

**CONSULTATION GUIDE**  
**For**  
**THE PROPOSED WASTE-FREE ONTARIO FRAMEWORK**

**Ministry of the Environment and Climate Change**

Winter 2016

On November 26, 2015, the Ontario Government introduced Bill 151 - the Waste-Free Ontario Act and released a draft Strategy for a Waste-Free Ontario: Building the Circular Economy. If the Act is passed by the Legislature, it, together with the draft Strategy, would establish a framework for a waste-free Ontario to support a circular economy which would increase resource recovery and waste reduction in Ontario.

Bill 151, the Waste-Free Ontario Act, is draft omnibus legislation that includes two statutes: The Resource Recovery and Circular Economy Act and the Waste Diversion Transition Act:

1) The Resource Recovery and Circular Economy Act, if enacted, would identify the provincial interest in resource recovery and waste reduction as well as establish an outcomes-based regime that would require producers to take full responsibility for their products and packaging.

2) The Waste Diversion Transition Act that would replace the Waste Diversion Act, 2002, and provide for the transition of existing waste diversion programs to the new producer responsibility regime and the ultimate wind-up of existing waste diversion programs and the industry funding organizations that operate them.

The draft Strategy for a Waste-Free Ontario: Building the Circular Economy would act as a roadmap to help Ontario leverage multiple planning, policy and economic tools to reduce the amount of waste generated by Ontarians, improve the resource recovery of these materials, and reduce the amount of greenhouse gas emissions from the waste sector. Ontario's goals are to achieve zero waste in the province and zero GHG emissions from the waste sector.

Your views and input are important in proceeding with this initiative. The Ministry is consulting with a wide range of stakeholders on the proposed legislation and draft Strategy. As part of this consultation, the Ministry is hosting several regional consultation sessions. Further information about these consultation sessions can be found on the [Environmental Registry](#) (EBR Registry Number 012-5832).

These consultation sessions will provide you with an overview of the proposed Act and draft Strategy, as well as with an opportunity to share with the Ministry your perspectives.

### **Consultation Topics**

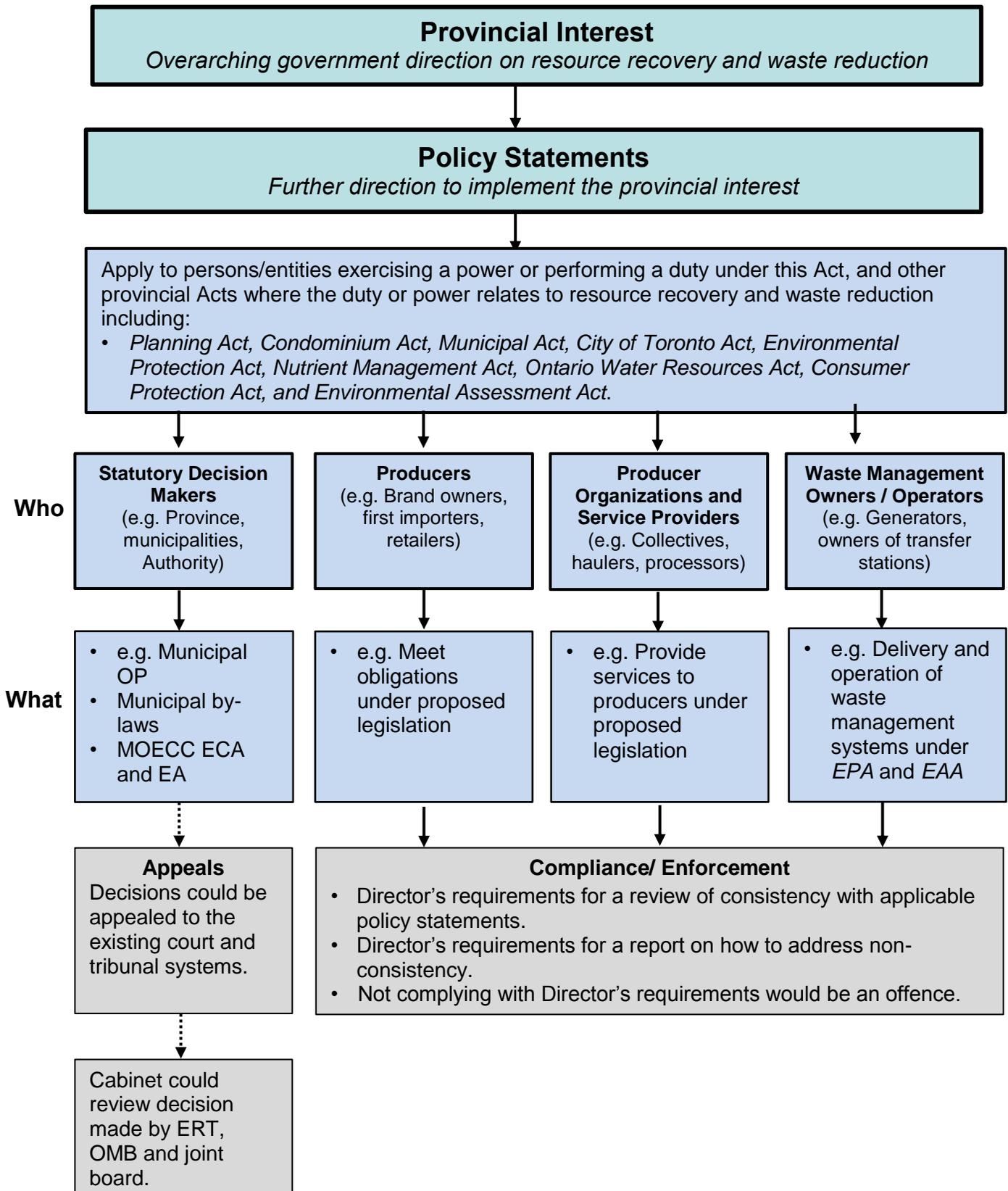
The consultation sessions are organized to focus the discussions on five key components of the proposed Act and draft Strategy:

