



Proposed Waste Reduction and Resource Recovery Policy Framework

**Ministry of the Environment and Climate Change
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**Draft for Consultative Purposes Only
May be Subject to Change**

Overview

Overview of the Proposed Waste Reduction and Resource Recovery Policy Framework

- Provincial Interests and Policy Statements
- Governance and Oversight
- Producer Responsibility
- Role of the Ministry
- Waste Reduction and Resource Recovery Strategy

DRAFT

Background – Context for Action

There is a need for action to support a circular economy, including reduce, reuse and recycle (3Rs), in Ontario

CHALLENGES

- ✓ Ontario's overall diversion rate has stalled at 25%.
- ✓ Establishing new waste disposal capacity is undesirable and expensive.
- ✓ Growing pressures on municipal funding of waste disposal and diversion.
- ✓ Consumer concerns with separate “eco-fees.”
- ✓ Stakeholder concerns that the existing policy framework is in need of fundamental reform.

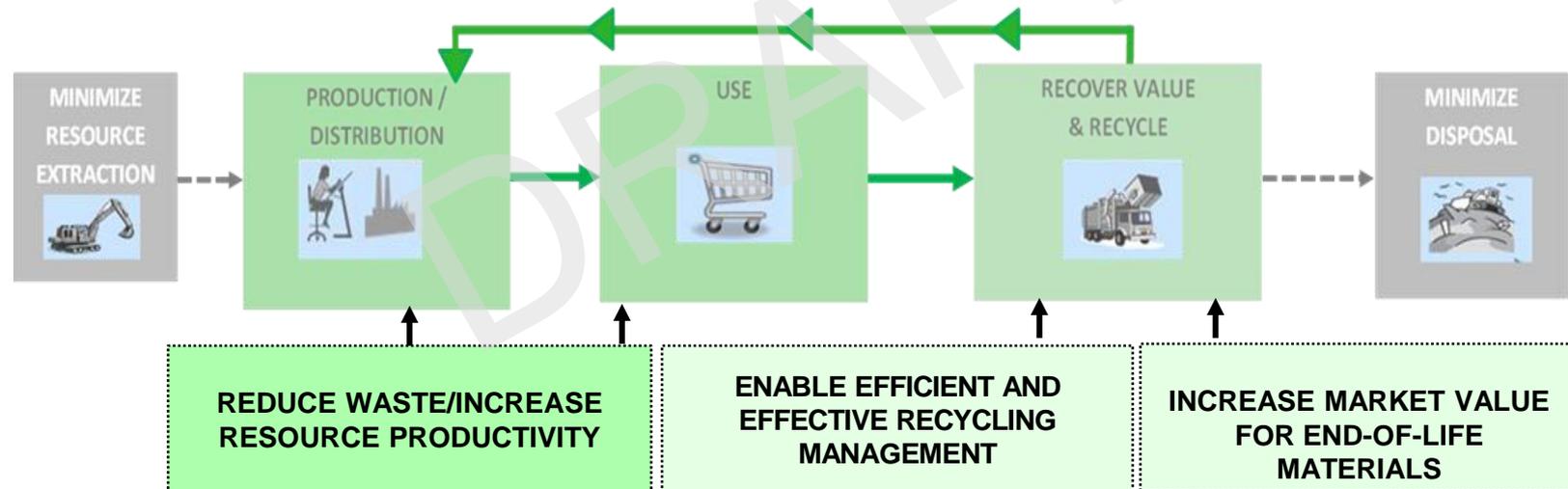
OPPORTUNITIES

- ✓ Waste reduction attracts investment to create new jobs and foster innovation and conserve resources.
- ✓ 3Rs use less energy, produces fewer greenhouse gas emissions, has less environmental impact than the extraction of raw materials and reduces need for additional landfill capacity.
- ✓ There is a significant opportunity to recover economic value of waste, particularly in the Industrial, Commercial and Institutional (IC&I) sectors.

Purposes of the Proposed Policy Framework

Ontario is considering a waste reduction and resource recovery policy framework that, if approved, would support a circular economy by:

- Reducing waste and increasing resource productivity,
- Enabling efficient and effective collection and recycling systems, and
- Increasing market value of recovered materials.



Key Components of the Proposed Policy Framework

The proposed policy framework would include the following components:

- Establish provincial interests on waste reduction and resource recovery matters and allow government to issue policy statements to provide further direction.
- Establish a producer responsibility regime by making producers accountable for the proper end-of-life management of their products and packaging.
 - Create a non-Crown oversight body to oversee producers' performance
- A Waste Reduction and Resource Recovery Strategy to outline the path forward to support a circular economy:
 - Priority on 3Rs – focusing on reducing and reusing.
 - Road map for implementation of the new legislation.
 - Tools for increased diversion in IC&I sectors.
 - Path forward for increased diversion of organic waste.
 - Opportunities to increase diversion of hazardous wastes.

