

Consultation Plan to Support a Review of the Blue Box Program Plan

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1.0 Background

Waste Diversion Ontario (WDO) is a non-crown corporation created under the Waste Diversion Act (WDA) on June 27, 2002. WDO was established to develop, implement and operate waste diversion programs for a wide range of materials. The WDA empowers the Minister to designate a material for which a waste diversion program is to be established. Once the Minister has designated a material through a regulation under the WDA, the Minister asks WDO to develop a diversion program. WDO is required by the Act to work co-operatively with an Industry Funding Organization to develop a waste diversion plan for the designated waste. Waste Diversion Ontario is further required by the Act to conduct public consultation on any matter referred to it by the Minister.

To date, the Minister has requested diversion programs for Blue Box Wastes, Used Tires, Municipal Hazardous or Special Waste (MHSW) and Waste Electrical and Electronic Equipment (WEEE). While Used Oil Material was designated in 2003, the Minister set aside this designation when including used oil bottles and used oil filters in the MHSW designation.

The Blue Box Program Plan (BBPP) was approved by the Minister on December 22, 2003 and commenced on February 1, 2004. Stewardship Ontario is the Industry Funding Organization with whom WDO works co-operatively to implement the Program.

On October 16, 2008, WDO received correspondence from the Honourable John Gerretsen, Minister of the Environment, requesting that WDO conduct a review of ten BBPP issues (provided in an addendum to the letter and in Attachment A of this Consultation Plan), using the principles of extended producer responsibility to form the review framework. The Minister directed that the BBPP review be completed in a manner that is transparent and incorporates consultation with relevant stakeholders, including members of the public, municipalities, businesses, BBP stewards and environmental non-government organizations.

The Minister requested that WDO submit a report by March 20, 2009 that:

- summarizes the BBPP review process that was completed, including stakeholder consultation,
- makes recommendations regarding the BBPP issues, including the rationale for the recommendations such as key arguments made during stakeholder consultation, and
- indicates how extended producer responsibility principles shaped the framework of the review and informed the recommendations.

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2.0 Extended Producer Responsibility

The Canadian Council of Ministers of the Environment (CCME), of which the Minister of the Environment for the Province of Ontario is a member, has adopted the following definition for extended producer responsibility (EPR)¹:

Extended Producer Responsibility means an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle.

CCME has also established a series of principles to support EPR. These principles are provided in Attachment B and will be considered, as a starting point, for the extended producer responsibility principles to shape the framework of the review.

3.0 Objectives of the Consultation Process

Waste Diversion Ontario will implement a consultation process that is transparent and will support thorough, informed consultation with those who may be affected by changes to the management of Blue Box Wastes in Ontario.

Information and stakeholder positions, views, concerns and suggestions compiled through the consultation process will be provided to the WDO Board of Directors and will inform the preparation of the report with recommendations that will be submitted by WDO to the Minister by March 20, 2009.

4.0 Affected Stakeholders

The Minister has directed that the BBPP consultation include relevant stakeholders, including members of the public, municipalities, businesses, BBP stewards and environmental non-government organizations.

Public

Residents of Ontario are consumers of products and packaging that result in Blue Box Waste, either individually or through their place of business, and have a direct role in the management of these items at end of life.

Some members of the public may already be informed about and engaged in waste management issues. Other members of the public may be aware of or use recycling programs and services available to them but have limited or no

¹ Based on the Organisation for Economic Co-operation and Development (OECD) definition for EPR.

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understanding of the challenges involved with the management of these programs.

Municipalities

Municipalities are responsible for waste management services for their residents. Most municipalities currently provide collection, processing and marketing of printed papers and packaging through Ontario's residential Blue Box program.

Affected Businesses

Many businesses may be affected by changes to the management of Blue Box Wastes in Ontario including:

- companies that sell or distribute to brand owners materials or products that will ultimately become Blue Box Waste;
- companies providing collection, transportation, processing and disposal of Blue Box Wastes;
- end markets for processed Blue Box Wastes;
- industrial, commercial and institutional generators of Blue Box Wastes; and
- professionals working in related fields.

Blue Box Program Stewards

Blue Box Program stewards are defined by Stewardship Ontario in the Rules for Stewards as follows:

Brand Owner, with respect to a specific trademarked Printed Material which is Designated Blue Box Waste, and with respect to a specific good, the Packaging of which is Designated Blue Box Waste, where either the good or the Packaging bears a trademark means during any time in the Data Year;

- (a) a person Resident in Ontario who is the registered holder of the trademark, or
- (b) a person Resident in Ontario who is the licensee, in respect of the trademark, or
- (c) a person Resident in Ontario, who owns the intellectual property rights to the brand of the product or Printed Material, or
- (d) a person Resident in Ontario, who is the licensee, in respect of the intellectual property rights or the trademark;

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Where “licensee” includes a person who packages goods, the Packaging of which is designated Blue Box Waste and bears a trademark, other than a packer or filler of Private Label Goods, and includes any person whose corporate name or business name registration contains the trademark.

