
Subject: Residential Blue Box Program – Proposed Producer Responsibility Regulation

Report to: Public Works Committee

Report date: Tuesday, November 10, 2020

Recommendations

1. That staff **BE AUTHORIZED** to send comments on the proposed Blue Box regulation to the Ministry of Environment, Conservation and Parks (MECP) or before the close of the consultation period on December 3, 2020, following further internal and external coordination and analysis of the proposed regulation.

Key Facts

- The purpose of this report is to seek Council's support for the submission by staff of comments on the Blue Box regulation to the Ministry of Environment, Conservation and Parks (MECP) on behalf of Niagara Region.
- On October 19, 2020, the Province released a [proposed new regulation under the Resource Recovery and Circular Economy Act \(RRCEA\)](#). (<https://ero.ontario.ca/notice/019-2579>) and amendments to the Regulation 101/94 to the Environmental Registry of Ontario (ERO) for a 45-day comment period (see Appendix 2, 3 and 4 for a copy of the proposed regulation and supporting documentation).
- Staff have undertaken a review of the regulation, and have included an outline of preliminary comments for submission to MECP in Appendix 1, subject to further refinement as a result of ongoing analysis and consultation.
- The Blue Box regulation defines a timeframe for transition, ensures a common collection system, designates materials to be collected, standardizes materials accepted in the Blue Box, identifies eligible sources, sets effective targets and promotes increased diversion from the landfill.
- Under the proposed regulation, Niagara Region would transition from the current Blue Box program to the full producer responsibility model in the year 2024. A specific date within 2024 was not provided.
- Under the proposed regulation, the producer shall establish a collection and management system of designated materials and 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 and Niagara Region will engage in discussions

with producers to continue collection as part of the integrated collection system and report to Committee with a recommendation.

- Staff will continue to provide reports to Committee with further updates on the proposed legislative changes.

Financial Considerations

As stated in PW 23-2020, Stewardship Ontario (SO) is a not-for profit organization funded and governed by industries that are the brand owners, first importers or franchisors of products and packaging material, including those managed through the residential Blue Box Program. Under the current Blue Box Program, the municipal sector and SO each pay 50% of net residential Blue Box-related costs; however, Niagara Region's payment from SO has exceeded the 50% threshold over the last four years based on the funding formula which reflects good program performance.

The 50% payment structure would continue to be applied during the residential Blue Box Program transition period if a municipality has not yet transitioned. For Niagara Region, the 50% payment structure would continue until transition sometime in the year 2024.

As per PW 23-2020, taxpayers currently incur approximately \$8.2 million annually for residential recycling collection and processing net of the 50% blue box funding including the impact of the new contract costs with Miller Waste Systems Inc. (Miller) and GFL Environmental Inc. (GFL), which commenced on October 19, 2020 and expire March 5, 2028. If Niagara Region does not continue to provide collection and haulage service on behalf of the producers, the savings (estimated at \$8.2 million annually) attributable to not having to share recycling and processing costs may be eroded (at least initially) by costs to exit the component of the collection contract(s) related to the residential Blue Box Program. However, if Niagara Region does not provide residential Blue Box collection and haulage, Miller and GFL must make commercially reasonable efforts to re-deploy to other contracts or sell assets at fair market value. A formula was designed and included in the contracts to calculate the compensation payable by Niagara Region.

Additionally, even if municipalities provide collection and haulage service under contract to the producers, existing contracts may need to be amended to reflect the new service requirements, standards and other factors on which the payments by the producers will be determined. Under the proposed regulation, producers must maintain collection service types, standards and levels the same as delivered by the local municipal

program until December 31, 2025 and starting January 1, 2026, the service standards set out in the proposed regulation would apply.

The proposed regulation includes a transition schedule and Niagara Region is identified to transition in 2024. There is no specific date within 2024 identified; however, based on the formula within the curbside collection contract, a transition date of January 1, 2024 would result in an estimated maximum compensation payment of \$5,664,530.

Niagara will continue to be responsible and incur costs for non-eligible sources (e.g. the Industrial, Commercial and Institutional sector) of the Blue Box program. Collection of non-designated materials such as books and alcoholic beverage containers and associated packaging (which still make it into the Blue Box program despite the deposit return program) would also be at full cost to Niagara Region, if Niagara Region decides to continue to collect this material for recycling. The costs to continue to collect this material will be the subject of future analysis and reports.

Analysis

Background

Under the RRCEA, the Province is shifting to a full producer responsibility framework for products, packaging, and packaging-like products, making producers and brand holders accountable for recovering resources and reducing waste associated with products. The Waste Diversion Transition Act, 2016 (WDTA) allows for the products and packaging currently managed under existing waste diversion programs to be transitioned to the new full producer responsibility framework. The Resource Productivity and Recovery Authority (RPRA) was created to support the transition to a circular economy and waste-free Ontario through oversight of existing waste diversion programs, including the Blue Box Program, and the transition of recycling programs to full producer responsibility models per the RRCEA. The RPRA will be responsible for oversight and enforcement of the residential Blue Box regulation, ensuring that expected outcomes are met by producers.

As per PW 23-2020, in order to support development of the regulation associated with the framework, and to begin planning for transition, Association of Municipalities of Ontario (AMO) had requested that municipalities with residential Blue Box programs notify AMO and MECP of both preferred transition date and of intent to consider provision of collection, haulage, and/or processing of Blue Box materials on behalf of producers after transition.

As per report PW 23-2020, Niagara Region's preferred date to transition the residential Blue Box program to full producer responsibility is January 1, 2023, subject to cost benefit analysis when the Blue Box regulation is finalized and expressed interest in providing curbside and depot Blue Box collection and haulage services on behalf of producers, subject to mutually agreeable commercial terms, including service duration, beginning on January 1, 2023.

On October 19, 2020, the Province released a proposed new regulation under the RRECA and amendments to the Regulation 101/94 to the ERO for a 45 day comment period. Comments are due by December 3, 2020. Staff have undertaken a review of the regulation, and have included an outline of preliminary comments for submission to MECP in Appendix 1, subject to further refinement as a result of further analysis and consultation (which was ongoing as of the timing of the submission of this report to Committee).

Review of Proposed New Regulation

The proposed new regulation under the RRCEA makes producers responsible for collecting and managing the full life cycle of designated products and packaging.

The sections below provide a summary of key elements of the proposed new regulation. The full proposed regulation can be found in Appendix 2.

It is important to note that the proposed regulation would require 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 designated materials, eligible sources, service standards, etc. as contained in the proposed regulation would apply.

1. Designated Materials

The proposed regulation designates Blue Box materials under the RRCEA that producers would be responsible for collecting and managing which consists of 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

The list of designated materials under the proposed regulations is an expansion to the current designated Blue Box material with the addition of such materials as unprinted paper, foils, wraps, trays, bags, straws, cutlery, plates and stir sticks.

The regulation excludes materials that are subject to other producer responsibility requirements such as tires, batteries, electric and electronic equipment, municipal hazardous and special waste and pharmaceuticals and sharps. In addition, 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, garbage bags, books and hardcover periodicals and alcoholic beverage containers or their associated packaging which is currently handled under the existing Ontario Deposit Return Program are also excluded. Niagara Region currently accepts paperback books and hardcover books (with cover removed) and alcoholic beverage containers and their associated packaging in the Blue Box program. Niagara Region will need to decide whether to continue to collect this material after full transition of the Blue Box program if the final regulation does not include an expanded material list.

Under the proposed regulations, producers of designated materials would be responsible for collection, management, promotion and education, registration, reporting and auditing, except for producers of compostable products, which would only be subject to registration and reporting requirements. The Province has indicated this would allow them to gather more data on compostable materials while it works with stakeholders on a producer responsibility approach for these materials.

2. Responsible Producer

The regulation is proposing a cascading hierarchy of producers to ensure the person with the closest connection to the designated products and packaging is made the responsible producer. The regulation would capture 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 from collection and management requirements, as well as registering with RPRA and promotion and education requirements. The Province has also included a weight based factor as well

which would exempt those with more than \$2 million in sales annually from management requirements if they supply less than the prescribed weight.

3. Common Collection System and Allocation Table

The proposed regulation includes requirements for producers to establish collection services to all eligible sources through a common collection system where 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, such as higher diversion targets than the common collection system.

The proposed regulation would require 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, the purpose of which is to identify which producers are responsible for collection from which sources and according to which the common collection system would be delivered.

The regulation contains thresholds for size of PROs that can participate in negotiation of the common collection system.

4. Collection/Service Requirements

The Province has indicated that collection requirements in the proposed regulation have been structured to ensure there are continued collection services to eligible sources while also providing producers with flexibility on how they establish their collection systems. Eligible sources are permanent and season dwellings, multi-unit residential buildings, public and private schools, long term care and retirement homes, and specified public spaces.

By April 21, 2021, all communities with a program will need to register with RPRA and detail the services they provide (i.e. number of residences being serviced, how serviced, etc.).

The proposed regulation would require 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.

a. Curbside Collection

Those municipalities who have curbside collection retain curbside collection. Producers can offer depot collection if that what was in place prior. Blue Box material must be collected at least every other week and all Blue Box material set out for curbside collection must be collected within a single day. Producers are to provide Blue Box receptacles to each residence prior to the first day of collection and at least one replacement per year is to be provided within one week of request.

b. Depot Collection

Where producers provide depot collection, the regulation stipulates they need to provide at least as many depots as there are depots for garbage collection, have similar operating hours and one container provided prior to start of program and at least one replacement per that is to be provided within one week of request.

c. Facilities (e.g. Schools, Long Term Care)

Producers are required to provide Blue Box receptacles as needed for the storage of Blue Box material at the facility until it is collected, including insuring it has these receptacles before the first day of collection from the producer and providing any replacements within one week of the request. Producers must also collect the material before the receptacles are full.

d. Public Spaces

The proposed regulation requires producers to provide collection at public spaces only where the community provides garbage collection containers. Producers are to provide and ensure that Blue Box receptacles are placed next to every garbage receptacle at the public space and provide collection before the Blue Box receptacle is full. This includes street scape public litter bins located with a business improvement area. Where the public space is a park or playground, producers will be required to collect throughout the year and locate receptacles at entry or exit points and other areas where people congregate. Producers are to provide any replacements as requested by the eligible community within one week of the request and provide receptacles that are appropriate for the public space.

e. Management Requirements

The proposed regulation would require producers to achieve diversion targets (i.e. management requirements), based on the weight of Blue Box materials they supplied in one of six given material categories for the years 2026 to 2029 and 2030 and beyond. These targets are listed in Table 1.

Table 1: Proposed Diversion Targets

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%

Producers are to make their best effort to meet targets set out in the regulation during the transition period.

The proposed regulation introduces recycled content credits where a producer that uses recycled content sources from Blue Box materials would be allowed to reduce their supply for that material category for the next calendar year in proportion to the initiatives undertaken.

The proposed regulation would require performance audits for producers every three years and set out promotion and education requirements to educate consumers about producer-run Blue Box services.

Producers of compostable products are not subject the management requirements but are subject to reporting requirements.

5. Transition Schedule

The proposed regulation included a transition schedule that identifies the year eligible communities are to transition. Producers would be responsible for transitioning municipalities on or before the dates contained in the schedule. The schedule and map and geographical groupings are found in Appendix 3 and 4.

The preferred municipal transition dates were taken into consideration while trying to balance net program costs and materials managed over the three years. Of the 151 municipalities that indicated their preference, 63 received their preferred transition year.

Niagara Region has been identified to transition in 2024. It is important to note that no specific date has been identified in 2024 yet. The Province will consult on the proposed transition plan including the best way to determine the specific calendar date for each municipal transition. The transition schedule will be updated when the regulation is finalized and will include calendar dates for each transitioning program.

The proposed regulation would require producers to maintain service types, standard, and levels the same as delivered by the municipal program between 2023 and 2025.

6. Ontario Regulation 101/94

Ontario Regulation 101/94 sets out requirements for eligible municipalities to establish, operate and maintain Blue Box services. Implementation of the producer responsibility framework would make these requirements obsolete and therefore the Province will be required to make amendments to the Regulation.

7. Industrial, Commercial & Institutional (IC&I) Sector

The IC&I sector is not included in the proposed regulation as an eligible source; however, the Province has indicated they intend to move forward on the IC&I waste framework in the coming months and will include stakeholder consultation.

