



Ontario Public Health Association
l'Association pour la santé publique de l'Ontario
Established/Établi 1949

The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

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February 1st 2010

Ms. Alena Grunwald, Project Manager
Ministry of the Environment
Waste Management Policy Branch
135 St. Clair Avenue West, 7th Floor
Toronto, ON M4V 1P5

Dear Ms. Grunwald:

**RE: EBR Registry Number 010 – 7325
Consultation on the Minister's Report on the Waste
Diversion Act 2002**

The Ontario Public Health Association (OPHA) is pleased to provide the following comments on "From Waste to Worth: The Role of Waste Diversion in the Green Economy - Minister's Report on the Waste Diversion Act 2002 Review".

OPHA is a volunteer, non-profit organization that conducts research, education and advocacy on issues related to community and public health throughout Ontario. OPHA believes that increased waste diversion and adoption of the zero waste philosophy have the potential to improve the health of our residents and our communities, and protect our finite natural resources.

Supporting Zero Waste

As identified in the Zero Waste Charter (London, 2002) "Zero waste entails redesigning products and changing the way waste is handled." If the product cannot be reused, repaired, recycled or composted, the Zero Waste philosophy dictates that industry should not be manufacturing such a product. OPHA supports the elimination of waste by requiring manufacturers to establish waste reduction as a priority when designing products and packaging, and to reduce the pressure on our natural resources by making products more resilient.

Extended Producer Responsibility

Extended Producer Responsibility (EPR) and waste prevention during the product design process puts the responsibility for waste management on the manufacturer. OPHA believes that it is important to broadly define EPR in order to promote responsible full life-cycle management of products and their packaging; from design and production to use and final handling of end-of-life goods. True life cycle costing of products and packaging can create an environment where producers are competitively motivated to minimize waste generation. Requiring producers to internalize the full life cycle cost of consumer products will encourage wise consumer choices and support a green, competitive economy.

Aligning Waste Diversion with other Health and Environmental Initiatives

As identified in the Ministry's 2008 discussion paper on the Review of Ontario's Waste Diversion Act, waste costs include the environmental impact of disposing waste and the health costs associated with hazardous materials. Reducing the burden of illness from health hazards in the environment is a key priority of the Ontario Public Health Standards and a mandate of public health agencies across the province.

To support the province's commitment to waste diversion, the OPHA recommends that the province build on synergies between the Waste Diversion Act and other recently enacted provincial policies and legislation including the Toxics Reduction Act, the Green Energy Act, the Clean Water Act, the Pesticides Act, the Nutrient Management Act and Ontario's Climate Change Action Plan. While these separate pieces of legislation address various components of our environment, collectively they present a significant opportunity to reduce exposures to toxic substances in our environment.

Aligning Waste Diversion with other Jurisdictions OPHA believes that Federal and Provincial governments need to work together to better regulate standards for packaging materials so that they fit within the fundamental waste reduction and diversion goals.

OPHA believes in the importance of better life cycle analysis during product design before allowing products to enter the market. There is a critical role for the Federal Government to require life cycle costing for imported products and to provide pressure on first importers to reduce packaging and to make required packaging more recyclable.

The Canadian Council of Ministers of the Environment (CCME) recently released their Canada-Wide Action Plan for EPR in which they provide a framework of how Extended Producer Responsibility can be implemented nationally. Provincial partnerships, advocacy and involvement with Federal bodies are needed to drive product design changes and full life cycle management of products and their packaging.

The CCME Canada-Wide Strategy for Sustainable Packaging states that “a sustainable-based approach creates a framework for decision making that considers a broader set of factors, such as resources consumption (i.e. use of energy, water and virgin materials), greenhouse gas generation, toxicity, and the impacts on human health and the environment, throughout the packaging lifecycle.” These factors must also be considered for products as well as their packaging.

OPHA recognizes the importance of the CCME Canada Wide Action Plan for EPR and Sustainable Packaging strategies as valuable guides for the provincial government in implementing EPR in the province of Ontario.

Defining Diversion

OPHA agrees that there needs to be clarification on what activities count towards meeting diversion targets. The framework for diversion should encourage the development of new processes and technologies for waste diversion that are environmentally sustainable. OPHA does not support including materials recovered through burning of waste to meet diversion targets, however, if the Ministry decides to go in this direction, OPHA strongly recommends that it must take into account all health and environmental impacts of waste recovery e.g. dioxin and furan emissions from waste incineration.

Outcomes Based

OPHA supports an outcomes-based program of waste diversion with quantifiable, clear and aggressive targets and timelines. Environmentally sustainable methods of diversion (e.g. reusable products) are preferred over recovery methods that add contaminants to the environment (e.g. burning waste).

Waste diversion accounting methods should identify savings in greenhouse gas emissions, water use, and other environmental and human health costs of waste streams.

