

City of Toronto Recommendations to Inform Extended Producer Responsibility Regulation for Blue Box Materials

Table of Contents

Introduction	3
Executive Summary.....	4
Recommendations.....	8
1.0 Municipal Program Transition Schedule	8
1.1 Position Statement.....	8
1.2 Rationale	9
1.3 Why are These Actions Necessary?	11
2.0 Transition Phase (2023 – 2025)	11
2.1 Position Statement.....	11
2.2 Rationale	11
2.3 Why is This Action Necessary?.....	11
2.4 Support for Provincial Goals & Interests.....	12
3.0 Designated Materials.....	12
3.1 Position Statement.....	12
3.2 Rationale	12
3.2.1 Compostable Products and Packaging	13
3.2.2 Single-Use Items	14
3.2.3 Packaging-Like Products	14
3.3 Why is This Action Necessary?.....	14
3.4 Support for Provincial Goals & Interests.....	15
4.0 Eligible Sources	15
4.1 Position Statement.....	15
4.2 Rationale	16
4.3 Why is This Action Necessary?.....	16
4.4 Support for Provincial Goals and Interests.....	17
5.0 Common Collection System.....	18
5.1 Position Statements.....	18
5.2 Rationale	18

5.2.1	<i>Accessibility & Service Standards</i>	18
5.2.2	<i>Supplemental Collection System</i>	19
5.2.3	<i>Alternative Collection System</i>	19
5.2.4	<i>Common Collection System Agreement</i>	20
5.3	<i>Why are These Actions Necessary?</i>	20
5.4	<i>Support for Provincial Goals and Interests</i>	21
6.0	Producer Registration & Reporting Requirements	21
6.1	<i>Position Statement</i>	21
6.2	<i>Rationale</i>	21
6.2.1	<i>Registration</i>	21
6.2.1.1	<i>Incent PROs to Work Together</i>	22
6.2.2	<i>Competing PRO Dispute Resolution</i>	22
6.2.3	<i>Reporting</i>	23
6.2.4	<i>Easing Administrative Burden</i>	24
6.2.5	<i>De Minimis</i>	24
6.3	<i>Why is This Action Necessary?</i>	25
6.4	<i>Support for Provincial Goals and Interests</i>	26
7.0	Collection & Management Targets	26
7.1	<i>Position Statements</i>	26
7.2	<i>Rationale</i>	26
7.2.1	<i>Reporting Categories: Program Performance and Transparency</i>	27
7.2.1.1	<i>Targets</i>	29
7.2.2	<i>Alcoholic Beverage Containers</i>	31
7.2.3	<i>Recycled Content Credit</i>	31
7.2.3.1	<i>Impact to Diversion Targets</i>	32
7.3	<i>Why are These Actions Necessary?</i>	34
7.4	<i>Support for Provincial Goals and Objectives</i>	34
8.0	Record Keeping, Auditing & Monitoring	34
8.1	<i>Position Statement</i>	34
8.2	<i>Rationale</i>	34
8.2.1	<i>Program Oversight</i>	34
8.2.2	<i>Program Compliance & Enforcement</i>	35
8.3	<i>Why is This Action Necessary?</i>	35
8.4	<i>Support for Provincial Goals and Interests</i>	36
9.0	Promotion & Education	36
9.1	<i>Position Statement</i>	36

9.2	<i>Rationale</i>	36
9.2.1	<i>Post Transition</i>	36
9.2.2	<i>Promotions & Education in Toronto</i>	37
9.3	<i>Why is This Action Necessary?</i>	37
9.4	<i>Support for Provincial Goals and Interests</i>	38
10.0	Beyond the Blue Box	38
10.1	<i>Position Statement</i>	38
10.2	<i>Rationale</i>	38
10.3	<i>Why is This Action Necessary?</i>	39
10.4	<i>Support for Provincial Goals and Interests</i>	40

Introduction

The City of Toronto is unique in the Province of Ontario due to its population size, housing stock, density, and multi-cultural population. Toronto is home to nearly three (3) million residents living in more than 1.1 million households. Toronto continues to experience significant development activity, resulting in an ever-increasing population. According to the Province of Ontario’s Growth Plan for the Greater Golden Horseshoe, 2017, Toronto’s population is forecast to increase to 3.4 million people by 2041¹.

Waste management in a city the size of Toronto is a complex task. As the largest integrated waste management system in Ontario, Toronto manages approximately 900,000 tonnes of waste each year, primarily from residential customers. Nearly half of Toronto’s residential customer base lives in multi-residential buildings (defined as 9 or more units). This portion of Toronto’s customer base represents approximately 4,200 buildings or 400,000 units. However, since multi-residential buildings can choose their service provider, the City does not provide collection services to approximately 40% of the multi-residential buildings in the city, representing more than 2,800 buildings with the equivalent of approximately 277,000 residential units.

Toronto has been a long-time advocate for the transition of waste diversion programs to a full Extended Producer Responsibility (EPR) model and was active in the Bill 91 consultations, the amended Blue Box Program Plan process, mediation with Special Recycling Advisor David Lindsay, and now in the current process being held by the Ministry of the Environment, Conservation and Parks (the “Ministry”). We applaud the Province of Ontario for its commitment to transitioning the responsibility of the end-of-life management of packaging, paper, and packaging-like products (PPPP) to producers, especially during the global Covid-19 pandemic.

¹ <https://www.toronto.ca/city-government/council/2018-council-issue-notes/official-plan-growth-management-strategy/>

In July 2016, Toronto City Council adopted the Long Term Waste Management Strategy, which commits the City to aspirational goals of a Zero Waste and a Circular Economy future. The Waste Strategy aligns with the provincial interests outlined in the *Resource Recovery and Circular Economy Act, 2016 (RRCEA)*, as well as the objectives of the Ministry's Strategy for a Waste Free Ontario: Building the Circular Economy.

In preparation for the transition to EPR, Toronto has worked collaboratively with Ontario municipal organizations, including the Association of Municipalities of Ontario (AMO), the Municipal Resource Recovery and Research Collaborative (M3RC), Regional Public Works Commissioners of Ontario (RPWCO), and the Municipal Waste Association (MWA). Toronto is aligned with the recommendations and considerations being brought forth by these municipal organizations and offers additional positions for consideration in the development of a regulation for PPPP. In addition, Toronto has worked with non-governmental organizations and is in alignment with many of their positions.

Executive Summary

The following recommendations, presented in no particular order, from City of Toronto's Solid Waste Management Services' staff, were informed by the public policy objectives of the blue box mediation process as set out in Minister Yurek's mandate letter to the Special Advisor; and the recommendations made in [Mr. Lindsay's report](#) that were accepted by the Ministry. They also align with the [provincial interests identified in the RRCEA](#).

This position paper provides a detailed account of Toronto's recommendations to the Ministry for consideration in the development of a regulation for PPPP. To facilitate clarity, each recommendation is accompanied by:

- a) a position statement;
- b) rationale;
- c) explanation for why this action is necessary;
- d) support for provincial goals & interests; and
- e) other considerations (if applicable)

Table 1 presents a summary of the topics and Toronto's associated positions that are explored in this position paper.

Table 1: City of Toronto EPR Position Statements

#	Topic Area	Position Statement
1	Transition Schedule	A. Include a municipal Blue Box Program transition schedule (as complete as possible) in the draft regulation for PPPP for consultation purposes and reference a complete municipal transition schedule in the final regulation.

		<p>B. The primary metric for determining the year of a municipality's program transition should be the date determined by a municipal council or their delegated staff. The total quantities of Blue Box materials marketed from each Blue Box Program should be the metric for calculating the percentage of the total Blue Box Program that would be transitioned to full extended producer responsibility in each transition year.</p> <p>C. Toronto's preference is to transition its Blue Box Recycling Program to producers on July 1, 2023 (Year One), subject to City Council approval.</p>
2	Transition Period	Require producers to maintain the current municipal list of blue box materials and eligible sources during the transition phase to ensure a smooth transition. No program changes should be brought forth until producers have full control of the entire system on January 1, 2026, at which time province-wide change may be implemented.
3	Designated Materials	Toronto supports designation of <u>all packaging, paper, and packaging-like products (primary, convenience and transport)</u> , as defined in sections 59 and 60 of the RRCEA, supplied into the Ontario marketplace by producers.
4	Eligible Sources	Regulate eligible sources to include all residential dwellings, parks and public spaces, schools, and municipally-operated facilities, such as community centres, libraries and arenas.
5	Common Collection System	<p>Require producers to maintain the curbside Blue Box</p> <p>A. Program as the fundamental component of a recycling collection program in Ontario. Supplemental collection methods can also be introduced by producers and alternative collection methods must not negatively impact convenience for residents.</p> <p>B. Toronto strongly recommends the Ministry immediately proceed with the development of a "backstop" regulation so a fallback plan is in place, should PROs fail to reach an agreement on the common collection system.</p>
6	Producer Registration and Reporting Requirements	Toronto supports the requirement for all designated producers, including brand owners, importers of the product into Ontario, and marketers of the product as per the hierarchy proposed by MECP to register and report their full supply data on an annual basis.

7	Collection and Management Targets	<p>A. Require all producers to report their collected tonnes of PPPP from the common collection system, supplemental collection channels and any RPRA-approved alternative collection systems, to ensure service is provided to all residential dwellings and eligible sources</p> <p>B. Require all producers to report their progress towards achieving their management targets based on the quantities of PPPP sold (e.g. marketed) from the Material Recovery Facility</p> <p>C. Recycled content credits should not be allowed to offset or reduce targets</p> <p>D. Require producers to report on both the broad material categories and specific subcategories for all designated materials</p> <p>E. Establish targets for both broad material categories and specific material subcategories for all designated materials</p>
8	Record Keeping, Auditing and Monitoring	Ensure the Resource Productivity & Recovery Authority maintains its independent oversight and enforcement duties, as stipulated in the <i>Resource Recovery and Circular economy Act, 2016</i> .
9	Promotion & Education	Require producers to undertake broad, comprehensive, and regionally-informed promotion and education activities during the transition phase <u>and</u> in perpetuity post-transition.
10	Beyond the Blue Box	Toronto recommends the Ministry of the Environment, Conservation and Parks consider alternative mechanisms beyond the Blue Box Program, within its authority, to increase waste diversion from landfill in Ontario.

