

**Waste Diversion Ontario**

**Report on Consultation on**

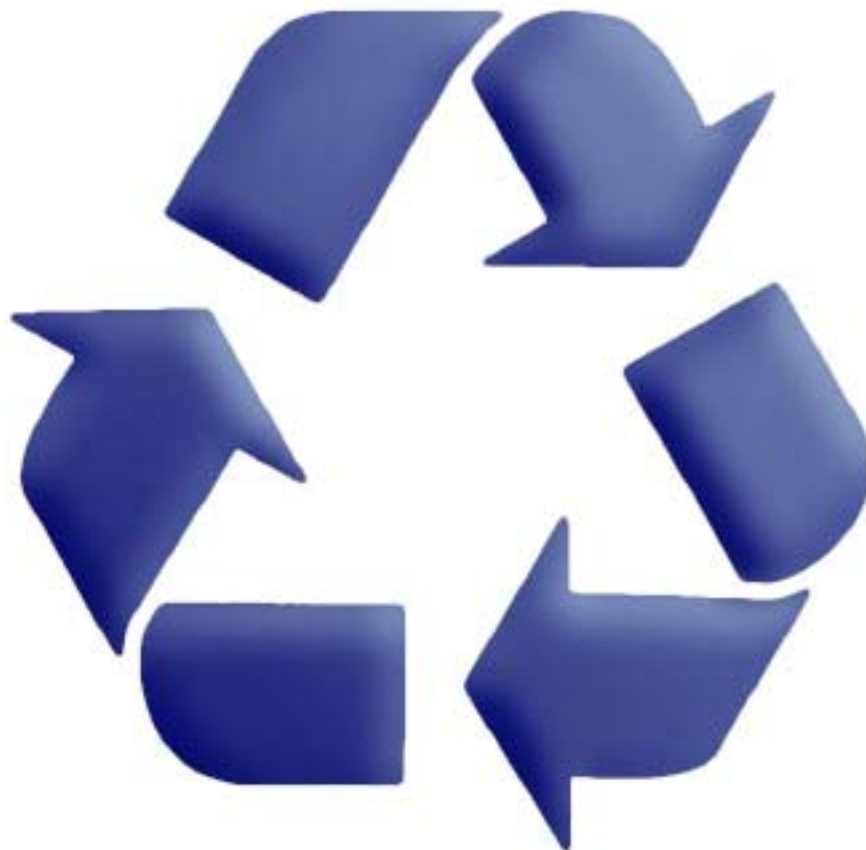
**Recommended Process to Identify and**

**Address Printed Papers and Packaging**

**that are Problematic for Recycling**

**Programs**

February 26, 2010



## Contents

1	Background.....	2
2	Objectives & Scope.....	3
3	Elements of Consultation .....	3
3.1	WDO Web site.....	3
3.2	Electronic Notice to Identified Stakeholders.....	3
3.3	November 24 <sup>th</sup> Workshop/Webcast.....	4
3.4	Other Input Provided to WDO .....	4
4	Comments Received & Responses.....	4

## 1 Background

Section 6.4, Problematic Wastes, of the Blue Box Plan Review Report<sup>1</sup> submitted by Waste Diversion Ontario (WDO) to the Minister of Environment in April 2009, under part 2 of Recommendation # 9, states:

*To address management of problematic waste printed paper and packaging once introduced into the Ontario marketplace by:*

- *Authorizing WDO to identify problematic materials, evaluate options for collecting and managing the materials in co-operation with Stewardship Ontario and provide direction to Stewardship Ontario on the management of problematic materials.*

In his letter, received August 14<sup>th</sup>, 2009, the Minister directed WDO to review and report back with recommendations by February 28, 2010 on:

*A process, and identification of appropriate parties to be involved, to establish mechanisms for the identification and management of problematic materials for the Blue Box.*

The addendum to the Minister's letter further describes his direction:

- *Recommend a process for establishing mechanisms to identify and address types of printed papers and packaging that pose operational or materials management problems in maximizing diversion within material categories. Recommendations on process should include:*
  - *Identification of appropriate parties to be involved recognizing that the parties will vary depending on the nature of the problem;*

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<sup>1</sup> The Blue Box Program Plan Review Report can be found on WDO's web site at:  
<http://www.wdo.ca/content/?path=page80+item126294>

- *Role of involved parties recognizing that the roles will vary depending on the nature of the problem; and*
- *The range of possible steps involved.*

On November 17, 2009 WDO released a Draft for Consultation of a Recommended Process to Identify and Address Printed Papers and Packaging that are Problematic for Recycling Programs.

This draft recommendation for consultation was developed by applying a draft process, developed by WDO staff, to two potentially problematic materials. The process was subsequently refined and expanded by a Problematic Materials Steering Group, established to assist in developing the recommended process, by considering how to identify and address the two identified potentially problematic material examples.

