

WASTE MANAGEMENT ASSOCIATION OF B.C. RESPONSE TO THE CLEANBC PLASTICS ACTION PLAN

1) BANS ON SINGLE USE PACKAGING

Do you think bans on plastic packaging should be implemented in B.C.? What plastic packaging products are a priority for B.C. to ban?

The WMABC is supportive of provincial disposal or material ban(s) as a means of ensuring that the diversion of targeted materials is fair and equitable across the province. A provincial ban(s) also ensures that materials are not moved from region to region as a means of avoiding a region imposing a ban. However, any ban on plastic packaging products should undergo a thorough lifecycle/science and economic based analysis to mitigate any potential unintended consequences. This should also include an evaluation of end markets for the targeted materials. It is recommended that the Ministry in collaboration with the private services industry, waste generators and regional districts develop the parameters for the prioritization and development of potential materials disposal bans by the provincial government.

What types of bans should be considered (examples include bans on sale of a certain type of packaging or ban on use of a certain type, or bans on disposal)?

With the rapid shift in the type, composition and volume of materials diverted for recycling, it is advisable for the long-term sustainability of waste diversion programs, the WMABC recommends the provincial government pursue disposal versus diversion targets. This would allow for flexible, market specific solutions that reflect the nuances of the market. As an example, the WMABC recommends that all material recovery facilities be restricted to an agreed upon percentage of recyclable or compostable material being in the outbound loads heading for final disposal. In short, compliance would be based on what is coming out of the facility, not the materials going into the facility.

Any disposal threshold should be graduated to allow municipal, commercial businesses and institutions to develop material specific diversion programs and incorporate them into their respective operations in a timely and appropriate manner. Provisions would also be made for first movers and early adopters. It is important to note that regional districts have licensing power over the siting of private sector recycling facilities and/or activities as well as their member municipalities. Any amendments to the Recycling Regulations must include provisions for operational bylaws and zoning bylaws to remove unnecessary impediments and encourage recycling and material recovery activities in appropriately zoned areas. If the regional district or member municipality is also a competitor in the market, they must be removed from the deliberation and the province must take their position.

If a ban was applied, how should exemptions be considered?

The WMABC recommends that the province conduct a broader consultation of stakeholders outside of the waste services industry, waste generators and local and regional governments to solicit information on potential exemptions. These consultations could include but not limited to individuals and groups in health and safety organizations, disabled community and public institutions to ensure that the material bans have no unintended consequences to those persons and groups that rely on the benefits of single-use products.

Bans can be implemented in some form by all levels of government due to the different regulatory powers in place. Are there bans best suited for implementation at the federal, provincial or local government level? Should local governments be given the authority to ban problematic plastic items in their community? What types of bans should be considered?

The WMABC believes any disposal or commodity ban(s) should be administered at the provincial level as a means of ensuring the diversion of targeted materials is fair and equitable across the province and not moved from region to region as a means of avoidance of a ban. A provincial ban would also promote the development of a circular economy by stimulating local end markets for these materials to be beneficial reused.

The Association does not support allowing regional districts and municipalities the authority to ban any materials as regional districts that are responsible for policy making, regulation and enforcement are in some cases a competitor in the market and have a direct incentive to distort competition in their favour and in the interests of those competitors within the private sector. The regulator cannot also be the competitor as it has significant negative implications not only for the state of competition in the markets affected but also in terms of how policy and regulation is developed and implemented. There is an inherent conflict of interest between promoting a competitive and sustainable delivery system and the self interest as a competitor.

It is important to note that the Competition Bureau of Canada (CBC) earlier this year advised the British Columbia Minister of Environment & Climate Change Strategy, that any form of public policy that requires the participation of private waste service providers must recognize that designing and implementing the incentives necessary to achieve the public policy objectives must be done in a manner that promotes the sustained viability of the markets it affects. The CBC issued a similar caution against the introduction of regulations or creating of monopolies to lessen competition in the commercial marketplace in 2009 when the Canadian Council of Ministers of the Environment (CCME) approved the Canada Action Plan for Extended Producer Responsibility.

