

**Recycling Study – Waste  
Management Under Producer  
Responsibility**

**Townships of Howick, North Huron,  
and Ashfield-Colborne-Wawanosh**



**BURNSIDE**

## **Recycling Study – Waste Management Under Producer Responsibility**

**Townships of Howick, North Huron,  
and Ashfield-Colborne-Wawanosh**

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## R.J. Burnside & Associates Limited

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## Executive Summary

R.J. Burnside & Associates Limited (Burnside) was retained by the Townships of Howick, North Huron and Ashfield-Colborne-Wawanosh (collectively “the Townships”) to assess current landfill practices and to develop a recycling plan to accommodate the transition of recycling (Blue Box) from municipal collection and processing to Producer Responsibility. The transition is to proceed in accordance with the ‘Blue Box Regulation’ (O.Reg. 391/21) under the ‘Resource Recovery and Circular Economy Act, 2016’ (RRCEA).

The Townships are expected to transition to producer responsibility on the following dates:

- Township of Howick: June 30, 2024.
- Township of North Huron: April 1, 2025.
- Township of Ashfield-Colbourne Wawanosh (ACW): April 1, 2025.

Until the transition date the Townships remain responsible for operation (and the costs) of their Blue Box programs. A portion of these costs are reimbursed by the Resource Productivity and Recovery Authority (RPRA). The intent of this transition is to pass the financial responsibility of these programs to the producers of the recyclable materials and encourage the development of improved recycling practices at the source. In general, recyclable collection services will be maintained throughout the transition, with minimal changes in user (householder) experience until 2026. The main expectations of the transition are environmental and financial in nature, with impacts to the Townships’ staffing expected to be minor.

Recyclables from Industrial, Commercial, and Institutional (IC&I) sources are not eligible for collection through the regulation. Further, recycling at municipal facilities and municipal depots (such as at the Townships’ landfill sites) are not covered by the regulation. This will result in additional disposal at the landfills, reducing their lifespans. With greater volumes entering the landfills, their lifespans will be reduced. This may also result in increased landfill gas, which contributes to climate change.

Through a review of the documents provided by the Townships, ECA’s, and Burnside’s experience with each township’s landfill and municipal landfills generally, we identified the following environmental enhancements to the existing waste management system:

- Decreasing the size of the active tipping face.
- Using alternative cover materials (i.e., woodchips and other waste materials) when possible.
- Maintaining existing collection programs for hazardous wastes and special products (HSP), batteries, and tires – despite their transition under similar Producer Responsibility regulations.

The financial effects resulting from the implementation of O.Reg 391/21 is expected to be the most significant impact. The expected financial impacts resulting from the transition include:

- Decreased collection costs for Blue Box recyclables along with an increase in disposal costs.
- Although the legislation proposes 100% of the Blue Box collection costs will fall on producers, the Townships are only expected to recover 80% of your current costs.
- Financial penalties could be charged by PROs (such as Circular Materials Ontario (CMO)) to the Townships due to the strict limit that they will impose on the amount of contamination acceptable in Blue Boxes.

The following are potential strategies to mitigate impacts of O.Reg. 391/21:

- A joint contract that could be negotiated between all three Townships and WM for the collection of Blue Box recyclables from sources (i.e., IC&I sources) ineligible for PRO collection.
- Implementing your own public education programs that discuss waste management generally, diversion programs, and Producer Responsibility programs such as recycling (Blue Box).
- Cost savings could result from ending the Blue Box drop-off depots at the Howick and North Huron landfills.

We expect that, as the first municipalities transition to producer responsibility later this year (i.e., 2023), there will be lessons learned and issues identified affecting decisions for Howick's transition in 2024, and the North Huron and ACW transitions in 2025. Therefore, our foremost recommendation is to stay involved in the transition process and observe how the first wave of municipalities transition.

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## 1.0 Introduction

R.J. Burnside & Associates Limited (Burnside) was retained by the Townships of Howick, North Huron and Ashfield-Colborne-Wawanosh (collectively “the Townships”) to assess current landfill practices and develop a recycling plan to accommodate the provincial Blue Box regulation (O.Reg. 391/21) under the Resource Recovery and Circular Economy Act, 2016. Based on the existing Blue Box transition schedule, the Townships are expected to transition to producer responsibility on the following dates:

- Township of Howick: June 30, 2024
- Township of North Huron: April 1, 2025
- Township of Ashfield-Colbourne Wawanosh (ACW): April 1, 2025

Prior to the transition the Municipality has been responsible for the costs of the Blue Box program and a portion was then reimbursed by the Resource Productivity and Recovery Authority (RPRA). The intent of this transition is to pass the financial responsibility of these programs back to the producers of the recyclable materials and encourage the development of improved recycling practices at the source.

### 1.1 Resource Recovery and Circular Economy Act

The Blue Box regulation is the next step being implemented by the government of Ontario as part of the Resource Recovery and Circular Economy Act, 2016 (RRCEA). The goal of the RRCEA is to transition Ontario to a circular economy where products and packaging are designed to minimize waste and then be recovered, reused, recycled and reintegrated back into production. In a circulate economy producers are responsible for collecting and managing their products and packaging after consumption. RPRA was established by the RRCEA to regulate businesses and ensure compliance with producer responsibility requirements. Under the RRCEA the following materials have already transitioned to producer responsibility:

- Tires transitioned on January 1, 2019
- Single-use batteries transitioned July 1, 2020
- Information technology, telecommunications and audio-visual (ITT/AV) equipment transitioned January 1, 2021, and lighting equipment transitioned January 1, 2023
- Hazardous and special products transitioned October 2021

The Tires regulation was the first to transition to producer responsibility under the RRCEA. Under the act producers are responsible for the recycling of on-road tires (cars, light passenger, medium truck, commercial truck) and off-road tires (off-road vehicles and equipment in the agricultural industry). The Used Tires Program does not include tires for bicycles, toys, personal mobility devices and commercial aircraft tires.



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The Batteries regulation applies to single-use and rechargeable batteries weighing 5 kg or less. The regulation does not apply to batteries sold with or in products (e.g., drills, cell phones, laptops etc.) or batteries over 5 kg (e.g., car batteries, stationary batteries). The Waste Electrical and Electronic Equipment (WEEE) program ended December 30, 2020 with the ITT/AV transition to producer responsibility at the start of 2021.

The Hazardous and Special Products regulation transitions automotive materials, solvents, paints and coatings, pesticides, fertilizers, mercury-containing devices and pressurized containers to producer responsibility. With the upcoming lighting equipment and blue box transitions the RRCEA will shift the cost of the previous Stewardship Ontario programs back to the producers. The goal of this change is to make producers responsible for their products at end-of-life and incentivise the development of efficient recycling technologies/practices.

## **1.2 O.Reg. 391/21**

The new regulation shifts the financial responsibility for products and packaging from municipalities and First Nation communities back to the producer. A copy of the regulation has been included in Appendix A. Under O.Reg. 391/21 a producer is someone who supplies packaging, paper products or packaging-like products made of paper, glass, metal or plastic, or a combination of these materials to consumers in Ontario. Producers work with Producer Responsibility Organizations (PROs) registered with the Resource Productivity & Recovery Authority (RPRA) to meet the following obligations:

- Arranging, establishing or operating a collection or management system.
- Arranging, establishing or operating promotion and education system.
- Preparing and submitting reports.
- Representing a producer for any purpose under O.Reg. 391/21.

Contracts may vary between PROs, and the producer is able to choose the PRO (or PROs) that will best suit their needs. The largest PRO is Circular Materials Ontario (CMO), who are currently the administrator of the new program, using a third-party organization to perform procurement of new collection and processing contracts. Producers are not required to contract a PRO, and can choose to meet their obligations without a PRO. In the Blue Box regulation there are three types of materials: product packaging, paper products or packaging-like products. Table 1, below, provides a detailed breakdown of the new categories.

**Table 1: Blue Box Materials**

<b>Category &amp; Subcategory</b>	<b>Description</b>	<b>Examples</b>	<b>Exemptions</b>
<b>Packaging Products</b>			
Primary Packaging	For the containment, protection, handling, delivery and presentation of a product at the point of sale, including all packaging components.		
Transport Packaging	Provided in addition to primary packaging to facilitate the handling or transport of one or more products.	Pallet, bale wrap or box	Shipping container designed to transport thing by road, ship, rail, or air.
Convenience Packaging	Includes service packaging and is used in addition to primary packaging to facilitate end users' handling or transport of one or more products. Also includes packaging supplied at the point of sale to facilitate delivery of goods.	Film and cardboard use to package case of water bottles, checkout bags or boxes	
Service Accessories	Supplied with a food or beverage product and facilitate the consumption of that food or beverage and are ordinarily disposed of after a single use.	Straws, cutlery and plates	
Ancillary Elements	Integrated into packaging (directly hung or attached) and are intended to be consumed or disposed of with the primary packaging. Help the consumer use the product.	Mascara brush forming the lid, measuring cup detergent cap, pouring spout for cartons	
<b>Paper Products</b>			
	Printed and unprinted paper, notebooks, promotional material, catalogue or paper used for copying, writing and any other general use.	Newspaper, magazines, greeting cards, calendars.	Hard or soft cover books, hardcover periodicals.
<b>Packaging-like Products</b>			
	Ordinarily used for the containment, protection, handling, delivery, presentation or transportation of items. Commonly disposed of after a single use. Not used as packaging when supplied to the consumer.	Aluminum foil, metal tray, plastic wrap, wrapping paper, paper/plastic bag, beverage cup, envelope.	Flexible plastic commonly used for food products, cling wrap, sandwich or freezer bags.

### 1.3 How O.Reg. 391/21 Affects Municipalities

Municipalities have reporting responsibilities to facilitate the transition to producer responsibility. In the fall of 2021 municipalities were required to submit an Initial Report with information about their current Blue Box collection systems to RPRA. This reporting process is now complete. The Initial Report is being followed up with a Transition Report with further information about their current Blue Box collection systems. Howick is transitioning in 2024, so its Transition Report was due on August 31, 2022. North Huron and ACW will be transitioning in 2025, so their Transition Reports will be due on August 31, 2023.

The Transition Report is to provide details on current Blue Box collection to ensure services are maintained. A copy of the reporting form and guidance documents can be found on the RPRA website. If there is a change to the information provided in the Initial or Transition Reports the municipality is required to submit updated information to RPRA through a Change Report. There is currently no guidance provided for completing a Change Report.

Municipalities are also responsible for determining if they have obligations as a Blue Box producer. Municipalities may be obligated if they supply Blue Box materials to consumers in Ontario. If the municipality supplies Blue Box materials, there are two producer exemptions under the Blue Box regulation to consider.

The first producer exemption is revenue-based. If their gross annual revenue from product and services in Ontario is less than \$2 million, they are exempt from registration, reporting, collection, management, promotion and education requirements. A producer that meets this requirement is only required to maintain records that demonstrate it meets the exemption requirements and provides those records upon request by RPRA. When determining gross annual revenue, the following sources are excluded:

- Government tax revenue.
- Property taxes.
- General Assistance received under the Ontario Municipal Partnership Fund.
- Payments in lieu of taxes.
- Canadian or Ontarian government grants available to municipalities with the intent of investing in public infrastructure.

The second producer exemption is supply-based. If a producer is above the revenue-based exemption and their supply weight in all material categories is less than the tonnage exemption threshold, they are only required to register and report. If a producer is above any of the material thresholds, they are required to meet all obligations. However, producers are only required to meet management requirements where they exceed the exemption level. Table 2 below outlines the exemption levels for different material categories.

**Table 2: Supply-Based Exemption Levels**

<b>Blue Box Material Category</b>	<b>Supply-Based Exemption Level (kg)</b>
Paper	9,000
Rigid plastic	2,000
Flexible plastic	2,000
Glass	1,000
Metal	1,000
Beverage containers	1,000

## 2.0 Background

### 2.1 Current Waste Management Practices

The scope for this study includes an assessment of the current waste management practices to identify expected changes with the transition to PRO's, as well as areas with a potential for increased efficiency. To inform our assessment the following documentation was requested from each of the Townships:

- Recycling tonnage records.
- Existing contracts and invoices with collection and haulage companies.
- Landfill operational manuals and Environmental Compliance Approvals (ECAs).
- Other available documentation (i.e., waste management planning studies).

The documents received from the Municipalities have been included as Appendix B. Table 3 below provides a summary of the received information:

**Table 3: Information Received from Municipalities**

	Municipality		
	Howick	North Huron	ACW
<b>2021 Tonnage (WM)</b>			
Curbside Waste	NR	427.63	454.75
Bin Waste	146.55	41.22	-
Waste Collection Cost	\$68,229.75	\$127,418.06	NR
Curbside Recycling	98.24	283.36	316.04
Bin Recycling	91.62	55.39	-
Recycling Collection Cost	\$83,100.84	\$113,496.56	NR
House Count	1,493	2,301	3,153
<b>2020 Recycling Datacall (RPRA)</b>			
Total Marketed Tonnes	131	279	239
Residential Collection Cost	\$67,157	\$73,856	\$124,703
Residential Depot/Transfer Cost	\$46,105	\$52,186	\$36,598
Total Net Cost	\$117,247	\$132,849	\$184,266
<b>2021 Landfill Operations</b>			
Approved Remaining Capacity (m <sup>3</sup> )	25,346	397,332	124,491
Fill Rate (m <sup>3</sup> /year)	1,512	5,610	3,200
Lifespan (years)	17	68	39

NR – Not Received

North Huron was the only Township to provide a copy of their contract with Waste Management Inc. (WM). Therefore, the cost analysis discussion regarding changes to expect during the transition will be from North Huron's perspective. In the contract

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between North Huron and WM it specifies that if the Township does not require recycling services, the price for curbside waste collection increases from \$0.97 to \$1.27 per stop. This translates to a 31% increase in curbside waste collection costs once the recycling collection transitions to PRO, for an increase of approximately \$36,000 per year. Since Howick and ACW also have collection contracts with WM, there is likely a similar provision in their respective agreements. Although waste collection costs would increase, the curbside collection of recycling annual cost is roughly \$115,000 – of which nearly 50% is recovered through Stewardship Ontario. By removing curbside recycling costs, the net savings is approximately \$21,500 annually. Based on the tonnage values ACW is expected to see similar savings while Howick's savings would be approximately \$10,000.

A review of the received documents allows the following inferences to be made about the impact of the transition to the individual Townships. Based on house counts, ACW's curbside collection program is 37% larger than North Huron's. Comparing the house counts, Howick's waste management programs is roughly 35% smaller than North Huron's. Assuming the same increase in curbside waste collection of \$0.30 per stop for removing recycling collection, ACW and Howick's waste collection is expected to increase approximately \$50,000 and \$25,000 respectively. These added costs will take away from the overall savings made by removing the recycling program.

