



December, 2008

Ms. Alena Grunwald,
Project Manager
Ministry of the Environment, Integrated Environmental Planning Division
Waste Management Policy Branch
135 St Clair Avenue West, Floor 7
Toronto, ON M4V 1P5

cc: Glenda Gies, Waste Diversion Ontario.

Dear Ms. Grunwald:

Re: EBR Registry Number: 010-4676
'Toward a Zero Waste Future: Review of Ontario's Waste Diversion Act, 2002:'
Discussion Paper for Public Consultation

York Region is pleased to provide the following staff only comments on 'Toward a Zero Waste Future: Review of *Ontario's Waste Diversion Act, 2002*: Discussion Paper for Public Consultation' – EBR Registry Number: 010-4676. Due to the timing of Committee and Council at the Region, the Ministry's consultation schedule and EBR comment deadline, these comments will be considered by Regional Council on January 22, 2009. We will provide a copy of the Council recommendations on the report to the Ministry after that date.

York Region Waste Management Background:

The Regional Municipality of York is made up of nine local municipalities (Aurora, East Gwillimbury, Georgina, King, Markham, Newmarket, Richmond Hill, Vaughan, and Whitchurch-Stouffville) that provide services to over 983,000 residents, 25,000 businesses and 395,000 employees. The two-tier government structure provides services to residents and some businesses which includes collection and processing of waste and divertible materials. In 2007, the Region generated over 358,000 tonnes of waste, of which 46% was diverted from landfill¹. In 2006, the nine local municipalities and the Region worked together to develop the Joint Municipal Waste Diversion Strategy that has set the target of 65% waste diversion by 2010. Local municipal and Regional staff subsequently formed the Inter-municipal Waste Diversion Committee (IMWDC) which is made up of solid waste professionals from each of the nine local municipalities and Region.

¹ Waste Diversion Ontario, 2007 Datacall

Joint Comments to the Ministry of the Environment on the *Waste Diversion Act, 2002*: Discussion Paper for Public Consultation'

On December 3, 2008, the IMWDC met to develop comments on the *Waste Diversion Act* Review. The discussion sessions provided comments under four major themes:

1. Extended Producer Responsibility (EPR).
2. Increasing Waste Reduction through the 3R Hierarchy.
3. Increasing Reduction and Diversion of Industrial, Commercial & Institutional (IC&I) Waste.
4. Streamlining Governance and Administration.

During the December 3, 2008 IMWDC workshop, it was agreed that all positions expressed would be respected and to the greatest extent possible, extensive effort would be made by the group to define consensus positions among the representatives. On some issues, productive discussions revealed that consensus was not reached. Consistent with the concept of respect for all positions, it was agreed that not only would consensus positions be communicated in the review comments, but differing or dissenting positions would also be conveyed.

Extended Producer Responsibility (EPR)

Consensus was reached by the IMWDC that producers need to be made responsible for the end of life of products they produce. This means being responsible for 100% of the costs to collect and process their material at the end of its use in a responsible manner. Incentive tools need to be in place whereby recycling and reuse is financially more advantageous than disposal.

The group concurred that product designs need better life cycle analysis before being allowed to enter the market. Stronger mechanisms in product labeling need to be undertaken so that consumers understand the impact of their purchasing choices on the environment and product pricing should accurately reflect environmental impact in the products cost. Environmental product labeling was conveyed as more important than fee visibility.

It has been suggested that full cost steward responsibilities might lead to assumptions of program delivery and service by the steward organizations. The IMWDC is concerned that this presents a negative impact on delivery of important waste management services to residents and a loss of accountability. If program delivery was to be assumed by industry stewards, municipalities would have to be appropriately compensated for existing long term investments in existing infrastructure along with assurance that level of service and environmentally responsible decision making is not compromised.

Increasing Waste Reduction through the 3R Hierarchy

It was conveyed by the group that the Act needs to have stronger emphasis and incentives for reduction and reuse programs. This could be achieved by rewarding and encouraging product designs that move away from single usage convenience products. It was acknowledged that stronger support for reuse networks would also encourage reduction of waste.

