

Will Johnston  
Deputy City Manager

**Solid Waste Management Services**  
City Hall  
100 Queen Street West  
25<sup>th</sup> Floor, East Tower  
Toronto, ON M5H 2N2

Tel: 416-392-4715  
Fax: 416-392-4754  
Matt.Keliher@toronto.ca

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SENT VIA EMAIL [serge.imbrogno@ontario.ca](mailto:serge.imbrogno@ontario.ca)

Serge Imbrogno  
Deputy Minister, Ministry of the Environment, Conservation and Parks  
College Park, 5<sup>th</sup> Floor  
777 Bay St  
Toronto, ON M7A 2J3

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

Dear Mr. Imbrogno:

Further to a letter from Toronto City Clerks, dated May 17, 2024, to Premier Ford and Minister Khanjin, I am writing you to communicate Toronto City Council's perspective for the Province of Ontario (the "Province") to consider with respect to any anticipated changes to the Blue Box Program transition to extended producer responsibility under the [Resource Recovery and Circular Economy Act, 2016](#) and related regulations.

At its meeting on April 17, 2024, Toronto City Council adopted item [2024.IE12.1 entitled "Post-Transition of the Blue Box Program to Extended Producer Responsibility and results of District 2 Service Delivery Options"](#). Among other decisions, City Council adopted the following positions and directed that they be communicated to the Premier of Ontario and Minister of the Environment, Conservation and Parks:

- I. any changes to the legislation and regulations that underpin the delivery, through extended producer responsibility, of the Blue Box program in Ontario should support the Province's stated commitments to improve recycling rates and reduce the movement of recyclable materials into landfills or the environment as litter;
- II. municipal governments have a strong interest in supporting actions that align with the Province's commitments as it is the municipal taxpayer who is responsible for the costs associated with any delay in improving Blue Box recycling in Ontario, be it through the management of landfills, composting facilities or public space litter; and
- III. any changes to the legislation and regulations that are under consideration by the Province should be subject to a public and transparent consultation process and be posted on the Environmental Registry so that all interested parties have the opportunity to participate and provide feedback.

We understand, further to the Province's announcement at the introduction of Bill 185, the Cutting Red Tape to Build More Homes Act, that your ministry will be consulting on changes to the producer

responsibility regulatory framework imminently. Toronto has efficiently operated the largest, most complex and extensive recycling management program in the country – we are keen to share our operational expertise, best practices, and lessons learned to inform your decision making ahead of any legislative or regulatory changes. Our detailed comments are attached for your consideration.

We look forward to continuing to collaborate and support the Province of Ontario in achieving a world-class Extended Producer Responsibility program that can be modelled by other jurisdictions for many years to come.

If you have any questions or would like to further discuss the points raised in our comments, please direct them to Charlotte Ueta, Project Director, Business Transformation – EPR, Solid Waste Management Services by email at [charlotte.ueta@toronto.ca](mailto:charlotte.ueta@toronto.ca).

Yours Truly,



Matt Keliher  
General Manager  
Solid Waste Management Services

Attachment: City of Toronto Comments re: Transition of the Blue Box Program to Extended Producer Responsibility

Copy to: Hon. Andrea Khanjin, MPP, Minister of the Environment, Conservation and Parks,  
Email: [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Charles O'Hara, Director, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks, Email: [charles.o'hara@ontario.ca](mailto:charles.o'hara@ontario.ca)

Jean Abou Saab, Deputy Chief of Staff, Intergovernmental & Agency Relations, City Manager's Office, Email: [jean.abousaab@toronto.ca](mailto:jean.abousaab@toronto.ca)

Asare Kester-Akrofi, Manager, Strategic Initiatives, Deputy City Manager's Office, Infrastructure Services, Email: [asare.kester-akrofi@toronto.ca](mailto:asare.kester-akrofi@toronto.ca)

Annette Synowiec, Director, Policy, Planning & Outreach, Solid Waste Management Services, Email: [annette.synowiec@toronto.ca](mailto:annette.synowiec@toronto.ca)

Charlotte Ueta, Project Director, Business Transformation – EPR, Solid Waste Management Services, Email: [charlotte.ueta@toronto.ca](mailto:charlotte.ueta@toronto.ca)

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**1. The Province Should Ensure Any Changes to the [Resource Recovery and Circular Economy Act, 2016](#) or [O. Reg. 391/21: Blue Box](#) Support the Province's Longstanding Commitment to Diverting Waste from Landfill**

The City applauds the Province's commitment to reducing the amount of waste going to landfill through waste diversion legislation and policy implementation. Starting with the release of *A Made-in-Ontario Environment Plan* in 2018, followed by the Reducing Litter and Waste in Our Communities: Discussion Paper in 2019, and the update to the Made in Ontario Environment Plan in 2020, and culminating in 2021 with the adoption of *O. Reg 391/21: Blue Box* (the Regulation), the Province has clearly articulated its commitment to achieve real diversion results in the waste sector.