The recycling transition is not expected to exempt any of the blue box materials currently accepted by WM. However, if there is a drop in diversion rates, the landfill operation data can be used to assess how well the Townships are prepared to accept the additional waste. North Huron and ACW have plenty of remaining capacity and lifespan to accommodate an increase in fill rate while adjusting to the transition. Howick has the least amount of approved remaining capacity, and the lowest fill rate. Therefore, Howick is the most at risk of a lower diversion rate increasing the fill rate significantly enough to reduce the landfills projected lifespan.

Other collection programs that have transitioned from municipal responsibility to PRO's, such as hazardous and special products (HSP) and batteries, have seen a drop in the recovery rate since implementation. These unrecovered materials are likely to end up in local landfills. Hazardous materials will increase the landfills liability assessment and increase the risk of exceeding Reasonable Use Guidelines at your naturally attenuated landfills. Currently all the Townships direct HSP materials to the Mid-Huron Recycling Centre, and spent batteries are being accepted at specified drop-off locations. It is recommended that these options be maintained to prevent an influx of these dangerous materials from entering the landfills.

All three Townships currently collect used tires at their respective landfills. With the transition of tire collection to producer responsibility in 2019 it is still recommended as best practice that the landfill collect and arrange for collection. There is no longer direct

compensation through the Ontario Stewardship Program. However, the benefits of removing tires from the landfilled waste stream outweigh the costs of handling.

### **2.1.1 Current Streams Collected & Future Effects**

Currently, all three municipalities contract WM to collect and process their Blue Box recyclables. WM's website outlines the following materials as acceptable for collection:

- Plastic bottles and containers;
- Food and beverage cans;
- Paper;
- Flattened cardboard and paperboard;
- Food and beverage containers; and
- Glass bottles and containers.

These materials are still considered Blue Box materials under O. Reg. 391/21. Therefore, with the change to PRO's we expect these materials will continue to be accepted as Blue Box materials with similar exceptions (i.e. clean and dry). Any specific exemptions made within these recycling streams are expected to be a minor component of the overall stream and have a negligible impact on fill rates if landfilled.

An important potential exemption to be aware of through the transition is ineligible sources. Currently the blue box program collects recycling from all sources in the Townships. However, O. Reg 391/21 does not require collection from Institutional, Commercial and Industrial (IC&I) sectors as such they are considered ineligible sources. Therefore, it is unlikely that PRO's will continue to collect blue box materials from IC&I sources without some form of compensation. Section 3.1.1 goes into more detail to discuss what is an ineligible source, and the consequences of this change.

## **2.2 Enhanced Landfill Practices**

Through a review of the provided documents, ECA's, and Burnside's experience with each township's landfill and municipal landfills generally, we have compiled a few landfill practices to consider that would reduce the environmental impacts of the Townships waste disposal sites. These recommendations are general landfill best practices that, in our experience, help to address the main concerns identified during MECP inspections.

The first and easiest way to reduce environmental impact at the landfills is to reduce the size of the active fill area. Final contours and cover materials are designed the direct water away from the waste before it can infiltrate into the ground. With a smaller fill area, less precipitation can infiltrate into the waste and generate leachate. Leachate is an expected by-product of landfill, however the volume and concentration of contaminants being released into the environment can be mitigated by reducing the amount of precipitation mixing with the waste.

Reducing the fill area also has operational benefits. It helps to control blown litter. The more waste exposed at surface, the more opportunities for the wind to relocate the waste. A smaller waste footprint will allow for more concentrated compaction efforts, and maximize the density of the waste, saving volume. A small fill area will also save time and materials when placing interim cover material.

At the Ashfield (ACW) and Howick landfills there is an opportunity to maximize the remaining disposal capacity by introducing a landfill compactor. A compactor is expected to achieve greater compaction rates than track-mounted vehicles such as bulldozers and excavators. Increasing compaction rates allows more waste to be placed in the same volume and helps reduce the amount blowing litter from the fill area.

Alternative cover materials are another opportunity to improve the operation of your landfills. Blown litter is a common issue observed during our site visits at municipal landfills. The most effective way to prevent wind from relocating refuse is to consistently apply daily cover over the active fill area. However, approved cover can be costly and difficult to source. By applying for an ECA amendment, alternative interim cover materials can be approved.

Currently the Wingham landfill is the only landfill between the Townships approved for the use of alternative cover material. The Wingham landfill can use chipped wood and leaf/yard waste as cover materials. If the Townships all obtained such approval there would be a potential for savings by creating a joint contract with the wood chipping contractor. The benefits of this approach are two-fold, as the clean wood onsite can be repurposed, and you will have another source of cover material. As a note, when using chipped wood as cover the MECP expects the wood pile to be disposed of annually.

For the Howick landfill there is also the added benefit of reducing the amount of burning onsite. Howick is the only landfill out of the Townships that still allows burning in accordance with the ECA. As this is no longer a common practice, onsite burning activities are expected to be heavily scrutinized during MECP inspections. By repurposing the clean wood for woodchip cover you can reduce burning and improve the inspection of burn piles. Below is a list of potential alternative cover materials to be considered for inclusion in an ECA amendment application:

- Wood chips
- Foundry sand
- Compost
- Construction and demolition waste
- Ash and cement kilt dust
- Shredded rubber

Other locally sourced and permeable materials can be investigated for suitability as daily cover.



## 3.0 Future Changes

### 3.1 Background

Through our review of O. Reg 391/21, related documents and discussions we have identified the following changes the Townships should be prepared for during the transition to PRO facilitated collection. The primary concerns identified regarding the transition are changes to ineligible sources and the definition of unacceptable contamination levels. These are explained in the subsections that follow.

Burnside has compiled the background information used in this report as Appendix B.

#### 3.1.1 Ineligible Sources

O. Reg. 391/21 does not require collection from Institutional, Commercial, and Industrial (IC&I) sectors. This includes municipal facilities, such as recreation centres, parks and even administrative buildings. All are considered “ineligible sources”.

Under the current Blue Box program ineligible sources may receive municipal collection through residential programs. However, with the transition, PROs are not responsible for servicing these sources. Blended collection of IC&I and residential materials is not likely to continue. This change will affect both curbside and depot collection. Recycling depots at the landfills will need to be modified to segregate eligible and ineligible sources for collection. This change could make recycling drop-off at the Howick and Wingham landfills no longer feasible.

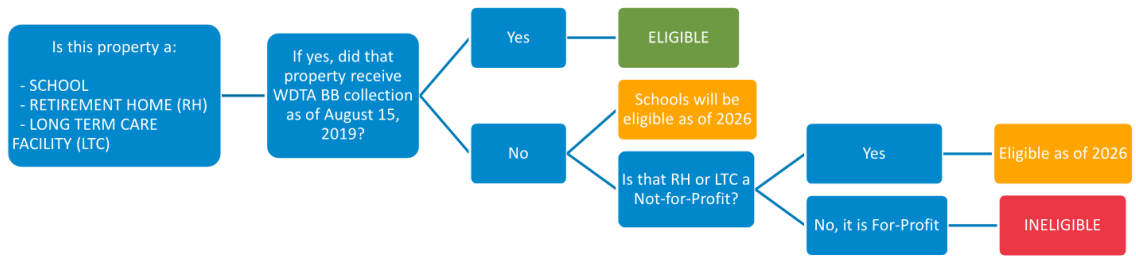
Ineligible sources are tax/rate payers and may expect alternate arrangements to maintain their curbside collection. If an alternative collection method for ineligible sources is not implemented, it is likely that their recyclable materials will end up in the landfill. This provides an opportunity to maintain recycling collection services with WM. By only using WM’s recycling for ineligible services, the overall cost of collection will be drastically reduced on an overall basis, though costs are likely to increase on a per-collection basis. Maintaining waste and recycling collection for ineligible sources may allow the Townships to negotiate some limited savings for garbage collection.

The following flow charts from Continuous Improvement Fund’s “Ineligible Sources Workshop” are included to help assess what sources will be considered ineligible for collection through PROs. The status of some sources cannot be determined at this time and will be subject to special consideration from the PROs. The sources in your community should be evaluated<sup>1</sup> to determine the quantity of recyclables being produced, and then assessed for potential financial and landfill implications.

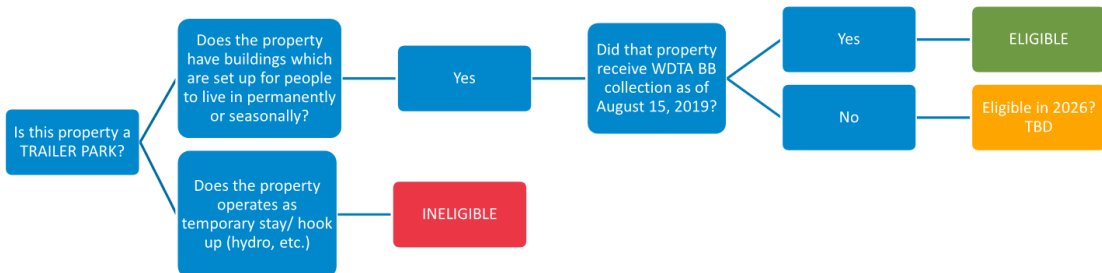
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<sup>1</sup> The Municipal Property Assessment Corporation (MPAC) is a database featuring details on commercial properties. Accessible from <https://www.mpac.ca/>.

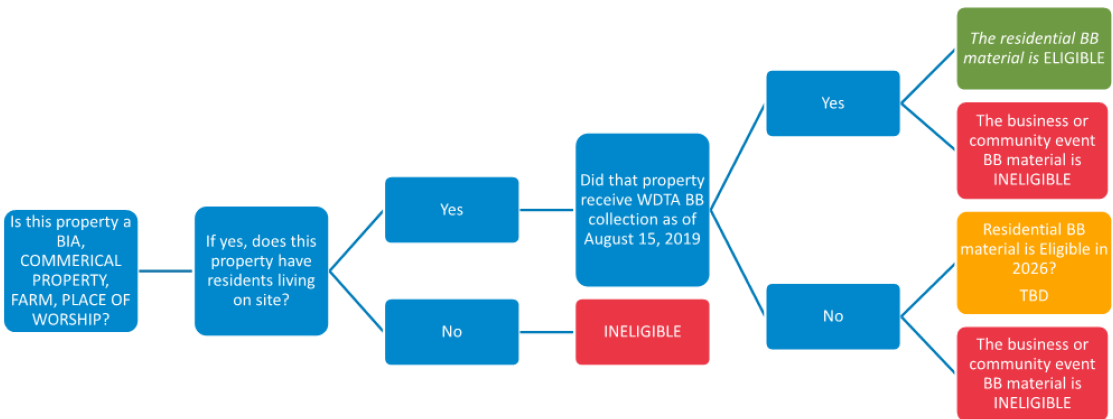
**Figure 1: School, Retirement Home and Long-Term Care**

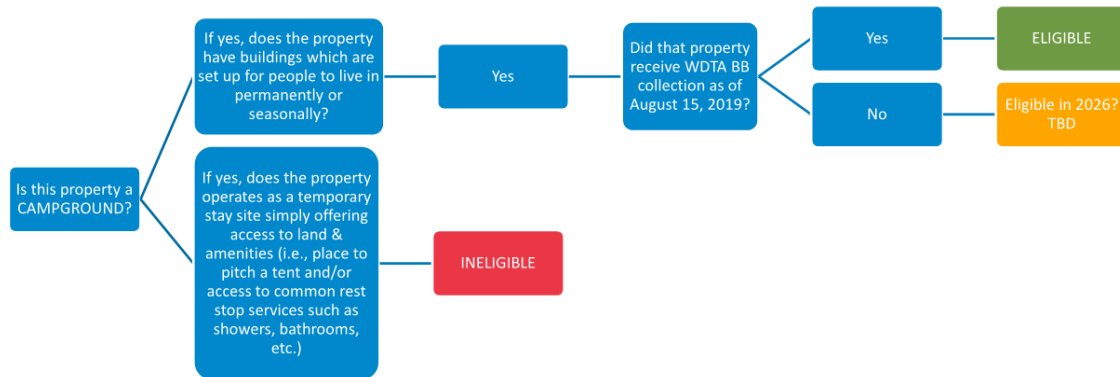


**Figure 2: BIA, Commercial Property, Farm, Place of Worship**



**Figure 3: Trailer Parks**



**Figure 4: Campgrounds**

### 3.2 Potential Future Impacts

There are several points of consideration regarding the Blue Box transition, including whether the communities will continue to:

- Administer collection contracts on behalf of PROs, including space recycling, depots and associated promotion and education.
- Continue the collection of Blue Box material from ineligible sources (i.e., businesses) and ineligible materials (i.e., Styrofoam).
  - A decision is required prior to December 31, 2025, if deciding to contract with a PRO; and
  - Prior to your transition date
- Continuation of collection of Blue Box material at depots after transition (decision required prior to the transition date) – noting that where a community receives blue box collection services primarily through a curbside program (meaning the community has been curbside and depot service), the PROs are required to maintain depot service during transition but are not required to provide depot services as of January 1, 2026.

Should the communities move forward with transitioning, ineligible sources (i.e., businesses) could be handled with privately contracted services. This will need to be further evaluated.

#### 3.2.1 Environmental Impacts

The program change is a transition to extended producer responsibility and places the task of managing recyclables with the producers of the waste, as part of the Provincial shift towards a circular economy. The transition of blue box responsibility may have considerable impact on the environmental situation of the communities, including:

- Should ineligible sources require service and have no good options, their blue box materials will ultimately end up in the landfill.
  - This will result in capacity issues at the landfills (also a financial impact, see Section 3.2.3).

### 3.2.1.1 Climate Change Effects

The provincial government's recycling targets under producer responsibility are lower than currently collected. This will result in a greater volume of recyclables entering landfills across Ontario, negatively impacting the environment, consuming valuable capacity, and adding to landfill operating costs.

The province has indicated that organics collection and composting is to be implemented in the future. Their current plan does not trigger implementation requirements for Howick, North Huron or A-C-W.

Burnside anticipates additional climate-change related emissions from the collection of wastes in the Townships. A PRO's collection vehicle will collect recyclables from eligible sources while the Township's collection vehicle collects waste. Further, collection of waste and recyclables from ineligible sources may add to the distance travelled by collection vehicles. Sharing collection for residential waste and ineligible sources could somewhat mitigate the emissions by optimizing collection routes.

