

# Recycling Council of Ontario Waste-Free Ontario Act



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Jasper, Alberta



*And now for something completely different...*

## Omnibus Legislation

### **Waste-Free Ontario Act**

Resource Recovery and Circular Economy Act

Waste Diversion Transition Act

### **Draft Provincial Strategy**

Waste-Free Ontario : Building the Circular  
Economy





# Waste-Free Ontario Act

## Resource Recovery and Circular Economy Act

### Waste Diversion Transition Act

- Nine years in the making – assented June 2016 – anticipated to come into force late fall
- Informed by Waste Diversion Act failures, two bill attempts, and broader Canadian experience with EPR
- Climate change policy focus causes shifts from “waste diversion from landfill” to resource recovery as greenhouse gas mitigation strategy
- Resulting law is a circular economy omnibus

## Major Design Shifts

- No transfer of responsibility/liability from individual “brand holder” to any other party (e.g., PRO or other service providers), which means:
  - No shared responsibility
  - No regulation of how objectives are achieved
  - No stewardship plans submitted to government for approval
  - No stewardship “programs” created through regulation (PRO convened through free association of brand holders)
  - No regulation or oversight of financing of compliance activities
  - No prohibitions or disclosure requirements related to visible consumer fees



# Waste-Free Ontario Act



# Objectives (as stated by MOECC)

## **Resource Recovery and Circular Economy Act**

- Transform existing waste diversion framework to support circular economy
- Set overarching provincial direction and establish new producer responsibility regime

## **Waste Diversion Transition Act**

- Ensure the smooth transition of existing programs to the new producer responsibility regime

## **Provincial Strategy**

- **Short, mid and long terms plans**



# Resource Recovery & Circular Economy Act

## Provincial Interests

- Described specifically in the Act – Principals that Guide Decision Making
- Provincial Interests are supported in a Strategy that the Minister is required to develop

## Policy Statements

- Minister Issues
- Approved by Lieutenant Governor in Council
- Certain persons/entities **MUST** have regard for these
- Existing Instruments must be made consistent

## Creation of an Authority

- WDO transitions to the Resource Productivity and Recovery Authority
- Existing board terminated upon Royal Assent





# Provincial Interests

*Ontario has a system of resource recovery and waste reduction that aims to:*

- protect the natural environment and human health;
- minimize greenhouse gas emissions resulting from resource recovery activities and waste reduction activities;
- minimize the generation of waste, including waste from products and packaging;
- decrease hazardous and toxic substances in products and packaging;
- hold persons who are most responsible for the design of products and packaging responsible for the products and packaging at the end of life; and
- increase the reuse and recycling of waste across all sectors of the economy.



# Policy Statements

- Not regulations, sets policy direction, approved by Cabinet
- *Certain persons MUST ensure that they act in a manner that is consistent with the policy statement when doing things related to resource recovery and waste reduction.*
- Must be cross-referenced and considered alongside other existing policies, i.e., Municipal Act (Official Plans and by-laws); Environmental Protection Act; Planning Act; Environmental Assessment Act; Water Resources Act; etc.
- Minister will develop the policy statements in consultation with a variety of interested and affected stakeholders
- Review every 10 years



# Marketplace Fairness/Competition

## ***Competition Act (Canada)***

8. Nothing in this Act shall be construed as requiring or authorizing any person or entity to engage in an activity that would constitute a contravention of the *Competition Act* (Canada).



# Resource Productivity and Recovery Authority

- Dual functions
  - 1) Data repository
  - 2) Monitoring and enforcing compliance
- Transition of existing Waste Diversion Ontario
- Not a Crown Agency
- WDO Board is terminated on date of Royal Assent
- Governance:
  - Five Minister appointments
  - Six elected appointees
- Expertise and Experience
  - Resource recovery and waste reduction
  - Finance
  - Business Management
  - Compliance and enforcement
  - Corporate Governance and Management
- Functions under an operating agreement between Minister and Authority

# Resource Productivity and Recovery Authority

## Key Functions:

- Sets and collects fees for the purpose of recovering its costs
- Operates a registry
  - entities such as producers, service providers (public and private), generators or agents, to register activities as it relates to the Act
- Registration information could include responsibilities within the Act or related regulation specific to waste reduction, collection, management, promotion and education, reporting and record keeping
- Appoints inspectors – support compliance and enforcement
- Government may ask Authority to defray its costs associated with administering the Act



# Responsible Parties

- Brand holders
- Commercial connection to waste
- Supplies convenience packaging (or has supplied but no longer does)
- Person who markets the product
- Person who performs an activity that relates to resource recovery and waste reduction (public or private service providers)



# Responsibilities

## Design

- Improve reduction and recyclability through design
- Reduce waste generated
- Reduce or eliminate use of certain substances
- Increase use of recovered materials

## Collection

- Establish and operate a collection system
- Several specific requirements related to scope, access, standards, and coverage



# Registry

- Receives information from obligated parties
- Provides public access to information (subject to regulation)
- Provides public notice of fees that will be established.

