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# CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY

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**LOOKING BACK AND LOOKING AHEAD:  
MUNICIPAL SOLID WASTE MANAGEMENT IN ONTARIO FROM  
THE 1983 BLUEPRINT TO 50% DIVERSION IN 2000**

**CONFERENCE REPORT**

**FEBRUARY 1993**

**Prepared by: Mark Winfield, Research Director, CIELAP**

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CANADIAN INSTITUTE FOR  
ENVIRONMENTAL LAW AND POLICY.  
Looking back and looking ahead:  
Municipal solid waste m...RN8398



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### ACKNOWLEDGEMENTS

The Canadian Institute for Environmental Law and Policy, host of "Looking Back and Looking Ahead" a conference on municipal waste management in Ontario, held on January 23 1993 in Toronto, would like to thank all those involved in organizing this event.

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Panelists and delegates for participating.

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## INTRODUCTION

Over the past ten years municipal solid waste management policy in Ontario has undergone dramatic changes. This movement has been particularly intense over the past two years following the announcement of a Waste Reduction Action Plan (Wrap) in February 1991. A Waste Management Act was enacted in April 1992. Under this statute proposals for significant alterations to the environmental approvals process for solid waste diversion facilities are expected to be implemented, along with mandatory source separation and waste audit requirements for Industrial-Commercial and Institutional (IC&I) sector wastes.

In addition, the widespread introduction of user-pay systems for curbside waste collection in Ontario is anticipated over the next few years. Proposals have also been made to permit municipalities to control the "flow" of IC&I sector wastes and to regulate tipping fees at private landfills within their boundaries. Furthermore, the concept of introducing a waste management system based on the principle of product stewardship has gained widespread acceptance.

These developments have occurred within the context of the emergence of serious problems in the area of the marketing of materials recovered from existing recycling programs. The overall financing of these programs is also emerging as a critical issue. The failure to develop adequate marketing and financing mechanisms has the potential to threaten our progress to date. At the same time, there is growing confusion and conflict over the operational and financial roles and responsibilities of the province, municipal governments, private waste haulers, producers and waste generators.

In the context of these emerging challenges, the Canadian Institute for Environmental Law and Policy, held a one day conference on January 23, 1993, entitled **Look Back and Looking Ahead: Municipal Solid Waste Management in Ontario from the 1983 Blueprint to 50% Diversion in 2000**. The purpose of this gathering was to identify the key issues which require resolution in order for Ontario to reach and exceed its 50% diversion goal by the year 2000, and to provide impetus and direction to the Ontario government in making the decisions necessary to resolve these questions. The conference was attended by the Minister of the Environment, and included approximately 20 panelists and 80 participants from a wide range of sectors, including the environmental community, the provincial government, municipalities and private waste management services sector and manufactures and producers.

The conference demonstrated that a broad consensus for action

exists on a number of critical issues. These included:

- the need for greater certainty in the approvals process;
- the need to address the questions of the underpricing of virgin materials and of waste disposal;
- the importance of public and private sector procurement in the development of markets for recovered materials;
- the need for technical assistance to support waste reduction, reuse and recycling (3R's) technology development;
- the need for more stringent approaches to recycled content labelling;
- support for the introduction of user-pay systems for waste collection; and
- the principle of product stewardship.

A detailed summary of the conference conclusions is provided in the final section of this report. Copies of the speaking notes of panelists which were forwarded to the Institute have been included as well.



**Opening Address:**

**The Hon. Ruth Grier**

**Minister of the Environment**

**Environment Minister Ruth Grier Remarks to the  
Canadian Institute for Environmental Law and Policy  
Municipal Solid Waste Management Conference**

**January 23, 1993**

I appreciate the opportunity to address today's ambitious agenda on the key issues in waste management.

Most of you are familiar with the policies we have set, but I would like to review them briefly to set a context for your discussion.

Today's conference provides an opportunity to consolidate the gains we have made in waste management in a responsible and environmentally sensitive way. I hope it will give us all renewed energy to continue to move forward.

I strongly believe that waste management is symbolic of the overall environmental challenge we face as we approach the millennium.

We are addressing this challenge resolutely in Ontario and, I hope, we will see heightened resolve on this issue in the U.S. in the wake of the Inauguration. The new Vice President Al Gore, in his book *Earth in the Balance*, illustrated the long-established view of waste management with a mock commercial from *Saturday Night Live*.

It featured the Yard-a-Pult, a scaled-down medieval catapult just large enough for the backyard patio, suitable for the launching of garbage bags into your neighbor's property — the ultimate in out of sight, out of mind convenience.

Whether we put it on a catapult aimed at the neighbor's property, or on a train bound for Kirkland Lake, it's our old standby NIMBY — Not In My Backyard.

At one time people just threw slops and trash out the windows to the streets below. On the site of ancient Troy, archaeologists have excavated a series of cities, each built on the accumulated debris of the last.

The first community solution to smell and sickness was to build a sewer and let the river take the problems away. Build a better chimney and let the wind blow them away. Carry the garbage to the edge of town. That's how we invented pollution.

The history of environmental protection has been the gradual acceptance of personal and social responsibility to deal with the wastes we create. But that acceptance has come slowly and reluctantly.

All too often, people still look to NIMBY as the solution when, in fact, it is the root of the problem.

This government's environmental policy is based on personal and social responsibility. We want to bring about a significant change in how we care for our environment and go about our business.

Waste reduction is fundamental to this agenda. We have a firm goal -- to reduce the wastes we send to disposal by at least 50 per cent by the year 2000.

That goal cannot be met by simplistic approaches. We must create a comprehensive waste management system. This system must integrate waste reduction as a priority in terms of financing, in planning, through infrastructure and market development and through public education that reinforces a sense of environmental responsibility.

Most of the strategic elements of our Waste Reduction Action Plan are in place.

The Waste Management Act, 1992, was passed in the Legislature last April after public consultation. It is a powerful instrument for making the Waste Reduction Action Plan work.

Some of you here today played an important and vital role in that legislative process. I thank you for your excellent contributions to that process and for your continuing involvement in the related concerns we share. You have helped establish an effective legal framework for putting the Waste Reduction Action Plan to work through 3Rs regulation.

The regulation establishing an Ontario ban on the development of municipal waste incinerators is now in effect. I believe that this is a decision taken in the best interest of protecting the health and well-being of our communities. It also rules out a waste disposal option whose voracious appetite for fuel is a counter-productive competitor to waste reduction.

I have made some key decisions on waste management in the Greater Toronto Area:

Transportation of municipal garbage beyond the region to Kirkland Lake or anywhere else outside the GTA is out! The NIMBY solution is not an acceptable alternative to waste reduction through local responsibility.

Environmental assessment of landfill site options will protect the environment of GTA communities and provide full opportunity for involvement in the decisions to be made on sites.

Regulations that were outlined in last year's discussion paper -- Initiatives Paper Number 1 -- will soon be in place. Among other things, they will phase in mandatory waste audits and waste reduction work plans for the industrial, commercial and institutional sectors.

I am confident about our future:

- we will reduce the wastes we generate
- our industries and institutions will continue to reduce their wastes, become cleaner and greener and benefit financially from it.
- our landfills will be better-sited, last longer because of reduced waste production and have less of an impact on our environment.

We are getting there.

The results of our Waste Reduction Action Plan are paying off economically, environmentally and socially.

The public is ready to seize opportunities to reduce waste. Almost one million households in Ontario are now composting and diverting an estimated 180,000 tonnes of kitchen and yard waste from landfill sites.

Four out of five Ontario households are active recyclers. That is a triumph for governments, environmentalists, businesses, industries, communities.

People continue to respond quickly and eagerly to new opportunities. I believe this demonstrates the widespread commitment by individuals and communities to be responsible for our environment. Our challenge is to ensure we have the systems and structures in place so that individual efforts have the maximum impact.

There are a number of specific challenges that the government is currently addressing.

The Waste Reduction Advisory Committee is working closely with me and with our Waste Reduction Office on the best ways to meet our goals. Its chair, Wendy Cook, will be a panellist here later today. WRAC is co-ordinating research and developing policy and strategy recommendations to refine and strengthen our Waste Reduction Action Plan.

The issues include:

- cutting red tape while increasing the effectiveness of the environmental assessment and approvals processes

- the complex challenges of developing and nurturing markets for recyclable materials - incentives, technical assistance and education, procurement policies and generating demand.
- looking at the tangled web of responsibilities in waste reduction today and helping design a new way of working together.

We need a clear reassessment of roles so that manufacturers, producers, haulers and recyclers in the private sector, and all levels of government, can co-operate effectively in a new relationship based on waste reduction.

- helping to find new and equitable answers to the question of how the costs of diversion are shared. Who pays for what?

With all of this, we are in a period of transition and all transitions are difficult. There are a number of factors which make this one especially challenging.

It is difficult to build positive momentum for waste reduction when the channels of communication are fixed relentlessly on demonstrations against landfills.

Property owners with placards grab the headlines and gain control of the public debate.

The groups that have been in the vanguard are not always heard. This may be the result of other priorities -- environmental issues and causes which also require attention. Perhaps there is a feeling that the waste debate has been won.

It can also be sheer impatience with the rate of change. We have all felt this at one time or another -- watching industry and government stall and delay.

But this is no time to hang back or stand on the sidelines. We need an all-out concerted effort by those who are environmentally aware and can help lead the way.

We have to change institutions and patterns of life. That's no easy task. Many of the necessary skills will have to be developed as we go along.

It's a battle against inertia at many levels:

- the way things have been done in business, industry and institutions for decades
- the habits and conflicting vested interests of municipalities, regions and various government ministries.

It's no easy task to keep the willingness to change alive in people and the private sector and to maintain the political will of the different levels of government. Especially in the face of continuing opposition and criticism.

There are crucial steps ahead of us:

- we can anticipate continuing and significant pressure for the Kirkland Lake option for GTA waste
- the demonstrations and protests against landfill sites will still be a regular feature in the media
- we have to get both upper and lower tier municipalities sorting out their waste management responsibilities and doing their part
- we also have to clarify the role of the private sector and increase their involvement in waste management -- government cannot do it all.