Additional waste at the landfills is turn expected to produce a greater volume of landfill gas. Landfill gas, roughly half CO<sub>2</sub> (carbon dioxide) half CH<sub>4</sub> (methane), is a significant greenhouse gas causing climate change. To potentially reduce the volume of landfill gas produced, the Townships can consider the financial implications associated with source separating and transporting organic wastes to a licensed composting facility. Given the size and rate-of-fill for the Township's landfill sites, we do not believe landfill gas collection and destruction (i.e., a flare to burn off the methane or use the methane to power an engine) would be successful.

### 3.2.2 Staffing Impacts

With waste collection currently contracted to WM by the Townships, the transition to producer responsibility should not impact municipal staffing levels. The number of WM staff assigned under the contracts is likely to decrease. The contract administration efforts (Township staff) may be marginally reduced, but this is not expected to be significant from an overall workload perspective.

Additional waste arriving at the municipal landfills is not expected to affect the labour requirements of operating the sites. Ineligible source recyclables will require some additional staff and equipment effort, though operating costs will mainly relate to equipment fuel and maintenance, and supply of daily cover.

Of particular importance from a Township staffing perspective is the overseeing of the transition, the likelihood of dealing with additional collection and disposal policy changes, the monthly reporting requirements to the PRO, implementation of public education and oversight/enforcement for proper disposal. These may have implications on the ability for staff to carry out their existing work, leading to an initial (or longer term) need for a part-time staff member.

### 3.2.3 Financial Impacts

The most significant impacts resultant of this transition will be financial. The transition will affect future operating and capital budgets for solid waste services. Unfortunately, it's not feasible to assess the full financial implication of the transition until future details are provided. However, we expect the following financial implications.

- While the cost of collection may decrease because the Townships will only be collecting waste (not recyclables), the cost to dispose of wastes will increase.
- Although the Regulation assigns 100% of blue box collection costs to producers, it's important to note that the CMOs current payment model does not compensate 100% of collection costs. As noted by other municipalities, this compensation will be closer to 80%<sup>2</sup>.
- Annual costs for the year 2020, as submitted to the Blue Box Datacall, will be paid by the CMO. The differential between actual costs incurred and what the CMO pays is unknown.
  - Any costs above what the CMO would pay or liquidated damaged levied to the municipalities would be a financial risk.
- Minimize long-term care / monitoring costs of the landfill site.
- Defers the substantial cost to expand or develop a new landfill site.
- Administrative and Council time will be required to draft or revise municipal waste management policies. These policies must then be approved by the PRO.
- The transition may eliminate the financial burden on municipalities associated with variable recyclable end-markets and program delivery, though such details are not yet clear.
- Should the community continue to undertake curbside and / or depot services for ineligible sources, the PRO will discount 25% or more of their cost recovery payments to the municipality. Starting in 2026, collection from ineligible sources must be separated from services to eligible sources. CMO is to determine whether depots will be supported after 2026.
- CMO proposes a promotion and education reimbursement structure of \$1.50 per household but seeks municipal support and ties the funding to reporting requirements. This may prove insufficient to prepare for the upcoming changes.

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<sup>2</sup> As reported by the City of Hamilton, <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=336022>, accessed December 2022.

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- This will be an increase on promotional and educational costs for Howick and North Huron, compared to their reported 2020 Datacall values.
- ACW will see a cut in funding for this, who reported \$16,218 in 2020 for promotion and education – approximately \$5.14 per household.
- Under the CMO’s Master Service Agreement and Statement of Work, a 4% contamination rate threshold of 4% was set, which proposes a significant issue to the communities. That is, collected Blue Box Material may not contain more than four percent (4%) by weight of Non-Blue Box Material over a rolling 6-month period. Such loads will be subject to penalties charged to the municipality.
  - If exceeding, the collector will be expected to develop an improvement plan to reduce this percentage. There will be no financial penalties levied on a municipality during the transition period. However, ultimately this will likely result in offending loads entering the municipal waste streams, increasing municipal costs.
  - Comparable programs, such as Simcoe County, report a recycling contamination rate of 10 to 15%<sup>3</sup>; and
  - The Region of Peel represents the high-end contamination rates, reporting a contamination rate of 31%<sup>4</sup>.

### 3.2.4 Summary of Impacts

In general, recyclable collection service will be maintained throughout the transition, with minimal change in participant experience at recycling depots until 2026. Impacts will generally be felt:

- Environmentally, with an increase of recyclables landfilled, and
- Financially, as existing contracts for waste collection are revised.

Financial implications on the capital and operating budgets for the municipalities cannot be assessed at this time, however significant impacts are expected, due to the details provided by PROs at this time.

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<sup>3</sup> As reported in <https://www.collingwoodtoday.ca/local-news/ontario-looking-at-transition-to-a-new-phase-of-blue-box-recycling-1948347> (accessed December 2022).

<sup>4</sup> As reported in <https://www.hamiltonnews.com/news-story/10269089-peel-cracking-down-on-blue-box-contamination-in-brampton-caledon-and-mississauga-with-new-program/> (accessed December 2022).

## 4.0 Conclusions, Recommendations, and Future Tasks

The following recommendations address the concerns expressed by the Townships through the RFP and initial kick-off meeting. We expect that, as the first transitions occur through 2023, there will be lessons learned and issues addressed that will affect the decisions for Howick's transition in 2024, and the North Huron and ACW transitions in 2025. Therefore, our foremost recommendation is to stay involved in the transition process and observe how the first wave of Municipalities transition.

- Currently the Townships all operate curbside collection of recycling, and Howick and North Huron also operate recyclables collection bins at their municipal landfills. These programs are successfully operating at an estimated 40% diversion rate.
- North Huron's contract with WM includes a stipulation that waste collection without recycling collection increases from \$0.97 to \$1.27 per stop. This translates to roughly a \$36,000 increase in curbside waste collection cost. However, the curbside collection of recycling annual cost is roughly \$115,000 – of which nearly 50% is recovered through Stewardship Ontario. By removing curbside recycling costs, the net savings are approximately \$21,500 annually. Based on the tonnage values ACW is expected to see similar savings while Howick's savings would be approximately \$10,000.
- There is a potential to negotiate a reduced curbside waste collection cost with WM by continuing curbside co-collection with waste and ineligible sources of recycling. This allows ineligible sources to continue receiving curbside collection while drastically reducing the cost of recycling collection (fewer stops).
- There may be a benefit in the negotiations with WM for a joint Howick/North Huron/A-C-W contract as the recycling needs for each Township will be heavily reduced, essentially focused on ineligible sources. It is recommended that the Townships start collecting data on which stops currently receiving curbside recycling services but will be considered ineligible after the transition.
- For Howick and North Huron, there is an opportunity to avoid additional costs by no longer accepting recycling at the landfills. With the transition to PROs, recycling depots will be required to segregate recyclables from eligible and ineligible sources. This would incur additional costs for separate storage, handling and collection. This change may encourage residents to use the curbside collection services, though it could also result in recyclables being landfilled.
- Efforts to implement Best Management Practices for your landfill will mitigate environmental risks.
  - Training and focusing staff so that they restrict the size of your active fill area, optimize equipment use and apply only the daily (or weekly) cover necessary are key BMP's.
  - Use of alternative cover materials, particularly materials that would landfilled anyway, will also save landfill capacity.

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- Maintaining dedicated collection programs for hazardous and special products, along with batteries and tires will also help divert these materials from entering your landfill and reduce potential liabilities.
- Public education programs should be evaluated and coordinated, such as updates to municipal websites, social media group posts, etc<sup>5</sup>.
  - Education must be an ongoing effort in the community, with the gradual implementation of diversion programs, retailer tack-back programs, and changes to the current waste management system. This program is to evolve to meet the specific needs of the community.
  - Education will be an important aspect to ensure contamination rates are reduced to meet PROs currently imposed rate.
  - The communities may consider registering for an application that residents can access (via phone or computer) which details the acceptable materials (an example being the ‘Waste Wizard’ cell phone app in the City of Toronto or Simcoe County).
- As part of the transition, municipalities with transition dates in 2025 (North Huron and ACW) must submit a Transition Report to the RPRA with detailed collection information by August 31, 2023. This is available directly from the RPRA virtual portal<sup>6</sup>.

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<sup>5</sup> CMO currently proposes a promotion and education reimbursement structure of \$1.50 per household with associated reporting requirements. These requirements will need to be evaluated when developing what programs are suitable.

<sup>6</sup> Accessible from <https://rpra.ca/programs/blue-box/regulation/municipalities/> (accessed December 2022).





**BURNSIDE**

[THE DIFFERENCE IS OUR PEOPLE]



## Appendix A

### Blue Box Regulation Information (O.Reg. 391/21)

# ONTARIO REGULATION 391/21

made under the

## RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016

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**PART I**  
**INTERPRETATION**

**Definitions**

1. (1) In this Regulation,  
“alcoholic beverage” means liquor within the meaning of the *Liquor Licence Act*; (“boisson alcoolisée”)  
“alcoholic beverage product and packaging” means,  
(a) products with their primary packaging that are,  
(i) alcoholic beverages that are supplied by any person,

- (ii) non-alcoholic beer, wine and spirits that are supplied by any person,
  - (iii) products that are imported or supplied by Brewers Retail Inc. or for which Brewers Retail Inc. is the brand holder, or
  - (iv) products that are imported or supplied by the Liquor Control Board of Ontario, or for which the Liquor Control Board of Ontario is the brand holder,
- (b) convenience and transport packaging if it is used exclusively for products referred to in clause (a), and
- (c) paper products, packaging-like products, and products included in the definition of “blue box packaging” that are imported or supplied by Brewers Retail Inc. or the Liquor Control Board of Ontario, or for which Brewers Retail Inc. or the Liquor Control Board of Ontario is the brand holder; (“produits et emballages de boisson alcoolisée”)

“allocation table” means an allocation table created in accordance with Part III; (“tableau d’affectation”)

“beverage container” means a container that,

- (a) contains a ready-to-drink beverage product,
- (b) is made from metal, glass, paper or rigid plastic, or any combination of these materials, and
- (c) is sealed by its manufacturer; (“contenant de boisson”)

“blue box material” has the meaning provided for in section 2; (“matériaux destinés à la boîte bleue”)

“blue box packaging” means,

- (a) primary packaging, convenience packaging or transport packaging that is provided with a product,
- (b) an ancillary product that is integrated into the packaging, and
- (c) a product such as a straw, cutlery or plate that is supplied with a food or beverage product, that facilitates the consumption of that food or beverage product and that is ordinarily disposed of after a single use, whether or not it could be reused; (“emballage destiné à la boîte bleue”)

“blue box receptacle” means a container, bin, cart, bag or other receptacle that holds blue box material, and from which blue box material is collected; (“récipient pour matériaux destinés à la boîte bleue”)

“Blue Box Transition Schedule” means the document of the Ministry entitled “Blue Box Transition Schedule” dated June 1, 2021, as amended from time to time, and available on the Registry; (“calendrier de transition des boîtes bleues”)

“Blue Box Verification and Audit Procedure” means the document entitled “Blue Box Verification and Audit Procedure” published by the Authority and dated June 1, 2021, as amended from time to time, and available on the Registry; (“Procédure de vérification des boîtes bleues”)

“certified compostable product and packaging” means material that,

- (a) is only capable of being processed by composting, anaerobic digestion or other processes that result in decomposition by bacteria or other living organisms, and
- (b) is certified as compostable by an international, national or industry standard that is listed in the Blue Box Verification and Audit Procedure; (“produits et emballages certifiés compostables”)

“collection period” means the period of time in which an allocation table applies, determined in accordance with paragraph 6 of section 15; (“période de collecte”)

“eligible community” means,

- (a) a local municipality or local services board area that is not located in the Far North, or
- (b) a reserve,
  - (i) that is not located in the Far North, and
  - (ii) is registered by a First Nation with the Authority in accordance with section 59; (“collectivité admissible”)

“eligible source” has the meaning provided for in section 4; (“source admissible”)

“facility” means,

- (a) a building that contains more than one dwelling unit, including an apartment building and a condominium, but not including a building used for temporary accommodation, such as a hotel,
- (b) a retirement home within the meaning of the *Retirement Homes Act, 2010* that,
  - (i) is operated by a municipality or an entity that does not operate with a purpose of generating a profit, or

- (ii) was included in the WDTA blue box program on August 15, 2019,
  - (c) a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007* that,
    - (i) is a non-profit long-term care home within the meaning of paragraph 2 of section 269 of Ontario Regulation 79/10 (General) made under that Act, or
    - (ii) was included in the WDTA blue box program on August 15, 2019, and
  - (d) a building that contains a school or private school within the meaning of the *Education Act*; (“installation”)
- “Far North” has the same meaning as in the *Far North Act, 2010*; (“Grand Nord”)
- “First Nation” means a council of the Band as referred to in subsection 2 (1) of the *Indian Act* (Canada); (“Première Nation”)
- “flexible plastic” means un moulded plastic, such as a plastic bag, film, wrap, pouch or laminate; (“plastique souple”)
- “franchise” has the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*; (“franchise”)
- “franchisor” has the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*; (“franchiseur”)
- “local municipality” has the same meaning as in the *Municipal Act, 2001*; (“municipalité locale”)
- “local services board” has the same meaning as “Board” in the *Northern Services Boards Act*; (“régie locale des services publics”)
- “local services board area” has the same meaning as “Board area” in the *Northern Services Boards Act*; (“territoire de la régie locale des services publics”)
- “management requirement” means the amount of material determined under section 40; (“obligation de gestion”)
- “marketplace facilitator” means a person who,
- (a) contracts with a marketplace seller to facilitate the supply of the marketplace seller’s products by,
    - (i) owning or operating an online consumer-facing marketplace or forum in which the marketplace seller’s products are listed or advertised for supply, and
    - (ii) transmitting or otherwise communicating the offer or acceptance between the marketplace seller and a buyer, and
  - (b) provides for the physical distribution of a marketplace seller’s products to the consumer, such as by the storage, preparation or shipping of products; (“facilitateur de marché”)
- “marketplace seller” means a person who contracts with a marketplace facilitator to supply its products; (“vendeur du marché”)
- “material category” means the material categories determined in accordance with section 3; (“catégorie de matériaux”)
- “municipality” has the same meaning as in the *Municipal Act, 2001*; (“municipalité”)
- “non-alcoholic beer, wine and spirits” means a beverage that is not liquor under the *Liquor Licence Act* but has the traditional aroma or taste commonly attributed to beer, wine or spirits; (“bière, vin et spiritueux non alcoolisés”)
- “packaging-like product” means a product such as aluminum foil, a metal tray, plastic film, plastic wrap, wrapping paper, a paper bag, beverage cup, plastic bag, cardboard box or envelope, that has all of the following characteristics, but does not include a product made from flexible plastic that is ordinarily used for the containment, protection, or handling of food, such as cling wrap, sandwich bags, or freezer bags:
1. The product is ordinarily used for the containment, protection, handling, delivery, presentation or transportation of a thing or things,
  2. The product is ordinarily disposed of after a single use, whether or not it could be reused.
  3. The product is not used as packaging when it is supplied to the end user; (“produit assimilable à un emballage”)
- “paper product” includes printed and unprinted paper, such as a newspaper, magazine, promotional material, directory, catalogue or paper used for copying, writing or any other general use, other than,
- (a) a hard or soft cover book,
  - (b) a hardcover periodical, and
  - (c) any product that, at the time it is supplied to the end user, is blue box packaging or a packaging-like product; (“produit de papier”)
- “permanent establishment” has the meaning,
- (a) assigned by subsection 400 (2) of the *Income Tax Regulations* (Canada), in the case of a corporation, or

