



CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW & POLICY

517 College Street, Suite 400, Toronto, Ontario M6G 4A2 (416) 923-3529 FAX (416) 923-5949

A NINE-POINT ACTION PLAN FOR MUNICIPAL SOLID WASTE DIVERSION IN ONTARIO

The Canadian Institute for Environmental Law and Policy

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VF:
The Canadian Institute for Environmental Law and Policy
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Diversion in Ontario

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I. INTRODUCTION

Over the past decade the focus of Municipal Solid Waste (MSW) management policy in Ontario has shifted from disposal to diversion. In 1989 the Ontario government set the goals of a 25% diversion of MSW from disposal or incineration by 1992 and a 50% diversion by the year 2000. Over the past year the Canadian Institute for Environmental Law and Policy (CIELAP) has undertaken an extensive program of research on solid waste management issues. The program culminated in a conference on solid waste management policy in Ontario on January 23, 1993.¹

On the basis of this work, the Institute regards the province's claims regarding the success of its waste diversion efforts to date as being open to challenge.² This failure raises serious questions regarding Ontario's current approaches to the achievement of its waste diversion goals. In the context of this finding, and supported by the results of its research and consultations, the Institute believes that there are a number of steps which, if taken, could have a dramatic effect on the problems of waste generation and management in Ontario.

These measures include: a shift to the full-cost pricing of waste disposal; the introduction of user-pay/pay-per-bag systems for residential waste collection; the implementation of the principle of product stewardship; increased efforts to establish markets for recovered materials; 3Rs technology development support; support for community-based diversion projects; a clarification of municipal solid waste management powers under the Municipal Act; and the implementation of proposed 3Rs regulations under the Waste Management Act of 1992. CIELAP believes that action in these areas by the Ontario government is essential if the province is to reach and exceed the 50% diversion goal by the year 2000.

II. RECOMMENDATIONS FOR ACTION BY THE GOVERNMENT OF ONTARIO

1) WASTE EXPORT

The practice of waste export deals with the environmental

costs of consumption by transferring them to other communities. It does not deal with the fundamental questions underlying waste generation and management. It is therefore no solution to the waste management crisis.

Recommendations:

- 1) The province should maintain its prohibition on the export of Greater Toronto Area (GTA) waste to other areas of the province.
- 2) The province should work with the federal government and U.S. federal and state governments to curtail the export of solid waste to the United States.

2) FULL-COST PRICING OF WASTE DISPOSAL

High tipping fees at landfills have been widely demonstrated to be a very effective means of providing incentives to Industrial-Commercial and Institutional (IC&I) sector waste generators to reduce, reuse or recycle their wastes by making the 3Rs a less expensive option than disposal. However, low tipping fees at competing facilities have undermined the efforts of some municipalities to employ high disposal fees to promote the 3Rs. Tipping fee differentials have also encouraged the movement of waste around the province.

Recommendation: The provincial government should establish and implement a formula-based system for setting a minimum tipping fee for waste disposal, applying to public and private landfills, for each municipality in the province. This formula should include capital, operational, planning and post-closure care costs. In addition, there should be allowances for the creation of contingency funds against unanticipated environmental damage and to address the rehabilitation of abandoned disposal sites which are sources of environmental problems. The possibility of employing regionally-based formulas, to take into account the broad variations in municipal organization which exist between the major regions of the province should be considered as part of this approach.³

3) USER-PAY SYSTEMS FOR RESIDENTIAL WASTE COLLECTION

At present residential waste management services are paid for through property tax assessments, in combination, in some jurisdictions, with tipping fees for IC&I sector wastes. This system provides households with no incentives to engage in 3Rs and composting activities, as the assessments do not vary with the amount of waste generated. Collection charges for household waste disposal are now widely employed in Europe and the United States,

and the approach has been adopted by a small number of municipalities in Ontario.

