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July 3, 2025

Sent Via [Environmental Registry of Ontario](#)

Marc Peverini
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Dear Mr. Peverini:

Re: City of Toronto's comments on proposed amendments to the Blue Box Regulation (ERO # 025-0009)

The City of Toronto (the City) wishes to provide its comments and concerns in response to the Environmental Registry of Ontario's posting number 025-0009 entitled "Amendments to the Blue Box Regulation" posted on June 4, 2025. This submission provides the City's positions and, where feasible, the City's recommendation for each proposed amendment.

1.0 Delay Recovery Targets for Selected Material Categories

1.1 Position

The City does not support this proposal.

Extended Producer Responsibility (EPR) is a critical policy mechanism, that directly supports the Provincial Interests outlined in the *Resource Recovery and Circular Economy Act, 2016*¹, to ensure that the maximum amount of material is being diverted from Ontario's dwindling landfill capacity by placing the accountability for end of life management on the companies who supply the products and packaging to Ontario consumers. The delay in meeting recovery targets, when combined with the cancellation of planned expansion of service to facilities and public space, will result in a significant amount of material to be directed to landfill rather than successfully be recovered and recycled by producers. While

¹ [Section 2 - Resource Recovery and Circular Economy Act, 2016](#)

the recycling of materials creates sustainable economic opportunities within Ontario; these opportunities are lost when Blue Box materials go to landfills.

The Province has indicated in the proposal that it “does not anticipate recycling levels would fall below baseline levels recorded in municipal blue box programs.” The City feels that in the absence of targets, this cannot be assured. This proposal potentially results in a scenario where recycling in 2030 is not better than it was in 2020.

This proposal does not provide clarity on how the management requirements for producers between 2026 and 2031 will be set. The amount of Blue Box materials that producers are required to manage is set by a formula in the Blue Box Regulation (the Regulation), which makes use of the recovery percentage (target) for each material category. If there are no targets until 2031, how will the management requirement be set?

Without recovery targets, and in the absence of any proposals for management requirements for compostable products and packaging, there is an ongoing risk of producers switching to compostable designs in order to avoid management obligations under the Regulation, further disincentivizing the growth of a more effective recycling market in Ontario. Compostable products put stress on municipal Green Bin programs, risk lowering the quality of the beneficial products from organics diversion, and represent a lower outcome on the waste hierarchy since compostable packaging is effectively only designed for single use.

The processors of recyclable materials have invested heavily over the past few years in new facilities to manage the anticipated flow of Blue Box Materials, based on the targets coming into effect in 2026. The proposal to shift targets out by 5 years not only reduces the incentive for producers to invest in new facilities/technologies, resulting in lost economic opportunities for Ontario, it puts at risk the investments and jobs for Ontario based companies that, like the City, made their plans based on the targets coming into effect in 2026.

The City understood that the post-transition collection contracts were premised on maintaining a specified contamination level, which was driven by recovery targets. This understanding informed the decision by the City to not submit a bid to provide post-transition collection services. Given that the City has an established recycling collection infrastructure and extensive experience with delivering a cost effective service, this missed opportunity may have *increased* producer costs given that the private sector invested in new infrastructure.

1.2 Recommendation

Recovery targets should be maintained as they are currently required in the Regulation.

2.0 Remove Planned Expansion for Multi Residential Buildings, Schools, and Specified Long-Term Care Homes and Retirement Homes

2.1 *Position*

The City does not support this proposal.

Since the Blue Box Regulation was finalized in 2021, the City has made its operational plans and budget forecasts based on the commitment by the Province, as articulated through Blue Box Regulation, that the expansion of producer funded Blue Box Material recycling services to non-municipally serviced facilities would start in 2026. A long term multi-residential collections contract and a processing contract were procured and executed with an understanding that Blue Box Material collection was not to be part of the City's suite of services after December 31, 2025.

Furthermore, as Canada's most populous City striving to meet the Province's housing targets, Toronto will continue to see growth in the multi-residential sector well into the future. With the large number of new multi-residential buildings under construction or undergoing planning approvals², the number of Toronto residents not receiving producer funded Blue Box services could quickly equal the size of a small municipality. This represents a service reduction to an ever-increasing percentage of Toronto residents, not the maintenance of current service levels as the proposal asserts.