Producer requirements will differ between the transition and post-transition phases. Table 2 outlines recommended regulation requirements for producers during the transition and post-transition phases.

Table 2: Producer Requirements During Transition and Post-Transition Phases

Program Element	During Transition (2023 – 2025)	Post Transition (January 1, 2026 onward)
List of designated materials	<ul style="list-style-type: none"> Maintain municipal blue box collection lists until 	<ul style="list-style-type: none"> Common across the province with no backsliding in removing materials from the Blue Box or

Program Element	During Transition (2023 – 2025)	Post Transition (January 1, 2026 onward)
	<p>all municipal programs transition to producers</p> <ul style="list-style-type: none"> • Pilot test collecting wider range of PPPP to prepare for the common collection system 	<p>reducing service levels to meet the objectives of a common collection system</p> <ul style="list-style-type: none"> • Minimum accessibility standards apply to all designated materials included in province-wide common collection system or the equivalent alternative management program
List of eligible sources	<ul style="list-style-type: none"> • At a minimum, maintain eligible sources allowed under the current Blue Box Program Plan and require that any new residential developments be serviced when they reach an occupancy rate of 50%² • Pilot test supplemental and alternative collection systems (e.g. collection from public space bins) to increase PPPP recovery and quality from different sources 	<ul style="list-style-type: none"> • Match accessibility (e.g. frequency of collection) provided by local government garbage collection systems and require that any new residential developments be serviced when they reach an occupancy rate of 50% • The addition of <u>all</u> multi-residential buildings (regardless of service provider), all retirement & long-term care homes, elementary and secondary schools and an expansion into public space recycling
Service Levels	<ul style="list-style-type: none"> • Maintain current municipal collection frequency, at a minimum • Pilot alternative approaches (e.g. mail-back program) to improving Blue Box Program effectiveness and efficiencies 	<ul style="list-style-type: none"> • Minimum Provincial standard (e.g., no less than bi-weekly/26 times per year) • Flexibility in collection frequency reflecting community size, density and geographic location (e.g. more frequent collection for multi-residential buildings due to limited storage capacity) • Flexibility in collection container type, but size must be adequate to store the projected quantities of materials and to reduce likelihood of litter creation and potential loss of materials to landfill due to limited capacity for set-out

² Toronto's current required occupancy rate is 75% but is working actively to reduce it to 50%.

Program Element	During Transition (2023 – 2025)	Post Transition (January 1, 2026 onward)
Promotion & Education Requirements	<ul style="list-style-type: none"> • Ongoing effort is required to maintain and improve existing Blue Box Program performance • Additional efforts required in preparation for common collection system in 2026 to promote program and behaviour changes (increased recycling capture, litter abatement, reduction and reuse, etc.) through a variety of mediums and languages • Work in cooperation with City staff to coordinate messaging with Toronto's integrated waste management system 	<ul style="list-style-type: none"> • Ongoing effort is required to sustain, improve, enhance and promote program and behaviour changes (recycling, litter abatement, reduction, etc.) through a variety of mediums and languages – targets will not likely be met without the use of extensive promotion and education tactics • Work in cooperation with City staff to coordinate messaging with Toronto's integrated waste management system • Allow for flexibility in messaging and sorting instructions to ensure Toronto's unique demographics are considered

Recommendations

1.0 Municipal Program Transition Schedule

1.1 *Position Statement*

- A. Include a municipal blue box program transition schedule (as complete as possible) in the draft regulation for PPPP for consultation purposes and reference a complete municipal transition schedule in the final regulation.
- B. The primary metric for determining the year of a municipality's program transition should be the date determined by a municipal council or their delegated staff. The total quantities of Blue Box materials marketed from each Blue Box Program should be the metric for calculating the percentage of the total Blue Box Program that would be transitioned to full extended producer responsibility in each transition year.

- C. Toronto's preference is to transition its Blue Box Recycling Program to producers on July 1, 2023 (Year One), subject to City Council approval

1.2 *Rationale*

Municipalities are in the best position to evaluate when they should transition, and this should be the primary criteria used to develop the transition schedule.

Toronto has worked tirelessly with M3RC to develop a proposed municipal program transition schedule, in which an examination of a broad range of potential criteria that could be used to determine when a municipal Blue Box Program should transition to EPR.³ Based on an initial assessment of the metrics proposed to determine the number of municipal programs that can transition each year, Toronto recommends the primary metric for determining the year of a municipality's program transition should be the date determined by a municipal council or their delegated staff. The total quantities of Blue Box materials marketed from each Blue Box Program should be the metric for calculating the percentage of the total Blue Box Program that would be transitioned to full extended producer responsibility in each transition year. Materials marketed provides the most accurate determination of municipal program size and is the industry standard measurement used to determine diversion rates.

With approximately 95,000 tonnes of marketed Blue Box materials to transition to producers, Toronto requires certainty on the year in which its Blue Box Program will transition to allow sufficient time to complete the numerous and multifaceted actions required to successfully transition its Blue Box Program to producers. Preparation time is required to effectively: manage multiple contracts; potential impacts to unionized and non-unionized staff; re-balance remaining routes and other materials collected; change processes for service requests; bin maintenance, et cetera. In addition, time is required to prepare possible service offerings to producers, should Toronto come to an agreement with producers or their Producer Responsibility Organization (PRO) to continue acting as a service provider. Toronto is confident that such an agreement is feasible and beneficial to both parties. Similarly, producers require confirmation of the transition schedule, particularly for Year One, to begin preparing for negotiations with their service providers.

City staff have notified Deputy Minister Serge Imbrogno and Ministry staff of Toronto's preference to transition its Blue Box Recycling Program to producers on July 1, 2023 (Year One), subject to City Council approval. While Toronto will seek formal City Council direction on its preferred transition date in early fall 2020, the General Manager of Solid Waste Management Services has delegated authority to advocate for this transition date on behalf of the City of Toronto.

Understanding the size and complexity of Toronto's system, staff have already undertaken considerable work to prepare for an anticipated transition in 2023 in order to ensure producer success in transition and to provide a model example of transition for the Province.⁴ Toronto has in place a highly experienced dedicated EPR transition team that is leading the planning and coordination of a transformational business plan to ensure a successful and seamless transition. This team will support all parties, especially

³ Please review M3RC's position paper for further detail.

⁴ Staff have [Council-delegated authority](#) to advocate for Toronto's best interests and amend blue box-related contracts as required.

producers, through the transition period. The City of Toronto will make all efforts for the transition to succeed and will provide management resources (operations, planning, procurement, P&E, legal, etc.), including sharing best practices unique to Toronto's scale, with producers on future successful program delivery.

Toronto's goals are to ensure: the transition of the Blue Box Recycling Program to EPR is seamless for its residents; service levels that residents have come to expect from the program are maintained in the future; and the costs of the program are shifted from rate payers to producers to support the fundamentals of full EPR.

Toronto transitioning in 2023 provides producers with a laboratory-at-scale system to gain first-hand operational experience with arguably the most comprehensive blue box system in Ontario, which includes;

- all forms of eligible sources (single family, multi-residential, schools, etc.);
- a broad range of operating conditions (urban, suburban and public spaces);
- proximity to essential infrastructure (transfer stations, Material Recovery Facilities); and established and sustained local markets, which have persevered while other international markets have changed
- an established, effective, comprehensive promotion and education program serving the needs of a densely-populated and multi-cultural community.

In addition, Toronto already successfully collects the widest range of BB materials in Ontario. Given that producers will be required to manage all current and newly designed PPPP materials from eligible sources, Toronto will provide producers with three years of operational experience with the ideal program in which to innovate and prepare for implementation of the province-wide common collections system to be implemented in 2026.

Furthermore, Toronto has aligned the termination of its service contracts for 2023 to ensure its Blue Box Program can be transitioned to producers without the City incurring unnecessary encumbrances or financial penalties. Producers could secure a significant proportion of the one-third of marketed tonnes to be transitioned in Year One through a single tendering and contracting process, significantly reducing their administrative burden during the critical PRO start-up period.

Equally critical to referencing a municipal transition schedule in the regulation is to ensure there is flexibility to allow for scheduling changes, should the need arise. Toronto support's the Ministry's proposal that any amendments must be agreed upon by both PROs and impacted municipality. To prevent a transition delay, the Minister of the Environment, Conservation and Parks should be granted delegated authority from Cabinet to approve or deny any amendments.

As recommended in the Lindsay Report, transition of program responsibility should accommodate a similar amount of waste over each year and that approximately one-third of Ontario's blue box tonnage would transition in each year. Flexibility in the split is recommended to allow for a slightly lower or higher percent of municipal programs to transition in any given year.

1.3 Why are These Actions Necessary?

If the municipal transition schedule is not referenced in the regulation, Toronto and producers will lose critical time required to prepare the program and residents for the transition. This added uncertainty, particularly for those with a preference to transition in Year One, increases the risk of program disruptions and negatively impact residents' experience with the Blue Box program. This is especially concerning given the limited time required for the formation of PROs, for individual producers to determine which PRO to join and/or what alternative or supplementary collection systems might be required to reach their management targets.