8. Municipal Role

There is no prescribed role for municipalities within the proposed regulation after transition. It was expected that municipalities would have the opportunity to provide the collection, haulage and processing of residential Blue Box materials and this may still be the case, but it is up to the producers to set up the collection and management systems that meet the standards set out in the proposed regulation.

Niagara Region Comments on the Proposed Regulation

Niagara Region has provided comments on the producer responsibility framework on various occasions. Appendix 5 contains Niagara Region's previous comments and identifies if they have been addressed and how in the proposed regulation.

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 schools, 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.

Niagara Region comments on the proposed regulation including areas of concern are found in Appendix 1.

Next Steps

The MECP will be hosting sessions to seek stakeholder feedback and input on the proposed regulation. Niagara Region will continue to participate in consultation sessions.

Niagara Region will submit comments on the proposed regulation, consistent with the themes presented in the preliminary comments found in Appendix 1, following further internal and external (ex. AMO) coordination and analysis of the proposed regulations

The Continuous Improvement Fund and Regional Public Works Commissioners of Ontario formed three steering committees to examine:

- Inbound contamination of Blue Box material with the goal of developing a consistent definition of inbound contamination and evaluating the impact contamination has on recycling operations;
- How new technologies could help reduce costs and improve operation efficiencies; and
- Municipal enforcement strategies that municipalities could implement to mitigate unintended consequences as the Province transitions to full producer responsibility.

The resulting work and reports from these steering committees are to assist municipalities' pre and post transition. Once these reports are finalized, staff will report back to Committee on any decision points, recommendations and associated financial impacts.

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. It is recommended that Niagara Region engage in discussions with producers to continue collection as part of the integrated collection system. As per PW 23-2020, this would be subject to Niagara Region's expectations that there would be:

- 100% payment by producers; and
- Reasonable and quantitative measures for standards and requirements related to collection and haulage that would be applied and overseen by RPRA as an independent entity.

Niagara Region anticipates completion of the Material Recovery Facility (MRF) Phase Opportunity Review in early 2021, which will inform how or if the MRF asset will be potentially divested and Niagara Region's potential role in processing services.

Alternatives Reviewed

No alternatives were reviewed as part of this report.

Relationship to Council Strategic Priorities

This report supports Council's Strategic Priority of Responsible Growth and Infrastructure Planning.

Other Pertinent Reports

- WMPSC-9-2019 A Made-in-Ontario Environment Plan
- WMPSC 32-2019 Modernizing Blue Box Program
- WMPSC-C 2-2020 Update on Provincial Initiatives for Extended Producer Responsibility
- PW 23-2020 Blue Box Program Transition to Full Producer Responsibility

Prepared by:

Sherri Tait
Program Manager, Policy, Planning &
Engagement
Waste Management Services

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Lydia Torbicki, Manager, Waste Policy and Planning, and reviewed by Dan Ane, Manager Program Financial Support, Brian Wilson, Legal Counsel and Catherine Habermehl, Director, Waste Management Services.

Appendices

Appendix 1	Comments on the Proposed Blue Box Regulation
Appendix 2	Proposed Blue Box Regulation
Appendix 3	Blue Box Transition Schedule: Explanatory Note
Appendix 4	Blue Box Transition Complementary Document: Map and Geographic Groupings
Appendix 5	Previous Waste Management Comments and How Addressed in Proposed Regulation

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.

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the content, structure, form and wording of the consultation draft are subject to change, and to editing and correction by the Office of Legislative Counsel. This draft is confidential and not to be shared.

CONSULTATION DRAFT

[Bilingual]

ONTARIO REGULATION

to be made under the

RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT

BLUE BOX

Part I

INTERPRETATION

Definitions

1. In this Regulation,

“annual allocation table” means the annual allocation table created in accordance with Part III;
(French)

“alcoholic beverage container” means,

- (a) a regulated container within the meaning of Ontario Regulation 13/07 (Ontario Deposit Return Program) made under the *Liquor Control Act*, and
- (b) any packaging that is provided exclusively for the use of a container described in clause (a); **(French)**

“blue box material” has the meaning provided for in section 2; **(French)**

“blue box packaging” means,

- (a) primary packaging, convenience packaging, or transport packaging that is provided with a product,
- (b) ancillary products that are provided with or attached to another product to facilitate that use of the product, and
- (c) products such as disposable straws, cutlery or plates that are supplied with a food or beverage product, that facilitate the consumption of that food or beverage product,

and that are ordinarily disposed of after a single use, whether or not they could be reused; **(French)**

“blue box receptacle” means a container, bin, cart, bag or other receptacle that holds blue box material, and from which blue box material is collected; **(French)**

“Blue Box Transition Schedule” means the document entitled “Blue Box Transition Schedule” dated [XX], as amended from time to time, and available on the Registry; **(French)**

“compostable materials” means materials that are designed to be managed at end of life through composting, anaerobic digestion, or other processes that result in decomposition by bacteria or other living organisms; **(French)**

“consumer”, in respect of blue box material means,

- (a) an individual who obtains blue box material, other than a non-alcoholic beverage container, for personal, family or household purposes and does not include a person who obtains blue box material for business purposes; and
- (b) a person who is the end user of the beverage contained in a non-alcoholic beverage containers and includes a person who uses the beverage for personal, family, household, or business purposes; **(French)**

“eligible community” means,

- (a) a local municipality or local services board that is not located in the Far North, or
- (b) a reserve,
 - (i) that is not located in the Far North, and
 - (ii) that has registered with the Authority in accordance with section 48; (French)**

“eligible source” means any residence, facility, or public space; **(French)**

“facility” means,

- (a) a building that contains more than one dwelling unit but that is not a residence,
- (b) a long-term care home licensed under the *Long-Term Care Homes Act, 2007*,
- (c) a retirement home licensed under the *Retirement Homes Act, 2010*, or
- (d) a public school or private school under the *Education Act*; **(French)**

“Far North” has the same meaning as in the *Far North Act, 2010*; **(French)**

“flexible plastic” means any product or packaging made primarily from un moulded plastic, such as plastic bags, films, wraps, pouches, or laminates; **(French)**

“franchise” has the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*; **(French)**

“franchisor” has the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*; **(French)**

“local municipality” has the same meaning as in the *Municipal Act, 2001*; **(French)**

“management requirement” means the minimum amount of blue box material, determined under section 34, that a producer is required to manage; **(French)**

“marketplace facilitator” means a person who,

- (a) contracts with marketplace sellers to facilitate the supply of the marketplace seller’s products by,
 - (i) owning or operating an online marketplace or forum in which the marketplace seller’s products are listed or advertised for supply, or
 - (ii) transmitting or otherwise communicating the offer or acceptance between the marketplace seller and a buyer, and
- (b) provides for the physical distribution of a marketplace seller’s products to the consumer, such as by the storage, preparation, or shipping of products;

“marketplace seller” means a person who contracts with a marketplace facilitator to supply its products; **(French)**

“material category” means the following categories of blue box material, determined in accordance with the Verification and Audit Procedure:

1. Glass.
2. Flexible plastic.
3. Rigid plastic.
4. Metal.
5. Paper.
6. Compostable material.
- 7. Non-alcoholic beverage containers; (French)**

“municipality” has the same meaning as in the *Municipal Act, 2001*; **(French)**

“non-alcoholic beverage container” means a container that is not an alcoholic beverage container and that is,

- (a) marketed to contain a beverage product,
- (b) made from metal, glass, paper, or rigid plastic, or any combination of these materials, and
- (c) sealed by its manufacturer; **(French)**

“packaging-like product” means any product such as aluminum foil, metal trays, plastic film, plastic wrap, wrapping paper, paper bags, plastic bags, cardboard boxes, and envelopes that,

- (a) is used for the containment, protection, handling, delivery, presentation or transportation of products, and
- (b) is ordinarily disposed of after a single use, whether or not it could be reused; **(French)**

“paper” includes printed and unprinted paper, such as newspapers, magazines, promotional materials, directories, catalogues, and paper used for copying, writing, or any other general use, other than,

- (a) hard or soft cover books,
- (b) hardcover periodicals, and
- (c) any paper that, at the time it is supplied to a blue box consumer, is blue box packaging or a packaging-like product; **(French)**

“permanent establishment” has the meaning,

- (a) assigned by subsection 400 (2) of the *Income Tax Regulations (Canada)*, in the case of a corporation, or
- (b) assigned by subsection 2600 (2) of the *Income Tax Regulations (Canada)*, in the case of an individual; **(French)**

“processor” means a person who processes, for the purpose of resource recovery, blue box material that was supplied to a consumer in Ontario; **(French)**

“producer” means the producer determined in accordance with Part II; **(French)**

“producer’s blue box supply” means blue box material supplied to consumers in Ontario as required to be reported in the previous year pursuant to section 45; **(French)**

“producer responsibility organization” means a person retained by a producer for the purposes of carrying out one or more of the following producer responsibilities relating to blue box material but does not include a processor retained solely for the purposes of processing blue box material:

1. Arranging for the establishment or operation of a collection or management system.

2. Establishing or operating a collection or management system.

3. Preparing and submitting reports; (French)

“public space” means any land in any park, playground, or any outdoor area which is owned by, or made available by, a municipality, and that is located in a business improvement area designated under the *Municipal Act, 2001* or by a by-law made under the *City of Toronto Act, 2006*; **(French)**

“reserve” means a reserve within the meaning of the *Indian Act* (Canada); **(French)**

“residence” means,

- (a) a single-unit residential dwelling, including a seasonal residential dwelling, in an eligible community, or
- (b) a building that contains more than one dwelling unit but receives garbage collection at the same frequency as single-unit residential dwellings in an eligible community; **(French)**

“resident in Canada” means having a permanent establishment in Canada; **(French)**

“resident in Ontario” means having a permanent establishment in Ontario; **(French)**

“retailer” means a business that supplies to consumers; **(French)**

“rigid plastic” means product and packaging made primarily from moulded plastic, such as food and product containers; **(French)**

“supplemental collection system” means a collection system in which blue box material supplied to consumers in Ontario is collected, other than a collection system established and operated under Part IV or Part V; **(French)**

“supply” means the provision of a product in any manner and includes sale, transfer, barter, exchange, distribution, rental, lease, gift or disposition; **(French)**

“Verification and Audit Procedure” means the document entitled “Verification and Audit Procedure” published by the Authority and dated [XX], as amended from time to time, and available on the Registry. **(French)**

Blue box material

2. (1) Subject to subsection (2), “blue box material” means material that is primarily made from paper, glass, metal, flexible plastic, rigid plastic or compostable material that is,

- (a) blue box packaging,
- (b) paper, or
- (c) a packaging-like product.

(2) “ Blue box material” does not include the following materials:

1. A material included in another designated class under section 60 of the Act as a material other than blue box material.
2. A pharmaceutical or sharp in respect of which there are collection or disposal obligations prescribed under Ontario Regulation 298/12 (Collection of Pharmaceuticals and Sharps - Responsibilities of Producers) made under the *Environmental Protection Act*.
3. A material included in the Municipal Hazardous or Special Waste Program, if that program is in operation under the *Waste Diversion Transition Act, 2016*.
4. A product designed for the containment of waste.
5. A health, hygiene or safety product that, by virtue of its anticipated use, become unsafe or unsanitary to recycle.
6. Blue box packaging that cannot be easily separated from hazardous waste within the meaning of Regulation 347 of the *Revised Regulations of Ontario 1990 (General - Waste Management)* made under the *Environmental Protection Act*.
7. An alcoholic beverage container.
8. Blue box packaging, paper or a packaging-like product for which Brewers Retail Inc. or the Liquor Control Board of Ontario would be the producer if it were not for this paragraph.

(3) For the purposes of Parts III, IV V, VI, VIII and Part IX, blue box packaging, paper or packaging-like product that would, but for this subsection, be blue box material in the material category that is compostable material is not blue box material.

Designated material

3. For the purposes of section 60 of the Act, blue box material is a designated class of material.

PART II

DETERMINATION OF THE PRODUCER

Producer, blue box packaging

4. (1) Where blue box packaging for a product is supplied in Ontario to a consumer, the producer of that blue box packaging shall be determined in accordance with the following rules:

1. For the portion of the blue box packaging of a product that was added by a brand holder of the product, the producer is,

- i. the brand holder of the product, if the brand holder is resident in Canada,
 - ii. if there is no person described in subparagraph i, the importer of the product, if the importer is resident in Ontario, or
 - iii. if there is no person described in subparagraph i or ii, the retailer who supplied the product to the consumer.
2. For the portion of the blue box packaging of a product that was added by a person who imported the product into Ontario, the producer is,
 - i. the person who imported the product into Ontario, if that person is resident in Ontario, or
 - ii. if there is no person described in subparagraph i, the retailer who supplied the product to the consumer.
3. For any portion of the blue box packaging not described in paragraph 1 or 2, the producer is the retailer who supplied the product to the consumer.