- 1.0 – Provincial Interest and Policy Statements
- 2.0 – Oversight and Compliance and Enforcement
- 3.0 – Producer Responsibility
- 4.0 – Transition
- 5.0 – Draft Strategy

## 1.0 Provincial Interest and Policy Statements

Part I section 2 together with Part II of the proposed Resource Recovery and Circular Economy Act would establish an overarching provincial interest with regards to resource recovery and waste reduction. It would also enable the government to issue policy statements to implement the provincial interest by providing further direction to a range of private and public sector decision makers and actors in order to incorporate the provincial interest and policy statements into decision-making and action on resource recovery and waste reduction.

The graphic below illustrates the applications of policy statements:



### 1.1 Questions

- Q1: Are there any additional matters that should be added to the list of provincial interest aims?
- Q2: What should be the priority areas and focus of the initial policy statements? What key components do you think they should include?
- Q3: Do you think the proposed Act has appropriate “teeth” (e.g. Director’s requirement for review and report) to make the policy statements effective? If not, what additions would you suggest?

### 2.0 Oversight and Compliance and Enforcement

Part III of the proposed Resource Recovery and Circular Economy Act would overhaul Waste Diversion Ontario to become the Resource Productivity and Recovery Authority (the Authority); a non-Crown and not for profit organization.

The Authority would oversee the new producer responsibility regime as well as oversee existing waste diversion programs and their transition to the new regime.

