

Clause 12 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 21, 2017.

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Response to Ministry of the Environment and Climate Change Discussion Paper: Addressing Food and Organic Waste in Ontario

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 24, 2017 from the Commissioner of Environmental Services:

- Council endorse comments identified in Attachment 1, which were submitted to the Ministry of the Environment and Climate Change in response to Environmental Bill of Rights posting 013-0094: Discussion Paper: Addressing Food and Organic Waste in Ontario. Key recommendations for endorsement include:
 - I. Focus on food waste reduction as the primary opportunity for improvement
 - Focus diversion efforts on multi-residential, industrial, commercial and institutional sector
 - III. Engage with public health agencies to inform policy on food donation
 - IV. Streamline regulations and approval processes to support innovation
 - V. Ensure the disposal ban considers implications on collection practices and includes processing contingencies
- 2. The Regional Clerk circulate this report to the local municipalities and the Ministry of the Environment and Climate Change.

Report dated August 24, 2017 from the Commissioner of Environmental Services now follows:

1. Recommendations

It is recommended that:

 Council endorse comments identified in Attachment 1, which were submitted to the Ministry of the Environment and Climate Change in response to Environmental Bill of Rights posting 013-0094: Discussion

Paper: Addressing Food and Organic Waste in Ontario. Key recommendations for endorsement include:

- Focus on food waste reduction as the primary opportunity for improvement
- ii. Focus diversion efforts on multi-residential, industrial, commercial and institutional sector
- iii. Engage with public health agencies to inform policy on food donation
- iv. Streamline regulations and approval processes to support innovation
- v. Ensure the disposal ban considers implications on collection practices and includes processing contingencies
- 2. The Regional Clerk circulate this report to the local municipalities and the Ministry of the Environment and Climate Change.

2. Purpose

This report requests Council endorsement of Regional and local municipal staff comments provided to the Ministry of the Environment and Climate Change (the Ministry) answering Environmental Bill of Rights posting 013-0094: Discussion Paper: Addressing Food and Organic Waste in Ontario. These comments were submitted on July 29, 2017 (Attachment 1). Local municipal staff were consulted via email to gather input for the submission. As part of the Region's submission, staff requested that the Ministry consider any additional comments received from Council in September.

3. Background and Previous Council Direction

Staff submitted comments on discussion paper soliciting input on Food and Organic Waste Framework to meet Ministry's comment deadline

On May 31, 2017, the Province released a discussion paper to gather preliminary stakeholder input on a Food and Organic Waste Framework (the Framework) to address food and organic reduction and diversion in Ontario. This Framework will support development of a Food and Organic Waste Action Plan (the Plan), one of the commitments made by the Province in the *Strategy for a Waste-Free Ontario*,

finalized earlier this year. The Ministry has also indicated that the first policy statement issued under the *Waste-Free Ontario Act, 2016* may focus on organic waste issues to support the Plan.

Due to Council summer recess, Council input was not possible ahead of the comment submission deadline on the discussion paper. Region staff consulted with local municipal partners to solicit input into the comment letter. Staff submitted comments and requested that the Ministry consider any additional comments from Council as part of the Region's official submission. Submitted staff comments are included in Attachment 1.

Region's past advocacy efforts on *Waste-Free* Ontario *Act* included support for compostable packaging standards

Council and staff have advocated for municipal interests during the development of the *Waste-Free Ontario Act, 2016*. Advocacy principles endorsed by Council in February 2016, included support for compostable packaging standards and designation of branded organics to facilitate cost recovery. Comments provided on the Discussion Paper on Food and Organic Waste in Ontario build on the principles of past advocacy with additional focus on sharing the Region's expertise on food waste reduction and diversion.

Proposed Framework to define scope and actions to be included in the Plan

The discussion paper is intended to assist the Ministry in gathering information from the general public and stakeholders to define the scope of the Framework. Feedback will help identify actions to reduce food waste as well as support processing capacity and end markets. The Ministry identified the following objectives under the Framework:

- Reduce the amount of food that becomes waste
- Remove food and organic waste from the disposal stream
- Reduce greenhouse gas emissions that result from food and organic waste
- Support and stimulate end markets that recover the value from food and organic wastes
- Increase accountability of responsible parties
- Improve data on food and organic waste
- Enhance promotion and education regarding food and organic waste

The Ministry noted that the Framework will not capture waste generated from onfarm or agricultural activities, forestry or wood processing activities as these are managed in their own respective sectors.