(2) For the purposes of determining the producer in accordance with subsection (1), the following rules apply:

1. If there are two brand holders resident in Canada, the producer is the brand holder who is most closely connected to the production of the product.
2. Packaging added to a product includes packaging added at any stage of the production, distribution and supply of the product.
3. A person adds blue box packaging to a product if the person,
 - i. makes the blue box packaging available for use by another person who adds the packaging to the product,
 - ii. causes another person to add the blue box packaging to a product, or
 - iii. inserts a product into the blue box packaging or otherwise combines the product and the blue box packaging

Producer, paper and packaging-like products

5. (1) Where paper or packaging-like products are supplied in Ontario to a consumer, the person who is the producer of the paper or packaging-like products shall be determined in accordance with the following rules:

1. The producer is the brand holder of the paper or packaging-like product, if the brand holder is resident in Canada.
2. If there is no person described in paragraph 1, the producer is the importer of the paper or packaging-like product, if the importer is resident in Ontario.

3. If there is no person described in paragraph 1 or 2, the producer is the retailer who supplied the paper or packaging-like product to the consumer.

(2) For the purposes of determining the producer in accordance with subsection (1), if there is more than one brand holder resident in Canada, the producer is the brand holder most closely connected to the production of the paper or packaging-like product.

Franchises

6. Where a producer determined in accordance with section 4 or 5 is a business operated wholly or in part as a franchise, the producer is the franchisor, if that franchisor is resident in Canada.

Marketplace sellers

7. If a marketplace seller is a producer under subparagraph 1 iii or 2 ii of subsection 4 (1), paragraph 3 of subsection 4 (1), or paragraph 3 of subsection 5 (1), the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the producer under those provisions, if the marketplace facilitator is resident in Canada.

Part III

ANNUAL ALLOCATION TABLE

Criteria for rule creators

8. (1) Persons who meet the criteria in subsection (2) and who register with the Authority in respect of this provision before July 31, 2021 shall create the rules that govern the creation of the annual allocation table in accordance with this Part.

(2) For the purposes of subsection (1), the person must either,

- (a) be a producer of an amount of blue box material supplied to consumers in Ontario that is equal to or greater than the amount published by the Authority in accordance with subsection (4), and have not entered into an agreement with a producer responsibility organization for which they are required to be registered in accordance with section 41, or
- (b) be a producer responsibility organization that has,
 - (i) entered into agreements that are required to be registered under section 41 with persons that combined are producers for an amount of blue box material supplied to consumers in Ontario that is equal to or greater than the amount published by the Authority in accordance with subsection (4), and
 - (ii) agreed to establish and operate a collection system that meets those producers' collection obligations under this Regulation.

(3) The Authority shall determine an amount that is 10 per cent of the total tonnage of blue box material supplied to consumers in Ontario by all producers, as reported by producers under section 40, as of April 2, 2021.

(4) The Authority shall publish the amount in subsection (3) on the Registry on or before April 8, 2021.

Creation of rules

9. The rules for the creation of the annual allocation table must,

- (a) identify the person or persons that will create the annual allocation table each year, or identify a procedure for identifying this person or persons;
- (b) set out how producers will be allocated residences, facilities or public spaces in the annual allocation table each year, including how the following factors will contribute to this allocation:
 - (i) ensuring that the estimated weight of blue box material that a producer is responsible for collecting from eligible sources is proportionate to the weight of blue box material supplied by the producer in the previous year,
 - (ii) the relative cost of establishing and operating collection systems in different regions of Ontario and in communities with different population levels,
 - (iii) the relative cost of providing curbside or depot collection for residences,
 - (iv) the relative cost of providing collection services for different kinds of facilities and public spaces,
 - (v) a person's registration of an alternative collection system for some of the material categories of the blue box material for which the person is a producer,
 - (vi) the producer responsibility organization that has agreed to establish and operate a collection system for the producer,
 - (vii) the producer's establishment and operation of a collection system for a residence, public space or facility in previous years,
 - (viii) how residences, public spaces and facilities will be allocated between producers during the 2023-2025 transition period;
- (c) subject to clause (d), ensure that every person who is a producer of blue box material in a year is assigned responsibility for one or more residences, public spaces or facilities in the annual allocation table in the following year;
- (d) ensure a person is not included in the annual allocation table for a given year if, in the previous year,

- (i) the person has registered the establishment and operation of an alternative collection system for every material category for which the person is a producer of an amount of blue box material in Ontario supplied to a consumer that exceeds the minimum amount set out in section 37 for the relevant material category, or
 - (ii) the amount of blue box material supplied to consumers in Ontario for which the person was a producer is less than the minimum amounts set out in section 37 for every material category;
- (e) ensure that every residence, public space and facility in a community is assigned a producer that is responsible for the collection of their blue box material,
 - (f) ensure that the annual allocation table for a year is submitted to the Authority by July 1 of the preceding year, so that the Authority can post it on the Registry,
 - (g) provide for any circumstances in which in year adjustments must be made to the annual allocation table and the procedures for these adjustments, including when they would be effective; and
 - (h) include procedures for the amendment of the rules for the creation of the annual allocation table, including the required approval from the persons specified in subsection 11 (2).

Conditions for application

10. The rules for the creation of the annual allocation table, if they are made by the persons specified in section 8, apply only if,

- (a) they are submitted to the Registry; and
- (b) every person who registered with the Authority under section 8 registers their agreement with the rules.

Amendment

11. (1) Rules made in accordance with section 9 may be amended at any time by the persons specified in subsection (2), in accordance with the amendment procedures made under clause 9 (h).

(2) The persons who may amend the rules are,

- (a) any producer responsibility organization who registered with the Authority to provide collection services in accordance with paragraph 3 of subsection 41 (3); and
- (b) persons who are producers of an amount of blue box material in a material category that exceeds the minimum amounts set out in section 37 for that material category in the previous reporting period and who do not have a contract with a producer responsibility organization for collection services.

(3) Unless the persons referred to in subsection (2) specify a later date, amendments to the rules for the creation of the annual allocation table made by the persons referred to in subsection (2) apply when the amendments to the rules are published on the Registry.

Where Minister creates rules

12. (1) If the persons referred to in section 8 have not made the rules for the annual allocation table, the Minister may make the rules for the creation of the annual allocation table.

(2) If the Minister is of the view that the rules for the creation of the annual allocation table must apply by a certain date in order for collection under Part V to commence on January 1, 2023 and for the first annual allocation table to be submitted by the date in subsection 13 (2), and the persons referred to in section 8 have not made the rules apply by that date, the Minister shall make the rules for the creation of the annual allocation table.

(3) The Minister may make the rules for the creation of the annual allocation table and substitute them for some or all of the rules made by the persons referred to in section 8 and that apply in accordance with section 10.

(4) If the Minister creates the rules for the creation of the annual allocation table under subsection (1), (2) or (3),

- (a) the persons referred to in section 8 may not amend the rules for the creation of the annual allocation table that the Minister made, and
- (b) the Minister may amend the rules for the creation of the annual allocation table that the Minister made at any time.

(5) Unless the Minister specifies a later date, the rules for the creation of the annual allocation table made by the Minister apply when the rules are published on the Registry.

(6) Unless the Minister specifies a later date, amendments to the rules for the creation of the annual allocation table made by the Minister apply when the amendments to the rules are published on the Registry

Annual application

13. (1) Where rules are in place for the creation of the annual allocation table, an annual allocation table shall be created every year in accordance with those rules.

(2) The first annual allocation table must be submitted to the Registry by March 31, 2022.

(3) Each subsequent annual allocation table must be submitted to the Registry each year by March 31 of the applicable year.

(4) Amendments to an annual allocation table must be submitted to the Registry promptly.

Publication, rules

14. (1) The Authority shall make any rules made under this Part available on the Registry.

(2) The Authority shall make amendments to rules available on the Registry promptly.

Publication, annual allocation table

15. (1) Every year, the Authority shall make the annual allocation table available on the Registry.

(2) If amendments to an annual allocation table are submitted on the Registry, the Authority shall make the amended annual allocation table available on the Registry.

Part IV

COLLECTION UNDER ANNUAL ALLOCATION TABLE

Joint and several liability

16. A producer responsibility organization that is required to register for collection services in accordance with section 41 in respect of a producer is jointly and severally liable for the following collection requirements in this Regulation with that producer:

1. Section 17.
2. Section 18.
3. Section 19.
4. Section 20.
5. Section 21.
6. Section 22.
7. Section 23.
8. Section 24.
9. Section 25.

Duty to collect

17. Every producer who has been assigned collection responsibilities for residences, public spaces and facilities in the annual allocation table shall establish and operate a collection system for those residences, public spaces and facilities in accordance with this Part.

Curbside collection

18. A producer shall provide curbside collection of blue box material to the residences that are assigned to the producer under the annual allocation table that receive curbside garbage collection from a municipality, local services board or reserve.

Depot or curbside collection

19. A producer may provide either depot or curbside collection of blue box material to residences assigned to the producer under the annual allocation table that are not required to be provided curbside collection under section 18.

Obligations for curbside collection

- 20.** A producer who provides curbside collection shall,
- (a) collect blue box material at least every other week;
 - (b) collect in a single day all blue box material set out for curbside collection at an eligible source; and
 - (c) provide blue box receptacles for the storage of blue box material until it is collected, including,
 - (i) ensuring that each residence has a blue box receptable before the day on which the producer commences collecting from that residence, and
 - (ii) providing at least one replacement blue box receptable each year, to any residence, upon request of a person residing at the residence, provided within one week of the request.

Obligations for depot collection

- 21.** A producer who provides depot collection in a municipality, local services board or reserve shall,
- (a) provide at least as many depots for the collection of blue box material as there are depots for household garbage in that municipality, local services board or reserve;
 - (b) ensure the depots for the collection of blue box material have operating hours that are at least as accessible as the hours for depots for household garbage in that municipality, local services board or reserve;
 - (c) collect the blue box material from the depot before the blue box receptacles at the depot are full; and
 - (d) provide blue box receptacles for the storage of blue box material until it is collected, including,
 - (i) ensuring that each depot has a blue box receptable before the day on which the producer commences operating the depot, and
 - (ii) providing at least one replacement blue box receptable each year, upon request by an operator of a depot, within one week of the request.

Facilities

22. A producer shall collect blue box material from every facility that is assigned to the producer in the annual allocation table.

Obligations for facilities

23. A producer who collects blue box materials from facilities shall,

- (a) provide blue box receptacles as required for the storage of blue box material at the facility until it is collected, including,
 - (i) ensuring that each facility has the number of blue box receptacles it requires for the collection of blue box material before the day on which the producer commences collecting from the facility, and
 - (ii) providing any replacement blue box receptacles requested by the owner or operator of the facility, within one week of the request;
- (b) provide receptacles that are appropriate for the facility; and
- (c) collect blue box material from the eligible facility before the blue box collection receptacles are full.

Collection for public spaces

24. A producer shall collect blue box material from every public space that is assigned to the producer in the annual allocation table, but only where an eligible community provides garbage collection at the public space.

Obligations for public spaces

25. A producer who collects blue box materials from public spaces shall,

- (a) ensure that blue box receptacles for the storage of blue box material are placed next to every receptacle for garbage at the public space;
- (b) provide for the collection of blue box material which is in a blue box receptacle located next to a receptacle for garbage;
- (c) provide blue box receptacles for the storage of blue box material until it is collected, including,
 - (i) ensuring that each public space has a receptacle before the day on which the producer commences collecting from the public space,
 - (ii) providing any replacement receptacles requested by the eligible community, within one week of the request, and
 - (iii) providing receptacles that are appropriate for the public space;

- (d) collect blue box material from the public space before the blue box receptacles are full; and
- (e) where the public space is a park or playground,
 - (i) collect blue box material throughout the year, and
 - (ii) locate receptacles at entry or exit points, and other areas where persons congregate

Reserves

26. A producer is not required to provide collection services in respect of eligible sources in an eligible community that is a reserve, until that reserve has registered its acceptance of the offer of collection services in accordance with section 49.

Part V

ALTERNATIVE COLLECTION SYSTEM

Producers and alternative collection system

27. This Part applies with respect to producers who register the establishment and operation of an alternative collection system for one or more material categories for which they are a producer of an amount of blue box material in a material category that exceeds the minimum amounts set out in section 37 for the relevant material category.

