

Sent via email to: rrpb.mail@ontario.ca

June 8, 2023

Resource Recovery Policy Branch
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To Whom It May Concern:

RE: Amendments to the Blue Box Regulation to Expand Deductions for Producers (ERO 019-6962)

The Association of Municipalities of Ontario, the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association appreciate the opportunity to provide feedback on proposed amendments to the blue box regulation to expand deductions for producers.

Ontario municipal governments do not support the proposed amendments that would allow producers to deduct materials collected from industrial, commercial and institutional sources that producers are not required to provide blue box collection services to under the blue box regulation, which would include location such as:

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

Last minute changes of this sort have significant implications on the system. It impacts the budgets for the various producer responsibility organizations, as well as the Resource Productivity and Recovery Authority (RPRA) given their fee structures are based on materials supplied. The other issue for RPRA as it forces resources to be expanded on accommodating these changes rather than planned compliance activities.

We have already raised concern with the Ministry Environment, Conservation and Parks and with RPRA that the supply data shows that the management requirements already appear to either be set too low, the impact of de minimis requirements are creating more issues than expected or producers are improperly reporting (table below).

| Category | RPRA 2021 Supplied tonnes (reported in 2022) | Management Requirement for 2026 | Current Blue Box Performance (Datacall 2021 Marketed) |
|---------------------------|--|---------------------------------|---|
| Beverage Container | 111,413 | 80% | n/a |
| Glass | 60,439 | 75% | 85,514 |
| Flexible Plastic | 83,462 | 25% | 104,406* |
| Rigid Plastic | 119,780 | 50% | |
| Metal | 48,660 | 67% | 44,247 |
| Paper | 493,987 | 80% | 502,214 |
| TOTAL | 806,328 | | 736,381 |

*Current performance of rigid and flexible plastics cannot be separated

While it is not possible to separate beverage container performance, based on the other categories it appears producers may already be meeting all of their targets based on current performance. Additional deductions applied to the supplied data will only exacerbate this issue.

Another complicating factor is that the current regulations require audits every three years instead of annually so potential issues with improper deductions may not be known until years later. This significantly reduces the oversight ability of RPRA as audit information is available to them on an annual basis. For producers collecting information and records for three years is more cumbersome and difficult to compile than simply collecting information every year on a consistent basis.

Allowing for these deductions increase challenges related to accurately determining what percentage of these materials are consumed and generated as waste within “eligible sources”. If the Ministry chooses to make these amendments, we recommend the Blue Box regulation also be amended to:

- make audit requirements annual rather than every three years;
- ensure producers report to RPRA on both the total supplied as well as the supplied minus the deductions; and that
- material targets be increased to ensure continuous improvement.

Finally, we would request the government provide a timeline for consultations on the industrial, commercial, and institutional waste reform framework. Progress on this consultation would help to reduce concerns about lack of recycling within these sectors.

Thanks again for the opportunity to provide this feedback. Should you require any additional information, please let us know.

Sincerely,



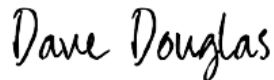
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