York Region demonstrates leadership in the area of food waste reduction through SM4RT Living Plan

The Region has demonstrated leadership in food waste reduction through adopting the SM4RT Living Plan, which includes a food waste reduction strategy. This strategy is a multi-pronged approach to reducing food waste that requires municipal processing through the following activities:

- Encouraging healthy eating and food waste reduction through the Good Food program developed in partnership with Community and Health Services and local municipalities; an innovative approach that focuses on healthy eating and the value of food, resulting in less food waste.
- Educating and encouraging onsite composting activities in partnership with local municipal staff through backyard composting and composting at community gardens to reduce the amount of food waste requiring municipal processing, as processing organics is quite costly.
- Initiating and remaining actively engaged with other municipal waste and public health stakeholders to establish the Ontario Food Collaborative to share ideas and tactics on effectively supporting individuals and families to eat well and reduce food waste.

Since the SM4RT Living Plan was approved in 2013, other municipalities such as City of Toronto and Peel Region have adopted their own food waste reduction strategies.

4. Analysis and Implications

Staff supportive of the Ministry's efforts to proactively address food and organic waste

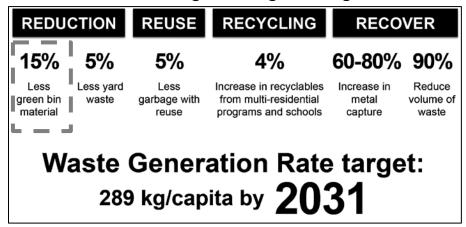
Staff support the Ministry's efforts detailed in the Discussion Paper to proactively address food and organic waste. Comments provided are based on lessons learned from implementing the SM4RT Living Plan as well as input provided by Community and Health Services and local municipal partners.

The following sections provide a high level summary on key discussion points included in the comments submitted to the Ministry on the Discussion Paper. Further details can be found in Attachment 1.

Reducing avoidable food waste is primary opportunity for improving overall sustainability of organic waste management in Ontario

Food waste reduction was identified in the SM4RT Living Plan as a key opportunity to improve the environmental and fiscal sustainability of the waste management system. As shown in Figure 1, a 15 per cent reduction of food waste in the green bin is one of the long term targets of the SM4RT Living Plan.

Figure 1
SM4RT Living Plan long term targets



Food and organic waste processing represents a significant portion of the waste management budget for York Region. Cost avoidance can be achieved by following the 4Rs hierarchy, making reduction and reuse the primary focus before recycling into compost or other beneficial uses. Reduction of food waste also reduces greenhouse gas emissions from collection, transfer and processing, as well as the upstream emissions from producing and transporting food that is simply discarded. Emphasizing food waste reduction in the Framework will also help the Ministry meet its greenhouse gas emission reduction targets set through the *Waste-Free Ontario Act* and the Climate Change Action Plan.

Staff support avoidable food waste reduction as an area of focus in the Framework and reiterated the benefits of reduction as a key element.

Largest potential diversion gains exist in underperforming multiresidential and commercial/institutional sectors

Although significant gains have been made in diverting residential food and organic waste, much of that progress has occurred through curbside programs for single family homes. Currently in York Region, less than 40 per cent of municipally-serviced multi-residential buildings have a green bin program.

Industrial, commercial, and institutional sectors also significantly lag behind residential efforts to divert food and organic waste materials.

As the Province reviews and updates the 3Rs regulations as part of implementing the *Waste-Free Ontario Act, 2016*, three-stream diversion must be addressed for multi-residential as well as industrial, commercial and institutional properties. Staff recommended a focus on service-level standards, diversion targets, and other measures needed to drive greater diversion and help ensure better management of food waste from these sectors.

Public Health and community based food agencies should be engaged in the development of the Framework

The SM4RT Living Plan identified an important and strategic partnership between waste management, public health and community-based food organizations. Comments submitted to the Ministry demonstrated benefits of leveraging expertise from all these areas to develop more impactful messaging and tools to support behaviour change to reduce food waste. A similar collaborative approach could benefit the Ministry. The Ministry's Framework should include participation from public health agencies at all levels of government, as well as food retailers and producers. Including public health would help standardize the definition and use of "best before" dates on food packaging, which will reduce the amount of discarded food ending up prematurely in the green bin.

