

What's Happening in Waste Diversion in Ontario?

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Ontario

Purpose

- Provide an overview of waste diversion in Ontario, including:
 - The Waste Context: Generation and Diversion
 - Ontario's Legislative and Regulatory Framework
 - Ontario's *Waste Diversion Act, 2002*
 - Review of the *Waste Diversion Act, 2002*
 - Next Steps



Generation & Diversion in Ontario

- Each year Ontarians generate about 13 million tonnes of waste – about one tonne per person
- Approximately 78% of our waste is disposed in landfills
- Approximately 22% of our waste is diverted
 - Residential diversion rates are approximately 39% (2006-07)
 - IC&I sector waste diversion rates approximately 12% (2006-07)



Ontario's Legislative and Regulatory Framework

Regulation 347 under the *Environmental Protection Act* (EPA)

- Primary waste regulation
 - Designates specific wastes
 - Sets requirements for managing wastes
 - Provides exemptions for specific activities (e.g., recycling metal waste, paint waste, etc.)

Regulations 101/94-104/94 (“3Rs Regulations”) under the EPA:

- *Reg. 101:*
 - Requires diversion of specified residential wastes (Packaging, printed paper, and leaf and yard waste)
 - Specified wastes (i.e., Blue Box wastes and leaf/yard waste)
 - Applies to municipalities with population over 5,000
- *Reg. 102 and 103:*
 - Requires waste audits and waste reduction plans
 - Requires source separation of specific designated waste materials (tailored to sector)
 - Applies to schools, retail outlets, manufacturers, hospitals, hotels, restaurants, offices, construction and demolition projects and multi-residential buildings
 - Applicability based on size/sales criteria
- *Reg. 104:*
 - Requires packaging audits and packaging waste reduction plans
 - Applies to large manufacturers, packagers and importers of packaged products
- **Waste Diversion Act**

Waste Diversion Act, 2002

Waste Diversion Act (WDA)

- Primary waste diversion legislation – enables the development of “programs”
- Key players – Ministry of the Environment; Waste Diversion Ontario (WDO); Industry Funding Organizations (IFO); Municipalities; “Stewards”.
- Materials designated in Minister’s regulation
- Specific program requirements outlined in a Program Request Letter from Minister to Waste Diversion Ontario
 - Requirements vary by material and relate to:
 - Materials to be diverted, program scope, level of producer responsibility
 - Additional requirements such as public education & outreach, consumer accessibility, R&D, reporting
- WDO causes the establishment of an industry funding organization (IFO) to develop program details
 - WDO is not-for-profit corporation with mandate to oversee programs; Board consists of industry, municipal, ENGO, and government appointees
 - IFO is also a not-for-profit corporation; Board consists of industry/association appointees based on commercial connection to designated material
- WDO Board ultimately “recommends” a program to the Minister

Waste Diversion Act, 2002 (cont'd)

- Minister's approval:
 - IFO is entrenched in regulation as the operator of the program
 - Fee setting methodology, “rules for stewards” entrenched in regulation
 - IFO implements program and makes operational decisions
- Governing agreements:
 - IFO/ WDO program agreement;
 - Establishes terms of relationship
 - Dispute resolution
 - Reporting
 - Complaint mechanism
 - How WDO costs are to be reimbursed
 - WDO/Minister;
 - Roles/responsibilities
 - Broad guiding principles for programs
 - Information sharing protocols
 - Public consultation requirements
 - Dispute resolution
 - Auditing
 - Documentation requirements

Ontario's Diversion Programs

1. Blue Box Program Plan

- Packaging such as cans, bottles, plastic containers, boxes, printed paper such as newspapers, flyers, etc.
- Residential only, municipalities deliver programs, industry reimburses them for 50 percent of net cost
- IFO: Stewardship Ontario (Board includes industry associations representing paints & coatings, refreshments, newspapers, consumer & specialty products, housewares and hardware, restaurants & food, and retailers, in addition to individual producer and retailer board members)

