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November 14 2020

Attention: Atif Durrani
Ministry of the Environment, Conservation & Parks
Resource Recovery Policy Branch
40 St. Clair Ave West, 8th floor
Toronto ON M4V 1M2
rrpb.mail@ontario.ca

Re: ERO # 019-2498 - Proposal to amend the Food and Organic Waste Policy Statement

The Toronto Environmental Alliance (TEA), Canadian Environmental Law Association, Citizen's Network on Waste Management, Environmental Defence, and HEJ Support are pleased to see that the Ontario Government is moving forward on efforts to reduce disposal and waste of food and organic waste.

However, we have serious concerns that proposed amendments to the Food and Organic Waste Policy Statement will increase environmental harm and undermine efforts to build a healthy circular economy by promoting the use of compostable single use products and packaging.

KEY PRINCIPLES:

Our organizations have been actively monitoring and advocating for zero waste policies in Ontario for a number of years. Our comments are based on the following principles for Food and Organic Waste, and for all forms of waste in Ontario:

- The top priority of any waste policies and guidelines must be to protect human and environmental health.
- Policies should promote resource conservation and lead to the highest and best use of materials and organic nutrients.
- Producers must be held fully responsible for products and packaging they put on the market, no matter what material is used.
- Policies and guidelines should prioritize the phase out of toxic substances in packaging and products as these can be perpetuated in recycling and composting into new products and materials.
- Transparent public reporting and third party auditing is key to ensure effectiveness.

SUMMARY:

The Food and Organics Policy Statement is an important guide and direction for the public, for municipalities, for businesses and producers to prevent and reduce food and organic waste and to support a circular economy. It is crucial that all Ontario residents, no matter where they live, can divert organic waste, and that businesses are held responsible for preventing and diverting organics created at their facilities and from the products they supply to the market.

We strongly disagree with the proposed amendments that direct municipal green bin programs and organics processors to accept single use coffee pods and compostable bags, in direct contradiction with the province's shift to extended producer responsibility regulations for all other forms of packaging. As such, these amendments will not reduce waste, but will create incentives for businesses to use low-value, single-use packaging, increasing garbage and litter across Ontario.

The proposed amendments also do nothing to address inaccurate and misleading labels on products about compostability, perpetuating public confusion and not achieving the stated goal of helping the public and businesses make better decisions about compostable packaging and products.

The proposed amendments ignore the serious environmental harms of compostable packaging including the presence of dangerous persistent toxic substances and do nothing to prevent their spread to Ontario soils, agriculture, and eventually the food chain.

Please find below detailed comments and recommendations on the ERO posting # O19-2498, Proposal to amend the Food and Organic Waste Policy Statement.

“COMPOSTABLE” PACKAGING IS NOT A SOLUTION:

From an environmental perspective, “compostable” packaging and single-use products are not an environmental solution, they just shift the problem.

The public, businesses and governments are looking for solutions to address the environmental impact of plastics, and simply substituting single-use plastic with a 'compostable' plastic alternative has been promoted as an easy solution.

However, this easy switch to 'compostable' single-use packaging does not result in reduced waste, or increased reusables, but perpetuates single-use materials. It distracts or displaces other efforts and incentives to reduce waste.

The switch to 'compostable' and 'biodegradable' single-use packaging is not an environmental solution to growing waste, but simply shifts a major waste problem from one material to another, introducing another host of issues.

- The vast majority of Ontario municipal green bin programs and private organics processors cannot compost 'compostable' packaging, so these materials simply end up in the garbage.
- The public receives conflicting messages about how to manage the waste - this leads to consumer confusion, and contributes to contamination of all waste streams - in the organics and green bin programs, compostable plastics placed in the recycling bin, and increased litter.
- Municipal waste programs and organics processors face rising costs for managing 'compostable' food packaging waste, managing contamination and disposal of contaminants.
- Compostable packaging can be as harmful as plastics to wildlife, and can be more harmful in terms of the amount and types of toxic substances and the transfer of those toxics to compost, agricultural uses and the food chain.

COMMENTS AND RECOMMENDATIONS:

- 1) **Most municipal programs and organics processing and composting facilities in Ontario are unable to process many types of 'compostable' plastic and packaging, and simply remove the materials as contamination for disposal.¹**

This is due to a range of factors, including the processing techniques and length of composting time needed. For example, major Ontario municipalities have, or are moving towards anaerobic digestion technology which removes any plastic-like contaminants - including 'compostable plastics' - prior to processing, and has a short processing time.