## **2 Objectives & Scope**

The objective of the consultation activities was to provide stakeholders, beyond those who participated as members of the Steering Group in developing the draft recommendations, with the opportunity to comment on the Recommended Process to Identify and Address Printed Papers and Packaging that are Problematic for Recycling Programs. The scope of these consultations included posting the Draft Report for Consultation on the WDO web site, informing stakeholders that the report was available for review and inviting them to a November 24<sup>th</sup> workshop/webcast, presenting the recommended process at the November 24<sup>th</sup> workshop/web cast and receiving written comments on the draft recommendations until December 15, 2009.

## **3 Elements of Consultation**

### **3.1 WDO Web Site**

The Draft Report for Consultation on the Recommended Process to Identify and Address Printed Papers and Packaging that are Problematic for Recycling Programs was posted on the WDO web site (<http://www.wdo.ca/>) on November 17<sup>th</sup>. A copy of the correspondence from the Minister of the Environment of August 14, 2009 requesting WDO to address this issue was also available on the web site.

### **3.2 Electronic Notice to Identified Stakeholders**

A list of interested stakeholders including the following groups was compiled:

- Representatives of municipalities who complete WDO Datacall;
- Industry Associations/Organizations (OWMA, MWA, AMO, RCO);
- Environmental Non-Government Organizations (ENGOS); and
- Other stakeholders who participated in Blue Box Plan Review consultations.

An initial notification of the November 24<sup>th</sup> Workshop/Webcast was sent to all identified stakeholders on October 30<sup>th</sup>. This was followed up with a November 17<sup>th</sup> notification, to all people registered for the workshop/webcast, that the Draft Report was available on the WDO web site. In addition, on November 23<sup>rd</sup>, all individuals registered for the workshop/webcast were sent information on the agenda, location of workshop and instruction for webcast participants.

### **3.3 November 24<sup>th</sup> Workshop/Webcast**

The workshop/webcast was held at the Marriott Toronto Downtown Eaton Centre Hotel (Salons C and D), 525 Bay Street, Toronto, Ontario. Some 72 people attended the workshop in person and a further 75 people participated during the live webcast. The slides used during the presentation and an archived version of the webcast were provided on the WDO web site. Following the presentation of the recommended process, participants, both at the workshop and online, were invited to ask questions and provide comments. Participants were also invited to submit written comments following the workshop up until the consultation deadline of December 15, 2009.

### **3.4 Other Input Provided to WDO**

In addition to providing information, the web site also invited interested parties to submit comments and questions on the Recommended Process to Identify and Address Printed Paper and Packaging that are Problematic for Recycling Programs up until the consultation deadline of December 15, 2009.

## **4 Comments Received & Responses**

The major topics on which comments were provided included:

- Support for the recommendations;
- Process for addressing problematic material;
- Composition of the Steering Group;
- Need to consider Extended Producer Responsibility (EPR) and potential changes to the Waste Diversion Act (WDA);
- Need to consider broader environmental and sustainability considerations;
- Purpose of packaging;
- Comments on specific materials; and
- Other topics.

The following Table 1 provides a list of questions and comments made during the November 24<sup>th</sup> workshop/webcast along with WDO's response. The following Table 2 lists the additional comments received during the consultation period which ended on December 15, 2009.

**Table 1**  
**Problematic Materials Process: November 24<sup>th</sup> Workshop/Webcast Questions & Comments**

Name & Affiliation	Question	Response
<i>Recommended Process for Addressing Problematic Materials</i>		
Ashley Dent, Canadian Council of Grocery Distributors	<p>1) In reference to Slides 83 &amp; 93, in both the criteria used and solutions, is WDO factoring into their considerations the regulatory requirements of, for example, the Food Safety and Health Associations?</p> <p>2) When this is factored into what is problematic, there may not be an alternate packaging solution based on the regulatory requirements.</p>	<p>1) The solution to a problem would not violate a Regulation. Changes to packaging design remain the responsibility of stewards who would presumably take into consideration regulatory requirements. The Steering Group would consider changes to collection, processing and marketing systems to accommodate materials that are in the marketplace. If the steward does not redesign the product or package to avoid the problem and the Steering Group cannot identify a technical solution, the problem may be referred to the Minister for a regulatory solution.</p> <p>2) Comment noted. Stewards would have the opportunity to consider alternate packaging, taking into account regulatory requirements, available packaging design options and possible innovations.</p>
Heather Marshall, Toronto Environmental Alliance	<p>1) I noticed that the list of Steering Group members did not include representatives of ENGOs and other members of the public besides municipal representatives. Will representatives of ENGOs and other members of the public be included on the Steering Group</p> <p>2) Other factors to be considered for choosing solutions should include environmental considerations. Increased diversion does not equal reduced environmental impacts and increased sustainability – including local markets.</p> <p>3) Why is the process for identifying problematic materials not more proactive? There is clearly some</p>	<p>1) Comment noted. It should be noted that identifying an individual that is considered to be representative of the ENGO community or the public is challenging.</p> <p>2) As the direction from the Minister was to consider printed papers and packaging that pose operational or materials management problems in maximizing diversion within material categories, the problematic materials process focuses on the recycling system.</p> <p>3) Regarding being proactive, the Steering Group</p>