(b) assigned by subsection 2600 (2) of the *Income Tax Regulations* (Canada), in the case of an individual; (“établissement stable”)

“processor” means a person who processes, for the purpose of resource recovery, blue box material that was supplied to a consumer in Ontario; (“transformateur”)

“producer” means the person determined in accordance with Part II; (“producteur”)

“producer responsibility organization” means a person who has entered into an agreement with a producer for the purposes of carrying out one or more of the following responsibilities relating to blue box material, but does not include a processor retained solely for the purposes of processing blue box material:

1. Representing a producer for the purposes of the creation of the rules under Part III.
2. Arranging, establishing or operating a collection or management system.
3. Arranging, establishing or operating a promotion and education system.
4. Preparing and submitting reports; (“organisme assumant les responsabilités d’un producteur”)

“public space” means,

- (a) an outdoor area in a park, playground or sidewalk, or
- (b) a public transit station or stop under municipal or provincial jurisdiction, including a track-level stop, to which the public is normally provided access; (“espace public”)

“representation agreement” means an agreement pursuant to which a producer responsibility organization agrees to represent a producer during the creation of the rules under Part III; (“convention de représentation”)

“reserve” means a reserve within the meaning of the *Indian Act* (Canada); (“réserve”)

“residence” means a single-unit residential dwelling, including a seasonal residential dwelling; (“résidence”)

“resident in Canada” means having a permanent establishment in Canada; (“résident du Canada”)

“resident in Ontario” means having a permanent establishment in Ontario; (“résident de l’Ontario”)

“retailer” means a business that supplies products to consumers, whether online or at a physical location; (“détaillant”)

“rigid plastic” means moulded plastic, such as a food or product container; (“plastique rigide”)

“supplemental collection system” means a collection system in which blue box material supplied to consumers in Ontario is collected, other than a collection system established and operated under Part IV or Part V; (“système de collecte complémentaire”)

“supply” means the provision of a product in any manner and includes sale, transfer, barter, exchange, rental, lease, gift or disposition; (“fourniture”)

“transition period” means the period beginning on July 1, 2023 and ending on December 31, 2025; (“période de transition”)

“WDTA blue box program” means the blue box waste diversion program under the *Waste Diversion Transition Act, 2016* that was operating in a local municipality, local services board area or a reserve. (“programme de boîte bleue régi par la Loi transitoire de 2016”)

(2) In this Regulation, and for the purposes of the Act in respect of blue box material,

“consumer” means,

- (a) an individual who is an end user of a product and its packaging, other than a beverage and its container, who obtained the product and its packaging for personal, family or household purposes, or
- (b) a person who is the end user of a beverage and its container, including a person who uses the beverage and its container for personal, family, household or business purposes; (“consommateur”)

“convenience packaging” means material used in addition to primary packaging to facilitate end users’ handling or transportation of one or more products and includes items such as bags and boxes that are supplied to end users at check out, whether or not there is a separate fee for these items; (“emballage pratique”)

“primary packaging” means material that is used for the containment, protection, handling, delivery and presentation of a product that is provided with the product to an end user at the point of sale and includes packaging designed to group one or more products for the purposes of sale, but does not include convenience packaging or transport packaging; (“emballage primaire”)

“product” means material that is a thing, part of a thing or combination of things intended for use by an end user; (“produit”)

“transport packaging” means material used in addition to primary packaging to facilitate the handling or transportation of one or more products by persons other than end users, such as a pallet, bale wrap or box, but does not include a shipping container designed for transporting things by road, ship, rail or air. (“emballage de transport”)

**Blue box material**

2. (1) Subject to subsection (2),

“blue box material” means material that is,

- (a) blue box packaging,
- (b) a paper product, or
- (c) a packaging-like product.

(2) “Blue box material” does not include the following material:

- 1. A material that is not primarily made from paper, glass, metal or plastic, or a combination of these materials.
- 2. A material included in another designated class under section 60 of the Act.
- 3. A pharmaceutical or sharp in respect of which there are collection or disposal obligations prescribed under Ontario Regulation 298/12 (Collection of Pharmaceuticals and Sharps — Responsibilities of Producers) made under the *Environmental Protection Act*.
- 4. A material included in the Municipal Hazardous or Special Waste Program, if that program is in operation under the *Waste Diversion Transition Act, 2016*.
- 5. A product designed for the containment of waste.
- 6. A health, hygiene or safety product that, by virtue of its anticipated use, becomes unsafe or unsanitary to recycle.
- 7. Blue box packaging that cannot be easily separated from hazardous waste within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the *Environmental Protection Act*.
- 8. An alcoholic beverage product and packaging.

**Material categories**

3. (1) The following are material categories for the purposes of this Regulation:

- 1. Beverage container material category.
- 2. Glass material category.
- 3. Flexible plastic material category.
- 4. Rigid plastic material category.
- 5. Metal material category.
- 6. Paper material category.
- 7. Certified compostable products and packaging material category.

(2) Subject to subsection (3), all blue box material shall be assigned to a material category and no blue box material shall be assigned to more than one material category.

(3) Blue box material may be divided into separate components, and each component may be assigned to its own material category, as long as all the components of the blue box material are assigned to a material category.

(4) Blue box material shall be assigned to the material category that best matches its primary characteristic.

(5) The assignment of blue box material to a material category must comply with any applicable requirements in the Blue Box Verification and Audit Procedure.

(6) Subject to subsection (9), the flexible plastic material category includes material primarily made from flexible plastic.

(7) Subject to subsections (8) and (9), the rigid plastic material category includes material primarily made from rigid plastic.

(8) The beverage container material category includes all beverage containers, even if they are made primarily of glass, paper, metal or rigid plastic.

(9) The certified compostable products and packaging material category includes all certified compostable products and packaging, even if they are primarily made of paper or plastic.

**Eligible source**

4. (1) Subject to the other provisions in this section,

“eligible source” means any residence or facility in an eligible community.

(2) Subject to subsections (3) and (4), a residence or facility in an eligible community that is included in the Blue Box Transition Schedule is not an eligible source until the date when the Blue Box Transition Schedule states that the eligible community will start to receive collection services under this Regulation.

(3) A residence or facility that did not receive collection services under the WDTA blue box program before the date when the Blue Box Transition Schedule states the local municipality, local services board area or reserve that contained the residence will start to receive collection services under this Regulation is not an eligible source during the transition period.

(4) A facility in an eligible community in the Blue Box Transition Schedule that would not be eligible to receive collection services under the WDTA blue box program because of the criteria or conditions of that program applicable on August 15, 2019 is not an eligible source during the transition period.

(5) A residence in an eligible community that is not an eligible source during the transition period becomes an eligible source on the later of,

(a) January 1, 2026; and

(b) the date that a local municipality, local services board or First Nation includes the residence in the information it provides under paragraphs 1 and 2 of subsection 55 (2), pursuant to section 56 or 57.

(6) A facility in an eligible community that is not an eligible source during the transition period becomes an eligible source on the later of,

(a) January 1, 2026; and

(b) the date the facility registers under section 63.

#### **Non-application**

5. Parts III, IV, V, VI and VIII of this Regulation do not apply to blue box material in the certified compostable products and packaging material category and blue box material in the certified compostable products and packaging material category shall not,

(a) be included in the determination of weights made by the Authority under section 14;

(b) be used for the allocation of eligible sources to producers in an allocation table made under Part III;

(c) be registered as a material category for an alternative collection system under Part V;

(d) be used for the calculation of a management requirement under Part VI; or

(e) give rise to promotion and education obligations under Part VIII.

#### **Designated material**

6. For the purposes of section 60 of the Act, blue box material is a designated class of material.

#### **Producer responsibility organization**

7. A producer responsibility organization that is required to register collection services or promotion and education services it provides for a producer under section 46 satisfies the prescribed conditions for the purposes of paragraph 2 of subsection 61 (2) of the Act and the prescribed criteria for the purposes of clause 62 (1) (d) of the Act.

## **PART II DETERMINATION OF THE PRODUCER**

#### **Application**

8. This Part only applies to blue box packaging, paper products and packaging-like products that are blue box material.

#### **Producer, blue box packaging**

9. (1) Where blue box packaging for a product is supplied in Ontario to a consumer, the producer of that blue box packaging shall be determined in accordance with the following rules:

1. For the portion of the blue box packaging of a product that a brand holder added to the product, the producer is,

i. the brand holder of the product, if the brand holder is resident in Canada,

ii. if there is no person described in subparagraph i, the importer of the product, if the importer is resident in Ontario, or

iii. if there is no person described in subparagraph i or ii, the retailer who supplied the product to the consumer.



2. For the portion of the blue box packaging of a product that an importer of the product into Ontario added to the product, the producer is,
    - i. the importer of the product into Ontario, if the importer is a person who is resident in Ontario, or
    - ii. if there is no person described in subparagraph i, the retailer who supplied the product to the consumer.
  3. For any portion of the blue box packaging not described in paragraph 1 or 2, the producer is the retailer who supplied the product to the consumer.
- (2) For the purposes of determining the producer in accordance with subsection (1), the following rules apply:
1. Blue box packaging added to a product includes blue box packaging added at any stage of the production, distribution and supply of the product.
  2. A person adds blue box packaging to a product if the person,
    - i. makes the blue box packaging available for use by another person who adds the blue box packaging to the product,
    - ii. causes another person to add the blue box packaging to a product, or
    - iii. combines the product and the blue box packaging.

**Producer, paper products and packaging-like products**

10. Where paper products or packaging-like products are supplied in Ontario to a consumer, the person who is the producer of the paper products or packaging-like products shall be determined in accordance with the following rules:

1. The producer is the brand holder of the paper product or packaging-like product, if the brand holder is resident in Canada.
2. If there is no person described in paragraph 1, the producer is the importer of the paper product or packaging-like product, if the importer is resident in Ontario.
3. If there is no person described in paragraph 1 or 2, the producer is the retailer who supplied the paper product or packaging-like product to the consumer.

**Multiple brand holders**

11. If the producer determined in accordance with section 9 or 10 is a brand holder but there are two or more brand holders resident in Canada in respect of the blue box material, the producer is the brand holder who is most closely connected to the manufacture or production of the blue box material.

**Franchises**

12. Where the producer determined in accordance with section 9 or 10 is a business operated wholly or in part as a franchise, the producer is the franchisor, if that franchisor has franchisees that are resident in Ontario.

**Marketplace sellers**

13. If the producer determined in accordance with section 9 or 10 is a retailer and that retailer is a marketplace seller, the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the retailer for purposes of this Part.

**PART III  
ALLOCATION TABLE**

**Rule creators and procedure**

14. (1) Subject to the provisions of this section, the following persons may make rules relating to the creation of an allocation table in accordance with this Part:

1. A producer responsibility organization that,
    - i. has entered into a representation agreement with one or more producers of blue box material supplied to consumers in Ontario in 2020,
    - ii. represents, as a result of an agreement described in subparagraph i, one or more producers that in aggregate supplied at least 20,000 tonnes of blue box material to consumers in Ontario in 2020, as reported by those producers in accordance with subparagraph 7 iii of subsection 45 (3), and
    - iii. has registered with the Authority in accordance with section 47 on or after August 1, 2021 and before November 1, 2021.
  2. The Minister.
- (2) For greater clarity,

- (a) a producer responsibility organization may enter into a representation agreement with a producer on or after November 1, 2021, as long as the producer responsibility organization had entered into a representation agreement with another producer and registered as described in paragraph 1 of subsection (1) before November 1, 2021;
  - (b) a producer may only enter into a representation agreement with one producer responsibility organization at any given time; and
  - (c) a producer responsibility organization may only enter into a representation agreement with a producer if the producer responsibility organization also intends to arrange, establish or operate a collection system that is required under Part IV.
- (3) Producer responsibility organizations referred to in paragraph 1 of subsection (1) may only make rules in accordance with the following procedure:
- 1. The producer responsibility organizations may submit proposed rules to the Authority on or after January 1, 2022, if the proposed rules address paragraphs 1 to 10 of section 15.
  - 2. The producer responsibility organizations may register their agreement with the proposed rules with the Authority, through the Registry, within five days of rules being submitted under paragraph 1.
  - 3. The Authority shall determine, as of the date proposed rules were submitted under paragraph 1, and in accordance with subsection (4), the aggregate weight of blue box material supplied to consumers in Ontario in 2020 of the producers represented by a producer responsibility organizations that have registered under paragraph 1 of subsection (1).
  - 4. The Authority shall determine the amount that is 66 per cent of the sum determined under paragraph 3.
  - 5. The Authority shall determine, in accordance with subsection (4), the aggregate weight of blue box material supplied to consumers in Ontario in 2020 of the producers represented by a producer responsibility organization who registered their agreement under paragraph 2 as of the date the rules are submitted under paragraph 1.
  - 6. Subject to paragraph 7, if the aggregate weight of blue box material determined under paragraph 5 equals or exceeds the amount determined under paragraph 4, the rules are made and the Authority shall promptly publicly post them on the Registry.
  - 7. The rules are made when the Authority makes its determination under paragraph 6, unless the rules specify a later date for their coming into effect.
- (4) When the Authority calculates weight under paragraph 3 or 5 of subsection (3), it shall,
- (a) use information required to be submitted under subparagraph 7 iii of subsection 45 (3);
  - (b) assign the weight of blue box material supplied to consumers in Ontario in 2020 of producers with a representation agreement with a producer responsibility organization to that producer responsibility organization;
  - (c) exclude the weight of any blue box material supplied to consumers in Ontario in 2020 that was assigned to a producer responsibility organization that has revoked its registration under paragraph 1 of subsection (1); and
  - (d) perform a new calculation each time a proposed rule is submitted under paragraph 1 of subsection (3).
- (5) If rules made by persons registered under paragraph 1 of subsection (1) come into effect in accordance with subsection (2), they may be amended,
- (a) by the Minister, in accordance with subsection (7); or
  - (b) by producers who are required to register under section 45 and producer responsibility organizations that provide collection services and are required to register under section 46, in accordance with any requirements and procedures made under paragraph 9 of section 15.
- (6) For greater certainty, any amendments made under clause (5) (b) may be further amended in accordance with subsection (5).
- (7) The Minister may make rules under paragraph 2 of subsection (1) in accordance with the following procedure:
- 1. The Minister may make the rules at any time.
  - 2. If the Minister is of the opinion that the persons referred to in paragraph 1 of subsection (1) are unlikely to make the rules by the date necessary to ensure an allocation table will be made before July 1, 2022, the Minister shall make the rules.
  - 3. If the persons referred to in paragraph 1 of subsection (1) have made the rules in accordance with subsection (3), the Minister may make rules that amend or replace, in whole or in part, the rules made by those persons.
  - 4. If the rules have been amended in accordance with clause (5) (b), the Minister may make rules that amend or replace, in whole or in part, those amendments.