2.0 Transition Phase (2023 – 2025)

2.1 Position Statement

Require producers to maintain the current municipal list of blue box materials and eligible sources during the transition phase to ensure a smooth transition. No program changes should be brought forth until producers have full control of the entire system on January 1, 2026, at which time province-wide change may be implemented.

2.2 Rationale

To facilitate a smooth transition for all parties, producers must maintain municipal recycling programs “as is” while they assume blue box operations. This will allow producers to focus their efforts to ramp up their understanding and experience with municipal recycling program operations and capacity required to maintain compliance with their obligations.

By 2026, after three years of operational experience, producers will be better prepared to expand and adapt the program as necessary to implement their preferred practices to achieve management targets in the most cost-effective manner through the common collection system.

2.3 Why is This Action Necessary?

Maintaining the materials list and eligible sources through the transition period allows producers to focus their efforts on successfully transitioning the largest Blue Box Program in Ontario; determining the key elements of the province-wide common collection system to be implemented in 2026; and trialling how best to add additional PPPP to the program as specified in the regulation. This will ensure that producers continue to provide efficient, effective, convenient and reliable services to residents, consistent with the provincial interest declared in the RRCEA.⁵

⁵ [RRCEA Provincial Interest 2\(j\)](#)

2.4 Support for Provincial Goals & Interests

The primary goal of Toronto's position is to facilitate a smooth transition for producers, municipalities, and most importantly, residents. System changes during both the transition and post-transition phases will cause unnecessary confusion and potentially erode the positive experience residents currently have with the Blue Box Program. System changes should only occur once, after transition is complete and the common collection system is in place. This will allow sufficient time to communicate forthcoming changes to residents during the program ramp-up to 2026. A smooth transition ensures EPR is successful in achieving the goals and objectives set forth by the Ministry. This position accomplishes the following provincial interests identified in Part I of WFOA:

- 2.(a) protect the natural environment and human health
- 2.(f) hold persons who are most responsible for the design of products and packaging responsible for the products and packaging at the end of life
- 2.(h) minimize the need for waste disposal

Not only will EPR better connect producers with the end-of-life management of their products, it will also provide relief for ratepayers by removing these costs from the municipal tax base. Making changes to the materials list and eligible sources province-wide through implementation of a common collection system ensures producers have the time and experience necessary to provide efficient, effective, convenient and reliable services to all Ontario residents.

3.0 Designated Materials

3.1 Position Statement

Toronto supports designation of all packaging, paper, and packaging-like products (primary, convenience and transport), as defined in sections 59 and 60 of the RRCEA, supplied into the Ontario marketplace by producers.

3.2 Rationale

To ensure a comprehensive and equitable regulation, Toronto strongly supports the Ministry's plan to designate a broad range of packaging, paper, and packaging-like products (PPPP) supplied into the Ontario marketplace. This will promote a level playing field for all producers of packaging, paper, and packaging-like products; reduce consumer confusion as to what packaging and products are recyclable in Ontario; and address the management of short life, single-use products.

Toronto residents have repeatedly expressed their frustration and confusion with which products and packaging are recyclable versus those that are not. Consumers should not be required to evaluate the context of packaging, paper, and packaging-like products to understand if it is captured under the provincial regulation. Currently, an aluminium pie plate that holds a pie bought from a retail outlet is captured in the Blue Box Program.

However, a package of aluminum pie plates bought for use in the home is not included in the Blue Box Program. These rules do not make sense to the consumer. By designating all printed paper and packaging supplied to consumers, this level of confusion (and resulting potential contamination of the blue box stream) will be significantly reduced.

3.2.1 Compostable Products and Packaging

Toronto agrees with the Ministry's proposal that compostable PPPP be included under the regulation. Over the last decade, the quantity of compostable products in the marketplace has skyrocketed as producers attempt to address consumer demand for more "sustainable" packaging and as replacements for single-use plastic products. These products are marketed to Ontario consumers as biodegradable, compostable or eco-certified. However, products making such claims are not widely accepted in municipal organic waste programs, which were designed primarily to accept food waste or process waste under conditions that differ from lab certification standards. Products labeled as compostable or biodegradable have not been adequately tested in municipal processing technologies, especially anaerobic digestion systems which are used by Toronto.

The regulation must provide clear rules for compostable products and packaging and how they are to be managed outside the municipal Green Bin Program. Misleading product labelling and a lack of clarity about environmental certifications can reduce consumer trust and cause confusion surrounding the proper disposal of these products. This ultimately results in unnecessary and additional operational and financial costs placed on municipalities (and ultimately ratepayers) responsible for waste management systems. These costs should be borne by producers, not municipalities, and municipalities should have recourse to recover costs associated with this contamination.

Through the Government of Ontario's comprehensive review of the *Consumer Protection Act, 2002*, Toronto recommends the province recognize the importance of protections that ensure residents receive easily-accessible and accurate information so they can make well-informed decisions regarding products and packaging.

As composting capacity in Ontario is already insufficient to meet anticipated demand, the addition of more non-food materials into this stream is unsustainable. If producers choose to use compostable packaging, they must design a separate accessible system to manage this material. Toronto should not be forced to manage these materials in its Green Bin Program nor cover the associated costs as this would not be aligned with the principles of extended producer responsibility.

Toronto's Green Bin Program is a very successful example of a renewable resource closed loop system. The forthcoming biogas produced from processing Toronto's Green Bin organic waste is transformed into renewable natural gas (RNG), which is injected into the natural gas grid. Once in the grid, the City can use the RNG to fuel its collection vehicles creating the closed loop system while significantly reducing the City's carbon footprint and fuel costs. The success of this program relies on predictable, high quality and non-contaminated clean feedstock.

3.2.2 *Single-Use Items*

This The forthcoming regulation for PPPP provides an ideal opportunity to address single-use items and the litter they create in the environment and public spaces enjoyed by residents of Ontario. Toronto is pleased to see the proposed requirement that producers report on the quantities of food and beverage single serve products (e.g. stir sticks, cutlery, condiment holders, etc.) in the draft regulation. However, Toronto recommends this reporting requirement be extended to include additional single-use products, such as wet wipes, cigarette butts, coffee pods, hot beverage cups, plastic cutlery, straws, etc.

3.2.3 *Packaging-Like Products*

Toronto also strongly agrees with the Ministry that “packaging-like products” (e.g. aluminum foil, plastic films, resealable plastic storage bags and wraps, transport packaging, etc.) should be included in the regulation to ensure fairness and consistency. This material category could be defined as:

- Paper products⁶;
- Products that are indistinguishable to the consumer from other related items captured (e.g., pie plates, beverage cups, bags); and
- Single-use products with short retention times that are increasingly of concern because of how they are managed (e.g., wet wipes, cigarette filters, straws, stir sticks, hot and cold beverage cups).

After transition, all designated materials (excluding single-use products) should have the same accessibility obligation (i.e., collected in the common collection system) unless the obligated producer can meet their management target in the previous year through an alternative collection system with comparable coverage (e.g., deposit return, return to retail, mail back, etc.). This would result in a standardized material list across the province.

3.3 *Why is This Action Necessary?*

As previously noted, Toronto is very supportive of the Ministry’s definition of designated materials, with the addition of a few new categories. If all packaging, printed papers and paper products materials are not designated, consumer confusion will increase the likelihood of more materials being sent to landfill or adding contamination to other diversion streams. In addition, if all materials introduced into the Ontario marketplace are not designated, a loophole is created that could encourage a change in packaging from an obligated material to a non-obligated material. This is in strong contrast to the provincial interests in the RRCEA and intent of increasing waste diversion in Ontario.

If all PPPP materials are not designated, Toronto would likely have to bridge the gap and provide collection of any non-designated materials. This approach is highly inefficient as multiple vehicles would be required to collect PPPP. This would increase resident confusion and increase greenhouse gas emissions, which is the opposite to the provincial

⁶ Including packaging components and ancillary elements already captured in Ontario’s and BC’s program plans

interests in the *Waste-Free Ontario Act, 2016*. In addition, ratepayers should not be required to bear the costs associated with the end-of-life management of these materials.

Requiring producers to report all materials they supply into the Ontario marketplace will provide access to much-needed data to expand the program to the industrial, commercial and institutional (ICI) sector in future years. This current data gap constrains the ability to understand the quantity of materials generated, how they are managed, and their associated environmental impact. Without data, transitioning this sector to EPR will be extremely challenging and constantly delayed. Conversely, closing this gap will vastly increase Ontario's diversion rate and ensure all materials supplied into the marketplace are properly managed at end-of-life. Future inclusion of the ICI sector in extended producer responsibility programs is also a major opportunity for economic growth and sustainable job creation for the Province which supports a circular economy.

Through the development of Toronto's Long Term Waste Management Strategy, residents continually expressed their frustration and inability to understand why they could not recycle the same suite of materials at home, in malls, office spaces, public spaces, et cetera. Gathering data on the complete breadth of materials released in the Ontario marketplace will facilitate the incorporation of blue box materials from the ICI sector in future years and satisfy resident's plea to reduce waste being sent to landfill, recover valuable resources and recycle everywhere.

3.4 Support for Provincial Goals & Interests

The goal of this position is to achieve increased waste diversion in Ontario by requiring producers to become responsible for the waste generated from their products and packaging. This will allow producers to better understand the market challenges associated with some of their products and packaging.

Toronto's position supports several provincial interests identified in Part I of WFOA, including:

- 2.(f) hold persons who are most responsible for the design of products and packaging responsible for the products and packaging at the end of life
- 2.(h) minimize the need for waste disposal
- 2.(m) promote public education and awareness with respect to resource recovery and waste reduction

4.0 Eligible Sources

4.1 Position Statement

Regulate eligible sources to include all residential dwellings, parks and public spaces, schools, and municipally-operated facilities, such as community centres, libraries and arenas.