Two opinions were expressed about the incorporation of the fourth R (recovery) into the waste reduction hierarchy. One suggestion was that consideration should be given to the fourth R (recovery) in the waste management hierarchy only if all other diversion avenues have been explored first. Another opinion expressed was that the reference to the fourth R is in contradiction to the zero waste concept and should not be included in the hierarchy (please see appended comments).

Increasing Reduction and Diversion of Industrial, Commercial and Institutional (IC&I) Waste

The group identified that there are two different types of IC&I sectors that are under consideration for this section of the discussion paper. The IC&I producers of products (i.e. Proctor and Gamble), versus the IC&I generators of waste (i.e. schools and restaurants). Responsibility can be extended to IC&I producers by requiring a minimum standard of recyclability on the products and packaging they produce before allowing it into the Ontario market place. The group communicated that Federal and Provincial governments need to work together to better regulate standards for packaging materials so that they fit within the fundamental waste reduction and diversion goals. It was also recommended that if producers were required to publicly report their waste reduction and diversion efforts, pressure would be put on the IC&I sector to be more environmentally responsible for their product and packaging design choices.

The IC&I sector that generates waste (i.e. schools and restaurants), needs to have the tools and incentives in place to better promote compliance with the current regulations (Ontario Regulation 102/94 and Ontario Regulation 103/94). It was recommended that consistent and ongoing enforcement be carried out by the Province and that cost incentives be created for business to recycle rather than dispose.

Streamlining Governance and Administration

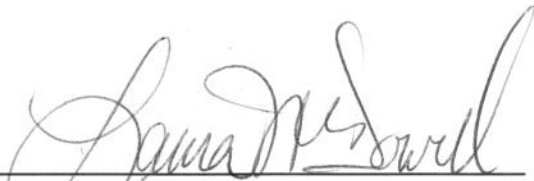
The group acknowledged that there is a need for clear definitions of the roles and responsibilities for waste diversion within the Federal, Provincial and municipal governments and within industry and the private sector. There was agreement that Waste Diversion Ontario (or a similar organization) could fulfill the need of a multi-stakeholder Provincial waste management body by broadening its mandate to include a full scope of integrated waste management issues.

It was recognized that there needs to be empowerment of different government bodies to work together to achieve waste diversion/reduction goals (i.e. Provincial jurisdiction over

packaging laws). Developing a uniform municipal authority would support the standardization of programs provincially and enhance public participation and encourage effective stewards program delivery.

Thank you for providing York Region and its area municipalities with the opportunity to comment on the WDA review. We hope that comments provided will be helpful in the review process.

Sincerely,

A handwritten signature in cursive script, reading "Laura McDowell", written over a horizontal line.

Laura McDowell P. Eng.
Director of Environmental Promotion & Protection
Department of Environmental Services
Regional Municipality of York

A handwritten signature in cursive script, reading "Brian F. Jones", written over a horizontal line.

Brian F. Jones, P. Eng.
Chair of Inter-municipal Waste Diversion Committee (IMWDC)
Director of Public Works Services
Town of Newmarket

Appended IMWDC Comments and Recommendations
From the December 3, 2008 meeting:

Extended Producer Responsibility	Discussion Paper Question Addressed
Require industry to meet material specific diversion targets.	#4 and #5
As a group we supported take-back programs, making producers responsible for the end of life of their products as a tool for EPR.	#1,2,5,11,16
100% funding including collection, processing and capital costs with hard timelines.	#10
Concerns were raised that ultimately the consumer will be paying for EPR.	#8, 16
- Producers should provide funding to municipalities to fully cover costs for collection and processing of residual waste and litter, not just from the Blue Box (excluding yard waste as there is no industry producer for this). - The concept of providing incentives for desired behavior and establish disincentives for undesirable behavior you do not want was suggested.	#1,4,5
The cost of the product has to reflect the true costs which include processing, collection and capital.	#1,2
- Provide some mechanism such as product labeling for people to understand what they are buying (i.e. more wasteful vs. less wasteful products) and how to dispose of it. - A suggestion was made to label products to educate consumers on processing and disposal costs - could use a rating system like the Green Dot program in Europe.	#19
All packaging should be made with material that can be recycled; stewards must ensure markets whether the material is accepted in the blue box or elsewhere.	#1,2,24,25
EPR requires multiple tools (i.e. 100% funding, take-back programs, etc.), and ultimately there is a need for more standardization and more penalties for difficult materials (i.e. composite packaging like the Tim Horton's paper cup and plastic lid).	#1,2,4
Require a minimum environmental standard for all packaging design and disposal with regard for its life cycle and ease of recycling the material.	#1,2