Can be used to collect:

- List or description of products and packaging
- List of persons retained to provide services
- Description of how that person is fulfilling or plans to fulfill their responsibility
- Other information that could affect resource recovery or waste reduction in Ontario



# Oversight and Enforcement

Lieutenant Governor in Council

Can issue regulations that disallow producers/brand holders who don't follow the rules from selling products into Ontario

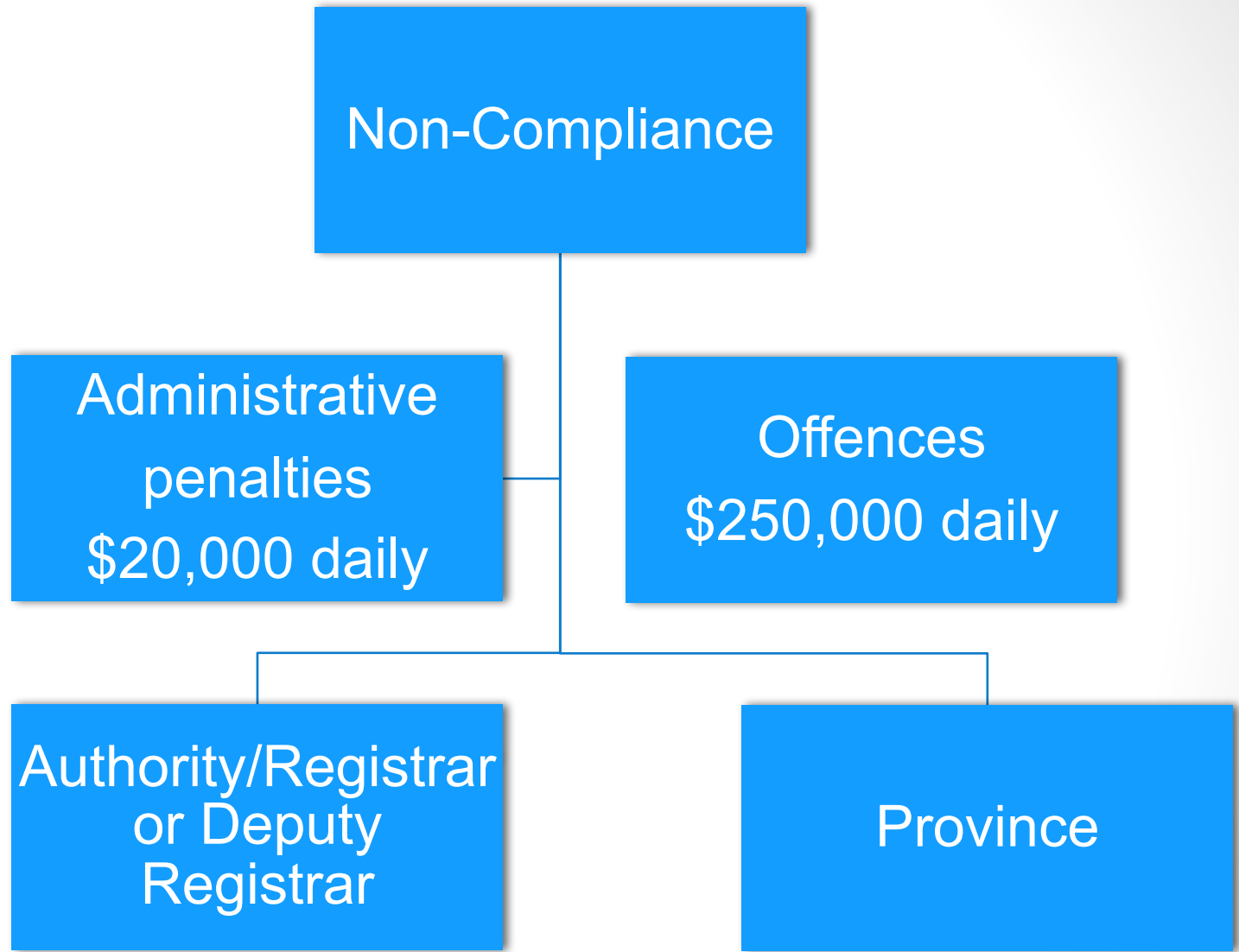
Authority

Powers of inspection  
Issues compliance orders;  
Orders imposing administrative penalties and offences  
Assumes oversight & enforcement of current IFO programs during their transition  
Conducts consultations  
Advises and reports to Minister  
Establishes advisory councils as needed