The Ministry indicated that food redistribution and donation will be part of the Framework. Comments from the Region's Community and Health Services requested the Province consult with food security organizations to address their concerns. Public Health agencies must also be included to ensure donated food is handled, stored and distributed safely.

Streamlining regulations and approvals processes would support innovative organics processing capacity

Processing organics in Ontario has had its challenges. The Region has experienced these challenges through third party processors where these facilities experience odour issues and facility shut-downs are then stipulated by the Ministry's compliance staff. Due to these challenges, approvals for developing new facilities have been lengthy and costly to obtain, resulting in a shortage in capacity throughout the Province. Staff recommend the Ministry include a simplified approval process for small-scale, pilot facilities as a means to stimulate increased processing capacity and more innovative approaches to processing organics such as anaerobic digestion. Staff highlighted additional opportunities for the Ministry's consideration to stimulate end markets for products derived from the anaerobic digestion process, specifically biogas (renewable natural gas).

Organics disposal ban must consider implications on collection practices and processing contingencies

The Province has committed to an organics disposal ban through the *Waste-Free Ontario Act* and its strategy document. Comments on this proposed ban incorporated input from local municipal staff and requested that the Ministry consider practical enforcement options prior to implementing a disposal ban. Municipal enforcement practices would be difficult where current collection practices include use of front-end containers at multi-residential buildings, as well as collection of garbage in black bags, etc. If enforcement is to be practical at the curb, municipalities would require time and resources to adjust curbside collection programs and enforcement staff to accommodate such a ban.

Processing service interruptions can necessitate landfilling of organic material due to limited available processing capacity options. Any future regulations that restrict landfilling of organic materials need to consider contingencies required in the event of processing interruptions. These contingencies should include a limited amount of landfilling, even if sufficient processing capacity is achieved in the Province.

5. Financial Considerations

Food waste reduction and producer responsibility for branded organics could result in municipal cost avoidance and recovery

In this early stage of consultation, it is difficult to predict the financial implications of this framework and the future action role for the Region. By focusing efforts on food waste reduction, significant municipal cost avoidance can be realized. The SM4RT Living Plan has targeted a 15 per cent reduction in food waste captured through the green bin program by 2031, which could result in an annual future cost avoidance of approximately four million dollars in the longer term.

Another area that could be addressed through this Framework is producer funding for compostable packaging. The Region continues to advocate for designating branded organic materials such as compostable food packaging, paper products and diapers. This action will assist municipalities with cost recovery of this expensive stream. A move to brand organics would be consistent with policy on traditional packaging types such as plastic containers and aluminum cans and would support the shift to a circular economy.

Producer funding for green bin programs could also support the Region's long term plans to develop local processing capacity for organics. The Region is in the early stages of planning for a Region-owned organics facility to manage a portion

of residential source separated organics. Budget for this project is currently allocated in the 10 year capital plan starting in 2025.

6. Local Municipal Impact

Collection cost reduction and practical impacts of disposal ban are key municipal impacts

Local municipalities have the potential to lower their collection costs should the Ministry's Framework be impactful in its efforts to reduce food waste. This would support the Region and its local municipal partners in their efforts to promote the Good Food program and influence behaviour change towards food waste reduction.

The Region and its local municipal partners are also advocating that the Province consider municipal budgets, resources and programs and provide appropriate support before implementing a ban on landfilled organics. Changes to collection programs may be needed, as enforcement will be difficult where current collection practices include use of front-end containers at multi-residential buildings, as well as collection of garbage in black bags.

7. Conclusion

Region staff will continue to monitor implications for York Region's integrated waste management system

The comment period for the Ministry's Discussion Paper on Addressing Food and Organic Waste in Ontario closed on July 30, 2017. Following the Ministry's review of comments received, the next step is development of a framework to address organic waste in Ontario. This framework will consist of two components:

- A Food and Organic Waste Action Plan, which would include both regulatory (e.g., disposal ban on food waste) and non-regulatory measures (e.g., education programs) to support the diversion of food and organic waste; and,
- A policy statement under the Resource Recovery and Circular Economy Act, 2016, which would provide direction to the province, the municipal sector, and industrial commercial and institutional sectors on food and organic waste.