### 2.1 Questions

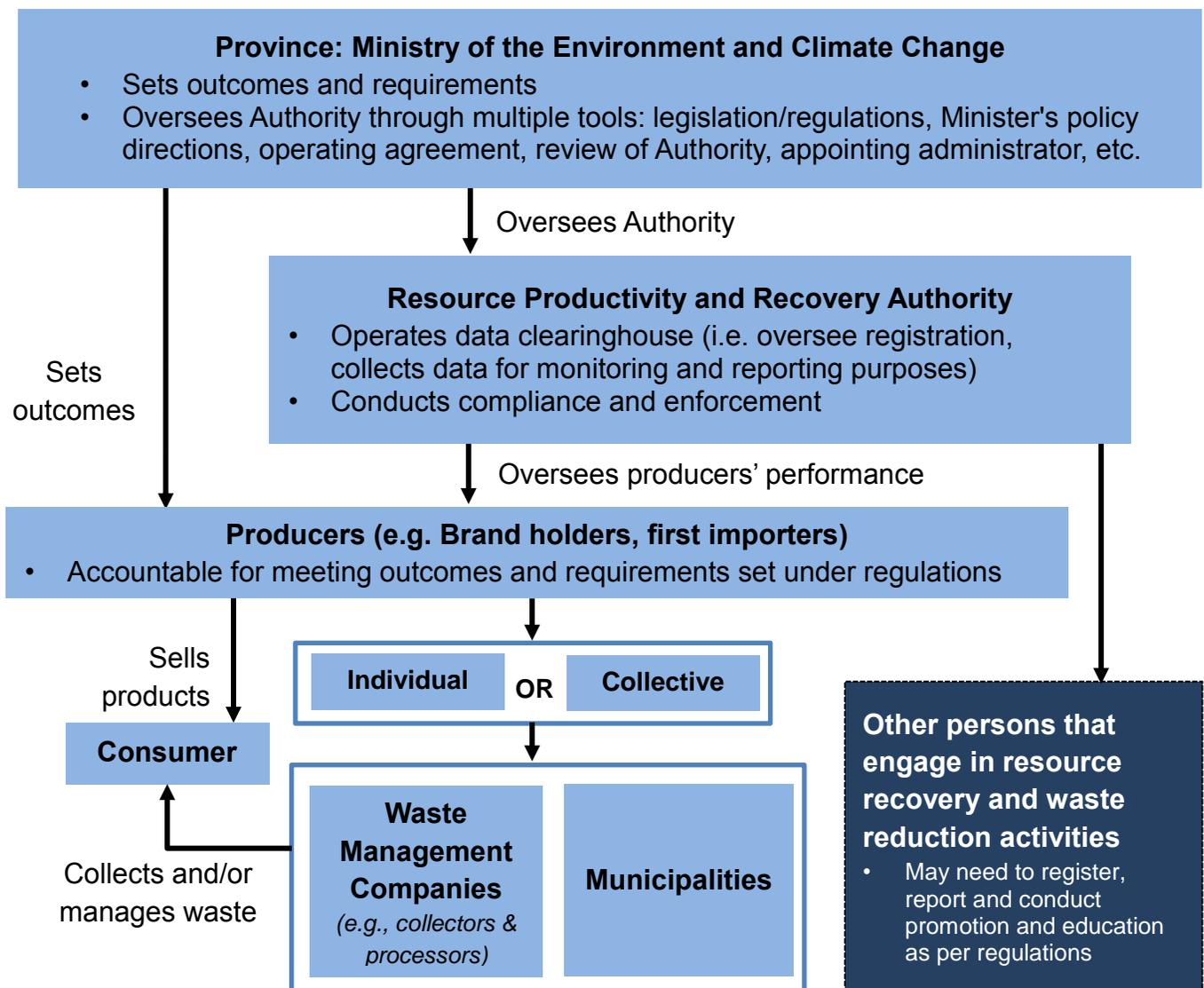
- Q1: What skills and expertise are needed for the Authority’s full Board to fulfill its new mandate?
- Q2: What are your views on the proposed checks and balances for the government’s oversight over the Authority?
- Q3: Are there additional requirements that are necessary to assure the Ministry and stakeholders that the Authority will operate efficiently and effectively?
- Q4: Does the Authority have appropriate compliance and enforcement tools to fulfill its oversight role?

### 3.0 Producer Responsibility

Part IV of the Act allows for an outcomes based approach that would make brand holders and others with a commercial connection (i.e., the producers) responsible for the end-of-life management of their products and packaging. This includes the government’s ability to set outcomes that responsible producers must meet, including registration, waste reduction, collection and management of designated products and packaging, promotion and education, reporting and record keeping requirements.

Part IV also includes the government ability to set requirements that service providers, municipalities and others who engage in resource recovery and waste reduction activities may need to meet, including registration, promotion and education, recordkeeping and reporting requirements. These requirements could also apply to persons and entities engaging in resource recovery and waste reduction activities beyond a producer responsibility regime (e.g. generators).

The graphic below illustrates the proposed new producer responsibility regime:



### 3.1 Questions

- Q1: Are the roles and responsibilities of government, Authority, producers, and others involved in resource recovery and waste reduction clearly identified? If not, do you have suggestions to improve clarity?
- Q2: Are the proposed responsibilities (e.g., registration, waste reduction, collection, management, promotion/education, record keeping and reporting) appropriate and sufficiently scoped to ensure that obligations are met and proper oversight is provided?
- Q3: What types of products and packaging should the government first consider for designation under the new producer responsibility regime? Why?