4.2 Rationale

Toronto recognizes the Ministry's current proposal to limit the common collection system to residential homes and schools only and allow supplemental collection systems to capture some out-of-home recyclable materials if that is required to meet their management targets. Although the consideration of supplemental collection channels and their use in appropriate circumstances is appreciated, Toronto strongly disagrees with parks, litter, and public spaces being omitted as eligible sources.

Recyclable materials in parks, public spaces and litter are by-and-large generated by residents. Calculating only the residential proportion, and resulting associated eligible costs, is unnecessary and cumbersome. In addition, the material and user are exactly the same; the only difference being where the product consumption occurs. This distinction is trivial in the eyes of the user.

Ontario residents should have the opportunity to divert blue box materials, regardless if they are at home, school, in a public space, or on the go. Toronto residents have continuously expressed their frustration with not being able to divert the same suite of materials across all sectors. Toronto recommends that eligible sources be defined in the regulation to include public, municipal or private contract-based collection of or from:

- All existing and planned single-family & all multi-unit residential households (including rental, cooperative or condominium residential), regardless of service provider;
- Retirement homes and long-term care facilities;
- Elementary and secondary schools;
- Municipally operated drop-off depots;
- Public spaces, including parks, streetscapes or local government buildings, and special events/festivals; and
- Municipally operated facilities, such as arenas, community centres and libraries.

Minister Yurek's direction letter to Stewardship Ontario, dated August 15, 2019, stated that "Ontarians' access to and experience with the Blue Box program shall not be negatively impacted." Toronto strongly supports this position to ensure there is no backsliding of program access and performance. Residents must have access to the same eligible sources, which should not be reduced from those defined in the [Municipal Datacall Guide](#).

4.3 Why is This Action Necessary?

Toronto is concerned with the proposed direction of the program post-transition. The engagement documents from the Ministry's Working Group meeting on April 9th, 2020, indicated that post-transition, privately serviced multi-unit residential buildings, retirement homes, and long-term care facilities will only be serviced "upon request". Also noted was the exclusion of parks and public spaces from the draft forthcoming regulation. This is a significant reduction in service and will result in further material contributing to litter in the environment and/or blue box materials sent to landfill.

In Toronto, this will have a significant impact. Toronto services approximately 60% of the multi-residential buildings in the city, representing roughly 400,000 units. The remaining

40% (or approximately 277,000 units) of multi-residential buildings are serviced privately and therefore, not captured by O. Reg 101/94. With increased development in Toronto, the proportion of the population in multi-residential buildings will continue to grow over time. Toronto's City Planning Division projects an increase of more than 66,000 multi-residential units by 2026, furthering the inequity if the regulation for PPPP does not mandate the incorporation of new and privately serviced multi-residential buildings.

If not captured in the new regulation for PPPP, a significant proportion of the population will be ineligible to have blue box-related costs and operations offset by producers. The new regulation provides a perfect opportunity to bring these buildings into the fold. All residents should have access to the same recycling program, regardless of where they live or whom provides their collection services. This arbitrary and unnecessary distinction drives residential inequity. Program participation should not be limited to those buildings receiving municipal collection services. In addition, enforcement will be more challenging if some buildings are captured by the program while others are not.

Litter is of significant concern for Toronto. To reduce litter, Toronto has one of the most extensive litter collection programs with approximately 9,400 street litter/recycling bins and 10,000 garbage and recycling bins in City parks. If recycling services from these locations are not incorporated into the regulation for PPPP, the cost to manage recycling in public space and litter will be borne by ratepayers. These outcomes are contrary to the commitment stated in the provincial Made-in-Ontario Environment Plan. Residents must be provided with the opportunity to access recycle on-the-go.

Excluding these sources will result in a loss of system optimization and economies of scale for the City. Fewer tonnes managed will require smaller recycling processing contracts to continue these services, which increases program costs.

Ratepayers should not be required to pay for the end-of-life management of materials in which they consume away from home. If producers have incorporated the cost of the end-of-life management of a material into their product cost, they must be responsible to recover that material, regardless of the location in which it was consumed by the resident.

4.4 Support for Provincial Goals and Interests

The goal of this position is to achieve waste diversion from landfill and to accomplish the Province's goal to reduce litter in parks and public spaces. Toronto's position aids in meeting the following provincial interests identified in Part I of WFOA:

- 2.(a) protect the natural environment and human health
- 2.(c) minimize greenhouse gas emissions resulting from resource recovery activities
- 2.(h) minimize the need for waste disposal
- 2. (j) provide efficient, effective, convenient and reliable services related to resource recovery and waste reduction, including waste management services

5.0 Common Collection System

5.1 Position Statements

- A. Require producers to maintain the curbside Blue Box Program as the fundamental component of a recycling collection program in Ontario. Supplemental collection methods can also be introduced by producers and alternative collection methods must not negatively impact convenience for residents.
- B. Toronto strongly recommends the Ministry immediately proceed with the development of a “backstop” regulation so a fallback plan is in place, should PROs fail to reach an agreement on the common collection system.

5.2 Rationale

Toronto supports the move towards a common collection system (CCS) for the Blue Box Recycling Program across the province by 2026. Convenient access to a recycling collection program should be a right for all Ontarians, regardless of where they live.

Toronto is also in support of the use of supplemental collection channels, such as mail-back and return-to-retail programs, if they are in addition to the common collection system. However, the use of alternative collection channels is more concerning for Toronto and is discussed below.

5.2.1 Accessibility & Service Standards

Convenient access for residents is the fundamental driving factor of a successful diversion program. Toronto has implemented recycling service standards to ensure its program is accessible for all customers and this cannot be diminished. Program access is directly correlated to participation.

The regulation for PPPP must ensure producers match, at a minimum, the current frequency of recycling collection in Toronto. That means, at least once every two weeks for single-family homes and one, two or more times per week for multi-residential buildings, depending on their infrastructure and needs. Older multi-residential buildings were not built with diversion in mind, and generally, there is very little room for recycling collection containers. As such, these types of buildings require more frequent collection to remove the voluminous PPPP generated by residents and there should not be any additional charge for this service requirement that is beyond their control to change.

Toronto has extensive experience servicing multi-residential buildings, schools and long-term care facilities, through which staff have learned each building has unique challenges. One size does not fit all. Flexibility in frequency of collection and type of collection container allows for better participation from residents and the necessary program support from building staff.

Post transition, producers should have flexibility in how to manage their materials within the confines of the regulatory outcomes established. However, it is crucial the regulation requires producers to:

- provide sufficient capacity to store the anticipated quantities of materials; and
- be consistent with Toronto's relevant local bylaws and health, safety and environmental policies.

Toronto supports the Ministry's position that producers must provide or replace appropriate collection receptacles to residents or multi-residential building owners within two weeks of receiving a request. This includes front-end bulk bins, carts and in-unit recycling containers for residents living in multi-residential buildings. It is pertinent that the residents are not charged for this service. In addition, curbside collection receptacles and in-unit recycling containers must be provided to residents at no charge in perpetuity, not only at the program outset.

The regulation for PPPP should not dictate the role of municipalities in any way. Producers should be required to accept proposals for consideration from municipalities that may wish to offer services in order to allow for producers and municipalities to have dialogue regarding mutually agreeable commercial terms for transition.

5.2.2 Supplemental Collection System

Toronto supports the use of supplemental collection channels, in addition to the common collection system. This ensures residents are provided with convenient curbside collection, while allowing producers to expand their collection network beyond collection from residences and encourage innovation.

If the purpose of supplemental collection systems is to capture recyclables from sources deemed ineligible, such as parks and public spaces, it would be much more efficient for all parties to include these sources in the common collection system. As discussed in Section 4.0 Eligible Sources, products consumed in schools and parks is overwhelmingly from residents. As such, these materials should be included as eligible sources and collected with the common collection system.

5.2.3 Alternative Collection System

With the removal of any material from the common collection system, there is significant concern that program accessibility will be impacted. As such, the use of alternative collection channels for materials should only be an option for producers if they can prove they've achieved the following performance thresholds in the previous year:

- Meeting or exceeding the collection target;
- Meeting or exceeding the management target; and
- Meeting the accessibility target.

An alternative collection system poses unique challenges in Toronto, given its density and considerable multi-residential housing stock. Toronto's extensive experience and knowledge of this customer base has shown that services must be convenient, or residents will not participate. Not all residents drive or own a vehicle to travel to depots or other drop-off locations. Many rely on public transportation, so it is critical that an alternative collection system must be easily accessible by public transit to ensure equity is not negatively impacted. In addition, multi-residential units typically have less storage

space than single family homes and, therefore, will require more frequent trips, furthering the need for convenient access.

Toronto supports the Ministry's proposal that during an alternative collection system's first year of operation, it must still contribute to the common collection system until it can demonstrate target compliance. This ensures alternative collection systems are rigorous.

If targets are not met through the alternative collection system, the regulation should include graduated financial penalties and a return to inclusion in the common collection system.

5.2.4 Common Collection System Agreement

Toronto agrees with the Ministry that the common collection system must be limited to a single province-wide agreement. However, understanding the potential that a single agreement may not be attained within the allotted 12-month timeframe (if multiple PROs are involved), Toronto strongly recommends the Ministry immediately begin preparation of a "backstop" regulation to ensure a fallback plan is in place, should PROs fail to come to an agreement in time. This must be undertaken concurrently with the regulation for PPPP development to ensure the transition timeline is not impacted.

The Common Collection System Agreement may have significant implications to public policy, customer service, and municipal integrated waste management systems. As such, Toronto strongly believes municipalities (and perhaps other stakeholders) should have an opportunity to review and provide feedback on the document prior to its approval by RPRA.