Registration

28. On or after January 1, 2023, a producer may register its establishment and operation of an alternative collection system for a material category in accordance with section 40, if, immediately before registration,

- (a) the alternative collection system enabled the producer to collect the blue box material that it supplied to consumers in Ontario;
- (b) the alternative collection system would enable the producer to meet its management obligations under Part VI for a material category using only blue box material described in clause (a); and
- (c) any collection sites such as depots or return-to-retail locations included in the alternative collection system were,
 - (i) located in every eligible community where the blue box material in respect of which it is a producer is supplied,
 - (ii) operated year-round, and
 - (iii) open during normal business hours.

Depot requirements

29. A producer who has registered an alternative collection system for a material category that includes collection sites such as depots or return-to-retail locations, shall, during every year that the registration applies, ensure that the collection sites are,

- (a) located in every eligible community where the blue box material in respect of which the person is a producer is supplied;
- (b) operated year-round; and
- (c) open during normal business hours.

Revocation of registration

30. A producer's registration of an alternative collection system for a material category is revoked if, twice in a three-year period, the producer does not meet its management obligation under Part VI for that material category using only blue box material collected through the alternative collection system for which it is registered.

Multiple producers

31. For greater certainty, more than one producer may share in the establishment and operation of an alternative collection system.

PART VI

MANAGEMENT

Producer obligation

32. Every producer shall establish and operate a system for managing blue box material in accordance with this Part.

Accounting and reporting

33. Each year, beginning in 2026, the producer shall account for, and report on, a weight of recovered resources for each material category that equals or exceeds the producer's management requirement for that material category.

How blue box material managed

34. (1) . The producer shall determine its management requirement for a material category using the formula,

Management Requirement = (A- B) x C x D

Where,

“A” is the weight of a producer’s blue box supply for a material category, in tonnes, reported in the previous year under section 45;

“B” is the weight of recycled content in the producer’s blue box supply for a material category, reported in the previous year under section 45, subject to the requirements in section 35, in tonnes;

“C” is the recovery percentage for the previous year for a material category, set out in the Table to section 37, in a percentage;

“D” is the redistribution factor for the previous year, calculated and published on the Registry by the Authority in accordance with section 38.

(2) Despite subsection (1), a producer does not have a management requirement for a material category for a year if the weight of a producer’s blue box supply for a material category, in tonnes, reported in the previous year under section 45 is less than the minimum amount for that material category set out in the Table to section 37.

Recovered resources

35. (1) A producer may only account for, and report on, recovered resources in accordance with this section.

(2) A producer may only report recovered resources that satisfy subsection (3), and

(a) that the producer recovered, if the producer is a registered processor, or

(b) that a registered processor, other than the producer, recovered, if that registered processor either,

(i) reported the recovered resources on the Registry in the name of the producer, or

(ii) reported the recovered resource on the Registry in the name of a producer responsibility organization that entered into an agreement with the producer and which the producer responsibility organization then allocated between the producers who have contracts with the producer responsibility organization.

(3) The requirements referred to in subsection (2) are the following:

1. The recovered resources must be,

i. marketed for re-use for their original purpose or function, or

ii. marketed for use in new products or packaging.

2. The weight of the recovered resources may only be counted one time by the producer and must not be counted by more than one producer.
3. The recovered resources must be recovered from blue box materials supplied to consumers in Ontario.
4. The recovered resources must have been processed within three months of the registered processor who reported the recovered resources receiving the Blue Box material from which they were recovered.

(4) Recovered resources that meet any of the following conditions shall not be accounted for, or reported on, in respect of a producer's management requirement for a material category:

1. The recovered resources are supplied for use in a product that is land cover, unless the land cover is,
 - i. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
 - ii. a product that supports soil health or crop growth that is,
 - A. created through the combination of the recovered resources with organic matter, and
 - B. the recovered resources used for the product are recovered from paper.
2. The recovered resources are supplied for use in a product that is fuel or a fuel supplement.
3. The recovered resources are supplied to an incinerator for use in incineration.
4. The recovered resources are land filled or land disposed by the processor, producer or the producer responsibility organization.

Weight requirements

36. The requirements for calculating the weight of recycled content referred to in section 34 are as follows:

1. The weight of a producer's recycled content for a material category may not exceed 50 percent of the weight of the producer's blue box supply in a material category.
2. Only recycled content derived from blue box materials managed in accordance with this Regulation during the previous year may be counted.
3. The weight of recycled content must be verified in accordance with the Verification and Audit Procedure.

Minimum requirements

37. The minimum amount and recovery percentages for the purposes of section 34 are set out in the following Table:

TABLE

Recoverable Material	Minimum (in tonnes)	Recovery percentage 2026 -2029 (expressed as a percentage)	Recovery percentage 2030 onwards (expressed as a percentage)
Paper	9	90	90
Rigid Plastic	2	55	60
Flexible Plastic	2	30	40
Glass	1	75	85
Metal	1	67	75
Non-Alcoholic Beverage Containers	1	75	80

Redistribution factor

38. (1) The Authority shall calculate the redistribution factor for each material category using the formula,

$$E / (E-F)$$

Where

“E” is the sum of all producers’ blue box supply reported in the previous year for a material category, in tonnes; and

“F” is the sum of the recycled content of all producers’ blue box supply reported in the previous year for that material category, in tonnes.

(2) The Authority shall publish on the Registry its calculation of the redistribution factor for every material category by June 1 of the year the information was reported.

PART VII

REGISTRATION, REPORTING, AUDITING, AND RECORD KEEPING

Verification and Audit Procedure

39. A person who is required to register or report under this Part shall do so in accordance with the Verification and Audit Procedure.

Registration, producers

40. (1) Every person who is a producer of blue box material supplied to consumers in Ontario on or before April 1, 2021 shall register with the Authority, through the Registry, by submitting the information set out in subsection (3) on or before that date.

(2) If a person becomes a producer of blue box material supplied to consumers in Ontario after April 1, 2021, that person shall register with the Authority, through the Registry, by submitting the information set out in in subsection (3), within 30 days of first becoming a producer.

(3) The information referred to in subsections (1) and (2) is the following:

1. The producer's name and contact information and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organizations retained by the producer, as well as,
 - i. a list of collection services provided by the producer responsibility organization under Part IV,
 - ii. a list of promotion and education services provided by the producer responsibility organization under Part VIII, and
 - iii. a list of any other services provided by the producer responsibility organization to the producer.
3. The name and contact information of an employee of the producer who has authority to bind the producer and who is responsible for ensuring the registration is complete and up to date.
4. If the producer is operating an alternative collection system that satisfies Part V in respect of any material category of blue box material, a description of the alternative collection system, including reference to each material category of blue box material collected in the alternative collection system.
5. If the producer is operating a supplemental collection system, a description of the supplemental collection system.
6. The material categories contained in the producer's blue box material.
7. For producers to whom subsection (1) applies,
 - i. the weight of the producer's blue box material supplied to consumers in Ontario in the previous year,
 - ii. the weight of each material category in the producer's blue box material supplied to consumers in Ontario in the previous year, and

- iii. the weight, if any, of recycled content contained in each material category in the producer's blue box material supplied to consumers in Ontario in the previous year.

Registration, producer responsibility organizations

41. (1) A producer responsibility organization that has been retained by a producer on or before June 15, 2021 shall register with the Authority, through the Registry, by submitting the information set out in subsection (3) on or before July 1, 2021.

(2) A producer responsibility organization that is first retained by a producer after June 15, 2021, shall register with the Authority, through the Registry, by submitting the information set out in subsection (3) within 30 days of being retained.

(3) The information referred to in subsections (1) and (2) is the following:

1. The producer responsibility organization's name, contact information and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar each producer who has retained the producer responsibility organization.
3. A list of all collection services under Part IV.
4. A list of services the producer responsibility organization is retained to provide for each producer,
 - i. in respect of Part V,
 - ii. in respect of Part VIII, and
 - iii. in respect of any other Part.
5. The material categories of blue box material in respect of which the producer responsibility organization provides services for each producer.
6. The name and contact information of an employee of the producer responsibility organization who has authority to bind the corporation or entity and who is responsible for ensuring the registration is complete and up to date.

(4) The producer responsibility organization shall submit updated information within 15 days of any change to the information required under this section.

Registration, rule creators

42. (1) Every person who registers in respect of section 8 shall submit information demonstrating its compliance with the criteria set out in subsection 8 (2) on or before July 31, 2021.

(2) For greater certainty, a person who has registered in accordance this section may de-register prior to the rules being submitted in accordance with section 9.

Registration, blue box processors

43. (1) Every person who registers in respect of section 44 shall submit the information demonstrating its compliance with the criteria set out in subsection 44 (2).

(2) For greater certainty, a person who has registered in accordance with this section may de-register at any time.

Information, blue box processors

44. (1) Every processor shall register with the Authority, through the Registry, by submitting the information set out in subsection (2),

- (a) on or before April 1, 2022, if the processor processed blue box material supplied to consumers in Ontario before January 1, 2021, or
- (b) on or before January 31 of the calendar year immediately following the year in which the processor first processed blue box material supplied to consumers in Ontario, if the processor was not required to register under clause (a).

(2) The information referred to in subsection (1) is the following:

1. The name and contact information and any unique identifier assigned by the Registrar of the processor.
2. The name and contact information of an employee of the processor who has authority to bind the processor, and who is responsible for ensuring the registration is complete and up to date.
3. Each material category of blue box material supplied to consumers in Ontario the person processes, the location of each site where the person receives and processes this material and the types of recovered resources that result from the processing.
4. The producers and producer responsibility organizations that have contracts with the processor to process blue box materials supplied to consumers in Ontario.

(3) The processor shall submit updated information within 15 days of any change to the information required under this section.

Annual report, producers

45. (1) On or before April 30 of each year, beginning in 2024, every producer who is required to register under section 40 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to the previous calendar year:

1. The weight of blue box material supplied to consumers in Ontario in the previous year for which the person was a producer.
2. The weight of each material category in the blue box material reported under paragraph 1.
3. The weight of recycled content contained in each material category reported under paragraph 2.
4. A description of the actions taken by the producer in the previous year to fulfil their responsibilities relating to the requirements set out under Part IV, Part V, Part VI and Part VIII.
5. A description of the actions undertaken by producer responsibility organizations, on behalf of the producer, to fulfil their responsibilities relating to the requirements set out under Part IV, Part V, Part VI and Part VIII.
6. The following weights in respect of blue box material supplied to consumers in Ontario, with amounts in respect of blue box material collected under Part IV and Part V and pursuant to a supplemental collection system reported separately:
 - i. The total weight of recovered resources from each material category that was allocated by a producer responsibility organization to the producer, in accordance with section 35.
 - ii. The weight of recovered resources for each material category that was reported under subparagraph i that was,
 - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4), or
 - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4).
7. The following weights in respect of blue box material supplied to consumers in Ontario, allocated between each producer to whom a producer responsibility organized is providing services, with the weights in respect of Part VI, and weights in respect of Blue box material collected under Part IV, reported separately:
 - i. The weight of recovered resource for each material category that was,
 - A. used in a product that is land cover, unless the land cover is,
 1. Aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or

2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
 - ii. used in a product that is fuel or a fuel supplement,
 - iii. supplied to an incinerator for use in incineration, and
 - iv. landfilled or land disposed by the processor.

(2) The only requirement in this section that applies in respect of blue box material that is in the material category of compostable material is the requirement pursuant to paragraph 2 of subsection (1).