The success or failure of market participants should be dependent on their ability to provide the required services in the most efficient manner possible and not because of rules and regulations that ignore the importance of promoting fair competition in markets. Failure to address these issues could reduce and/or eliminate competition in the private waste services sector thereby leading to higher prices, less product choice, lower service and stifled innovation. The only exemption that the WMABC will suggest would be to allow local governments to receive provincial approval to ban materials only after a rigorous scientific and economic analysis is conducted by the local or regional government.

2) REDUCE SINGLE USE PACKAGING IN LANDFILLS & WATERWAYS

Do you have comments or suggestions regarding the ministry's proposal to include packaging-like products in the Recycling Regulation? Are there any packaging-like products you believe should be exempt from the Recycling Regulation?

Private waste and recycling services companies do not have the ability to influence the design or composition of products and packaging, only producers do. However, the private waste services industry is forced to plan, manage and operate the collection and management of the products and packaging that producers choose to sell, usually without any prior consultation or coordination. These materials inundate collection and post-collection systems.

The Association recommends that any targeted action on reducing plastic and other products and packaging including Extended Producer Responsibility, bans, fees or recycled content

requirements must undergo a science-based life cycle and economic analysis before approval and implementation so as not to cause unintended economic and environmental consequences. To that end, the WMABC strongly recommends to the provincial government that the private waste services industry be

engaged and consulted with respect to any discussions on the harmonization and performance of materials and processing standards within the Recycling Regulation.

Do you have comments or suggestions regarding the ministry's proposal to add single-use items to the Recycling Regulation? Are there any single-use items you feel should be exempt from the Recycling Regulation?

As stated previously, any targeted action on reducing plastic and other products and packaging such as single-use items must undergo a science-based life cycle and economic analysis before approval and implementation so as not to cause unintended economic and environmental consequences.

3) PLASTIC BOTTLE & BEVERAGE CONTAINERS RETURNS

Do you have comments or suggestions on the ministry's proposal to include milk and milk substitutes in the beverage container deposit-refund schedule?

The WMABC is supportive of the inclusion of milk and milk substitutes packaging in the beverage container deposit-refund schedule with the proviso that these materials are consistent in design and recyclability as other beverage containers.

Do you have comments or suggestions on the ministry's proposal to create a uniform 10 cent deposit-refund for all beverage containers?

The WMABC is supportive of a uniform deposit-refund for all beverage containers as studies have shown that participation increases exponentially with the rise in the deposit refund. However, we believe the deposit-refund needs to be much higher. The Association would recommend, if not already in place, that individual return depots be required to track usage and types of refunds to gather critical recycling data in public spaces.

Do you have comments or suggestions on the ministry's proposal to allow refunds to be electronic and paid in an alternative form of cash (e-transfer, cheque, in-store credit, charitable donation, or similar alternatives)?

The WMABC supports the expansion of alternative forms of deposit refunds such as e-transfer, cheque, in-store credit, charitable donation or other similar alternatives. However, the Association would recommend that all return depots must maintain the ability to provide cash refunds to ensure individuals returning of these materials to supplement their income have the ability to access cash.

4) REDUCING PLASTIC

What should B.C. consider in the development of a national standard on recycled content and any associated targets?

As previously stated, private waste services companies do not have the ability to influence the design or composition of products and packaging, only producers do. However, the private waste services industry is forced to plan, manage and operate the collection and management of the products and packaging that producers choose to sell into the market. Unfortunately, usually without any prior consultation or coordination with the services in post-collection. As a result, these materials inundate post-collection systems. The Association understands the Food and Consumer Products Canada is opposed to a national standard for recycled content. The WMABC recommends that any targeted action on reducing plastic and other products and packaging including EPR, bans, fees or recycled content requirements must undergo a

lifecycle/science-based life cycle and economic analysis before approval and implementation so as not to cause unintended economic and environmental consequences. The WMABC also strongly recommends to the provincial government that the private waste services industry be engaged and consulted with respect to any discussions on the harmonization and performance of materials and processing standards.

Do you have comments or suggestions on any related provincial policies or actions?

As stated previously, the WMABC does not support the expansion of EPR programs into the IC&I sector and recommends that any future structure or re-structure of IC&I sector waste diversion and recycling policy and regulations be outcomes-based following science-based life cycle and economic analysis.

The WMABC offers the following alternative policy approach to increase diversion of IC&I waste in Metro Vancouver and regional districts across the province.

