

# Residential Blue Box Program – Final Producer Responsibility Regulation

Waste Management Planning Steering Committee

June 28, 2021

# Background

- Timelines specific to new Blue Box Regulation:
  - 2016 – Passage of Resource Recovery & Circular Economy Act (RRCEA)
  - 2017 – Letter from Minister re: Amended Blue Box Program Plan (a-BBPP) and consultation
  - 2018 – Submission of Draft a-BBPP
  - 2019 – David Lindsay’s Blue Box Mediation Process, Report and Minister’s Direction
  - 2020 – Consultation
  - Oct. 19 to Dec. 3, 2020– Consultation on Draft Regulation
  - **June 3, 2021 – Approval of Regulation**
  - 2021 - 2022 – Stakeholders organize and prepare for producer responsibility
  - 2023 - 2025 – Producers take full responsibility

# Next Steps - Blue Box Transition

- 2021 – Registration for eligible communities, producers, PROs
- 2022 – Submission of proposed rules, creation of allocation table and registration of processors
- July 1, 2023 – December 31, 2025, transition of eligible communities
- 2026-2029 – New eligible sources, standardized materials and established targets
- 2030 – New targets

# Regulation Recap

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

1. Definition and scope of designated materials;
2. Collection and accessibility requirements;
3. Determining responsible producer;
4. Management requirements that producers must meet; and
5. Transition Schedule

# Regulation Recap cont'd

- During transition (January 1, 2023 – December 31, 2025) producers are obligated to maintain existing service levels in Niagara Region
- Post-transition (i.e. starting January 1, 2026) Niagara Region will have no operational program control over:
  - Collection frequency
  - Container type
  - Implementation of single versus dual stream



# Regulation Recap Cont'd

- Niagara Region has been advocating for the transition of the Blue Box to a producer responsibility framework for many years and both municipalities and producers desire change and support the shift
- While not all municipal comments were addressed with the final Blue Box regulations, the Province did respond to many of the concerns identified by municipalities including the following:
  - A broad list of designated materials to be collected and managed by producers
  - The harmonized approach to material collected throughout the province as this will help reduce confusion for residents and increase efficiencies related to promotion and education material.
  - The inclusion of multi-residential, public and private school, a subset of long term care, retirement homes, etc. and specified public spaces as eligible sources.
  - 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.

# Transition Schedule

- The preferred municipal transition dates were taken into consideration while trying to balance net program costs and materials managed over the three years.
- Niagara Region have been identified to transition no later than January 1, 2024.



# Draft vs. Final Regulation

## *Designated*

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

- Packaging, including aerosols
- Printed and unprinted paper
- Single-use packaging-like products, like foils, trays, and boxes
- Single-use food and beverage service items like straws, cutlery, plates, food service ware

## *Not Included*

- Made primarily from materials such as wood, textiles, wax
- Packaging-like products made of flexible plastics & used for food protection, containment, handling
- Any materials designated under different diversion programs
- Health, hygiene or safety product that becomes unsanitary or unsafe to recycle
- Books and hardcover periodicals
- Garbage Bags
- Biomedical or hazardous
- Alcoholic beverage product and packaging



# Draft vs. Final Regulation cont'd

## Public Spaces

- The definition of “public space” was expanded to include transit stations or stops under municipal or provincial jurisdiction as a public space as well as outdoor park, playgrounds or sidewalk, not just in designated business areas.
- Producers are required to provide a minimum number of bins per person in every community based on a density formula.



# Draft vs. Final Regulation cont'd

## Public Spaces cont'd

- Population of lower tier municipality divided by:
  - 400, if the eligible community has a population equal to or greater than 500,000;
  - 600, if the eligible community has a population equal to or greater than 30,000, but less than 500,000;
  - 800, if the eligible community has a population equal to or greater than 5,000, but less than 30,000; and
  - 1000, if the eligible community has a population less than 5,000, with no less than one blue box receptacle in any eligible community
- It is the producer's responsibility to provide blue box receptacles appropriate for public spaces, provide repairs or replacements.

# Draft vs. Final Regulation cont'd

## Eligible Sources – Long Term Care and Retirement Homes

- For profit long term care and retirement homes are now excluded from the requirements.

