

MEMORANDUM

WMPSC-C 20-2023

Subject: Proposed Amendments to the Blue Box Regulation

Date: June 26, 2023

To: Waste Management Planning Steering Committee

From: Heidi Levitzky, Waste Management Services Advisor

The purpose of this memorandum is to inform the Committee of [proposed amendments](https://ero.ontario.ca/notice/019-6962) (<https://ero.ontario.ca/notice/019-6962>) to the Blue Box Regulation [O. Reg. 391/21](https://www.ontario.ca/laws/regulation/r21391) (<https://www.ontario.ca/laws/regulation/r21391>) under the Resource Recovery and Circular Economy Act (RRCEA) and Niagara Region's obligations under the Regulation as a producer.

Proposed Blue Box Regulation Amendments

To better reflect which materials and locations are in the blue box system, and support a smooth transition to a full producer responsibility framework, the Ministry of Environment, Conservation and Parks (MECP) is proposing the following:

1. Expand permitted deductions used to set management requirements

Producers must report on the amount of blue box material they supply to consumers which determines the amount of material they need to manage. They can deduct certain materials that are not managed by the blue box system such as:

- Outside materials such as fast food containers (e.g. at locations such as arenas, college and university campuses, and food courts).
- Materials like appliance boxes (e.g., packaging that is removed from the house to be disposed of outside of the residential waste system by a technician after installing a new appliance).

The proposed amendments would expand deductions to allow producers to deduct the weight of blue box materials managed outside of the blue box system. This would maintain integrity of the blue box system and ensure that producers' supply data better aligns with their data collection requirements.

A. What can be deducted:

- Materials collected from industrial, commercial and institutional (IC&I) sources:
 - businesses and commercial sources (e.g., office buildings)
 - recreational facilities (e.g., arenas)
 - some institutions (e.g., hospitals)

B. What cannot be deducted:

- Materials collected from eligible sources including residences, apartments, condos, long-term care homes, schools, depots, and public spaces.
- Supplemental or alternative collection systems including retail take-back programs or mail-back programs.

C. Additional technical changes:

- Beverage containers cannot be deducted. There are no “non-eligible sources” for beverage containers. All beverage containers must be reported and collected from all sources, whether they are residential, business, commercial or institutional.
- Materials that are deducted cannot count toward a producers’ management targets (i.e. how much Blue Box material they must recover each year).

Making these changes will provide certainty to producers as well as to the Resource Productivity and Recovery Authority (RPRA) who is responsible for oversight and compliance of the blue box regulation.

2. Harmonize annual reporting deadlines with other jurisdictions

The MECP is proposing to update the annual reporting deadlines in the blue box regulation from April 30 to May 31. This would create alignment with similar reporting requirements in other jurisdictions.

If approved, the majority of the proposed amendments would come into effect on July 1, 2023. Existing reporting obligations for 2023 will remain unchanged.

Niagara Region Comments

Niagara Region is submitting the following comments to the MECP which were due June 16, 2023.

Niagara Region concurs with the expanded deductions to reflect those materials that are not managed by the blue box system. Such materials could include plastic film, a common contaminant found at material recycling facilities. Niagara Region recommends that categories not covered by extended producer responsibility (EPR) in every jurisdiction are measured to allow for complete and consistent data sets that are comparable. It is important to understand the extent to which EPR is contributing to keeping plastics in the economy and out of the environment.

To note, this amendment further highlights the much needed requirements for updated regulations impacting properties that also align with the locations producers will be able to deduct (including IC&I and recreational facilities). For example, businesses of a certain size are subject to O.Reg. 103/94 requiring source separation programs to be implemented, and O.Reg. 102/94 requiring them to complete waste audits and have waste reduction work plans in place. The Government of Ontario commits to consulting the IC&I waste reform framework to improve the current waste activities within this sector in their A Made-in-Ontario Environmental Plan. Municipalities also recognize that further action is required at all levels (not just residential) to reach our goal of zero plastic waste.

Niagara Region is supportive of moving the annual reporting deadline up by one month from April 30 to May 31 if it will create better harmonization of other reporting requirements in other jurisdictions.

Niagara Region's Requirements as a Producer

Niagara Region with its agencies, boards and commissions (ABCs) is classified as a producer under the Regulation as it supplies Blue Box material (ex. letters, newsletters, brochures etc.) to residents and therefore has obligations under the Regulation. These include registering with RPRA, paying an annual registration fee, annual reporting of weight of Blue Box material supplied to consumers, paying a management fee and performance requirements (i.e. collection, management and promotion and education).

Niagara Region would be exempt from performance requirements if Niagara Region and the ABCs meet the supply-based exemption limits (i.e. supplied less than 9,000 kg of paper per year to residents); however, Niagara Region exceeds this limit.

Niagara Region will be required to enter into an agreement with a Producer Responsibility Organization (PRO) to meet the regulatory obligations under the Regulation including reporting, collection and management of the Blue Box material supplied to residents and promotion and education.

Respectfully submitted and signed by

Heidi Levitzky
Waste Management Services Advisor

June 16, 2023

VIA EMAIL: rrpb.mail@ontario.ca

Resource Recovery Policy
Resource Recovery Policy Branch
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To whom it may concern at the Ministry of Environment, Conservation and Parks,

RE: Niagara Region Response - Amendments to the blue box regulation to expand deductions for producers

Niagara Region appreciates the opportunity to comment on the Ministry's Amendments to the blue box regulation to expand deductions for producers. The amendments would allow producers to deduct materials from the industrial, commercial and institutional (IC&I) sources that producers are not required to provide blue box collection services to under the regulation, which would include locations such as:

- businesses and commercial sources (e.g., office buildings)
- recreational facilities (e.g., arenas)
- some institutions (e.g., hospitals)

While Niagara Region recognizes that the expanded deductions could better reflect those materials that are not managed by the blue box system, such as plastic film, a common contaminant found at material recycling facilities, Niagara Region recommends:

- A requirement for producers to report to the RPR for blue box materials in each category, the total supplied weight as well as the supplied weight minus the deductions be included.
- Categories not covered by extended producer responsibility (EPR) in every jurisdiction are measured to allow for complete and consistent data sets that are comparable. It is important to understand the extent to which EPR is contributing to keeping recycled content in the economy and out of the environment.

To note, this amendment further highlights the much needed requirements for updated regulations impacting properties that also align with the locations producers will be able to deduct (including IC&I and recreational facilities). For example, businesses of a

certain size are subject to O.Reg. 103/94 requiring source separation programs to be implemented, and O.Reg. 102/94 requiring them to complete waste audits and have waste reduction work plans in place. The Government of Ontario commits to consulting the IC&I waste reform framework to improve the current waste activities within this sector in their A Made-in-Ontario Environmental Plan. Municipalities also recognize that further action is required at all levels (not just residential) to reach our goal of zero plastic waste.

2. Harmonize annual reporting deadlines with other jurisdictions

Niagara Region is supportive of moving the annual reporting deadline from April 30 to May 31 if it will create better harmonization of other reporting requirements in other jurisdictions.

We thank you for the opportunity to share our municipal perspective and look forward to continued engagement on future measures to advance the plastics circular economy.

Sincerely,

Catherine Habermebl,
Director, Waste Management
Niagara Region