

July 4, 2025

Ontario Ministry of Environment, Parks and Conservation

To whom it may concern:

Re: Proposed amendments to the Blue Box regulation (ERO 025-0009)

We hereby comment on the proposed amendments to the Blue Box regulation (ERO 025-0009), and urge the province to return to the drawing board to ensure that waste reduction is prioritized in any changes to the extended producer responsibility regime.

The following principles must guide an effective producer responsibility program for the Blue Box:

1. Set and enforce high management targets that increase over time.
2. Ensure the targets incentivize reduction of packaging material.
3. Hold each producer liable for meeting those targets to ensure full producer responsibility.
4. Require producers to internalize the costs of managing their materials: no eco-fees.
5. Require collection and management of materials across the province from every residential source as well as Industrial, Commercial and Institutional sources (as in Quebec and several US jurisdictions).
6. Ensure the Resource Productivity and Recovery Authority (RPRA) has independent regulatory, oversight and enforcement powers to ensure producers meet the requirements of EPR regulations.

The changes proposed under ERO 025-0009 violate the principles of effective extended producer responsibility and will intensify waste generation and pollution in Ontario. It appears they serve only one set of interests: producers concerned about the short-term bottom line who wish to continue to externalize the costs of their wasteful practices onto the people of Ontario and the environment.

The proposed changes would break the promise made by producers and the government to shift the burden of costs from municipalities while ensuring sustainable and enhanced waste reduction and recycling of packaging waste.

We ask that the government withdraw these proposed amendments and work with a broader set of stakeholders to get to the bottom of Ontario's

packaging waste dilemmas. The trade war with the U.S. highlights the inefficiencies of a system that relies on materials criss-crossing the border multiple times as single-use packaging and waste. This is an excellent moment to consider the wastefulness of the current approach and exploring opportunities to create local jobs that keep materials in the economy instead of in the dump or the waste burner.

Packaging drives nearly half of all plastic waste in Ontario.¹ Virtually none of this packaging is designed for reuse and the vast majority is also not fit for recycling. In the period since Ontario's *Resource Recovery and Circular Economy Act* (RRCEA) came into force, this trend has only accelerated—despite promises by several retailers to eliminate non-recyclable and non-compostable packaging by 2025.²

We hoped that the coming into full force of the EPR regulations for Blue Box materials would finally start to buck the wasteful and polluting packaging trend. However, we believe these proposed changes to the regulations will lead to a backslide in outcomes, taking us back to an era before the RRCEA. Unlike municipalities that strove to meet waste diversion targets for packaging long before the RRCEA came into force, producers would now be exempt from target enforcement until at least 2031.

Specifically, we urge the province to **abandon proposed amendments** to:

- *Delay recovery targets for paper, metal, glass, rigid plastic, and beverage containers by 5 years.* If a delay due to supply chain disruptions resulting from the trade war with the U.S. are warranted, the timeline must be tighter. These targets should be enforced within 2 years (2028).
- *Reduce the target for flexible packaging to 5 per cent from 25 per cent.* This change effectively acknowledges that flexible packaging cannot be recycled or reused. We therefore need a transition away from flexible packaging for virtually all purposes, not a relief of regulation that will allow this wasteful material to continue to grow largely unimpeded.
- *Allow "energy-recovery" to count towards diversion.* This would represent a reversal of circular economy principles, which identify the burning of materials as unacceptable, and incentivize an increase in disposable packaging and a decrease in investments for collection, sorting, and recycling or reuse. Further, burning more packaging waste would lead to health and environmental harms in Ontario.

¹ Statistics Canada,
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3810015001&pickMembers%5B0%5D=1.7&pickMembers%5B1%5D=2.5&cubeTimeFrame.startYear=2012&cubeTimeFrame.endYear=2021&referencePeriods=20120101%2C20210101>

² <https://environmentaldefence.ca/report/left-holding-the-bag-plastic-packaging-in-grocery-stores/>

- *Remove "away from home" collection of beverage containers.* This proposal is an acknowledgement that the Province has failed to work with beverage producers and other stakeholders to implement deposit return, an effective program that all other provincial jurisdictions in Canada enjoy, save Manitoba. As a result, we estimate nearly 2 billion plastic beverage containers each year, and even more aluminum cans will continue to end up in landfills, incinerators or the natural environment as litter. This move would keep Ontario in last place when it comes to management of beverage containers.
- *Remove the planned expansion for public space collection.* We cannot fathom any reasonable justification for this change. Packaging put on the market by producers is a highly littered material. Why should municipalities—and the property tax base—continue to be on the hook for producers' harmful packaging choices?
- *Remove planned expansion for multi-residential buildings, schools and specified long-term care homes and retirement homes.* This change would further undermine the principle of extended producer responsibility. Already, under the existing regulation, producers are only responsible for less than half of the material they put on the market. Together with the changes noted above for beverage containers consumed away from home and public space collection, producers would be responsible for much less of their wasteful material. Further, this proposed change is deeply unfair to residents of multi-residential buildings—including apartment and condominium buildings and retirement and long-term care homes. These residents would be forced to continue to cover the costs of packaging waste collection through their rents or fees, even as all other residents in the province get producer-paid collection.

If these changes are made, the province will have simply created a secondary and privatized waste collection system across the province for packaging materials from most, but not all, residential dwellings. The changes will worsen waste reduction and diversion—and environmental outcomes—while increasing costs.

This makes no sense. The province must go back to the drawing board with an expanded set of stakeholders and renewed commitment to waste reduction. We would be pleased to participate in good-faith discussions to this end.

Sincerely,

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