There are important decisions to be taken in the next six months.

The waste reduction regulations will be coming forward. So will Municipal Act amendments, financing measures and revisions to waste management planning.

I urge all of you to lead the groups you represent in building public support for waste reduction and for the changes that are essential to bring it about.

As municipalities approach the fall '94 elections, I hope attention will focus on what municipalities are doing and ensuring responsible waste management for the years ahead.

In his book, Vice President Gore suggests that civilization has passed the subcritical or formative stage and has recently reached a mature configuration, a worldwide community or global village. He poses some key questions:

" And now that we have developed the capacity to affect the environment on a global scale, can we also be mature enough to care for the earth as a whole?

Or are we still like adolescents with new powers who don't know their own strength and aren't capable of deferring instant gratification?"

I believe an important test for Ontario is our society's willingness to follow through on our waste reduction agenda. I believe it will set a pattern -- reinforce a willingness to do the right thing for the long term -- for the environment.

That is the ultimate agenda for which I seek your active and vocal support. We are trying to make a final and clean break with the attitudes and actions that prevailed in Troy more than 2000 years ago, that persisted in Europe 1000 years ago and that remain, to some degree, in our society today.

Meeting and overcoming this challenge by the year 2000 will demonstrate our capacity to live in harmony with our earth.

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## PANEL 1: APPROVALS FOR DIVERSION FACILITIES

P. Douglas Petrie, partner with the Toronto law firm Wilms and Shier, outlined his view of a number of problems with the existing environmental approvals process for diversion facilities in Ontario. These included past patterns of weak enforcement and of failures to apply best available technology (BAT) standards. In addition, Mr. Petrie argued that the accountability of the process had been weakened by inadequate public consultation, and by the exercise of wide discretionary powers on the part of Directors under the Environmental Protection Act (EPA).

In terms of openness, Mr. Petrie noted the continuing difficulties in gaining access to application files, and the absence of general practices relating to public notification regarding applications. He also argued that the fairness of the process has been undermined by Environmental Assessment Act exemptions, "emergency" exemptions from the EPA and the substantive amendment of existing approvals without hearings by the Ministry.

Mr. Petrie argued that the existing approvals process was neither timely nor efficient. He cited examples of diversion projects which had required months to received approval. In addition, he argued that in some cases, when these approvals were granted, they included very complex terms and conditions which defeated the purposes of the undertakings.

Adam Ciulini, Supervisor, Waste Reduction Policy, Waste Reduction Office (WRO), summarized the Ministry's proposals for a streamlined approvals process for 3Rs infrastructure presented in the Waste Reduction Office's Initiatives Paper #1. These included a "permit-by-rule" system and a proposed exemption for "integrated recycling facilities." Mr. Ciulini stated that the intention of the proposed modifications was to treat 3Rs facilities as light industrial facilities "whose raw materials happen to have been used already."

References: Waste Reduction Office, Regulatory Measures to Achieve Ontario's Waste Reduction Target, (Toronto: Ontario Ministry of the Environment, October 1991); Waste Reduction Office, Waste Management Planning in Ontario (Toronto: Ontario Ministry of the Environment, October 1991); and The Waste Management Act, 1992.

Peter Pickfield with the Guelph law firm of Turkstra Garrod Hodgson outlined the experience of the City of Guelph in its efforts to obtain approvals for a wet/dry waste processing facility under the Environmental Protection Act. Mr. Pickfield noted that the City's efforts to avoid a hearing before the Environmental Assessment Board, through the establishment of a community-based approach to approvals, had been a failure. He commented that it might have been faster to have gone through the formal hearing process. Mr.



Pickfield concluded that the Guelph experience demonstrated "a drastic need for certainty in the approvals process."

Kelly Clune of Citizen's Acting Now (CAN) argued that much of what we call "waste" is actually "useful resources" and should be treated in the approvals process as such. Ms. Clune described CAN's efforts to establish a Community Resource Centre to implement a diversion program which went beyond the traditional blue box items and the difficulties which were encountered through the approvals process in doing so. Ms. Clune argued against the establishment of centralized 3Rs' programs which accept a variety of mixed materials over community-based projects. In addition, she contended that governments must demand that materials and products which cannot be easily reused, recycled or composted not be made in the first place.

Reference: notes for remarks enclosed.

### Discussion

During the discussion a great deal of emphasis was placed on the problem of uncertainty with the existing approvals process. It was argued by a number of panelists and participants that proponents have been left without clear indications from the Ministry of the requirements that their projects will have to meet to obtain approvals. It was also observed that, in some instances approvals requirements had been varied during the approvals process. The problem of lengthy delays was also noted.

It was suggested that the Ministry's proposed "permit by rule" system might actually exacerbate these problems. It was argued by some panelists and members of the audience that the full approvals process was necessary to ensure openness and accountability. In addition, it was argued that some proponents would actually prefer to obtain a formal Certificate of Approval, as it would provide them with a clear set of requirements which had to be met.

Concerns were also raised by participants regarding the misrepresentation of disposal operations as recycling projects. It was suggested that this problem might be addressed by replacing the existing 200 tonnes of residue per day threshold for the exemption of recycling facilities from the Environmental Assessment Act with a standard which would be based on the proportion of residue produced by a facility in relation to the amount of materials received.

**Notes for Presentation**  
**Kelly Clune**  
**Citizens Acting Now (CAN)**

CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY  
'MUNICIPAL SOLID WASTE MANAGEMENT CONFERENCE'  
Saturday January 23rd/93 - 9:00 am to 3:00 pm  
5 - 10 min. presentation - 'APPROVALS FOR DIVERSION FACILITIES'

My name is Kelly Clune and I am from a not-for-profit environmental organization in Orillia called Citizens Acting Now! I brought these items here today to demonstrate the already well known fact that much of what we call 'waste' (and most of what we 'throw out') is actually 'useful resources'. I wanted to be sure that we're all be talking about the same thing.

The term 'waste' has created a great deal of confusion over the past 20 or so years. Many people view 'waste' as offensive, dirty, & useless, afterall when you mix kitchen leftovers with all sorts of other items, including single use products, it is, in fact, 'waste'. This is something people want to 'get rid of' (& preferably into someone elses backyard!), and people will often pay dearly to 'get rid of it'. Both explain why the 'waste haulers' have an interest in keeping 'waste' waste, and why they have been successful in developing a monopoly of it.

Presently, 'diversion facilities' include 'waste disposal sites' & 'waste management systems' both of which deem the material they are dealing with 'waste'. But, as we know, most of what our society disposes of is really 'wasted materials', that when kept clean & sorted, can, and should be, diverted to the appropriate end user, where they are definitely not 'waste' but rather 'useful resources'!

Garett Hardin, in his book 'Filters Against Folly' said that "to call a product 'waste' inhibits creative thought". Imagine the possibilities and job opportunities that could be developed if we respected our 'wasted materials' as 'useful resources'! In light of the fact that 2/3rds of the world is deprived of materials it is absolutely absurd & totally irresponsible of us to continue destroying what we consider 'waste'.

LAW & POLICIES MUST REFLECT COMMON SENSE! WE MUST NO LONGER ALLOW OUR RESOURCES TO BE 'WASTED' OR DESTROYED. BY ALLOWING THE DISPOSAL OF MIXED WASTE INTO OUR LAND UNKNOWN SUBSTANCES ARE BURIED WHICH, IN ALL LIKELY HOOD, WILL CREATE PROBLEMS FOR FUTURE GENERATIONS. THE MOE SHOULD NO LONGER LICENSE POLLUTION!

Under the proposed regulations, 'diversion facilities' include 'recycling sites' which deal with certain 'classified materials' (although some items appear to be missing on the list, for example plastics, boxboard, magazines, etc.). All are in fact 'resources' not 'waste', but in Reg 347 'recyclable materials' are designated 'waste' and 'waste disposal sites' classified as facilities which 'grind, pack or bale' which mean most 'recycling sites'. Although, the proposed changes identify 'recyclables' the confusion with the term 'waste' seems to remain a problem.

Since there appeared to be no urgency, by our City, to implement diversion programs beyond the standard 'blue box' items, our organization set out to develop a Community Resource Centre to provide alternatives to 'dumping' or disposing of useful materials into our landfill.

Initially, we were told that our operation did not require any approvals. Later, a Certificate of Approval became a necessity. Our primary concern with the CoA document was the fact that it deemed our operation a 'waste disposal site' rather than a 'resource centre'. In our opinion, we are not dealing with 'waste' but rather 'wasted resources'.

There is no doubt that it is essential for the MoE to have safeguards in place to ensure that materials accepted are safely processed and appropriately diverted, and that all safety aspects are adhered to and a clean up procedure and guarantee is in place. However, the present CoA process is timely and can, therefore, stall diversion programs, as well as prevent contracts that may be possible with local municipalities because no municipality is able to divert 'waste' to a facility that does not have a CoA, even if it isn't actually 'waste' that they are diverting.

In our present 'waste crisis' it does not make sense to delay the development of 3R's facilities, particularly with the immediate benefits they offer. 3R's diversion programs require far more support and financial assistance from governments and industry. More time and money must be spent on actually doing something about our 'waste crisis', rather than 'talking' and 'studying' or finding a new place to hide it. The new Compensation Policy is a great example of 'waste'. To spend precious time and money to find a location to 'dump & bury', when we know full well the implications of doing that.

In our opinion 3R's facility, receiving a variety of curbside materials, should remain in the general location where the items are being collected.

Centralized 3R's programs which accept a variety of mixed materials should be discouraged for a number of reasons:

- 1) They are likely to receive more contaminated materials because of the 'out-of-sight/out-of-mind' principle - that because materials are collected and taken 'away' from one's own community, it is 'someone else's' responsibility - that community does not 'own' the responsibility of making their own Resource Centre a success, or 'keeping their own backyard clean'.
- 2) Materials which may be only slightly contaminated are more likely to be 'trashed' in a large centralized program due to the abundance of material.

