

Chair
Terry Obal
Bureau Veritas
Laboratories

Izzie Abrams
Waste Connections

Harry Dahme
Gowling WLG

Michele Grenier
Ontario Water Works
Association

Sonya Gulati
KPMG

Irene Hassas
Aslan Technologies

Greg Jones
Terrapure
Environmental

Denise Lacchin
Golder

Brent Langille
RWDI

Brandon Moffatt
StormFisher

Tim Murphy
Walker Environmental
Group

Paul Murray
AECOM

Grant Walsom
XCG Consulting Ltd.

Derek Webb
BIOREM Technologies

Agnes Wiertzynski
Accuworx

ONEIA
192 Spadina Avenue
Suite 306
Toronto, ON M5T 2C2

Executive Director
Alex Gill

Operations Manager
Janelle Yanishewski

Tel: (416) 531-7884
info@oneia.ca
www.oneia.ca

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Mr. Atif Durrani
Manager, Policy Development
Ministry of the Environment, Conservation and Parks
Environmental Policy Division, Resource Recovery Policy Branch
8th Floor, 40 St. Clair Ave W
Toronto, ON M4V 1M2

email: atif.durrani@ontario.ca

RE: ONEIA Submission to Proposal to amend the Food and Organic Waste Policy Statement (ERO Registry Number: 019-2498)

Dear Mr. Durrani,

On behalf of Ontario's more than 3,000 environment and cleantech firms, the Ontario Environment Industry Association (ONEIA) is pleased to provide our comments on the proposed amendments to the Food and Organic Waste Policy Statement (Policy Statement) along with our general feedback on the next steps in the implementation of the Policy Statement as it is a key pillar of the Government's approach to "Reducing Litter and Waste in our Communities: Discussion Paper" and "Preserving and Protecting our Environment for Future Generations: A Made in Ontario Environment Plan" (Environment Plan).

Ontario is home to Canada's largest group of environment and cleantech companies. The most recent statistics show that Ontario's environment sector employs more than 65,000 people across a range of sub-sectors. This includes firms working in such diverse areas as water/wastewater/stormwater treatment and management, materials collection and transfer, resource recovery, organics processing, composting, recycling solutions, alternative energy systems, environmental consulting, brownfield remediation – to name just a few. These companies contribute more than \$8-billion to the provincial economy, with approximately \$1-billion of this amount coming from export earnings.

According to the Province, Ontario citizens generate nearly a tonne of waste per person every year and our overall diversion rate has stalled below 30% over the last 15 years. ONEIA believes that Ontario needs to reduce the amount of waste that we generate and divert more waste from landfill through proven and emerging methods. It should also be noted that the Province is a leader in North America regarding food and organic waste recovery and processing, which could serve as an example of how we can improve our overall diversion performance.

The processing of these materials supports economically valuable activities, including facilities in the areas of composting, anaerobic digestion (AD), biofuels, animal feed and rendering. Currently, Ontario is home to approximately 76 facilities with a current processing capacity of 2.3 million tonnes per year. This includes 41 compost facilities and

35 AD systems, including 29 on-farm facilities and six off-farm facilities. Additional facilities are coming on-line or in development and this existing and planned infrastructure has made Ontario a leader in North America and has developed expertise that is currently exported to other jurisdictions such as California, British Columbia, Massachusetts, and Quebec. Further development of this expertise can help the Province solidify its position as a food and organic waste diversion leader and support efforts to reduce Ontario's carbon footprint.

Historical feedback provided to MECP by ONEIA on compostables

For context, members of ONEIA are committed to engaging with governments to develop policies and regulations that are consistent with our principles of sound science, a sound environment and a sound economy. ONEIA has provided historical feedback on compostables to the Ministry of Environment, Conservation and Parks (MECP), as our members have considerable experience in the production and management of those products and packaging. ONEIA believes that further dialogue is required as not all compostable materials are made equal, and not all organic processing technologies can handle the same material, thus claims made by manufacturers of the universality of their products' suitability for recycling / reprocessing that are not reflective of actual conditions once these materials enter the organic waste/recovery value chain.