Annual report, producer responsibility organizations

46. (1) On or before April 30 in each year, beginning in 2024, every producer responsibility organization that is required to register under section 41 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to the previous year:

1. A description of collection services arranged, established or operated on behalf of each producer that retained the producer responsibility organization, including,
 - i. the producer's name, contact information and any unique identifier assigned by the Registrar,
 - ii. if the producer responsibility organization provided collection services to pursuant to Part IV,
 - A. the weight of blue box material collected by the producer responsibility organization on behalf of the producer, and
 - B. the eligible sources allocated to a producer for which the producer responsibility organization provided collection services,
 - iii. if the producer responsibility organization provided collection services on behalf of a producer in respect of an alternative collection system,
 - A. the weight of blue box material by material category collected by the producer responsibility organization on behalf of the producer,
 - B. the location and business hours of all collection sites in the alternative collection system, and
 - C. a description of all methods of collection in the alternative collection system,

- iv. if the producer responsibility organized provided a supplemental collection system on behalf of a producer, a description of the supplemental collection system.
2. A description of the management services, arranged, established or operated on behalf of each producer that retained the producer responsibility organization, including
- i. a list of every processor that the producer responsibility organization retained to process blue box material supplied to consumers in Ontario,
 - ii. any unique identifier assigned by the Registrar to each processor referred to in subparagraph i, and
 - iii. the weight of recovered resources recovered by each processor referred to in subparagraph i from blue box materials supplied to consumers in Ontario,
 - iv. The following weights in respect of blue box material supplied to consumers in Ontario, allocated between each producer to whom producer responsibility organized is providing services in respect of Part VI, with the weights in respect of blue box material collected under Part IV, Part V, and through a supplemental collection system, reported separately.
 - A. The total weight of recovered resources from each material category
 - B. The weight of recovered resources for each material category that was reported under sub-subparagraph A that was,
 - 1. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4), or
 - 2. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4),
 - v. In respect of blue box material supplied to consumers in Ontario, allocated between each producer to whom producer responsibility organized is providing services in respect of Part VI, with the weights in respect of blue box material collected under Part IV and Part V, the weight of recovered resource for each material category reported separately, that was,
 - A. used in a product that is land cover, unless the land cover is,

1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
 2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
- B. used in a product that is fuel or a fuel supplement, and supplied to an incinerator for use in incineration, or
- C. landfilled or land disposed by the processor

(2) For greater clarity, a producer responsibility organization does not have a reporting requirement in respect of blue box material that is in the material category that is compostable materials.

Reports, processors

47. (1) On or before April 30 every year starting 2024, every processor who is required to register under section 43 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to the previous calendar year:

1. The following weights, with amounts in respect of blue box material received from collection systems operating under Part IV, Part V and a supplemental collection system reported separately:
 - i. blue box material supplied to consumers in Ontario received by the processor,
 - ii. blue box material supplied to consumers in Ontario processed by the processor,
 - iii. recovered resources recovered from blue box material supplied to consumers in Ontario processed by the processor,
 - iv. recovered resources referred to in subparagraph iii that was recovered from each material category,
 - v. recovered resources from each material category reported in subparagraph iv that the processor is reporting in respect of blue box material for which the processor was the producer
 - vi. recovered resources from each material category reported in subparagraph iv that the processor is reporting pursuant to a contract with a producer and the identification number of that producer assigned by the Registrar,
 - vii. recovered resources from each material category reported in subparagraph iv that the processor is reporting pursuant to a contract with a producer

responsibility organization and the identification number of the producer responsibility organization assigned by the Registrar

- viii. recovered resources for each material category that was reported under subparagraph v, vi or vii that were,
 - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4), or
 - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4).
2. The following weights, with amounts in respect of blue box material received from collection systems operating under Part IV and Part V, reported separately:
 - i. The weight of recovered resource for each material category that was
 - A. used in a product that is land cover, unless the land cover is,
 1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
 2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper.
 - B. used in a product that is fuel or a fuel supplement,
 - C. supplied to an incinerator for use in incineration, and
 - D. landfilled or land disposed by the processor.
 3. If the processor is part of a producer's management system, the name, contact information and any unique identifier assigned by the Registrar of,
 - i. the producer, and
 - ii. any producer responsibility organization retained by the producer.

(2) For greater clarity, a processor does not have a reporting requirement in respect of blue box material that is in the material category that is compostable materials.

Registration, local municipalities, local service boards

48. (1) Eligible communities that are local municipalities and local service boards that are included in the Blue Box Transition Schedule shall register with the Authority, through the

Registry, by submitting the following information, on or before April 15, 2021 about the municipality or local services board:

1. Number of residents.
2. A list of residences, including the number and location of each residence, that,
 - i. receive curbside garbage collection, or
 - ii. are serviced by depot garbage collection.
3. A list of depots at which garbage is currently collected, including location.
4. A list of public spaces at which garbage is currently collected, including location.
5. If blue box or waste collection services are delivered in partnership with another municipality, local services board or reserve, details about how the services are provided.
6. A contact person responsible for waste management and that person's mailing address.
7. Information required for a producer to determine the service standards for the blue box program operated in that municipality or local services board, as of August 15, 2019, in accordance with section 62.

(2) An eligible community that is a local municipality or local services board that is not listed in the Transition Schedule shall submit the information in subsection (1), other than the information in paragraph 7, on or before December 31, 2023.

(3) An eligible community that is a local municipality or local services board shall update their registration under section 15 within 30 days of,

- (a) ceasing to provide curbside garbage collection to any residence;
- (b) changing the method of garbage collection for a residence; or
- (c) a new residence becoming occupied.

Registration, reserves

49. (1) An eligible community that is a reserve may register with the Authority, through the Registry, by submitting the following information in respect of the reserve:

1. The number of residents.
2. A list of residences, including the number and location of each residence, that,
 - i. receive curbside garbage collection, or

ii. are serviced by depot garbage collection.

3. A list of depots at which garbage is currently collected, including location.
4. A list of public spaces at which garbage is currently collection, including location.
5. If blue box or waste collection services are delivered in partnership with another municipality, local services board or reserve, details about how the services are provided.
6. A contact person responsible for waste management and that person's mailing address
7. A list of languages that communications in respect of waste collection is currently being provided in.
8. Information required for a producer to determine the service standards for the blue box program operated in that reserve, as of August 15, 2019, in accordance with section 62, if that reserve is on the Blue Box Transition Schedule.

(2) A reserve that registered under subsection (1) shall update its registration within 30 days of,

- (a) ceasing to provide curbside garbage collection to any eligible residence;
- (b) changing the method of garbage collection for an eligible residence; or
- (c) new residences becoming occupied.

(3) The producers or producer responsibility organization that is assigned eligible sources in a reserve that has registered under subsection (1) in the first year that that reserve is included in the annual allocation table shall provide an offer of collection services under Part IV to that reserve,

- (a) no less than nine months before the date the reserve is eligible to receive collection services under the Blue Box Transition Schedule, if the reserve is on the Blue Box Transition Schedule and registered on or before April 15, 2021;
- (b) on or before April 1, 2025, if clause (a) does not apply and the reserve registered on or before December 31, 2024; or
- (c) within nine months of registration under subsection (1), if the reserve registered after December 31, 2024.

(4) A reserve that receives an offer under subsection (3) may register its acceptance of this offer with the Authority, through the Registry, by submitting information that,

- (a) identifies the producer or producer responsibility organization that made the offer; and

- (b) provides written consent from the Band Council or another authorized decision-making authority that the residents on reserve will allow a producer or a producer responsibility organization to collect blue box materials from all eligible sources on the reserve in accordance with this regulation.

(5) For greater certainty, a reserve may revoke its acceptance of the offer with the Authority, through the Registry.

Registration, facilities

50. (1) A facility that is not eligible to receive collection services during the transition period pursuant to clause 62 (2) (f) shall register with the Authority to receive collection services under Part IV.

(2) Registration under this Part constitutes consent by the facility for a producer or its producer responsibility organization to collect blue box material from the facility.

(3) For greater certainty, a facility that has registered with the Authority may revoke its registration with the Authority, on the Registry.

Brewers Retail Inc. and the LCBO

51. (1) Brewers Retail Inc. and the Liquor Control Board of Ontario shall each prepare and submit a report, on or before April 30 of each year that contains the following information:

1. The amount of alcohol beverage containers the Brewers Retail Inc. and the Liquor Control Board of Ontario supplied and diverted in the previous year.
2. The amount of materials that would be blue box material in a material category, but for the exemption in paragraph 8 of subsection 2 (2), for which Brewers Retail Inc. or the Liquor Control Board of Ontario are the producer, that were supplied and diverted in the previous year.
3. A description of how the materials in described in paragraphs 1 and 2 were diverted.

(2) In addition to the information described in subsection (1), the annual report prepared by Brewers Retail Inc. shall contain the following information:

1. A list of all brewers participating in its container return program in the previous year.
2. A list of addresses of the return locations that operated in the previous year.
3. An analysis as to whether the weight of recovered resources that Brewers Retail Inc. caused to be recovered from alcohol beverage containers would equal or exceed 85 per cent of the of the weight of alcohol beverage containers supplied by Brewers Retail Inc.
4. An analysis as to whether the weight of recovered resources for any glass, flexible plastic, rigid plastic, metal, paper, compostable material, or non-alcoholic beverage container for which Brewers Retail Inc. would be the producer, but for the exception

in paragraph 8 of subsection 2 (2), equals or exceeds the applicable management requirement as set out in section 34.

(3) In addition to the information described in subsection (1), the annual report prepared by the Liquor Control Board of Ontario shall contain the following information,

1. An analysis as to whether the weight of recovered resources from alcohol beverage containers managed through the Ontario Deposit Return Program equals or exceeds 85 per cent of the weight of the total supply of alcohol beverage containers in the Ontario Deposit Return Program
2. An analysis as to whether the weight of recovered resources for any glass, flexible plastic, rigid plastic, metal, paper, compostable material, or beverage container for which Liquor Control Board of Ontario would be the producer, but for the exception in paragraph 8 of subsection 2 (2), equals or exceeds the applicable management requirement as set out in section 34.

(4) Despite the definition of “alcoholic beverage container” in section 1, a reference to “alcohol beverage container” in this section only refers to the containers described in clause (a) of that definition.

(5) The Liquor Control Board of Ontario may consent to Brewers Retail Inc. preparing and submitting the Liquor Control Board of Ontario’s annual report.

(6) The Authority may not recover its costs by requiring Brewers Retail Inc. or the Liquor Control Board of Ontario to pay fees, costs and charges imposed under section 41 of the Act.

(7) The annual reports under subsection (1) must be prepared in accordance with the Verification and Audit Procedure and, before submission must be audited by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004*.

Records

52. Every producer, producer responsibility organization, and processor shall keep the following records in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation, as applicable:

1. Records related to arranging for the establishment or operation of a collection and management system for the purpose of fulfilling responsibilities relating to Blue Box material.
2. Records related to information required to be submitted to the Authority through the Registry.
3. Records related to implementing a promotion and education program required under this Regulation.

4. Records related to the weight of blue box material supplied to blue box consumers in Ontario for which the person is a producer.
5. Any agreements that relate to the information described in this section.

Small producers

53. If section 65 applies to a producer, the producer shall keep any records which demonstrate that its annual revenue from products and services is less than \$2,000,000 in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation.

Audit, management systems

54. (1) On or before April 30, 2026, and every third year after that, every producer shall cause an audit to be undertaken of the practices and procedures the producer implemented in respect of Part VI, with respect to each material category of Blue Box material for which the producer was responsible in the three immediately preceding calendar years.

(2) On or before April 30 in any year in which an audit is required under subsection (1), the producer shall prepare and submit a copy of a report on the audit to the Authority, through the Registry, that includes the following for each material category of blue box material supplied to consumers in Ontario, for which the producer was responsible:

1. The weight of each material category of blue box material supplied to consumers in Ontario for which the person was a producer.
2. The following weights in respect of blue box material supplied to consumers in Ontario, with amounts material collected under Part IV, Part V, and pursuant to a supplemental collection system, reported separately:
 - i. . marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35(3), excluding recovered resources referred to in subsection 35 (4), or
 - ii. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4),
 - iii. landfilled or land disposed,
 - iv. used in a product that is land cover, unless the land cover is,
 - A. Aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
 - B. a product that supports soil health or crop growth that is,

1. created through the combination of the recovered resources with organic matter, and
2. the recovered resources used for the product are recovered from paper,
 - v. supplied for use in a product that is fuel or a fuel supplement, and
 - vi. supplied to an incinerator for use in incineration.
3. A statement confirming whether the producer satisfied their management requirement.

(3) The audit referred to in subsection (1) must be conducted by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004* and in accordance with the procedures set out in the Verification and Audit Procedure.

Access to information and privacy

55. Information and data submitted under this regulation to the Authority through the Registry shall not be posted on the Registry unless it is posted in a manner that is consistent with the “Access and Privacy Code” published by the Authority and dated December 14, 2017, as amended from time to time, and available on the website of the Registry.

PART VIII

PROMOTION AND EDUCATION

Promotion and education, producers

56. Producers who are required to establish and operate a system for collecting blue box material under Part IV, or who register the establishment and operation of an alternative collection system for a material category under Part V, shall implement a promotion and education program in accordance with this Part.

