Wednesday, December 9, 2020

Sent via email to ec.plastiques-plastics.ec@canada.ca

Director of the Plastics and Marine Litter Division
Environment and Climate Change Canada

To the Director:

RE: City of Guelph Response to "Discussion Paper: A Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution"

The City of Guelph (the City) appreciates the opportunity to provide input on Environment and Climate Change Canada's (ECCC) "Discussion Paper: A Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution." The City has initiated both corporate and public facing actions on the subject of single-use plastics (SUPs) and welcomes leadership from the federal government on the issue. We agree that action to reduce or eliminate single-use items is required. While many communities have taken initiative locally to address this issue it is our belief that the most effective approach requires senior government regulation, the creation of national standards and adequate monitoring to ensure the approach to plastic products is effective, consistent and fair for all residents and communities.

Notably, the City is responding to this discussion paper not only as a local government, but also as an operator of waste facilities. These facilities include a Material Recovery Facility (MRF), an Organics Processing Facility, a Waste Transfer Station and a Public Drop-Off. We also comment from the perspective of a seasoned and hands-on waste operator.

Federal Action on Single Use Plastics Aligns with Council direction in Guelph.

Our interest in responding to this consultation opportunity is driven by direction City staff have received from Council. The City is currently undertaking a Solid Waste Management Master Plan (the SWMMP) review. In anticipation of the study, which launched in August 2019, City Council in May 2019 moved the resolution to include the issue of the reduction and elimination of single-use plastics as part of the Master Plan. Notably, Council directed *"That staff explore viable solutions to reduce single use plastics across Guelph, and report back to Council with updates or further recommendations as part of Solid Waste Management Master Plan update…".*

Corporately, the City of Guelph has taken action to reduce and eliminate SUPs and single-use items.

Progressive actions to date include the reduction and elimination of single-use plastics related to our operations. In October of 2019, the City of Guelph adopted a corporate Sustainable Waste Management Policy (the Policy) that supports operational and procurement efforts to minimize single-use items. The Policy empowers staff to give preferential consideration to reusable, recyclable, refillable, returnable and repairable products, and to avoid single-use food and beverage items including coffee pods, plastic water bottles, disposable coffee cups and cutlery where possible. It provides a foundation on which individual City operations can build and considers not only single-use plastics but single-use items in general.

A recent public survey indicates that Guelph residents are concerned about single-use plastics.

As part of the City's SWMMP, we recently conducted an online survey from mid-August until the end of September 2020. Our goal was to obtain insight with respect to the public's experience with our waste management system and general attitudes and perceptions with respect to related issues, including single-use plastics. Based on the 566 responses, we learned that:

- *The most numerous concern raised by Guelph residents is single-use plastics*, single-use items in general and plastic over-packaging. When answering the question "In your day to day life, what would most help you to reduce, reuse or recycle more of your waste?" our text analysis revealed that 20% of people who took the survey mentioned the reduction or elimination of single-use plastics or packaging in general.
- *Guelph residents tend to feel that they can easily adjust to using less single-use items.* Respondents were presented with a list containing the following six items: Foam cups and foam take-away containers; Plastic straws; Plastic shopping bags; Hot and cold disposable cups; Plastic utensils (e.g knives, forks, spoons), and; Napkins.
- When asked "How easy or difficult would it be for you to adjust your daily routine to use less of the following single-use items, once it is deemed safe to do so?" (The latter part of the question is a reference to the pandemic), all items except napkins were heavily considered to be easy or very easy for those who expressed an opinion.
- Residents were asked if they were using more single-use items than they did before the pandemic. 48% of the 561 people responding to the question felt that they were, and the vast majority also responded "yes" to the question "Do you look forward to a time where you won't have to use more single-use items?"
- Overall, in either the recent survey or in general conversations City of Guelph staff have had with residents over many years, there is a general frustration with over-packaging and single-use plastics, as well as a sense that individuals have no control over the situation.