Future consultations on the draft Action Plan and Policy Statement documents will provide a clearer picture of implications for the Region and local municipal partners.

Region staff will continue to engage local municipal partners and Ministry staff in an effort to ensure concerns expressed are addressed in this process. Further updates will be provided to Council as required.

For more information on this report, please contact Laura McDowell, Director, Environmental Promotion and Protection at 1-877-464-9675 ext.75077.

The Senior Management Group has reviewed this report.

August 24, 2017

Attachment

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Accessible formats or communication supports are available upon request



July 27, 2017

Ian Drew
Senior Policy Advisor
Ministry of the Environment and Climate Change
Climate Change and Environmental Policy Division
Resource Recovery Policy Branch
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Floor 8
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Dear Mr. Drew:

RE: York Region Response – Discussion Paper: Addressing Food and Organic Waste in Ontario – EBR Number 013-0094

York Region staff thank the Ministry of the Environment and Climate Change (the Ministry) for the opportunity to comment on *Discussion Paper: Addressing Food and Organic Waste in Ontario*. York Region staff are supportive of the Ministry's development of the Food and Organic Waste Framework (the Framework) and offer the following comments on key issues and considerations for the Ministry's consideration.

York Region Council endorsed comments will be submitted following September 21 meeting

Due to timing of the consultation period, York Region Council endorsement of staff comments was not possible prior to submission. Consequently, this response will be considered by Council in September and any additional comments made by Regional Council will be communicated to the Ministry in late September 2017. It is requested that the Ministry consider any supplementary comments from Council as a part of this submission.

I - Scope of the Framework

Recommend increasing the Framework's focus on reducing avoidable food waste, one of the most significant opportunities for improvement

In order to maximize effectiveness of the Framework, it is recommended that even more effort be focused on:

avoidable food waste reduction throughout the food value chain and;

 improving diversion in underperforming sectors such as multi-residential and commercial.

York Region has been taking action within the residential sector via the Region's SM4RT Living Integrated Waste Master Plan, which focuses on reducing avoidable food waste occurring in the home. Curbside audits in York Region have identified that approximately 22 per cent of green bin content is food that was discarded before it could be eaten. The green bin is one of the most costly streams for York Region to manage and is currently funded entirely through tax levy. Food waste reduction is a key opportunity to improve the environmental and fiscal sustainability of the waste management system.

Reducing avoidable food waste helps mitigate impacts of climate change

Reducing avoidable food waste provides benefits beyond reducing green bin costs. Reducing food waste throughout the supply chain can also help the Ministry meet its greenhouse gas reduction targets. When food is wasted, the energy, water and other resources used to grow, harvest, process and transport that food are also wasted. Each step in the process of food production and disposal results in additional greenhouse gas emissions. Cumulatively, this represents a significant quantity of emissions for food that is simply discarded. Region staff support the Framework's focus on food waste reduction throughout the value chain by working with municipalities, farmers, food processors, restaurants and retailers. Even more focus in this important area would be beneficial.

II - Actions to Reduce Food and Organics going to disposal

Promotion and education programs need to engage a variety of health, waste and food industry stakeholders to be successful

York Region is a demonstrated leader in developing food waste reduction programming aimed at changing resident behaviours and beliefs about food waste. Research performed to support development of the Region's Good Food Program, identified that food waste specific messaging did not motivate residents to change their food purchasing and preparation habits. Data revealed that food choices were more closely connected to health and family. Research further demonstrated a multi-pronged approach to education programming that reaches a range of audiences to be the most effective approach to reinforce the message around wasted food. A focus on local food production through community gardens can also be promoted and supported through the Framework as they reduce greenhouse gas emissions with less food transportation required while also creating opportunities for onsite composting. It is recommended that the Framework build upon the Region's research and take a multi-pronged approach toward actions that reduce food waste. Consistent messaging across the Province would help reinforce promotion and education efforts.

Partner with Public Health agencies and community based organizations to maximize effectiveness

To maximize the effectiveness of the Good Food Program, Region solid waste staff collaborated with York Region Public Health and community-based food organizations as well as engaging the Ontario Food Collaborative to help develop more impactful messaging/ tools to support behaviour change and deliver that message to a wide audience. Region staff recommend that the Ministry provide funding support for food education programs at the local level, which are accessible to municipalities and community organizations. This could include school and youth education programs, cooking and meal planning skills, gardening and composting, and food safety/storage practices.

