

## **Comments on the Proposed Blue Box Regulation**

The following is a preliminary outline of the comments proposed to be provided by staff on behalf of the Region regarding the Proposed Blue Box Regulation

1. 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 during events. The Province or producers should provide funding for volunteers to help sort waste properly at events.
2. Niagara Region supports the inclusion of multi-residential properties, facilities, schools and public spaces as eligible sources; however, Niagara Region also currently provides collection to small to medium industrial and commercial buildings and at a minimum the proposed regulations should include public facing municipal buildings such as libraries, community centres etc. Niagara Region also provides street litter receptacle collection outside the business improvement areas and would request inclusion of this in the regulations.
3. Niagara Region supports the expanded list of designated material to include materials such as straws, cutlery, wraps, laminated packaging etc., however, is not supportive of the exclusion of soft cover and hard cover books. Soft cover books and hard cover books (with cover removed) are currently accepted in Niagara Region's Blue Box program and should continue to be diverted through re-use or recycling.
4. A product designed for the containment of waste is not included in the list of proposed designated materials and although the proposed regulations specify that producers must replace receptacles used for the storage of material at least once a year upon request, it does not include language around the responsibility of producers to collect and recycle broken and/or damaged receptacles. Niagara Region recommends that wording in the proposed regulations be added to ensure producers are responsible for the collection of any broken and/or damaged receptacles and recycling same.
5. Niagara Region requests the Province designate 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. Niagara Region appreciates that producers of compostable products are subject to reporting requirements but Niagara Region recommends that compostable packaging/products should also be designated and thereby subject to all requirements set out in the proposed regulations.

6. Fibre such as paper products intended for hygienic use (paper towels) diverted as part of the organics stream or other obligated/targeted materials diverted through other systems should be an eligible program cost for which municipalities should receive payment and appropriate targets/measurements should be developed.
7. 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. If a producer chooses to collect recycling every-other-week after January 1 2026, it would be a reduction in service to Niagara Region residents. A reduction in service could result in designated material being placed in other waste streams collected by Niagara Region. Producers should pay for the management of the material anywhere in the waste management system.
8. Consumer convenience should be maintained or improved, and access to existing services should not be negatively impacted by any changes to Blue Box program. Niagara Region has concerns that alternatives to the common collection system may result in a decrease in convenience and or negatively impact access to services.
9. Niagara Region encourages inclusion of positive incentives to go beyond minimum targets in addition to penalties for producers not meeting targets. Incentives supporting the use of secondary materials over virgin material such as tax incentives or other financial benefits would support and recognize producer efforts. Targets should be re-assessed on a pre-defined schedule and progress monitored to ensure continual improvement.
10. Niagara Region's position is that individual sectors should have their own measurable targets and metrics (LDR, ICI and Multi-Residential). To increase program effectiveness, Niagara Region supports individual recovery targets for individual materials rather than the six categories proposed in the regulations.
11. Niagara Region has concerns regarding the proposed recycled content credits and the producers' ability to reduce targets by using recycled content. The concern is some products like glass, aluminum already include recycled content and this could be incenting producers who already made this business decision and recycled content is difficult to verify.
12. To reduce financial impact on any municipalities who do not transfer in the early phase, payment of net verified costs (actual municipal costs) from Stewardship Ontario (SO) should be increased to 75% in year one increasing annually until transition is complete, through authority by the Minister. Niagara Region also does not support application of in-kind advertising (funding) for newspapers for either non-transitioned or transitioned municipalities.

13. Transition plans for the Blue Box program must address municipal contracts and assets and how to avoid stranded assets. Transition to a producer responsibility regime could lead to Niagara Region's Recycling Centre becoming a stranded asset depending on the strategies put forth to achieve producer responsibility. The transition plan must clearly address provision of fair market compensation for stranded municipal assets. Provisions for maximizing use of existing infrastructure should be included. For example, the plan should clearly incentivize use of existing facilities or otherwise potentially stranded assets (i.e. equipment, rolling stock, carts and boxes) and/or any amortized capital costs that extend beyond the transition date, should be factored into considerations for municipal compensation.
14. Performance audits for producers are required every three years under the proposed regulations. Niagara Region recommends that they be annually similar to the Beer Store and LCBO.
15. The municipal Blue Box requirements set out in Regulation 101/94 should be removed when municipalities transition.