Standards must apply to all Industrial-Commercial-Institutional (ICI) sectors, regardless of their size. As identified in the Minister's Report, many small and medium-sized businesses are not captured under the regulations, even though, in aggregate, they probably generate more waste. It is important that thresholds are lowered to capture these producers, and to address the cumulative impacts of their individual waste generation.

Accountability and Reporting

OPHA believes that if producers are required to publicly report their waste reduction and diversion efforts, pressure would be put on the producer to be more environmentally responsible for their product and packaging design choices. A similar strategy was used in the province's recently enacted Toxics Reduction Act, whereby public reporting of toxic use and release is anticipated to drive toxic use reduction.

OPHA agrees that producers should be required to report information on sales of designated products and packaging, and must meet outcome-based plan requirements. Reporting requirements should include total cost accounting that identifies not just diversion rates but also the health impacts avoided. An example of how health cost analysis could be accomplished is through modeling, similar to Health Canada's Air Quality Benefits Assessment Tool, which could demonstrate the human health benefits of waste diversion.

Diversion Incentives and Disposal Levies

The Waste Diversion Act should have stronger emphasis and incentives for reduction and reuse programs. This could be achieved by positive initiatives such as rewarding and encouraging product designs that move

away from single usage convenience products and where product single usage is required for health and safety reasons that the product and packaging be composed of fully recyclable materials.

OPHA agrees that it must be more economically beneficial for producers to divert waste than to dispose of waste. We support high disposal levies such as those in place in the Netherlands, Austria, and Denmark to narrow the gap between the cost of diversion and disposal. Penalties should be appropriately punitive to ensure the scheme does not become a “fee for polluting”.

Revenues from disposal levies must be directed to further waste diversion activities. OPHA suggests that these levies be used for supporting innovation and creating strong markets for environmentally sustainable industries.

Consumer Education and Engagement

As was done with the Blue Box program, the OPHA believes that a comprehensive public education program is needed to ensure that consumers understand and support the program. To ensure acceptance and public engagement, OPHA recommends a harmonized set of principles, guidelines and infrastructure for Ontario to promote an integrated approach to managing products and packaging. These should be consistent nationally and build upon existing municipal infrastructure to continue to increase the participation successes currently established in existing waste diversion programs such as the Blue Box and Source Separated Organics.

As outlined in the CCME strategies, communication should include:

- development of education and communication strategies to inform all participants in the product chain, including consumers, about EPR and enlist their support and cooperation and
- development of clear labeling system for recyclable packaging.

Banning Designated Materials from Disposal

OPHA agrees that one of the main criteria for designating material to be banned must be the protection of human health and the environment. Models framed on the Canadian Medical Association's Illness Cost of Air Pollution or Health Canada's Air Quality Benefits Assessment Tool may provide guidance on how to assess the human health risks of continuing to allow disposal of specific materials and the human health benefits of banning designated materials.

OPHA is concerned that bans would only be put in place when a viable alternative to disposal exists for a designated material. Regardless of viable alternatives, if human health is identified as a significant risk, banning should be in place as soon as the risk is identified. This ban would drive the industry to find alternatives to disposal or to incorporate substitution of lower risk products into their production.

Effective Oversight

OPHA recommends that consistent and ongoing enforcement be carried out by the Province and that cost incentives be created to recycle rather than dispose. The Province, Waste Diversion Ontario (WDO), and the producers must be accountable to the public and ensure the effectiveness of the Waste Diversion strategy. In addition, the primary environmental objectives of material recycling must be supported by enforced regulatory targets.

OPHA supports the oversight options provided within the CCME Canada wide Strategy for EPR to be implemented in Ontario and nationally, such as:

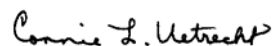
- participation and support from federal, provincial and municipal governments, producers and consumers;
- one-window reporting portal to reduce regulatory burdens for producers and allow for easier management of data and measurement of national progress towards packaging sustainability; and
- harmonization of EPR programs under common principles with similar regulatory frameworks to allow for consistent monitoring and reporting of common key performance indicators and common standards for equivalency measures.

OPHA recognizes the need for critical oversight and auditing of reports under the WDO and that long-term secure and sustained funding is required for the WDO to carry out this governing role. Their role must also be entrenched in legislation to ensure continuity through changes in government.

In conclusion, OPHA strongly recommends that there should be acknowledgement and awareness-raising, about the impact our consumer-based society has on our health and our environment. The natural resources that are consumed, the waste that is created, and the environmental damage caused by our pervasive consumerism must be acknowledged and addressed if we are to achieve our goal of a zero waste future.

OPHA looks forward to being involved in future discussions on the Waste Diversion Act and its implications on human health and the environment. If you have any questions, please contact our OPHA Representative, Ms. Helen Doyle at Helen.doyle@york.ca. Phone number: 1-877-464-9675 x 4500

Sincerely,



Connie Utrecht
Executive Director