Increasing Waste Reduction through the 3Rs Hierarchy	Discussion Paper Question Addressed
- Targets should be focused on reaching zero residual waste to disposal not how high the percentage of diversion is. - Metrics should be considered as weight/capita in order to minimize waste. - Concerns were raised that Statistics Canada data has a five year lag time and is not representative of current municipal house hold data. - Overall, group stressed the need for standardization of metrics.	#1, #2
Need standardized reporting of data and must be in clear plain language.	
- There is a need for increased emphasis on the first R (reduction) – in volume as well as weight of packaging. - Incentives for reuse of products. - Measure garbage and focus on first 2 R's (reduction and reuse).	#13, 17,
Waste management hierarchy should be reflective of life-cycle and emphasize the impact of waste management choices to the public.	#24
Consideration should be given to the fourth R (recovery) in the waste management hierarchy only if all other avenues are used (note: this was not accepted by entire group).	#13
Reference to the fourth R (recovery) is in contradiction to zero waste concepts (note: this was not accepted by entire group).	#13

Increasing Reduction and Diversion of Industrial, Commercial and Institutional (IC&I) Waste	Discussion Paper Question Addressed
In order to encourage businesses to recycle, fees or added costs should be incorporated into cost for disposal to provide incentives to reduce and encourage businesses to recycle (i.e. fee for landfilling/incineration).	#20,23
Need enforcement of Ontario Regulation 102/94 – it is not being effectively enforced now.	#35
- Stronger packaging regulations are needed – including a minimum environmental standard that producers must meet if their products are to enter the Ontario market (i.e. amount of recyclable material used, suitability for the blue box or other diversion program, minimal environmental impact throughout life cycle). - Producers that import packaging and products should also be subject to the same standardized requirements. - In order to maintain sufficient and effective standardization, the Ministry of the Environment should consult with any other Federal or provincial ministries that have impacts on packaging in Canada for developing and enforcing these standards. - Suggest to empower the Province or municipalities to plan and implement packaging content laws.	#24
If the IC&I sector was required to publicly report their waste diversion efforts, this would give incentives to industry to make better environmentally sustainable decisions.	#21
- Due to the lack of capacity available to manage the volume anticipated for generated IC&I sector waste, tools need established to encourage private infrastructure to process ICI waste (funded through EPR). - Consideration needs to be given to other diversion programs such as organics, and biodegradable products.	#1,2
100% pay back from IC&I producers.	#10

Streamlining Governance and Administration	Discussion Paper Question Addressed
- The group acknowledged that there is a need for clearer definitions on the roles and responsibilities of Federal, Provincial and Municipal governments plus and industry stewards. - There needs to be more empowerment to different government bodies to achieve waste diversion/reduction (i.e. Provinces jurisdiction over packaging laws granted by Federal government). - There was agreement that the Ministry of the Environment (MOE) should remain the enforcement body but it was strongly recommended that the enforcement significantly be improved.	#30, 31, 32,
- Concerns were raised that penalties can be administratively challenging especially when there are many stages of enforcement (i.e. warnings, follow-ups, charges, appeals). - Consideration should be given to enforce regulations immediately. - An alternative to using the judicial system is a 'fee for service' for non-compliance (i.e. if municipalities have to process residue they would have to authority to charge back to the generator for services).	#35
An overall comment made indicated that the Province needs to be more proactive and less reactionary.	
Suggested that technology can be used to track and divert material (i.e. use UPC type codes on products) – the material tracking would indicate how much waste is being produced.	#6b
Build program to incorporate alternative system beyond Blue Box (i.e. Community Environmental Centres, transfer stations, deposit refund, take back programs).	#11
Ensure programs are not cumbersome for municipalities (i.e. smaller municipalities) to either participate or manage under full funding.	
Consider designation of some materials that are optional for curbside green bin organics (i.e. specifically problematic organic material such as kitty litter and diapers).	