Toronto strongly supports the Ministry's view that producers provide collection services (either through the common, supplemental, or alternative collection system) at no charge to residents. However, there is concern with the Ministry's proposal that producers could charge penalties for contamination. If this approach is allowed, clear infraction guidelines and requirement for producers to communicate this clearly to residents and property owners must be explicit in the regulation so there is no room for misinterpretation. In addition, any punitive measures should be escalating in nature; beginning with promotion and education tactics prior to financial penalties.

The City also believes that if producers can charge penalties for contamination, then municipalities should be able to charge fees or penalties that are tied to the amount of producer PPPP remaining in the garbage stream where producers are not meeting their recovery targets.

5.3 Why are These Actions Necessary?

Without the establishment of an accessible and robust common collection system, the provincial goals and interests stated in the WFOA will not be achieved. The common collection system must ensure convenient and reliable program access for all residents. If the program does not provide enough access for residents, targets will not be achieved, and Ontario landfills will reach capacity more rapidly.

If PROs fail to come to agreement on a single common collection system for Ontario, and the Province does not have a fallback plan, the transition timelines will inevitably be significantly delayed, which is not in the best interest of any stakeholder.

5.4 Support for Provincial Goals and Interests

The goal for Toronto's positions is to achieve waste reduction through increased access for residents. This supports the Province's goals, identified in the Made in Ontario Environment Plan, to:

- Increase opportunities for Ontarians to participate in efforts to reduce waste
- Work with municipalities and producers to provide more consistency across the province regarding what can and cannot be accepted in the Blue Box Program
- Explore additional opportunities, post transition, to reduce and recycle waste in businesses and institutions.

This position also assists the Province meet the following interest identified in Part I of WFOA:

- 2.(j) to provide efficient, effective, convenient and reliable services related to resource recovery and waste reduction, including waste management services.

6.0 Producer Registration & Reporting Requirements

6.1 Position Statement

Toronto supports the requirement for all designated producers, including brand owners, importers of the product into Ontario, and marketers of the product as per the hierarchy proposed by MECP to register and report their full supply data on an annual basis.

6.2 Rationale

6.2.1 Registration

Toronto supports the requirement for producers to register and report all their designated materials supplied into the Ontario marketplace, including those supplied into Industrial, Commercial & Institutional locations as well as those deemed to be for residential use, within the first three (3) months after the regulation for PPPP is filed.

To meet the two-year planning timeframe, Toronto agrees PROs should be required to register within six months of the regulation for PPPP being filed. However, requiring a minimum of 10% producer representation in a PRO to enable participation in the negotiation of the common collection system agreement is potentially concerning. Toronto understands the rationale to limit the quantity of PROs negotiating the agreement to ensure efficiency. However, this limitation could result in only one PRO designing the common collection system in the province. This is in direct contrast to the provincial goal

to encourage competition, which Toronto unequivocally supports. The resulting monopoly would considerably increase producer leverage during negotiations with municipalities. Toronto urges the Ministry to consider including a measure in the regulation for PPPP to ensure a minimum of two PROs exist in the province to drive competition and innovation.

6.2.1.1 Incent PROs to Work Together

Rather than requiring that a PRO must first sign-up producers that together constitute a minimum of 10% of total obligated materials (a quantity that will not be known until all producers have registered and reported to RPRA) the regulation for PPPP could:

- Adopt best practices from European countries that have extensive experience with coordinating multiple PROs (Germany, Austria, UK) and establish an independent body to act as a clearing house and to ensure a level-playing field for all PROs
- Require that PROs provide letters of intent from obligated producers (representing no less than a combined 5% of supplied tonnes) that they intend to sign-on with the PRO and authorising them to represent them in development of the CCS Agreement and providing a minimum financial assurance through a surety bond.
 - This could include individual producers or specific industry sectors (i.e. soft drinks, dairy, publishers, independent retailer associations, other speciality industries that want the PRO to focus on the specific challenges to recycling their unique materials)
- Establish a lower minimum of a supplied tonnes' threshold to allow for PROs to focus on a particular material or industry sectors and to bring innovative sorting and recycling solutions to the Ontario market
- Require financial performance bonds that could take two forms:
 - First to co-fund the development and execution of a common collection system agreement with the province (essentially an entry fee that would be forfeited if no agreement is reached)
 - Extended to cover the operation of the PRO to protect against the failure of the PRO to meet its obligations under the regulation (as has happened several times in other countries)

6.2.2 Competing PRO Dispute Resolution

Toronto understands the Ministry is currently proposing that PROs be required to enter into agreements among themselves on how they that will meet the requirements for implementing and operating the province-wide common collection system. Further, it is proposed that this agreement include a dispute resolution process to be used to resolve disputes among themselves regarding the common collection system. In Germany, the country with the longest experience with competitive PROs for used packaging, this approach to industry self-management has failed several times.

Germany transitioned from a monopoly PRO to competing PROs and by 2008 there were 10 PROs offering compliance services. Given that all PROs had to take responsibility for

recovering from municipalities a share of used packaging equal to the combined market share of their participating producers, a clearing house was needed to allocate this responsibility and to share the costs of providing this service equitably among the 10 competing PROs. The PROs were given the responsibility to self-manage these clearing house functions.

In a few short years, PROs were collecting 50% more tonnes of packaging than the reported tonnes of obligated packaging being supplied into the market. This gap continued to increase and the government was required to implement emergency revisions to the packaging regulation to close the most obvious loopholes and grey zones to prevent the industry self-managed system from collapsing.

This gap between the reported quantities supplied into the market and the actual packaging recovery rates resulted from producers under-reporting what was considered to be obligated under the regulation and from PROs competing for customers on the basis of the methodology each PRO used for determining what packaging is “obligated”. (For example, some PROs would rule that for a bundled case of mineral water, the bottles were obligated packaging but the plastic wrap, the paper tray and the handle to carry the case were “transport packaging” and therefore not obligated. Producers would therefore sign on with the PRO that could discharge their obligation at the lowest cost).

In 2019, with the support of obligated producers, the packaging regulation was revised to create a new independent clearing house with the responsibility for calculating producers and PROs market shares and for allocating responsibility for recovering used packaging to ensure a level playing field for competing PROs.

Recognizing that competing PROs might fail to reach agreement on a common collection system agreement, the Ministry has proposed that the fall-back strategy would be for the government to amend the RRCEA before producers take full control of the system in 2026. This approach also carries considerable risks.

In other countries that have adopted a competing PRO approach to producer responsibility (Germany, Austria, UK), these risks have been ameliorated by putting in place an independent “clearing house” function to promote competition in a fair and open marketplace; to ensure a level playing field for producers and PROs; and to ensure transparency for government and rate payers. A regulatory backstop should be prepared in parallel with the PPPP regulation to allow for implementation of a similar approach in Ontario, should it be required.

6.2.3 Reporting

Toronto applauds the Ministry’s position to require producers to report the total amount of their designated material supplied into the Ontario marketplace, not just residential tonnes. This requirement will close the current data gap of how much non-residential designated materials require future management in the province. This baseline data will support effective planning to improve the recycling performance for the significant quantities of PPPP that will continue to be generated outside of “eligible sources”.

Producers have robust data management systems to track the total quantities and types of products they supply into their markets. However, significant challenges remain with

accurately determining what percentage of these materials are consumed and generated within “eligible sources”. Producers will be required to calculate the amount of designated materials that they determine are supplied into eligible sources in the Province. To ensure compliance with the regulation for PPPP, the rationale and process to determine eligible quantities of materials should be fully transparent and subject to audit.

Producers should be required to report their supply data on a semi-annual basis, at a minimum. A frequent reporting requirement is prudent because Blue Box materials consist of fast-moving consumer goods that are in and out of the home quickly. In addition, the speed at which material composition and PPPP design changes occur is tremendously fast and reporting must keep pace.

The Resource Productivity and Recovery Authority (the Authority) will require visibility of the total supply of primary, convenience and transport packaging supplied into Ontario by individual producers, as well as consolidated reports from PROs, and the methodologies that are used to determine what percentage of each of these materials deemed to be for “residential use”. Transparency on the total flows of these materials will also provide essential data to accurately monitor progress towards targets.

6.2.4 Easing Administrative Burden

To ease producer administrative burden, while ensuring transparency, PROs should be allowed to report to RPRA on behalf of their participating producers but RPRA must have access to individual producer data as required to audit the reports of individual producers as well as their PRO. This will streamline the process and remove duplication. However, access to this data must always be available to all parties (PRO, RPRA). Legal obligation for meeting the defined environmental outcomes should remain with the individual producers.

6.2.5 De Minimis

The current approach to determine de minimis in Ontario is no longer relevant, given that:

- The net costs to manage recovered packaging is now significantly higher than the original Blue Box Program Plan cost estimates.
- The mix of materials collected in the BB has changed significantly with plastics and composite packaging replacing lower costs to managed glass and metals and with a significant reduction in the quantities of ONP generated.

In addition, the current Ontario de minimis levels are not consistent with other PPPP programs in Canada, as identified in Table 3:

Table 3: De Minimis Requirements in Canada

Jurisdiction	De Minimis
British Columbia	<ul style="list-style-type: none"> • <\$1M revenue and/or <1 T PPPP supplied to market; • Single point of retail sale (not a franchise/chain); or • Is a registered charity.
Quebec	<ul style="list-style-type: none"> • <\$1M revenue and/or <1 T PPPP supplied to market; • Flat-rate contribution for enterprises who market annually between 1 and 15 metric tons of material. • Newspaper enterprises who put in the market less than 15 metric tons annually.

