

Residential Blue Box Program – Proposed Producer Responsibility Regulation

Public Works Committee

November 10, 2020

Background

- Ontario is shifting to a full producer responsibility model for the residential Blue Box Program.
- Timelines specific to new Blue Box Regulation:
 - **Oct. 19 to Dec. 3, 2020– Consultation on Draft Regulation**
 - 2021 – Approval of Regulation
 - 2021 - 2022 – Stakeholders organize and prepare for producer responsibility
 - 2023 - 2025 – Producers take full responsibility from communities
- Concurrent Wind-up for Existing Blue Box Program:
 - **Sept. 30 to Nov. 10, 2020 – Resource Productivity and Resource Recovery Authority (RPRA) consulting on Stewardship Ontario (SO) Blue Box Transition Plan**
 - 2020 – RPRA approves plan by Dec 31
 - 2021 – 2025 – SO implements plan and each community continues to be 50% funded until they transition to producer responsibility, with all communities transitioning by the end of 2025

Regulations

Ministry of Environment, Conservation and Parks (MECP) has addressed the following in the proposed Blue Box regulation:

1. Definition and scope of designated materials;
2. Determining responsible producer;
3. Collection and accessibility requirements;
4. Management requirements that producers must meet; and
5. Transition Schedule – the timing of when communities will transition from the current Blue Box program to the producer responsibility framework under the Resource Recovery and Circular Economy Act (RRCEA) in each of 2023-2025.

Designated Materials

DESIGNATED

The following items made from paper, metal, glass, plastic, or any combination of these materials including:

- Packaging
- Printed and unprinted paper
- Non-alcoholic beverage containers
- Single-use packaging-like products such as foils, wraps, trays, boxes, bags
- Single-use items such as straws, cutlery, plates and stir sticks
- Compostable materials (for reporting requirements only)

NOT INCLUDED

- Any materials designated under a different diversion regulation (e.g. tires, batteries, Electronics and Electrical Equipment, Municipal Hazardous and Special Waste)
- Items intended for disposal in sewage works (e.g. toilet paper)
- Paper fibres used for sanitary purposes (e.g. paper towels, napkins),
- Blue Box packaging that cannot be easily separated from hazardous waste,
- Containers used to contain waste (e.g. garbage bags)
- Books and hardcover periodicals
- Alcoholic beverage containers or their associated packaging (under the existing Ontario Deposit Return Program)

Responsible Producer

- Proposing a cascading hierarchy to ensure the person with the closest connection to the designated products and packaging is made the responsible producer.
- Captures retailers that are located outside of Ontario but who supply designated products and packaging to Ontario consumers through the internet.
- Producers with less than \$2 million in sales annually would be exempt.
- The Province has also included a weight based factor as well which would exempt those with more than \$2 million in sales annually if they supply less than the prescribed weight.

Common Collection System

- Includes requirements for producers to establish collection services to all eligible sources through a common collection system.
- Producers would be required to collect a consistent set of materials across the Province (i.e. all designated materials).
- Alternatives to the common collection system are permitted provided certain requirements are met.
- Requires producers or any Producer Responsibility Organizations (PROs) to send all collected material to a registered processor.
- The proposed regulation would require the development of an annual allocation table, according to which the common collection system would be delivered.

Collection/Service Requirements

- Eligible sources include:
 - Permanent and season dwellings;
 - Multi-unit residential buildings;
 - Public and private schools;
 - Long term care and retirement homes; and
 - Specified public spaces.
- Industrial, Commercial & Institutional (IC&I) sector is not included; however the Province intends to move forward on the IC&I waste framework.
- Producers to maintain the same collection service types, standards and levels as delivered by the local municipal program until December 31, 2025.
- As of January 1, 2026, the service standards as contained in the proposed regulation would apply to the relevant eligible sources.

Collection/Service Requirements (cont'd)

Curbside Collection

- Curbside collection to those municipalities that provide that service.
- Blue Box collection at least every other week.
- Curbside collection must be collected within a single day.
- Blue Box receptacles to each residence and at least one replacement per year upon request.

Depot Collection

- Provide as many depots as there are garbage collection depots and have similar operating hours.
- One container and one replacement per year upon request.

Collection/Service Requirements (cont'd)

Facilities (e.g. schools, long term care)

- Provide the Blue Box receptacles needed until material is collected.
- Receptacles collected prior to being full.
- Provide any replacements of receptacles.

