

## Attachment 2 - Comparison of the City of Toronto's Positions on the Draft Regulation vs. the Regulation

On December 3, 2020, Solid Waste Management Services staff submitted comments to the Environmental Registry of Ontario ([ERO#: 019-2579](#)) on the draft blue box regulation. The submission presented both areas of support for the draft regulation as well as areas requiring further strengthening. Table 1 outlines the City of Toronto's key positions expressed in its submission on the draft regulation and whether there is alignment with the final Regulation.

Table 1: Regulation Alignment with Key City of Toronto's Positions

Toronto's Key Areas of Support in Draft Regulation	
City of Toronto Position on Draft Regulation	O. Reg 391/21: Blue Box
Eligible sources should include <u>all</u> single family and multi-residential homes (regardless of service provider), schools, parks, streetscape bins within Business Improvement Areas, retirement homes and long-term care homes.	Partial alignment: <ul style="list-style-type: none"> <li>Privately serviced multi-residential buildings are not eligible until post-transition in 2026.</li> <li>Only not-for-profit or City-run long term care and retirement homes are eligible.</li> <li>Reference to Business Improvement Areas removed from Regulation.</li> </ul>
Common collection system across Ontario for all Blue Box materials by 2026.	Alignment
Reasonable and enforceable targets for post transition.	Partial Alignment: <ul style="list-style-type: none"> <li>Some management targets were lowered slightly.</li> </ul>
Maintain current levels of promotion and education efforts through transition and beyond.	Partial Alignment <ul style="list-style-type: none"> <li>Promotion and education efforts will be maintained during the transition phase, but not for the post-transition phase.</li> </ul>

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<b>Toronto’s Key Areas that Require Further Strengthening in Draft Regulation</b>	
<b>City of Toronto Position on Draft Regulation</b>	<b>O. Reg 391/21: Blue Box</b>
Compostable materials must be included in collection and materials management requirements.	<p>Partial alignment:</p> <ul style="list-style-type: none"> <li>• Certified compostable products and packaging is a materials category to which producers must report, but there are no obligations or management targets associated with this material.</li> </ul>
Privately serviced multi-residential buildings should be able to “opt-in” to the common collection system during transition.	<p>No alignment:</p> <ul style="list-style-type: none"> <li>• Privately serviced multi-residential buildings must “opt-in” to the program and only <u>after</u> transition is complete.</li> </ul>
Clarify how RPRA can effectively monitor how producers determine the quantities of all Blue Box materials supplied into Ontario are deemed for “consumer” use.	<p>Still outstanding issue:</p> <ul style="list-style-type: none"> <li>• Details not addressed in the Regulation; staff will seek further clarification from RPRA.</li> </ul>
Producers should be responsible for the products and packaging collected as part of the <i>Provincial Day of Action on Litter</i> .	<p>No alignment:</p> <ul style="list-style-type: none"> <li>• This is not addressed in the Regulation.</li> </ul>
An Administrative Monetary Penalties regulation should move forward as soon as possible.	<p>Still outstanding:</p> <ul style="list-style-type: none"> <li>• This is not addressed in this Regulation, but the Province is committed to conduct consultation on an Administrative Monetary Penalties regulation in the near future.</li> </ul>

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<p>The allocation table must work in a manner that protects public interest (the allocation table will identify the producers that will be responsible to collect certain blue box materials from specific locations).</p>	<p>Still outstanding:</p> <ul style="list-style-type: none"><li>• Producers have authority to write the Common Collection System rules and submit to RPRA; if found not acceptable, the Minister has authority to write these rules and Annual Allocation Table.</li><li>• Toronto requested to be consulted during the development of the Common Collection System rules due to its extensive experience operating the largest and most comprehensive program in the country. This was not referenced in the Regulation, but staff will continue to advocate for Toronto to be consulted during the development of the Common Collection System.</li></ul>