Furthermore, recently published guidance from the European Union (*Study to Support Preparation of the Commission's Guidance for Extended Producer Responsibility Schemes -Recommendations for Guidance*) recommends the following:

- A de minimis threshold may be used to determine when minimum reporting and full reporting to PROs are required.
- No de minimis threshold may be used to remove any producers from minimum reporting requirements to PROs
- The level of the de minimis threshold, if used, will need to be determined such that it minimises loss of market data whilst facilitating reduced reporting burdens for producers of smaller volumes of products or packaging.

Therefore, Toronto recommends that:

- All producers of PPPP be required to report to RPRA on the quantities of materials that they supply into Ontario.
- That the PPPP regulation establish an appropriate de minimis threshold for “small producers” reflecting current BB recycling program conditions in Ontario.
- That RPRA establish a simplified reporting mechanism to reduce the reporting burden for these smaller producers.

6.3 Why is This Action Necessary?

To level the playing field and reduce the “free riders” in the system, all producers must be required to register with the Authority and report their supplied tonnages on semi-annual basis. Without reporting requirements, producer compliance with the regulation is unattainable.

6.4 Support for Provincial Goals and Interests

In direct alignment with provincial goals, the intended goal of Toronto's position is to achieve and sustain producer accountability for the end-of-life management of the products and packaging they introduce into the Ontario marketplace. This position also assists to meet the following provincial interests identified in Part I of WFOA:

- 2.(f) Hold persons who are most responsible for the design of products and packaging responsible for the products and packaging at the end of life
- 2.(j) Provide efficient, effective, convenient and reliable services related to resource recovery and waste reduction, including waste management services

7.0 Collection & Management Targets

7.1 Position Statements

- F. Require all producers to report their collected tonnes of PPPP from the common collection system, supplemental collection channels and any RPRA-approved alternative collection systems, to ensure service is provided to all residential dwellings and eligible sources
- G. Require all producers to report their progress towards achieving their management targets based on the quantities of PPPP sold (e.g. marketed) from the Material Recovery Facility
- H. Recycled content credits should not be allowed to offset or reduce targets
- I. Require producers to report on both the broad material categories and specific subcategories for all designated materials
- J. Establish targets for both broad material categories and specific material subcategories for all designated materials

7.2 Rationale

Municipal governments and many other stakeholders agree high recycling targets are essential to an effective EPR program. However, high targets will not necessarily drive collection of materials in parks and public spaces through a voluntary supplemental collection channel. Easy-to-access materials will be “cherry picked” and we could see less expensive ICI sources leak into the system, despite a regulation for PPPP stating these are ineligible sources. These actions have occurred in British Columbia, the United Kingdom and other jurisdictions. This will be exacerbated if reduced audit requirements apply as is the case under *O. Reg. 30/20: Batteries*. During Special Recycling Advisor Lindsay's mediation process, there was agreement between producers and municipalities to transition the program as it exists today without backsliding.

Toronto also supports the Ministry's proposal that industrial, commercial and institutional recyclables will not be permitted for use towards achieving producers' residential targets.

7.2.1 Reporting Categories: Program Performance and Transparency

Transparency and robust data are required to review performance and ensure the intended outcomes are being met. Toronto does not support the Ministry's proposal that producers only be required to report on broad material categories.

Special Advisor David Lindsay's mediation report stated: "Categories should be specific enough that they can be used to identify materials that have low diversion rates, so that action can be taken to improve diversion". This position was well supported by municipalities and some non-municipal stakeholders and reiterated throughout the Working Group meetings held by the Ministry. The current Ministry proposal poses significant changes from what was agreed during the mediation process and what the Ministry initially presented at its April 9, 2020 meeting compared to what was proposed in later presentations. We are unaware of any stakeholder that advocated for narrowing reporting to just five broad categories during the joint stakeholder sessions, nor are we clear on the rationale for having producers report to RPRA less detailed information than they currently have chosen to provide to Stewardship Ontario, Recycle BC, Eco-Entreprise Quebec, Multi-Material Stewardship Manitoba and to CSSA.

Producers have widely recognized that distinctions must be made between different sub-categories of PPPP to reflect the degrees of difficulty in recovering and recycling each of these material sub-categories. They also press their service providers to identify the true costs of managing each of these specific types of PPPP and to charge these costs directly to the producers that choose to use them in order to incentivize these producers to change to easier to recycle material choices. Reporting publicly only on broad material categories does not allow visibility of the low performance that has been achieved by some of the fastest growing sub-categories of PPPP, most particularly for plastics, composites and compostables.

Reporting and achieving management targets in broad categories provides no ability to understand the performance of specific materials. For example, in a blended rigid plastics category, a high performing material such as PET would do the "heavy lifting" and conceal poorer performing materials like polystyrene. This provides little-to-no incentive for continuous improvement for poor performing materials. As a result, the Ministry, RPRA and other stakeholders will not have comprehensive visibility of producer performance, which will limit program accountability.

Material recycling facilities already report this level of detail and this will continue to be required by producers and PROs to demonstrate that broad targets have been met and in order to set producer fees fairly. This level of transparency facilitates producer accountability, so the same level of detail that producers already report in Ontario and in EPR programs across Canada should be required.

Municipal governments are not only concerned with shifting costs to producers. While costs are a factor, elected officials, municipal staff, and Ontarians want to ensure

improved program performance and environmental outcomes. Toronto continues to hear residents' concerns about litter in parks and waterways, non-recyclable packaging and products, single-use plastic and the like. Blue Box Program performance is of fundamental importance to residents, Toronto Councillors and staff. Materials not managed in this program become a liability with litter in parks and waterways and lost resources when disposed of in landfill.

In light of Covid-19, there has been an increased awareness and visibility of litter in parks and public spaces. To reduce any potential impact to the environment and human health, Toronto has increased the frequency of its operations to ensure the continuation of safe enjoyment of public spaces in Toronto. However, this increased service level also comes at a cost that's completely borne by the City and will not be addressed under the proposed PPPP regulation.

The establishment of high targets are essential, as are ensuring penalties are appropriate to discourage non-compliance. The regulation for PPPP must include a clause to review and adjust targets on a set schedule (e.g. every 3 years) to drive progressive recycling rates and focus additional resources if required on areas of concern. Designated producers, either individually or through their PRO, should be required to report beginning in 2023 in compliance with the performance requirements in the regulation:

- Accessibility, service levels, and promotion and education
- Amount of PPPP collected
- How PPPP was managed by tonnage based on the following activities:
 - Used in the production of new products including nutrient based products like compost excluding any losses and contamination in a similar manner as the European Union.
 - Recovery including specifically how much material was used as a fuel and how much sent to a waste incinerator that generates energy.
 - Disposed of either in a landfill or a waste incinerator without any energy generation.

The reporting of how materials are managed should be similar to how RecycleBC already reports. See Figure 1.

Figure 1: Example from 2018 Recycle BC Annual Report

RECYCLING	RECOVERY	RESIDUAL MANAGEMENT	
Tonnes of material managed by recycling	Tonnes of material managed by recovery (engineered fuel)	Tonnes of material managed by disposal	% of collected tonnes managed by recycling.
180,532 tonnes*	6,185	16,742	87.3%**
	Tonnes of material managed by recovery (energy from waste)		
	0		

Data above represents audited data from processor on quantities of materials shipped. Prior year-end inventory shipped in the current year and unprocessed and unshipped inventories at year end are both considered.

* Gross tonnes managed by recycling in the Recycle BC system, including newspaper

** Based on gross tonnes collected in Recycle BC system of 206,778 tonnes

7.2.1.1 Targets

Recycling targets should match or exceed those established in other leading jurisdictions with well established residential recycling programs, such as BC and the European Union, which have progressive targets for the broad categories. The lowest performing materials should have higher expectations for improvement. The regulation should define recycling based on what is marketed minus process losses and contamination.

During the transition phase, producers should be required to demonstrate they are making best efforts to sustain or improve Blue Box Program performance and preparing to meet the expanded meeting the goals established for 2026 and 2030. By 2030, a minimum level should be established for the subcategories to ensure they are fairly contributing to the broad category target (e.g., none of the subcategories should achieve a recycling target of less than 50% of the broad category recycling target). See Table 4 for recommended targets categories, targets, and subcategories.

Table 4 – Target Categories and Reporting Subcategories

Target Categories (Targets)	Reporting Sub-Categories
Paper⁷ <ul style="list-style-type: none"> 2023-2025 – best efforts based on 2026 targets 2026-2029 – 90% recycling target 2030-onwards – 90% recycling target 	OCC, ONP, Mixed Fibres, Gable top, Aseptic <ul style="list-style-type: none"> 2030-onwards – None of subcategories should be under half of the main target

⁷ Paper includes any type of cellulosic fibre source including, but not limited to wood, wheat, rice, cotton, bananas, eucalyptus, bamboo, hemp, and sugar cane (bagasse) fibre sources. Includes newsprint (CNA/OCNA & Non-CNA/OCNA), OCC and boxboard, magazines and catalogues, telephone books, aseptic and gable top cartons, polycoat containers and cups, and other paper products.

Target Categories (Targets)	Reporting Sub-Categories
Rigid Plastics <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 55% recycling target • 2030-onwards – 60% recycling target 	PET, HDPE, PP, Polystyrene, Other rigid plastics <ul style="list-style-type: none"> • 2030-onwards – None of subcategories should be under half of the main target
Flexible Plastics <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 30% recycling target • 2030-onwards – 40% recycling target 	Single material, multi-material <ul style="list-style-type: none"> • 2030-onwards – None of subcategories should be under half of the main target
Metal <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 67% recycling target • 2030-onwards – 75% recycling target 	Ferrous and non-ferrous <ul style="list-style-type: none"> • 2030-onwards – None of subcategories should be under half of the main target
Glass <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 90% recycling target • 2030-onwards – 90% recycling target 	N/A
Other <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 90% recycling target • 2030-onwards – 90% recycling target 	Wood, items marketed as compostable, fabric, etc. <ul style="list-style-type: none"> • 2030-onwards – None of subcategories should be under half of the main target
Non-Alcoholic Beverage Containers⁸ <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 80% recycling target • 2030-onwards – 85% recycling target 	(e.g., sealed non-alcoholic beverage containers) *Excluded from material specific categories above

⁸ Includes all beverage containers regardless of what materials they are made from (e.g., glass, plastic, metal, paper or any combination thereof).

