

Plain Language Description of Proposed Amendments for ERO Proposal #026-1056

1. Proposed Amendments to the Food and Organic Waste Policy Statement

PREAMBLE

The Ministry of the Environment, Conservation and Parks (the Ministry) is seeking feedback on proposed amendments to the Food and Organic Waste Policy Statement (the Policy Statement) (URL: <https://www.ontario.ca/page/food-and-organic-waste-policy-statement>), which was issued in 2018 under the *Resource Recovery and Circular Economy Act, 2016*.

The Policy Statement aims to reduce food and organic waste, divert materials from landfill, and support the recovery of valuable resources. The Policy Statement establishes food and organic waste reduction and diversion targets for certain municipalities, multi-unit residential buildings, businesses and institutions.

The Ministry is proposing amendments to support implementation of the Policy Statement and gather information on diversion outcomes to assess progress toward targets.

Food and organic waste represents a significant portion of Ontario's waste stream. When this material is sent to landfill, it produces methane, a potent greenhouse gas that contributes to climate change. Diverting food and organic waste from landfill supports the production of compost, renewable natural gas, and other beneficial products, as well as reducing greenhouse gas emissions.

ITEM 1: Introduce Annual Reporting Requirements

Current Requirement

The Policy Statement establishes diversion targets but does not currently require annual reporting on implementation of resource recovery programs or diversion outcomes.

Proposed Change

The Ministry is proposing to introduce annual light-touch reporting requirements for entities subject to Policy Statement diversion targets, to support a more consistent understanding of diversion performance across the province.

The Ministry is considering the following elements for the new reporting requirement:

- Applying reporting requirements to all entities that have Policy Statement diversion targets.
- Requiring reports be submitted annually to the Ministry starting in 2029 for the previous year's performance, with a deadline of March 31 each year.
- Requiring each entity to report on the following food and organic waste data points:
 - Annual tonnes generated
 - Annual tonnes disposed
 - Annual tonnes sent to processing
 - Annual tonnes sent to food rescue
- Requiring an internal attestation that the data reported is accurate.

Why Ontario is Considering this Change

Annual reporting would help the Ministry to better understand diversion performance, assess progress toward targets and help determine whether additional actions may be required to improve diversion performance.

Additional Feedback Sought

- Are there additional data points available that would provide beneficial information to the Ministry and that could reasonably be reported?
- Should there be requirements related to the methodology used by entities to determine the tonnage data points (for example, actual weights vs conversion factor and assumptions).

ITEM 2: Delay Diversion Target Timelines for Certain Obligated Entities

Current Requirement

The Policy Statement establishes food and organic waste reduction and resource recovery targets for certain municipalities, multi-unit residential buildings, commercial facilities, educational institutions, and hospitals.

Depending on the sector and other factors, obligated entities are currently required to achieve either a 50% or 70% diversion target as outlined below:

- Targets that started in 2023 – Municipalities that had green bin programs when the Policy Statement was introduced in 2018 have a target of 70%.
- Targets that started in 2025 – The following entities have targets of either 50% or 70%:
 - Municipalities in Southern Ontario with population of more than 50,000 and population density of 300 people/km² or more have a target of 70%

- Municipalities in Southern Ontario with population of more than 50,000 and population density of less than 300 people/km² have a target of 50%
- Municipalities in Southern Ontario with population of 20,000 to 50,000 and population density of 100 people/km² or more have a target of 50%
- Municipalities in Northern Ontario with population of more than 50,000 and population density of 300 people/km² or more have a target of 50%
- Owners of multi-unit residential buildings that contain six or more dwelling units have a target of 50%
- Specified industrial and commercial establishments that are subject to O. Reg. 103/94 under the Environmental Protection Act (EPA) and generate 300 kilograms or more of food and organic waste per week have a target of 70%
- Specified industrial and commercial establishments that are not subject to O. Reg. 103/94 under the EPA but generate 300 kilograms of food and organic waste per week or more have a target of 50%
- Educational institutions and hospitals that are subject to O. Reg. 103/94 under the EPA and generate 150 kilograms or more of food and organic waste per week have a target of 70%

Proposed Change

The ministry is proposing to delay implementation of the 2025 targets to 2028 for all entities currently subject to 2025 diversion targets.

The proposal would change only the timeline for the 2025 target to be achieved. Diversion target percentages and the 2023 target timeline would remain unchanged.