First Importer means a person Resident in Ontario, who imports into Ontario:

- (a) a specific printed material which is Designated Blue Box Waste, for which a Brand Owner does not exist, or
- (b) a specific good, the packaging of which is Designated Blue Box Waste, for which a Brand Owner does not exist;

and includes a person Resident in Ontario who is the first to take title to such material or good, upon or after arrival in Ontario from elsewhere during the Data Year.

Environmental Non-Government Organizations

Some environmental and consumer groups have a strong interest in waste diversion and issues related to end of life management of Blue Box Wastes. These groups include:

- Canadian Institute for Environmental Law and Policy
- Canadian Taxpayers Federation
- Citizen’s Network on Waste Management
- Clean Air Foundation
- Consumers’ Association of Canada
- Eco-Justice
- Environmental Educators of Ontario
- Ontario Environment Network
- Pollution Probe
- Recycling Council of Ontario
- Sierra Club of Canada
- Sustainability Network
- Toronto Environmental Alliance

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5.0 Consultation Process

The consultation process will include the following activities.

Written Submissions

Stakeholders are encouraged to submit written comments on the ten issues listed in the Minister's correspondence to WDO (included in Attachment A).

Comments can be submitted:

- Electronically to BBPP_Review@wdo.ca;
- By fax to 416 226 1368; or
- By courier, mail or personal delivery to 45 Sheppard Avenue East, Suite 920, North York, Ontario M2N 5W9.

Comments submitted prior to December 31, 2008 will be considered by WDO staff when preparing a draft report with recommendations for purposes of consultation at a workshop to be held in early February.

Comments may be submitted at any time until February 27, 2009.

Public Survey

A research firm will be retained by WDO to conduct focus groups and an online, province wide survey of residents who are representative of the composition of the population of Ontario. Opinions and ideas will be solicited from members of the general public on the issues that are to be considered during the review of the Blue Box Program Plan.

Meetings with Key Stakeholders

WDO will meet directly with key stakeholders including:

- The Board of Directors of Stewardship Ontario;
- The Association of Municipalities of Ontario/Association of Municipal Recycling Co-ordinators Waste Management Task Force and the City of Toronto;
- The Board of Directors of Ontario Waste Management Association;
- Environmental non-government organizations; and
- Other key industries responsible for generating or managing Blue Box wastes.

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Municipal Industry Program Committee

The Municipal Industry Program Committee (MIPC) for the Blue Box Program Plan is comprised of five representatives of the brand owners and first importers of Blue Box Waste and five representatives of Ontario municipalities. The WDO Executive Director chairs MIPC.

Following the facilitated meetings and the online survey of Ontario residents, MIPC will meet over a two day retreat, supported by an external facilitator, to consider the views and opinions expressed to date in the consultation process and to develop draft recommendations for consideration by the WDO Board.

Posting of Draft Report

Following the MIPC retreat, a draft report with recommendations will be presented to the WDO Board of Directors for their agreement to post the document for consultation. The document will be posted by January 30, 2009.

Meeting with Producers

Following posting of the draft report with recommendations, WDO will meet with the Board of Directors of Stewardship Ontario as representatives of the producers who would be assuming additional responsibilities under a full producer responsibility program for Blue Box Wastes to review the draft report with recommendations.

Public Workshop/Webcast

A public workshop with simultaneous webcast will be held on February 12, 2009. Registration information will be available via the WDO website after January 12, 2009.

Participants will have an opportunity to ask questions and provide comments during the workshop. For those participating by webcast, questions and comments can be forwarded by email during the workshop. Questions will be answered as time allows during the workshop. Any questions not addressed during the workshop will receive a written response following the workshop.

Participants will also be encouraged to submit written comments following the workshop:

- Electronically to BBPP_Review@wdo.ca;
- By fax to 416 226 1368; or

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- By courier, mail or personal delivery to 45 Sheppard Avenue East, Suite 920, North York, Ontario M2N 5W9.

The deadline for comments to be considered in preparation of the final report is February 27, 2009.

Submission of Final Report

The draft report with recommendations posted prior to the workshop will be revised considering comments received. The final report will be presented to the WDO Board for their consideration, revised as directed by the WDO Board and presented to the Minister by March 20, 2009.

6.0 Next Steps

The report and recommendations presented by WDO to the Minister will be considered by the Minister when determining possible direction to the WDO to amend the BPPP.

It should be noted that some of the changes to the BBPP contemplated by the ten issues identified by the Minister, for example moving the BBPP to full producer responsibility, will require amendments to the Waste Diversion Act. The MOE is currently consulting on possible amendments to the Act. Should the MOE determine that it will proceed with amendments to the Act, an amended Waste Diversion Act would be brought to the legislature for consideration.