- 3) 'Residue' or 'contaminated material' may end up in a landfill where the material did not originate from - which may depend on who pays what, where!
  - 4) Centralized facilities promote 'recycling' before 'reduction' and 'reuse' - our society still tosses things to the curbside, but most people feel less guilty, since it's (apparently) going 'somewhere' to be 'recycled'. When we discover how ridiculous it is to send perfectly good containers through a process that is costly to both our pocket books & the environment we will hopefully demand that industries implement refillables. We must develop a 'no waste' policy and take responsibility for actions now so that future generations are not burdened with our messes which we have tried to 'bury'.
  - 5) Local employment is lost with large centralized programs.
  - 6) A Resource Centre run by the community or the City not only creates local jobs, but any revenues which may be derived from the resources go back into the City to benefit that community.
  - 7) Multi-dimensional educational programs would likely be less effective with a centralized program because of the time and difficulty implementing them. Commitment by the community to become actively involved (which is a lesson in itself) would likely decrease.
- & finally
- 8) Transporting materials creates its own pollution problem.

MAINTAINING LOCAL RESPONSIBILITY OF OUR RESOURCES IS ESSENTIAL! NO MUNICIPALITY SHOULD BE ALLOWED TO ACCEPT MIXED WASTE. In fact, it will probably not be long before communities fight to keep their 'waste' rather than 'get rid of it', since it will mean local jobs and possibly revenues.

OUR GOVERNMENTS MUST DEMAND THAT WHAT CANNOT BE EASILY REUSED, RECYCLED, OR COMPOSTED MUST NOT BE MADE IN THE FIRST PLACE!

OUR GOVERNMENTS SHOULD ENSURE THAT DIVERSION PROGRAMS ARE OFFERED AND THOSE THAT CHOOSE NOT TO USE THE ALTERNATIVES MUST BE REQUIRED TO PAY, AFTERALL 'SOMEONE ELSE' WOULD HAVE TO BE PAID TO SORT THEIR MATERIALS FOR THEM TO ENSURE THAT NO REUSEABLES, RECYCLABLES, COMPOSTABLES OR HAZARDOUS WASTE ENTERS OUR LANDFILLS, UNTIL SUCH TIME AS WE HAVE DEVELOPED A 'NO WASTE' SYSTEM.

In 1990 our organization participated as intervenors in an Environmental Assessment Hearing in which our City's requested an expansion on the use of our site. This hearing was time consuming and very costly to our community. Had there been some kind of opportunity for citizens to share their concerns and make practical recommendations, the cost and length of this procedure could have been drastically reduced.

We hope, all of the parties involved were essentially working toward the same ultimate goal. It was primarily the degree and timing of programs which created conflict. There were two 'sides' in this debate, the MoE, the County, and the City on one and the 'environmentalists' on the other.

It was interesting, yet disappointing to see the MoE, support the City's position, since this influenced many to believe that the MoE is not the 'watch dog' many of us trust it to be. Just as confusing was to hear one level of government stress 3R's & composting as priorities and that a 'conservator society' must be achieved quickly, while other levels of government expressed little concern or urgency for the matter. It is our opinion that the MoE should remain a neutral party in such a debate.

Many of the recommendations put forth by the 'environmentalists' were written into the conditions by the Board. The decision was positive and pro-active. It makes a good attempt at protecting our resources (both the land which the 'dump' occupies and the materials which would be destroyed there). If anyone is interested in reading this document, you can ask the EAB for decision EP-90-03.

Unfortunately, our City has appealed 2 of the 22 conditions and has been quite successful at belittling or ignoring the others. We have made a number of attempts to notify the proper authorities about our concern that conditions are not being adhered to but the discretion seems to lie somewhere within the provincial government. Serious and legitimate concerns of citizens living in the area or directly involved seem to have little influence or input into ensuring the conditions are followed.

We question the sense in having a costly hearing procedure if there is no mechanism in place to ensure the conditions are adhered to?

It is of the utmost importance that we stop burying unknown mixed 'waste'. We know the dangers of doing so and it would be irresponsible of us to continue this action.

I'd like to finish with a quote from the new Vice President of the United States of America, from his book 'Earth in the Balance'.

"Both in our personal lives and in our political decisions, we have an ethical duty to pay attention, resist distraction, be honest with one another and accept responsibility for what we do - whether as individuals or together. It's the same as a gyroscope; either it provides balance or it doesn't. In the words of Aristotle: "Virtue is one thing."

For civilization as a whole, the faith that is so essential to restore the balance now missing in our relationship to the earth is the faith that we do have a future. We can believe in that future and work to achieve it and preserve it, or we can whirl blindly on, behaving as if one day there will be no children to inherit our legacy. The choice is ours; the earth is in the balance."

THANK YOU for the opportunity to share our input.

Citizens Acting Now (CAN)

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## PANEL 2: MARKETING RECYCLABLES

Dennis Onn, Manager, Strategic Projects, Waste Reduction Office, outlined the Ministry of the Environment's materials utilization strategy (MUST). The key element of this project is a system of multistakeholder sectoral 3Rs strategy teams. Each team is to develop a 3Rs strategy to maximize diversion and provide a point of input for stakeholders in the policy process. The teams, consisting of 40-45 members, are to examine communications and education, and infrastructure and policy development, as well as marketing and utilization issues.

The teams are to seek to promote demand growth for recovered materials, develop strong implementation plans, promote policy changes in the areas of regulations, guidelines and procurement, design financial assistance programs, and foster ongoing cooperation among the various stakeholders. To illustrate the work of the teams, Mr. Onn outlined the results of the efforts of the construction and demolition materials strategy team. These included the development of an expanded market directory, a labelling program, the provision of procurement policy advice to governments, and the development of an industry 3Rs code of practice.

References: Waste Reduction Office, Terms of Reference: 3R Infrastructure Task Force, Plastics Strategy Team, Strategy Team for Construction and Demolition Waste Reduction, Strategy Team for Wet Waste Reduction, (Toronto: Ontario Ministry of the Environment, various dates 1992)

Atul Nanda, Assistant Manager, Waste Reduction and Recycling, Solid Waste Division, Metro Toronto Public Works Department, summarized Metro's arrangements for marketing the materials recovered through the Blue Box program. Mr. Nanda also outlined the causes of the difficulties encountered by Metro in marketing recovered materials. These included: the increased amounts of materials on the market due to the expansion of Blue Box programs throughout the province; the low price of virgin materials; the recession; and an increased unwillingness of private firms to give price preferences to secondary materials. In addition, he noted that the amount of aluminum collected had fallen substantially as a result of Coca-Cola's decision to return to the use of steel cans. This had resulted in a \$400,000 drop in Metro's revenues from the sale of recovered materials over the past year.

Mr. Nanda stated that markets are needed for tires, mixed broken glass and compost. He noted that the province's tire tax was bringing in \$120 million in revenue and the liquor bottle tax \$23 million, while only \$20 million was spent on market development for recycled materials. Mr. Nanda suggested that in the future environmental and virgin material taxes be earmarked for third world development. He also described farmers' liability concerns regarding the use of compost. These fears are related to the



possibility of farmland being contaminated by contaminants in compost. Mr. Nanda suggested that some form of remediation fund might be employed to address this problem.

Reference: data on Metro solid waste marketing enclosed.

Michael Scott, President of the Canadian Polystyrene Recycling Association (CPRA), outlined CPRA's structure and operations. Mr. Scott noted that the problems related to the development of markets for secondary materials were complex and compounded by an environment of policy and regulatory uncertainty.

Mr. Scott argued against tinkering with the market to make virgin materials more expensive through such instruments as virgin materials taxes. Rather, he stated that the emphasis should be on making the recycling industry more competitive through tax relief. With respect to recycled content legislation (RCL) Mr. Scott noted that it is highly controversial and that many of the existing U.S. statutes are full of loopholes.

The need for technical assistance to the recycling industry, the development of standards for recycled materials for use in manufacturing, and the establishment of procurement policies with "teeth" was also noted. In this context, Mr. Scott quoted a Regional Director of Supply and Services Canada regarding the unwillingness of the Department to give preference to environmentally-friendly products (quote is included in notes for remarks).

Reference: notes for remarks enclosed.

Peter Liess, President of the Etobicoke Local of the Canadian Union of Public Employees (CUPE), argued that the marketing of recovered materials is the key to effective diversion programs. He stated that our limited successes to date are threatened by the failure to establish stable markets for secondary materials. In this context, he noted that, due to weak markets, Metro Toronto has, in some cases, landfilled diverted materials and, in others, sold them for less than agreed to prices.

Mr. Liess also briefly outlined CUPE's proposal for an integrated public system for marketing recyclables. The central element of this system would be a marketing board for residential and IC&I recyclables. This would provide for economies of scale and help to stabilize the supply and prices of recovered materials. Mr. Liess concluded that we must pursue an aggressive marketing strategy in the context of the global economy.

Reference: notes for remarks enclosed.

## Discussion

The possibility of removing the Provincial Sales Tax (PST) and the Goods and Services Tax (GST) from recycled products was raised by participants. It was suggested that these taxes had already been paid once on recycled materials. Concerns were also expressed regarding the willingness of consumers to pay a premium for products with post-consumer content, even if they are clearly labelled.

Considerable attention was given to the problem of the underpricing of virgin materials. It was noted that the price of such materials usually does not reflect the true cost of their production. The extent of the direct and indirect subsidies which resource development activities receive, and the extent of the environmental externalities associated with the extraction and processing of natural resources, were regarded as particularly significant in this sense. It was also noted that the costs of collection and processing and competition from cheap landfill presented challenges to the economic viability of recycling programs. It was observed that increasing landfill tip fees raises the "intrinsic" value of waste and creates incentives and opportunities to engage in 3Rs activities.

