

**A proposed regulation, and proposed regulatory amendments, to make
Producers responsible for operating Blue Box Programs
ERO Posting # 019-2579**

Overview

Oxford County is a regional government and is responsible for delivering municipal solid waste management services to eight (8) Area Municipalities within the County totaling 48,328 households. Municipal solid waste is received and managed at the Oxford County Waste Management Facility (OCWMF) and includes landfill waste disposal and waste diversion programs such as blue box materials, yard waste composting, construction and demolition waste recycling, municipal wastewater biosolids storage, electronic waste collection and Municipal Hazardous or Special Waste (MHSW).

The County utilizes contracted services for curbside collection of blue box material in six of its eight area municipalities. Curbside collection in the City of Woodstock and Township of South-West Oxford is performed by their own forces in each of their respective municipalities under service agreements with the County. The County's waste management contractor, Emterra Environmental (Emterra), provides weekly co-collection of single stream blue box material and garbage for 26,608 households in the six area municipalities. The City of Woodstock provides bi-weekly two stream collection of blue box material and weekly garbage collection for 18,581 households. The Township of South-West Oxford provides curbside co-collection of single stream blue box material and garbage on a six business day cycle to 3,139 households.

The County-wide curbside collection program in the eight area municipalities serves 48,328 households and 3,057 multi-residential units, accounting for approximately 7,300 tonnes of collected blue box materials annually. Additionally, curbside collection is provided to some commercial properties, where located along a collection route, particularly those in Business Improvement Areas (BIAs), and represents approximately 290 tonnes of blue box materials annually.

Curbside collected blue box materials by Emterra Environmental and the Township of South-West Oxford are delivered to the OCWMF for transfer to Emterra's single stream recycling facility in Burlington. The City of Woodstock operates a blue box transfer station where their curbside collection material is stored until shipped to Canada Fibres Limited. All of the above services are funded by Oxford County.

The Ministry of Environment, Conservation and Parks (MECP) has conducted extensive public engagement on transitioning of the municipal blue box program to full extended Producer responsibility (EPR). The County has been involved in many of these discussions as well as stakeholder consultations hosted by the Association of Municipalities Ontario (AMO) and Stewardship Ontario.

Comments

Oxford County appreciates the opportunity to provide comments and feedback on the MECP's proposed regulatory framework to make Producers responsible for operating Blue Box Programs and offers the following comments.

Blue Box Transition Schedule

Oxford County's proposed transition schedule is identified as 2025 in the draft Regulation. This timeline generally aligns with the County's preferred transition date, however we would request the transition does not occur before May 4, 2025, to better align with the expiration of the current waste management contract and municipal service agreements.

Blue Box Transition Complementary Document: Map and Geographic Groupings

Oxford County does not have any concerns with the information conveyed in this document.

Key Elements of the Regulation

Designated Materials

Oxford County supports the designated material list identified in the regulation as it provides for the implementation of a common acceptable material list across the Province effective 2026. Implementation of a province wide acceptable material list will:

- Reduce public confusion as to what can go into the blue box; and
- Aid in achieving collection and promotion and education cost efficiencies.

The designated material list also expands on the current acceptable blue box material list by adding unprinted paper and hard to recycled items like single use plastics, Styrofoam and chip and candy wrappers. The County recognizes that designating hard to recycled items like single use plastics will encourage Producers to develop alternative forms of packaging material which can be more easily diverted from landfill.

The County would encourage the Ministry to commit to identifying a management strategy for compostable packaging and products as neither this proposed regulation or the proposed amendment to the Food and Organic Waste Policy Statement address the end of life management of this material.

Defining Responsible Producers

The proposed regulation:

- establishes a hierarchy to ensure that the business closest to the designated product and packaging is the responsible Producer;
- captures Producers that are located out-of-province but who supply blue box materials to Ontario consumers through the internet; and

- exempts Producers who fall under the \$2M threshold annual sales threshold (current approach).

Oxford County is supportive of this regulatory language as it enables small businesses to remain competitive and it holds businesses accountable for the products and packaging that they sell.

Common Collection System and Annual Allocation Table

Customer Service

In principle, the County supports the regulatory requirements outlined in Part 4 of the proposed regulation. However, the County does have concerns over service delivery and customer service. The proposed regulation does not identify the Producer's responsibility to respond to customer service requests regarding collection issues. Rather, the regulation provides certain Producers with the ability to make their own rules under the regulation. The regulation should include requirements for a standardize level of customer service to be administered by all Producers. The requirements for customer service should include turn-around time to respond to customer inquiries, time required to resolve missed collection, and expectations completing collections on an alternate day due to service disruptions (labour dispute, weather, etc.)

Depot Collection

Under the obligations for Depot Collection it states that Producers shall ensure there are as many depots for the collection of blue box materials as there are depots for household garbage in a municipality. The regulation also states that as of 2026, Producers are not required to support depot operations where curbside collection is performed. Oxford County suggests that the language for this section be revised to:

- Support established blue box collection depots regardless of whether the depot collects garbage; and
- Support established blue box collection depots even if curbside collection is performed.

