2026 – 2030.

Category 4: Materials Management

Key regulatory principle:

- Set standards to ensure PPP materials maintain their highest and best use for reintegration into production.

Thermal treatment and any form of energy-from-waste that destroys resources should not be considered diversion in any way, and should be discouraged and phased out as a management approach for PPP.

Material management standards should only recognize reuse, recycling, and composting as activities that count toward performance requirements. Residuals disposed of (landfill or thermal management) during sorting or processing activities should not count toward targets. Management standards should employ the highest and best use of materials, which recognizes only those applications where materials are either repurposed in their current state or if changed materials inherent to them are reintegrated into the production of new products. For example, this would negate application like landfill cover and or road aggregate.

The following definitions should be used to describe management approaches that can count toward performance requirements for reuse and recycling:

Reuse: *material or product used for its original purpose or function more than once.*

Mechanical Recycling: *material is mechanically and/or chemically processed into raw materials for the purpose of reintegration back into production.*

Chemical Recycling: *any recovery operation by which waste materials that are unfit to be mechanically recycled are reprocessed into building blocks of a material of higher quality than the waste input.*

This does not include processes where plastic is converted to a fuel, such as pyrolysis or gasification. Pyrolysis and gasification should be considered energy-from-waste and not count towards diversion targets.

Composting: *material is recycled through digestion or composting.*

Reuse activities should be measured and counted as weight equivalents. For example, the weight on an empty container is used to calculate the recycling equivalence when refilled.

Post-Consumed Recycled Content:

While encouraging and recognizing the use of post-consumed recycled (PCR) content is critical to increasing the value of collected materials and expanding sustainable recycling markets, we do not support their use as reduction in or as a credit for producer processing targets. Instead, we encourage the Government of Ontario to mandate minimum PCR content in PPP supplied into Ontario and in within their own procurement requirements.

Category 5: Targets

Key regulatory principles:

- Targets should be set high and increase over time to facilitate continued environmental benefit and enhanced economic opportunity.
- Each PPP sub-material type should stand have performance targets and on its own merit, and costs should not be subsidized by other better performing or valuable material.

Producers or PROs that wish to scope out their responsibilities on a material and or product basis, that expand beyond residential to include the Industrial, Commercial, and Institutional sector and include target commitments that are progressive and increase annually they should be allowed to do so in the regulation.

In this regard we would support the beverage industry in its commitment to set its own independent target of all container sold in Ontario starting 75 percent in 2026. We recommend that this target be increased at a 5 percent year over year to be consistent with continuous improvement principles and treatment of other material categories.

Targets should be set and reported by materials and sub-material category as per the following:

Material Category	Materials Sub-Category	Processing Targets				
		2026	2027	2028	2029	2030
Metals	Aluminum	60%	65%	70%	75%	80%
	Steel					
Paper (Fibre)	Boxboard	80	85	90	90	90
	Corrugated Cardboard	80	85	90	90	90
	Paper	80	85	90	90	90
	Newsprint	80	85	90	90	90
	Magazines	80	85	90	90	90
	(Other) Paper Laminates	80	85	90	90	90
Polycoat	Aseptic Cartons	40	45	50	55	60
	Gable Top Containers	40	45	50	55	60
Plastics	HDPE (1)	55	60	65	70	75
	PET (2)	55	60	65	70	75
	LDPE (3)	40	50	55	55	60
	Polypropylene (5)	40	45	50	55	60
	Polystyrene (6)	40	45	50	55	60
	Other (7)	40	45	50	55	60
Compostables	Plastic	40	45	50	55	60
Glass Beverage Containers	Colour and clear combined	65	70	75	80	85
	Aluminum	75	80	85	90	95
	Plastic	75	80	85	90	95
	Glass	75	80	85	90	95

We believe these principles and provisions support our collective objectives for the Blue Box Program and broader PPP EPR, and suggest they be built into the forthcoming regulations under RRCEA transition.

Thank you for accepting this submission, and we would be pleased to have an opportunity to discuss our suggestions at your earliest convenience.

Yours Sincerely,



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