With respect to the labelling of products regarding their post-consumer content, it was noted that proposals of this nature had met with very widespread resistance from industry. In response Mr. Scott stated that it may be necessary to go beyond voluntary guidelines. He reiterated his point that products were being marketed as having post-consumer content when they did not and that this form of "hustling" had to be stopped.

**Notes for Presentation**

**Atul Nanda**

**Solid Waste Division**

**Metro Toronto Works Department**

### 3 PHASES OF MARKETING

**1) SELLING BLUE BOX COMMODITIES**

- METRO'S MARKETING RELATIONSHIPS
- MARKET PRICES 1991 VS. 1992

**2) MARKET DEVELOPMENT**

- TIRES, MIXED BROKEN GLASS AND COMPOST
- US INITIATIVES
- BARRIERS IN ONTARIO AND METRO'S APPROACH

**3) PROCUREMENT**

- G.I.P.P.E.R.
- NEED FOR SPECIFICATIONS, CONSISTENT POLICIES AND SUPPORT
- PRIVATE AND PUBLIC SECTOR RESPONSIBILITIES

PROCESSING AND MARKETING RELATIONSHIPS  
FOR METROPOLITAN TORONTO BLUE BOX MATERIAL

**Quebec and Ontario Recycling (QUNO)**

Receives approximately 60,000 tonnes of fibre material - newspaper, occ, telephone books, magazines and catalogues

Receives approximately 5,000 tonnes/yr of partially commingled material ie. all non-glass containers

Pays Metro for incoming material.

Keeps all revenue from the sale of materials.

**Canada Crinc.**

Receives approximately 25,000 tonnes/yr of fully commingled container material including glass, PET, HDPE, aluminum and steel.

Charges Metro a processing fee and management fee.

Metro and Crinc. market the material with Metro receiving 95% of the revenue and Crinc. receiving 5%.

**Consumers Glass & Rosen Industries**

Receive approximately 10,000 tonnes of curbside sorted glass.

Metropolitan Toronto  
Blue Box Material Market Prices  
1991 vs. 1992  
(\$/tonne)

	1991	1992	%change
Aluminum Beverage	1100	950	(14)
<b>Glass</b>			
Clear	66	47	(29)
Coloured	66	42	(36)
Newspaper	25	25	0
<b>Plastic</b>			
PET	330	230	(30)
HDPE	154	132	(14)
Steel Containers	77	77	0
Telephone Books	(65)	(50)	23

Note: Prices for glass, newspaper, steel and telephone books do not include transportation costs to market.

Transportation is provided by the market for aluminum PET and HDPE.

U.S. INITIATIVES FOR MARKET DEVELOPMENT

**CLEAN WASHINGTON CENTRE (CWC) - CREATED JULY 1991**

- OPERATES UNDER WASHINGTON'S DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
- \$2 MILLION ANNUAL BUDGET UNTIL 1997
- MANDATE - ENSURE RECYCLED PAPER, GLASS, PLASTICS, TIRES AND COMPOST FIND THEIR WAY BACK INTO COMMERCIAL STREAM BY 1997
- GATHERING DATA FOR MATERIAL PROJECTIONS AND DEVELOPING ACTION PLANS FOR EACH MATERIAL

**CWC AND NEW YORK'S OFFICE OF RECYCLING MARKET DEVELOPMENT (ORMD)**

- STUDYING PROJECT WHICH COULD STANDARDIZE TRADING OF RECYCLABLES THROUGH COMMODITIES MARKET

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

- DESIGNATED 12 RECYCLING MARKET DEVELOPMENT ZONES IN 1992, 40 ZONES TO BE DESIGNATED OVER THE NEXT FIVE YEARS.
- BUSINESSES HAVE ACCESS TO NUMEROUS BENEFITS INCLUDING TAX CREDITS FOR EQUIPMENT, LOW INTEREST RATES, MANUFACTURING REFERRALS AND TECHNICAL ASSISTANCE

**DENVER'S ECONOMIC DEVELOPMENT DEPARTMENT AND SOLID WASTE OFFICE**

- TEAMED TOGETHER TO HELP MANUFACTURERS OF RECYCLABLE MATERIALS LOCATE IN THE CITY
- ECONOMIC ASSISTANCE INCLUDES LOW FINANCING, SPACE IN CITY BUILDINGS, WAGE REIMBURSEMENTS

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**BARRIERS TO MARKET DEVELOPMENT IN ONTARIO**

REGULATIONS PREVENTING "BONUSING"

BUREAUCRATIC RED TAPE

COMPETITION AMONGST MUNICIPALITIES

INDUSTRY DELAYS

**METRO'S RESPONSE**

- ECONOMIC DEVELOPMENT AND SOLID WASTE MANAGEMENT RELATIONSHIP
- BID FOR CANADIAN ENVIRONMENTAL TECHNOLOGY CENTRE

MARKET DEVELOPMENT: ~~SECRET~~

1) TIRES

Revenue from the tire tax - \$120 million

Committed expenditures on recycling solutions - \$20 million

2) MIXED BROKEN GLASS

Inconsistent interpretation of recyclable material and waste.

Companies reluctant to use the material as aggregate due to precedent set by MOE.

3) COMPOST

**Current**

Marketed over 10,000 tonnes of finished compost from leaf and yard materials in last two years to various end users - mainly free distribution to householders and Metro Departments.

Finished material tested prior to distribution.

Farmers have expressed concern over economics of paying for and transporting finished leaf and yard compost.

Pilot project to test viability of household collection of food waste. Quality results not finalized.

**Future**

Marketing compost from residential and IC&I organic waste could present unique challenges due to stringent MOE draft guidelines.

Economic viability of producing material which doesn't conform to MOE guidelines, and therefore may have to be used as controlled compost or deemed as waste.

Liability concerns for farmers. Cost of testing an issue.

Use of soil dealer may be the best alternative to maximize return and minimize risk.



**Notes for Presentation**

**Michael Scott**

**Canadian Polystyrene Recycling Association**

**Outline of Remarks**

**by**

**Michael G. Scott, President**

**Canadian Polystyrene Recycling Association**

**to**

**Canadian Institute for Environmental Law & Policy**

**Conference on Municipal Solid Waste Management in Ontario**

**January 23, 1993**

As I begin this presentation I am conscious of two realities. First, you have before you a very thorough, well written background paper. The only problem is it leaves me wondering what new can be said.

Second, I want to try to keep my comments to five minutes, which I'm sure you will be grateful for, but which presents me with a considerable challenge, assuming not much new can be said on the subject.

Let me begin by briefly telling you where I am coming from. I am responsible for the operation of a recycling plant, which has been in operation since August 1991. At this plant, located just north of the Pearson Airport, we receive all types of polystyrene plastic products - ranging from contaminated coffee cups, meat trays, beer cups, milk containers, plates, cutlery, to high-volume, uncontaminated, dry packaging found in the form of foam cushion packaging, and in the form of rigid packaging such as medicine bottles, used transit advertising signs, computer reels and discs and garment hangers.

We process all of this material - in a six million dollar processing facility paid for by the members of the Canadian Polystyrene Recycling Association, - and turn it into recycled polystyrene resin in the form of pellets. These pellets are then sold to plastic moulders and manufacturers of a wide range of

consumer products such as office letter trays, horticultural products, video cassette holders and sheet moulders.

Our sales and marketing program utilizes sales agents from two of our largest member companies - Dow Chemical Canada Inc. and Novacor Chemical Canada Ltd.. Through separate sales agreements we have with these two companies, their polystyrene sales and marketing staff search out and find markets for our products, negotiate prices - which we must approve at CPRA - and assist in product evaluation and quality control issues. In this way, CPRA has access to the two largest polystyrene marketing organizations in Canada, and avoids the need to establish its own, expensive sales and marketing force, and the problem of going head to head with two large virgin material suppliers.

Like any recycler, our marketing results contain good and bad news. The good news is that large, profitable markets are available for some types of recycled polystyrene resin, provided we can access enough of this type of material from our collection program. The bad news is we are presently having difficulty accessing enough of this material.

The other bad news is that despite our belief that there is a potential Ontario market demand for approximately 4,000 tonnes of recycled polystyrene, - based on current, technically feasible applications - this is not enough to soak up the potential supply,

which may be as high as 10 to 12 thousand tonnes, if 50% of all disposable polystyrene packaging in Ontario was collected.

In other words, like everyone else in this business, we face supply and demand challenges, opportunities and problems.

There are four points I want to underscore, in my remaining time. First, as the background paper demonstrates, market development for recycled materials is a complex, multi-layered issue. You peel away one layer - for example, attacking some aspect of the supply problem - and you find you are left with several more layers to address. Second, we are trying to operate within a policy and regulatory environment of considerable uncertainty. Surely, it's time to get the rules in place.

Third, most of the time lines involved in finding solutions to these problems are long. There are few, readily available, quick-fix solutions. However, this leads to my fourth point.

If collection programs for recyclables are to increase to the levels necessary to meet diversion targets, some short term solutions must be found, or some recyclers will have to stop accepting some materials. While we do not have this problem yet in our own operation, we may well be facing it within the next two to three years, unless some new market development initiatives are put in place.

Let me turn to the demand side first. The background paper asks what might be done about the problem of the price of virgin materials undercutting the price of recovered materials. I suppose a simple answer is - get the economy back on its feet. But it's more complicated than that.

We have seen situations where customers are looking for at least a 30% price difference between virgin and recycled material which, under present operating economics, is almost impossible to meet. But I do not believe this can be solved by fiddling with market forces and virgin prices, through regulatory or tax instruments, and trying to make virgin producers less competitive. That will simply make a bad economic situation worse. I believe the incentive approach, aimed at making recyclers more competitive, is probably the most practical approach to look at - through instruments such as technical assistance and tax relief for the secondary material processing and marketing functions. Seventeen states in the U.S. offer some form of tax relief and or tax credits in these areas.

In my view, the recycled content legislation issue is even more problematic, although many in the recycling industry support its need. Indeed, in certain instances, some form of mandatory content legislation may be appropriate, at the right time. But it is highly controversial, full of loop holes in jurisdictions now using it, and could run smack up against GATT. In the short-term,

it may be a non-starter. In the long term, it may be that mandatory content legislation will be the only way some retailers will respond to this issue in a productive way. A lot of time and energy is being spent simply trying to get retailers attention.