Information to be included

57. (1) A promotion and education program must include the dissemination of the following information:

1. A complete list of blue box materials that may be included in blue box receptacles.
2. A list of materials that cannot be included in blue box receptacles.
3. A description of how blue box receptacles can be replaced, or how additional blue box receptacles can be requested.
4. A description of how the producer will fulfil its collection responsibilities, including,

- i. if the producer provides collection for a residence, facility, or public space, the dates on which collection will occur for specified eligible sources, and
 - ii. If the producer provides depot collection, the location of every depot, and its hours of operation.
5. Contact information of the producer, or its producer responsibility organization, including a telephone number and email address, at which persons may,
 - i. receive responses to questions or issues relating to collection, and
 - ii. request additional or new blue box receptacles.
6. If the information is being disseminated in print form, a website at which the information in described in paragraphs 1 through 5 is provided.

(2) During the period beginning on January 1, 2023 and ending on December 31, 2026, the promotion and education program must also include the dissemination of the following information:

1. A description of any significant change from the collection service that was previously provided by a municipality, including any change to what material may be included in the blue box receptacle, and any change in sorting procedures.
2. A description about how to prepare materials for placement in the blue box receptacle, including any direction about rinsing or flattening blue box material.
3. A description about how materials should be sorted or bagged

(3) Where a producer operates an alternative collection system in accordance with Part X, the producer must disseminate the following additional information in its promotion and education program:

1. A description of which blue box materials are collected by the alternative system.
2. A description of how the alternative collection system will operate, including,
 - i. The date and time of any collection events or other initiatives to collect blue box material
 - ii. How persons can arrange for pick up of blue box material
 - iii. If the producer operates a depot or a return-to-retail location, the location and hours of operation.

(4) Despite subsection (2), after the conclusion of its first year of operation, the producer is not required to disseminate the information specified in in paragraphs 2 and 3 of that subsection.

(5) The promotion and education program shall be provided in the following forms:

1. On a publicly accessible website.
 2. In print, and delivered by mail to each eligible source for which the producer has collection responsibilities, at least once per year.
- (6) The promotion and education program shall be provided in French and English.

Joint and several liability

58. A producer responsibility organization that is required to register under section 41 in respect of a producer is jointly and severally liable for the requirements in this Part with that producer.

Part IX

TRANSITION

Definition

59. In this Part,

“transition period” means the years 2023, 2024 and 2025.

When community included

60. If an eligible community is included in the Blue Box Transition Schedule, the person or persons who are required to prepare the annual allocation table shall include that eligible community in the annual allocation table beginning in the year in which the Blue Box Transition Schedule states that eligible community will start to receive collection services under this regulation.

First year

61. A producer who is assigned collection responsibilities in respect of an eligible community the first year it is included in the annual allocation table is not required to provide collection services before,

- (a) the date specified in the Blue Box Transition Schedule, if the eligible community is a local municipality or local services board, or
- (b) if the eligible community is a reserve that has registered under section 48, the later of the following,
 - i. the date specified in the Blue Box Transition Schedule,
 - ii. the date the reserve registered its acceptance of the offer of collection under subsection 49 (3).

Service standards

62. (1) A producer that is assigned collection responsibilities in respect of an eligible community during the transition period is required to provide service standards described in subsection (2) that equal or exceed the service standards applicable in that community on August 15, 2019.

(2) The service standards referred to in subsection (1) are,

- (a) collecting blue box materials that were collected under the eligible community's blue box system;
- (b) collecting blue box materials at the frequency they were collected under the eligible community's blue box system;
- (c) collecting blue box materials in the same number of streams as they were collected under the eligible community's blue box system;
- (d) providing curbside collection to all the residences that received curbside collection under the eligible community's blue box system;
- (e) providing depot collection at all the locations available under the eligible community's blue box system;
- (f) providing collection to all the facilities that received collection services under the eligible community's blue box system;
- (g) providing collection to all public spaces that receive collection services under the eligible community's blue box system;
- (h) providing collection to any residence or facility that was not occupied on August 15, 2019 as if that residence or facility was occupied on August 15, 2019; and
- (i) providing promotion and education communications, in accordance with Part VIII to residents of the eligible community using the languages used in the eligible community's blue box system.

Best efforts

63. During the transition period, a producer shall use best effort to comply with Part VI, as it would read if,

- (a) that Part applied during the transition period;
- (b) the management target for 2023 for a producer is reduced by two thirds;
- (c) the management target for 2024 for a producer is reduced by one third; and
- (d) the management target for 2025 is not reduced.

Information

64. The Authority shall provide the information in sections 48 and 49 in respect of eligible communities contained in the Transition Schedule to the persons who are required to prepare the annual allocation table no later than July 1, 2022.

Part X

GENERAL

Exemption, small producers

65. Any producer whose annual revenue from products and services is less than \$2,000,000 is exempt from the following parts of this Regulation:

1. Part IV.
2. Part VI.
3. Part VII, other than section 53.
4. Part VIII.

Ownership

66. Unless otherwise set out in an agreement with an applicable producer or producer responsibility organization, the owner or operator of a residence, public space or facility does not own the receptacles for the collection of blue box material provided under this Regulation.

Part XI

COMMENCEMENT

Commencement

67. [Commencement]

Blue Box Transition Schedule: Explanatory Note

The Ministry of the Environment, Conservation and Parks has proposed a producer responsibility regulation for the Blue Box Program.

The proposed regulation under the Resource Recovery and Circular Economy Act, 2016 would make producers responsible for the Blue Box Program, including meeting regulated outcomes for providing collection services to local communities, managing Blue Box materials, and achieving diversion targets to improve diversion, address plastic waste, and recover resources for use in the economy.

The draft regulation is currently posted for a 45-day consultation period on the province's Environmental and Regulatory Registries (<https://ero.ontario.ca/notice/019-2579>).

The Resource Productivity and Recovery Authority (RPRA) Datacall indicates that municipalities, unorganized territories and First Nations communities ran 249 local blue box programs in Ontario in 2018 under the Waste Diversion Transition Act, 2016.

The proposed regulation would transition existing blue box services to producer responsibility in three groups between 2023 and 2025 according to a "Blue Box Transition Schedule" referenced in the regulation.

The proposed "Blue Box Transition Schedule" (see page 3) identifies eligible municipal programs and the year they are proposed to transition. Producers would be responsible for transitioning communities on or before the dates contained in the schedule.

Please refer to the Environmental and Regulatory Registries linked above for more information on how the Ministry developed the proposed "Blue Box Transition Schedule".

At this time, the proposed "Blue Box Transition Schedule" includes municipalities and unorganized territories with Blue Box Programs in the Datacall with the Authority.

The Ministry will consult on the proposed transition groupings as it works to finalize the regulation, including the best way to determine the specific calendar date for each community's transition.

This will include engagement with First Nation communities to learn more about Blue Box Programs in their communities and assess their preferred dates for transition.

The “Blue Box Transition Schedule” will be updated when the regulation is finalized to include First Nation communities and identify calendar dates for each transitioning program within a given year.

Blue Box Transition Schedule

Eligible Community	Transition Year
Addington Highlands, Township of	2025
Admaston/Bromley, Township of	2025
Alfred and Plantagenet, Township of	2023
Algonquin Highlands, Township of	2024
Armour, Township of	2025
Armstrong, Township of	2025
Arnprior, Town of	2023
Ashfield-Colborne-Wawanosh, Township of	2025
Assiginack, Township of	2025
Athens, Township of	2025
Atikokan, Township of	2025
Augusta, Township of	2025
Aylmer, Town of	2023
Baldwin, Township of	2025
Bancroft, Town of	2025
Barrie, City of	2024
Bayham, Municipality of	2023
Beckwith, Township of	2023
Billings, Township of	2025
Blind River, Town of	2025
Bluewater Recycling Association	2024
Bonfield, Township of	2025
Bonnechere Valley, Township of	2025
Brant, County of	2025
Brantford, City of	2025
Brockville, City of	2025
Bruce Area Solid Waste Recycling	2025
Brudenell, Lyndoch and Raglan, Township of	2025
Burk's Falls, Village of	2025
Callander, Municipality of	2025
Calvin, Municipality of	2025
Carleton Place, Town of	2023
Carling, Township of	2025
Carlow Mayo, Township of	2025
Casey, Township of	2025
Casselton, Village of	2023
Central Elgin, Municipality of	2023
Central Frontenac, Township of	2025

Eligible Community	Transition Year
Central Manitoulin, Township of	2025
Charlton and Dack, Municipality of	2025
Chatham-Kent, Municipality of	2024
Chatsworth, Township of	2023
Chisholm, Township of	2025
Clarence-Rockland, City of	2023
Cobalt, Town of	2025
Cochrane, Corporation of the Town of	2025
Coleman, Township of	2025
Conmee, Township of	2024
Cornwall, City of	2025
Deep River, Town of	2025
Deseronto, Town of	2025
Drummond-North Elmsley, Township of	2023
Dryden, City of	2023
Dufferin, County of	2023
Durham, Regional Municipality of	2024
Dutton-Dunwich, Municipality of	2023
Dysart et al, Township of	2024
East Ferris, Municipality of	2025
Edwardsburgh Cardinal, Township of	2025
Elizabethtown-Kitley, Township of	2025
Elliot Lake, City of	2025
Emo, Township of	2025
Englehart, Town of	2025
Enniskillen, Township of	2023
Espanola, Town of	2025
Essex-Windsor Solid Waste Authority	2024
Evanturel, Township of	2025
Faraday, Township of	2025
Fort Frances, Town of	2025
French River, Municipality of	2025
Front of Yonge, Township of	2025
Frontenac Islands, Township of	2025
Gananoque, Town of	2025
Gauthier, Township of	2025
Georgian Bluffs, Township of	2023
Gillies, Township of	2024
Goulais Local Service Board	2023
Greater Madawaska, Township of	2025
Greater Napanee, Township of	2025
Greater Sudbury, City of	2025
Grey Highlands, Municipality of	2023
Guelph, City of	2025

Eligible Community	Transition Year
Haldimand, County of	2024
Halton, Regional Municipality of	2025
Hamilton, City of	2025
Hanover, Town of	2025
Harley, Township of	2025
Hastings Highlands, Municipality of	2024
Hawkesbury Joint Recycling	2023
Head, Clara and Maria, Townships of	2025
Hearst	2025
Highlands East, Municipality of	2024
Hilliard, Township of	2025
Hilton Beach, Village of	2025
Horton, Township of	2025
Howick, Township of	2024
Hudson, Township of	2025
Huron Shores, Municipality of	2025
James, Township of	2025
Kapuskasing, Town of	2025
Kawartha Lakes, City of	2024
Kearney, Town of	2025
Kenora, City of	2023
Kerns, Township of	2025
Killaloe, Hagarty, and Richards, Township of	2025
Killarney, Municipality of	2025
Kingston, City of	2025
Kirkland Lake, Town of	2025
Laird, Township of	2025
Lanark Highlands, Township of	2025
Larder Lake, Township of	2025
Latchford, Town of	2025
Laurentian Hills, Town of	2025
Leeds and the Thousand Islands, Township of	2025
Limerick, Township of	2025
London, City of	2023
Loyalist, Township of	2025
Macdonald, Meredith & Aberdeen Additional, Township of	2025
Machar, Township of	2025
Madawaska Valley, Township of	2025
Magnetawan, Municipality of	2025
Malahide, Township of	2023
Marathon, Town of	2025
Matachewan, The Corporation of the Township of	2025
Mattice-Val Cote, Municipality of	2025
McDougall, Municipality of	2025

Eligible Community	Transition Year
McGarry, Township of	2025
McKellar, Township of	2025
McMurrich/Monteith, Township of	2025
Mcnab-Braeside, Township of	2023
Meaford, Municipality of	2023
Merrickville-Wolford, Village of	2023
Minden Hills, Township of	2024
Mississippi Mills, Town of	2023
Montague, Township of	2023
Muskoka, District Municipality of	2024
Nairn & Hyman, Township of	2025
Neebing, Municipality of	2024
Newbury, Village of	2023
Niagara, Regional Municipality of	2024
Nipissing, Township of	2025
Norfolk, County of	2024
North Bay, City of	2025
North Dundas, Township of	2025
North Frontenac, Township of	2025
North Glengarry, Township of	2025
North Grenville, Municipality of	2023
North Huron, Township of	2025
North Stormont, Township of	2025
Northeastern Manitoulin & Islands, Town of	2025
Northern Bruce Peninsula, Municipality of	2025
Northumberland, County of	2024
O'Connor, Township of	2024
Oliver Paipoonge, Municipality of	2024
Orillia, City of	2024
Ottawa Valley Waste Recovery Centre	2025
Ottawa, City of	2023
Owen Sound, City of	2023
Oxford, Restructured County of	2025
Papineau-Cameron, Township of	2025
Parry Sound, Town of	2025
Peel, Regional Municipality of	2024
Perry, Township of	2025
Perth, Town of	2025
Peterborough, City of	2024
Peterborough, County of	2024
Petrolia, Town of	2023
Plympton-Wyoming, Town of	2023
Powassan, Municipality of	2025
Prescott, Town of	2025