According to the Canada Mortgage and Housing Corporation's (CMHC) Housing Market Outlook for 2025³, it is anticipated that Toronto will see upwards of 28,900 – 32,000 new multi-residential housing units annually between 2025 and 2027. Based on City of Toronto data on the number of occupants per unit, this could result in an additional 66,470 to 73,600 people annually being denied access to the producer funded Blue Box services.

These new building developments may decide to request waste collection services (including recycling) from the City. Currently the City provides collection services to approximately half of the existing multi-residential housing stock. If that level of City collection services is applied to the new units that are occupied in 2026, this would cost the City approximately \$500,000 in 2026 alone (using estimated new unit construction based on CMHC's Housing Market Outlook for 2025).

Going forward, and using the assumptions noted above, the potential costs to the City associated with new multi-residential units being constructed will continue to grow by approximately \$500,000 each year as more new buildings are occupied, creating an ever-increasing pressure on the City's budget.

Fairness and equal treatment are essential to effective public policy. Multi-residential buildings should have similar access to a program that is required to be provided by

² [City of Toronto Development Pipeline 2024](#)

³ [CMHC's Housing Market Outlook for 2025](#)

producers to all other residents in the province. In Toronto alone, this proposal creates a potential barrier to the participation of residents living in approximately 300,000 multi-residential units currently in the City, with the number projected to increase by tens of thousands of units each year.

2.2 Recommendation

In order to preserve the ability to provide all residents with the same opportunity to recycle Blue Box materials in their homes, regardless of the waste management service provider are provided directly by the City or by contracted private companies, the City requests that the Province delay implementation rather eliminating the planned expansion. This will allow producers more time to contain their costs without service reductions to residents.

Should the Province move ahead with this proposal, despite the significant fiscal implications for the City, there is a need for amendments to clearly articulate that any multi-residential building (be it an existing or new building) that makes a request to receive City collection services during the transition period (prior to January 1, 2026) will be eligible to receive producer funded Blue Box collection services after January 1, 2026. This approach would be consistent with how transition has been proceeding to date. Failure to provide this clarity could lead to challenges from producers, which if successful would create additional financial pressures on the City.

3.0 Remove Requirement to Collect Beverage Containers “Away from Home”

3.1 Position

The City does not support this proposal.

The removal of this requirement will not ensure that beverage containers are recycled, as many are sold and consumed in restaurants, commercial locations and in public spaces. As a result, there may be implications for municipal public space recycling costs as more of these containers are deposited in street and parks recycling bins, or as litter.

3.2 Recommendation

The City is requesting that the Province re-engage on the issue of deposit return for beverage containers and this time include the municipal sector in the discussions to share expertise in the management of these materials.

4.0 Remove Expansion of Public Space Collection

4.1 Position

The City does not support this proposal.

Since the Blue Box Regulation was finalized in 2021, the City has made its operational plans and budget forecasts based on the commitment by the Province, as articulated through Blue Box Regulation, that producers would become responsible for at least a portion of public space recycling services starting in 2026.

As a result, the City has invested time and effort on planning for the transition of nearly 7,000 public space recycling bins to a producer funded collection model for Blue Box Material in public space. This proposed change, coming 6 months prior to the original proposed implementation date, has not been factored into our current and future budget forecasts. Municipalities have acted in good faith and made their plans for the management of public space costs based on the timelines and formulas established in the regulation.

To help illustrate the potential financial impact of eliminating the planned expansion of public space recycling collection, the City has estimated that the inability to transition nearly 7,000 public space recycling bins to a producer funded collection model will cost the City approximately \$7,000,000 annually. This cost is unanticipated and is not reflected within the City's budget forecast.

The Province has indicated that the proposal is not expected to “negatively impact current public space recycling” however, it did not engage with the municipal sector to verify the accuracy of this assumption. Toronto has tremendous need for public space recycling due to its vast numbers of residents, commuters⁴ and tourists⁵. As such, Toronto has an extensive network of approximately 16,300 public space recycling bins.

The City notes that the proposal creates an inequitable “common collection system” where some municipalities have public space collection funded by producers while most do not. This represents a piecemeal approach to blue box collection, which the original regulation aimed to avoid.

4.2 Recommendation

In order to allow producers more time to contain their costs, the City is recommending that the Province amend the proposal and delay implementation of public space recycling, rather eliminating the planned expansion.