Environmental Review Tribunal

Appeals made to compliance orders and administrative penalties







# Waste Diversion Transition Act

# Waste Diversion Transition Act

- Sets up process where current programs under Waste Diversion Act transition under the new Resource Recovery and Circular Economy Act
- Through Minister's direction - winds up current programs and Industry Funding Organizations, through the Authority
- Authority assumes oversight and enforcement of IFO programs
- IFO rules and authority to collect fees remain in place until they are officially wound up
- Minister may appoint an administrator to support the wind up process if Authority fails its duties
- IFOs are required to consult during their wind up process

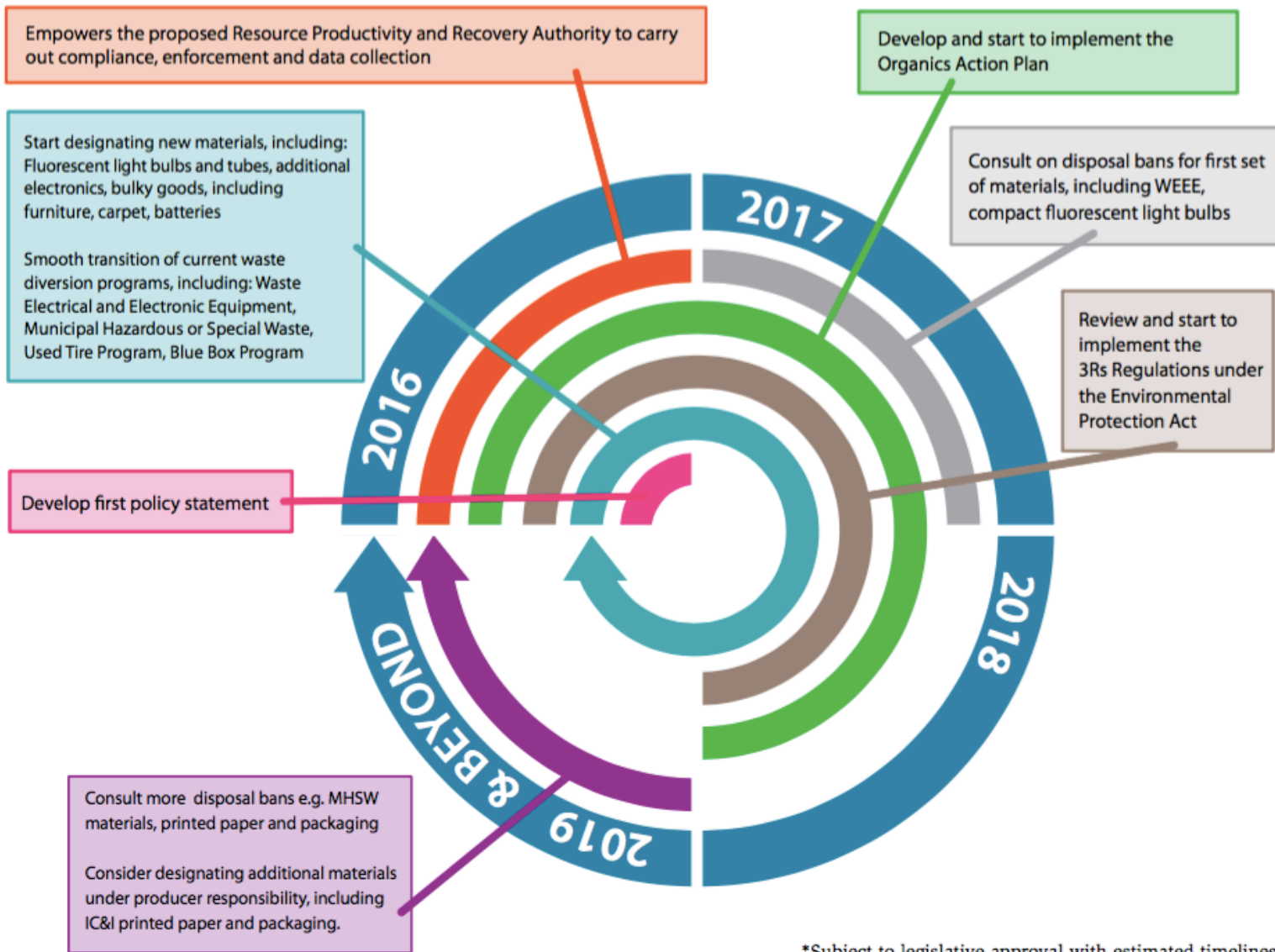


# Strategy

- Posted with the Act
- Comments through the EBR
- Reviewed every 10 years – can be altered by Minister at any time



# Short-, Mid-, Long-Term Priorities



\*Subject to legislative approval with estimated timelines





# Questions



## Contact

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