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Attachment 1 – BBPP Review Issues

1. ***Program performance:***

The BBPP has reached its 60% waste diversion target. A new target may encourage further increases in waste diversion.

Recommend a new target for the next 5 years of the BBPP that goes beyond the 60% target originally set for the 2004-2008 period.

2. ***Material-specific performance:***

Certain Blue Box wastes are not achieving high diversion rates (e.g., plastics), and may benefit from material-specific diversion targets.

Recommend material-specific diversion targets for Blue Box wastes to encourage further increases in waste diversion for the next 5 years of the BBPP.

3. ***Consistency across municipalities:***

The collection of different Blue Box wastes across Ontario municipalities creates public confusion.

Recommend how the program can achieve greater consistency in the Blue Box wastes that are collected across Ontario municipalities to minimize public confusion, facilitate province wide communication and outreach activities, and encourage further increases in waste diversion for the next 5 years of the BBPP.

4. ***Problematic wastes:***

Some Blue Box or non-Blue Box wastes create operational inefficiencies for municipal recycling programs and may increase costs. An example of a problematic blue box waste is the 15 litre non-refillable water bottle.

Recommend how problematic Blue Box and non-Blue Box wastes can be addressed through the BBPP or other mechanisms.

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5. ***Blue Box wastes from the IC&I sector:***

The industrial, commercial and institutional (IC&I) sector generates more designated Blue Box wastes than the residential sector, but is not included in the BBPP.

Recommend if, and how, the BBPP could be extended to include Blue Box wastes generated by the IC&I sector.

6. ***Blue Box wastes collected outside of the Blue Box:***

Blue Box wastes not captured in the Blue Box are collected as garbage or litter by municipalities, fully at their cost.

Recommend (1) how collection options beyond municipal curbside and depot could be used to increase collection of Blue Box wastes and (2) how steward responsibility can be used to address Blue Box wastes that are collected beyond municipal curbside and depot, or disposed as waste or litter.

7. ***Additional Blue Box wastes:***

Some of the designated Blue Box wastes, such as plastic products, are not included in the BBPP.

Recommend how the BBPP can be expanded to include additional wastes already designated by regulation within the program.

8. ***Environmentally responsible management:***

There are concerns that some Blue Box wastes may not be managed in an environmentally responsible manner, including waste marketed in Ontario or sent offshore.

Recommend mechanisms that can be added to the BBPP to assure that Blue Box wastes are managed in an environmentally responsible manner from collection to final market.

9. ***Stewardship fees:***

Current steward fees for certain Blue Box wastes may be too low to encourage either increased waste diversion or the use of materials in product manufacturing or packaging that can be easily recycled.

Recommend how the steward fee structure can be revised to (1) increase the waste diversion rate for certain Blue Box wastes (e.g., plastics) and (2)

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encourage stewards to incorporate materials that are easily recycled into their products or packaging.

10. ***EPR funding:***

The BBPP does not reflect full Extended Producer Responsibility (EPR) funding since the WDA requires Blue Box stewards to fund 50% of municipal program costs, with municipalities funding the rest.

Recommend how to move the BBPP towards full EPR funding. Since different collection and processing systems for Blue Box wastes are the result of decisions made by local municipalities, in your review and recommendation, please consider the potential impact to the management of municipal recycling programs as industry moves to full EPR funding.

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Attachment B – CCME Guiding Principles for the Design and Development of EPR Policies and Programs

I. Environmental Principles

1. To the greatest extent possible, programs seek to reduce the environmental impact of a product.
2. EPR programs are consistent with the 4R waste management hierarchy:
 - a. Reduce, including reduction in toxicity and redesign of products for improved reusability or recyclability
 - b. Reuse
 - c. Recycle
 - d. Recovery, of materials and/or energy
3. EPR programs encourage producers to incorporate design for environment to minimize impacts to environment and human health.

II. Program Design Principles

4. EPR programs transfer end-of-life responsibility for waste product or materials to producers from municipalities and other waste management authorities.
5. Potential programs undergo a comprehensive analysis to assess whether they are appropriate for EPR and to define the role of the various actors in the product chain.
6. Policy instruments selected are flexible and determined on a case-by-case basis.
7. Local governments and other stakeholders are engaged to discuss environmental goals, objectives, priorities and performance measurement, and to enhance a program's acceptability and effectiveness.
8. EPR program and policy development and implementation is based on transparency.

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III. Implementation Principles

9. Programs and policies are designed and implemented in a way that environmental benefits are maximized while economic dislocations are minimized.
10. A communication strategy is devised to inform participants in the product chain, including consumers, about the program and enlist their support and co-operation.
11. EPR programs undergo periodic evaluations to ensure that they are functioning appropriately, are subject to performance measurement, and include accessible and transparent reporting.
12. Costs of program management are not borne by general taxpayers.
13. Consumers have reasonable access to collection systems without charge, to maximize recovery opportunities.