In its previous responses, ONEIA agreed with the Province that it is unclear which products and packaging are compostable, recyclable or require disposal, often leaving the public with mixed messages regarding how to dispose of products.

In relation to the questions that have been asked in those discussion papers on compostables:

- **Making producers responsible for end of life management of their compostable products and packaging:** ONEIA stated that producers of compostable products should be required to work closely with various types of public and private sector organic waste processing infrastructure to ensure that their products break down properly and that accurate information is provided to the public about the compostable nature of their products and packaging. Packaging that is not properly designed (e.g. plastic compostable cups with tinfoil lids) will need additional work by the consumer in order to be recycled (e.g. separating components and depositing them into different bins) and often consumers will not know this. Allowing inappropriately constructed compostable packaging into green bin programs is a slippery slope which could result in confusion for consumers, further contamination at organic waste processing facilities, and additional work or impacts at a landfill or other facilities.
- **Encouraging municipalities and waste management service providers to adjust their processing methods and technologies to support the composting and anaerobic digestion of these materials:** ONEIA did not agree that those receiving waste products should be required to amend / adapt their technologies to suit all materials that claim to be compostable, as technologies to process organic waste vary considerably. Depending on the system design and how the food and organic wastes are managed, the outcome of the compostable products changes. The ability of the material to break down depends on such variables as seasonal

variances, temperature, moisture content, type of technology used to process the material, composting or AD timeframes, etc. Furthermore, materials that break down in aerobic composting do not break down in AD due to decreased biological degradation time or are removed by separation equipment prior to entering the AD process. However, small pieces of plastic would make it through each facility and the degradability of the products and packaging are important as it ensures that we do not produce end products that have foreign material that could end up in our agricultural environment and possibly exacerbating concerns about microplastic contamination of our environment.

- **Requirements for products and packaging marketed as compostable to be certified per a standard that can be processed in Ontario:** There are numerous product standards for compostable packaging available in the marketplace and the inconsistent use of terms such as “biodegradable” and “compostable” cause consumer confusion with how to responsibly dispose of the item. ONEIA agreed that standards for certification are necessary around the compostable nature of a product/package and we have worked with other associations and certifying bodies throughout North America that can support these efforts. We recommended Ontario look to existing standards to ensure we do not duplicate efforts.
- **Reviewing the Guidelines for Production of Compost in Ontario:** Ontario has the most rigorous standards for compost quality assurance in the world, and the Province should continue to focus on the quality of end-product instead of being prescriptive in how facilities process organic waste. ONEIA has long been on the record for outcome-based standards and enforcement and the development of product quality standards for digestate should occur in consultation with the industry related to AD facilities.
- **Requirements for new organics processing facilities to adopt processes and technologies that can effectively manage compostable products and packaging as a condition of their Environmental Compliance Approval:** Organics processing is not a “one size fits all” solution and project developers have great consideration of the type of waste they are handling when they select the technology to process organic waste. Prescribing what technologies and processes, as part of their Environmental Compliance Approval (ECA), that a facility should use would vastly alter the existing and planned infrastructure, impose additional costs and uncertainties, and may move the industry away from the common goal of diverting food and organic waste from landfill and focus on processing compostable products and packaging. We would reiterate that the use of compostable products and packaging is a complement to the main objective and not the primary objective.

Based on this feedback, ONEIA recommended:

- The Province should develop a task force to work with the producers of compostable products and packaging, the waste collection/processing industry, municipalities, etc. to ensure that we have standardized rules relating to the certification bodies that assess the compostable/digestible nature of the products and packaging that we would allow in the Province.

- Extended Producer Responsibility requirements related to these products should be considered to ensure there is no leakage of poorer quality products and packaging into the Province.
- However, if the materials comply with an independent certification or standard, we believe that these obligations could be relaxed or removed.
- ONEIA believes that facility approvals should be determined based on the type of technology that is being utilized. Standards for compostable products are a separate issue that can be addressed through a task force or working group. We strongly believe the Province should not be prescriptive in the approvals process about the type of compostable products and packaging that can be accepted as we believe that the treatment of these materials is the secondary goal and the focus should be on the diversion of food and organic waste from landfill.

