Ministry of the Environment, Conservation and Parks

Developing Producer Responsibility Regulations for Blue Box

Webinar Presentation

November 2019

Ontario

Improving the Blue Box – How Did We Get Here?

- Ontario recognizes the need to improve diversion, reduce plastic waste, and tackle litter.

- The draft Made-in-Ontario Environment Plan commits to transition Ontario's recycling programs to a new Producer Responsibility approach. Key elements include:
  - Outcomes-based regulations to reduce burden
  - Flexibility and innovation to meet requirements in the market
  - Improved oversight to verify diversion outcomes
  - Seamless transition for consumers and citizens

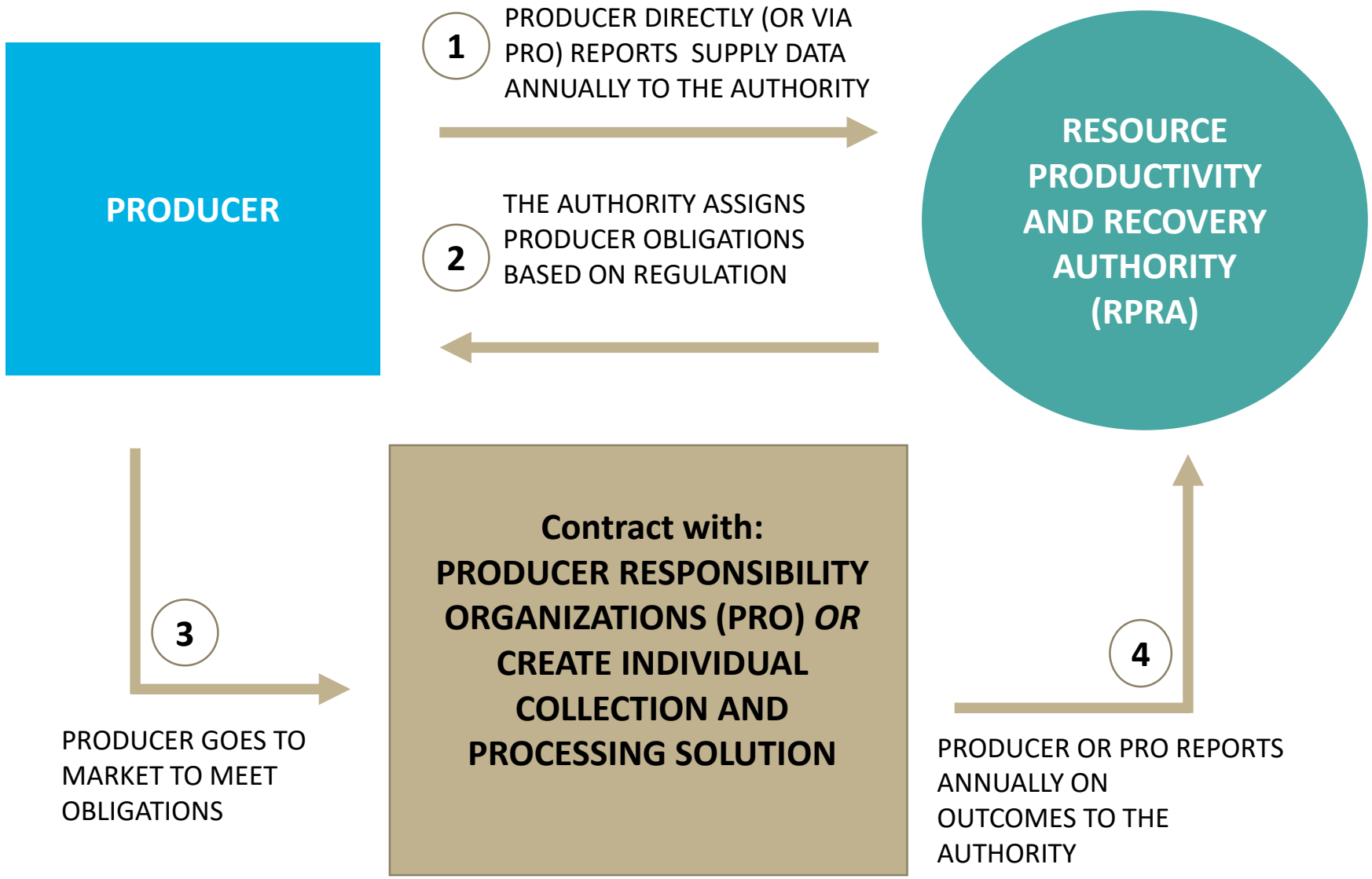
- On June 6, 2019, Mr. David Lindsay was engaged as a Special Advisor to engage with key parties and provide the government with recommendations on how to move forward with producer responsibility for Ontario's Blue Box services.
  - Mr. Lindsay met stakeholders from June-July, and delivered his final report on July 20, 2019.
  - The report outlined recommendations regarding materials, targets, collection requirements – but most critically, timing.