**Table 1**  
**Problematic Materials Process: November 24<sup>th</sup> Workshop/Webcast Questions & Comments**

Name & Affiliation	Question	Response
	evidence that there are some materials that are already an issue. Can the process be implemented without someone bringing it forward? There will be overlap, and the parties are not talking naturally. How will prioritizing happen? You must start with what you have.	determined that the process should be rigorous and fair to exclude frivolous problems to ensure that the process is not abused to achieve anti-competitive objectives. Problematic materials must be substantiated in a fair manner with the onus being on the party experiencing the problem to document it.
Fred Edgecombe, Environment and Plastics Industry Council (EPIC)	<p>1) The identification of a problem can be very simplistic. It can be as simple as someone saying they don't want mixed materials. It is up to the provider to show it is compatible.</p> <p>2) Small amounts of problematic materials can cause big problems. If 10 kgs of problematic material appears in a product manufactured as a slug of material, and the product is guaranteed for 25 years, the 10 kg slug in 10 tonnes of material can create a problem for the entire batch.</p> <p>3) Is WDO assuming there will be a Blue Box after EPR?</p>	<p>1) Documentation must establish that the material is causing a material impact on the recycling system.</p> <p>2) Comment noted. Small amounts of material may create significant problems.</p> <p>3) WDO is working on that premise.</p>
Heather Marshall, Toronto Environmental Alliance	We need to be proactive versus reactive and ensure public accountability in terms of tracking. Will this be publically accessible information so that everyone knows what is potentially problematic? This could help provide information to prove a case for a problematic material.	Comment noted. Posting of information at certain points in the process will be considered.
Brad Whitelaw, Niagara Region	In the case where a steward has confirmed that their product is non-recyclable (i.e. Simply Orange by Minute Made, which is a #7 Other), is there still a requirement on the part of the party that has	If a material is determined to be non-recyclable, it will move to the solution stage of the process once the reasons why it can't be recycled are clearly understood and any efforts to recycle it are documented. In terms of priorities, a material

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<b>Name &amp; Affiliation</b>	<b>Question</b>	<b>Response</b>
	<p>identified the problem to go through all of the initial stages of Step 1, or can the process be fast tracked to the Technical Solution stage of Step 2?</p>	<p>that is not currently collected would be lower as the intent is to prioritize solutions for materials already being collected in the Blue Box system.</p>
<p>Andy Campbell, CIF (AMO)</p>	<p>1) We seem to be looking at the issue once there is a problem. What about proactive avoiding of the problem in the first place?</p> <p>2) In France, problematic materials are posted on a web site. Has WDO considered posting problematic materials on its web site to scare off packaging change?</p>	<p>1) During consultation carried out by WDO in 2008 and early 2009 regarding the ten Blue Box Program Plan issues identified by the Minister, it was identified that the challenges in reviewing and approving all new printed paper products and all new packaging entering the Ontario marketplace are significant. Also, often the design of these items is considered commercially sensitive, competitive information and would be difficult to access prior to being placed on the market.</p> <p>2) Posting of information at certain points in the process will be considered.</p>
<b><i>Broader Environmental and Sustainability Considerations</i></b>		
<p>Joe Hruska, Hruska &amp; Associates</p>	<p>1) Regarding the issues around food handling, will this process take into account the full lifecycle of delivering the product? There are greater environmental impacts beyond recycling, which could result in more food going to landfill, etc. Will the Minister consider these broader sustainability aspects?</p> <p>2) I disagree – broad sustainability issues should be looked at using tools such as lifecycle assessment</p>	<p>1) As the direction from the Minister was to consider printed papers and packaging that pose operational or materials management problems in maximizing diversion within material categories, the problematic materials process focuses on the recycling system.</p> <p>2) Regarding considering broad sustainability issues and using lifecycle analysis in the considerations in the</p>

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Name & Affiliation	Question	Response
		<p>problematic materials, given the direction from the Minister to consider printed papers and packaging that pose operational or materials management problems in maximizing diversion within material categories , the problematic materials process focuses on the recycling system.</p>
<b>Administrative</b>		
<p>Catherine Abel, Food &amp; Consumer Products of Canada</p>	<p>Given the busy time of year for retailers, is it possible to get an extension for submissions to mid-January?</p>	<p>Mid-January is not feasible due to timelines for delivering draft reports to the WDO Board. WDO will consider an extension to mid-December and will notify those registered for the workshop if the deadline is extended.</p>
<b>Other Topics</b>		
<p>Stephanie Jones, Canadian Restaurant and Foodservices Association (CRFA)</p>	<p>Materials that are problematic for the Blue Box are not necessarily problematic for the environment.</p> <p>With problematic materials, for the majority of industry, end of life management is not a priority consideration for packaging. Consumers are demanding much innovation from packaging.</p> <p>1)Under the proposed documents considered by the MOE they are looking at moving to EPR, and including IFOs established outside of Stewardship Ontario. There are a number of areas where Stewardship Ontario would not be seen as the go-to person for packaging. The Blue Box system is residential. The IC&amp;I sector may be doing it much better. There may be better representation by including stakeholders</p>	<p>1) Advisors to the Working Group for a specific problematic material will be identified only when the problem is identified. Advisors, which could include other stakeholders and industry representatives, were intended to be included in the discussions to contribute towards developing solutions.</p>