I say "Amen" to technical assistance programs. We are discovering a real vacuum in technical areas, such as physical properties of secondary materials, and the development of standards for recycled products. A great deal of work is required here, to raise the comfort level of quality-control people in our customers' plants, where recycled resin is being used to make their product, and to incorporate necessary processing adjustments and efficiencies at the recycling end.

On the demand side, my favourite topic - as Dennis and many others know from listening to me rant about it over recent months - is procurement policy, both within government and within industry. Frankly, despite various efforts in Canada, and right here in Metro Toronto, I cannot escape the feeling that we have not advanced very far in this area. Simply put, we do not have a procurement policy which is either well known, or is working at any effective level. I could entertain you the rest of the morning with stories about when and where it has failed.

It seems to me if we are to put in place some short term solutions, while working on the longer term problems, this area

represents the greatest potential to move forward quickly. But we need a policy with teeth, and which addresses the issue of price preference in particular. Recycled products will lose out every time - as they have been recently - when Government Purchasing Managers must buy at the lowest possible price. Listen to this quote from a regional director of Supply and Services Canada, responsible for Federal Government purchases in excess of 800 million dollars a year: "It would be useful for a vendor to point out the environmental advantages of his product and try to have it built into the specification. While it is desirable, we do not allow for price advantages to environmentally friendly products."

Industry is not blameless on this issue. It too has enormous purchasing power, and needs to be more aggressive on this issue. And we need to get away from the rampant hucksterism involved in promoting recycled products made from so-called "post-consumer" material. This term is being widely abused. We need to act now, by stipulating and enforcing a definition of recycled content.

Turning briefly to the supply side, I frankly am not sure what to make of cooperative marketing organizations. I am all in favour of cooperative marketing strategies which create a stronger purchasing power for recycled products, educate participants, share the use of storage areas and perhaps even joint purchasing of processing equipment.



But I'm not sure what economics are realized for the final processor in such an arrangement, and whether this will result in more competitive prices for recycled products. We will likely be hearing more about this model from Peter. As a final processor of recyclables, I would certainly welcome some coordination of municipal capabilities in the steps between collection and delivery of material to our plant. However, to the extent that such organizations control the flow of recyclables, particularly within the I.C. & I. sector, I suspect they will be aggressively attacked by the private haulage industry - which is one of the backbones of our own sourcing and collection program. In that regard, I am not really too interested in trying to fix something which isn't broke - in both senses of the word!

My five minutes are obviously up. Let me simply conclude by saying that I'm more optimistic today, than I was a year ago, in terms of where we are heading on this issue. I see some short term devices available, if we are prepared to act. In the longer term, the supply side needs to be carefully managed - to avoid over supply - while the demand side needs to focus on product quality technical assistance and new market development.

**Notes for Presentation**

**Peter Liess**

**Canadian Union of Public Employees**

22 January 1993

NOTES FOR CIELAP CONFERENCE

Thank you allowing me to speak to you today.

My name is PETER LEISS and I represent C.U.P.E. ONTARIO and C.U.P.E. in Metro on waste management as well as other issues. I am also the President of the C.U.P.E. local in Etobicoke. You may or may not know that my local out performs the other Metro locals in recycling efforts. We also were successful in eliminating disposable containers in City facilities. Many of you know the passion that I feel for proper and effective waste management not only in Metro but everywhere else as well.

Marketing wow! What a powerful subject. And really marketing is the key to effective waste diversion. Imagine after the years of serious effort to reduce, reuse and to recycle we can have a broad based discussion on **MARKETING**. Imagine after volunteer hours in the tens of thousands and the millions of dollars spent to achieve some 17 to 20% recycling of the residential waste stream we get to talk about marketing. Certainly in recent history C.U.P.E. has repeatedly warned that the failure to address the issue of marketing diverted materials would result in major problems. Those problems today threaten our limited accomplishment in diverting waste. What we are experiencing today is not only a halt to new diversion programs but a very real reduction in existing programs.

The G.T.A. regional governments, Metro in particular, and the Province have spent millions of dollars examining the feasibility of waste recovery plants, landfills and incinerators. Metro is still spending nearly a million dollars examining rail haul to Kirkland Lake. Yet we still do not have an adequate plan to address a major environmental responsibility. That is, what do we do with the mountains of diverted material? Further, what do we do with the increasing mountains of materials we plan to collect.

Metro's problems surrounding marketing of diverted materials in the recent past has spurred them to at least begin to put a marketing strategy together. But we all know that Metro as a result of inadequate planning in this area Metro has had to landfill diverted material. Metro has also had to accept less than agreed to prices for materials. I use Metro as an example for two reasons. The first is because we are in Metro and the second because of the large volumes of waste generated here.

At this point I should move on to what we at C.U.P.E. have proposed in the area of marketing. It is easy to point out flaws in the other guy. It is a little more difficult to offer constructive solutions. We have promoted an integrated public system to deal with effective waste management for some. Our solutions address the issue of marketing.

First, marketing can not be accomplished by each of the regions or municipalities independent of each other. We have suggested a marketing board that would encompass at least the G.T.A. if not the entire golden horseshoe. We are also urging strongly that this board encompass both residential and I.C.I. waste streams. This would provide the economies of scale and justify pursuing markets on a global basis. This approach would also expand economic opportunities as industries tend to locate close to the supplies of material.

Second, marketing can no longer be a passive function. We can not expect to gain any real return for our efforts to divert waste by placing tender calls in the print media. We must move into an aggressive marketing strategy in the global economy.

Third, this type of marketing board would provide for the cross-subsidies required to fund residential collection. This type of board would provide the ability to fund programs to divert waste with little value from disposal.

Fourth, this type of board would be able to stabilise market fluctuations. While many material prices are dependant on the global markets, many other material prices fluctuate wildly. Proposals for marketing that include storage such as what we have suggested give one the ability to wait out the drops in material prices.

I know that I could never fully explain our position on marketing and its role in an environmental and fiscally responsible waste management system in the ten or fifteen minutes allotted but I hope that I have posed some questions. This issue is more fully addressed in our document "Coping with our Garbage", our brief on the "S.W.E.A.P. MASTER PLAN 7.1" 1990 and our brief to "S.W.I.S.C." in 1989. If anyone wants copies of these documents I will be happy to arrange for you to receive them.

Finally, I thank you for this opportunity to address you and I hope that we can all move forward on this important issue to provide for a much brighter and cleaner future for our children and ourselves.

**FUNCTIONAL AND FINANCIAL ROLES AND RESPONSIBILITIES:  
INTRODUCTION**

Bob Breeze, Manager, Policy and Planning, Waste Reduction Office, set the context for the afternoon's discussions by providing an overview of the Province's Waste Reduction Action Plan (WRAP), and the questions which the WRO feels need to be resolved in the development of the Office's upcoming policy paper on operational and financial roles and responsibilities.

Mr. Breeze summarized the key elements of the WRAP including:

- 1) the development of 3Rs regulations under the Waste Management Act of 1992;
- 2) the proposed amendments to the Municipal Act to clarify municipal powers regarding waste management and 3Rs activities;
- 3) modifications to the waste management master planning process to facilitate the approval of 3Rs infrastructure;
- 4) the development of a materials utilization strategy (MUST);
- 5) educational programs; and
- 6) the development of a policy discussion paper on functional and financial responsibilities, addressing the questions of who does what, and who pays.

Mr. Breeze outlined what the WRO regarded as the key problems with the existing structure of roles and responsibilities. He noted that:

- 1) municipalities have no control over the contents of the waste stream - they must deal with whatever comes to the curbside and pay for its diversion or disposal;
- 2) consumers are sheltered from waste management costs, as municipal waste management activities are financed through realty taxes, rather than being reflected in the prices of goods; and
- 3) producers have no responsibilities for what happens to their products after they have been through the consumption cycle. As a result, they have no incentives to consider the redesign of products or the reduction of their use of packaging to address 3Rs and disposal costs.

The existing arrangements for financing the Blue Box program, totalling \$100 million for 1991-1992, were outlined as follows:

- municipalities 60%;
- the provincial government 22%;
- Ontario Multi-Material Recycling Inc. (OMMRI) 4%; and
- material sales 14%.

Mr. Breeze stated that there is broad agreement on the use of

high tipping fees and user-pay systems for waste collection to promote waste diversion. Consequently, he argued that the debate should focus on the concept of product stewardship, and noted that a number of stewardship models exist. These include OMMRI, the green dot system in the Federal German Republic and the recent proposals from the Waste Reduction Advisory Committee (WRAC) and the Grocery Products Manufacturers of Canada (GPMC).

Mr. Breeze outlined six issues which the WRO felt needed to be resolved in order to implement a stewardship system in Ontario. These were:

- 1) What is the nature of the backdrop regulations which will be employed to ensure that individual firms or sectors which do not participate in the stewardship system are not able to act as "free riders?" The possibilities outlined included bans, deposits, positive or negative labelling, or some form of tax or charge in cooperation with the federal government.
- 2) How much should industry pay? Should industry be responsible for all costs, as is the case with the German green dot system, or should municipalities have some portion of responsibility? How should industry make its contributions? Should there be variable unit charges, flat charges, or rebates for secondary material use.
- 3) How much should municipalities be paid? In this context there are industry concerns regarding the cost-effectiveness of some municipal recycling programs. Should there be some form of guidelines or upper limit on the costs of municipal programs?
- 4) How should imports be dealt with? There is the possibility of trade challenges under the General Agreement on Tariffs and Trade (GATT), the U.S.-Canada Free Trade Agreement (FTA) or, eventually, the North American Free Trade Agreement (NAFTA).
- 5) What should the role of Industry Funding Organizations (IFO's) be? Should they simply act as bankers, or should they take a more active role?
- 6) How far should the concept of stewardship extend? Should it include IC&I materials in some way?