The WMABC recommends that the provincial government adopt a model similar to existing legislation and regulations governing Contaminated Soils and Hazardous Waste for the B.C. IC&I sector. This outcomes-based approach would be focused on diverting and beneficially repurposing as much material before disposal. Under this approach there are no prescribed source separation technologies, but rather, given the volume and diverse composition of materials that are generated by the IC&I sector, there could be a wide range of diversion and recycling technologies employed.

There would be no capital and operating costs borne by the regional districts and most importantly by taxpayers as this approach would incentivize waste generators, waste services providers and other stakeholders to collaborate and/or invest in waste diversion activities along the materials chain of custody specific to the regional market. This approach is consistent with the Province's definition of recycling under the Environmental Management Act, that waste diversion can occur at any point prior to disposal.

As stated previously, with the rapid shift in the type, composition and volume of materials diverted for recycling, it is advisable for the long-term sustainability of IC&I waste diversion programs there be disposal versus diversion targets. This would allow for flexible, market specific solutions that reflect the nuances of the local and regional market. The WMABC recommends that all material recovery facilities be restricted to an agreed upon percentage for outbound materials for final disposal. In short, compliance would be based on what is coming out of the facility, not the materials going into the facility.

The agreed upon percent disposal threshold should be graduated to allow commercial businesses and institutions to develop material specific diversion programs and incorporate them into their respective operations in a timely and appropriate manner. Provisions would also be made for first movers and early adopters.

To incentivize this disposal target, a common tool used for driving the diversion of waste are disposal or material bans. The WMABC is supportive of provincial disposal or material bans as a means of ensuring that the diversion of targeted materials is fair and equitable across the province. These bans also ensure that materials are not moved from region to region as a means of avoidance of disposal bans. To ensure that this approach does not negatively impact small businesses, it could apply to only a business and institution that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more.

Implementing any waste diversion policy and regulations requires accurate waste generation and diversion data, which has been an ongoing challenge in other jurisdictions. This is especially true in the IC&I sector in B.C. and will pose a significant challenge to the government. Not being able to manage what you can't measure is a critically important fact and without this data any diversion program(s) targeted the IC&I sector will face significant challenges as the data to each company is proprietary and commercially sensitive in nature. Therefore, the WMABC recommends a third-party material tracking system be used to monitor and track compliance with the IC&I diversion program. The material tracking system would securely collect and submit data about the amounts of recycling materials that haulers and facility processors are collecting and processing from their clients in the IC&I sector. While confidentiality is critical for the granular data each hauler and facility processor would be submitting, the data would provide aggregated summaries of the submitted

data (strictly tonnage data, diversion and disposal information, etc.) and could be available to municipalities, regional districts, and provincial regulators.

IC&I generators would also need access to information about the materials being collected at their location(s). The ability to track the chain of custody for the materials will be important to ensure materials are being properly diverted and managed. Reporting of data could be conducted on a quarterly, semi or annual basis.

Approval processes and permitting should be outcome focused and based on sound science and economics that encourage solution providers and the market to develop innovative ways to meet these standards. The WMABC believes there are two critical issues impacting the existing regulatory environment – the lack of provincial regulations and resulting use of an outdated solid waste management plan framework, and the licensing of facilities without a transparent appeals process.

Given the capital and related costs associated with the purchase of land and equipment and the development, operation and maintenance of waste diversion processing facilities, there needs to be the equal application of the terms of licenses for these facilities, both public and private. There should not be two tier approach to the licensing conditions and term as it could be a barrier to entry into the industry and represents an unacceptable risk/burden for existing companies. It could also be in contravention to the Canada Competition Act.

WMABC recommends the provincial government bring together the private waste and recycling services industry, waste generators, regional districts and other pertinent stakeholders associated with the materials chain of custody in the IC&I sector for a transparent, inclusive and collaborative conversation regarding developing a IC&I waste diversion policy that is flexible and focused on increasing performance of and improve accessibility to waste diversion facilities in B.C.

The WMABC recommends that an IC&I Waste Diversion Advisory Council (Council) be established. The Council should include representatives that are directly involved in the private waste and recycling services industry specifically in the collection and processing side of materials as well as waste generators, other pertinent stakeholders along the material chain of custody as well as representative from regional government. The WMABC recommends the Minister request the Council report back to the Ministry with recommendations for a path forward with the aim of developing an executable solution.