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**Problematic Materials Process: November 24<sup>th</sup> Workshop/Webcast Questions & Comments**

Name & Affiliation	Question	Response
	<p>into all discussion, not just as called into discussions by WDO, Stewardship Ontario, etc. for dealing with issues for a long time without solutions. Stakeholders and industry to be represented and consulted.</p> <p>2) For clarification, the materials in the Blue Box already have precedent. Does this refer to obligated stewards or materials already collected? Many obligated stewards are not represented in the Blue Box and are paying fees for no services. These fees will be increased under these targets. Are these fees for obligated stewards or those in the Blue Box?</p> <p>3) This is within the 50/50 cost sharing rather than individual targets that need solutions. When the report is put together will the shortcomings, recommendations, etc. be in that context?</p> <p>4) For clarity, WDO will be making recommendations to the Minister based on the current system?</p>	<p>2) Proposed priorities would be materials currently being managed in the Blue Box system. Materials that are in the Blue Box are afforded a higher priority than materials not yet collected in order to improve the operating efficiency of the existing Blue Box system.</p> <p>3) WDO is operating under the current WDA and the current BBPP. Costs of moving to greater consistency of materials were discussed, but the issue of whether this is within the 50/50 cost sharing model or another model is outside WDO's scope.</p> <p>4) WDO is operating under the current WDA and the current BBPP as this is the only mandate it has.</p>
<p>Dave Douglas, VisionQuest Environmental</p>	<p>Regarding addressing "problematic" material, would Stewardship Ontario support (with funding) the implementation of a debagger at front end of a MRF line to enable municipalities to collect recyclables in blue / clear bags as a method to address curbside capacity and litter concerns, if a municipality approached them with this request?</p>	<p>Under the current system Stewardship Ontario does not fund capital acquisitions. Municipalities can apply for funding from the CIF if their project is consistent with CIF's funding objectives.</p>

**Table 2**  
**Problematic Materials: Comments & Questions Submitted to WDO**

<b>Name &amp; Affiliation</b>	<b>Question</b>	<b>WDO Response</b>
<b><i>Support for Recommendations</i></b>		
Peter Hume, President, Association of Municipalities of Ontario (AMO)	AMO agrees with WDO's recommendations on the process for identifying, researching and dealing with printed paper and packaging that present collection and management issues, increase recycling system net costs or decrease diversion rates.	Comment noted.
Laura McDowell, Director Environmental Promotion and Protection, York Region	York Region staff support the definition of problematic materials as provided on page 2.	Comment noted.
Laura McDowell, Director Environmental Promotion and Protection, York Region	York Region staff support the development of a Problematic Materials Steering Group reporting to the WDO.	Comment noted.
Laura McDowell, Director Environmental Promotion and Protection, York Region	York Region staff strongly support the setting of fees for stewards of problematic materials to ensure that the stewards of the material causing the problem will pay for the management of their material.	Comment noted.
<b><i>Recommended Process for Addressing Problematic Materials</i></b>		
Rob Rivers, Director Waste Management Services, Halton Region	Halton Region proposes that in order for material to be accepted in the Blue Box Program that it comply with clearly defined standards and specifications.	Comment noted.
Rob Rivers, Director Waste Management Services, Halton Region	Halton Region recommends that a committee be established to assess any new printed paper or packaging before it enters the Ontario marketplace to determine how well it will fit within the Blue Box	Comment noted. Screening printed papers and packaging prior to sale in Ontario is not feasible given the number of products and the commercial sensitivity associated with new product design. This issue is more appropriately addressed at