Promotional efforts should include a strong focus on informing the public on best before dates

Education is also required to clarify the meaning of "best before" dates. Approximately 22 per cent of green bin material is uneaten food. Consumer confusion around the meaning of best before dates is one contributor to this type of avoidable food waste. In many cases, best before dates on food packaging reference product freshness limits not food safety. The Ministry should work with public health agencies at all levels of government, as well as food retailers and producers to standardize the definition and use of best before dates on food packaging; this would reduce the amount of discarded food ending up prematurely in the green bin.

Promotional efforts should make the link between food waste and climate change

As part of the Ministry's Communication and Outreach initiatives, it is important to increase awareness of the link between food waste and climate change (e.g. the costs of food production associated with greenhouse gases). Greenhouse gas generation associated with food and organic waste results from the processing and manufacturing of food, the transportation of food and organic waste, and the disposal of food and organic waste.

Diversion efforts should focus on multi-residential and Industrial, Commercial and Institutional sectors as areas with greatest opportunity for improvement

Although significant gains have been made in diverting residential food and organic waste, much of that progress has occurred through curbside programs for single family homes. Currently in York Region, less than 40 per cent of municipally-serviced multi-residential buildings have a green bin program. It is believed that this number is lower for privately collected buildings. Food and organic waste diversion programs in multi-residential buildings encounter a number of barriers including: limited space, lack of accountability, inconvenient waste sorting stations, and private collection out of the local

municipality's control. As the Province reviews and updates the 3Rs regulations as part of implementing the *Waste-Free Ontario Act, 2016*, consideration should be given to addressing three-stream diversion for multi-residential properties. Service-level standards, diversion targets and other measures to drive greater diversion, regardless of whether the municipality or private sector services the building, will help ensure better management of food waste from multi-residential buildings.

Industrial, commercial, and institutional sectors also significantly lag behind residential efforts to divert food and organic waste materials. Region staff recommend that the Ministry take a leadership role in addressing food and organic waste in these sectors. Region staff recommend that targets be set for industrial, commercial, and institutional sectors for food and organic waste reduction and diversion and mandate organics collection programs in this sector.

Newer processing technologies may also help support more diversion of organic waste from challenging sources such as industrial, commercial, and institutional, multi-residential and public spaces. Provincial support for exploring the viability of mixed-waste facilities as a potential approach to divert food and organic material would be helpful. If mixed-waste facilities can effectively separate food and organic waste materials from the garbage stream, this method may be used to capture additional material where source separation is not feasible.

Ensure food industry leaders are leveraged to develop the Framework

Although the Region focuses on the residential sector for food waste programming, staff see a need for collaboration and integration of all sectors across the food value chain. Staff recommend the Ministry look at ways to drive reduction and diversion in the food industry. One issue that needs to be addressed is the cost for disposal of food waste, which is far lower than diversion options. Technical expertise is also needed to find innovative, cost-effective opportunities and solutions. Industry associations like Provision Coalition have done extensive work on food waste reduction, such as their Food Loss + Waste Toolkit for food and beverage companies to implement cost effective reduction strategies, and should be leveraged to help identify solutions and engage the food industry sector.

Food security and Public Health stakeholders must be engaged in discussion about food donation programs

The commercial food industry may look to donation to divert food that is no longer sellable but still edible. Caution is needed in supporting donation programs so that food waste is not simply passed from one sector to another. Region staff recommend a focus on reduction before donation with efforts made to change practices leading to food waste. York Region's Nutrition Services team has concerns about the use of food donation as a means to divert food waste. While this approach may provide a short term solution, it does not address broader economic and social issues underlying food insecurity. If donation is to be part of the Framework, consultation with food security organizations is essential to ensure concerns are addressed. Public Health agencies must also be included to ensure donated food is handled, stored and distributed safely.

Ensure producer responsibility for all end-of-life management costs, regardless of which stream captures the material

Region staff were pleased to see compostable products and packaging included under the Framework. Currently some municipalities accept a limited range of compostable products and packaging through green bin programs. Acceptable materials vary depending on the processing system used by the municipality. Although packaging may be considered "Certified Compostable" under the Biodegradable Products Institute standard, this is not indicative of whether it will break down in municipal systems. Some manufacturers and municipalities have expressed frustration with this issue.