The experiences of these jurisdictions indicates that user-pay systems produce cost savings, reduce garbage generation rates and increase participation in recycling programs. They also appear to have a significant influence on citizen buying decisions and behaviour.

Recommendation: All Ontario municipalities should move towards a full-cost user-pay model for residential wet wastes and residuals. Waste management costs should be removed from property tax assessments as part of this transition. The Municipal Act should be amended immediately to provide municipal governments with clear legislative authority to implement user-pay systems, as proposed in the joint Ministry of Municipal Affairs/Ministry of the Environment Municipal Waste Management Powers in Ontario discussion paper of March 1992. The costs of managing the dry recyclable component of the waste stream ought to be addressed through a product stewardship system.

4) PRODUCT STEWARDSHIP

Currently 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 their use of packaging to address 3Rs and disposal costs. The concept of product stewardship is based on the principle that if producers can be compelled to internalize the costs of the post-consumer processing or disposal of their products and associated packaging, they will be provided with very strong incentives to reduce their use of packaging and to increase the durability of their goods.

The principle of product stewardship underlies the Green Dot system in Germany,⁴ and is gaining increasing support in Ontario. Stewardship models have been proposed by the Ontario Waste Reduction Advisory Committee (WRAC)⁵ and, more recently, by the Grocery Products Manufacturers' of Canada (GPMC).⁶ A stewardship system is under consideration by the Ministry of the Environment's Waste Reduction Office.

Recommendation: The Waste Reduction Office of the Ministry of the Environment should release its discussion paper on waste management financing and product stewardship immediately. A consultation process should then begin within a set time frame of six months. In the event that agreement is not reached among the affected sectors by the end of the consultation period, the province should establish a stewardship system through backdrop regulations. These might include bans of products or packaging from municipal solid waste and "take back" requirements for retailers, mandatory

deposits, negative labelling, or some form of product charge. The province should only consider limiting its right to regulate packaging as part of a stewardship system if the system involves 100% waste management cost internalization by packaging users, along the lines of the German Green Dot system.

5) RESOURCE PRICING AND MARKETING RECYCLABLES

i) Resource Pricing

The establishment of markets for materials recovered through recycling programs remains a serious challenge. The lower-price of virgin source materials presents the greatest challenge to the development of markets for recovered materials. This is often the result of direct and indirect state subsidies for resource extraction, and the failure to account for the environmental costs associated with resource development. This issue will require long-term reforms to resource development policies to be fully addressed.

Recommendation: The province should develop a full-cost accounting system which recognizes resource depletion, subsidies and environmental costs in natural resource extraction activities. In the long-term this will provide the basis for more sound resource management decisions and will be essential for the formation of an economic system which is environmentally and economically sustainable.

ii) Marketing Recyclables

In the short term, there are a number of measures which might be employed to stabilize and expand markets for recovered materials.

a) Government Purchasing

Government purchasing comprises a significant portion of the Canadian economy. Therefore, government purchasing can exert a substantial influence on the market place, generating a significant demand for recovered materials.

Recommendation: Provincial government purchasing agents should be required to include waste management costs in purchasing contract specifications (this can operate as a simple price preference for materials with recycled content and services which are delivered in a manner which minimizes waste generation). The same approach should be employed by municipalities and the federal government. Mandatory targets for government purchases of products with recycled content should also be set.

b) Labelling

Labelling can be a major element of a consumer education program intended to promote the use of products with recycled content. Labelling regarding "post-consumer" content is particularly important in this regard.

Recommendation: Clear and enforceable standards for the use of the term "recycled" in labelling related to post-consumer content levels should be established. This activity might be undertaken in conjunction with the federal government's Environmental Choice (Ecologo) Program.

c) Recycled Content Legislation

Recycled Content Legislation - laws requiring industry to use recycled materials in manufacturing, have been employed by thirteen U.S. states to stimulate demand for secondary materials, particularly newsprint. This type of legislation can be employed in lieu of, or in addition to voluntary agreements with industry.