### PANEL 3: FUNCTIONAL ROLES AND RESPONSIBILITIES

Doug Barnes, Director, Municipal Government Structure Branch, Ministry of Municipal Affairs, outlined the rationale for the amendments to the Municipal Act proposed in the joint Ministry of Municipal Affairs/Ministry of the Environment Waste Management Powers discussion paper. He noted the need for enabling legislation for municipalities to engage in 3Rs activities and to implement user-pay systems. Mr. Barnes also outlined the elements of the proposals related to the capacity of municipalities to require the source separation of IC&I wastes, to control their flow to municipal 3Rs facilities, and to control tip fees at private landfills within their jurisdiction. In addition, he summarized the discussion paper's proposals related to the distribution of waste management responsibilities between upper and lower-tier municipalities.

Mr. Barnes stated that the discussion paper had prompted a wide range of responses. The private sector had reacted very negatively to the proposals for a regulatory role for municipalities. In addition, some municipalities stated that they did not want responsibility for IC&I waste diversion. There were also divisions among municipalities regarding the roles of upper and lower-tier governments. Some argued that upper-tier municipalities should have policy and planning responsibilities for waste management, while collection was carried out by lower-tier governments. Others argued for the assignment of all waste management responsibilities to the upper tier. Some lower-tier municipalities argued for the complete opposite arrangement.

Reference: Municipal Waste Management Powers in Ontario (Toronto: Ontario Ministry of Municipal Affairs, Ontario Ministry of the Environment, March 1992).

Grant Hopcroft, Controller, City of London, representing the Association of Municipalities of Ontario (AMO), noted the need for provincial action on the issue of waste export to the United States. He stated that there may also be a role for the federal government through the negotiation of some form of Canada-U.S. agreement on the issue. He suggested that a blanket prohibition by the province may not be necessary. He also noted that the FTA and GATT need to be considered in any action which the province or the federal government might take.

With respect to the interjurisdictional movement of waste within the province, Mr. Hopcroft stated the AMO supported the conduct of an environmental assessment of Metro Toronto's proposal to ship solid waste to Kirkland Lake. He noted that environmental problems do not obey political boundaries, and that in some cases the movement of waste out of jurisdiction may be necessary. He argued that this is especially true when no technically acceptable

site exists within a given municipality's boundaries.

Mr. Hopcroft stated that AMO supports the concept of municipal flow control over IC&I sector wastes as proposed in the Ministry of Municipal Affairs/Ministry of the Environment Waste Management Powers in Ontario paper. He argued that the proposed amendments to the Municipal Act ought to provide the basis for municipal action while maintaining municipal autonomy. He stated that municipalities want the freedom to design diversion programs and user-pay systems which are appropriate to their needs, and that they do not want system designs to be imposed by the province.

Reference: AMO's Response to Waste Management Powers in Ontario (Toronto: Association of Municipalities of Ontario, July 1992).

Carl Larusso, President of the Ontario Waste Management Association (OWMA), noted that "full-scale" export is occurring from Metro Toronto and the Greater Toronto Area region. He stated that this was due to the high tip fees at GTA landfills. Mr. Larusso noted that tip fees at U.S. landfills are typically in the range of \$50-\$60/tonne, and argued that a reduction in tip fees in Ontario would curtail the practice of waste export.

Mr. Larusso also argued that the high tip fees in Ontario have resulted in IC&I waste generators paying for residential recycling and waste management. As a consequence, he expressed the OWMA's strong support for the concept of user-pay for residential waste collection. In addition, he stated that the OWMA was willing to give a proportion of tip fees at its member's landfills, perhaps in the range of \$10/tonne, to support municipal recycling programs.

Mr. Larusso stated that the OWMA supports the concept of giving municipalities control over the flow of residential wastes, but objects strongly to the proposals for municipal flow control over IC&I wastes. He argued that this would artificially benefit public facilities, and that competition was essential for the efficient operation of the waste management system. Mr. Larusso also argued that IC&I waste generators are already diverting more than 25% of their wastes.

References: OMWA Position Papers: The Role of the Private Sector in Waste Management Programmes, The Regulation of Rates in the Waste Management Industry, and Mandatory Flow Control Regulations, January 1993, enclosed.

Zen Makuch, Counsel, Canadian Environmental Law Association, stated that the key principle in waste management should be a strategy of waste reduction. He argued that the practice of waste export directly contradicts this principle. He also argued that trade agreements should not be seen as "chilling" domestic environmental policy measures.



Mr. Makuch argued that federal trade policy, embodied in its approach to the FTA, NAFTA and GATT, was undermining the possibility of sound waste management strategies in Canada, by limiting domestic sovereignty over environmental policy. He suggested that the province might press the federal government to explore the possibility of a bilateral agreement regarding waste export with the United States. In this context, it was noted that the existing agreement on the transboundary movement of hazardous waste might be amended to address solid waste as well.

As an alternative, Mr. Makuch suggested that the province consider imposing a unilateral ban on waste export. He argued that given the change in administration in the United States, and public attitudes towards waste import there, there was a reasonable chance that such action might escape a trade challenge by the United States. He also proposed that the Canadian Environmental Protection Act be reopened to address solid waste issues.

Reference: Comments on the Ministry of Municipal Affairs' Municipal Waste Management Powers in Ontario, (Guelph: Waste Caucus, Ontario Environment Network, July 1992).

#### Discussion

Participants suggested that the problem of waste export might be addressed through the development of a tiered tip fee system for different types of materials, with mixed loads being charged the highest rate. Mr. Breeze stated that the WRO has developed a full cost pricing model for municipal tip fees. He also acknowledged the usefulness of a system of diversion credits from upper-tier to lower-tier municipalities for waste to reflect the avoided costs of diverted wastes. He stated that the WRO was exploring options of this nature. Mr. Breeze also noted that no formal committee structure, as suggested in the conference background paper, existed with New York State to address the export issue.

Some participants suggested that the new two-stream approvals process for waste diversion facilities was a myth. Mr. Breeze responded that the purpose of the new system was to permit the development of 3Rs infrastructure without having to await the conclusion of the full environmental assessment process for a waste management system including diversion and disposal components.

In the course of the discussion, Mr. Larusso noted that the effectiveness of landfilling bans in promoting diversion had been demonstrated in the cases of cardboard, paper and wood. Mr. Makuch argued that the reductions in the private waste stream which have been seen are due to waste export, rather than diversion.

An intense discussion took place regarding the interjurisdictional movement of waste, particularly as it related to the Minister of the Environment's decision not to allow Metro

Toronto to ship its waste to Kirkland Lake. Mr. Hopcroft and some members of the audience raised objections to the Minister of the Environment's refusal to let the Kirkland Lake proposal go through the environmental assessment process, describing this action as a "political" or "artificial" override.

Members of the environmental community strongly supported the Minister's action, arguing that waste export was contrary to the principle of waste reduction, as the 3Rs are best promoted by handling waste close to home. It was also stated that the proposal would lead to limited job gains, suffered from severe environmental problems, and that there was no clear consent from the host community.

In response, Mr. Hopcroft stated that AMO supports the principle of dealing with waste close to home, but that there was a need to recognize that some communities do not have technically acceptable disposal sites within their boundaries. Ellen Schwartzel of Pollution Probe replied by pointing out that the determination to rule out the waste export option for the GTA was made by a government duly elected to make decisions regarding the acceptability of certain policy options. Ms. Schwartzel noted that other governments had taken similar decisive actions in the past, including the federal ban on PCB exports, and the previous provincial government's bans on apartment incinerators, and on the use of waste oil as a dust suppressant, without demands for full environmental assessments for each decision. These governments had determined that the options in question were not acceptable and were prepared to be held to account for their actions through the electoral process.

It was also noted by some members of the audience that the Kirkland Lake proposal had little chance of obtaining a favourable decision through the environmental assessment process. Mr. Makuch stated that the broader question of the interjurisdictional movement of waste within the province might be addressed through the introduction of some form of province-wide tipping-fee.

**Ontario Waste Management Association**

**Position Papers**

**AN OWMA POSITION PAPER**  
*one of a series*

**The Regulation of Rates in the Waste Management Industry**

**PURPOSE**

To demonstrate how the regulation of rates stifles competition and prevents waste generators from benefitting from an efficient waste management system

**SCOPE**

This policy statement applies to all levels of government and to all components of the residential, industrial, commercial, institutional, biomedical and hazardous waste stream including:

collection	transfer stations
disposal	landfill
recycling	incineration

**BACKGROUND**

Public Utilities that supply hydro and natural gas are subject to rate regulation because they are monopolies. It is neither economically feasible nor physically possible for more than one company to service every area.

On the other hand, generators of waste benefit greatly because a competitive marketplace offers a choice of service providers, lower prices and better service.

A competitive marketplace fosters private sector investment into alternative waste management procedures.

**OWMA POLICY**

- ◆ OWMA strongly supports a competitive marketplace for waste management services;
- ◆ OWMA strongly supports the free enterprise system as the prime deliverer of waste management services;
- ◆ OWMA strongly opposes government legislated utility rate regulation.

January 1993

**AN OWMA POSITION PAPER**  
*one of a series*

**The Role of the Private Sector in  
Waste Management Programmes**

**PURPOSE**

To encourage governments to recognize the private sector as an integral, cost effective and environmentally sound component of their waste management programmes.

**SCOPE**

This policy statement applies to the management of all components of the waste stream, including:

collection	transfer stations
disposal	landfill
recycling	incineration

of residential, industrial, commercial, institutional, biomedical and hazardous wastes.

**BACKGROUND**

The economical and environmentally safe management of waste is an essential service required by all generators in the residential, industrial, commercial, institutional and medical sectors.

The public expects garbage to be handled efficiently, cost effectively and in an environmentally safe manner. Yet, the management of waste is one of the costliest items in a municipal tax budget.

Numerous independent studies have shown that greater private sector involvement in any waste management programme dramatically reduces costs and improves service levels and system efficiencies.