It is recommended that the Ministry explore the feasibility of establishing 'green bin compatible' compostable standards and labelling that align with the most widely used processing technologies in Ontario. As these types of packaging become more commonplace, designating compostable packaging materials as part of the Waste-Free Ontario Act, 2016 would facilitate cost recovery for operating costly green bin programs to manage these and other organic materials. Making producers responsible for all end-of-life management costs regardless of which waste stream the material is captured would help minimize free-riders and promote the Ministry's goals related to a circular economy.

III - Actions to Support Processing Capacity and End Markets for Food and Organic Waste

Streamlining regulatory requirements and approvals processes can increase innovative organics processing capacity that can reduce greenhouse gas emissions

To drive development of increased capacity, it is recommended that the approval process for new facilities support innovative technologies. A simplified approval process is needed for small-scale, pilot facilities. An example of an innovative approach to organics management is co-digestion of food waste and biosolids. Co-digestion of organic food waste and biosolids using potentially available facilities at a wastewater treatment plant should be considered using site-specific factors. Consideration of this option offers advantages including generating renewable natural gas to support on-site processes.

In order to help make these technologies more financially viable, it is recommended that the Ministry take action to stimulate end market opportunities for the products derived from the anaerobic digestion process, specifically biogas (renewable natural gas). Efforts should be made by the Ministry to develop a method to measure the amount of greenhouse gases that are offset by anaerobic digestion facilities and include this technology in the Provincial Cap and Trade program.

Organics disposal ban must consider practical enforcement options prior to implementation

The Region's local municipal partners manage collection of the green bin program. While banning organics from disposal may increase diversion efforts, enforcement of the disposal ban must be carefully considered. Municipal curbside collection programs vary across the province and any organics disposal ban would need to consider impact to municipal budgets, resources and programs. For example, enforcement would be difficult where current collection practices include use of front-end containers at multi-residential buildings, as well as collection of garbage in black bags, etc. If enforcement is to be practical at the curb, municipalities would require time and resources to adjust curbside collection programs and enforcement staff to accommodate such a ban.

Contingency plans for processing interruptions must be in place before a ban on landfilling organics can be implemented

It is recommended that the Ministry work collaboratively with existing organics processing facilities to find solutions that minimize shutdowns when issues arise. There have been a number of service interruptions over the last several years, which can necessitate landfilling of organic material due to limited available processing capacity options/facilities. A landfill ban is not recommended as process/facility shutdowns will result in municipalities being in contravention of the ban for issues out of their control. There is limited ability under most environmental compliance approvals for municipalities to stockpile organic materials, which would leave municipalities without a legal option to manage these materials. It will be critical that any future regulations that restrict landfilling of organic materials also have regard for contingencies in the event of processing interruptions that include a limited amount of landfilling, regardless if sufficient processing capacity is achieved in the Province.

Ensure infrastructure and educational programs are in place before bans or other significant restrictions are implemented

York Region supports a holistic approach to organic waste management. Actions should follow the food waste hierarchy and encourage prevention of food and organic waste first, then support redistribution of food, and finally promote processing of food and organic waste into compost and energy. It is recommended that any food and organics waste plan developed by the Ministry also follow this hierarchy. It is also recommended that the Ministry ensure that effective systems are in place to support any planned actions under the Framework. It is critical that actions, including a disposal ban, not be implemented until convenient diversion programs, adequate processing capacity with sufficient contingency options, clear education, and provincial support for enforcement are in place.

Region staff thank the Ministry for the opportunity to provide a response to the Discussion Paper

Region staff would like to thank the Ministry for considering these comments and for engaging municipalities on the *Addressing Food and Organic Waste in Ontario* discussion paper. Addressing the problem of food and organic waste in Ontario will require strong integrated action using innovative solutions. Region staff welcome the opportunity to further discuss any of the items included in this response.

If you have any questions regarding this response, please contact Laura McDowell, Director, Environmental Promotion and Protection at <u>Laura.McDowell@york.ca</u>.

Sincerely,

Erin Mahoney M. Eng

Commissioner, Environmental Services

The Regional Municipality of York

Copy to:

Municipal Resource Recovery & Research Collaborative Fred Jahn, Regional Public Works Commissioners of Ontario Trevor Barton, Chair, Ontario Food Collaborative

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