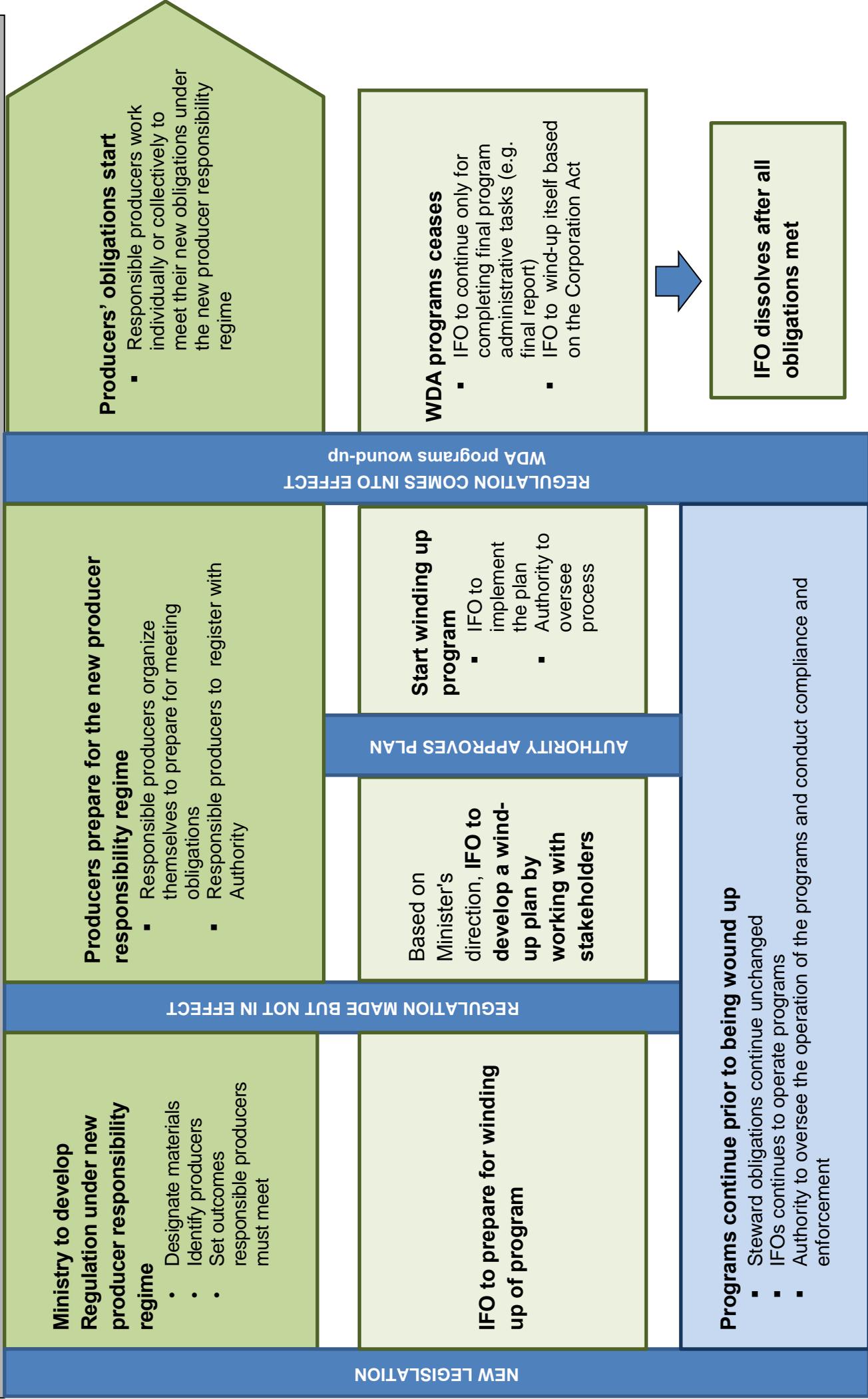
## 4.0 Transition

The proposed Waste Diversion Transition Act (WDTA) would replace the current *Waste Diversion Act, 2002*. It provides the regulatory regime for the operation and oversight of existing waste diversion programs before products and packaging covered by programs transition to the new framework. The proposed WDTA also contains provisions that facilitate the wind-up of existing waste diversion programs as producer responsibilities for the products and packaging are introduced under the proposed Resource Recovery and Circular Economy Act.

### 4.1 Questions

- Q1: How should relevant parties such as municipalities, producers, waste management service providers, as well as other parties, be effectively engaged on transition matters?
- Q2: Which programs would you recommend as being the first to be transitioned to the new producer responsibilities under the proposed Resource Recovery and Circular Economy Act, and why?
- Q3: What do you see as the key issues that would need to be addressed as a part of transition planning and implementation?