As a way to encourage waste diversion, many municipalities have established convenience depots which may not collect household garbage waste. These depots often consist of collection points for multiple material types with established diversion programs in place. Specifically in Oxford County, residents can drop off blue box materials at two transfer stations that also accept large items (furniture, appliances, etc.), construction and demolition waste and household hazardous waste, as well as, one depot at the Waste Management Facility which collects all of the aforementioned materials, plus garbage. These depots have proven to be very effective in capturing divertible waste streams and should be maintained so that Producers can achieve the required diversion targets.

Alternatively, it is unclear how municipal management of depot collection will be governed should Producers elect to not continue with this service after the transition period in areas where curbside collection occurs. Significant amounts of blue box materials are collected at recycling depots and not supporting their operations would negatively impact the overall objective of increased waste diversion.

Public Spaces

Collection for Public Spaces does not specify the collection frequency of blue box materials in public spaces, only that the Producers are to collect blue box materials before receptacles become full. The County is concerned that receptacles that are not monitored will have a higher level of contamination than receptacles which are monitored; evidence of such activity can be found in food courts of local shopping malls. As well, municipalities that have a full user pay system in place for garbage collection may see an increase in the amount of black bag garbage found in the public recycling receptacles.

The County is concerned that receptacles in the public spaces may be rejected by Producers due to material contamination and that the ongoing accumulation of contaminated material may present a health issue, as well as, contribute to littering in these public areas. Under the current system, municipalities are responsible for program management and, therefore, are invested in ensuring unsightly accumulation of material does not occur, as well as educating residents to avoid future occurrences of rejected set outs. Additional language in this section of the proposed regulation is needed to clarify expectations and responsibilities of this rejected material.

Frequency of Collection

Starting 2026, Producers will need to comply with the regulated service standards which will determine the type of frequency of collection for eligible sources, making recycling as convenient as garbage collection. Under the proposed regulation there is the potential for a municipality to see less frequent recycling collection given that the minimum blue box collection standard is no less than every other week. Any possible reduction in blue box collection frequency will negatively affect the amount of material collected. Oxford County saw a 10% increase in the blue box capture rate when the curbside collection frequency increased from bi-weekly to weekly collection in 2015. The County strongly encourages the MECP to reconsider the minimum standard of bi-weekly blue box collection.

Alternative Collection System

Under the Alternative Collection System, Producers can opt out of participating in the common curbside collection system if they can establish a collection system which can meet the required diversion targets. While the County recognizes that this approach would be most beneficial for niche products and packaging in theory, it is possible for there to be a number of alternative collection systems in place. This methodology would mean more sorting for residents as material collected under the alternative collection system could not go into the blue box. The County's concern with the alternative collection system is that there could be multiple collections systems within a geographic area and this may lead to resident confusion and ultimately effect material capture rates.

Recycled Content

The proposed regulation would allow Producers to reduce their recycled content by incorporating recycled content from Ontario blue box materials into their products and packaging. Given that many products already include recycled content it would seem that this provision would have little benefit, be more difficult to audit. Although this requirement promotes the use of Ontario recycled blue box materials in the creation of new products and packaging, there is concern that this may present a loop hole for Producers to avoid compliance with material recovery targets.

Transition

Municipalities with progressive environmental programs in place to reduce carbon footprint may object to not having the first right of refusal for blue box service delivery. In cases where garbage and recycling is co-collected in the same vehicle, municipalities will now see additional vehicles performing collection. Consideration should be given to not only what is the most cost efficient way to deliver a program but the best way to reduce the overall carbon footprint of the program.

First Nations

Oxford County does not have any concerns with the information conveyed in this document.

Promotion and Education

The County is very pleased with the regulatory language supporting promotion and education in the proposed regulation.

Additional Q and A

Common Collection System: qualification criteria

- 1) *Should producers or PROs be required to provide financial assurance, performance bond, or another financial surety product in order to develop the rules that govern the common collection system? Or should this bond only be required later as a condition of participating in the Common Collection System under the newly established rules?*

Producers and/or PROs should be required to provide financial assurance, performance bond or another financial surety product as a condition of participating in the Common Collection System under the newly established rules. Doing so demonstrates their level of commitment to the process and should prevent less serious Producers from guiding a process that they are not really invested in.

Common Collection System: resolving disputes

- 2) *Is there a role for processes like mediation or arbitration in reconciling an impasse among PROs during negotiations?*

Yes, there should be something like mediation or arbitration. Contractual issues will inevitably occur and there should be a mechanism for resolution that can be consistently followed.

- 3) *Should the regulation allow for the minister to appoint a representative to make recommendations on the rules if they cannot be developed independently? Are there any considerations that the ministry should be aware of?*

Yes, the minister must be able to edit, change or add language/rules to ensure conformity to the rules and to ensure the intent of the regulation is being upheld.

Common Collection System: Access to Collected Materials

- 4) *Are amendments to the RRCEA needed to affirm that producers own any blue box materials put out for collection?*

Yes, once municipalities are no longer responsible for collection of blue box materials they will not have a means to collect these materials. As well, the Producers are responsible for proper education of what goes in the blue box and when a set out is unacceptable.

Ontario Regulation 101/94: ECA Exemptions

- 5) *Once transition to full producer responsibility is complete, should these exemptions be maintained or gradually eliminated?*

The County would recommend eliminating these exemptions as implementation of Producer responsibility will render these requirements obsolete.

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