# Re: ERO Number 019-2579 Comments

# **A proposed regulation, and proposed regulatory amendments, to make producers responsible for operating blue box programs**

The Town of Parry Sound is pleased to see advancement of the transition process to Full Producer Responsibility for Blue Box materials. Recycling and diversion lead to environmental stewardship and opportunities for partnerships which are important components of Council’s Strategic Plan.

The Town of Parry Sound is supportive of the advancement seen in many parts of the draft regulation Including:

* Establishment of a province-wide common collection system
* An enhanced and standardized list of materials
* High, progressive and enforceable targets
* Removing the financial burden from Municipal ratepayers

We would suggest that above sections of the draft regulation remain in the legislation as drafted.

The Town of Parry Sound has identified some items that we believe should be addressed within the draft regulation:

* **Transition date** – it has been noted that while we initially indicated a preferred transition date of 2023, the draft regulation indicates a transition date for the Town of Parry Sound (and surrounding Municipalities identified in the North, Near North and Parry Sound grouping) is 2025. This is of particular concern as the neighbouring District Municipality of Muskoka is identified to transfer in 2024. The District of Muskoka is the single largest contributor of tonnage to the recycling facility serving the Parry Sound Area and Muskoka. If Muskoka’s transition is not coordinated other users of this facility it may lead to the loss of that facility and present significant challenges both operationally and fiscally.
* **Compostable materials** – These materials should not be exempt from collection and management requirements. Producers should not be afforded the ability to change packaging to fit within the definition of compostable. In this case a producer would have no incentive to find adequate solutions for managing packaging and products. Composting can work in practice and at scale, however this presents a significant hurdle to small Municipalities dealing with small individual programs.
* **Annual performance audits** -Producers should be required to perform annual performance audits. There should be a requirement for these audits to be performed at the point of landfill to truly understand the efficacy of their program.
* **Producers pay for un-diverted materials –** Producers should have the responsibility to pay for the disposal costs of their produced materials that end up in the Municipal waste stream.
* **Compensation –** Municipalities need to have the right to receive compensation for any producer program failures. Program failures will result in increased waste streams, detrimental environmental effects and increased costs to the Municipal taxpayers.
* **Management targets and recycled content –** In the draft regulation, producers are able to reduce recycling targets by incorporating recycled content into their products. This is difficult to confirm and audit and it is suggested that this issue is better addressed through a separate policy or legislative control relating to minimum recycled content requirements.
* **Servicing requirements –** Post transition in 2026, the draft regulation removes the requirement for producers to provide depot collection in communities such as Parry Sound that provide curbside collection to all residents. Our curbside collection is currently supplemented with a depot operation that currently accounts for 20% of our total blue box tonnage collected.
* **Common collection system –** The development of an annual allocation table to ensure servicing issues can be addressed quickly and efficiently has merits however we are concerned with the challenges of this process and the ability in the draft regulation that allows producers to make their own rules under the regulation. Protection of the public interest and removal of barriers to competition and participation are of paramount importance. There is concern that this could allow a producer to create rules without oversight and possibly supersede legislation, regulations and bylaws.
* **Industrial, commercial, and institutional servicing –** We are eagerly looking forward to seeing consultation begin on this framework. This (ICI) sector represents a significant portion of generated waste and is paramount to contributing to a circular economy. Concerns have already been raised locally by small businesses etc. who struggle to receive competitive servicing. These entities have a desire to participate in recycling and diversion efforts and we would like to see a mechanism whereby they are able to participate.
* **Promotion and Education -** Producers should be responsible for providing ongoing promotion and educational materials for the Blue Box Program to reinforce positive consumer behaviours beyond transition, including information on how to prepare materials for placement in the blue box receptacle, directions for how materials should be sorted as well as how to contact the
recycling collection provider with questions, service issues and complaint resolution.
* **Clarification of public spaces -** The proposed Regulation identifies that Producers are responsible for providing recycling collection for public spaces which includes “parks, playgrounds, or any outdoor area which is owned by, or made available by, a municipality, and that is located in a business improvement area”. We would request that the regulation include the provision of service for recycling receptacles in public spaces, such as street side litter/recycling containers which are currently serviced by municipalities that are not necessarily located within business improvement areas.
* **Service Levels –** The maintenance, development and establishment of service levels will be critical to Municipalities. The Town of Parry Sound would be available to participate in any discussions or processes related to the establishment of service levels.

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