The City encourages the Province to continue building its legacy as a global leader in clean and green growth<sup>1</sup> by ensuring that any legislative or regulatory changes modernize and enhance the Blue Box Program. Maintaining the targets in the regulation is critical to drive innovation and packaging design changes. Any reduction in targets or delay in their implementation will only serve to counter the Province's longstanding commitment to waste diversion from landfill, as stated in the News Release introducing the draft regulation on October 19, 2020:

"The proposed new Blue Box regulation will: Set the highest diversion targets in North America for the various categories of waste producers are expected to recycle such as paper, glass, beverage containers and rigid and flexible plastic, encouraging innovation such as better product design and the use of new technologies for better environmental outcomes."<sup>2</sup>

Furthermore, targets should continue to increase over time to foster continuous improvement for years to come, especially as landfill capacity in Ontario diminishes.

**2. Municipal Taxpayers Should Not Bear the Financial Burdens if Diversion Targets Are Not Achieved by Producers**

Toronto is concerned that potential legislative or regulatory changes directed at the Blue Box Program may adversely affect residents and municipal infrastructure. If changes result in lowered targets or less incentive for producers (through ineffective compliance and enforcement) to divert their material from disposal, residents will be left to pay the municipal costs associated with more recyclable materials either ending up in landfills or as contamination in the Green Bin Organics stream.

Of particular concern is potential consideration of a reduction in the flexible plastic material category target. While the City appreciates this material is challenging to recycle, the current target is already very low. If the target is lowered even further, the incentive for producers to develop innovative recycling solutions or switch to an easier-to-recycle packaging type is greatly diminished. Subject to Provincial packaging regulations, producers have discretion on which packaging to use for their

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<sup>1</sup> A Made-in-Ontario Environment Plan, Progress Since 2018, <https://www.ontario.ca/page/made-in-ontario-environment-plan>

<sup>2</sup> News Release: Ontario Developing a Stronger, More Effective Blue Box Program, October 19, 2020 <https://news.ontario.ca/en/release/58866/ontario-developing-a-stronger-more-effective-blue-box-program>

products and, so, should be held accountable for the end-of-life management of the products and packaging they introduce into the market, regardless of whether the product or packaging is recycled, composted, or landfilled. Municipalities should not pay for the management of misplaced Blue Box materials, especially when they have no ability to impact the design, production, or introduction of that material to the marketplace.

Toronto will always be a back-stop for the management of waste and litter to ensure a clean and healthy environment for its ratepayers. However, those municipal ratepayers should not be paying for the mismanagement of recyclable materials created by for-profit corporations, many of whom are large multi-national entities.

### **3. Legislative or Regulatory Amendments Should Only Occur After the Conclusion of An Open and Transparent Public and Stakeholder Consultation Process Where Concerns Are Satisfactorily Addressed**

The City understands that some stakeholders are advocating for regulatory and possibly legislative changes. However, for any proposed changes, open and transparent engagement of all stakeholders is critical. Stakeholders should be engaged through several mediums (in person and virtual meetings etc.) where the Province can thoroughly present:

- Details of the proposed changes;
- An explanation of why the changes are being considered; and
- The gap(s) in the current framework that the changes address.

Stakeholder engagement will also provide an opportunity for the Province to respond to questions and address concerns. Only after stakeholder engagement has concluded should a final proposal for changes be posted on the Environmental Registry prior to approval by the Government.

#### *Toronto Should be a Key Stakeholder in the Consultation Process*

Toronto is a multi-faceted stakeholder that brings forth many different perspectives, including: a municipality; a service provider; a producer; and a backstop for the management of Blue Box materials that are incorrectly disposed in other waste streams. In addition, Toronto is a conduit for direct communication<sup>3</sup> with its residents, which fosters a deep understanding of the needs and challenges of the community.

Toronto has efficiently operated the largest, most complex and extensive recycling management program in the country and is keen to share its operational expertise, best practices, and lessons learned with the Province to inform their decision making for any legislative or regulatory changes. Through years of continuous improvement, the City has designed an efficient and cost-effective program to manage unique and challenging collection locations for Blue Box materials, such as from the Toronto Islands and in densely populated neighbourhoods.