Provincial Interests and Policy Statements

Provincial Interests on Waste Reduction and Resource Recovery:

- Establish 'provincial interests' on waste reduction and resource recovery, including:
 - The minimization of waste generated and disposed; maximization of resource productivity;
 - Production and use of products and packaging that are durable and reusable, and contain fewer toxic and hazardous materials;
 - Reduction of greenhouse gas emissions across a product's lifecycle;
 - Efficient and effective resource recovery systems based on the "polluter pays" principle;
 - Ensure sufficient data and performance metrics are available for decision makers;
 - Creation of high-value resource recovery markets;
 - Leverage national and international best practices and markets;
 - Convenient resource recovery services;
 - Clarity of roles and responsibilities;
 - Coordination of public bodies; and
 - Promoting public education and awareness and influencing consumer behaviour changes.
- Statutory decision makers and other persons, including producers, would have to consider these policies when making and implementing decisions that affect the provincial interests.

Policy Statements regarding Provincial Interests:

- Enable the government to issue 'policy statements' to provide further direction on provincial interests.
- Statutory decision makers and other persons, including producers, retailers and others affected by the policies would either have to consider the policies or be consistent with them when making and implementing decisions related to waste reduction and resource recovery.

Governance and Oversight

Oversight Body – A non-Crown, not-for-profit organization to oversee producers' performance under the proposed legislation and the transition of existing programs under *WDA*:

- The oversight body would have a new vision, objects, and new tools to meet its mandate, as well as provisions to promote accountability and transparency.
- The oversight body would operate on a cost recovery basis.
- Considerations when creating the oversight body include a series of criteria: accountability, seamless transition, sufficient capacity to fulfill its responsibilities, cost impact to producers, etc.

Key functions of the oversight body include:

- Data clearinghouse (registration, receive data and reports from producers).
- Oversee producer performance (compliance and enforcement).

Transparency and Accountability:

- Establish oversight through multiple tools, legislation, Minister's policy directions, operating agreement.
- Report to Minister and the public annually; subject to additional accountability provisions.
- Post annual report on EBR for public information.

Compliance and enforcement to be undertaken by Oversight Body:

- Ministry may conduct enforcement as required.

Legislation to also provide graduated compliance and enforcement tools to ensure outcomes are met:

- Inspection, investigation and seizure powers; ability to issue information requests, warnings, compliance orders and administrative penalties; provisions related to offences and fines.

Producer Responsibility

Producers responsibilities clearly set out:

- Designate producers.
- Producers would be responsible for meeting outcomes set out in the Act and regulations, including:
 - Resource recovery standards (e.g., minimum collection, diversion targets);
 - Service standards for consumer accessibility and convenience; and
 - Promotion and education requirements.
- Act to allow for verification that producers have met outcomes; for example, producers, their collectives and service providers could be required to register, report on data, undertake third-party audits, publicly report on performance and be subject to compliance and enforcement.

Producer flexibility:

- Responsibility will remain with individual producers (i.e., no transfer of liability to others); however they would be free to meet outcomes individually, collectively and through service providers.

Other Parties:

- Collectives, service providers and municipalities may be required to provide data and information and may be subject to reporting obligations.

Role of the Ministry

Establish provincial interests on Waste Reduction and Resource Recovery:

- Ability to issue 'policy statements' to provide further direction on provincial interests.

Set out in regulations, clear outcomes that producers must meet. For example:

- Resource recovery targets/standards, including regional, rural and urban targets.
- Service standards, including regional, rural and urban service standards.

Set out additional detailed requirements through regulations. For example:

- Designating materials.
- Setting producer size thresholds.
- Establishing reporting requirements for oversight body, producers and others.

Provide oversight:

- Oversee the performance of the oversight body.
- Ministry may conduct enforcement actions against producers as required.

Possible ability to step in to address issues if a public interest is not protected.

Proposed Waste Reduction and Resource Recovery Strategy

Strategy to compliment the proposed new legislation:

- The Strategy will be an update of the draft Waste Reduction Strategy released in 2013.
- The Strategy will be released after carefully considering stakeholders' feedback on the proposed legislation.
- The Strategy will include a range of potential regulatory tools and non regulatory tools in addition to the proposed legislation.

Regulatory tools could include:

- Disposal bans.
- Service provider requirements.
- Generator requirements.
- Collection standards (e.g. source separation requirements).
- Financial incentives (e.g. deposit program).

Strategy may also include non-regulatory tools to support producer responsibility:

- Awards and recognition programs for producers.
- Environmental performance/voluntary agreements (supported by recognition programs).
- Green procurement policies for government.
- Voluntary design codes and labelling.