November 10, 2020

The Honourable Jeff Yurek

Minister of the Environment, Conservation, and Parks

College Park 5th Floor 777 Bay St.

Toronto, ON M7A 2J3

**RE: Response to ERO Posting # 019-2579: A proposed regulation, and proposed regulatory amendments, to make producers responsible for operating blue box programs**

The City of Brampton is supportive of the transition of the Ontario’s blue box recycling program to full producer responsibility. This model is an effective mechanism to improve waste diversion, align costs of managing products and packaging at their end-of-life, give producers incentive to redesign products and make them easier to recycle, and move toward a circular economy. The transitioning, however, should result in full financial and operational responsibility resting with the producer and not cause new and unforeseen cost on municipalities, which already face strained budgets.

Provided below are the City’s comments regarding select elements of the draft regulation:

**Designated Materials**

The draft regulation designates blue box materials that producers would be responsible for collecting and managing made from paper, metal, glass, plastic, or any combination of these materials. Producers of compostable materials would be obligated to register and report annually, but the draft regulation would exempt compostable materials from collection and management requirements.

*City Feedback*

The City of Brampton is supportive of the broad range of goods designated that producers will have to collect and manage. The province’s choice to include these items will align Ontario’s list of materials with those regulated under British Columbia’s producer responsibility program. This is a positive sign of more cross-country harmonization on producer responsibility regulations, consistent with the federal initiatives in this area and the Region of Peel’s advocacy.

One area of concern is compostable materials and packages. Citing challenges with determining proper management approaches for compostable materials, the new regulation imposes registration and reporting obligations with respect to compostable materials but does not mandate collection or management requirements.

The City recommend that the Ministry apply collection and management requirements at the earliest opportunity for compostable materials and packages, especially since producers are likely to introduce more compostable packaging into the market.

**Eligible Sources**

The draft regulation designates eligible sources for the common collection system, which includes some public spaces (such as certain municipal parks and playgrounds) but excludes indoor public spaces (e.g. libraries, recreation centres, other public facing municipal facilities).

*City Feedback*

The City of Brampton recommends that the list of eligible sources be expanded to include **all** public spaces, both indoor (e.g. recreation/community centres, libraries, transit terminals, public facing municipal facilities) and outdoor (e.g. parks, boulevards, public squares, transit terminals, shelters and bus stops). The method of collection of these sources (public spaces) should be through a common collection system, since public spaces are used by all residents and the generation of the materials is beyond the control of municipalities. Since collection is a publicly funded service, the ineligibility of indoor public spaces in the regulation for the Full Producer Responsibility model places additional burden on the tax base and already strained municipal budgets. In order to effectively manage recyclables in the community, the definition of public spaces in the regulation should be expanded to include indoor public spaces on the eligible sources list.

The City requests clarification on definition of public spaces in the draft regulation. The definition as currently written can be interpreted as declaring only municipal parks, playgrounds, or outdoor areas located within a business improvement area (BIA) as eligible sources for the Blue Box program. As noted above, it is the City’s recommendation that the eligible sources include all public spaces, indoor and outdoor.

**Management Requirements**

The draft regulation proposes that producers achieve a management requirement (i.e. a total amount of blue box materials they must divert), based on the weight of blue box materials they supplied in a given material category. It sets out six material categories, each with individual recovery targets for 2026-2029, and 2030 and beyond. A producer would be expected to make best efforts to meet management requirements of blue box materials during the transition period (i.e. 2023 – 2025).

*City Feedback*

The City of Brampton supports the establishment of management targets and their increase over time, as it highlights a commitment to continuous improvement. However, the City recommends that the Ministry establish targets for both broad material categories and specific material sub-categories for all designated materials, including compostable materials and packages, so that poor performing materials can be quickly identified. As a minimum, producers should be required to report on both the broad material categories and specific subcategories for all designated materials.

We are willing to collaborate with the Province, producers, and other municipalities to make the transition to Full Producer Responsibility as seamless as possible, and to ensure the community has a robust and easy-to-understand new recycling system.

Sincerely,

Derek Boyce

Acting Commissioner, Community Services

Jayne Holmes

Acting Commissioner, Public Works & Engineering

Alex Milojevic

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