Current Consultation

ONEIA understands the growing interest in compostable products and packaging as an alternative to single use plastics; however, this often assumes that these compostable products and packaging can be processed at organic waste processing facilities rather than being sent to material recovery facilities (MRFS) and/or landfills. ONEIA reviewed the proposed amendments to the Policy Statement and developed a series of comments and recommendations for MECP:

1. Certified compostable plastics are single use plastics.
2. Altering the terminology to say “bio-degradable and compostable products and packaging”, which is more inclusive of other organics processing technologies, such as AD, which is widespread in Ontario.
3. The certification process requirements for certified compostable plastics, as it relates to time to decompose (i.e. 180 days), does not align with current processing times at organic waste processing facilities that accept residential and municipal green bin materials. ONEIA has also provided feedback to MECP in the past on the need for continuous improvement on standards related to the compostability and digestibility of these products and packaging. The organic waste processing industry represents various technologies and processes and ONEIA believes that the standards require further development related to the certification of these products in composting and anaerobic digestion facilities. Therefore, given this is a national/international issue, we would suggest that MECP engage with Standards Council of Canada, in concert with the food products/packaging manufacturers and the organic waste processing industry to provide collaborative leadership on this issue.
4. The certification process requirements for certified compostable plastics, as it relates to time to decompose (i.e. 180 days), does align with leaf and yard waste composting facilities.
5. It is unclear why soiled paper products diversion efforts are being downgraded from “shall” to “should”. They are an integral part of food and organic waste diversion programs.
6. It is unclear why soiled paper products (3-5% of the waste stream) which are readily processed are deemed equivalent with certified compostable products

(<0.01%) which are less readily processed and may include similar products which are not at all processible.

7. If compostable products use is expanded, it is unlikely that the compost produced would meet Ontario's stringent requirements for plastic contamination.
8. The manufacturers of compostable products bear ultimate responsibility for the waste management of their products and should bear the costs for changes that would need to be made to processing facilities to accommodate them.

ONEIA has reviewed other issues that may arise for these changes and wanted to provide insight for MECP to consider as it moves forward:

- The Province needs to refocus the activities that will lead to a decision about banning organics from landfill. Without this as a driver, there is little incentive for organics generators to divert materials.
- The Province needs to consider that the inclusion of compostable products/packaging will likely lead to higher costs for organic waste processing and could have the unintended consequence of driving organic waste to landfill rather than to be processed at organic waste processing facilities.
- The Province should review how it measures food and organic waste diversion as it has required municipalities and other organics generators, such as the industrial, commercial and institutional (ICI) sector, to meet 50% to 70% diversion rates. However, the mass balance at organic waste processing facilities yields typically 10-20% residues that are sent to landfill after processing. Organic waste processing facilities are meant to process organic waste; therefore, the organic waste generators should be measured on the full mass balance rather than measuring the diversion at the curb prior to entering the waste management supply chain.
- The Province needs to work with product and packaging manufacturers regarding what is used as a "compostable material" as we have seen producers of products promoting products that do not support the diversion of organic waste from landfill. As an example, Bacardi plans to utilize biodegradable bottles that will break down in compost and the natural environment. ONEIA believes that these types of products do not promote diversion of organic waste and those companies should not be allowed to market their products as compostable.
- It is important to note that the existing organic waste processing infrastructure is primarily designed to process organic waste and remove foreign contamination (i.e. plastics, metals). The removal of the contamination is required to maintain sustainable end markets for the compost and digestates in compliance with federal and provincial regulations. Therefore, the organic waste processing industry intends to separate out these materials and will continue to send them for disposal at landfills or energy-from-waste facilities. However, if compostable products and packaging manufacturers would want these products to be returned to them, the organic waste processing industry is open to

discussing how they may be sent back to designated facilities for further processing to ensure that they can be beneficially utilized.

