

18 June 2020

The Honourable Jeff Yurek, MPP  
Minister of the Environment, Conservation, and Parks  
777 Bay St., 5th Floor  
Toronto, ON M7A 2J3

RE: RRCEA Regulations: Blue Box Transition / PPP

Dear Minister Yurek,

The undersigned environmental and health organizations fully support your government's desire to regulate Printed Paper and Packaging (PPP) and transition the Blue Box Program to full Extended Producer Responsibility (EPR) in Ontario.

We have long been engaged with your Ministry, industry, municipalities, and other stakeholders to support the adoption of the *Resource Recovery and Circular Economy Act* (RRCEA) framework and, in particular, proposed regulation for PPP.

The proposed regulation for PPP in Ontario provides critical opportunity to improve the performance of the Blue Box Program and decrease disposal of valuable PPP materials by expanding recycling services to more Ontarians. Without formally being part of the consultation we have concerns that the proposed regulation does not include essential elements that will ensure their effectiveness. As such, we would like to provide our recommendations at this crucial juncture of development.

Based on the recommendations provided by David Lindsay's report and subsequent information offered in the Ministry's one stakeholder webinar to date, we believe the success of the regulation is highly dependent on its scope, performance, reporting requirements, and ability to incent innovation.

We understand that the proposed regulation is to have two main objectives:

1. Guide the transition of the current cost and shared responsibility model to full producer responsibility for the residential Blue Box Program.
2. Set the post-transition performance requirements, parameters and conditions for producers, to improve and expand PPP waste reduction.

With these two objectives in mind we ask that your Ministry adopt the following key elements within the regulation:

1. During transition the broad scope of PPP supplied into Ontario obligated by its definition and all collection points serviced at 2019 levels are maintained. Post-transition accessibility requirements, starting in 2026, should be expanded points beyond the residential sector to obligate PPP irrespective of where it is sold and consumed.

An all-encompassing definition of PPP, coupled with expanding service levels, are critical to meet continuous improvement objectives.

2. Require the Resource Productivity and Recovery Authority (RPPRA) to publicly report annual province-wide collection and recycling rates for each PPP material category and sub-category type.

Producers (not Producer Responsibility Organizations) should be required to report directly to RPPRA the amount of PPP supplied to Ontario on an annual basis. The service sector – including municipalities, private sector collectors, and processors – should also be required to report materials collected, processed, and disposed of by material category and sub-category type. RPPRA should then be required to publicly report aggregated provincial collection, diversion, and disposal rates against supplied for each material category and sub-category.

To satisfy the provincial interests of the RRCEA to reduce toxic substances in PPP and to ensure provincial regulations are aligned with international obligations, we also ask that producers be required to disclose any use and presence of toxic substances in their PPP as part of their reporting requirements to RPPRA. These should include, but not be limited to, substances such as polybrominated diphenyl ethers (PBDEs), cadmium, lead, and short-chain chlorinated paraffins (SCCPs) commonly used as softeners in plastics. These, and other targeted substances, should be kept out of the recycling stream to avoid their transfer into production cycles.

3. Recycling targets should be set by material sub-categories, and penalties for non-compliance should come into effect post-Blue Box transition starting in 2026.

The regulation should include progressive and increasing annual processing targets set by material sub-category aligned with how each is currently managed most successfully in the recycling sector. Escalating targets will ensure the regulation delivers on its full environmental and economic objectives by maximizing materials diverted to higher value applications. Separating and applying specific targets to each material sub-category will help to avoid cross-subsidization between material types and, therefore, ensure cost obligations are appropriately and accurately assigned to individual producers. Targets should also include mechanisms to recognize reuse activities.

4. Recognize only material processing standards that exclude all disposal, including any type of thermal treatment. Materials collected and treated as disposal or in thermal treatment should not count towards producer targets.

Material management standards ensure allowable management options that maximize economic value of collected materials while delivering the best environmental results.

In all, we believe these provisions support our collective objectives for the continued success of the Blue Box Program and PPP waste reduction in the province. We are also committed to working co-operatively and collaboratively with your Ministry to establish effective PPP EPR regulation in Ontario.

Thank you for accepting and considering this submission.

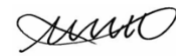
Yours Sincerely,



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