The private sector has consistently demonstrated an ability to increase the effectiveness of the 3Rs programmes through the development of new technologies and secondary material markets.

## **OWMA POLICY**

- ◆ **OWMA** believes that its members provide governments with attractive economic and environmentally safe waste management service alternatives for the collection, processing, recycling and disposal of used materials;
- ◆ **OWMA** believes that the greater use of the private sector in municipal waste management programmes will result in cost savings and system efficiencies;
- ◆ **OWMA** encourages all governments to investigate the feasibility of contracting out their waste management programmes to reputable private waste management companies, and to adopt such policies if it is economically viable to do so;
- ◆ **OWMA** encourages all levels of government to institute fair bidding policies and procedures so that service proposals from both the public and the private sectors can be compared equitably;
- ◆ **OWMA** encourages the application of procedures to monitor the ongoing performance of all service providers.

January 1993

**AN OWMA POSITION PAPER**

*one of a series*

**Mandatory Flow Control Regulations**

**PURPOSE**

To dissuade governments from enacting flow control legislation.

**SCOPE**

This policy statement applies to all levels of government and to all components of the residential, industrial, commercial, institutional, construction, biomedical and hazardous waste stream.

**BACKGROUND**

The municipal solid waste stream includes all waste generated from households. This waste can be either hazardous or non-hazardous, recyclable or not.

The responsibility of municipal government has been to determine the means of collection and disposal of this solid waste.

Traditionally, governments have not been responsible for the collection, disposal or recycling of material from the industrial, commercial and institutional waste stream.

Collection forces and disposal locations and methods and services can be either public or private or a combination of both.

Neither public nor private waste management facilities should require a guaranteed supply from the waste stream. Each should have a reasonable chance to compete for its business.

Flow control regulations compel waste generators to use a specific system or part thereof. Those regulations designed to artificially benefit publicly owned facilities at the expense of private facilities stifle competition.

The private sector has demonstrated its commitment to help solve the waste management crisis through the investment of millions of dollars into the research and development of new technologies in disposal, in recycling and in reduction. Where competition is suppressed, the private sector has no incentive for innovation, new investment and/or the creation of recycling options.

A competitive marketplace is essential if the costs of operating waste management systems are to remain realistic.

### **OWMA POLICY**

- ◆ **OWMA believes that everyone - governments, taxpayers, waste generators - benefits from a truly competitive marketplace;**
- ◆ **OWMA believes that a system which allows for free movement within the total waste stream provides the maximum economic benefits to all waste generators;**
- ◆ **OWMA opposes any form of legislation which unfairly benefits public waste management facilities at the expense of their private counterparts;**
- ◆ **OWMA opposes the application of flow control regulations to recyclable materials and residue originating from the industrial, commercial and institutional sectors.**

January 1993



#### PANEL 4: FINANCIAL ROLES AND RESPONSIBILITIES

Wendy Cook, Chair of the Minister of the Environment's Waste Reduction Advisory Committee (WRAC), outlined WRAC's proposed "shared model" of resource stewardship for the dry recyclables waste stream. Ms. Cook noted that the model is based on the principles of the internalization of waste management costs, a functional sharing of responsibilities and economic sustainability. She argued that the proposal builds on the existing system of 3Rs infrastructure in Ontario, and assigns the key activities to the most appropriate parties. Generators are responsible for source separation, municipalities for collection, and producers for processing and marketing. The system would entrench the 3Rs through user-pay mechanisms, particularly Variable Unit Charges (VUC) for producers and Variable User Fees (VUF) for generators.

Reference: Waste Reduction Advisory Committee, The Shared Model: A Stewardship Approach to Waste Management in Ontario (For Dry Recyclables and the I/C/I stream), (Toronto: Ontario Ministry of the Environment, February 1992).

Hugh Howson, National Manager, Environmental Affairs, Canadian Manufacturers' Association, stated that manufacturers are not opposed to the use of high tip fees to promote waste diversion. He noted that high fees create opportunities to reduce waste, and that these efforts often result in substantial savings. He cited the example of Quaker Oats, which has reduced its solid waste generation by 90% over the past five years, achieving a saving of over \$1 million.

Mr. Howson also outlined the Grocery Products Manufacturers of Canada's (GPMC) proposed stewardship model. He stated that the GPMC's proposal is very much a discussion document, which attempts to describe a possible way forward on product stewardship. The model includes an Industry Funding Organization (IFO's) to support curbside recycling on an ongoing basis and is, in this sense, a step up from the OMMRI model. It also includes components related to market development, and a variable unit charge, initially a flat rate based on weight. This charge will eventually be varied according to material and packaging type as greater information and experience regarding processing costs is obtained.

Reference: Grocery Product Manufactures of Canada, GPMC Packaging Stewardship Model, (Toronto: Grocery Product Manufacturers of Canada, December 1992).

Grant Hopcroft, expressed AMO's strong support for the use of high tip fees to encourage diversion and for granting municipalities permissive authority, through Municipal Act amendments, to implement user-pay systems for curbside waste collection. He noted that municipalities wanted to retain the authority to design user-

pay systems to meet their individual needs, and objected to the notion of the province imposing a particular model.

Mr. Hopcroft stated that AMO strongly supports the concept of product stewardship, and sees brand owners as the principal stewards. He noted that municipalities were uncertain regarding the level of support which would be forthcoming from the Industry Funding Organizations (IFO's) proposed in the WRAC and GPMC models. He stated that AMO did not want an OMMRI type system. Rather, AMO prefers a system which would provide ongoing support for diversion efforts.

John Hanson, Executive Director, Recycling Council of Ontario, discussed recent developments in Ontario and elsewhere with user-pay systems. He noted that user-pay charges reduce inequities between sectors, produce cost savings, and that garbage generation rates have fallen and recycling rates have risen in cities using them. They appear to have a significant influence on citizen buying decisions and behavior.

Mr. Hanson stated that no hard evidence exists indicating that illegal dumping is a major problem. He went on to say that user-pay and full cost accounting are the two single most important steps that the provincial government can take with respect to waste management. Without these steps many other measures may fail or fail to fulfil their potential. He also noted the importance of educational efforts to ensure public acceptance of user-pay systems.

Reference: notes for remarks enclosed.

Ray Rivers, Chief, Great Lakes Pollution Prevention Branch, Environment Canada, discussed the use of economic instruments in solid waste diversion. He noted that the approach was consistent with pollution prevention and environment and economy integration. He argued that of the conditions necessary for the use of economic instruments to bring about change, including alternative means of dealing with waste, are available (the 3Rs) and that the cultural mechanisms necessary to facilitate change are in place. At the same time, he noted the need for a move to full cost pricing, particularly with respect to disposal, and the need for a more complete regulatory structure before the use of economic instruments would be fully effective.

Reference: Environment Canada, Economic Instruments for Environmental Protection: A Discussion Paper, (Ottawa: Supply and Services Canada, 1992).

Ellen Schwartzel, Researcher, Pollution Probe, described WRAC's shared model as a starting point, which provides for more industry participation and more stewardship than the present system. It also links financial responsibility with authority for actions. However,

ONTARIO WASTE REDUCTION ADVISORY COMMITTEE (WRAC)

EXCERPTS FROM ROADMAP TO WASTE MINIMIZATION  
MAKES THE CASE THAT USER PAY AND FULL COST  
ACCOUNTING ARE ARGUABLY THE SINGLE MOST IMPORTANT  
STEP THE PROVINCE CAN TAKE.

"WITHOUT FULL COST ACCOUNTING/USER PAY  
SYSTEMS MANY WASTE REDUCTION MEASURES WILL FAIL TO  
ACHIEVE THEIR POTENTIAL AS WASTE DIVERSION MECHANISMS"

ONTARIO FAIR TAX COMMISSION  
WORKING GROUP ON PROPERTY TAX

"THERE IS BROAD CONSENSUS THAT THE PRICING OF WATER  
AND SEWER SERVICES AS WELL AS WASTE COLLECTION  
AND DISPOSAL MUST BEGIN TO REFLECT THE TRUE COST  
WITHOUT SUBSIDY OF PROVIDING THESE SERVICES."

RECOMMENDATION:

"... THAT RATE STRUCTURES FOR COLLECTION  
AND DISPOSAL OF WASTE SHOULD REFLECT FULL COST  
ACCOUNTING FOR LONG TERM SITE MAINTENANCE AND  
REPLACEMENT COSTS."

DISPOSAL COST INEQUITY

●IC&I SECTORS OFTEN PAY INORDINATE PERCENTAGE  
OF COMMUNITY DISPOSAL COSTS THROUGH TIP FEES

BRANTFORD, ONTARIO (BUDGET)

TOTAL COST OF RESIDENTIAL WASTE MANAGEMENT..... \$3,132,451

TOTAL COST OF IC&I WASTE MANAGEMENT.....\$3,527,974

REVENUE FROM RESIDENTIAL TAXES .....\$570,000

REVENUE FROM IC&I TIP FEES.....\$6,090,398

WHERE USER PAY REJECTED

PETERBOROUGH

REFERENDUM QUESTION (NOVEMBER 1/93)

A. TIP & TAG (USER PAY)

•\$1.20/CONTAINER, \$1.60 IN 1993

\$36 REDUCTION IN TAXES

OR

B. TIP & TAX

•\$88 TAX INCREASE IN 1992

+ \$42 INCREASE IN 1993

RESULT

2 TO 1 IN FAVOUR OF TAX INCREASE

she noted that the proposed system may suffer from a number of limitations, including the potential for a high degree of complexity. This was especially true regarding the development of Memorandums of Agreement (MOU's) for each sector and the establishment of monitoring arrangements. She also observed that the proposed system is not particularly transparent to the public.

Ms. Schwartzel noted that WRAC has passed a number of unresolved issues back to the Waste Reduction Office. She argued strongly that the Office should not wait until it had developed a "unified field theory" of stewardship, which completely satisfied everyone, before acting to implement the principle. She contended that WRO should use WRAC's work as a starting point, and adopt elements of the German green dot system as appropriate. Ms. Schwartzel stated that the province must not waver or hesitate as it searches for a consensus that pleases all.