Eligible Community	Transition Year
Prince, Township of	2023
Quinte Waste Solutions	2025
Rainy River, Town of	2025
Red Lake, Municipality of	2023
Renfrew, Town of	2025
Rideau Lakes, Township of	2025
Russell, Township of	2025
Sables-Spanish Rivers, Township of	2025
Sarnia, City of	2023
Sault Ste. Marie, City of	2023
Seguin, Township of	2025
Shuniah, Municipality of	2024
Simcoe, County of	2024
Sioux Lookout, The Corporation of the Municipality of	2025
Sioux Narrows Nestor Falls, Township of	2023
Smiths Falls, Town of	2025
South Dundas, Township of	2025
South Frontenac, Township of	2025
South Glengarry, Township of	2025
South Stormont, Township of	2025
Southgate, Township of	2023
Southwest Middlesex, Municipality of	2023
Southwold, Township of	2023
Spanish, Town of	2025
St. Charles, Municipality of	2025
St. Clair, Township of	2023
St. Joseph, Township of	2025
St. Thomas, City of	2023
Stone Mills, Township of	2025
Stratford, City of	2024
Strong, Township of	2025
Sundridge, Village of	2025
Tarbutt & Tarbutt Additional, Township of	2025
Tay Valley, Township of	2025
Temiskaming Shores, City of	2025
Terrace Bay, Township of	2025
Thames Centre, Municipality of	2023
The Archipelago, Township of	2025
The Blue Mountains, Town of	2023
The Nation, Municipality	2023
Thunder Bay, City of	2024
Timmins, City of	2025
Toronto, City of	2023
Tri-Neighbours	2025

Eligible Community	Transition Year
Tudor & Cashel, Township of	2025
Waterloo, Regional Municipality of	2024
Wellington, County of	2025
West Elgin, Municipality of	2023
West Grey, Municipality of	2025
West Nipissing, Municipality of	2025
Westport, Village of	2025
Whitestone, Municipality of	2025
Whitewater Region, Township of	2025
Wollaston, Township of	2025
York, Regional Municipality of	2025

Blue Box Transition Complementary Document: Map and Geographic Groupings

(This document is a draft – for consultation purposes only.)

The Ministry of the Environment, Conservation and Parks has proposed a producer responsibility regulation for the Blue Box Program.

The proposed regulation under the Resource Recovery and Circular Economy Act, 2016 would make producers responsible for the Blue Box Program, including meeting regulated outcomes for providing collection services to local communities, managing Blue Box materials, and achieving diversion targets to improve diversion, address plastic waste, and recover resources for use in the economy.

The draft regulation is currently posted for a 45-day consultation period on the province's Environmental and Regulatory Registries (<https://ero.ontario.ca/notice/019-2579>).

The Resource Productivity and Recovery Authority (RPRA) Datacall indicates that municipalities, unorganized territories and First Nations communities ran 249 local blue box programs in Ontario in 2018 under the Waste Diversion Transition Act, 2016.

The proposed regulation would transition existing blue box services to producer responsibility in three groups between 2023 and 2025 according to a Blue Box Transition Schedule referenced in the regulation.

The Blue Box Transition Schedule has been posted for consultation on the Environmental and Regulatory Registries (<https://ero.ontario.ca/notice/019-2579>).

This document is not the proposed Blue Box Transition Schedule.

This document is a complementary document developed to assist stakeholders in providing comments on the schedule by providing a map and listing of geographic groupings contained in each year of the proposed schedule.

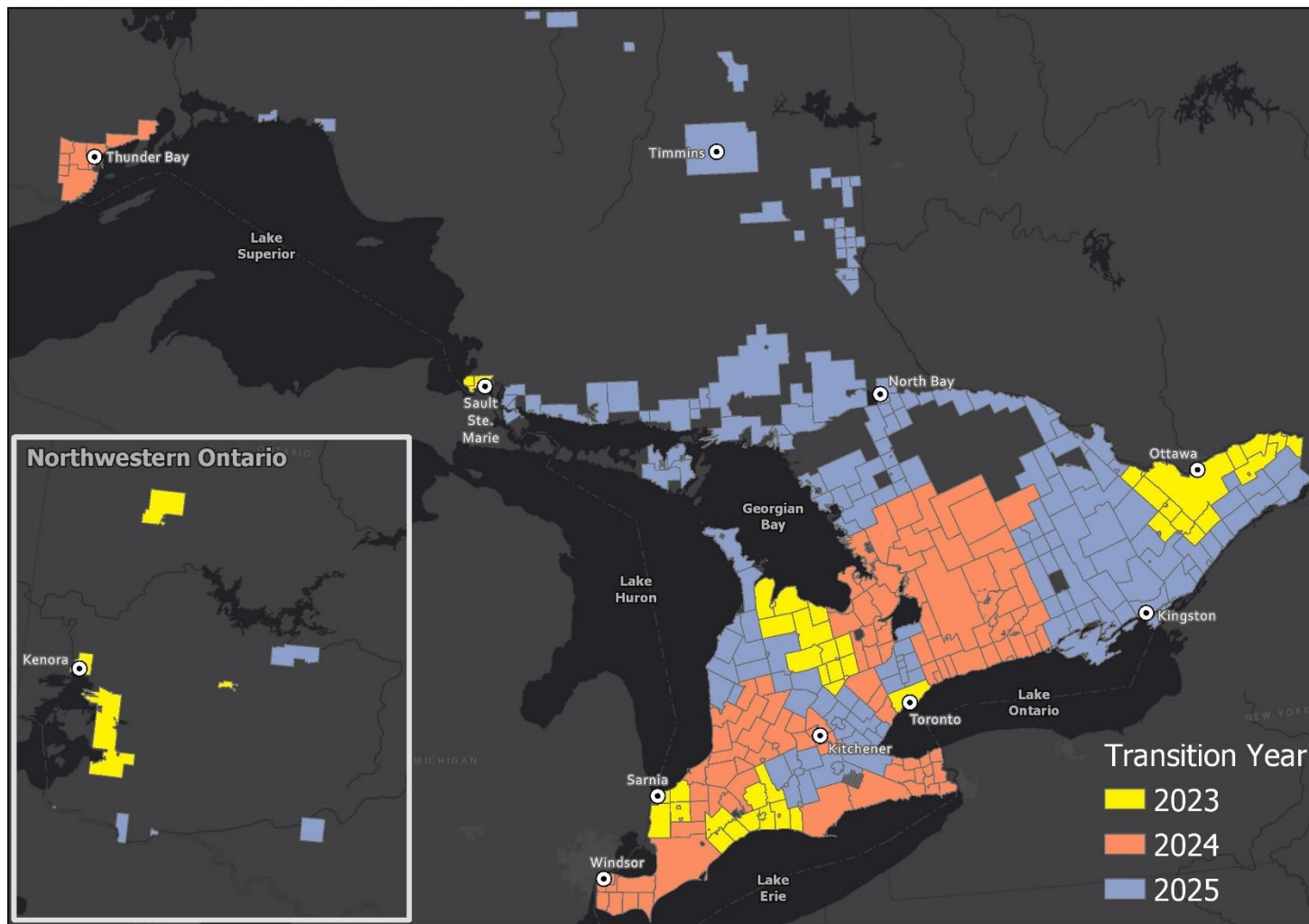
The Ministry will consult on the proposed transition groupings as it works to finalize the regulation, including the best way to determine the specific calendar date for each community's transition.

This will include engagement with First Nation communities to learn more about Blue Box Programs in their communities and assess their preferred dates for transition.

The Blue Box Transition Schedule will be updated when the regulation is finalized to include First Nation communities and identify a calendar date for the transition.

Blue Box Transition Complementary Document: Map

Blue Box Residential Recycling Program Lower / Single Tier Municipalities



**Blue Box Transition Complementary Document:
 Proposed Geographic Groupings, By Year**

2023: CENTRAL

Eligible Community	Transition Year
Chatsworth, Township of	2023
Dufferin, County of	2023
Enniskillen, Township of	2023
Georgian Bluffs, Township of	2023
Grey Highlands, Municipality of	2023
Meaford, Municipality of	2023
Newbury, Village of	2023
Owen Sound, City of	2023
Southgate, Township of	2023
The Blue Mountains, Town of	2023

2023: LONDON AREA

Eligible Community	Transition Year
Aylmer, Town of	2023
Bayham, Municipality of	2023
Central Elgin, Municipality of	2023
Dutton-Dunwich, Municipality of	2023
London, City of	2023
Malahide, Township of	2023
Southwest Middlesex, Municipality of	2023
Southwold, Township of	2023
St. Thomas, City of	2023
Thames Centre, Municipality of	2023
West Elgin, Municipality of	2023

2023: NORTHWEST

Eligible Community	Transition Year
Dryden, City of	2023
Kenora, City of	2023
Red Lake, Municipality of	2023

2023: EAST

Eligible Community	Transition Year
Alfred and Plantagenet, Township of	2023
Arnprior, Town of	2023
Beckwith, Township of	2023
Carleton Place, Town of	2023

Eligible Community	Transition Year
Casselman, Village of	2023
Clarence-Rockland, City of	2023
Drummond-North Elmsley, Township of	2023
Hawkesbury Joint Recycling	2023
McNab-Braeside, Township of	2023
Merrickville-Wolford, Village of	2023
Mississippi Mills, Town of	2023
Montague, Township of	2023
North Grenville, Municipality of	2023
Ottawa, City of	2023
The Nation, Municipality	2023

2023: SARNIA AREA

Eligible Community	Transition Year
Petrolia, Town of	2023
Plympton-Wyoming, Town of	2023
Sarnia, City of	2023
St. Clair, Township of	2023

2023: SAULT STE. MARIE AREA

Eligible Community	Transition Year
Goulais Local Service Board	2023
Prince, Township of	2023
Sault Ste. Marie, City of	2023
Sioux Narrows Nestor Falls, Township of	2023

2023: TORONTO

Eligible Community	Transition Year
Toronto, City of	2023

2024: CENTRAL

Eligible Community	Transition Year
Algonquin Highlands, Township of	2024
Barrie, City of	2024
Durham, Regional Municipality of	2024
Dysart et al, Township of	2024
Hastings Highlands, Municipality of	2024
Highlands East, Municipality of	2024
Kawartha Lakes, City of	2024
Minden Hills, Township of	2024
Muskoka, District Municipality of	2024
Northumberland, County of	2024

Eligible Community	Transition Year
Orillia, City of	2024
Peel, Regional Municipality of	2024
Peterborough, City of	2024
Peterborough, County of	2024
Simcoe, County of	2024

2024: HALDIMAND, NIAGARA AND NORFOLK

Eligible Community	Transition Year
Haldimand, County of	2024
Niagara, Regional Municipality of	2024
Norfolk, County of	2024

2024: SOUTHWEST

Eligible Community	Transition Year
Bluewater Recycling Association	2024
Chatham-Kent, Municipality of	2024
Essex-Windsor Solid Waste Authority	2024
Howick, Township of	2024
Stratford, City of	2024

2024: THUNDER BAY AREA

Eligible Community	Transition Year
Conmee, Township of	2024
Gillies, Township of	2024
Neebing, Municipality of	2024
O'Connor, Township of	2024
Oliver Paipoonge, Municipality of	2024
Shuniah, Municipality of	2024
Thunder Bay, City of	2024

2024: WATERLOO

Eligible Community	Transition Year
Waterloo, Regional Municipality of	2024

2025: CENTRAL

Eligible Community	Transition Year
Ashfield-Colborne-Wawanosh, Township of	2025
Bruce Area Solid Waste Recycling	2025
Burk's Falls, Village of	2025
Guelph, City of	2025
Halton, Regional Municipality of	2025

Eligible Community	Transition Year
Hamilton, City of	2025
Hanover, Town of	2025
North Huron, Township of	2025
Northern Bruce Peninsula, Municipality of	2025
Sundridge, Village of	2025
Wellington, County of	2025
West Grey, Municipality of	2025

