

Memorandum

To: Members of Regional Council

From: Erin Mahoney, M. Eng.
Commissioner, Environmental Services

Date: February 14, 2018

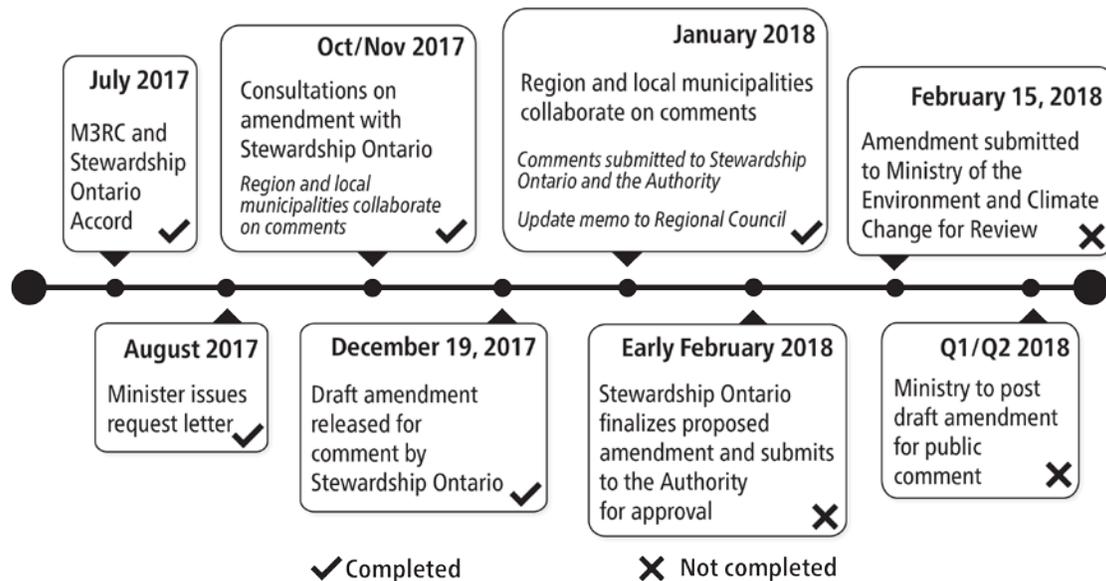
Re: **Update on Proposed Amendment to Blue Box Program Plan**

On February 1, 2018, staff provided an update to Committee of the Whole on the process to amend the Blue Box Program Plan and advance transition of the program from municipalities to Stewardship Ontario (representing producers). Stewardship Ontario and the provincial oversight body, the Resource Recovery and Productivity Authority (the Authority), were directed by the Minister of the Environment and Climate Change (the Minister) to draft an amendment, engage with stakeholders and submit a proposal by February 15, 2018. As reported in early February, staff were disappointed with the first iteration of Stewardship Ontario's proposed amendment. Staff were requested to bring a progress update to Council on February 15 outlining developments around this proposed Blue Box Program Plan amendment.

Stewardship Ontario did not submit the proposed amendment by the required deadline

The schedule for development of this proposed amendment required Stewardship Ontario to submit a draft amendment to the Authority by early February. The Authority would then review and approve the amendment with any relevant changes prior to submitting it to the Minister by the required February 15 deadline (see Figure 1). On February 13, 2018 Stewardship Ontario notified the Municipal 3Rs Collaborative (representing municipalities) that they did not submit a proposed amendment as required (see Attachment 1). Instead, Stewardship Ontario is intending to move forward with a new and more meaningful approach to engaging municipalities and other stakeholders to address concerns that were raised during the consultation process.

Figure 1
Progress of Consultation Timeline for
Proposed Blue Box Program Plan Amendment



Failure to meet February 15 deadline makes it unlikely that this matter will be addressed prior to the June provincial election

The timeline set by the Minister was structured to enable development of regulatory changes required to amend to the Blue Box Program Plan. For example, Ontario Regulation 101 would need to be revised as it currently requires municipalities with a population of over 5,000 to implement a blue box collection program. As the proposed amendment shifts this requirement to producers, the revised regulation would reflect this change in responsibility.

Municipalities committed to initiate work on parallel process to advance the Province’s plans for transition under new regulations

The Municipal 3Rs Collaborative will continue to work together on options for a fair and balanced approach that includes the content of regulations needed to transition the Blue Box Program to producers as legislated by the *Waste-Free Ontario Act*. The Municipal 3Rs Collaborative will continue dialogue with all parties involved in transition including the Ministry, the Authority and Stewardship Ontario.