5.0 Reduce and Delay Flexible Plastic Recovery Target

5.1 Position

The City does not support this proposed change to the target.

⁴ [Metrolinx 2023-24 Annual Report](#)

⁵ [Destination Toronto - 9 Million Visitors Spent a Record \\$8.8 Billion in Toronto in 2024](#)

The Province has failed to explain why the flexible plastic target is being reduced to 5% when the proposal document states that flexible plastics “diversion rates are below 10%”.

5.2 Recommendation

If the Province is to proceed with this proposal, the diversion rate should be set at the current rate that is being achieved. The Province should also be setting an increase to the target beyond 2031. As the proposal is currently written, there is little incentive both for producers to divert materials from landfill, and for producers and processors to invest in new facilities/technologies.

6.0 Allow Energy Recovery to Count Toward Diversion Targets

6.1 Position

The City supports the continued use of the waste hierarchy and this proposal is contrary to City’s position of not counting materials sent to an energy from waste facility (EFW) towards diversion targets.

The intent of the original Blue Box regulation and the move to EPR was to incentivize innovation in packaging design by producers to maximize the materials available for recycling. In this way, producers would be able to seek innovative ways to recover recyclable materials for use in new products and packaging. EFW should then only be considered as a last resort for dealing with garbage and the residual from a highly innovative recycling process, rather than sending the residual to a landfill.

The City is concerned that allowing producers to include materials sent to energy recovery in the management targets would not support the transition to a circular economy as it allows producers the option to incinerate rather than innovate to (i) reduce the amounts of non-recyclable materials; (ii) design to make it easier to recover other valuable resources from products at the end of their initial use; and (iii) develop refurbishing or repurposing options for recovered materials.

6.2 Recommendation

Should the Province move ahead with this proposal despite municipal reservations, the amended regulation should include the authority for the Resource Productivity & Recovery Authority to track the materials claimed as recovered using EFW to ensure the provision is not used beyond its intended scope.

In addition, the Province needs to clarify the use of the term “non-recyclable material” in the context of the EFW proposal to ensure producers only are credited for materials within one of the material categories in the Blue Box regulation AND that these materials cannot otherwise be recovered using available technologies.

There is also a need to draft the regulation to ensure that producers can only claim up to 15% in total in any single material category, regardless of whether the material goes to EFW or is used as aggregate/landfill cover (as is currently allowed in the regulation).

7.0 Consider the Best Ways to Ensure Collected Materials are Sent for Processing

7.1 Position

The City is conditionally supportive of the proposal that all collected materials must be sent to a registered processor and not directly to a landfill.

The City is concerned this provision might lead to a more aggressive approach to rejecting non-blue box materials or heavily contaminated blue box materials at the curb, resulting in a sharp increase in the number of full bins left behind after collection. This would result in more waste being left behind for municipalities to manage as garbage, further adding to the tremendous landfill crisis in Ontario.

7.2 Recommendation

Should the Province move ahead with this amendment, producers must still be required to collect all materials set out for recycling collection, with the exception of egregious contamination (e.g. non-recyclable household items, construction waste, etc).

8.0 Clarify Definition of a Facility

8.1 Position

The City supports the proposal to revise the definition of facility to specify that it includes multi-residential buildings with six or more residential units to support consistency with definitions in other regulations (e.g., O. Reg. 103/94).

8.2 Recommendation

The City requests that the Province update the list of recyclable materials in O. Reg. 103/94 to align with the list of materials in the Blue Box regulation and commit to more enforcement of O. Reg. 103/94 to ensure multi-residential buildings are offering recycling services as required by the regulation.

9.0 Clarify Collection Requirements for Schools

9.1 *Position*

The City supports this proposal to clarify that producers are responsible for collecting all blue box wastes generated at a school to ensure that there is no loss of service for other users of school buildings.

10.0 Maintain Depot Access for Residents in Unorganized Territories

The City has no comment on this proposal.

11.0 Update Timelines for Providing Blue Box Services

11.1 *Position*

The City supports this proposal to amend the regulation to provide timelines for servicing newly built residences.

12.0 Provide More Flexibility on Printed Promotion and Education Materials

12.1 *Position*

The City does not support this proposal without further clarification provided.

The City has already entered into negotiations around the use of printed promotional and educational material for 2026⁶. Given the lead times required to prepare this material in advance of transition period ending, the City is requesting that this provision only apply after 2026 materials have been published.