2025: EAST

Eligible Community	Transition Year
Addington Highlands, Township of	2025
Admaston/Bromley, Township of	2025
Athens, Township of	2025
Augusta, Township of	2025
Bancroft, Town of	2025
Bonnechere Valley, Township of	2025
Brockville, City of	2025
Brudenell, Lyndoch and Raglan, Township of	2025
Carlow Mayo, Township of	2025
Central Frontenac, Township of	2025
Cornwall, City of	2025
Deep River, Town of	2025
Deseronto, Town of	2025
Edwardsburgh Cardinal, Township of	2025
Elizabethtown-Kitley, Township of	2025
Faraday, Township of	2025
Front of Yonge, Township of	2025
Frontenac Islands, Township of	2025
Gananoque, Town of	2025
Greater Madawaska, Township of	2025
Greater Napanee, Township of	2025
Head, Clara and Maria, Townships of	2025
Horton, Township of	2025
Killaloe, Hagarty, and Richards, Township of	2025
Kingston, City of	2025
Lanark Highlands, Township of	2025
Laurentian Hills, Town of	2025
Leeds and the Thousand Islands, Township of	2025
Limerick, Township of	2025
Loyalist, Township of	2025
Madawaska Valley, Township of	2025
North Dundas, Township of	2025
North Frontenac, Township of	2025

Eligible Community	Transition Year
North Glengarry, Township of	2025
North Stormont, Township of	2025
Ottawa Valley Waste Recovery Centre	2025
Papineau-Cameron, Township of	2025
Perth, Town of	2025
Prescott, Town of	2025
Quinte Waste Solutions	2025
Renfrew, Town of	2025
Rideau Lakes, Township of	2025
Russell, Township of	2025
Smiths Falls, Town of	2025
South Dundas, Township of	2025
South Frontenac, Township of	2025
South Glengarry, Township of	2025
South Stormont, Township of	2025
Stone Mills, Township of	2025
Tay Valley, Township of	2025
Westport, Village of	2025
Whitewater Region, Township of	2025
Wollaston, Township of	2025

2025: NORTH, NEAR NORTH, AND PARRY SOUND

Eligible Community	Transition Year
Armour, Township of	2025
Armstrong, Township of	2025
Assiginack, Township of	2025
Baldwin, Township of	2025
Billings, Township of	2025
Blind River, Town of	2025
Bonfield, Township of	2025
Callander, Municipality of	2025
Calvin, Municipality of	2025
Carling, Township of	2025
Casey, Township of	2025
Central Manitoulin, Township of	2025
Charlton and Dack, Municipality of	2025
Chisholm, Township of	2025
Cobalt, Town of	2025
Cochrane, Corporation of the Town of	2025
Coleman, Township of	2025
East Ferris, Municipality of	2025
Elliot Lake, City of	2025
Englehart, Town of	2025

Eligible Community	Transition Year
Espanola, Town of	2025
Evanturel, Township of	2025
French River, Municipality of	2025
Gauthier, Township of	2025
Greater Sudbury, City of	2025
Harley, Township of	2025
Hearst	2025
Hilliard, Township of	2025
Hilton Beach, Village of	2025
Hudson, Township of	2025
Huron Shores, Municipality of	2025
James, Township of	2025
Kapuskasing, Town of	2025
Kearney, Town of	2025
Kerns, Township of	2025
Killarney, Municipality of	2025
Kirkland Lake, Town of	2025
Laird, Township of	2025
Larder Lake, Township of	2025
Latchford, Town of	2025
Macdonald, Meredith & Aberdeen Additional, Township of	2025
Machar, Township of	2025
Magnetawan, Municipality of	2025
Marathon, Town of	2025
Matachewan, The Corporation of the Township of	2025
Mattice-Val Cote, Municipality of	2025
McDougall, Municipality of	2025
McGarry, Township of	2025
McKellar, Township of	2025
McMurrich/Monteith, Township of	2025
Nairn & Hyman, Township of	2025
Nipissing, Township of	2025
North Bay, City of	2025
Northeastern Manitoulin & Islands, Town of	2025
Parry Sound, Town of	2025
Perry, Township of	2025
Powassan, Municipality of	2025
Sables-Spanish Rivers, Township of	2025
Seguin, Township of	2025
Spanish, Town of	2025
St. Charles, Municipality of	2025
St. Joseph, Township of	2025
Strong, Township of	2025
Tarbutt & Tarbutt Additional, Township of	2025

Eligible Community	Transition Year
Temiskaming Shores, City of	2025
Terrace Bay, Township of	2025
The Archipelago, Township of	2025
Timmins, City of	2025
Tri-Neighbours	2025
Tudor & Cashel, Township of	2025
West Nipissing, Municipality of	2025
Whitestone, Municipality of	2025

2025: NORTHWEST

Eligible Community	Transition Year
Atikokan, Township of	2025
Emo, Township of	2025
Fort Frances, Town of	2025
Rainy River, Town of	2025
Sioux Lookout, The Corporation of the Municipality of	2025

2025: BRANT AND OXFORD

Eligible Community	Transition Year
Brant, County of	2025
Brantford, City of	2025
Oxford, Restructured County of	2025

2025: YORK

Eligible Community	Transition Year
York, Regional Municipality of	2025

Previous Waste Management Comments and How Addressed in Proposed Regulation

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>Niagara Region supports a consistent Provincial approach to standardization of materials accepted in the Blue Box program that should be done as part of the change to full producer responsibility. To achieve this, materials should not be removed from the program and if they are, alternative approaches for disposal must be considered, with producers paying for management of the material in the waste management system. Consumer convenience should be maintained or improved, and access to existing services should not be negatively impacted by any changes to Blue Box program.</p>	<p>The proposed regulation designates Blue Box materials under the RRCEA that producers would be responsible for collecting and managing which are items made from paper, metal, glass, plastic, or any combination of these materials including:</p> <ul style="list-style-type: none"> • 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 <p>Currently, Niagara Region's Blue Box program does not accept all items that will be designated such as straws, cutlery and stir sticks.</p> <p>Niagara Region does currently accept books (hardcover's removed) in the Blue Box program which is currently not included in the proposed regulations.</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
	<p>Through a common collection system, producers would be required to collect a consistent set of materials across the province. The proposed regulations do permit alternative collection systems provided certain conditions are met.</p> <p>The proposed regulation would require producers to maintain service types, standard, and levels the same as delivered by the municipal program between 2023 and 2025; however, after December 31, 2025, the service standards for eligible sources contained in the proposed regulations would apply (i.e. Blue Box material collected at least every-other-week and those municipalities currently receiving curbside collection would retain curbside collection).</p>
<p>Niagara Region is supportive of initiatives that target waste reduction and diversion in the ICI sector. Niagara Region currently offers unlimited curbside recycling and organic pick-up service to small and medium sized businesses. We have created an environmental program specific to businesses: Rethink Your Waste at Your Workplace. This recognition program includes an educational component and rewards businesses that make</p>	<p>The ICI sector is not included in the proposed regulation as an eligible source; however the province has indicated they intend to move forward on the IC&I waste framework in the coming months and will include stakeholder consultation.</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate. Blue Box receptacles are to be placed next to every receptacle for garbage at the public space. Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>efforts to maximize their waste diversion efforts. Similar voluntary programs have been in existence for a number of years, however, to make tangible progress towards reducing and recycling waste in the ICI sector, it would be beneficial to establish mandatory Provincial targets with firm timelines for the sector. Municipalities need to be compensated for ICI materials that are municipally collected as part of the integrated collection system.</p>	
<p>Niagara Region recommends the expansion of program service levels at multi-residential locations notwithstanding the challenges that may be presented including older buildings not designed for multiple waste streams and with space restrictions. Funding for upgrades supporting diversion in existing locations would encourage participation and new buildings should reflect design for proper waste diversion through approval processes. In many urban centres an increasing amount of the population resides in multi-residential locations and these residents must have access to the same programs as residents in the low-density residential sector. This also applies to residents in mixed-use properties.</p>	<p>The proposed regulations define eligible sources which include all residences, multi-residential properties, long-term care homes, retirement homes, public and private schools and public spaces.</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>In addition, schools should be an eligible source, whether or not they are collected as part of a residential collection route.</p>	
<p>Niagara Region also supports designation and full producer responsibility of new materials such as additional electronics (appliances, electrical tools), florescent bulbs and tubes, mattresses, carpets, clothing and textiles, furniture and the bulky items.</p>	<p>Not addressed.</p>
<p>Niagara Region requests the Province take a firm stance, for example, 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. Niagara Region also supports designation and full producer responsibility of new materials such as additional electronics (appliances, electrical tools), florescent bulbs and tubes, mattresses, carpets, clothing and textiles, furniture and the bulky items.</p> <p>The list of designated materials should be reviewed and items such as construction and demolition waste included under producer responsibility.</p>	<p>Producers of compostable products are not subject to the management requirements but are subject to the reporting requirements.</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>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.</p>	<p>Not addressed.</p>
<p>Regulations should allow for addition of obligated materials as technology advances and products continue to evolve. Newly added materials should have management targets in early years to ensure they are not disposed at the expense of municipalities.</p>	<p>Although the proposed designated materials encompass a wide range of materials, the proposed regulations do not speak to the addition of obligated materials.</p>
<p>Niagara Region's position is that individual sectors should have their own measurable targets and metrics (LDR, ICI and Multi-Residential). Targets should be reassessed at defined intervals to promote continued improvement of diversion rates. Creation of data collection mechanisms to measure progress in waste reduction and resource recovery is vital. Development of standards and targets that reflect a minimum of the current state i.e. minimum diversion targets set for the LDR (that are at least as high as current achievements) should be maintained during the transition.</p>	<p>The proposed regulation sets diversion targets based on the weight of Blue Box materials supplied in one of six given material categories and are not by sector or individual materials. Targets are set for 2026-2029 and 2030 and beyond.</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>To increase program effectiveness, Niagara Region supports individual recovery targets for individual materials. Despite the current challenges associated with recycling certain materials, such as multi-layer packaging, and the widespread use of single-use packaging, producers must be held accountable.</p>	
<p>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.</p>	<p>Not addressed.</p>
<p>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</p>	<p>Not addressed</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>newspapers for either non-transitioned or transitioned municipalities.</p>	
<p>Transition plans particularly 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.</p> <p>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 factoring into municipal considerations for compensation.</p>	<p>Not addressed</p>

Niagara Region Comments	How Addressed in Proposed Regulation
<p>All community events should be mandated to have diversion programs (twinned with garbage) and the Province should provide funding for volunteers to help sort waste properly at events. Public events should be waste-free and generate only acceptable recyclable and compostable material.</p>	<p>Under the proposed regulation producers would be required collect blue box material from public spaces where eligible communities provide garbage collection at the public space and streetscapes within the business improvement areas. Where the public space is a park or playground, producers are to collect throughout the year and locate receptacles at entry or exit points, and other areas where persons congregate.</p> <p>Blue Box receptacles are to be placed next to every receptacle for garbage at the public space.</p> <p>Producers will not be responsible for providing additional Blue Box receptacles in parks during community events where there maybe a need for increased receptacles.</p>
<p>The province's plan must provide appropriate details (e.g. catchment areas if applicable) and timelines so that municipalities can make an informed decision whether to bid on processing services, divest themselves of facilities or formulate public/private partnerships.</p> <p>In preparation for a shift to producer responsibility, some municipalities, including Niagara Region, have included or will be including clauses in future collection and/or processing contracts to allow for early termination. Many of these clauses require a significant period of notice to contractors (e.g. six months to a year), placing further importance on the province to provide appropriate notice, details and timelines for municipalities.</p>	<p>The proposed regulation provides a transition schedule by year but no specific dates within the year has not been identified in proposed regulations. The Province will consult on specific transition dates and include them in the final regulations.</p> <p>Niagara Region is scheduled to transition in 2024, despite the preference to transition as early as possible on January 1, 2023.</p>
<p>Waste reduction (avoid waste generation) followed by reuse, and recycling (including composting) should continue to take priority in the definition of diversion. Targets to address reduction and reuse should also be developed as higher value objectives. Use of alternative recovery methods such as energy or chemical recovery is preferable to landfilling materials.</p>	<p>The proposed regulations have included re-use as a way to achieve targets.</p> <p>Recovered resources can not be accounted for if supplied for use in a product that is land cover (unless certain conditions met), are supplied for use in a product that is fuel or a fuel supplement or supplied to an incinerator or landfilled.</p>