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	program.	the national level, such as CCME’s Sustainable Packaging Guidelines.
Pat Parker, Acting Director Support Services, City of Hamilton	The process is very much a reactive solution. Staff maintains there is a need for a standard review of any new packaging or product coming onto the market.	Comment noted. Screening printed papers and packaging prior to sale in Ontario is not feasible given the number of products and the commercial sensitivity associated with new product design. At the national level, CCME is developing sustainable packaging guidelines which may include consideration of the implications for recycling systems.
Laura McDowell, Director Environmental Promotion and Protection, York Region	York region staff review of Section 3 found the process for identifying problematic material to be very onerous. It is recommended that a proactive collaborative exercise be undertaken by the creators (steward) of the packaging to further refine the concept of extended producer responsibility.	Comment noted. The first activity in Step 3, Identifying and Implementing a Solution, is to meet with the stewards of the problematic material to engage the producers in a collaborative effort to identify a solution that is acceptable to all parties.
Pat Parker, Acting Director Support Services, City of Hamilton	Creating a data base that allows public access to the list of problematic materials would serve two purposes; <ul style="list-style-type: none"> <li>• alert stewards that a material is being reviewed by the Steering Group; and</li> <li>• communicate to stakeholders who are experiencing a problem with the material that it has been identified and in the queue of the process.</li> </ul>	The recommended process will be revised to include the posting of information on materials that are identified as problematic for recycling programs on the WDO web site.
Andrew Pollock, Director Waste Management Services, Region of Niagara	Section 3.1.3: establishing that a Problem Exists ... In the case where a brand owner or first importer chooses to utilize non-recyclable packaging, the party bringing forth the problem should no longer be required to submit all the documentation establishing that the problem exists; rather the process should immediately move to step 3 – Identify and Implementing Solutions .	For these types of material, information in Step 1 is still required on why the material is not collected and recycled and any efforts undertaken to try and recycle it. A note to this effect will be added to the report.
Heather Marshall, Waste Campaigner, Toronto Environmental	There is no reason to pursue a lengthy and burdensome process for potentially problematic materials we all know are real life problems facing consumers, collectors, processors and their existing (or lack thereof)	Given the implications for the stewards of the WDO deciding that their material is problematic for recycling programs, the rigorous recommended process for identifying problematic materials is deemed to be reasonable.

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Name & Affiliation	Question	WDO Response
Alliance	markets.	
Heather Marshall, Waste Campaigner, Toronto Environmental Alliance	TEA recommends that WDO start by addressing the materials currently not recommended for consistent collection: gable top & aseptic cartons, thermoform PET, LDPE & HDPE film, polystyrene crystal (#6) and other rigid plastics (#7), polystyrene foam, and multi-material composites (paper- and plastic-based laminates).	For some materials, the steps recommended for overcoming the barriers to consistent collection can be implemented in a shorter time frame than submitting these materials to the problematic materials process. Others materials not recommended for consistent collection may ultimately be addressed by the problematic materials process.
Heather Marshall, Waste Campaigner, Toronto Environmental Alliance	The list of criteria to be used in identifying problematic materials does not reflect any concerns for materials that are deemed problematic because the material: <ul style="list-style-type: none"> <li>• creates difficulties or inefficiencies for consumers to participate in the recycling program</li> <li>• creates undue environmental harm at any stage</li> <li>• creates serious health concerns at any stage</li> <li>• contributes to an unsustainable use of recovered material resources.</li> </ul>	The first proposed criterion will be added.  The other proposed criteria were considered but will not be added as they consider issues that go beyond WDO's mandate and the direction from the Minister.
Heather Marshall, Waste Campaigner, Toronto Environmental Alliance	The WDO staff should play a role in assisting parties in their fact-finding attempts to prove that a material is potentially problematic.	WDO's role is to facilitate addressing materials that are problematic for recycling.
Heather Marshall, Waste Campaigner, Toronto Environmental Alliance	The suggested criterion for choosing solutions to a problematic material fail to account for the realities of consumers, environmental and/or health impacts, sustainability and existence of (or potential for) local markets. TEA recommends that this set of criteria be added to the list when evaluating potential options for addressing problematic materials.	These proposed criteria consider issues that go beyond WDO's mandate and the direction from the Minister.
Heather Marshall, Waste Campaigner, Toronto Environmental	The report does not recommend any timelines for this process. In order to avoid considerable delays that could occur, it is important to set reasonable yet responsible timelines for each step of the process.	Guidelines on timelines for individual steps in the recommended process will be added wherever possible.

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**Problematic Materials: Comments & Questions Submitted to WDO**