The City encourages ECCC to target reduction or substitution before recovery: water bottle example.

We note that plastic bottles, according to Table 3 with respect to the management framework, have been relegated to a singular approach, namely extended producer responsibility (EPR). The City agrees that there is a need to support and improve EPR policy and related infrastructure, and Guelph has transitioned some materials or is preparing for transition for others (including plastic bottles) under Ontario's Producer Responsibility framework. The City understands ECCC's desire to support a circular economy as well. We believe, however, that the singular approach for plastic bottles (EPR) is too narrow. Specifically, we think the ECCC needs to either restrict or at least incentivize the reduction and substitution of plastic bottles first, and capture what remains second. As an example of substitution, the City's Water Services Division has substituted the equivalent of approximately 300,000 water bottles since 2013 through its Water Wagon program that fills the niche of water bottles at large community events. Conversely, an example of a niche that is well suited to plastic bottles is in support of emergency services and emergency response where service are unavailable or interrupted.

ECCC Questions for discussion

Managing single-use plastics

1. Are there any other sources of data or other evidence that could help inform the development of the regulations to ban or restrict certain harmful single-use plastics?

The Municipal 3Rs Collaborative (M3RC) is housed at the offices of the Association of Municipalities of Ontario (AMO), and performs research for the purposes of developing consistent responses for AMO, the Municipal Waste Association (MWA), Regional Public Works Commissioners of Ontario (RPWCO), and the City of Toronto. Most recently, M3RC comments on Ontario's Food and Organic Waste Policy Statement were provided to the provincial Ministry of Environment, Conservation and Parks on October 30th. These comments relate to ECCC's discussion paper and are posted here for your reference. Of particular interest are references and concerns over directing municipalities to collect certified compostable coffee pods and bags, and to include compostable packaging and products within an EPR framework.

M3RC comments on the Food and Organic Waste Policy Statement

2. Would banning or restricting any of the six single-use plastics identified impact the health or safety of any communities or segments of Canadian society?

Research performed for the City indicates that in some instances exceptions to bans or restrictions have been granted for health and safety reasons, based on examples found in various jurisdictions that have already taken action. The exceptions most

commonly seen are those allowing bags to wrap meat, fish or unwrapped or loose food items. Additionally plastic bags may fill a niche in the community from an affordability and accessibility perspective. Our research indicates that the cost of a reusable bag may be prohibitive to some. Having said that, research conducted by the University of Guelph has identified solutions such as "bag banks" whereby donated reusable bags can be picked up for free by those needing them. As society moves from disposable plastic bags to reusable options, it will be important to ensure both accessibility needs and hygiene (i.e., how to care for reusable bags) are addressed in any communications promoting this transition. Additionally, the carbon footprint of recommended alternatives must be taken into consideration, thereby promoting alternatives with the lowest carbon footprint relative to plastic bags.

3. How can the Government best reflect the needs of people with disabilities in its actions to ban or restrict certain harmful single-use plastics?

Research performed for the City indicates that in some instances there is a need to provide exceptions to bans or restrictions, based on examples found in various jurisdictions that have already taken action. Examples include allowing customers to use straws to accommodate a disability or medical need, or by providing general exceptions for healthcare facilities.

4. Should innovative or non-conventional plastics, such as compostable, bio-based or biodegradable plastics be exempted from a ban or a restriction on certain harmful single-use plastics? If so, what should be considered in developing an exemption that maintains the objectives of environmental protection and fostering a circular economy for plastics?

The City has grave concerns with the notion that compostable single-use plastics be exempted from the ban or restriction.

As one of the earliest municipal adopters of food and organic waste collection and processing, the City of Guelph has been diverting its organic material from disposal since the mid-1990s and wants to ensure that the strides we have made are not compromised. The City has invested in a state of the art organic waste processing facility, which provides a cost-effective solution to taxpayers of the City. We are focused on ensuring our City has the capacity and functionality to successfully process the majority of materials in the organic waste stream (e.g., food waste and leaf & yard waste) including improving the effective functioning of our facility and its outputs.