Why Ontario is Considering this Change

The Ministry is proposing to delay the 2025 target timeline to 2028 to provide additional implementation time and support compliance. The delay would align with the planned release of guidance materials and, when combined with new reporting requirements, the delay is expected to result in overall improved diversion outcomes.

Additional Feedback Sought

- Is the proposed 2028 implementation date achievable?
- Should small municipalities and businesses both be delayed to 2028?
- What barriers currently affect implementation?
- Would additional time improve diversion outcomes?

2. Proposed Amendments and Revocations to Regulations that Govern Recycling in the Industrial, Commercial and Institutional (IC&I) Sector

PREAMBLE

In Ontario, IC&I waste generators are generally responsible for the management of their own waste sector under the following supporting regulations under the *Environmental Protection Act* (EPA) (URL: <https://www.ontario.ca/laws/statute/90e19>):

- O. Reg. 102/94: Waste Audits and Waste Reduction Work Plans (URL: <https://www.ontario.ca/laws/regulation/940102>) requires large establishments in specific sectors to conduct waste audits and develop waste reduction plans.
- O. Reg. 103/94: Industrial, Commercial and Institutional Source Separation Programs (URL: <https://www.ontario.ca/laws/regulation/940103>) requires specific sectors to make reasonable efforts to source separate waste for reuse/recycling and lists specific wastes to be separated from waste bound for disposal.
- O. Reg. 104/94: Packaging Audits and Packaging Reduction Work Plans (URL: <https://www.ontario.ca/laws/regulation/940104>) requires manufacturers and importers to conduct packaging audits and plans to reduce packaging waste.

These regulations were introduced in 1994, and the Ministry has heard from waste sector, municipalities, and private sector stakeholders that they are in need of modernization.

ITEM 1: Who recycles? businesses and institutions (waste generators) obligated under the framework

Current Requirement

Businesses and institutions in the IC&I sector are subject to the waste regulations requiring waste audits and waste reduction work plans (O.Reg.102/94) and source separation programs (O.Reg.103/94) if they meet the regulatory thresholds outlined by these regulations.

Table 1: Current Requirement

Sector Group	Threshold
Construction & Demolition	At least 2,000 m ² (total floor area)
Restaurants	Equal or exceeding \$3 million in gross sales per year
Hotels & Motels	More than 75 units
Large Manufacturers	Exceeding 16,000 hrs worked per month
Retail Establishments	At least 10,000 m ² (total floor area)
Retail Shopping Complexes	At least 10,000 m ² (total floor area)
Hospitals	Classified A, B or F in O.Reg.964
Educational Institutions	More than 350 students enrolled on campus/year
Multi-Unit Residential Buildings (O.Reg.103/94 only)	6 or more dwellings
Office Buildings	At least 10,000 m ² (total floor area)

Additional Feedback Sought

- Are the current sector-specific thresholds for regulated establishments under the regulations still appropriate?

ITEM 2: What is Recycled: update what must be source separated

Current Requirement

O. Reg. 103/94 lists which waste materials must be source separated in each of the different IC&I sectors subject to the regulation. The materials listed do not reflect the kinds of wastes that Ontario generates today.

Proposed Change

The Ministry is proposing to amend O. Reg. 103/94 to update the list of materials that regulated retailers, retail shopping complexes, restaurants, hotels and motels, office buildings and institutions such as schools and hospitals, are required to source separate. The Ministry proposes to-align-with the paper and packaging materials captured in the Blue Box producer responsibility system: paper, metal, glass, rigid plastic, flexible plastic and all kinds of beverage containers.

Figure 1. Proposed Changes for Obligated Materials

Blue Box Material Category & Definition New material category for sector Expand to include more material <i>(X = obligated materials for sector)</i>	Materials Currently listed under O.Reg.103/94	Sector: • Retail • Retail Shopping Complexes • Office Buildings • Hospitals • Educational institutions	Sector: • Multi-Unit Residential Buildings	Sector: • Restaurants • Hotels, Motels
Paper: includes printed and unprinted paper, such as a newspaper, magazine, promotional material, directory, catalogue or paper used for copying, writing or any other general use. Excludes books and hardcover periodicals	Fine paper	X	X	X
	Newsprint	X	X	X
	Cardboard (Corrugated)	X		X
	Other papers	Other paper (for example, promotional material)	Other paper	Other paper
Glass	Glass bottles, jars for food or beverages	X	X	X
Metal	Steel food or beverage cans	X	X	X
	Aluminium food or beverage cans	X	X	X
Rigid Plastic: moulded plastic, such as a food or product container	<i>Not listed in O.Reg.103/94 currently</i>	All rigid plastic	All rigid plastic	All rigid plastic
Flexible Plastic: un moulded plastic, such as a plastic bag, film, wrap, pouch or laminate	<i>Not listed in O.Reg.103/94 currently</i>	All flexible plastic (for example, overwrap)	All flexible plastic	All flexible plastic
Beverage containers: ready-to-drink beverage product that is made from metal, glass, paper or rigid plastics or any combination	Polyethylene terephthalate (PET) bottles for food or beverage	All plastic and composites (for example: high-density polyethylene (HDPE) dairy beverages; pouches; multi-laminated materials)	X PET mandated; expand to non-PET and composites	X PET mandated; expand to non-PET and composites