Current Status of the Blue Box

- On August 15, 2019, the Minister directed Stewardship Ontario to develop a plan under section 14 of the *Waste Diversion Transition Act, 2016* (WDTA), that aligns with Mr. Lindsay's recommended timing.
  - SO must consult stakeholders and submit a plan to the Resource Productivity and Recovery Authority by June 30, 2020.
  - The Authority is expected to approve this plan by December 31, 2020, if it is consistent with the Minister's transition direction.

- The next step is to develop new Blue Box regulations under the *Resource Recovery and Circular Economy Act, 2016* (RRCEA).
  - In developing the regulations, the ministry will invite stakeholders to participate in Working Groups. These groups will provide the ministry with a diverse and balanced range of perspectives, including from industry, municipalities and service providers.
  - The contributions of these Working Groups will inform further public consultations on the proposed policy and regulations.

Overview of Ontario's New Approach

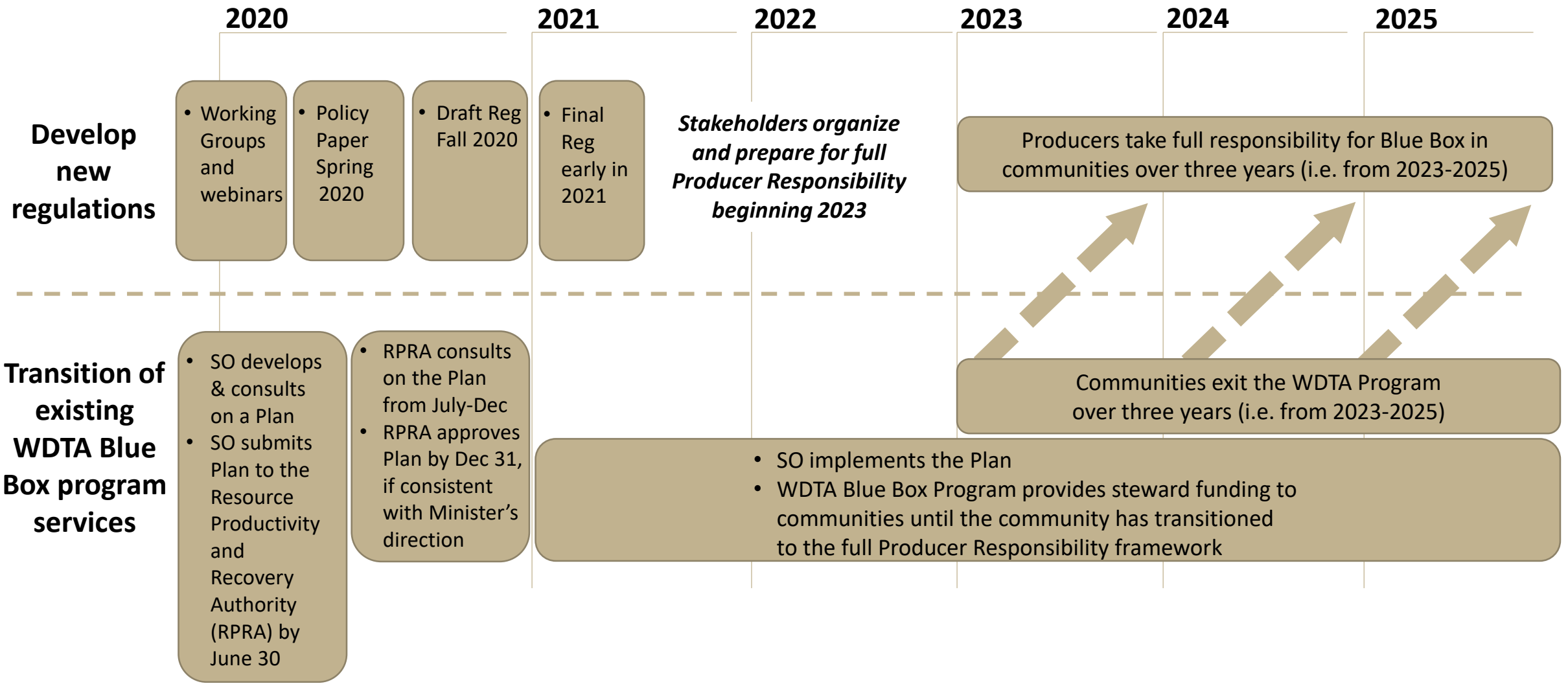


Ontario

Key Elements of an EPR Regulation

- Regulations under the *Resource Recovery and Circular Economy Act* (RRCEA) replace government-approved stewardship plans
- Regulates outcomes in key areas, including:
    1. A hierarchy of producers that are responsible for meeting outcomes
    2. Materials to be collected
    3. Collection and management requirements
    4. Registration and reporting
- Authority provides oversight, compliance and enforcement
- Regulated parties register with the Authority and have some reporting and record-keeping requirements

Roadmap to Producer Responsibility for Blue Box



Stakeholder Working Groups

- The ministry is proposing to establish three Working Groups to accommodate stakeholders' input into the regulations:
  - A **Producer** group including representation from large brand holders and producer associations, and retail, restaurant, grocery sectors.