5. The rules are made when the Minister submits them to the Authority, unless the rules specify a later date for their coming into effect.
- (8) Rules made by the Minister may be amended,
  - (a) by the Minister at any time and those amendments apply when they are submitted to the Authority, unless the amendments specify a later date for their coming into effect; or
  - (b) in accordance with clause (5) (b), but only if the Minister provides in the rules that the persons specified in clause (5) (b) may amend the rules made by the Minister.

**Creation of rules**

- 15.** Rules that address all of the following shall be made in respect of the creation of an allocation table:
1. Identify the person or persons that will create the allocation table, or identify a procedure for identifying this person or persons.
  2. Set out requirements and procedures that apply when a person or persons create the allocation table, including requirements and procedures related to how eligible sources are allocated to producers.
  3. Set out requirements and procedures for the creation of the allocation table during the transition period, including requirements and procedures about how to allocate residences and facilities that will become eligible sources as eligible communities start to receive collection services under this Regulation in accordance with the Blue Box Transition Schedule.
  4. Set out any requirements and procedures that apply to the allocation of residences or facilities that become, or cease to be, eligible sources during the collection period covered by an allocation table.
  5. Set out any requirements and procedures that apply to the inclusion of persons that become producers, or the exclusion of persons that cease to be producers, during the collection period covered by an allocation table.
  6. Specify the length of the collection period the allocation table will apply to, with,
    - i. the first collection period starting on the first day of the transition period and ending on December 31 of a year, and
    - ii. any subsequent collection period being set in increments of a year, starting on January 1, with the minimum collection period being one year.
  7. Specify the circumstances when the person or persons who make the allocation table must create a revised allocation table either for an entire collection period or for the remaining portion of a collection period.
  8. Set out requirements and procedures for the creation and coming into effect of a revised allocation table.
  9. Set out requirements and procedures for the proposal, consideration, and approval of amendments to the rules by the persons referred to in clause 14 (5) (b).
  10. Set out any information that the Authority must provide to the person or persons who make the allocation table and requirements in respect of maintaining the confidentiality of this information.

**Creation of allocation table**

- 16.** (1) The person or persons creating an allocation table must, in accordance with the rules made under this Part,
- (a) create an initial allocation table that,
    - (i) has a collection period that commences on July 1, 2023,
    - (ii) has a collection period determined in accordance with paragraph 6 of section 15, and
    - (iii) is submitted to the Authority on or before July 1, 2022;
  - (b) create subsequent allocation tables that,
    - (i) have collection periods that start immediately after the collection period covered by a previous allocation table expires,
    - (ii) have collection periods determined in accordance with paragraph 6 of section 15, and
    - (iii) are submitted to the Authority on or before the March 31 of the year before the first year of the allocation table's collection period;
  - (c) include in every allocation table,
    - (i) every residence and facility that was an eligible source prior to the date the allocation table is required to be submitted to the Authority, and

- (ii) mechanisms to include every residence and facility that will become an eligible source during the collection period covered by the allocation table in accordance with the rules made under paragraph 4 of section 15;
- (d) include in every allocation table,
  - (i) every producer that was required to register under section 45 prior to the date the allocation table is required to be submitted to the Authority, unless,
    - (A) the person registered the establishment and operation of an alternative collection system for every material category of blue box material for which the producer reported in the previous year an amount under subparagraph 7 iii of subsection 45 (3), paragraph 3 of subsection 50 (3) or paragraph 3 of subsection 51 (1), as applicable, that is greater than the minimum amount set out in section 42 for that material category, or
    - (B) the weights reported in the previous year by the producer under section subparagraph 7 iii of subsection 45 (3), paragraph 3 of subsection 50 (3) or paragraph 3 of subsection 51 (1), as applicable, for every material category is less than the minimum amount set out in section 42 for each respective material category,
  - (ii) mechanisms to include every person who will become a producer during the collection period covered by the allocation table in accordance with the rules made under paragraph 5 of section 15;
- (e) create allocation tables that allocate every eligible source described in clause (c) to a producer described in clause (d), whether or not that facility or residence is an eligible source at the time the allocation table is submitted to the Authority;
- (f) create allocation tables that,
  - (i) allocate an eligible source to a producer for the entire collection period, if the residence or facility is an eligible source when the collection period commences,
  - (ii) allocate an eligible source to a producer beginning on the date the Blue Box Transition Schedule states that the eligible community in which the eligible source is located will start to receive collection services under Part IV, if the residence or facility will become an eligible source during the transition period, and
  - (iii) allocate an eligible source to a producer in accordance with the rules made under paragraph 4 of section 15, if the residence or facility became an eligible source during a collection period but not during the transition period; and
- (g) create revised allocation tables, if any circumstances set out in the rules made under paragraph 7 of section 15 occur, that apply for,
  - (i) the entire collection period, if the revised allocation table is made prior to the start of the collection period governed by the original allocation table, or
  - (ii) the portion of the collection period that remains after the revised allocation table is made, if the revised allocation table is created during the collection period governed by the initial allocation table.

(2) The person or persons creating the allocation table shall allocate each eligible source to a single producer unless, prior to the submission of the allocation table to the Authority, every producer allocated to that eligible source has registered information with the Authority through the Registry, pursuant to subparagraph 3 v of subsection 45 (3), that, for the collection period covered by that allocation table, it expects to retain the same producer responsibility organization to provide collection services under Part IV.

(3) The person or persons that create the allocation table shall maintain the confidentiality of all information received from the Authority in relation to the creation of the allocation table, in accordance with the rules made under this Part.

(4) For greater clarity, an eligible source is included in an allocation table if it is possible to determine to which producer the eligible source is allocated, including if the eligible source is included in the allocation table by address or by geographic area.

#### **Responsibility of Authority**

17. (1) The Authority shall promptly publish in the Registry,

- (a) the rules made under this Part, and any amendment to those rules;
- (b) the allocation table, as well as any revised allocation tables; and
- (c) the name and contact information of producer responsibility organizations that registered under paragraph 1 of subsection 14 (1).

(2) Subject to any policy direction issued by the Minister under the Act, the Authority shall provide the information specified in the rules made under paragraph 10 of section 15 to the person or persons required to make the allocation table.

(3) Where the Authority is required to make a determination or perform a calculation under subsection 14 (3), it shall do so promptly, and shall report the results of its determination to persons referred to in paragraph 1 of subsection 14 (1).

**Competition Act (Canada)**

18. Nothing in this Regulation shall be construed as requiring or authorizing any person or entity to engage in an activity that would constitute a contravention of the *Competition Act* (Canada).

**PART IV  
COLLECTION UNDER ALLOCATION TABLE**

**Duty to collect**

19. (1) Every producer who has been allocated collection responsibilities for an eligible source in the allocation table shall establish and operate a collection system in accordance with this Part.

(2) Every producer responsibility organization that is required to register its agreement to provide collection services on behalf of a producer under section 46 is required to establish and operate a collection system in respect of the eligible sources and public spaces for which the producer responsibility organization has agreed to provide collection services in an agreement with a producer mentioned in subsection (1) of this section, in accordance with this Part.

(3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

**Curbside collection**

20. If a producer is allocated an eligible source that is a residence that receives curbside garbage collection, the producer shall provide curbside collection of blue box material for that residence.

**Depot or curbside collection**

21. If a producer is allocated an eligible source that is a residence that does not receive curbside garbage collection, the producer may provide either depot collection or curbside collection of blue box material for that residence.

**Obligations for curbside collection**

22. A producer who provides curbside collection for an eligible source that is a residence shall,

- (a) collect blue box material from the residence at least every other week;
- (b) collect, in a single day, all blue box material set out for curbside collection at the residence; and
- (c) provide blue box receptacles for the storage of blue box material at the residence until the blue box material is collected and, when it has provided such receptacles, shall
  - (i) provide blue box receptacles that are appropriate for the residence, including with respect to size,
  - (ii) ensure that each residence has a blue box receptacle at least one week prior to the date on which the producer commences collecting from that residence,
  - (iii) ensure that each residence has a blue box receptacle that is able to ordinarily store all of the blue box material deposited at that residence until the next collection day, and
  - (iv) repair or replace any damaged blue box receptacle upon request of a person residing at the residence, within one week of the request.

**Obligations for curbside collection, transition period**

23. During the transition period, a producer that provides curbside collection for an eligible source that is a residence shall,

- (a) collect blue box material from the residence at a frequency that is the same or more frequent than the frequency of the WDTA blue box program that served residences in that eligible community on August 15, 2019;
- (b) collect, at a minimum, the blue box material that was collected under the WDTA blue box program that served residences in that eligible community on August 15, 2019, and may collect any additional blue box material; and
- (c) operate at least as many depot collection sites for blue box material as there were depot collection sites for blue box material in that eligible community under the WDTA blue box program on August 15, 2019, if every residence in that eligible community is receiving curbside collection.

**Obligations for depot collection**

24. (1) A producer who provides depot collection for an eligible source that is a residence shall,

- (a) operate at least as many depot collection sites for blue box material as there are depot collection sites for household garbage in the eligible community where the residence is situated;
- (b) ensure the depot collection sites for blue box material have operating hours that are at least as accessible as the hours for depot collection sites for household garbage in the eligible community where the residence is situated;

- (c) collect the blue box material deposited at the depot collection site before the blue box receptacles at the depot collection site are full; and
- (d) provide blue box receptacles at each depot collection site for the storage of blue box material until it is collected and, when it has provided such receptacles, shall
  - (i) provide blue box receptacles that are appropriate for the depot collection site, including with respect to size,
  - (ii) ensure that each depot has a blue box receptacle before the day on which the producer commences operating the depot,
  - (iii) ensure each depot collection site has blue box receptacles at least one week prior to the date on which the producer is required to provide depot collection in that eligible community, and
  - (iv) repair or replace any damaged blue box receptacle at the depot collection site upon request by an operator of a depot, within one week of the request.

**Depot collection, transition period**

25. During the transition period, a producer who provides depot collection for an eligible source that is a residence shall accept, at a minimum, the blue box material that was accepted under the WDTA blue box program that served residences in that eligible community on August 15, 2019, and may accept any additional blue box material.

**Operation by multiple producers**

26. For greater certainty, a depot collection site provided under this Part may be operated by or on behalf of one or more producers, may service one or more residences and, if it is operated by one or more producer, may be relied on by each of those producers to satisfy the requirements set out in this Part.

**Facilities**

27. (1) If a producer is allocated an eligible source that is a facility, that producer shall,

- (a) provide blue box receptacles for the storage of blue box material at the facility until it is collected and, when it provides such receptacles, shall,
  - (i) provide blue box receptacles that are appropriate for the facility, with respect to facility size and how blue box materials are managed at the facility,
  - (ii) ensure that the facility has blue box receptacles at least one week prior to the date on which the producer is required to commence collecting from that facility,
  - (iii) ensure that each facility has blue box receptacles that are able to ordinarily store all of the blue box material deposited at the facility until the blue box waste is collected, and
  - (iv) repair or replace any damaged blue box receptacles at the facility upon request by the owner or operator of the facility, within one week of the request; and
- (b) collect blue box material from the facility before the blue box receptacles at the facility are full.

(2) A producer is only required to provide services under subsection (1) for blue box material that is generated at a facility,

- (a) by or on behalf of the residents of a dwelling unit;
- (b) by the operation of a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007*;
- (c) by the operation of a retirement home within the meaning of the *Retirement Homes Act, 2010*; or
- (d) by the operation of a school or private school as defined under the *Education Act*.

(3) During the transition period, a producer that provides collection for a facility shall collect, at a minimum, the blue box material that was collected under the WDTA blue box program that served facilities in that eligible community on August 15, 2019, and may collect any additional blue box material.

**Obligations for public spaces**

28. (1) Commencing January 1, 2026, a producer shall collect blue box material from public spaces in each eligible community in which an eligible source is allocated to the producer in accordance with this section.

(2) In each calendar year, a producer shall provide a number of blue box receptacles that is equal or greater to the amount determined by the following equation, in each eligible community in which the producer is allocated an eligible source:

$$A \times B / C$$

where,

“A” is the number of residents in the eligible community in the previous calendar year divided by,

- (a) 400, if the eligible community has a population equal to or greater than 500,000;
- (b) 600, if the eligible community has a population equal to or greater than 30,000, but less than 500,000;
- (c) 800, if the eligible community has a population equal to or greater than 5,000, but less than 30,000; and
- (d) 1000, if the eligible community has a population less than 5,000, with no less than one blue box receptacle in any eligible community,

“B” is the aggregate weight of blue box material in every material category, other than certified compostable products and packaging, reported by the producer under paragraph 3 of subsection 51 (1), and

“C” is the aggregate of all weights of blue box material in every material category, other than certified compostable products and packaging, reported under paragraph 3 of subsection 51 (1) by producers that are allocated an eligible source in the eligible community.

#### **Transition, public spaces**

**29.** (1) During the transition period, in each eligible community in which the producer is allocated an eligible source, the producer shall provide blue box receptacles in the same public spaces and in the same quantity as were provided in that eligible community under the WDTA blue box program, as required to be registered under subsection 54 (2).