Description of Figure 1:

The figure above displays, for each sector regulated under O.Reg.103/94, the materials that currently must be source separated and the additional materials that would need to be source separated as a result of aligning with the material categories used by the Blue Box program.

For the retail, retail shopping complex, office building, hospital, and educational institution sectors, the current materials required to be source separated in the regulation are: fine paper, newsprint, corrugated cardboard, other papers, glass bottles, jars for food or beverages, steel food or beverage cans, aluminum food or beverage cans, and polyethylene terephthalate (PET) bottles for food or beverage. The additional materials that are proposed to be source separated for these sectors are: other paper, all rigid plastic packaging, all flexible plastic packaging, all plastic beverage containers.

For the multi-unit residential buildings, the current materials required to be source separated in the regulation are: fine paper, newsprint, other papers, glass bottles, jars for food or beverages, steel food or beverage cans, aluminum food or beverage cans, and PET bottles for food or beverage. The additional materials that are proposed to be source separated for multi-unit residential buildings are: corrugated cardboard, other paper, all rigid plastic, all flexible plastic, and beverage containers other than PET.

For the restaurant and hotel and motel sectors, the current materials required to be source separated in the regulation are: fine paper, newsprint, corrugated cardboard, other papers, glass bottles, jars for food or beverages, steel food or beverage cans, aluminum food or beverage cans, and PET bottles for food or beverage. The additional materials that are proposed to be source separated for these sectors are: other paper, all rigid plastic, all flexible plastic, and beverage containers other than PET.

This would mean that:

- Consumers could recycle paper and packaging materials at retail, the office, shopping malls, schools, colleges and universities, hospitals, restaurants, and hotels and motels, just like they do at home.
- Businesses and institutions would also recycle the same paper and packaging materials that are discarded and in their own operations (for example, printed paper, or transport or bulk packaging like cardboard boxes or plastic overwrap).

No changes are proposed to the list of materials that manufacturing establishments and construction and demolition projects are required to source separate.

Table 2. Current Obligated Materials by Sector

Materials Currently listed under O.Reg.103/94 (X = obligated materials for sector)	Sector: Manufacturing	Sector: Construction	Sector: Demolition
Fine Paper	Yes	-	-
Newsprint	Yes	-	-
Cardboard (corrugated)	Yes	Yes	-
Glass	Yes	-	-
Aluminium	Yes	-	-
Steel	Yes	Yes	Yes
Polyethylene (high density) jugs, pails, crates, totes and drums	Yes	-	-
Polystyrene (expanded) foam	Yes	-	-
Polystyrene trays, reels and spools	Yes	-	-
Polystyrene (linear low density and low density) film	Yes	-	-
Brick and Portland cement concrete	-	Yes	Yes
Drywall (unpainted)	-	Yes	-
Wood (unpainted or treated)	Yes	Yes	Yes

Why Ontario is Considering this Change

The current list of materials that must be source separated has not been updated in over 30 years, and does not reflect the kinds of wastes that the sectors generate today. For example, the regulation does not include requirements to source separate plastic packaging for most sectors. The proposed change would add currently exempt materials like plastic packaging, and align source separation requirements in the IC&I sector with what is recycled in the residential Blue Box system.

Under the Blue Box system, material that businesses and institutions provide to a consumer who discards it on-site can be deducted from their reported Blue Box supply and targets. This reflects the assumption that businesses and institutions are already arranging to recycle material on-site. The proposed change would ensure that Blue Box waste materials are included in IC&I separation programs.

Moreover, some IC&I entities subject to the source separation regulation (O. Reg. 103/94) may also be subject to the Blue Box Regulation. It is assumed that having similar materials required for diversion in both consumer facing and back end systems will make compliance easier for these businesses (only one list of materials could lower

burden) and minimize operational costs (businesses could leverage collection and processing).