Target Categories (Targets)	Reporting Sub-Categories
Alcoholic Beverage Containers <ul style="list-style-type: none"> • 2023-2025 – best efforts based on 2026 targets • 2026-2029 – 85% recycling target • 2030-onwards – 85% recycling target 	N/A *Excluded from material specific categories above

Producers that do not meet their targets should be subject to penalties that will promote greater efforts by them to increase recycling.

7.2.2 Alcoholic Beverage Containers

Toronto supports the Ministry's proposal to include diversion targets for alcoholic beverage containers, including wine, beer and spirits. However, these containers should be in their own category, separate from the non-alcoholic beverage container category. The deposit-return program for alcoholic beverage containers is well established with a high recovery rate reported for these containers. Alcoholic containers alone would satisfy the bulk of the beverage container target, with no additional effort required, especially if offset credits are provided for use of recycled content (which is common commercial practice in all beverage container categories). This leaves producers of other beverage containers with little incentive to strive to increase the capture of their materials, likely limiting the need for supplemental channels to capture additional materials from parks and public spaces.

7.2.3 Recycled Content Credit

While Toronto is in strong support of incenting producers to increase the recycled content requirements of their products, it is strongly opposed to allowing a recycled content credit to be applied to offset producer's management targets. These performance metrics are entirely different policy objectives and must be dealt with separately.

Producers are gaining experience in many countries with modulating the material specific fees charged to producers by PROs to promote increased use of recycled content. MECP should consider the use of Policy Statements by setting minimum requirements on PROs to promote similar approaches in Ontario.

A credit for recycled content limited only to PPPP collected in Ontario and re-used within a manufacturing process in Ontario may be subject to challenge as a non-trade tariff barrier given the large quantities of filled packed products shipped into Ontario from the USA (and other provinces). It is noteworthy that an early draft of the original BBPP included a proposed credit for use of recycled content but was subsequently eliminated on legal advice that the same level of credit would have to be provided to the manufacturers of imported packaged products, newsprint or OCC imported from the USA under the then prevailing North America Free Trade Agreement.

7.2.3.1 Impact to Diversion Targets

The proposal to allow a 1:1 offset, up to 75%, would dramatically reduce diversion targets. In some cases, the targets could be below the diversion rates already being achieved in Ontario. This would undermine a regulation for PPPP, which all stakeholders have stated is dependent on high targets and strong enforcement to work.

Toronto has undertaken research to determine the potential impact resulting from this proposal. Many corporations and material categories have already set recycled content targets for their products and packaging and are well on their way to achieving them. With a recycled content credit, producers would get extra credit for work they have already undertaken.

While MECP has stated that the regulation would require all collected materials to be processed to ensure that this does not reduce diversion, application of this credit will essentially eliminate the need for producers to establish supplementary collection channels to achieve “high targets” which is contrary to the rationale provided by the Ministry as to why parks and other public spaces were not included as eligible sources. Furthermore, given that producers are not required to provide even minimum levels of effective promotion and education, it is unclear what incentive producers would have to promote increased recovery of PPPP through the BB program or supplemental channels when their management targets are significantly offset by the recycled content credit.

Table 5 provides a summary of recycled content commitments made public by industry for each material type; the Ministry’s proposed targets; and the potential dramatic impact recycled content credits could have on reducing targets. In all cases except flexible plastics, the targets could be lower than existing diversion rates.

Table 5: Potential Impact of Recycled Content on Targets

	Recycled Content Estimates		Ministry Proposed Targets			Potential Impact of Recycled Content on Targets (up to 75%)	
	2026 - 2029	From 2030	Existing Diversion Rates (2018)	2026-2029	From 2030	2026-2029	From 2030
Rigid Plastics ⁹	25%	50%	48%	55%	60%	30%	10%
Flexible Plastics* ¹⁰	5%	10%	7%	30%	40%	25%	30%

⁹ EU Single Use Plastics Directive

¹⁰ <https://www.packagingdigest.com/flexible-packaging/is-there-a-market-for-recycled-content-materials-in-flexible-packaging-2017-03-28>, <https://packagingeurope.com/flexible-packaging-from-post-consumer-recycled-plastic/>

	Recycled Content Estimates		Ministry Proposed Targets			Potential Impact of Recycled Content on Targets (up to 75%)	
	2026 - 2029	From 2030	Existing Diversion Rates (2018)	2026-2029	From 2030	2026-2029	From 2030
Newsprint ¹¹ & Boxboard ¹²	70%		72%	90%	90%	20%	20%
Aluminum ¹³	73%		54%	67%	75%	21%	29%
Steel ¹⁴	35%						
Glass ¹⁵	70%		68%	75%	85%	5%	15%

* Assumption made (no data found)

Note: In Toronto, steel accounts for 2.5% and aluminum accounts for 1% by weight of Toronto's marketed Blue Box tonnes; thus, a weighted average of 46% was used for this analysis.

Toronto recommends the Ministry consider others means to promote the inclusion of more recycled content in products and packaging through:

- Requiring fees paid by producers to a PRO be “modulated” to provide a financial incentive to producers to include more recycled content, as is done in France, Germany, proposed in the UK and several other countries
- A tax on plastics packaging that falls below a minimum recycled content threshold (i.e. 30% minimum to be implemented in the UK)
- Require producers to label packaging and products as to their recycled content
- Promoting the formation of an Ontario Plastic Pact, similar to those being promoted by the Ellen MacArthur Foundation and being implemented in the UK (<https://wrap.org.uk/plasticsprogress>), EU countries, Chile, etc. with commitments to reach recycled content goals)

Furthermore, producers should be incented to use higher quantities of post-consumer waste materials, rather than recycling of industrial scrap which is already common practice in the packaging and paper manufacturing sectors. Incenting producers to use

¹¹ <https://customer.globeandmail.ca/PaperProcurementPolicy.html>, <https://customer.globeandmail.ca/faq.asp#43>, <https://www.theglobeandmail.com/privacy-terms/global-sustainability-policy/>, <https://www.thestar.com/about/faq.html#top>,

¹² <https://www.ppec-paper.com/pdfFiles/factsheets/2019/WhatsPaperPackagingMadeFrom/FS16-2019.pdf>, <https://www.ppec-paper.com/wp-content/uploads/2019/09/Understanding-Recycled-Content-September-2019-2.pdf>

¹³ <https://aluminiuminsider.com/aluminium-can-recycled-content-rises-to-73-percent-report/>, <https://www.packagingstrategies.com/articles/95432-packaging-outlook-2020-metal-can-packaging>

¹⁴ <https://silgancontainers.com/silgan-u/sustainability/>, <https://www.apeal.org/news2/recycled-content-of-steel-for-packaging/>

¹⁵ <https://www.cmconsultinginc.com/wp-content/uploads/2018/10/WPW-2018-FINAL-END-USE-and-RECYCLED-CONTENT.pdf>

post-consumer recycled content moves Ontario closer to a circular economy as the same products and packaging collected in the Blue Box are then used to create new products and packaging for consumption. To truly be circular, the recycled content should strictly come from Ontario post-consumer eligible sources as added incentive to collect the most materials possible.

7.3 Why are These Actions Necessary?

Many components of the regulation for PPPP are necessary to ensure success. But none are as critical as setting appropriate management targets as they drive the entire system's operations and outcomes. As previously noted, allowing the use of recycling content credits will dramatically reduce targets, and in most cases, lower targets below the existing material diversion rate. If producers have a lower target to meet, there will be less incentive to collect from additional sources through supplemental channels. There will also be less incentive to continue with promotion and education for residents. If residents are not clear on which bin materials are to be placed, this could increase the amount of material in the garbage stream, increasing the tonnages managed by municipalities with no ability to impact this stream.

7.4 Support for Provincial Goals and Objectives

The intended outcome of Toronto's positions on targets is to achieve waste diversion from landfill. This helps to meet the provincial interest in Part I of WFOA:

- 2.(d) minimize the generation of waste, including waste from products and packaging
- 2.(k) increase the reuse and recycling of waste across all sectors of the economy
- 2.(l) increase opportunities and markets for recovered resources (high target will lead to innovation)

8.0 Record Keeping, Auditing & Monitoring

8.1 Position Statement

Ensure the Resource Productivity & Recovery Authority maintains its independent oversight and enforcement duties, as stipulated in the Resource Recovery and Circular economy Act.

8.2 Rationale

8.2.1 Program Oversight

Strong, independent program oversight is essential to achieve the provincial interests identified in the *Waste-Free Ontario Act, 2016*. Program compliance, achieved through extensive record keeping, reliable auditing and continuous monitoring, will provide

transparency of the process and hold producers accountable for their actions, or inactions. Toronto adamantly believes effective oversight and program success can only be achieved if the Authority retains and applies its robust administrative, compliance and enforcement capabilities.

Requirements should be included in the regulation for PPPP for third party audit protocols similar to section 26 of O. Reg. 225/18: [Tires](#) and the Audit Performance [Procedure developed by the Authority](#).

RPRA should have annual, at a minimum, reporting outcomes publicly available online. Given that successful recycling programs are dependent on public participation, there should be accountability in reporting on the results achieved.