<b>Name &amp; Affiliation</b>	<b>Question</b>	<b>WDO Response</b>
Alliance		
Pat Parker, Acting Director Support Services, City of Hamilton	The process to address problematic materials looks quite lengthy, and perhaps more expedient timelines should be built in.	Guidelines on timelines for individual steps in the recommended process will be added wherever possible.
Pat Parker, Acting Director Support Services, City of Hamilton	When the problem solving process fails to identify a technical solution or the industry is unable to resolve a problem in a timely fashion the default to the regulatory solution is reminiscent of the current situation.	Comment noted.
<b><i>Problematic Materials Steering Group</i></b>		
Stephanie Jones, Vice President, Canadian Restaurants and Foodservices Association (CRFA)	The Problematic Materials Steering Group membership must not be reflected in regulation as it is based exclusively on the stakeholders that exist under the current Waste Diversion Act, which is currently being reviewed. Under EPR with 100% producer responsibility, municipalities may not be operating blue box recycling programs, and instead contractors will be responsible for service delivery.	The recommended composition of the Problematic Materials Steering Group is based on the current WDA and Blue Box Program Plan. Should the Minister mandate full EPR for printed papers and packaging, the composition of the Steering Group would be reconsidered.
Stephanie Jones, Vice President, Canadian Restaurants and Foodservices Association (CRFA)	Stewardship Ontario and Ontario Municipal representatives should not be provided an automatic seat at the Problematic Material Steering Group table. It must be left to the affected stewards and recycling service providers to identify the representation they feel most appropriate to engage in meaningful dialogue and solution development.	Under the current WDA and Blue Box Program Plan, Stewardship Ontario represents stewards and Ontario municipalities are responsible for operating recycling programs for printed papers and packaging. Should the Minister mandate full EPR for printed papers and packaging, the composition of the Steering Group would be reconsidered.
Jake Westerhof, Director Business Development, Canada Fibers Ltd.	Core parties to be involved in the process to identify problematic materials and establish solutions must include private sector operators. The private sector (service providers & equipment suppliers) is the largest repository of practical recycling knowledge and	Consideration was given to this suggestion but it was decided not to enlarge the size of the core group. Given the competitive nature of the service provider and equipment supplier industry, it may be difficult to identify a core group member that is acceptable to all industry participants. Private sector operators may be invited as advisors to the Problematic

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Name & Affiliation	Question	WDO Response
	experience and should be represented on the Problematic Materials Steering Group and not solely used on an ad hoc basis when technical expertise is required. Representation on the core steering group could be limited and specific technical expertise can be added on an issue by issue basis.	Materials Steering Group on an issue by issue basis.
Cathy Cirko, Vice President, Canadian Plastics Industry Association (CPIA)	It is absolutely essential that in the decision making process regarding problematic materials that the “Steering Group” described in your documents involve the types of advisors also listed in your documents	Advisors may be invited to participate in the process recommended in the report.
Heather Marshall, Waste Campaigner, Toronto Environmental Alliance	The list of members to be included in the Steering Group must extend to environmental non-governmental groups (ENGOS) and others representing the general public such as public health representatives, conservation groups, etc.	A representative of the public interest will be added to the recommended members of the Steering Group.
Shannon Coombs, President, Canadian Consumer Specialty Products Association (CCSPA)	The regulated industry, also the source for much innovation, should be a mandatory part of the Steering Group for Problematic Materials, early in the process, and not an optional advisor.	Stewardship Ontario, as the industry funding organization for printed papers and packaging, will have representation on the Steering Group. The first activity in Step 3, Identifying and Implementing a Solution, is to meet with the stewards of the problematic material to engage the producers in a collaborative effort to identify a solution that is acceptable to all parties. Industry representatives may be invited to act as advisors to the Steering Group.
<b><i>Consider Extended Producer Responsibility (EPR) and Potential Changes to the Waste Diversion Act (WDA)</i></b>		
Stephanie Jones, Vice President, Canadian Restaurants and Foodservices Association (CRFA)	The Minister of the Environment in Ontario has provided clear direction that the province will be pursuing Extended Producer Responsibility (EPR) which will transfer both the full cost and control of the systems to industry stewards. Ignoring this seems counter-intuitive. Consultations on the core principles	WDO’s response to the Minister’s letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging,

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Name & Affiliation	Question	WDO Response
	of harmonization and identifying and dealing with problematic materials are premature at this time. Both the material categories and the stakeholders themselves may change dramatically under the revised WDA. CRFA will provide preliminary feedback, but recommends additional consultation is completed once the elements of the WDA are announced.	changes to the process may be required at that time.
Heather Marshall, Waste Campaigner, Toronto Environmental Alliance	In light of the Minister's recent report on the Waste Diversion Act 2002 Review, it is possible that the WDO's proposed process may need to be re-worked if full Extended Producer Responsibility and material-specific targets (with penalties) are approved.	WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
Catherine Abel, Vice President Environment and Sustainability, Food and Consumer Products of Canada (FCPC)	WDO recommendations on problematic wastes are premature in light of the Province's proposal to shift to 100% EPR and an individual producer responsibility approach. Therefore, the definition of problematic wastes and the solutions to deal with them should be left up to industry to identify and resolve, since we will soon be wholly responsible for meeting new government mandated diversion targets.	WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
Catherine Abel, Vice President Environment and Sustainability, Food and Consumer Products of Canada (FCPC)	FCPC strongly urges the WDO to recommend to the MOE that the definition of problematic materials be deferred until 100% EPR for Blue Box is mandated and the system's ultimate configuration becomes clear.	T WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
Greta Najcier, Manager Environmental Affairs, TDL Group	We must state that the current review of the Waste Diversion Act may result in fundamental changes to the current blue box system. Based on this, it would make more sense to complete this review of WDO's	WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the