Additional Feedback Sought

- One of the goals of the proposed updates to the material list is to leverage Ontario's processing capacity and end markets for paper and packaging materials that are being developed to manage the material collected in the new province-wide Blue Box system. Can IC&I establishments effectively leverage this system to make recycling more cost effective?
- Are processing/end market realities different for materials discarded by consumers on-site, compared to materials generated by regulated businesses' own operations (e.g. in offices or in so called back-of-operations)? Does that mean there needs to be different lists of obligated materials for some facilities?
- The categories proposed are broad (e.g. rigid plastic). When these categories are used in the Blue Box regulation, the Resource Productivity and Recovery Authority (RPRA) (URL: <https://rprra.ca/>) releases compliance bulletins to help obligated parties better understand what products and packaging are included in each category. Would the Ministry need to release similar guidance for IC&I generators?
- For manufacturers, and construction/demolition projects captured under O. Reg 103/94, the Ministry is not proposing changes to the material but is open to feedback if the barriers to recycling the existing materials or new opportunities.

ITEM 3: Clarifying obligations for businesses and institutions (waste generators)

Current Requirement

Businesses and institutions must make "reasonable efforts" to implement a source separation program. The current regulations have no generator reporting or record-keeping requirements specifically for source separation programs.

Proposed Change

The proposed changes outlined below would apply to all sectors captured by the IC&I regulations (including offices, shopping malls, schools, colleges and universities, hospitals, restaurants, and hotels and motels, manufacturing facilities and construction and demolition).

The Ministry proposes to amend O. Reg. 103/94 to ensure businesses and institutions source separate recyclables by replacing the current standard for "reasonable efforts" to implement a source separation program with the higher and clearer standard of "must" implement a source separation program.

Obligations could include:

- They must source separate all materials that fall under the categories listed in the regulation (see item 2 above).
- They must hire a waste service provider who will keep the material separate from regular waste and will send the material to a processor for sorting and preparation to be sold in recycling end markets.

The Ministry proposes record-keeping requirements for generators that relate to their implementation of the source separation program (for example, keeping contracts that demonstrate implementation).

Why Ontario is Considering this Change

Moving to “must implement source separation program” sets a clearer expectation that large businesses and institutions subject to the regulation will have systems in-place to separate obligated materials (see item 2 above on material lists) and to ensure that these are collected and sent to processing.

Record-keeping requirements can be used to verify that actions have been taken to separate materials appropriately.

Additional Feedback Sought

- This proposal applies to all IC&I facilities obligated under the regulation, including all manufacturing facilities and construction and demolition. Is any flexibility needed on what materials must be source separated? For example:
 - Are there operational realities that need to be considered for some of the obligated materials such as barriers to effective collection or processing or lack of end markets?
 - Should businesses be allowed to limit source separation to a subset of obligated materials that reflect an assessment of operational realities? What evidence or criteria should be used to justify any limits?
 - Should requirements be phased-in over time?

ITEM 4: Proposed new obligations for waste service providers

Current Requirement

The current regulations have no requirements on entities that handle materials once they have been picked up from an IC&I establishment.

Proposed Change

This would apply waste service providers collecting and processing materials from all sectors captured by the IC&I regulations (offices, shopping malls, schools, colleges and universities, hospitals, restaurants, and hotels and motels, manufacturing facilities and construction and demolition projects).

The Ministry proposes to prohibit haulers and transfer stations from co-mingling source-separated IC&I materials with waste intended for landfill, or delivering such materials directly to landfill.

This would mean that haulers and transfer stations must have trucks, equipment and facilities that will keep source separated materials apart from landfill-bound waste until the materials have gone through the initial sorting at a processor.

For clarity, mixed waste and residual material left over after processing could still be sent to landfill. This requirement would only apply to material separated at source for recycling by the waste generator.

The Ministry proposes record-keeping requirements for haulers, transfer stations, and processors that handle source separated materials from IC&I establishments. This could include records about where haulers have picked up and delivered source-separated IC&I materials; how much source-separated IC&I material transfer stations received and sent to processing; and how much source-separated IC&I materials processors received, processed and sent to end markets for recycling.

Recycling targets for the source separated materials are not being proposed at this time, but the Ministry is seeking feedback on whether there are performance standards about recycling that processors look to that drive effective recycling and a level playing field.

The Ministry is also considering if any data should be reported to the Ministry to help with compliance and monitoring of the effectiveness of IC&I recycling. Feedback is sought on which data should be reported.