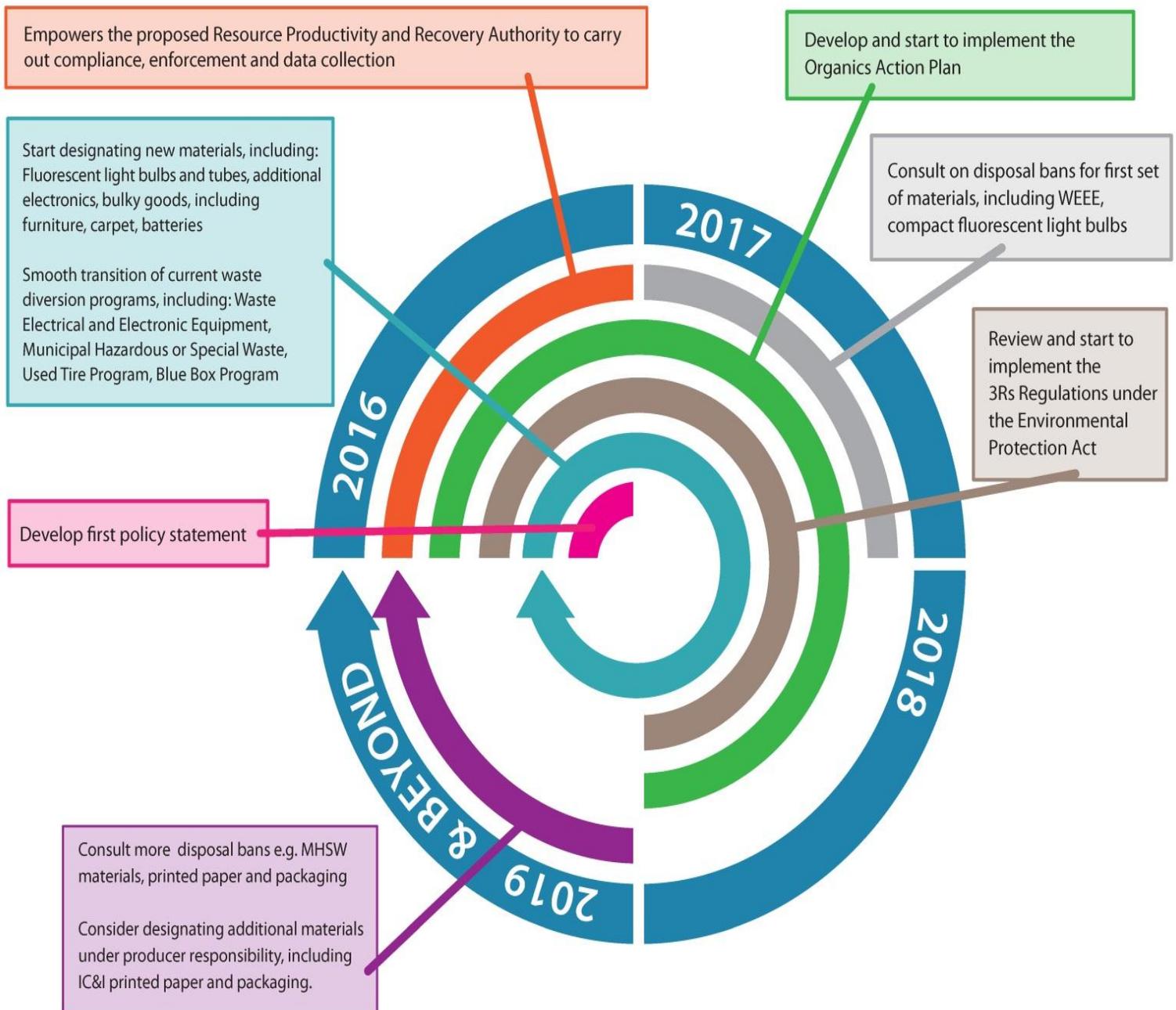
# PROPOSED PROGRAM TRANSITION PROCESS



## 5.0 Strategy

The proposed Act creates a requirement for the Minister to develop a draft Strategy for a Waste-Free Ontario: Building the Circular Economy. The draft Strategy would act as a roadmap to help Ontario to leverage multiple planning, policy and economic tools to achieve Ontario's vision - a circular economy and the Strategy's goals - zero waste in the province and zero GHG emissions.

The proposed priorities and timelines are outlined in the graphic below:



*NB. The timeline assumptions in the graphic are contingent upon the passage of the Bill in the Legislature.*

### 5.1 Questions

- Q1: Does the draft Strategy set appropriate goals?
- Q2: The draft Strategy outlines proposed priorities and timelines. What do you think of the proposed list of priorities for first two years?
- Q3: Do you think these are appropriate performance measures? Are there any key performance measures that are missing?

## Have your say

Your input will assist in evaluating potential amendments to the proposed Act, if necessary, as well as the finalization of the draft Strategy. We invite you to provide comments on both the proposed Waste-Free Ontario Act and Strategy for a Waste-Free Ontario: Building the Circular Economy through a number of opportunities, including regional consultation sessions and the Environmental Registry website at: <http://www.ebr.gov.on.ca/ERS-WEB-External/> registry number 012-5832 for the proposed Act and registry number 012-5834 for the draft Strategy.

We look forward to receiving your input and would like to thank you for your participation.