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<b>Name &amp; Affiliation</b>	<b>Question</b>	<b>WDO Response</b>
Corp. (Tim Horton's)	consultation papers on 'problematic packaging' after the WDA review is complete.	Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
Allen Langdon, Vice President, Canadian Council of Grocery Distributors	Whether these wastes will remain problematic under a 100% EPR system is not clear and decisions to address these materials would seem inappropriate prior to the transition to a new system. It would seem more appropriate to leave industry to deal with these issues as a component of an integrated strategy to increase the efficiency and cost effectiveness of the overall system.	WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
Allen Langdon, Vice President, Canadian Council of Grocery Distributors	While packaging that protects the health and safety of consumers may at times be difficult to recycle, the food industry would appear to be better positioned to address these concerns as part of an integrated strategy developed during the transitions from the current shared responsibility approach to the Ministry's model of a 100% EPR system.	WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
Shannon Coombs, President, Canadian Consumer Specialty Products Association (CCSPA)	CCSPA requests that the WDO, on behalf of the Minister of Environment, consider how these Recommendations fit with the concurrent BBPP and WDA Review initiatives and consider not moving forward at this time if these Recommendations are not the priority.	WDO's response to the Minister's letter, due on February 28, 2010, can only be based on the current WDA and Blue Box Program Plan and cannot consider possible future changes to the Act, such as EPR, that are not yet in place. Should the Minister mandate full EPR for printed papers and packaging, changes to the process may be required at that time.
<b><i>Broader Environmental and Sustainability Considerations</i></b>		
Stephanie Jones, Vice President, Canadian Restaurants and Foodservices Association (CRFA)	Identifying a material as problematic for the environment is very different than identifying a material that may be problematic for the Blue Box collection system. The problematic materials issue, as defined by the WDO, must not overshadow the broader discussion about sustainability and climate change.	WDO's mandate under the Waste Diversion Act (WDA) is to operate waste diversion programs including the Blue Box Program. This mandate does not include considering the broader life cycle and sustainability issues such as energy inputs or greenhouse gas emission associated with various

**Table 2**  
**Problematic Materials: Comments & Questions Submitted to WDO**

Name & Affiliation	Question	WDO Response
		types of printed paper and packaging. Producers are encouraged to consider broader sustainability issues when designing their products, the WDA is focused on promoting reduction, reuse and recycling of the materials.
Norman Lee, Director Waste Management, Region of Peel	Peel recommends to broaden the scope of work of the proposed Problematic Materials Steering Group to include not only consideration of the implications of identified problematic material on the Blue Box Program, on diversion, and on markets, but also to include the broader environmental impacts and sustainability implications of the items.	WDO's mandate under the Waste Diversion Act is to operate waste diversion programs including the Blue Box Program. This mandate does not include considering the broader life cycle and sustainability issues such as energy inputs or greenhouse gas emission associated with various types of printed paper and packaging.
Jay Stanford, Director Environmental Programs and Solid Waste, City of London	We would like to suggest that the process should refocus on guiding principles that also influence stewards on designing packaging and products that can be managed through existing end of life treatment options unless the product or packaging has over riding health, safety or environmental benefits which can be demonstrated through Life Cycle Assessment. Some of these guiding principles have been articulated by the recently released CCME Sustainable Packaging recommendations that could be adopted as part of this process.	WDO's mandate under the Waste Diversion Act is to operate waste diversion programs including the Blue Box Program. This mandate does not include considering the broader life cycle and sustainability issues such as energy inputs or greenhouse gas emission associated with various types of printed paper and packaging.
Shannon Coombs, President, Canadian Consumer Specialty Products Association (CCSPA)	The Problematic Materials reports focus narrowly on recycling, as was also noted by stakeholders during the webinar consultation. There needs to be consideration of other important environmental factors such as life cycle, environmental footprint and Reduce, Reuse and Recovery efficiencies. CCSPA strongly urges the WDO and the Minister to take the time for a more thoughtful and meaningful approach, rather than a single-minded recycling focus	WDO's mandate under the Waste Diversion Act is to operate waste diversion programs including the Blue Box Program. This mandate does not include considering the broader life cycle and sustainability issues such as energy inputs or greenhouse gas emission associated with various types of printed paper and packaging.