Why Ontario is Considering this Change

The purpose of these changes is to ensure that material that is source separate is recycled. Businesses and institutions are already prohibited from co-mingling source-separated materials, but there is not a way for them to ensure that material does not get co-mingled and sent to landfill once it leaves their establishment without placing obligations on haulers and processors.

In the extended producer responsibility framework in Ontario, haulers and processors of recycled materials keep records of how much materials are delivered to, and recycled at, processing facilities, and may have reporting and registration requirements. This allows the Resource Productivity and Recovery Authority (RRPA) to then use this record keeping, if needed, to verify diversion claims reported by producers or their Producer Responsibility Organizations (PROs). Building on this, a similar approach is being considered here, although the Ministry would maintain the oversight and enforcement. By requiring records to be kept, the Ministry could investigate if there were concerns that source separated materials were being sent to landfill prior to sorting.

Additional Feedback Sought

- How could the Ministry ensure that record keeping is low-burden and leverages existing waste sector tracking capabilities and data? For example, what information is already collected and used by haulers, transfer stations and processors that would help demonstrate that diversion outcomes are being met?
 - Is it feasible for waste haulers to leverage existing record keeping processes to keep records on tonnes of source separated IC&I material collected and delivered to transfer stations or processing facilities?
 - A waste hauler may pick-up loads from both obligated and non-obligated IC&I sources. Can the weight of material picked up from obligated sources be tracked separately using existing technology?
 - Is it possible for transfer stations to leverage existing record keeping processes to keep records on tonnes of sources separated IC&I material received from each hauler that brings material to the facility and that the material was subsequently sent to a material sorting facility?
 - Is it possible for material sorting facilities to keep records of tonnes of source separated material received and how much source separated material was sent to recycling end markets, landfilled or recovered as energy? Can this be broken down by material types? Can it be broken down by haulers
- Are there performance standards for processors that recycle materials which would give the ministry, the public and businesses and institutions confidence that materials sent for recycling are being effectively managed?
- Are there benefits in having data reported to the Ministry? For example, processors' reporting annually on tonnes of IC&I materials processed could provide insight on diversion outcomes of the whole IC&I sector, without imposing burdens on all IC&I generators. What information should be reported, and how frequently?

ITEM 5: Simplifying and removing auditing requirements and plans

Current Requirement

Ontario's IC&I diversion framework includes requirements for waste reduction work plans and for assessments on why waste is generated and how much recycled content is used.

Proposed Change

The proposed changes below would apply to all sectors captured by the IC&I regulations – for example, offices, shopping malls, schools, colleges and universities, hospitals, restaurants, and hotels and motels, manufacturing facilities and construction and demolition.

The Ministry proposes to maintain a requirement for obligated waste generators to conduct an annual waste audit but remove provisions that do not drive diversion and recycling outcomes.

Amend O. Reg. 102/94 to:

- Remove requirements for waste reduction work plans.
- Remove requirements for waste audits to address why/how waste is generated by businesses and institutions, and the use of reused or recycled content in their products or services.

Repeal regulation O. Reg. 104/94.

Why Ontario is Considering this Change

Waste audits are an important first step for businesses and institutions identifying wastes that are generated on-site and material that must be source separated. Doing audits can help obligated businesses plan an effective source separation program.

Assessments of why businesses and institutions are generating waste or using recycled content are not essential to implement and enforce a source separation program. They are being removed from the audit requirement, that will focus on characterizing amounts and types of waste generated.

Waste reduction work plans have proven ineffective and are not essential to implement and enforce a source separation program.

Removing burdens that do not drive diversion and recycling outcomes will have cost savings for businesses and institutions.

Additional Feedback Sought

- Should the regulation specify how a waste audit should be conducted? Do businesses undertake regular waste audits or other assessments that could be leveraged to reduce burden?
- Should any of the results of a waste audit be reported to the Ministry?

3. Review of the Strategy for a Waste Free Ontario

The Strategy for a Waste-Free Ontario (URL: <https://www.ontario.ca/page/strategy-waste-free-ontario-building-circular-economy>) was released in 2017 under the *Resource Recovery and Circular Economy Act* (RRCEA). The RRCEA requires the Strategy to be reviewed every 10 years, which is coming up in 2027. The Ministry is using this consultation opportunity to begin the mandated review of the Strategy. After the review, a new Strategy would be published in 2027.

Additional Feedback Sought:

- The Ministry is seeking feedback on all elements of the Strategy, including the Goals and Targets, as well Action Items outlined below. To facilitate this feedback the text below provides a summary and status update on each Action Item.