Municipalities remain committed to pursuing transition of the Blue Box Program to full producer responsibility with improved service levels and environmental outcomes. Public engagement and outreach will be important throughout this transition process

February 14, 2018

Update on Proposed Amendment to the Blue Box Program Plan

and staff will include content in an upcoming edition of York Matters thanking residents for our successful diversion programs and educating them on the Province's *Waste-Free Ontario Act*. As leaders in the province in waste diversion, Region staff and local municipal staff remain committed to delivery of the Blue Box Program in the best interests of our communities. Staff will provide further updates on the status of the Blue Box Program Plan to Regional Council in March 2018.

Erin Mahoney, M. Eng.
Commissioner, Environmental Services

LM

Attachment

#8164374



February 13, 2018

Mr. Dave Gordon
Association of Municipalities of Ontario
200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Via email DGordon@amo.on.ca

Dear Dave:

Thank you for taking the time to meet with us to discuss how Stewardship Ontario and municipalities can move forward to complete the work initiated by the Accord partners last Spring and under the terms set in the Minister's Program Request letter of August 14th, 2017.

As we indicated in our meeting, Stewardship Ontario and the stewards are committed to completing an amended Plan as a means to transition to the RRCEA. As our partners, you will play an integral role in the transition to full producer responsibility. We are grateful for all of the efforts of the municipal sector in contributing to Plan development so far.

However, as we all know, our joint work is not finished and key elements require more discussion and alignment.

With all of this in mind, the Stewardship Ontario Board meeting on January 25 considered three options for action:

1. Abandon this process entirely and immediately and signal that Stewardship Ontario will not be able to fulfil the Minister's instruction.
2. Approve the draft plan with changes considered over the period of consultation and submit the draft to RPRA.
3. Seek out a new process and a potentially more agreeable outcome directly with the municipal sector.

In its deliberations, the Board considered that:

- First, Stewardship Ontario and the stewards have signaled support for producer responsibility and the RRCEA so an abandonment of the draft plan would be inconsistent with the position taken to date.

- Second, merely approving a plan in the face of serious municipal concerns and the need of that community for more information would be both disrespectful to the municipal sector and would reflect poorly on the consultative process attempted in these intervening months, and
- Third, success for all parties can only be assured by a greater degree of patience, clarity of intent and strategic candour and a vigorous yet disciplined exchange of meaningful operational ideas between the two principle parties structured so as to better address their respective concerns.

The Board has elected not to abandon the process nor to submit a plan that does not have sufficient municipal support. Rather, the Board determined that the most prudent and respectful course of action would be to propose a new, different engagement with the municipal sector consistent with the support for producer responsibility signaled by the steward community and Stewardship Ontario with a view to completing the transition under the WDTA in accordance with the requirements of the Minister's August letter and the Act.

We recognize the problems inherent in the consultation process followed to this point. That approach, similar to what is used in government policy development, has Stewardship Ontario propose initiatives or ideas while requiring stakeholders to either agree or oppose. It is not sufficiently iterative to work through matters of more complex operational detail nor does it allow for the more fulsome discussions around policy issues that are often intertwined. In effect, given the history between the parties, the current process hinders Stewardship Ontario and the Accord participants' ability to complete the work necessary to agree on critical operational details in support of the plan. Our joint work is not finished and regretfully, the process utilized may be contributing to discord and suspicion.

As a result, we would very much like to engage the municipal sector in a joint process that will allow us to work out our transition blueprint with the detail necessary to establish clarity about how the transition will proceed.

We will need to work together to develop these details through a collaborative decision-making process that enables us to resolve any issues and concerns in real time. That process starts first and most importantly with a different governance model on how the Blue Box transition implementation will take place. That model



Stewardship Ontario

should last for so long as there continues to be the need to balance the needs of the people who resolve issues and those who design solutions throughout the effort, and is one which provides for joint, iterative working groups of municipal and steward representatives supported as appropriate by other relevant, affected stakeholders.

We certainly welcome your views and the views of others on how most effectively to resource the various task areas and should you agree to join us on this journey, we would need to engage in a more practical discussion about process, people, the work that will be undertaken, the level of commitment required and the estimated time to finish the work.

We would like to enlist your support to allow this process to unfold in ways that will allow both Stewardship Ontario and the municipal sector to put their best work forward so we can move on with the transition to full producer responsibility in the province of Ontario.

As we indicated, the draft Plan is not yet complete and continues to be a work in progress. Our intention is to share this draft with stakeholders in the next few weeks. We will work with RPRA to develop the stakeholder engagement plan that will flow from that draft. We will want to work with the municipal sector to ensure that the stakeholder engagement plan coincides with our efforts in this new emerging process in order to properly deal with policy issues and operational issues, all with a view to moving us all to an approvable plan.

We look forward to continuing our dialogue on the proposal for moving forward. We would like to discuss this framework with the Accord participants as a logical next step to our conversation of this morning. Let us know if that would be acceptable to your constituency.

Yours sincerely,

John D. Coyne
Chair,
Stewardship Ontario