



Environmental Services Department

MEMORANDUM

TO: Members of Solid Waste Management Committee

FROM: Erin Mahoney, Commissioner of Environmental Services

DATE: November 6, 2008

RE: **AMO Alert Environment Minister Launches Review of Blue Box Program and Waste Diversion Act**

The Association of Municipalities of Ontario (AMO) and the AMRC identified a need to revise the funding model for the Blue Box program and, in August 2008, released a position paper *AMO and AMRC Discussion Paper for an Alternative Approach to Ontario's Blue Box Funding Model*.

The paper recommends that a need exists to shift the funding responsibility for management of Post Consumer Packaging and Printed Materials from municipal taxpayers to the industry that created them. This funding concept reflects the recent direction by the Minister of the Environment to industry stewards to assume full costs of the management of Municipal Hazardous and Special Wastes generated by their industry sector.

On October 18 2007, Council approved Report No. 9 of the Solid Waste Management Committee endorsing the AMO and AMRC submission to the Minister of the Environment recommending changes to the Waste Diversion Act. The submission recommended that the Minister review the need to establish legislation governing "virtually all waste management matters".

AMO's letter, attached to the staff report, proposed a single piece of legislation with 2 parts:

1. Waste diversion matters
2. Waste management auditing and planning, waste approvals, recycling, composting, landfill disposal and thermal treatment

Environmental Assessment requirements would remain under the Environmental Assessment Act.

The AMO letter included a position paper by AMO and AMRC proposing areas for amendment of the existing Waste Diversion Act and entitled, “*AMO and AMRC Discussion Paper on the Five Year Review of the Waste Diversion Act*”. The paper suggested 5 themes for amendment of the Act:

1. Waste Diversion Program Development in accordance with Accepted Policy Principles and Program Development in a Timely Manner (i.e. develop a clear definition of “waste diversion programs” and develop them to consistent standards aligned with Provincial Policy)
2. Continuous Monitoring and Improvement of waste diversion programs
3. Enhanced Consultation to include all parties affected by changes and to avoid changes brought about by lobbying
4. Dispute Resolution through appeal to an independent tribunal
5. Other Technical Amendments

The MOE responded to the request for Amendments with the publication of a Waste Management Act review paper; *Toward a Zero Waste Future: Review of Ontario’s Zero Waste Diversion Act, 2002*; in October 2008. This discussion paper suggests a “forward thinking waste diversion framework” based on:

1. Extended Producer Responsibility
2. Greater focus on waste reduction and re-use
3. Increased ICI waste reduction and diversion
4. Greater clarity around roles, responsibilities and accountability of parties in the waste diversion process.

The Waste Management Act Review Paper suggests the need for revisions to the Blue Box funding model through Extended Producer Responsibility noting that future programs should work toward full extended producer responsibility and considering revision of existing programs to better reflect full producer responsibility.

Part III of the Waste Management Act review paper entitled “Increasing Waste Reduction through the 3R Hierarchy” the paper suggests revisions to the Act to better promote reduction, reuse and recycling in that order. This partially addresses the AMO and AMRC theme of “Waste Diversion Program Development in accordance with Accepted Policy Principles”.

Part IV, “Increasing Reduction and Diversion of Industrial, Commercial and Institutional Waste”, suggests the possibility of strengthened data reporting requirements to encourage the ICI sector to divert as much waste as possible. This addresses some aspects of the Continuous Monitoring and Improvement theme.

Part V, “Streamlining Governance and Administration”, explores some aspects of the remaining themes, acknowledging complex and sometimes overlapping relationships between the various organizations as an issue and suggests bringing greater clarity to roles and responsibilities; development and introduction of effective compliance tools; consistent timelines for program development; expanded requirements for public consultation; and changes to Waste Diversion Ontario board of directors to eliminate overlaps and better reflect the public interest. These suggestions address some of the concerns relating to the Enhanced Consultation theme.

The MOE posted the Waste Management Act review paper; *Toward a Zero Waste Future: Review of Ontario’s Zero Waste Diversion Act, 2002* on the Environmental Bill of Rights Registry, requesting comments by January 15, 2009. The Minister also requested that WDO review the Blue Box Program Plan and report back by March 20 2009. Staff will keep Committee and Council apprised of our comments on the Act and will report back in January 2009.

If you require further information, please contact Laura McDowell, Director Environmental Protection and Promotion at extension 5077.

Erin Mahoney, M. Eng.
Commissioner of Environmental Services

AS/js

#725885



200 University Ave, Suite 801
 Toronto, ON M5H 3C6
 Tel.: (416) 971-9856 | Fax: (416) 971-6191
 E-mail: amo@amo.on.ca

MEMBER COMMUNICATION

ALERT N°: 08/046

To the attention of the Clerk and Council
 October 17, 2008

FOR MORE INFORMATION CONTACT:
 Milena Avramovic, Sr. Policy Advisor
 (416) 971-9856 ext 342

ALERT

Minister Launches Review of Blue Box Program and Waste Diversion Act

Issue:

Minister of the Environment gives direction to Waste Diversion Ontario (WDO) to review the Blue Box Program and submit a report to him by March 20, 2009. Minister also launches a discussion paper to officially begin the five year review of the Waste Diversion Act (WDA).

Background:

Earlier this year AMO and AMRC advised you that there is a growing need to revise the current Blue Box funding model as municipalities are becoming more vulnerable to rising waste management costs. AMO and AMRC prepared a position paper "AMO and AMRC Discussion Paper for an Alternative Approach to Ontario's Blue Box Funding Model" which examined the following fundamental issues for discussion:

- Designating all Post Consumer Packaging and Printed Paper material;
- Extending producer responsibility for the cost of managing Post Consumer Packaging and Printed Paper in the litter and garbage stream;
- Minimizing Blue Box costs to municipalities so that other diversion Programs can be financially managed.

The Minister of the Environment has heard that there are challenges with the Blue Box Program and has given direction to WDO to conduct a review and report back to him by March 20, 2009. The review, which you can view [here](#), goes into specific detail and includes request for a recommendation on how to move towards full Extended Producer Responsibility (EPR).

The Minister has also launched a review of the Waste Diversion Act. A discussion paper on is posted on the Environmental Registry for 90 days and can be accessed at www.ebr.gov.on.ca (registry number 010-4676).

AMO and AMRC prepared a position paper on the Waste Diversion Act in August 2007. Suggested changes to the Waste Diversion Act can be viewed at "AMO and AMRC Discussion Paper on the 5 year review of the Waste Diversion Act".



AMO and AMRC Waste Task Force and our two respective Boards will be providing responses on both of these reviews. We will also be keeping you apprised of issues as they arise and will be seeking your support as we develop the municipal positions.

Action:

For your information.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.

ALERT