



April 5, 2022

VIA EMAIL: minister.mecp@ontario.ca

Hon. David Piccini
Minister of the Environment, Conservation and Parks
5th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Minister Piccini:

Re: Transition of the Blue Box Program to Extended Producer Responsibility

The City of Toronto, City of Ottawa and City of London are jointly writing to express our increasing concern regarding the potential for delay in the transition of the Blue Box Program to an extended producer responsibility model, pursuant to [O. Reg. 391/21: Blue Box](#) (the Regulation), and the potential negative implications this could have on our respective residents.

Jointly, our populations represent more than 4.3 million Ontarians, which equates to nearly 30 per cent of the Province's population. We want to ensure the transition is seamless for our residents and recognize this is only feasible if sufficient lead time to negotiate commercial agreements with Producer Responsibility Organizations (PROs) is attained.

We understand your office has been working with the rulemaking PROs to resolve outstanding issues, which has resulted in a proposal to amend the Blue Box Regulation to eliminate the requirement to create rules and an allocation table, among other changes.

Of particular concern with the proposal is that PROs will not be required to provide documentation to RPRA until April 1, 2023. This would leave transitioning municipalities with only three (3) months to negotiate their numerous commercial agreements with

PROs. This is far too late in the process and leaves no time for the operational planning required.

Toronto, Ottawa, and London are calling for the transition to move forward as soon as possible, using the processes outlined in the Regulation, so transition preparations can begin and commercial agreements can be negotiated. We understand that two (2) of the three (3) rulemaking PROs agreed upon a set of rules that were consistent with the Regulation and were ready to submit their rules in January. This indicates that the rulemaking process does work and should proceed as established in the Regulation.

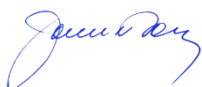
Any changes to the Regulation should be considered after the provincial election when there is sufficient time to undertake robust consultation with all stakeholders.

Toronto, Ottawa, and London's transition date cannot be delayed. As stipulated in the Regulation, our three (3) municipalities are scheduled to transition our Blue Box Programs to producers on July 1, 2023. Over the past two (2) years, staff have begun preparations and worked to align all Blue Box related contracts with this transition date.

We recognize the potential that our cities may be forced to continue operating the Blue Box Program past its transition date until PROs are able to take over the system. This municipal backstop may incentivize PROs to present and negotiate based on terms that are not full cost recovery to each municipality. As a result, we may not be provided full cost recovery for the work that we may have otherwise not agreed to continue to provide under those terms. Toronto, Ottawa and London would require full financial compensation should we be forced to continue operations to maintain service levels past its planned transition date.

We thank your government for taking a leadership role on this file and for your commitment to maintain the transition schedule presented in the Regulation. We look forward to providing our continued support to ensure the transition of the Blue Box Program to producers is effective, efficient and seamless for Ontarians.

Sincerely,



John Tory
Mayor of Toronto



Jim Watson
Mayor of Ottawa



Ed Holder
Mayor of London

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