There are a number of certification programs and 'compostable' standards that reflect different processing needs, but these do not reflect actual performance and results in most Ontario facilities. Without a confirmed standard that is proven to be effective in the majority of facilities in Ontario, and available to the majority of organics customers, **the Province should not promote or encourage the use of 'compostable' packaging.**

RECOMMENDATIONS:

The Province should not promote or encourage the use of "compostable" packaging.

The Province should work with all stakeholders including producers, organics processors and the public (including agricultural sectors) to identify which, if any, certification standards are accepted by local facilities and deliver the highest environmental and human health benefit.

- 2) **Producers and manufacturers must be held responsible for factual and accurate public education and labelling that does not mislead individual and business consumers about compostability of their products.**

A stated goal of this amendment is to support decision making by consumers and businesses, however it does not address misleading and confusing information about 'compostable' packaging. Without clearer education or labelling requirements, the amendment effectively gives businesses a free pass to make false claims and mislead their customers and the public.

The range of certification standards, and the range of guidelines for organics programs contribute to significant confusion with the public and businesses - this contributes to higher rates of contamination.

Product labels of 'compostable' mislead the public and businesses and imply that those materials are readily compostable in all situations. This can lead people to believe that the product can go in their local

¹ Most Ontario municipalities direct residents to dispose of 'compostable' plastic packaging in the garbage. Also confirmed to be the case for other processors by [recent comments from the CEO of Ontario Waste Management Association](#) in Oct 3, 2020 CBC News "Push to allow some coffee pods in green bins reveals unresolved issues in Ontario's compost system" by Kate McGillvary.

green bin, their backyard composter, or that littering isn't a problem because the container will break down in the natural environment.

Consumers and businesses also face significant confusion as management guidelines and how to properly sort 'compostable' packaging can differ by waste service provider and location - including differences between municipalities, between residences (e.g. multi-residential buildings), and away from home at work, at a university, a restaurant or in public space.

To address this confusion that contributes to public frustration, producers that choose this packaging must be responsible for addressing the significant public and business confusion around 'compostable' packaging and how to properly manage it.

RECOMMENDATIONS:

Producers should be prohibited from calling products 'compostable' without confirmed evidence of effective processing of that material in the majority of processing facilities in Ontario.

Producers should be required to provide factual information on the product and at point of sale to consumers that explains that the product may belong in the garbage stream, or that even if accepted in the green bin, may be removed as contamination and sent for disposal.

3) Producers, not organics processors, need to be held responsible for the end of life management of all of the branded organics and single-use products and packaging they create.

The proposed amendments put the onus on organic and food waste processors and municipalities to manage non-food compostable waste but glaringly omit any mention of brand-owners and producers of such products and packaging in waste management.

This is in direct contradiction to the Resource Recovery and Circular Economy Act and undermines the shift to holding producers fully responsible for the end-of-life management of their waste products to remove that obligation from the public and municipal governments. Producers must be held responsible to reduce their packaging, to redesign and choose materials that are easily recycled or composted and to ensure their product waste is collected and processed into valuable resources in all parts of Ontario.

The proposed amendment provides unwarranted special treatment for packaging labelled as 'compostable' when compared to all other forms of packaging. This will create incentives for even more producers to choose compostable packaging options, despite the lack of environmental benefit.

The proposed amendments will perpetuate and increase the public burden and cost of managing product and packaging waste. Municipalities and organics processors will need to manage increased materials and product waste, and also face increased costs and lower environmental outcomes as they experience more contamination of organics streams and contaminant disposal costs. The amendments also put the costly

responsibility on municipal programs and organics processors to anticipate, research, test and fund processing changes to react to packaging choices of companies.

It should not be the responsibility of municipal programs and organics processors to manage and deal with the complications and difficulties of the packaging choices of companies.

RECOMMENDATIONS:

The policy statement should make it clear that producers are responsible for the management of their products and packaging, not municipal governments.

Municipal programs should receive compensation and financial support for increased volume of waste streams and contamination from 'compostable' products.

4) 'Compostable' packaging is as harmful, and sometimes more harmful, than other forms of packaging.