  - A **Municipal** group including representation from urban, rural, and all geographic regions across Ontario as well as associations for municipalities and managers of multi-residential buildings.
  - A **Circular Economy** group including manufacturers of unbranded packaging and products, waste management service providers which haul and process Blue Box materials, and industries that receive processed Blue Box materials and use it for feedstock in new products.

- Working groups are a forum for participating stakeholders to provide information and technical advice to inform the ministry's initial policy development.

- Membership on the working groups is intended to provide the ministry with input from a broad cross-section of engaged stakeholders while keeping the group sizes manageable.

- The ministry will work also with **First Nations and Indigenous communities** to receive their input and feedback during this process.

Engagement Beyond the Working Groups

- As there is a high level of interest related to Blue Box transition, it is not possible to engage all interested stakeholders via Working Groups, but it is important that all stakeholders have opportunities to provide input to the Ministry.

- Three series of **webinars** will be held at each milestone of regulatory development to allow all stakeholders to provide feedback:
  - **November 27/28, 2019** – at the launch of the regulatory development process
  - **Spring 2020** – with the release of a policy paper that describes the proposed regulatory system
  - **Fall 2020** – with the posting of draft regulations on the Environmental and Regulatory Registries

- Between these webinars, stakeholders who are interested in the Working Groups' discussions should contact their representative associations to receive updates and provide input on the discussion topics.

- The Ministry will post two documents on the Environmental and Regulatory registries for your review and comment:
  - **Spring 2020** – policy paper that will describe the proposed details of the new Blue Box system
  - **Fall 2020** – draft producer responsibility regulations and potential regulatory amendments.