(2) For greater certainty, a blue box receptacle in a public space provided under this section may be provided by or on behalf of one or more producers and, if it is provided by more than one producer, it may be relied on by each of these producers to satisfy the requirement in this section.

#### **Producer responsibilities, public spaces**

**30.** (1) A producer shall collect blue box material from the blue box receptacles the producer provided under sections 28 and 29 at a frequency that ordinarily results in blue box materials being collected before the receptacles are full.

(2) A producer that provides blue box receptacles under sections 28 and 29 shall,

- (a) provide blue box receptacles that are appropriate for the public space, including with respect to size, durability and signage;
- (b) repair or replace any damaged blue box receptacles it provided within one week of being notified of the damage by the local municipality, local services board or First Nation; and
- (c) where a blue box receptacle is placed in a park or a playground, locate the receptacle at entry or exit points or where persons congregate.

#### **Reserves**

**31.** (1) A producer that is allocated an eligible source in an eligible community that is a reserve shall make an offer to the First Nation to provide collection services under this Part in the reserve.

(2) An offer under subsection (1) shall,

- (a) include details of how the collection services will be provided; and
- (b) be made to the First Nation through the Registry on or before the later of,
  - (i) six months prior to the date when the producer is required to provide collection services under this Part in that reserve, and
  - (ii) 30 days after the allocation table that allocated the producer an eligible source in an eligible community that is a reserve is published on the Registry.

(3) Where an offer is registered by a producer under subsection (2), the Authority shall promptly notify the First Nation of the offer.

(4) The First Nation may accept an offer by registering its acceptance of the offer to the Authority, through the Registry, in accordance with section 60.

(5) Where acceptance of an offer is registered by a First Nation under subsection (4), the Authority shall promptly notify the producer of the acceptance.

(6) An acceptance of an offer under subsection (4) may be used as consent by the producer to collect blue box material on the reserve in accordance with this Regulation.

(7) If an offer is accepted under subsection (4), the producer shall provide collection services starting the later of,

- (a) three months from the date the First Nation registered its acceptance of the offer; and
- (b) the date collection services must be provided to the eligible sources under the allocation table.

(8) A producer shall not provide collection services in a reserve if an offer related to the eligible sources is not accepted under subsection (4).

(9) For greater certainty, if a producer is allocated the same eligible sources in an eligible community that is a reserve under a subsequent allocation table, the producer is not required to make another offer in respect of collection under this Part under subsection (1).

(10) A First Nation that has accepted an offer may revoke its acceptance of the offer at any time by registering its revocation with the Authority, through the Registry, in accordance with section 61.

(11) Where revocation of an offer is registered by a First Nation under subsection (10), the Authority shall promptly notify the producer of the revocation.

(12) If a First Nation has revoked its acceptance of an offer, the producer shall make a subsequent offer to the First Nation to collect blue box material from eligible sources on the reserve.

(13) The subsequent offer shall,

(a) be made to the First Nation through the Registry;

(b) include details of how the collection services would resume; and

(c) be made no later than 30 days following the date that the First Nation revoked its acceptance of an offer under subsection (10).

(14) Where a subsequent offer is registered by a producer under subsection (13), the Authority shall promptly notify the First Nation of the subsequent offer.

(15) The First Nation may accept a subsequent offer by registering its acceptance of the subsequent offer to the Authority, through the Registry, in accordance with section 62.

(16) Where acceptance of a subsequent offer is registered by a First Nation under subsection (15), the Authority shall promptly notify the producer of the acceptance.

(17) Where acceptance of a subsequent offer is registered by a First Nation under subsection (15), the producer shall resume providing collection services within 30 days of the acceptance.

## **PART V ALTERNATIVE COLLECTION SYSTEM**

### **Producers and alternative collection system**

**32.** A producer may register the establishment and operation of an alternative collection system for one or more material categories of blue box material in accordance with this Part.

#### **Establishment and operation**

**33.** On or after July 1, 2023, a producer may register its establishment and operation of an alternative collection system for blue box material in a material category if, immediately before registration,

(a) the collection system enabled the producer to collect blue box material for which it is the producer and that is in a material category being registered under section 32;

(b) the collection system enabled the producer to meet its management obligations under Part VI for the material categories it registered using only blue box material collected under clause (a);

(c) any collection sites, such as depots or return-to-retail locations, that were part of the collection system were operated in accordance with clauses 34 (a) to (c); and

(d) any collection by mail that is part of the collection system was operated in accordance with clauses 35 (a) to (c).

#### **Depot requirements**

**34.** A producer who has registered an alternative collection system for blue box material in a material category that includes collection sites such as depots or return-to-retail locations shall, during every year that the registration applies, ensure that the collection sites are,

(a) located in every eligible community where the blue box material in respect of which the person is a producer is supplied;

(b) operated year-round; and

(c) open during normal business hours.

#### **Mail requirements**



35. A producer who has registered an alternative collection system for blue box material in a material category that includes collection by mail shall, during every year that the registration applies, ensure that the collection of blue box material by mail is,

- (a) available in every eligible community where the blue box material in respect of which the person is a producer is supplied;
- (b) operated year-round; and
- (c) postage paid for the consumer.

**Revocation of registration**

36. A producer's registration of an alternative collection system for a material category is revoked if, twice in a three-year period, the producer does not meet its management obligation under Part VI for that material category using only blue box material collected through the alternative collection system for which the producer is registered.

**Multiple producers**

37. For greater certainty, more than one producer may share in the establishment and operation of an alternative collection system.

**PART VI  
MANAGEMENT**

**Producer obligation**

38. Every producer shall establish and operate a system for managing blue box material in accordance with this Part.

**Accounting**

39. (1) Subject to subsection (2), beginning in 2023, on or before December 31 of each year, a producer shall account for a weight of recovered resources in each material category that meets or exceeds its management requirement for that material category.

(2) During the transition period, the producer shall use best efforts to comply with subsection (1) as it would read if,

- (a) the management requirement for each material category in 2023 for a producer is reduced by two thirds;
- (b) the management requirement for each material category in 2024 for a producer is reduced by one third; and
- (c) the management requirement for each material category in 2025 is not reduced.

**Management requirement for a material category**

40. (1) The producer shall determine its management requirement for a material category using the following formula:

$$\text{Management Requirement} = A \times B$$

where,

"A" is the weight in tonnes of blue box material in the material category that the producer is required to report in the previous year, pursuant to paragraph 3 of subsection 50 (3) or paragraph 3 of subsection 51 (1), as applicable, and

"B" is the recovery percentage for the previous year for a material category, set out in the Table to section 42.

(2) Despite subsection (1), a producer does not have a management requirement for a material category for a year if the weight of "A" in the formula is less than the minimum amount for that material category set out in the Table to section 42.

(3) During the transition period, for purposes of subsection 39 (2), a producer shall use the recovery percentage applicable in 2026.

**Recovered resources**

41. (1) A producer may only account for recovered resources, in respect of the producer's management requirement for a material category, that satisfy the requirements set out in subsection (2).

(2) For the purposes of subsection (1), the following requirements must be satisfied:

1. The recovered resources must be,
  - i. marketed for re-use for their original purpose or function, or
  - ii. marketed for use in new products or packaging.
2. The weight of the recovered resources may only be counted one time by the producer and must not be counted by more than one producer.
3. The recovered resources must be recovered from blue box material supplied to consumers in Ontario.

4. The recovered resources must have been processed within three months of the registered processor who reported the recovered resources receiving the blue box material from which they were recovered.
- (3) A producer may only satisfy a management requirement for a material category with recovered resources that were recovered from blue box material in that material category.
- (4) Recovered resources that meet any of the following conditions shall not be accounted for in respect of a producer's management requirement for a material category:
1. The recovered resources are supplied for use in a product that is land cover, unless the land cover is,
    - i. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
    - ii. a product that supports soil health or crop growth that is,
      - A. created through the combination of the recovered resources with organic matter, and
      - B. the recovered resources used for the product are recovered from paper.
  2. The recovered resources are supplied for use in a product that is fuel or a fuel supplement.
  3. The recovered resources are supplied to an incinerator for use in incineration.
  4. The recovered resources are land filled or land disposed by the processor, producer or the producer responsibility organization.

#### Minimum requirements

42. The minimum amount and recovery percentages for the purposes of section 40 are set out in the following Table:

TABLE

Material category	Minimum amount under subsection 40 (2) (in tonnes)	Recovery percentage 2026 - 2029 (expressed as a percentage)	Recovery percentage 2030 onwards (expressed as a percentage)
Paper	9	80	85
Rigid Plastic	2	50	60
Flexible Plastic	2	25	40
Glass	1	75	85
Metal	1	67	75
Beverage Containers	1	75	80

#### Reporting requirement

43. When a producer reports the recovered resources that the producer used to satisfy a management requirement in the previous calendar year, the producer shall only report recovered resources that,
- (a) the producer recovered, if the producer is a registered processor; or
  - (b) a registered processor, other than the producer, recovered, if that registered processor either,
    - (i) reported the recovered resources to the Authority through the Registry in the name of the producer, or
    - (ii) reported the recovered resource to the Authority in the name of a producer responsibility organization and that producer responsibility organization then reported that resource as allocated to the producer through the Registry under paragraph 4 of subsection 52 (1).

## PART VII REGISTRATION, REPORTING, AUDITING, AND RECORD KEEPING

#### Blue Box Verification and Audit Procedure

44. A person who is required to register, report or submit information under this Part shall do so in accordance with any applicable requirements in the Blue Box Verification and Audit Procedure.

#### Registration, producers

45. (1) A producer of blue box material supplied to consumers in Ontario on or before October 1, 2021 shall register with the Authority, through the Registry, on or before October 1, 2021 by submitting the information listed in subsection (3).
- (2) A producer of blue box material supplied to consumers in Ontario after October 1, 2021 shall register with the Authority, through the Registry, by submitting the information required in subsection (3) within 30 days of becoming a producer.

(3) The following information shall be submitted to the Authority, through the Registry, by producers required to register under subsection (1) or (2):

1. The name and contact information of the producer and any unique identifier assigned by the Registrar.
2. The name and contact information of the person responsible for registering the producer.
3. Subject to subsection (4), the name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organizations retained by the producer, and
  - i. a list of collection services provided by the producer responsibility organization to the producer under Part IV or V,
  - ii. a list of management services provided by the producer responsibility organization to the producer under Part VI,
  - iii. a list of promotion and education services provided by the producer responsibility organization to the producer under Part VIII,
  - iv. a list of any other services provided by the producer responsibility organization to the producer, and
  - v. whether the collection services under Part IV are expected be provided by the producer responsibility organization for the entire collection period.
4. If the producer is operating an alternative collection system, a description of the alternative collection system, including each material category of blue box material collected in the alternative collection system.
5. If the producer is operating a supplemental collection system, a description of the supplemental collection system.
6. The material categories contained in the blue box material supplied to consumers in Ontario for which the person is a producer.
7. The following information in respect of blue box material supplied to consumers by the producer in Ontario in 2020, if applicable:
  - i. The weight of blue box material in each material category.
  - ii. The weight of blue box material in each material category required to be submitted under subparagraph i that was,
    - A. deposited into a receptacle at a location that is,
      1. not an eligible source, and
      2. where the product related to the blue box material was supplied and used or consumed, and
    - B. collected from an eligible source at the time a related product was installed or delivered.
  - iii. The weight of blue box material in each material category required to be submitted under subparagraph i minus the weight of blue box material in each material category required to be submitted under subparagraph ii.
8. If the producer is required to submit information under paragraph 7 about blue box material in the certified compostable products and packaging material category, the weight of blue box material in that material category certified under each applicable international, national or industry standard.

(4) A producer is not required to submit information under paragraph 3 of subsection (3) if the only agreement between the producer and the producer responsibility organization is a representation agreement registered under section 48.

(5) If there is a change to the information submitted to the Authority in this section, the producer shall submit the updated information to the Authority, through the Registry, within 30 days of the change.

**Registration, producer responsibility organizations**

**46.** (1) A producer responsibility organization shall register by submitting the information in subsection (2) to the Authority, through the Registry, on or before the later of,

- (a) 30 days from the date this section comes into force; and
- (b) 30 days from the date the producer responsibility organization entered into an agreement with a producer.

(2) The following information shall be submitted to the Authority, through the Registry, by producer responsibility organizations required to register under subsection (1):

1. The name and contact information of the producer responsibility organization and any unique identifier assigned by the Registrar.
2. The name and contact information of the person responsible for registering the producer responsibility organization.

3. The name, contact information and any unique identifier assigned by the Registrar to each producer who has entered into an agreement with the producer responsibility organization.
4. A list of services the producer responsibility organization has agreed to provide for each producer in respect of,
  - i. Part IV,
  - ii. Part V,
  - iii. Part VI,
  - iv. Part VIII,
  - v. a supplemental collection system, and
  - vi. any other obligation in this Regulation.
5. A list of material categories of blue box material in respect of which the producer responsibility organization provides services under Part V for each producer.

(3) For greater certainty, a reference to entering into an agreement in subsection (1) and paragraph 3 of subsection (2) does not apply to a producer entering into a representation agreement with a producer responsibility organization in accordance with section 48.

(4) If there is a change to the information submitted to the Authority in this section, the producer responsibility organization shall submit the updated information to the Authority, through the Registry, within 30 days of the change.

#### **Registration, allocation table rules**

**47.** (1) A producer responsibility organization that registers for the purposes of section 14 shall submit the following information to the Authority, through the Registry:

1. The name and contact information of the producer responsibility organization and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar of each producer with whom the producer responsibility organization has entered into a representation agreement.

(2) For greater certainty, a producer responsibility organization who has registered under this section may revoke the registration if it ceases to be a rule maker under section 14.

(3) If a producer responsibility organization ceases to be a rule maker under section 14, terminates a representation agreement with a producer or enters into a representation agreement with a new producer, the producer responsibility organization shall submit updated information with the Authority, through the Registry, within five days.

#### **Registration, representation agreement**

**48.** (1) A producer that has entered into a representation agreement with a producer responsibility organization referred to in subsection 14 (1) shall register with the Authority, through the Registry, by submitting the information listed in subsection (2) on or before the later of,

- (a) August 1, 2021; and
- (b) five days from the date the producer entered into a representation agreement with the producer responsibility organization.

(2) The following information shall be submitted to the Authority, through the Registry, by producers required to register under subsection (1):

1. The name and contact information of the producer and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar of the producer responsibility organization with whom the producer has entered into a representation agreement.

(3) If a producer who is required to register under subsection (1) terminates a representation agreement with a producer responsibility organization, or enters into a representation agreement with another producer responsibility organization, the producer shall submit updated information with the Authority, through the Registry, within five days.