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<b>Name &amp; Affiliation</b>	<b>Question</b>	<b>WDO Response</b>
	that will lead to other inherent environmental drawbacks.	
<b><i>Purpose of Packaging</i></b>		
Catherine Abel, Vice President Environment and Sustainability, Food and Consumer Products of Canada (FCPC)	The functionality of packaging and its role in safeguarding human health should be a key consideration in any decision-making process that determines whether or not certain kinds of packaging are problematic.	Comment noted. The purpose of packaging will be acknowledged in the introduction to the report to the Minister.
Greta Najcier, Manager Environmental Affairs, TDL Group Corp. (Tim Horton's)	Fundamentally packaging exists to function, to be protective of human health, and to protect the investment in the product itself. The heavy focus on end-of-life (aka Recycling) takes away from some important front-end considerations that may not be alterable to satisfy the varying needs of the end-of-life marketplace.	Comment noted. The purpose of packaging will be acknowledged in the introduction to the report to the Minister.
<b><i>Comments Regarding Specific Materials</i></b>		
Jay Stanford, Director Environmental Programs and Solid Waste, City of London	In the case of PET #1 Thermoformed clamshells, we understand that it is possible for stewards to specify that these containers be made entirely from the more expensive PET #1 Bottle resin. This would resolve the problems associated with thermoform PET.	Comment noted.
Greta Najcier, Manager Environmental Affairs, TDL Group Corp. (Tim Horton's)	In addition, the reality is that many materials and packaging (e.g., hot drink cups) can be recycled but are not accepted for recycling in municipal blue box systems for reasons that are not actually related to the material from which they are made.	Comment noted. Materials are typically excluded from the Blue Box collection system due to material handling problems, lack of market demand or the net cost of handling.
<b><i>Other Topics</i></b>		
Santiago Fourcade, Managing Director, Tetra Pak Canada	Tetra Pak supports the approach taken in the Problematic Materials Document. One point we'd like to emphasize specifically is on page 2: "To minimize	Comment noted.

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	cross subsidies where fees from one or more stewards subsidize costs created by products supplied into the marketplace by one or more stewards."	
Laura McDowell, Director Environmental Promotion and Protection, York Region	York Region staff strongly encourages the MOE and the Federal Government to collaborate on implementing packaging regulations and enforce standards so that problematic materials cannot enter the Ontario marketplace.	Comment noted.
Laura McDowell, Director Environmental Promotion and Protection, York Region	York Region staff strongly support tools such as take back programs and the concept of making producers responsible for the products they produce.	Comment noted.
Peter Hume. President, Association of Municipalities of Ontario (AMO)	AMO requests that implementation of solutions for problematic materials be pursued in the short term only where it does not financially impact municipal programs.	Comment noted.
Stephanie Jones, Vice President, Canadian Restaurants and Foodservices Association (CRFA)	Under EPR both Energy from Waste and composting have been identified as alternative end of life management tools. This must be considered when reviewing both Problematic Materials and be included in the Harmonization Principles.	In Ontario, energy from waste is classified as a form of disposal and as such, is not a diversion option. Diversion programs developed under the WDA may not promote the burning of the material. Composting is a form of diversion if the compost product meets quality standards and can be utilized rather than disposed.
Shannon Coombs, President, Canadian Consumer Specialty Products Association (CCSPA)	CCSPA requests that the WDO, on behalf of the Minister of Environment, consider the <u>impacts on innovation</u> of these Recommendations and make necessary revisions to the Reports. The Reports intensely focus on "problems" with "recycling", without recognition that a problem today may be part of an even better solution tomorrow.	Comment noted. Efforts to overcome problems associated with the end of life management of packaging may also lead to innovations.

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Shannon Coombs, President, Canadian Consumer Specialty Products Association (CCSPA)	CCSPA requests that the WDO, on behalf of the Minister of Environment, consider the <u>economic impacts</u> of the Recommendations and make necessary revisions to the Reports. An economic analysis must be done to assess the costs and benefits of the proposals, to help guide wise expenditures of scarce resources.	The proposed criteria for evaluating alternatives and selecting a solution to address a problematic material include consideration of costs and the implications for stewards fees.
Rob Rivers, Director Waste Management Services, Halton Region	Halton Region recommends, in section 3.3.1, removing or rephrasing the words "live with the problem" as this solution may be used as an easy way to avoid addressing problems.	The reference to "live with the problem" will be revised.
Bill Waddell, Waste Management	As a suggestion, the Barriers to Consistent Collection formally identified in the Consistent Collection of Blue Box Materials documents should all be reviewed by the Problematic Materials Steering Group and prioritized to be addressed without the requirement for the process to Identified Problematic Materials. The requirement for a party or parties to present these issues to the Steering Group and submit supporting information should be waved as these issues have already been formally identified by the WDO.	The problematic materials process is not yet operational. The draft report outlines a process that will be, when finalized, recommended to the Minister. The process includes the principle of treating all potentially problematic materials fairly. If implemented at the direction of the Minister, all problematic materials would then be considered using a consistent process. Waiving the requirement for a party (or parties) to present a possible problematic material, with supporting information, to the Steering Group would not be consistent with the principle of treating all potential problems fairly.
Sean Wedlock, President, Wedlock Paper Converters Limited	After reviewing your Recommended Process to Identify and Address Printed Papers and Packaging that are Problematic for Recycling Programs Section 3.3.2 <u>Meet and liaise with Appropriate Industry Groups</u> I would like to offer our expertise in the Paper Packaging Industry to help in the process of identifying and producing a clean reliable "Paper Fiber" Recycling Waste stream.	Thank you for your offer of assistance. Should the Minister adopt our recommended process, WDO will keep you in mind as a potential advisor to the Steering Group on issues related to paper packaging.

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