The waste management industry is ever-evolving. A scheduled periodic review (e.g. every 5 years) of program operations undertaken by the province, is crucial to ensure its financial (ratepayer savings), diversion, and litter reduction objectives are being achieved and maintained. This is above and beyond the oversight function of the Authority and should be undertaken by the Ministry of the Environment, Conservation and Parks. This also provides an opportunity to adjust regulatory elements as required.

8.2.2 Program Compliance & Enforcement

A successful regulation for PPPP must be accompanied with effective and ongoing enforcement of the regulation. Producers should be held to account for any non-compliance with program obligations. As such, rigorous enforcement is necessary to determine if a producer contravenes a provision in the RRCEA or PPPP regulation.

While Toronto agrees with the use of administrative penalties in the event of an offence, it is concerning that the process details will not be known until after this regulation for PPPP is complete. These details are crucial to determine program success and deter non-compliance. If administrative penalties are inadequate to drive compliance, producers may simply choose to pay the penalty as a cost of doing business.

8.3 Why is This Action Necessary?

A regulation is only as effective as its prescribed auditing requirements and enforcement capabilities. It is of great concern that if stringent and transparent auditing protocols are not established in parallel with the regulation for PPPP, producers will establish their own auditing methodology to meet their needs and, unless required to do so, may not be undertaken in a transparent manner. Appropriately conducted audits is the only effective means to measure program performance and provide opportunities for continuous improvement.

Without rigorous and ongoing enforcement, producers have little incentive to strive to meet their targets and comply with their obligations. Program success can only be achieved and upheld through appropriate enforcement practices.

8.4 *Support for Provincial Goals and Interests*

The intended outcome of Toronto's position is to ensure transparency and producer accountability. This position directly aligns with the following provincial interest identified in Part I of WFOA:

- 2.(f) hold persons who are most responsible for the design of products and packaging responsible for the products and packaging at the end of life.

9.0 Promotion & Education

9.1 *Position Statement*

Require producers to undertake broad, comprehensive, and regionally-informed promotion and education activities during the transition phase and in perpetuity post-transition.

9.2 *Rationale*

Achieving waste diversion targets is entirely reliant on the active participation of residents. The vast array of products and packaging in the Ontario market presents a challenge for residents to determine in which bin their item is to be placed. Therefore, the use of effective and ongoing promotion and education tactics is critical to not only foster participation, but also proper participation to: meet diversion targets; reduce contamination; increase capture of cleaner and better-quality materials, increase volume materials captured; and maintain momentum already built by Toronto. Continuous education is required.

Standardization of the Blue Box materials' list will assist producers in developing their baseline communications. However, producers must be mindful of their audiences and incorporate complementary and regionally-informed tactics for use in different parts of the province. Communication tactics in Toronto will look considerably different than those used in rural communities, for example, because of the varying densities, housing stock, and languages spoken. Producers must take this into account when designing their promotional and educational tools and tactics.

9.2.1 *Post Transition*

Toronto supports producers having the freedom to decide which promotion and education tactics to use to promote participation in their programs. However, the Ministry's current position to only require promotion and education obligations until the end of 2026 is exceptionally insufficient. Toronto strongly recommends the regulation for PPPP stipulates a requirement to continue promotion and education requirements in perpetuity to ensure program success.

The specific tactics can be left for producers to determine, but high-level goals and parameters must be established in the regulation for PPPP to guide these tactics. For example, the regulation should stipulate that all communication materials must be provided in a multitude of languages (matching those currently offered by the municipality) and through multiple mediums and channels (e.g. online, print, social media, etc.) to reach all audiences. Toronto currently produces its recycling guide in the top 19 languages spoken in the city and producers must continue this level of education post-transition to ensure ongoing program participation, especially as the program changes over time.

9.2.2 Promotions & Education in Toronto

Toronto has the largest promotion and education program in the province with a dedicated team of four strategic communications professionals that have considerable experience using waste management promotion and education tools and tactics. Through the years, experience and focus group research has indicated which tools are the most effective way to reach residents. This has been particularly important to reach audiences living in multi-residential buildings and in households in which English is not a first language. Experience has also shown that ongoing communications is necessary to enhance and maintain a resident's understanding of program operations. Toronto is keen to work with producers and impart its knowledge to ensure appropriate communications materials and tactics are used.

9.3 Why is This Action Necessary?

Without ongoing and effective communications, producers will not achieve their targets. When residents are unaware of which stream different materials belong, recycling can end-up in the organics stream, leading to an increase in contamination and program costs for Toronto. In addition, confusion with program practices can lead to an increase in litter in our communities. This is in direct opposition to the objective of the *Waste-Free Ontario Act*, 2016.

Toronto is particularly concerned that resident confusion could lead to an increase in PPPP materials in the garbage or Green Bin organics stream, thus increasing municipal costs and the need for more landfill capacity or impacting residue amounts from organics processing. These costs should be borne by producers, not municipal ratepayers. If producers do not provide continual and sufficient education to residents on how the common collection system or any RPRA-approved alternative collection system works, municipalities should have the ability to recover the costs associated with increased PPPP materials in the waste stream.

Toronto recommends that the province continuously review municipal waste composition data for the quantity of unrecovered PPPP resources when it evaluates targets to ensure the targets are set high enough to achieve the outcome of high recovery and diversion from landfill.

9.4 *Support for Provincial Goals and Interests*

The intended outcome of Toronto's position is to achieve the diversion of recyclable materials from landfill. This helps to meet the following provincial interests identified in Part I of the WFOA:

- 2.(m) promote public education and awareness with respect to resource recovery and waste reduction;
- 2.(n) promote cooperation and coordination among various persons and entities involved in resource recovery activities and waste reduction activities

10.0 Beyond the Blue Box

10.1 *Position Statement*

Toronto recommends the Ministry of the Environment, Conservation and Parks consider alternative mechanisms beyond the Blue Box Program, within its authority, to increase waste diversion from landfill in Ontario.

10.2 *Rationale*

Changes to the residential Blue Box Program is not sufficient to increase the provincial waste diversion rate. Additional measures should be undertaken in parallel with EPR to foster innovation to:

- increase waste diversion from the industrial, commercial and institutional sector;
- incentivize producers to redesign products and packaging for durability;
- prioritize reduce and reuse initiatives; and
- incorporate circular economy practices.

To increase diversion from landfill, reduce litter, and return Ontario to a position of leadership in sustainable waste management, the Ministry should consider several other complementary measures:

- As part of the work undertaken on updating Ontario Regulations 101/94, 102/94 and 103/94 (i.e., 3Rs Regulation), require Ontario businesses to ban unrestricted distribution and implement 'ask first' or 'by request' policies related to the provision of certain single-use items (e.g., straws, stir sticks, utensils, drink stoppers, condiments);
- Consider banning difficult-to-recycle materials prior to being generated, where possible and in alignment with any federal forthcoming regulations;
- Review the Building Code and the Provincial Policy Statement to ensure multi-unit buildings are better designed to accommodate source separation for all diversion streams, make participation in diversion streams as convenient as garbage, and

include design requirements for the safe and efficient delivery of waste diversion programs and collection services;

- Work with the federal government to provide support for development of local and national recyclable commodity markets to incentivize the use of secondary materials over virgin material through tax incentives and procurement practices;
- Make changes to the approval process to accommodate minor alterations to existing infrastructure, and in building new or expanded processing infrastructure that support waste reduction, reuse and recycling to help drive waste diversion.
- Remove some of the current regulatory barriers to ensure new processing capacity can be developed to accommodate new volumes of materials; and
- Improve operations to reduce package waste where possible and concurrently release an internal program to identify and reduce single use waste generated as a result of program and service delivery (i.e. excess and non-recyclable packaging waste).

Toronto supports the concept of disposal bans for all designated materials to increase diversion, but greater clarity is required on:

- when and where the ban would apply (e.g., transfer station, landfill, curbside collection, first point of disposal, etc.);
- how the ban would be enforced and how costs, if any, imposed on municipal governments could be recovered;
- how potential leakage of banned materials to other jurisdictions or ending up as litter would be addressed under the regulation; and
- whether exemptions should be considered if there are major disruptions in markets for the collected materials.

Any ban should apply to all designated packaging and products supplied into Ontario and not only to the eligible sources of these materials as defined in the regulation for PPPP. To ensure alignment and harmonization across Canada, it is important to take note that the federal government is exploring potential policy tools, including bans, on single-use plastics.

Given the recent Canadian Council of Ministers of the Environment's release of Phase 2 of the *Canada-Wide Action Plan on Zero Plastic Waste ("Action Plan")*, and agreement to initiate the implementation of the Action Plan, the Ontario regulation for PPPP is perfectly positioned to address and incorporate the priority actions identified in the Action Plan. Relevant Priority Actions in the Action Plan include making progress towards extended producer responsibility, targeting single use and disposable plastics, and ensuring capture and clean-up of plastic waste. While much work lies ahead, the PPPP regulation is one policy tool that will assist in the achievement of the actions. The recommendations outlined in Toronto's position paper further support the objectives of the Action Plan.

10.3 Why is This Action Necessary?

A suite of legislative and policy changes, in coordination with EPR implementation, are necessary to improve Ontario's waste diversion practices. With a diversion rate of only 25% in Ontario, landfills are quickly reaching capacity. If Ontario is to achieve its goals

and interests proclaimed in the *Waste-Free Ontario Act, 2016*, further action is required now.

10.4 Support for Provincial Goals and Interests

The intended outcome of this position is to achieve increased waste diversion in Ontario, which will assist in meeting the following Provincial interest identified in Part I of WFOA:

- 2.(a) protect the natural environment and human health
- 2.(b) foster the continued growth and development of the circular economy
- 2.(e) increase the durability, reusability and recyclability of products and packaging
- 2.(g) decrease hazardous and toxic substances in products and packaging
- 2.(k) increase the reuse and recycling of waste across all sectors of the economy