#### **Registration, blue box processors**

**49.** (1) A processor shall register with the Authority, through the Registry, by submitting the information listed in subsection (2) on or before,

- (a) April 1, 2022, if the processor processed blue box material that was supplied to consumers in Ontario on or before January 1, 2021; or

- (b) January 31 of the calendar year immediately following the year in which the processor first processed blue box material that was supplied to consumers in Ontario after January 1, 2021.
- (2) The following information shall be submitted to the Authority, through the Registry, by processors required to register under subsection (1):
1. The name and contact information of the processor and any unique identifier assigned by the Registrar.
  2. The name and contact information of the person responsible for registering the processor.
  3. Each material category of blue box material supplied to consumers in Ontario the processor processes, the location of each site where the processor receives and processes this material and the types of recovered resources that result from the processing.
  4. The name, contact information and any unique identifier assigned by the Registrar of producers and producer responsibility organizations that have agreements with the processor to process blue box material supplied to consumers in Ontario.
- (3) If there is a change to the information submitted to the Authority in this section, the processor shall submit the updated information to the Authority, through the Registry, within 15 days of the change.

**Initial reports, producers**

- 50.** (1) A producer of blue box material supplied to consumers in Ontario in 2021 shall submit an annual report to the Authority, through the Registry, that contains the information listed in subsection (3) in respect of the 2021 calendar year on or before April 30, 2022.
- (2) A producer of blue box material supplied to consumers in Ontario in 2022 shall submit an annual report to the Authority, through the Registry, that contains the information listed in subsection (3) in respect of the 2022 calendar year on or before April 30, 2023.
- (3) The following information shall be included in an annual report submitted to the Authority, through the Registry, under subsection (1) or (2) by producers:
1. The weight of blue box material in each material category supplied to consumers in Ontario for which the person was a producer.
  2. The weight of the blue box material in each material category in paragraph 1 that was,
    - i. deposited into a receptacle at a location that is,
      - A. not an eligible source, and
      - B. where the product related to the blue box material was supplied and used or consumed, and
    - ii. collected from an eligible source at the time a related product was installed or delivered.
  3. The weight of blue box material in each material category required to be reported in paragraph 1 minus the weight of blue box material in that material category required to be reported in paragraph 2.

**Annual report, producers**

- 51.** (1) A producer shall submit an annual report to the Authority, through the Registry, that contains the following information:
1. The weight of the blue box material in each material category supplied to consumers in Ontario in the previous calendar year for which the person was a producer.
  2. The weight of the blue box material in each material category in paragraph 1 that was,
    - i. deposited into a receptacle at a location that is,
      - A. not an eligible source, and
      - B. where the product related to the blue box material was supplied and used or consumed, and
    - ii. collected from an eligible source at the time a related product was installed or delivered.
  3. The weight of blue box material in each material category reported in paragraph 1 minus the weight of blue box material in that material category reported in paragraph 2.
  4. If the producer is required to report information under paragraphs 1, 2, or 3 about blue box material in the certified compostable products and packaging material category, the weight of blue box material in that material category certified under each applicable international, national or industry standard.
  5. A description of the actions taken by the producer in the previous calendar year to satisfy the producer's requirements under Part IV, Part V, Part VI and Part VIII.

6. A description of the actions taken by producer responsibility organizations, with whom the producer had an agreement in the previous calendar year, to satisfy the producer and producer responsibility organizations' requirements in Part IV, Part V, Part VI and Part VIII.
7. If the producer fulfilled any requirements under Part IV without entering into an agreement with a producer responsibility organization, the following information in respect of those requirements, as applicable:
  - i. The weight of blue box material collected by the producer.
  - ii. The eligible sources allocated to a producer for which the producer provided collection services.
  - iii. The eligible communities where the producer provided collection services in respect of public spaces.
  - iv. The number of blue box receptacles provided by the producer in each eligible community referred to in subparagraph iii.
8. If the producer fulfilled any requirements under Part V without entering into an agreement with a producer responsibility organization, the following information in respect of those requirements, as applicable:
  - i. The weight of blue box material by material category collected by the producer.
  - ii. The location and business hours of all collection sites in the alternative collection system.
  - iii. A description of all methods of collection in the alternative collection system.
9. If the producer fulfilled any requirements under Part VI without entering into an agreement with a producer responsibility organization, the following information in respect of those requirements, as applicable:
  - i. A list of every processor that the producer retained to process blue box material supplied to consumers in Ontario.
  - ii. Any unique identifier assigned by the Registrar to each processor referred to in subparagraph i.
10. The producer's management requirement for each material category calculated in accordance with section 40, the total weight of recovered resources it accounted for in respect of its management requirement in each material category and whether it met or exceeded its management requirement for each material category.
11. The following amounts related to recovered resources, reported in the name of the producer, by a processor under clause 43 (a), a processor under subclause 43 (b) (i) or a producer responsibility organization under subclause 43 (b) (ii), with amounts related to recovered resources reported by each processor or producer responsibility organization and under each provision reported separately:
  - i. The weight of recovered resources the producer accounted for, and reported on, for its management requirement in each material category.
  - ii. The weight of recovered resources reported under subparagraph i that was,
    - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 41 (2), and
    - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 41 (2).
  - iii. The weight of materials that would be recovered resources that could be reported under subparagraph i except that they were,
    - A. used in a product that is land cover, unless the land cover is,
      1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
      2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
    - B. used in a product that is fuel or a fuel supplement,
    - C. supplied to an incinerator for use in incineration, or
    - D. landfilled or land disposed by a processor.
  - iv. The weight of each amount reported under subparagraphs i, ii and iii that was recovered from blue box material collected under Part IV and Part V.
  - v. The weight of each amount reported under subparagraphs i and ii that was recovered from blue box material collected pursuant to a supplemental collection system.

(2) The annual report required by subsection (1) shall be submitted on or before April 30 of each year, beginning in 2024.

(3) The information required to be submitted in subsection (1) is in respect of the calendar year prior to the year the report is required to be submitted.

(4) For greater certainty, a producer is not required to submit an annual report under subsection (1) in the first calendar year in which it is a producer.

(5) Despite subsection (1), a producer that is required to submit an annual report in accordance with subsection (1) in respect of the certified compostable products and packaging material category shall only include the information in paragraphs 1, 2, 3 and 4 of subsection (1) in the annual report in respect of the certified compostable products and packaging material category.

**Annual report, producer responsibility organizations**

**52.** (1) A producer responsibility organization shall submit an annual report to the Authority, through the Registry, that contains the following information:

1. A description of the collection services arranged, established or operated on behalf of each producer that retained the producer responsibility organization, including the following information:
  - i. The name and contact information of the producer and any unique identifier assigned by the Registrar.
  - ii. If the producer responsibility organization entered into an agreement with the producer to provide collection services pursuant to Part IV, the following information:
    - A. The weight of blue box material collected by the producer responsibility organization in accordance with the agreement.
    - B. The eligible sources allocated to a producer for which the producer responsibility organization provided collection services.
    - C. In respect of collection services provided for public spaces,
      1. the eligible communities where the producer responsibility organization provided collection services, and
      2. the number of blue box receptacles provided by the producer responsibility organization in each eligible community referred to in sub-sub-subparagraph 1.
  - iii. If the producer responsibility organization entered into an agreement with the producer to provide collection services in in respect of Part V, the following information:
    - A. The weight of blue box material by material category collected by the producer responsibility organization in the alternative collection system.
    - B. The location and business hours of all collection sites in the alternative collection system, if any.
    - C. A description of all methods of collection in the alternative collection system.
  - iv. If the producer responsibility organization entered into an agreement with the producer to provide a supplemental collection system, a description of the supplemental collection system.
2. A description of the management services arranged, established or operated on behalf of each producer that retained the producer responsibility organization, including,
  - i. a list of every processor that the producer responsibility organization retained to process blue box material supplied to consumers in Ontario, and
  - ii. any unique identifier assigned by the Registrar to each processor referred to in subparagraph i.
3. The following weights related to recovered resources a processor reported in the name of the producer responsibility organization under subclause 43 (b) (ii):
  - i. The weight of recovered resources producers could account for, and report on, for their management requirement in each material category.
  - ii. The weight of recovered resources reported under subparagraph i that was,
    - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 41 (2), and
    - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 41 (2).
  - iii. The weight of materials that would be recovered resources that could be reported under subparagraph i except that they were,

- A. used in a product that is land cover, unless the land cover is,
    - 1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
    - 2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
  - B. used in a product that is fuel or a fuel supplement,
  - C. supplied to an incinerator for use in incineration, or
  - D. landfilled or land disposed by a processor.
- iv. The weight of each amount reported under subparagraphs i, ii and iii that was recovered from blue box material collected under Part IV and Part V.
  - v. The weight of each amount reported under subparagraphs i and ii that was recovered from blue box material collected pursuant to a supplemental collection system.
- 4. The amount of every weight reported under paragraph 3 that the producer responsibility organization then reported in the name of a producer under subclause 43 (b) (ii), with the amounts reported in the name of each producer reported separately.
- (2) The annual report required by subsection (1) shall be submitted on or before April 30 of each year, beginning in 2024.
  - (3) The information required to be submitted in subsection (1) is in respect of the calendar year prior to the year the report is required to be submitted.
  - (4) For greater certainty, a producer responsibility organization is not required to submit an annual report under subsection (1) in the first calendar year in which it is a producer responsibility organization.
  - (5) Despite subsection (1), a producer responsibility organization is not required to provide any information in respect of the certified compostable products and packaging material category.
  - (6) For greater clarity, all of the information in subsection (1) shall be reported separately for each producer.

#### **Annual report, processors**

**53.** (1) A processor shall submit an annual report to the Authority, through the Registry, that contains the following information:

- 1. Weights of the following, with weights in respect of blue box material collected under Part IV, Part V and supplemental collection systems reported separately:
  - i. Blue box material supplied to consumers in Ontario received by the processor for processing.
  - ii. Blue box material supplied to consumers in Ontario processed by the processor.
  - iii. Recovered resources recovered from blue box material referred to in subparagraph ii.
  - iv. Recovered resources referred to in subparagraph iii that were recovered from blue box material in each material category.
- 2. The following amounts related to recovered resources reported by the processor in its own name under clause 43 (a), for a producer under subclause 43 (b) (i) and for a producer responsibility organization under subclause 43 (b) (ii), with amounts related to recovered resources reported under each provision and for each producer or producer responsibility organization reported separately:
  - i. The weight of recovered resources a producer could account for, and report on, for its management requirement in each material category.
  - ii. The weight of recovered resources reported under subparagraph i that was,
    - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 41 (2), and
    - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 41 (2).
  - iii. The weight of materials that would be recovered resources that could be reported under subparagraph i except that they were,
    - A. used in a product that is land cover, unless the land cover is,
      - 1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or



2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
    - B. used in a product that is fuel or a fuel supplement,
    - C. supplied to an incinerator for use in incineration, or
    - D. landfilled or land disposed by a processor.
  - iv. The weight of each amount reported under subparagraphs i, ii and iii that was recovered from blue box material collected under Part IV and Part V.
  - v. The weight of each amount reported under subparagraphs i and ii that was recovered from blue box material collected pursuant to a supplemental collection system.
- (2) The annual report required by subsection (1) shall be submitted on or before April 30 of each year, beginning in 2024.
- (3) The information required to be submitted in subsection (1) is in respect of the calendar year prior to the year the report is required to be submitted.
- (4) For greater certainty, a processor is not required to submit an annual report under subsection (1) in the first calendar year in which it is a processor.
- (5) Despite subsection (1), a processor is not required to provide any information in respect of the certified compostable products and packaging material category.

#### **Eligible communities**

- 54.** (1) Where an eligible community is included in the Blue Box Transition Schedule, the applicable local municipality, local services board or First Nation shall submit the information listed in subsection (2) to the Authority, through the Registry, on or before,
- (a) September 30, 2021, if the eligible community is a local municipality or local services board area; and
  - (b) November 30, 2021, if the eligible community is a reserve.
- (2) The following information shall be submitted to the Authority, through the Registry, by the applicable local municipality, local services board or First Nation required to register under subsection (1):
1. The number of residents and residences in the eligible community.
  2. The municipality, local services board, First Nation or other entity that provides the WDTA blue box program and garbage collection in the eligible community.
  3. The contact information of the person responsible for waste management in the eligible community.
  4. The number of residences that received collection services pursuant to the WDTA blue box program in the eligible community.
  5. The criteria or conditions used to determine which facilities were included in the WDTA blue box program in the eligible community on August 15, 2019.
  6. The number of facilities in the eligible community that received collection services pursuant to the WDTA blue box program.
  7. The number of blue box receptacles in a public space in the eligible community that receive collection under the WDTA blue box program.

#### **Transition**

- 55.** (1) Where an eligible community is included in the Blue Box Transition Schedule, the applicable local municipality, local services board or First Nation shall submit the information in subsection (2) to the Authority, through the Registry, on or before the following dates:
1. September 30, 2021, in the case of a local municipality or local services board area that is required to receive collection services pursuant to this Regulation in 2023.
  2. November 30, 2021, in the case of a reserve that is required to receive collection services pursuant to this Regulation in 2023.
  3. August 31, 2022, in the case of a local municipality, local services board area or reserve that is required to receive collection services pursuant to this Regulation in 2024.
  4. August 31, 2023, in the case of a local municipality, local services board area or reserve that is required to receive collection services pursuant to this Regulation in 2025.

(2) The following information shall be submitted to the Authority, through the Registry, by a local municipality, local services board or First Nation required to register under subsection (1):

1. The location of residences that receive curbside garbage collection in the eligible community.
2. The location of residences that receive depot garbage collection in the eligible community.
3. The location of every garbage depot collection site in the eligible community.
4. The location of residences that receive curbside collection under the WDTA blue box program in the eligible community.
5. The location of residences that receive depot collection under the WDTA blue box program in the eligible community.
6. The location of facilities in the eligible community that receive collection services pursuant to the WDTA blue box program.
7. A description of a method pursuant to which additional information about the addresses of residences and facilities in the eligible community that receive collection under its garbage collection program and the WDTA blue box program can be provided.
8. The location of each blue box receptacle in a public space in the eligible community that received collection under the WDTA blue box program.
9. A list of materials that are collected under the WDTA blue box program in the eligible community.
10. The frequency at which residences in the eligible community receive collection under the WDTA blue box program.
11. The number of collection streams in the eligible community under the WDTA blue box program.
12. The location of every depot collection site in the eligible community under the WDTA blue box program.
13. The languages used for communications about the WDTA blue box program in the eligible community.