Furthermore, as stated in point 2 above, the City would be directly affected by changes in legislation or regulation and, therefore, City staff should be directly consulted with as a key stakeholder. The City looks forward to actively participating in the Province's consultation on changes to the producer responsibility regulatory framework, as highlighted in the [Cutting Red Tape to Build More Homes Backgrounder](#) issued on April 10, 2024.

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<sup>3</sup> Recycling communications are made available in 18 languages.

#### **4. Public Space Recycling and Litter Abatement Planning Must Begin Now to Be Ready for 2026**

To support Ontario's priority to reduce litter in the province<sup>4</sup>, producers should thoughtfully consider the location, design, capacity, and frequency of collection of Blue Box materials from public space recycling receptacles to prevent the occurrence of litter. Ontarians understand the importance of effective recycling and want to play their part in diverting waste and protecting the environment. A successful public space recycling program must be convenient, available, and accessible to all residents to facilitate participation. Not only will an effectively designed and executed public space recycling program help prevent litter generation, but it also provides an opportunity to supplement collection and increase the capture rate of Blue Box materials to aid producers in meeting their targets. The annual Provincial Day of Action on Litter provides an excellent opportunity for collaboration and public education to increase litter awareness and work to reduce its prevalence. This annual event also provides an opportunity for data collection to better understand the types and prevalence of litter in the public realm, which can then be used to inform and target program design going forward.

With only 18 months until the post-transition phase of the Blue Box Program begins, there is limited time remaining to complete the significant work required to prepare a province-wide approach to public space recycling. Work and discussions with municipalities on current assets, the need for new assets, strategic placement of receptacles, routing and collection frequency, and operational best practices must begin as soon as possible or risk a dramatic increase in litter come 2026.

To add further complexity and pressure, the world will be watching as Toronto hosts six (6) World Cup matches in the Summer of 2026, welcoming hundreds of thousands of global visitors.<sup>5</sup> The City, the Province and all of Canada will want to showcase a clean and pristine Toronto -- without litter, and with an effective public space recycling program, that will highlight both Toronto and Ontario as leaders in the management of recyclable materials and encourage visitors to come back to visit again and again. While FIFA will be responsible to manage the recycling and waste generated within the host venue at BMO Fields, producers will need to recognize their responsibility to show leadership managing the materials generated and disposed in all public spaces, the volume of which may be unprecedented.

#### **5. To Support Ontario's "Open for Business" Model, the Province Should Require Producers to Detail their Program Costs to better Understand Where Efficiencies Can Be Made Without Compromising the Competitive Framework that was Reflected in the Structure of the Regulation in 2021**

From its inception, the Ontario Blue Box Program was largely a subsidy program under the [Waste Diversion Act, 2002](#) that had weak and unenforced performance targets and did not incentivize waste reduction or better environmental design.<sup>6</sup> The City applauds the Province for recognizing these limitations and bringing forth significant change through *O.Reg 391/21: Blue Box*. Targets, enforcement, and competition are three (3) pillars necessary for successful and improved program performance, all of which are enshrined in this new regulatory environment.

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<sup>4</sup> Provincial Day of Action on Litter <https://www.ontario.ca/page/act-on-litter#:~:text=The%20Provincial%20Day%20of%20Action,instead%20of%20throwing%20them%20away.>

<sup>5</sup> FIFA World Cup 26 Toronto, <https://www.toronto.ca/explore-enjoy/festivals-events/fifa-world-cup-26/>

<sup>6</sup> Beyond the Blue Box: Ontario's Fresh Start on Waste Diversion and the Circular Economy, A Special Report to the Legislative Assembly of Ontario, October 2017, page 37  
<https://www.auditor.on.ca/en/content/reporttopics/envreports/env17/Beyond-the-Blue-Box.pdf>

Matthew Boswell, the Canadian Commissioner of Competition, has stated that a strong economy is a competitive one because competition boosts productivity and innovation, keeps prices in check, and benefits citizens.<sup>7</sup> Furthermore, he is quoted as stating the following:

“Know this: **Less competition makes matters worse. More competition makes them better.** And not just on the price side of things. Vigorous enforcement of competition laws is necessary. It deters business conduct that could otherwise make inflation worse, due to collusion with rivals or harm to the competitive process.”<sup>8</sup>

The City believes a competitive environment, coupled with reasonable targets and effective enforcement, is the foundation that the Province must maintain when considering potential legislative or regulatory changes. This will support a path of continuous improvement and not a path that may take us back to a previous inefficient system unable to foster improvement.

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<sup>7</sup> Building a More Competitive Canada, Center for International Governance Innovation, May 26, 2022  
<https://www.canada.ca/en/competition-bureau/news/2022/05/building-a-more-competitive-canada.html>

<sup>8</sup> Ibid.