12.2 *Recommendation*

The City requests the Province to provide clarity on the process for a municipality to identify the need for print distribution.

⁶ [Toronto City Council Decision - Transition of the Blue Box Program to Extended Producer Responsibility: Post-Transition Update](#)

13.0 Provide Flexibility on French Language Requirements

13.1 *Position*

While the City supports this proposal, it is concerned that communication in other languages is often necessary to ensure adequate understanding of promotion and education materials. and all top 10 languages provided by Statistics Canada

13.2 *Recommendation*

The City requests the Province require producers to provide materials to both municipalities and residents in French and in all of the top 10 languages (after English and French) identified by Statistics Canada. Additional guidance should be provided to producers on how communications in other languages has advantages that lead to improved outcomes.

14.0 General Comments

The City continues to support the Province's approach, as was announced in 2021, to transition the financial and operational responsibility of managing Blue Box materials from municipalities to producers. The City's understanding at that time was that the shift from shared responsibility to full EPR would address the significant issues with the previous legislative framework and create better overall economic and environmental outcomes for Ontarians. The City is concerned that these proposed amendments do not reflect the initial intent of the Regulation.

For the past 4 years, the City has acted in good faith, revising its annual budget, residual waste management plans, and collection and processing contracts to align with the expected changes forthcoming in January 2026. With less than 6 months remaining in transition, the City cannot financially or operationally absorb these proposed changes.

The original Blue Box regulation was the result of a robust and transparent consultation process. It reflected a fair and reasonable balance of input from all stakeholder sectors, and a significant engagement process, including a thorough examination by Special Advisor David Lindsay and a subsequent mediation process.

The success of this collaborative approach should have provided a model for producers to use when they began to experience cost pressures during the transition period. The City of Toronto has extensive knowledge and experience in municipal solid waste management, including the Blue Box program. It works diligently to drive efficiencies while maintaining high environmental outcomes.

The City has offered, through past submissions on to changes to the Blue Box Regulation, to work with producers and the Province to find solutions to the challenges of running

collection systems, increasing diversion rates and driving efficiencies. To date producers have chosen to not work collaboratively with municipalities in addressing these challenges but rather have dealt directly with the Province to create amendments that the City does not feel align with the Provinces' twin goals of increased recovery of materials and reduced waste to landfills.

Circular Economy

Several of the proposed amendments do not support the transition to a circular economy and do not prevent valuable goods and materials from ending up in landfill. The Province's emphasis on "maintaining current services" is out of alignment with supporting a circular economy. The term "circular economy" refers to a society-wide approach to production and consumption that aims to eliminate landfill waste and maximize resources by capturing/recovering as much as possible from used products.

The City is aware of data from a number of sources, including Municipal Datacall, which indicate that the current targets in the Blue Box Regulation can be achieved in 2026, specifically in material categories for paper, rigid plastic and metal. The City of Toronto is concerned that the proposal to delay application of recovery targets for 5 years will further erode trust and confidence in recycling as a meaningful environmental and economic development pathway for Ontario. The City advocates for the Province to instead continue its efforts, working with municipalities, producers and other stakeholders, to create the conditions that will drive greater efficiency and innovation in the recycling system.

The City of Toronto supports investments in building a circular economy in the Province of Ontario as a means to create a more prosperous economy, stimulate job creation, foster innovation, and create economic resilience in the face of global uncertainty. Manufacturers and businesses in Toronto and Ontario are suffering as a result of United States tariffs, among other economic pressures that have been exacerbated since the start of the COVID-19 pandemic. It has been previously noted by the Province that diverting waste from landfills creates positive economic benefits and new jobs.⁷ A strong recycling economy in Ontario presents an opportunity to protect Ontario businesses from global supply chain shocks by maximizing the use of existing resources, ensuring usable materials continue circulating in the economy, and generally contributing to economic resilience and self-sufficiency through reducing dependence on external inputs.

⁷ [Reducing Litter and Waste in Our Communities Discussion Paper - Delivering on the Made-in-Ontario Environment Plan](#)

Should you have any questions regarding this submission, please contact Charlotte Ueta, Acting Director of Policy, Planning & Outreach, Solid Waste Management Services, by email at Charlotte.Ueta@toronto.ca or by telephone at 416-392-8506.

Yours truly,



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