Based on the research performed as part of our SWMMP, we appreciate that the goal for a truly circular economy is to make plastics strictly from renewable plant based sources. Our own research, however, strongly suggests that the move to compostable plastics has the potential to create compost quality issues at composting facilities since neither the public nor the processors of the material will be able to distinguish disposable plastic from compostable plastic. Our view of the statement in the discussion paper that

"the use of compostable, bio-based or biodegradable plastics may in some cases improve a product's environmental footprint or increase recovery rates of single-use items when they become waste"

poses a real threat to be able to process and market materials in the organic waste stream (e.g., food waste and leaf & yard waste). Switching the type of plastic **will not**, in the City's opinion, achieve the desired result if the compostable plastics end up in the feed stock to food organic waste processing facilities.

There is already enough evidence to caution ECCC with respect to producer recycling and composting claims. Many products and packaging in the market place that claim they are compostable do not meet the standards and requirements of high volume, short-cycle municipal composting operations. The material does not compost in practice and results in greater contamination and residual outputs for these facilities. Adding more compostable plastic materials will continue to lead to confusion amongst the public and facility operators will continue to screen these items as residue to landfill as it will not decompose in the processing time required in the facility.

Recently the City responded to our provincial government's proposed amendments to its Food and Organic Waste Framework indicating that the City does not support the proposal's strengthened direction (i.e. from 'encouraged' to 'should') for municipal and Industrial, Commercial and Institutional (ICI) source separated organic collection programs to accept certified compostable coffee pods and bags. The City's concern, compounded by the inability to distinguish compostable from non-compostable items, is that a significant amount of packaging could migrate from the recyclable stream, or "blue box", and that this would increase the relative proportion of these materials in the organics stream, with increased cost and compost quality issues. Further, supporting compostable products as alternatives also supports and perpetuates single use items. Instead, the City supports circular economic approaches which acts to reduce greenhouse gas emissions and to create employment opportunities.

The City has worked extensively with the agricultural community, academia and regulators at the provincial and federal levels to ensure all nutrient rich materials returned to agricultural land, biosolids and compost, meet the highest quality standards in order to protect and maintain public trust and confidence in our food systems. The City recommends extensive consultation with the agricultural and community/agronomists, if not done already, to ensure compostable products add value to our food system either as needed nutrients or as soil amendment. If there is no value added to the agricultural community, agricultural fields in effect, become disposal sites for compostable products.

In general, increasing compostable plastics negatively impact municipal composting efforts and would:

- Significantly increase capital and processing costs as materials need to be shredded and then composted for longer periods of time (e.g. The City of

Guelph's organic waste processing facility holds source separated organics for 21 days in the tunnels before going through the screening plant. The City of Guelph conducted tests in our organic waste processing facility on various compostable products in 2019. The compostable products included coffee pods, and fruit stickers, all of which did not fully disintegrate during the 9 week test (triple the regular processing time) and were considered residue. Diverting compostable products and packaging to composting facilities only to be screened out as residue are a cost prohibitive approach to processing materials that still result in the items being shipped to landfill);

- Lead to additional contamination issues from compostable products that have not broken down fully, including, foreign or sharp foreign matter which impact the value and marketability of the end product;
- Contaminate both the green bin and Blue Box streams due to consumer confusion and lack of standardization amongst products;
- Provide inaccurate information to the public if the materials cannot be processed and end up being sent to disposal as processing residuals thereby undermining public trust and confidence; and
- Negate any savings to municipalities realized through Ontario's Waste Free Ontario Act and transition of blue box responsibility to the producers of production and packaging.