2. Municipal Hazardous or Special Waste (MHSW) Program

- Paints, oil filters and containers, batteries, antifreeze, pressurized containers, fertilizers and pesticides, fluorescent light bulbs, pharmaceuticals, corrosives and irritants (e.g. adhesives, household cleaning products, detergents) and mercury containing devices such as thermometers, thermostats and switches
- Residential and small quantity IC&I only, 100 percent producer responsibility starting July 1, 2010
- IFO: Stewardship Ontario

3. Waste Electrical and Electronic Equipment (WEEE) Program

- Computers, monitors, televisions, printers, computer peripherals, copiers, phones, and audio-visual equipment such as stereos
- All WEEE, 100 percent producer responsibility
- IFO: Ontario Electronic Stewardship (Board includes members selected by Sony, Canon, Wal-mart, HBC, HP, Best Buy, IBM, Home Hardware)

4. Used Tires Diversion Program (established 2009)

- Passenger, truck, and off-road tires
- All tires, 100 percent producer responsibility
- IFO: Ontario Tire Stewardship (Board includes members selected by Canadian Rubber Assoc., Canadian Tire, Michelin, Ericway Tire, Goodyear, Wal-mart, Ontario Tire Dealers Assoc.)

Challenges

- Program development process
 - Minister's program requests vary in detail, approach, and expectations
 - Interpretation and debate on meaning and expectations
 - Government approval role results in significant lobbying before, during, and after program development
 - IFOs responsible for program development but not funded for this activity
 - IFO operation of programs independent from government and WDO
- IFO role and status
 - Independent corporate entity vs. organization "representing" stewards
 - Fiduciary responsibility issues and challenges
 - Limited individual producer influence over program development
 - Affect on existing marketplace
- WDO role and status
- One size fits all program
 - Producers not given flexibility or incentive to take individual initiative
 - Strict compliance is the ceiling, not the floor
- Obligated producers not "in" until notified
- Fees – producer/retailer/consumer
- Still mostly focused on residential wastes (except WEEE and Tires)



Review of the *Waste Diversion Act, 2002*

- Ministry undertook mandated review of the Waste Diversion Act in Fall 2008 with discussion paper, *Toward A Zero Waste Future: Review of the Waste Diversion Act, 2002*. Four key themes:
 - Extended producer responsibility (EPR): making producers more fully responsible for diverting their waste
 - Waste reduction: putting greater focus on waste reduction, and reuse - aspirational goal of “zero waste”
 - IC&I waste diversion: driving diversion of wastes generated in the industrial, commercial, and institutional sectors
 - Governance and administration: establishing clear roles and responsibilities that foster effective and efficient governance

Stakeholder Feedback

- **Full industry responsibility**
 - Shared responsibility?
 - Decision-making control?
 - Role of municipalities?
- **Individual vs. collective responsibility**
 - Flexibility to achieve outcomes
 - Inefficiencies and costs
 - Competition may drive innovation
- **Long-term plan**
 - Timelines and achievable targets over the long-term
 - Long-term contracts and capital investments?
 - Transition plans for existing programs

Stakeholder Feedback

- **Range of other approaches/supporting measures**
 - Does EPR framework apply to all wastes?
 - What about generator-focused approaches?
 - How to promote recyclability of packaging and products; design for environment?
 - Carbon footprint?
 - Role of life-cycle analysis?
 - Possible supporting tools:
 - Landfill bans
 - Economic instruments (landfill levy)
 - Green procurement
- **Role of EFW**
 - EFW = disposal or diversion?
 - Impact of EFW on recycling efforts?
 - Not all thermal processes are “burning” – role of other thermal technologies



What does it all mean?

- No “consensus” BUT key themes emerged:
 - Need a broader “strategy” or framework
 - Focus on outcomes and standards not process – set the bar (and the penalties)
 - Give businesses greater flexibility to make choices that make sense for them – don’t force a one size fits all
 - Provide a long-term plan
 - let stakeholders help develop
 - materials; targets; timeframe
 - Clean up overlap in governance
 - Create a more administratively efficient oversight regime
 - Provide a range of assistance to businesses
 - Make disposal more difficult and costly – incentivize diversion



Next Steps

- Minister's Report on the WDA review
- Stakeholder consultation on the Report (following release)