Key Considerations

Development of the regulation for Blue Box materials will be a complex task. To provide the needed information, the ministry will consider four initial key areas as it develops its Blue Box policy:

1. **Definition and scope of the designated materials**, e.g.:
   - What products and/or packaging materials must be managed? (e.g., convenience, transport and primary/secondary packaging; single-use plastic and paper products)?
   - How should material categories be set?; Should categories help discern between highly-recyclable and poor performing materials, and should there be a few broad categories or long lists of materials?
   - What factors should be considered making changes to designated materials or material categories? What information exists, and how can it be transparently shared, to substantiate any decisions on changes?
   - Are there materials which could have obligations outside the Blue Box common collection system? (e.g., compostable packaging, or packaging managed through deposit return, take-back or green bin programs such as coffee pods)

2. **Collection and accessibility requirements**, e.g.:
   - What sources must be collected from?
   - What should be the minimum standard level of service in communities?
   - What standards should be required for collection bins?

Key Considerations (2)

3. **Management requirements** that producers must meet, e.g.:
   - What would be appropriate targets for highly-recyclable materials and poor-performing materials?
   - What should count towards diversion? (e.g,. reuse; recycled and used in making new products; used as aggregate)
   - How to reduce residual materials sent to landfill? (e.g. energy recovery when all other options are exhausted)
   - What recycling standards or other requirements should be required by regulation to ensure recycling facilities can process materials at a satisfactory level?
   - How can the regulation recognize, encourage, or require waste reduction? (e.g., recycled content; recyclability; refillable containers; etc.)

4. **Transition approach** – what criteria should be used to select which communities will transition from the current Blue Box program to the new producer responsibility framework under the RRCEA in each of 2023-2025?

- In addition to these key areas, the ministry will also consider:
  - Defining the responsible producer
  - Registering, reporting and record-keeping requirements
  - Audit requirements

Next Steps

- The next webinar will be planned for Spring 2020 to coincide with the release of the Blue Box Policy Paper for public comment.

- Further questions can be directed to the Resource Recovery Policy Branch at RRPB.mail@ontario.ca

Appendices

Invited Working Group Members – Producer, Municipal groups

Producers (15 total)

- Amazon Canada
- Canadian Beverage Association
- Canadian Federation of Independent Business
- Canadian Federation of Independent Grocers
- Canadian Tire
- Coca-Cola
- Food and Consumer Products of Canada
- Loblaw
- Magazines Canada
- News Media Canada
- Procter & Gamble
- Restaurants Canada
- Retail Council of Canada
- Unilever Canada
- Wal-Mart

Municipalities (28 total)

- Association of Municipalities of Ontario
- Association of Condominium Managers of Ontario
- City of Cornwall
- City of Hamilton
- City of London
- City of North Bay
- City of Ottawa
- City of Sarnia
- City of Sault Ste. Marie
- City of St. Thomas
- City of Thunder Bay
- City of Toronto
- City of Woodstock
- District Municipality of Muskoka
- Durham Region
- Essex-Windsor Solid Waste Authority
- Federation of Northern Ontario Municipalities
- Halton Region
- Lambton County
- Municipality of Chatham-Kent
- Niagara Region
- Northwestern Ontario Municipal Association
- Oxford County
- Peel Region
- Regional Public Works Commissioners of Ontario
- Rural Ontario Municipal Association
- Simcoe County
- York Region

Invited Working Group Members – Circular Economy group

Circular Economy (13 total)

Waste Management Industry

- Atlantic Packaging
- Emterra
- Green For Life/Canada Fibers
- Miller Waste
- Ontario Waste Management Association
- Owens-Illinois
- ReVital Polymers
- Waste Connections of Canada

Packaging Material Sector

- Canadian Manufacturers and Exporters
- Canadian Plastics Industry Association
- Carton Council of Canada
- Compostables Canada
- Paper and Paperboard Packaging Environmental Council