Ms. Schwartzel argued that Ontario cannot wait for the development of a national stewardship system. She contended that Environment Canada and the Canadian Council of Ministers of the Environment (CCME) are incapable of carrying off the development and implementation of a national system. She noted that the rest of Canada had followed Ontario's lead on CFC's and that the same thing might happen with product stewardship. She argued that all of the sectors in Ontario are currently in a waiting mode, looking for decisions from the province. If the province does not act now, interest in, and willingness to act on, the concept of stewardship will flag, key stakeholders, such as the GPMC will move on to other issues, and the opportunity will be lost.

Ms. Schwartzel also argued that the question of the underpricing of new resources must be addressed. She held that the environmental externalities related to resource extraction must be reflected in the price of those resources.

Reference: Schwartzel, E., Economic Instruments to Encourage Waste Reduction, Reuse and Recycling, (Guelph: Waste Caucus, Ontario Environment Network, August 1992).

## Discussion

Participants focussed their comments on the question of the introduction of user-pay systems for household waste collection. It was noted that such systems will be difficult to administer in multiple-unit dwellings. In addition, a number of individuals from rural municipalities suggested that the use of user-pay systems was resulting in substantial illegal dumping in rural areas. It was also pointed out that user-pay systems might encourage individuals to divert wastes to inappropriate disposal practices, such as burning plastics in home fireplaces. It was noted that user-pay systems would have to be implemented as part of an integrated system of financing arrangements.

**Notes for Remarks**

**John Hanson**

**Recycling Council of Ontario**



## INTERNATIONAL EXPERIENCE

### SWITZERLAND:

100 COMMUNITIES HAVE HAD PAY BY THE BAG SINCE 1985

AVERAGE COST 70 CENTS US/BAG

RESULTS: REDUCTION IN PER CAPITA GENERATION OF 220-330 LBS/YEAR

FURTHER REDUCTION OF 2-3% FOR 10% INCREASE IN COST

### UNITED STATES:

#### ●MINNESOTA:

REQUIRES ALL COUNTIES TO MANDATE WEIGHT OR VOLUME BASED SYSTEMS.  
MANDATED INCREASING RATE (IE) HIGHER THE VOLUME, HIGHER THE RATE)

#### ●PENNSYLVANIA

41 MUNICIPALITIES ;LARGEST IS 105,000 POPULATION  
CONSIDERS USER PAY "PROVEN INCENTIVE TO REDUCE WASTE"

#### ●NORTH CAROLINA

ENCOURAGING FEES OVER TAXES

#### ●SEATTLE

BAG TAG PROGRAM AND STANDARD CONTAINER PROGRAM

## GANANOQUE

DISPOSAL COSTS INCREASING FROM \$80,000 TO \$250,000/ANNUM  
INSTITUTED \$1 PER BAG

### RESULTS

- GARBAGE DECREASED FROM 128 TO 68 TONNES/MONTH (45% REDUCTION)
- RECYCLING INCREASED FROM 8 TO 22 TONNES/MONTH (INCREASE OF 175%)
- RECYCLING CONSTITUTED 6.25% OF GARBAGE, NOW 32%
- COMPOSTER DISTRIBUTION 50%
- COST SAVINGS \$115,000
- DISPOSAL COSTS SUBTRACTED FROM TAXES

WEST GARAFRAXA- WELLINGTON COUNTY

- COSTS INCREASING FROM \$140 TO \$250 PER YEAR
- VOLUNTARY PROGRAM- 90 OF 210 HOMES
- \$2 PER STICKER FOR EACH BAG OR CAN

RESULTS (FIRST 5 WEEKS)

- GARBAGE DECREASED FROM 31 TO 19 LB/HH
- 64% OF RESIDENTS HAVE ALTERED PURCHASING HABITS
- REPORT NO NEGATIVE FEEDBACK

OTHER ONTARIO COMMUNITIES

WESTMEATH TWP \$3/BAG

PACKENHAM \$1/BAG OVER 2/WEEK

GRAND BEND \$2/BAG

SHELBURNE \$1/TAG IF OVER 104 BAGS/YEAR

BROCKVILLE \$1/TAG IF OVER 4 BAGS/WEEK

MCNAB TOWNSHIP \$1/TAG IF OVER 4 BAGS/WK

PARRY SOUND \$1 TAG IF OVER 3 BAGS/WEEK

WEIGHT BASED

SEATTLE PILOT

1990-91

STATIC CRANE SCALE ON TRUCK

BAR CODES TO IDENTIFY HOUSEHOLDS

RESULTS

TONNAGE DECREASED BY 15%

OAKVILLE, ONTARIO

- \$700,000 IN FEDERAL FUNDING
- MOBILE COMPUTING CORPORATION (MCC) DEVELOPING TECHNOLOGY
- COMPUTERIZED FLIPPER ARM
- MOCK BILLS TO BE PROVIDED TO PARTICIPANTS
- TECHNOLOGY MUST MEET "LEGAL FOR TRADE" REQUIREMENTS FOR ACCURACY IF CHARGING BY WEIGHT
- COMPETITIVE AREA- A NUMBER OF COMPANIES ARE WORKING TOWARD DEVELOPMENT OF TECHNOLOGY

## SUMMARY OF CONCLUSIONS

### Approvals

- 1) There was broad agreement among proponents regarding the problem of uncertainty with the existing approvals process. Many proponents, municipally and community-based, and in the private sector, expressed the view that they feel as if they are dealing with "a moving target" in attempting to meet Ministry requirements. One panelist stated that there is "a drastic need for certainty" in the approvals process.
- 2) The proposed permit-by-rule system prompted mixed reactions. While strongly supported by many municipalities attempting to develop 3Rs infrastructure, it was suggested by some panelists and participants that the new system might actually make the present situation worse. It was suggested that some members of the recycling industry might prefer the formal approvals process, which produces a clear set of requirements from the Ministry in the form of the terms and conditions of a Certificate of Approval. It was also pointed out that the formal process ensures a degree of openness and accountability in the granting of environmental approvals.
- 3) It was suggested that the present 200 tonnes of residue per day threshold for Environmental Assessment Act exemptions for recycling facilities be replaced by a standard based the proportion of residue produced in relation to the incoming amount of material. The proposal appeared to receive general support. This change would be intended to address the problem of the misrepresentation of waste disposal operations as recycling facilities.
- 4) There was an underlying disagreement regarding the role of large-scale integrated 3Rs infrastructure projects, as opposed to smaller, locally-controlled community-based undertakings. The potential role of the latter type of project in the overall diversion effort may need to be considered in more detail by public policy decision-makers.

### Marketing Recyclables

- 1) The underpricing of virgin materials, principally due subsidies and the failure of their prices to reflect the costs of the environmental externalities associated with their extraction, along with low disposal prices and the costs of collection, were identified as the key barriers to the development of markets for recycled materials.
- 2) There was significant disagreement with respect to how the problem of virgin material underpricing should be addressed. The recycling industry proposes that it be made more

competitive through tax relief, while the environmental community tends to favour the internalization of these costs in the prices of virgin materials.

- 3) The need for technical assistance programs and the development of standards for secondary materials was stressed.
- 4) The need for a stringent approach to the labelling and sale of products as containing post-consumer fibre was identified by members of the recycling industry and the environmental community.
- 5) Public and private sector procurement was identified as having great potential to address the problem of markets for recovered materials. The need for a more effective and comprehensive approach to procurement programs in the public and private sectors was noted. This might include standards and preferential pricing, as well as "buy recycled" education programs.

## **FUNCTIONAL AND FINANCIAL ROLES AND RESPONSIBILITIES**

### **Functional and Roles and Responsibilities**

- 1) It was pointed out by the OWMA that the use of very high tip fees will continue to prompt the export of IC&I sector wastes. AMO and the environmental community suggested some form of action to limit the export of waste, perhaps through an extension of the existing Canada-U.S. Accord on the Transboundary Movement of Hazardous Waste, was necessary. An outright provincial ban on waste export was suggested by some members of the environmental community.
- 2) The question of the interjurisdictional movement of waste prompted disagreement between representatives of the municipal sector and of the environmental community. This was especially true as it related to Metro Toronto's pursuit of proposals to ship waste to Kirkland Lake for disposal. Members of the environmental community stressed the importance of the principle of communities taking responsibility for the wastes which they generate in promoting waste reduction.
- 3) There was agreement between AMO and the OWMA on granting municipalities "flow control" over the residential waste stream. However, there was intense disagreement regarding the granting of municipal "flow control" over IC&I wastes and municipal powers to regulate private sector tipping fees within their jurisdictions.
- 4) Municipalities want legislative authority to design and implement user-pay and waste diversion programs. However, they do not wish the province to impose particular program models

on municipal governments.

### **Financing Waste Diversion**

- 1) There was general support for the continued use of high tip fees to promote waste diversion. The possibility of the use of differential fee structures was raised to address the problem of waste export.
- 2) Broad support emerged for a shift to a user-pay approach to financing residential waste collection. Problems were identified with the use of this approach in multiple-unit dwellings. Concerns regarding the dumping of waste in rural areas, and public acceptability, were also raised.
- 3) The concept of product stewardship was accepted and supported in principle by all of the interests present, including the environmental community, municipalities, and manufacturers.
- 4) The major issues to be resolved in the implementation of a product stewardship approach were identified as including the design of "backdrop" regulations and the level of support which IFO's will provide to municipalities.

## THE NEXT STEPS

The Canadian Institute for Environmental Law and Policy intends to follow-up this overview conference with a number smaller seminars intended to address the issues raised on January 23 in more detail. The focus of these events will depending upon the level of interest expressed by participants and the availability of financial support. The institute hopes to be able to address such issues as product stewardship, user-pay systems, approvals, marketing recyclables and the role of community-based projects in waste diversion. The Institute will contact January 23 participants regarding the dates, agendas and registration for these events.



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