Goals and Targets

The Strategy sets out the government's vision for a circular economy, where waste is viewed as a resource that can be recovered, reused and reintegrated into the economy. The Strategy established a series of actions and objectives intended to increase diversion, reduce waste, improve resource recovery and support long-term environmental outcomes, including:

- Zero waste Ontario;
- Zero greenhouse gas emissions from the Waste Sector;
- 30% diversion rate by 2020;
- 50% diversion rate by 2030; and
- 80% diversion rate by 2050.

Objective #1: Enhance provincial direction and oversight

Action 1: Empower the Resource Productivity and Recovery Authority

Status: Complete

The Resource Productivity and Recovery Authority (RPRA) (URL: <https://rpri.ca/>) provides

continued oversight, compliance, and enforcement of resource recovery and waste reduction activities under the *Resource Recovery and Circular Economy Act, 2016*. RPRA also operates a registry to obtain waste data from producers on their recovery and waste management activities.

Action 2: Issue policy statements to provide clear direction on the provincial interest

Status: Complete

In 2018, Ontario issued the Food and Organic Waste Policy Statement under the *Resource Recovery and Circular Economy Act, 2016*, which aims to prevent and reduce food waste, divert organics away from landfill, and support organic material processing infrastructure.

The Ministry is now consulting on proposed changes to support implementation of the Policy Statement and gather information on diversion outcomes to assess progress toward targets.

Action 3: Establish a registry and build data capacity to provide for evidence-based decisions

Status: Complete

As part of its mandate, the Resource Productivity and Recovery Authority established and maintains a registry for producer responsibility programs that tracks registration, reporting and compliance. Beyond producer responsibility, the registry also includes an Excess Soil Registry (URL: <https://rpri.ca/programs/excess-soil-registry/>) and Hazardous Waste Program Registry (URL: <https://rpri.ca/programs/hwp/>).

Objective #2: Enable efficient and effective recovery systems

Action 4: Transition existing waste diversion programs to new producer responsibility framework without disruption of services

Status: Complete

The *Resource Recovery and Circular Economy Act, 2016* introduced the extended producer responsibility system to replace the former waste diversion programs, which makes producers responsible for the waste generated from their products, including setting up and operating collection and recycling systems. Ontario's five producer responsibility regulations include:

- The Tires Regulation (URL: <https://www.ontario.ca/laws/regulation/180225>);

- The Batteries Regulation (URL: <https://www.ontario.ca/laws/regulation/200030>);
- The Electrical and Electronic Equipment Regulation (URL: <https://www.ontario.ca/laws/regulation/200522>);
- The Hazardous and Special Products Regulation (URL: <https://www.ontario.ca/laws/regulation/210449>); and
- The Blue Box Regulation (URL: <https://www.ontario.ca/laws/regulation/210391>).

The producer responsibility system standardizes what can be recycled across Ontario and establishes province-wide collection systems. With producers being required to meet regulated diversion targets and the Resource Productivity and Recovery Authority overseeing the system, including carrying out compliance and enforcement activities, Ontario ensures an effective framework for diversion.

Action 5: Amend the 3Rs Regulations to increase resource recovery across all sectors

Status: Ongoing

This action speaks to a modernized and effective waste management system, and the Ministry is now consulting on proposed changes to improve waste diversion in the IC&I sector.

Action 6: Establish service provider requirements to protect the environment while promoting resource recovery

Status: Ongoing

The Ministry is proposing amendments to its IC&I waste diversion framework to ensure that when consumers, businesses and institutions do the work of separating recyclables from waste, the waste sector keeps those recyclables separate from landfill-bound wastes until the recyclables are reused or sorted, cleaned and processed. In addition, the Ministry is proposing that processors report on the type and amount of IC&I material sent for recycling. This will help ensure that regulated diversion outcomes are being met.

Action 7: Ensure landfills are well planned and managed to minimize their need and reduce greenhouse gas emissions

Status: Ongoing

The Ministry continues to pursue a balanced approach that includes creating additional

landfill capacity where needed, increasing diversion, and supporting resource recovery opportunities. Changes are now being proposed under the Building Ontario Faster Act to facilitate new landfill capacity while maintaining environmental oversight and consultation. The Ministry also seeking input on measures to support for landfill gas capture, energy generation, and emerging waste management technologies.