Recommendation: Consider the use of recycled content legislation as a backup to efforts to negotiate voluntary agreements with manufacturers to use recovered materials in manufacturing processes.

6) TECHNOLOGY SUPPORT

Technical assistance and technology development support have been identified as critical to the establishment of viable recycling industries by a wide range of sectors.

Recommendation: The Ministry of the Environment's existing 3Rs technology support programs should be continued and expanded. Greater emphasis should be placed on source reduction technologies than has been the case in the past.

7) COMMUNITY-BASED PROJECTS

Community-based waste diversion projects have often proved to be highly effective and efficient. They put the principle of community responsibility for waste management into direct action. Small-scale projects with strong community support are also less likely to prompt as much resistance in the approvals process than is the case with large-scale, centralized undertakings.

Recommendation: The province and municipal governments should continue and expand support for local, community-based, non-centralized diversion projects, such as community composting and waste exchanges/resource centres.

8) MUNICIPAL WASTE MANAGEMENT POWERS

Most municipal governments in Ontario lack explicit legislative authority to operate solid waste diversion programs.

Recommendation: The Municipal Act should be immediately amended to provide municipalities with permissive authority to engage in 3Rs programs as proposed in the March 1992 Ministry of Municipal Affairs/Ministry of the Environment Municipal Waste Management Powers discussion paper. Municipal authority over the residential waste stream should also be affirmed.

9) THE PROPOSED WASTE MANAGEMENT ACT REGULATIONS

Regulations to be made under the Waste Management Act, enacted in April 1992, related to waste diversion, were proposed as Regulation XXX in October 1991. They have yet to be promulgated.

Recommendation: The proposed regulations related to mandatory waste audits, waste reduction plans and source separation for IC&I sector waste generators should be promulgated as soon as possible.

III. CONCLUSIONS

Over the past two years a number of solid waste management initiatives have been launched by the Ontario government. CIELAP's research indicates that all of the sectors involved in waste management issues in Ontario are currently in a waiting mode, anticipating decisions from the province to complete the implementation of these programs. Strong support exists for a wide range of concrete measures, including the introduction of full-cost user-pay systems for waste collection and disposal, action to implement the principle of product stewardship, and immediate steps to address short-term barriers to the marketing of recovered materials.

This consensus represents a unique opportunity for the province to act. In doing so, the Ontario government would begin the process of transforming the waste management system into a resource management system, which seeks environmental and economic sustainability in the long term. However, if the province does not act soon, the opportunity to bring about this change will be lost. The pursuit of out of sight, out of mind approaches to waste management will persist and the consumption of the planet's resources at rates which ignore the needs of other inhabitants of the earth, and which mortgage the world's future, will continue.

ENDNOTES

1. See Winfield, M., et al, Looking Back and Looking Ahead: Municipal Solid Waste Management Policy in Ontario from the 1983 Blueprint to 50 Diversion by 2000 - Conference Background Paper and Report, (Toronto: Canadian Institute for Environmental Law and Policy, March 1993).

2. Ibid., Background Paper, pp. 6-7.

3. See Winfield, M., Comments on Municipal Waste Management Powers in Ontario (Toronto: Canadian Institute for Environmental Law and Policy, June 1992) for a detailed presentation of this proposal.

4. For a general discussion of the "Green Dot" program see F. Cairncross, "How Europe's Companies Reposition to Recycle," Harvard Business Review, March-April 1992, pp. 34-45.

5. Ontario Waste Reduction Advisory Committee, Resource Stewardship in Ontario: Shared Responsibility (For the Management of Secondary Resources and Wastes from Residential, Industrial Commercial and Institutional Resources), (Toronto: Ontario Ministry of the Environment, November 1992).

6. Grocery Products Manufacturers of Canada, GPMC Packaging Stewardship Model: Discussion Document (Toronto: Grocery Products Manufacturers of Canada, December 1992).