

# Ministry Comments



## The Ministry of the Environment and Climate Change's formal response to the Environmental Commissioner of Ontario's report on Ontario's new resource recovery and waste reduction framework.

Our ministry is dedicated to building a circular economy in Ontario. We have begun implementing the Waste-Free Ontario Act and Strategy and are making progress on many of the recommendations in your report.

# Implementing the Strategy for a Waste-Free Ontario: Building the Circular Economy

**Recommendation 1: The ECO recommends that the Ministry of the Environment and Climate Change (the ministry) set deadlines for the actions identified in its Strategy for a Waste-Free Ontario.**

The ministry agrees that deadlines are critical to ensuring accountability for results. The ministry has identified timelines for priority actions in the Strategy for a Waste-Free Ontario: Building the Circular Economy. As we undertake specific actions identified in the strategy, we will expand on these timelines and work with stakeholders and partners to ensure they are reasonable and practical. This will ensure that stakeholders and the public are involved in and consulted on both policy development and implementation timelines which are unique to the circumstances of each of the individual actions.

## Organic diversion

**Recommendation 2: The ECO recommends that the MOECC adopt some form of disposal ban on food waste.**

The strategy commits the province to developing a Food and Organic Waste Action Plan and a Policy Statement to increase organic diversion. Together, the Action Plan and first Policy Statement under the Resource Recovery and Circular Economy Act, 2016 will form Ontario's Food and Organic Waste Framework. In 2017, the ministry has taken several steps to develop this framework, including posting a discussion paper on the Environmental Registry for public comment, establishing a multi-stakeholder working group, and hosting a number of workshops with a broad range of stakeholders. The draft Food and Organic Waste Framework will be posted on the Environmental Registry for consultation in fall 2017, with expected implementation beginning in spring 2018.

The ministry agrees with the need to take strong action to reduce food waste and this is why the strategy commits a disposal ban on food waste with possible implementation in 2022. The Food and Organic Waste Framework will consider actions and tools to recover surplus food, reduce waste and increase diversion throughout the entire supply chain, including the development and implementation of a disposal ban as identified in the Strategy for a Waste-Free Ontario. Disposal bans must be properly developed, with extensive consultation with those impacted, to ensure effective implementation and sufficient processing capacity is in place to accept banned wastes.

To this end, the province will consult in advance of proposing regulations to ban food waste to address implementation and operational challenges for multi-residential and high-rise buildings, and for rural and remote northern communities. The ministry is inviting experts to conduct a cost benefit analysis on the food waste ban which will support the ministry to develop evidence-based policies.

**Recommendation 3: The MOECC should make the process for approving anaerobic digestion and composting facilities fast and predictable, while still protecting public health and environmental interests.**

Facilitating the development of additional organics processing capacity is an important component of the Food and Organic Waste Framework. The ministry has been holding discussions with stakeholders on measures to better coordinate and facilitate the approvals of organic processing facilities as part of development of the Food and Organic Waste Framework, including providing more predictable and timely approvals across all levels of govern-



ment. As part of the Strategy for a Waste-Free Ontario, the ministry has also committed to moving forward with regulatory modernizations which support resource recovery infrastructure and innovative technologies. We are working to reduce the time required to approve organic waste processing facilities while continuing to protect public health and the environment.

## Recycling standards

**Recommendation 4: The MOECC should develop recycling standards that are clear, enforceable and provide a high level of environmental protection.**

The ministry agrees that clear and enforceable standards with a high level of environmental protection are crucial to support resource recovery and waste reduction. The Strategy for a Waste-Free Ontario commits the ministry to setting reduction, reuse and recycling standards at all stages of implementing the Waste-Free Ontario Framework. This includes designating new materials under the full producer responsibility regime, developing the Food and Organic Waste Framework, transitioning existing waste diversion programs and reviewing the 3Rs Regulations.

The ministry is developing the producer responsibility regulation for used tires under the Resource Recovery and Circular Economy Act, 2016. The regulation, if approved, would set reduction, reuse, collection and management targets, accessibility and convenience standards, and promotion and education requirements that responsible producers must meet. The regulation would also set registration and reporting requirements for producers and service providers. The ministry is developing the detailed policy proposal for the development of the regulation and will consult to ensure the proposed policies are clear, implementable, enforceable, provide a high level of environmental protection, and support a circular economy.