## Obligations for Curbside Collection

- Additional details regarding providing receptacles for Blue Box material
  - Provide a receptacle at least one week prior to date producer starts collection;
  - Repairing or replacing any damaged receptacles upon request, within one week of the request; and
  - Providing blue box receptacles that are appropriate, including with respect to size.

# Draft vs. Final Regulation cont'd

## Alternative Collection System

- A new section provides requirements for producers that register an alternative collection system for Blue Box material that includes collection by mail (i.e. pre-paid postage).



# Draft vs. Final Regulation cont'd

## Allocation Table

- The regulation requires the development of an annual allocation table, according to which the common collection system would be delivered and that identifies which producers are responsible for collection from which sources
- PROs must have signed up producers with a combined total of 20,000 tonnes of Blue Box material to qualify as a rule creator (previously 10% of total tonnage of Blue Box material supplied to consumers in Ontario).
- The rules for the allocation table must have agreement from PROs representing 66% of all producer tonnes at the negotiation stage (the previously set out threshold was 90% agreement).
- Producers are no longer listed as an entity that can make rules relating to the creation of an allocation table, only the PROs and the Minister.
- Creation of the rules for the allocation tables have been revised.

# Management Requirements

- The formula for calculating management requirements has changed and the weight of recycled content and the redistribution factor are no longer incorporated into equation.

Material Category	Proposed Target: 2026-2029	Proposed Target: 2030 onward
Paper	80% (90%)	85% (90%)
Glass	75%	80%
Metal	67%	75%
Rigid Plastic	50% (55%)	60%
Flexible Plastic	5% (30%)	40%
Non-Alcoholic Beverage Containers	75%	80%

# Considerations & Decision Points

## Material Recovery Facility (MRF)

- Timing and outcome of the MRF Negotiated RFP

## Provision of Collection and Haulage Services on Behalf of Producers

- Primary factors or acceptable terms influencing final decision to bid on collection and haulage services :
  - Full payment by producers
  - Reasonable and quantitative measures for standards and requirements related to collection and haulage.



# Considerations & Decision Points Cont'd

## Servicing Additional Property Types

- Continued provision of service to IC&I properties, for profit long term care homes and retirement homes and public space bins not covered under regulation.
- If Niagara Region continues to provide residential Blue Box collection, the IC&I properties will be part of the integrated collection system – otherwise producers must agree to provide the service or provide under current collection contract
- Separate regulations related to IC&I properties will also impact how this service is provided longer-term





# Considerations & Decision Points Cont'd

## Promotion and Education

- Niagara Region could negotiate with Producers to provide a subset or all promotion and education functions related to the Blue Box.
- Updating of existing promotion and education pieces and website.



# Considerations & Decision Points Cont'd

## Service for Non-Obligated Materials

- Niagara Region would be solely responsible for costs related to collection, haulage and processing of non-designated materials (ex. food storage bags, books (hard cover removed)).
- Removal of currently accepted materials may generate confusion for residents but it may be difficult to find a processor for non-obligated material.

## Service at Depots

- Producers are not obligated to provide depot service if curbside collection provided; however, may chose to if required to meet targets.
- Potential costs related to depot reconfiguration requirements.
- Residential convenience maintained but need a processor.

# Considerations & Decision Points Cont'd

## Special Events Recycling

- Producers not required to provide Special Events Recycling. Continued provision of Special Events Recycling by Niagara Region would be contingent upon Niagara Region securing a processor.

## Set Out Service

- Producers are not obligated to provide set out service to residents; however, Niagara Region may be able negotiate with producer to continue set out service for Blue Box Material (at our cost).

## Transition Schedule

- Producers have ability to transition communities prior to date in regulation. Niagara Region could engage with PROs an earlier date.

# Considerations & Decision Points Cont'd

## Policies/Procedures/By-Law

- Niagara Region's Waste Management By-Law and several policies and procedures will need to be revised.

## Waste Management Applications

- Customer Service Relations Management System, Collection Contract Database, Niagara Region Waste App, Geoware will need to be updated.



# Next Steps

- Many of the above considerations and decision points will require further detailed analysis (ex. financial implications), negotiations and/or Council approval.
- Attend webinars hosted by the Ministry on Blue Box Regulations.
- Participation in industry sessions and subcommittees related to Blue Box transition.
- Report back to Committee and Council

# Questions?