'Compostable' plastics have been shown to behave similar to fossil-fuel based plastics when they leak into the environment and enter waterways and oceans. They do not decompose effectively, and can cause harm to wildlife.²

Increasing research shows that many forms of food packaging, including packages labelled as 'compostable' contain dangerous toxic substances. This includes per- and poly-fluoroalkyl substances (PFAS), which are often added to disposable single-use food packaging like paper wrappers, cardboard containers and take out food containers to enhance the grease and water resistance of the products. Exposure to these PFAS, also known as 'forever chemicals' due to their persistence and inability to break down, leads to serious potential health effects in children and adults, affecting the immune system, and increasing the risk of cancer.^{3 4}

These substances do not break down in organics processing facilities, but persist in the output. Recent tests at waste landfill sites and compost facilities across the United States confirm PFAS contamination - and one study showed that compost sites that accepted food packaging had PFAS levels ten times higher than those that did not accept food packaging.⁵ **As the output is a soil amendment applied to land, including home gardens, natural areas and agricultural lands, the presence of these persistent substances is especially harmful as they further contaminate the food chain.**

Issues with PFAS contamination are well recognized internationally and in the United States and a number of national and state level regulations are seeking to limit PFAs levels in waste, compost and wastewater.⁶

² See: ["Biodegradable bags can hold a full load of shopping three years after being discarded in the environment", \(July 2019\), Plymouth University Research press office.](#)

³ See: [Agency for Toxic Substances and Disease Registry - PFAS Fact Sheet](#)

⁴ See: ["Warning: Compostable food packaging may be hazardous to your health" by Clare Goldsberry \(Jun 05, 2019\) in Plastics Today.](#)

⁵ See: ["Perfluoroalkyl Acid Characterization in U.S. Municipal Organic Solid Waste Compost" by Youn Jeong Choi et al. \(May 2019\), Environmental Science & Technology Letters.](#)

⁶ See: ["Are Compostable Packaging a Source of Toxic PFAS?" by Axel Barrett \(Jul 15, 2019\) in Bioplastics News.](#)

RECOMMENDATIONS:

Toxic substances including heavy metals and PFAS in particular, pose human health risks and must be phased out of packaging and products, especially food-related packaging as soon as possible.

To prevent the perpetuation of toxic substances such as PFAS in soil and agriculture, products containing these substances should be prevented from entering organics processing and compost facilities.

The Province should develop mechanisms to monitor and mitigate the presence of toxic substances such as PFAs in organics and composting systems coming from food-related packaging and 'compostable' packaging.

Producers that use compostable packaging should be required to provide sufficient information for waste collectors and organics processors to indicate known toxic substances that may contaminate soils.

5) Ontario needs detailed reporting and monitoring of the use of compostable packaging and products to identify gaps, and inform future policy improvements.

Considering the problems and environmental harms of 'compostable' packaging, monitoring and public reporting is essential to ensure effective implementation of this policy statement, track the impact on the environment, and inform future improvements and changes to guidelines.

RECOMMENDATIONS:

Producers of compostable products and packaging should be required to report on the amount of 'compostable' products they supply, provide verification of which processing standards and facilities can effectively process those materials, and report on the final destination of these products.

The Province should collect and track the amount of non-food organics and packaging is managed by municipal and private waste service providers in all waste streams, and the amount found in litter audits.

The Province should monitor the presence of toxic substances contained in food packaging, found in waste and organics processing facilities, and present in compost outputs.

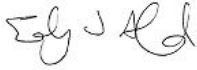
CONCLUSION:

Ontarians want to prevent waste and need a Food and Organic Waste Policy Statement that builds a strong circular organics economy that contributes to a healthy environment and population.

The proposed amendments to the Policy Statement will not move Ontario in the right direction, but ignore the serious environmental harm caused by 'compostable' packaging and products, will only increase public confusion, and increase the public burden for producer packaging choices.

Please contact us to discuss these concerns and our recommendations.

Yours sincerely,



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LIST OF RECOMMENDATIONS:

The Province should not promote or encourage the use of “compostable” packaging.

The Province should work with all stakeholders including producers, organics processors and the public (including agricultural sectors) to identify which, if any, certification standards are accepted by local facilities and deliver the highest environmental and human health benefit.

Producers should be prohibited from calling products ‘compostable’ without confirmed evidence of effective processing of a package or material in the majority of processing facilities in Ontario.

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The policy statement should make it clear that producers are responsible for the management of their products and packaging.

Municipal programs should receive compensation and financial support for increased volume of waste streams and contamination from ‘compostable’ products.

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