Action 8: Establish promotion and education requirements to support public participation in resource recovery

Status: Partially Complete

Public participation in resource recovery is instrumental to efficient and effective recovery systems. For this reason, the government proclaimed every second Tuesday in May as the Provincial Day of Action on Litter (URL: <https://www.ontario.ca/page/act-on-litter>) to remind and encourage Ontarians to:

- Reduce waste by giving old products new life instead of throwing them away;
- Divert waste by recycling or composting materials when and where possible to divert waste away from landfills;
- Prevent waste and litter by stopping waste before it's created, and before it has the chance to become litter;
- Clean up litter and help to keep communities clean by picking up and properly disposing of litter, or by organizing community litter cleanups; and
- Properly dispose of waste by making sure anything that does belong in the trash, is securely placed in garbage bins to help keep neighbourhoods clean.

Ontario's annual Provincial Day of Action on Litter is a day for everyone: students, community groups, municipalities and businesses, across the province to come together to organize litter cleanups and promote the importance of keeping our neighbourhoods, parks and waterways clean and free of litter and waste. This coming year, the Day of Action will be May 11, 2027.

Objective #3: Increase waste reduction and improve resource productivity

Action 9: Designate new materials to ensure producers are fully responsible for recovering more materials from products and packaging

Status: Ongoing

The Ministry maintains its commitment to a circular economy and has made progress through enacting five producer responsibility regulations for tires, batteries, electrical and electronic equipment, hazardous and special products, and Blue Box materials. In order to reduce

waste, increase diversion away from landfill, and improve resource recovery, the Ministry is seeking feedback on the feasibility of designating additional materials under the producer responsibility framework.

Action 10: Implement an action plan to reduce the volume of food and organic wastes going to landfill

Status: Ongoing

The government continues to support food and organic waste reduction and diversion, including having issued the Food and Organic Waste Policy Statement in 2018. The Ministry is now consulting on proposed amendments to the policy statement and seeking input opportunities to further reduce the amount of food and organic waste going to landfill.

Action 11: Implement an Excess Soil Management Policy Framework to increase the reuse of excess soil, while protecting human health and the environment

Status: Complete

Resource Productivity and Recovery Authority (RPRA) established the Excess Soil Registry and the Hazardous Waste Program Registry which collect data on excess soil management and waste management activities respectively. RPRA publishes reported data annually and the Ministry is responsible for conducting compliance and enforcement activities.

Action 12: Adopt and implement modern regulatory approaches to build on and promote innovative best practices

Status: Ongoing

The Ministry continues to modernize its waste management and environmental approvals framework to improve outcomes, reduce unnecessary burden, support innovation and strengthen economic competitiveness. The Ministry is building on this work through the proposed amendments to the IC&I waste diversion regulations that strengthen source separation requirements, improve reporting and oversight and remove requirements that no longer contribute to diversion outcomes.

The Ministry is also continuing work to support innovative waste management approaches, including:

- Proposal #026-0414 (URL: <https://ero.ontario.ca/notice/026-0414>) to change the requirements to allow waste disposal site operators more flexibility to change the area

where the waste comes from (the service area) and to change the rate at which they can accept it (the fill rate).

- Proposal #026-0415 (URL: <https://ero.ontario.ca/notice/026-0415>) to amend the *Environmental Assessment Act* to improve the Comprehensive Environmental Assessment process by removing certain steps while maintaining strong environmental protections and other opportunities for consultation.
- Proposal #026-0595 (URL: <https://ero.ontario.ca/notice/026-0595>) to amend the *Environmental Protection Act* (EPA) and the Renewable Energy Approvals (REA) Regulation (URL: <https://www.ontario.ca/laws/regulation/090359>) to recognize the biogenic content in municipal waste as a renewable energy source. This would allow eligible Energy from Waste Incineration (EFW-I) facilities to undergo a single REA process.

Objective #4: Create conditions for sustainable end-markets

Action 13: Improve and establish environmental standards to provide a level playing field and a strong foundation for markets

Status: Partially Complete

The Ministry recognizes that clear and consistent standards can support investment, innovation managing recovered materials. Since the release of the Strategy for a Waste-Free Ontario, the Ministry has worked with stakeholders and the federal government to support the development of standards that enable the recovery and beneficial use of materials. For example, the Ministry has participated in discussions related to standards for compostable products and packaging, which can help improve consistency across jurisdictions and support organics diversion programs. The Ministry also participated in discussion to develop a national framework for when plastics are deemed recycled and standard for calculating and verifying recycled content in plastic products. The federal government also initiated consultations on minimum recycled content requirements in 2020 which if introduced would increase demand for recycled plastics and investments into domestic recycling infrastructure.