Public Spaces

- Provide collection at defined public spaces only where the community provides garbage collection containers (excludes streetscapes outside business improvement area)
- Recycling receptacles must be twinned with garbage containers.
- Receptacles at parks will be required to be collected year round and located at entry or exit points and other areas where people congregate.
- Provide replacement as required.

Management Requirements

- Require producers to achieve diversion targets based on the weight of Blue Box materials they supplied to consumers.
- Introduces recycled content credits.

Material Category	Proposed Target: 2026-2029	Proposed Target: 2030 onward
Paper	90%	90%
Glass	75%	80%
Metal	67%	75%
Rigid Plastic	55%	60%
Flexible Plastic	30%	40%
Non-Alcoholic Beverage Containers	75%	80%

Transition Schedule

- The preferred municipal transition dates were taken into consideration while trying to balance net program costs and materials managed over the three years.
- Niagara Region has been identified to transition in 2024.
- No specific date has been identified in 2024 and it is anticipated municipalities would transition throughout the year identified.
- The Province will consult on specific dates and they will be included within the final regulation.

Comments

- Niagara Region has been advocating for the transition of the Blue Box to a producer responsibility framework for many years and is pleased the Province is moving forward with this initiative.
- With the proposed Blue Box regulations, the Province responded to many of the concerns identified by municipalities including the following:
 - A broad list of designated materials to be collected and managed by producers
 - The harmonized approach to material collected throughout the province as this will help reduce confusion for residents and increase efficiencies related to promotion and education material.
 - The inclusion of multi-residential, public and private school, long term care, retirement homes, etc. and specified public spaces as eligible spaces.
 - The three year transition period with one-third of municipalities transitioning at a time, helping to modulate the cost of the program to producers.
 - That the curbside collection system must remain in place for the existing programs and expanded where possible.

Comments (cont'd)

There are some items that Staff consider have not been adequately addressed in the regulation that Staff would propose to include in comments to the Ministry on behalf of the Region as highlighted below and on next slides:

- Producers should be required to collect from community events held in public spaces where there may be a need for receptacles or an increase in receptacles and receptacles outside the business improvement areas.
- The Province or producers should fund volunteers to sort waste at community events.
- Niagara Region supports the inclusion of multi-residential, facilities including schools, long term care homes and public spaces as eligible sources but also recommends the inclusion of public facing municipal buildings (ex. libraries, community centres).
- Niagara Region does not support the exclusion of books and hardcover periodicals.
- Niagara Region recommends that wording in the proposed regulations be added to ensure producers are collecting and recycling any broken and/or damaged receptacles.

Comments (cont'd)

- Niagara Region requests designating all packaging, whether it is recycling or compostable.
- Producers should pay for management of designated materials regardless of the stream in which they end up.
- Paper products intended for hygienic use (paper towels) diverted as part of the Green Bin or other designated materials diverted through other systems should be an eligible program cost for which municipalities should receive payment and appropriate targets/measurements should be developed.
- Niagara Region supports the continuation of curbside services to those municipalities currently receiving curbside service; however, is concerned with the requirement to provide collection at a minimum of every-other-week.
- Consumer convenience should be maintained or improved, and access to existing services should not be negatively impacted by any changes to Blue Box program.

Comments (cont'd)

- Individual sectors (low density residential, IC&I, multi-residential) and materials should have their own measurable targets and metrics.
- Concerns with inclusion of recycled content credits.
- Inclusion of positive incentives to go beyond minimum targets in addition to penalties for producers not meeting targets.
- Payment of net verified costs (actual municipal costs) from SO should be increased to 75% in year one increasing annually until transition is complete.
- Transition plans particularly for the Blue Box program must address municipal contracts and assets and how to avoid stranded assets.
- Performance audits for producers are required every three years under the proposed regulation. Niagara Region recommends that they be annual, similar to the Beer Store and LCBO.
- Niagara Region supports amendments to Regulations 101/94 to remove municipal Blue Box requirements.

Next Steps

- **Regulations**

- Niagara Region will continue to advocate for regulations that support best-practices.
- Submission of comments to MECP.

- **Municipal Role**

- It is expected that producers will be interested in having municipalities provide Blue Box services on their behalf, should mutually agreeable terms be negotiated. These discussions would start once the Blue Box regulation is finalized.
- Niagara Region will need to decide whether to continue to collect non-designated material after full transition of the Blue Box program.

- **Mitigating risks**

Questions?