- ONEIA would suggest that MECP to work with municipalities, food and consumer products/packaging manufacturers and retailers as consumers, in some cases, can only purchase compostable liners rather than paper liners in communities that have clear guidance that only paper liners are acceptable in the green bin.
- If MECP is looking to harmonize the types of food and organic waste collected by municipalities, businesses, and institutions, ONEIA would recommend that MECP proceed with policies that facilitate organic waste diversion in the ICI sector. It would be unfortunate if MECP encouraged businesses/institutions to divert but saw products end up in the landfill regardless.
- ONEIA has no issue related to pilot projects and research targeting the processing of compostable products and packaging to maximize recovery and minimize contamination. It looks forward to working closely with MECP and the compostable packaging industry as this is further developed.
- ONEIA does have concerns related to Per- and PolyfluoroAlkyl Substances (PFAS) and other contaminants of emerging concern (CEC) that may inadvertently enter the green bin program by allowing inorganic contamination of the Province organics stream. ONEIA has collaborated with MECP as they have studied these types of contaminants in digestate and compost and thus would request that any liabilities for this type of contamination be the responsibility of the food and consumer products manufacturer rather than passing this liability onto the organic waste processor. As found in other jurisdictions, PFAS enters organic waste processing facilities through multiple avenues; however, the main source appears to be the packaging. The US FDA completed a voluntary agreement in 2020, where several chemical manufacturers announced that they would phase out one type of PFAS that was found in food packaging. Therefore, MECP's concept of "certification" is important and requires further dialogue.
- ONEIA is asking for clarification with respect to the inclusion of "pet food waste". Pet food waste is typically considered a product that moves into the animal feed sector as a commodity. In addition, we would ask whether the intent to include "pet waste"?
- ONEIA recommends that MECP continue to engage with other jurisdictions on compostables to ensure that it is taking a holistic approach. As an example, the European Environment Agency has put considerable effort into the development of a policy paper on "Biodegradable and Compostable Plastics – Challenges and Opportunities" that mirrors similar efforts in jurisdictions such as the United Kingdom and California.

Summary

ONEIA is pleased to see that MECP is taking a number of key steps in order to move forward with the Policy Statement including compostables and the implementation of the other actions outlined in the framework (i.e. disposal ban). These next steps include

indicating that municipalities and organic waste generators have to comply by 2023 and 2025, respectively.

ONEIA is supportive of MECP's outcomes-based approach that provides flexibility in meeting the direction of the Policy Statement. In relation to the broader food and organic waste framework, ONEIA believes that MECP needs to continue to work with other ministries including, but not limited to Ministry of Agriculture, Food and Rural Affairs (OMAFRA), Ministry of Energy, Northern Development and Mines (MENDM), Ministry of Municipal Affairs and Housing (MMAH), Ministry of Economic Development, Job Creation and Trade (MEDCT).

ONEIA believes that the Province needs to focus on the efficient use and management of land and infrastructure, including the protection of environment and resources while ensuring opportunities for economic development and job creation and that appropriate transportation, water, sewer, and related infrastructure is in place to accommodate current and future needs. We see an opportunity, however, to supplement calls for infrastructure investment with additional measures that can address land use planning related to resource recovery infrastructure, including organics, recycling, and other waste disposal infrastructure.

ONEIA looks forward to working with the Province on the continued implementation of this Policy Statement as well as next steps in the "Reducing Litter and Waste in Our Communities: Discussion Paper" and the Environment Plan. We feel it has identified the aspects of greatest importance and priority within the Policy Statement and areas where our member companies can provide the most support. ONEIA believes that time is of the essence and we will collaborate with the Province in an expeditious manner with respect to advancements of actions identified within this response.

We welcome the opportunity to discuss our ideas further. Please feel free to contact me at agill@oneia.ca or at (416) 531-7884 should you have any questions.

Yours truly,

A handwritten signature in black ink that reads "Alex Gill". The signature is written in a cursive, flowing style.

Alex Gill
Executive Director