Action 14: Use green procurement practices to build market demand for recovered materials

Status: Ongoing

The Ministry recognizes that strong end-markets depend on sufficient and reliable demand for recovered materials. The Ministry has participated in discussions with other jurisdictions

and industry regarding approaches to increase the use of recycled content in products and packaging, including efforts within the plastics sector to advance more consistent approaches to recycled content requirements. Increased demand for recovered materials can help increase diversion, support investment in recycling and resource recovery infrastructure, and create jobs throughout Ontario's circular economy.

Action 15: Implement disposal bans to direct materials to end-markets

Status: Incomplete

Food and organic waste is one of the largest recoverable waste streams still being disposed of in landfill despite opportunities for recovery through composting and anaerobic digestion. The Strategy committed to looking at landfill ban to drive diversion, but the Ministry is of the view that a ban is not appropriate at this time. However, the Ministry is seeking input on additional opportunities to increase food and organic waste diversion.

4. Review of the Strategy for a Waste Free Ontario – Themes for Additional Feedback

THEME 1: Recovery

The Ministry sees energy recovery as the “4th R” in the waste management hierarchy (reduce, re-use, recycle and recover) and is seeking feedback on ways to ensure the province is maximizing the benefits of recovery.

Recovery technologies continue to evolve, but they include energy production from waste incineration or methane capture, or technologies such as advanced recycling that use heat or chemical processes to convert plastics back into the polymer building blocks for new plastics.

O. Reg. 232/98 and O. Reg. 347 requires large landfills (with capacity above 1.5 million cubic metres) to install landfill gas collection systems and to either flare (burn) or use the landfill gas collected to produce energy. Recent Landfill Methane Regulations (URL: <https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/municipal-solid/waste-greenhouse-gases-canada-actions/landfill-methane-regulations.html>), create new federal obligations for an expanded number of landfills in Canada, including Ontario, to maintain set surface methane concentration limits.

Additional Feedback Sought:

- Are there specific barriers that limit the development or adoption of resource recovery technologies in Ontario?
- The Ministry has heard that the cost differential between recovery and traditional landfilling of waste is a barrier to development. Are there incentive that would help support recovery? Can the sector provide the Ministry with cost data that helps quantify the cost challenges?
- The Ministry sees recycling and recovery as complementary waste management pathways. Can the waste sector provide examples of materials that could not be sent for recycling and that would be better addressed through recovery technologies?
- What incentives would support turning landfill gas into energy instead of flaring the methane?

THEME 2: Innovative Technologies to Extend Landfill Life

Even as Ontario pursues waste diversion and recovery, it is acknowledged that waste will still continue to go to landfill, and so the Ministry is seeking feedback on ways to support innovative technologies that could extend landfill life, such as new additives that break down plastics in landfills.

Ontario's waste management regulations set out outcomes for the safe management or waste, or diversion and recovery, but the regulations leave it to those in charge of managing the wastes (e.g. municipalities, private businesses) to choose the best technology to meet the regulated outcomes and their waste management needs.

Additional Feedback Sought:

- What are the most promising new technologies to help extend landfill life? How can government policy support these? Are there made-in-Canada technologies that government should seek to support?

THEME 3: Organic Diversion

Organic diversion can significantly extend landfill life, and the Ministry is interested in actions that would support more organics diversions while minimizing new costs to businesses at a time of economic disruption.

Additional Feedback Sought:

- Are there particular sectors or businesses that produce a lot of organic waste and that would benefit from a regulated diversion requirement to drive diversion and ensure a level playing field among all competitors?
- Renewable natural gas and compost are key products that come from organic diversion. How can policy and regulation support the development of these end markets?

THEME 4: New materials for extended producer responsibility

The Ministry continues to seek input on designating additional materials for extended producer responsibility (EPR).

Since 2019, the government has enacted five EPR regulations for tires, batteries, electrical and electronic equipment, hazardous and special products, and Blue Box paper and packaging materials. Additional EPR materials are included in the EPR frameworks of other Canadian provinces, such as household appliances in Quebec and Nova Scotia, or batteries from e-transport devices in British Columbia.

Additional Feedback Sought:

- Which factors should be considered when assessing which materials/products would be good candidates for producer responsibility and why? For example:
 - Amount of landfill space conserved.
 - Market readiness in terms of viable end-markets, processing technologies, and/or experience from other jurisdictions.
 - Value of removing costs or responsibility of diversion from consumers and municipalities.
- Provide examples of products that would be good candidates for EPR given the criteria identified above.