These points further illustrate the concern related to "compostable", "bio-degradable", or "green" products and packaging that it is currently labelled "compostable where facilities exist" whether or not the material can actually be composted. Labels should be regulated such that claims can be substantiated against a recognized national standard. The City supports a designed specification for compostable products but the standard needs to accurately reflect organic waste processing facility conditions and processes.

Related to this point, the City of Guelph recently responded to a request for comments by the Bureau de normalisation du Québec (BNQ) regarding their draft BNQ D 0017-988-3 – Compostable Products – Certification Protocol. The City recommended to BNQ that for a material to be labelled as a compostable material it **must** demonstrate satisfactory decomposition or disintegration within 21 days in a compost facility, which represents the processing time in Guelph's state of the art, organics waste processing facility. Failure to meet this requirement, essentially leads to compost quality and residue issues described in detail earlier in this section. Further to this point, the City recommended to the BNQ that to be certified compostable a material should be subjected to an organic waste processing facility test, and not a controlled laboratory composting test. Lab conditions of a controlled composting test do not accurately reflect the conditions and processes of an organic waste processing facility.

Establishing performance standards.

While the City of Guelph is not responding directly to material and industry specific technical questions 5 through 10, as a general comment the ECCC is encouraged to

develop as stringent and enforceable recycled content requirements and standards as possible.

11. How could compliance with minimum recycled content requirements be verified? How can the Government and industry take advantage of innovative technologies or business practices to improve accuracy of verification while minimizing the administrative burden on companies?

In general, we encourage ECCC to require independent third-party verification and audit procedures to assure compliance.

12. Besides minimum recycled content requirements, what additional actions by the government could incentivize the use of recycled content in plastic products?

We encourage the federal government to work with Environmental Non-Governmental Organizations (ENGOs) on programs to recognize and promote recycled content and new products. As well, we encourage the federal government to provide funding for business start-ups and technologies that promote innovative uses, market development and procurement practices that favour recycled content, and develop and share recycled content standards for use in procurement processes.

Ensuring end-of-life responsibility

13. How can the Government of Canada best support provinces and territories in making their extended producer responsibility policies consistent, comprehensive, and transparent?

Staff and decision makers at the City of Guelph have closely followed and consulted on the matter of producer responsibility in Ontario, and at this time we have transitioned or are working through the transition of several programs, including tires, batteries, and electronics. Between 2023 and 2025 we expect to transition the blue box program to full producer responsibility. Guelph is looking forward to the transition. Like all municipalities, the City has advocated that it has little control over the design and use of the packages and products it is trying to manage and market. The need for municipal jurisdictions to find and meet commodity markets for materials they did not manufacture has been a challenge, and the ever shifting nature of the packaging and products entering the system leads to increasing financial operating and capital costs with increasing amounts of residue going to landfill. We fully support producers taking responsibility for the material they produce at their end of life.

We believe that the federal government has an opportunity not only to make the policies consistent, comprehensive and transparent, but in so doing make policies, most importantly, **effective**. Since the discussion paper is about both Extended Producer Responsibility (EPR) and potential plastic bans, our comments pertain to both.

A Canada-wide EPR policy would benefit municipalities and producers.

With respect to EPR policies, the City agrees fully that there is a need for consistency, comprehensiveness, and transparency. To be effective the City believes that all residents, wherever they are, should feel confident about what materials are subject to EPR policy and how and where to direct materials. We also think that EPR policies would have greater effect on producers, who we understand would like to see more consistency across the country. Certainly, from an administrative and operational point of view, a single framework as opposed to a myriad of programs, requirements and standards would make sense. These aspects should change as little as possible regardless of where in Canada one is located at the time. At the very least, federal intervention could help to promote standardization of programs and program delivery, meaningful material capture targets, and requirements that support diligent monitoring, market development, recycled content standards, and design-for-the-environment. Federal government actions could continue to push the agenda for a broader array of material categories subject to EPR, as envisioned by the Canadian Council of Ministers of the Environment (CCME) in the 2009 *Canada-Wide Action Plan for Extended Producer Responsibility (EPR),* although we recognize that the point of EPR relative to this discussion paper is to capture plastics. In addition, we would encourage the ECCC to continue on the path of supporting the development of material targets with good science as opposed to a negotiated number between producers and provincial legislators, such that targets force producers to capture as much material as is considered technically possible.