## Resource recovery from the IC&I sectors

**Recommendation 5: The ECO recommends that the MOECC expand and enforce source separation and diversion obligations for the IC&I sectors (currently under Ontario Regulations 102/94, 103/94 and 104/94.)**

The ministry agrees that Ontario must make significant improvements in resource recovery from the IC&I sectors. The Strategy for a Waste-Free Ontario commits the ministry to amending the 3Rs Regulations beginning in 2018. The ministry has recently completed two studies on paper products and packaging, food and organic wastes, and construction and demolition materials in order to gather data and information and understand costs and benefits. These studies set the first step for conducting evidence-based 3Rs regulations amendments. In the meantime, the Food and Organic Waste Framework will include measures to increase the diversion of food and organic wastes in the IC&I sectors, such as actions to address food waste prevention, surplus food rescue, and food and organic waste recovery. The ministry has also been discussing options with the stakeholder working group for food waste collection and diversion in the IC&I sectors, including source separation and mixed waste processing, in order to define the best approach. As previously mentioned, the Food and Organic Waste Framework will be released for further consulted this fall.

## The circular economy

**Recommendation 6: The ECO recommends that the MOECC document how new waste policies compare to those tried before and what lessons have been learned from previous efforts.**

Promoting successes, assessing unintended consequences and learning from past experience is a core part of developing effective and modern policies that respond to needs of stakeholders and the realities of our diversion markets. As part of the ministry's work in developing the Waste-Free Ontario Framework and strategy, extensive consideration was given to previous and current approaches to waste diversion and disposal, both domestically and abroad.

Ontario's history of waste diversion initiatives was particularly instructive. As the ECO's report points out, the Waste-Free Ontario Act and strategy reflect many of the lessons learned from more than a decade of diversion under the Waste Diversion Act, 2002, including establishing a full producer responsibility regime that allows for regulated outcomes and with clear lines of accountability enforced through the newly empowered Resource Productivity and Recovery Authority. The ministry also gave serious consideration to the results of previous diversion-related reviews and proposals, including stakeholder responses to the review of the Waste Diversion Act in 2008, the Minister's Report on the Review in 2009, the proposed Bill 91, the proposed Waste Reduction Act, 2013, and the draft Waste Reduction Strategy in 2013. The ministry also gave strong consideration to experience gained since the 3Rs Regulations were implemented in 1994.

The Strategy for a Waste-Free Ontario identifies a number of supporting actions that respond to the lessons learned from these initiatives, including the need for strong environmental standards, potential service provider requirements, the use of disposal bans to support resource recovery and measures to promote sustainable end-markets for recovered materials.

The ministry will continue to learn from previous efforts to ensure that Ontario's experience with resource recovery and waste diversion, as well that of other jurisdictions, enhances and improves diversion in the years to come.

**Recommendation 7: The ECO recommends that the MOECC make the ultimate goal of Ontario's circular economy policies to create a profitable market for all end-of-life materials.**

The ministry supports the goal of supporting profitable markets for end-of-life materials and sees this as a critical step to ensuring that fewer materials end up in landfill and that the economics of circular design are promoted.

Sending valuable resources to landfill poses risks to both human and environmental health and leads to unpredictable pricing increases, supply chain risks and growing pressures on virgin materials. In a circular economy, the value of products and materials is maintained for as long as possible. Waste is minimized and resources are kept within the economy when a product has reached the end of its life, to be used again to create further value.

A key objective of the Strategy for a Waste-Free Ontario is to create conditions to support sustainable markets. As the strategy is implemented, the ministry will consider ways to promote, foster or develop vibrant markets for recovered materials, such as through the development of environmental standards, the promotion of green procurement practices, and the implementation of disposal bans. These tools, as well as others can contribute to market development for recovered materials, and will be considered at all stages of the strategy's implementation, including when developing regulations for the full producer responsibility regime, developing the Food and Organic Waste Framework, transitioning existing waste diversion programs and reviewing the 3Rs Regulations.



**Recommendation 8: The ECO recommends that the MOECC work with relevant ministries to identify opportunities, integrate circular economy objectives into policy and practice across government.**

The ministry agrees that pursuing a circular economy cannot happen in a vacuum. The ministry is committed to work with its partners, both within and outside of government, to ensure that the government's vision for a circular economy is translated beyond the actions itemized in the Strategy for a Waste-Free Ontario. For example, for the development of a Food and Organic Waste Framework, the ministry is working with 11 partner ministries, including the Ministries of Health and Long-term Care, Education, Municipal Affairs, Agriculture Food and Rural Affairs, Treasury Board Secretariat, Natural Resources and Forestry, and others to ensure that cross-governmental perspectives are taken into account. Ontario's Circular Economy Innovation Lab, supported by the ministry in concert with The Natural Step, is an early example of the ministry's willingness to partner with innovative organizations to promote the ideas and vision of a circular economy.

The ministry will continue to work with partner ministries and key stakeholders to integrate their priorities and objectives into our vision of a circular economy as we implement the new legislation and strategy.