**Outside Transition Schedule**

**56.** Where an eligible community is not included in the Blue Box Transition Schedule, the applicable local municipality, local services board or First Nation shall submit the information described in paragraphs 1, 2 and 3 of subsection 54 (2) or paragraphs 1, 2, 3 and 7 of subsection 55 (2) to the Authority, through the Registry, on or before the later of,

- (a) December 31, 2024; and
- (b) in the case of a reserve, 90 days after the date a First Nation registered the reserve as an eligible community under section 59.

**Change**

**57.** If there is a change to the information submitted to the Authority through the Registry under section 54, 55 or 56, the applicable local municipality, local services board or First Nation shall submit the updated information to the Authority, through the Registry, within 30 days of the change.

**Who may submit**

**58.** (1) For greater certainty, any information required to be submitted to the Authority through the Registry by a local municipality, local services board or First Nation may be submitted by any person acting under the authority or direction of the local municipality, local services board or First Nation, as the case may be.

(2) For greater certainty, any information required to be submitted to the Authority through the Registry by a producer, other than information required to be submitted under paragraphs 1 to 6 of subsection 45 (3), may be submitted by any person acting under the authority or direction of the producer, including by a producer responsibility organization.

**First Nation registering**

**59.** A First Nation may register a reserve to be an eligible community by submitting to the Authority, through the Registry, the contact information of the person responsible for waste management.

**First Nation accepting**

**60.** Where a First Nation accepts an offer of collection services in accordance with subsection 31 (4), the First Nation shall register its acceptance with the Authority, through the Registry, and identify the producer or producer responsibility organization that made the offer.

**First Nation revoking**

**61.** Where a First Nation revokes its acceptance of an offer of collection services in accordance with subsection 31 (10), the First Nation shall revoke the registration made under section 60.

**First nation, subsequent offer**

62. Where a First Nation accepts a subsequent offer of collection services in accordance with subsection 31 (15), the First Nation shall register its acceptance with the Authority, through the Registry, and identify the producer or producer responsibility organization that made the offer.

**Registration, facilities**

63. (1) Where a facility is not an eligible source during the transition period, a person responsible for the operation of the facility may register with the Authority, through the Registry, under this section for the facility to become an eligible source in accordance with section 4.

(2) Registration under this section constitutes consent by the person responsible for the operation of the facility for any of the following persons to collect blue box material from the facility:

1. Any producer that is required to provide collection services to the facility under this Regulation.
2. A producer responsibility organization that has entered into an agreement with a producer mentioned in paragraph 1 in respect of collection services.

(3) For greater certainty, a person responsible for the operation of the facility that has registered with the Authority, through the Registry, may revoke the registration under subsection (1) at any time.

**Brewers Retail Inc. and the LCBO**

64. (1) The Brewers Retail Inc. and the Liquor Control Board of Ontario shall each submit an annual report to the Authority, through the Registry, on or before April 30, 2027, and on before April 30 of each year thereafter, that contains the following information:

1. The weight of alcoholic beverage products and packaging the Brewers Retail Inc. or the Liquor Control Board of Ontario, as applicable, distributed to businesses or supplied to consumers in the previous calendar year, with the weights of materials described in clauses (a), (b) and (c) of the definition of “alcoholic beverage products and packaging” in subsection 1 (1) reported separately.
2. The weight of recovered resources the Brewers Retail Inc. or the Liquor Control Board of Ontario, as applicable, recovered in the previous calendar year from alcoholic beverage products and packaging reported in paragraph 1, with the weights recovered from materials described in clauses (a), (b) and (c) of the definition of “alcoholic beverage products and packaging” in subsection 1 (1) reported separately.
3. If, in respect of materials described in clause (a) of the definition of “alcoholic beverage products and packaging”, the weight required to be reported under paragraph 2 is less than 85 per cent of the weight required to be reported under paragraph 1, an explanation of why the weight required to be reported under paragraph 2 is less than 85 percent of the weight required to be reported under paragraph 1, and how the Brewers Retail Inc. or the Liquor Control Board of Ontario, as applicable, could improve the recovery percentage.
4. A description of how the Brewers Retail Inc. or the Liquor Control Board of Ontario, as applicable, recovered alcoholic beverage products and packaging.

(2) In addition to the information described in subsection (1), an annual report required to be prepared by the Brewers Retail Inc. under subsection (1) shall contain the following information:

1. A list of all brewers participating in its container return program in the previous calendar year.
2. A list of addresses of the return locations that operated in the previous calendar year.

(3) The information required to be submitted in subsections (1) and (2) is in respect of the calendar year prior to the year the report is required to be submitted.

(4) The Liquor Control Board of Ontario may consent to the Brewers Retail Inc. preparing and submitting the annual report required to be submitted under subsection (1) for the Liquor Control Board of Ontario.

(5) The Authority may not recover its costs by requiring the Brewers Retail Inc. or the Liquor Control Board of Ontario to pay fees, costs and charges imposed under section 41 of the Act.

(6) An annual report required to be submitted under subsection (1) must be prepared in accordance with the Blue Box Verification and Audit Procedure and, before submission, must be audited by an independent auditor who is licenced or holds a certificate of authorization under the *Public Accounting Act, 2004*.

**Records**

65. Every producer, producer responsibility organization and processor shall keep the following records in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation, as applicable:

1. Records related to arranging, establishing or operating a collection and management system for the purpose of fulfilling responsibilities relating to blue box material.

2. Records related to information required to be submitted to the Authority through the Registry.
3. Records related to arranging, establishing or operating a promotion and education program required under this Regulation.
4. Records related to the weight of blue box material supplied to consumers in Ontario for which the person is a producer.
5. Any agreements that relate to the information described in this section.

#### **Small producers**

66. If section 73 applies to a producer, the producer shall keep any records which demonstrate that its annual revenue is less than the amount set out in section 73 in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation.

#### **Audit, management systems**

67. (1) On or before April 30, 2027, and every third year after that, a producer shall cause an audit to be undertaken of the practices and procedures the producer implemented in respect of Part VI in the three immediately preceding calendar years.

(2) On or before April 30 in any year in which an audit is required under subsection (1), a producer shall prepare and submit a copy of a report on the audit to the Authority, through the Registry, that includes the following information:

1. A summary of the analysis in the audit of the information submitted by the producer in its annual report under paragraphs 7, 8, 9, 10 and 11 of subsection 51 (1).
2. A summary of the opinion provided by the auditor on whether the producer complied with its obligations under Part VI during the three calendar years subject to the audit.

(3) The audit required by subsection (1) must be conducted by an independent auditor who is licenced or holds a certificate of authorization under the *Public Accounting Act, 2004* and in accordance with the procedures set out in the Blue Box Verification and Audit Procedure.

(4) If a person ceases to be a producer during any of the three years preceding the date on which the report required by subsection (2) is due, the person shall cause an audit to be undertaken for the years during which the person was a producer and shall submit the report required in subsection (2) with necessary modifications.

#### **Access to information and privacy**

68. Information and data submitted under this Regulation to the Authority, through the Registry, shall not be posted on the Registry unless it is posted in a manner that is consistent with the "Access and Privacy Code" published by the Authority and dated December 14, 2017, as amended from time to time, and available on the website of the Registry.

## **PART VIII PROMOTION AND EDUCATION**

#### **Promotion and education, producers**

69. (1) Every producer who is required to establish and operate a system for collecting blue box material under Part IV, or who registers the establishment and operation of an alternative collection system for a material category under Part V, shall implement a promotion and education program in accordance with this Part.

(2) Every producer responsibility organization that is required to register an agreement to provide promotion and education services on behalf of a producer under section 46 is required to establish and operate a promotion and education system in respect of the collection systems for which the producer responsibility organization has agreed to provide promotion and education services to a producer described in subsection (1) of this section in accordance with this Part.

(3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

#### **Information to be included**

70. (1) A promotion and education program in respect of collection provided by a producer under Part IV must disseminate the following information:

1. A list of blue box material that may be deposited into blue box receptacles.
2. A list of materials that cannot be deposited into blue box receptacles.
3. A description of how blue box receptacles can be replaced, or how additional blue box receptacles can be requested.
4. A description of how the producer will fulfil its collection responsibilities, including,
  - i. if the producer provides curbside collection for an eligible source, the dates on which collection will occur, and
  - ii. if the producer provides depot collection, the location of every depot collection site and its hours of operation.

5. A telephone number and email address, at which persons may,
  - i. receive responses to questions or concerns relating to collection,
  - ii. indicate that the blue box receptacles are inappropriately large for their location or not able to ordinarily store all of the blue box material deposited at that location until the next collection time, and
  - iii. request additional or new blue box receptacles.

(2) During the transition period, the promotion and education program must also include the dissemination of the following information:

1. A description of any significant change from the WDTA blue box program that was previously provided in the eligible community, including any change to what material may be included in the blue box receptacle and any change in sorting procedures.
2. A description about how to prepare materials for placement in the blue box receptacle, including any direction about rinsing or flattening blue box material.
3. A description about how materials should be sorted or bagged.

**Information, alternative collection system**

**71.** A promotion and education program in respect of an alternative collection system registered in accordance with Part V must disseminate the following information:

1. A description of which blue box materials are collected by the alternative system.
2. A description of how the alternative collection system will operate, including,
  - i. if the collection system includes collection events or similar initiatives, the date and time of the events or initiatives,
  - ii. if the collection systems includes the pickup of blue box material, how persons can arrange for the pickup, and
  - iii. if the collection system includes depots or return-to-retail locations, their location and hours of opening.

**Forms of promotion**

**72.** (1) The promotion and education programs under sections 70 and 71 shall be provided in both of the following forms:

1. On a publicly accessible website.
2. In print, and delivered by mail to each eligible source for which the producer has collection responsibilities at least once per year.

(2) The promotion and education program shall be provided in French and English.

(3) In addition to the requirements under subsection (2), during the transition period the promotion and education program shall be provided in the languages used for communications about the WDTA blue box program in an eligible community.

**PART IX  
GENERAL**

**Exemption, small producers**

**73.** Any producer whose annual revenue from products and services is less than \$2,000,000 is exempt from the following parts of this Regulation:

1. Part III.
2. Part IV.
3. Part VI.
4. Part VII, other than section 66.
5. Part VIII.

**Ownership**

**74.** Unless otherwise set out in an agreement with an applicable producer or producer responsibility organization, the owner or operator of an eligible source does not own the blue box receptacles provided under this Regulation.

**PART X  
AMENDMENTS TO THIS REGULATION**

**Amendment to this Regulation**

**75. (1) The definition of “alcoholic beverage” in subsection 1 (1) of this Regulation is amended by striking out “*Liquor Licence Act*” at the end and substituting “*Liquor Licence and Control Act, 2019*”.**

**(2) The definition of “non-alcoholic beer, wine and spirits” in subsection 1 (1) of this Regulation is amended by striking out “*Liquor Licence Act*” and substituting “*Liquor Licence and Control Act, 2019*”.**

**PART XI  
COMMENCEMENT**

**Commencement**

**76. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.**

**(2) Section 75 comes into force on the later of the day subsection 1 (1) of Schedule 22 to the *Plan to Build Ontario Together Act, 2019* comes into force and the day this Regulation is filed.**

Français

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BURNSIDE

[THE DIFFERENCE IS OUR PEOPLE]

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## Appendix B

### Relevant Background Material

## References:

- Province of Ontario, Ontario Regulation 391/21: 'Blue Box' under the Resource Recovery and Circular economy Act (filed June 3, 2021). Accessible from: <https://www.ontario.ca/laws/regulation/r21391>
- Province of Ontario, 'Resource Recovery and Circular Economy Act', 2016, c. 12, Sched. 1, last amended 2021. Accessible from: <https://www.ontario.ca/laws/statute/16r12>
- City of Hamilton Public Works Department, 'Blue Box Transition Update and Servicing (PW2206) (City Wide)', August 10, 2022. Accessible from: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=336022>
- Collingwood Today 'Ontario's looking at 'transition to a new phase' of Blue Box recycling', December 8, 2019. Accessible from: <https://www.collingwoodtoday.ca/local-news/ontario-looking-at-transition-to-a-new-phase-of-blue-box-recycling-1948347>
- Hamilton News, 'Peel cracking down on blue box contamination in Brampton, Caledon and Mississauga with new program', November 18, 2020. Accessible from: <https://www.hamiltonnews.com/news-story/10269089-peel-cracking-down-on-blue-box-contamination-in-brampton-caledon-and-mississauga-with-new-program/>
- Resource Productivity & Recovery Authority, 'Blue Box Regulation'. Accessible from: <https://rpra.ca/programs/blue-box/regulation/>
- Resource Productivity & Recovery Authority, 'Blue Box Regulation - Municipalities'. Accessible from: <https://rpra.ca/programs/blue-box/regulation/>
- Resource Productivity & Recovery Authority, "Municipal and First Nation Reporting Guide, For Reporting under the Blue Box Regulation", revised July 2022.
- Resource Productivity & Recovery Authority "Blue Box Program Change Eligibility Assessment Form".
- Resource Productivity & Recovery Authority "Blue Box Transition Schedule", amended December 15, 2022.
- Continuous Improvement Fund, 'Depot Working Group' Presentations, dated May 13, 2022 – August 19, 2022.
- Continuous Improvement Fund, 'Sample Template for Municipal Council Report', dated August 1, 2017.
- Continuous Improvement Fund, 'Sample Committee Report', dated September 10, 2019
- Continuous Improvement Fund, 'Backgrounder on the Ontario Blue Box Program transition to Individual Producer Responsibility', PowerPoint dated September 29, 2021.
- Continuous Improvement Fund, 'Blue Box Transition to Full Producer Responsibility Timelines and Decision Points'.
- Continuous Improvement Fund, 'Compensation Models for Municipal Service Provision under the Blue Box Regulation' PowerPoint, dated March 3, 2022.
- Continuous Improvement Fund, 'Ineligible Sources Workshop – Depot Slides V1' PowerPoint.



- Continuous Improvement Fund, 'Ineligible Sources Workshop – Curbside Slides V1' PowerPoint.
- Continuous Improvement Fund, "Full Producer Responsibility Transition Clauses/Procedures' dated February 2019.
- Continuous Improvement Fund, 'Annotated Request for Proposal'.
- Township of Southgate, 'Association of Municipalities Ontario Municipal Forum on Transitioning the Blue Box for Full Extended Producer Responsibility', dated October 4, 2017.
- Ontario Waste Management Association, 'Re: Master Services Agreement' letter, dated June 8, 2022.