Link EPR, plastic bans and restrictions with other progressive international movements.

With respect to both EPR and the proposed material bans, ECCC may wish to investigate the eventual possibility of closely linking action to other progressive jurisdictions. We accept that this is a long-term suggestion but consider it worth pursuing. The European Union, for instance, is a leader on both EPR and plastics bans and might provide the kind of synergies that would drive marketplace change. The patchwork of EPR programs in Canada, well-intentioned as they are, on their own have little or no impact on a global marketplace. They serve the purpose of assigning who pays for the management of material, but have not had much success in influencing improved packaging design for recyclability, or generating circular economy outcomes. Canada, at 37M population, is a minor player in a global market where some private interests have economies bigger that most countries. A coordinated approach with a jurisdiction such as the EU, with its population of 447M, might be a step towards impacting the marketplace. There are also some US states making inroads on both EPR and plastics bans.

Employ and promote other policy approaches, not just EPR.

Based on current activity in Ontario, EPR is being applied to residential waste programs. This limited scope does little to influence recovery from the IC&I sector, where recycling rates are known to be extremely low. The principal economic factor that works against recovery of plastic and other materials, and one that impacts private sector waste decisions, is cheap disposal. ECCC may wish to consider employing and/or promoting landfill surcharges, fees or bans to further influence material recovery, including measures to prevent cross-border movement of waste into jurisdictions where disposal costs are extremely low.

Target the material and not the sector.

Related to the previous point, sector-based EPR targets are complicated and are not necessarily uniformly applied among stakeholders. Ontario has a history of facility and/or sector based waste regulations. Consider making the material the target of EPR, as opposed to specific sectors.

Support community initiatives to eliminate plastic waste.

As previously noted, the City would suggest that the proposal to target plastic bottles solely through EPR alone is too narrow. Many of our plastics reduction activities target the reduction of, and promotion of alternatives to, single-use items. To this end the federal government could support the types of actions taken in Guelph and many other communities to encourage the reduced production of plastic bottle waste as the first priority, with effective capture as the next level of action. That said, Guelph is supportive of ECCC's promotion of a circular economy, and we are sure that ECCC is fully aware that items that are maintained and reused, such as reusable water bottles, receive a higher priority within the circular economy.

Consult with municipalities.

We note that the discussion paper, page 15, proposes that "Next steps for ECCC will include engagement with provincial and territorial governments, Indigenous Peoples and stakeholders on the design of the regulatory instruments and the approaches outlined in this discussion paper." We were pleased to see, on page 5, recognition of local governments as managers of waste and as jurisdictions impacted by litter. We ask that ECCC explicitly commit to consulting local governments since they, and businesses within their communities, will be impacted directly by the proposed bans and restrictions. Municipalities also have a great deal of experience with full or shared producer responsibility models and can advise on a host of issues, including the results of various producer responsibility models in Canada, and what it means to the effectiveness of the system. Also, municipalities will be required to make operational changes related to the bans (culture and recreation, parks, events, meetings, procurement), and may wish to explore with the federal government potential funding opportunities to support the transition.

As demonstrated by our comments, the issue of single-use plastics is important to our City. We are thankful to have had this opportunity to provide comment and hope you find our insight supportive of the federal government's mandate to act.

Sincerely,

Jennifer Rose, General Manager
Solid Waste Resources, **Environmental Services**
Location: 1 Carden Street, Guelph ON

T 519-822-1260 extension 3599
TTY 519-826-9771
E jennifer.rose@guelph.ca
guelph.ca