

July 3rd, 2025

To: Environmental Registry of Ontario

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

Community Action for Environmental Sustainability (CAFES) represents a network of Ottawa-based organizations, experts and community actors working to support environmental sustainability in our city and beyond. We are deeply concerned about the proposed amendments to the Blue Box Regulation (ERO 025-009) under *the Resource Recovery and Circular Economy Act, 2016*. They amount to nothing more than a capitulation to industry and if implemented, they would mean a significant step backward in terms of waste reduction and the transition to a circular economy in Ontario.

The stated rationale for these amendments is that the Regulation's requirements represent additional costs for producers. However, that is in fact the whole point of EPR, to transfer the burden of waste and pollution away from taxpayers to those who are responsible for creating the waste and thereby incentivizing smarter product and packaging design.

Regarding the specific proposed amendments, we have the following responses.

1. ***Delay recovery targets for paper, metal, glass, rigid plastic and beverage containers by 5 years:*** Producers have already been given a transition period of 5 years since the passage of the *Blue Box Regulation* in 2021 in which to plan for the implementation of mandatory recovery targets. Bailing them out at the last minute with a 5-year delay will only lead to moral hazard and allow them to continue in their wasteful practices, with no consequences for their inaction.
2. ***Remove planned expansion for multi-residential buildings, schools and specified long-term care homes and retirement homes:*** These are all important sources of Ontario's landfill waste problem and hence represent huge opportunities for waste diversion. Missing this significant source of waste would dilute the impact of the Blue Box regulation and would create a two-tier system that would be unfair to multi-residential building residents, who would not benefit from producer-paid collection, and end up paying through their rents or fees.
3. ***Remove "away from home" collection for beverage containers:*** Again, this would only let producers off the hook for their responsibility to recover beverage containers in public places, which would contribute to significant capture losses. Deposit-return systems for beverage containers are used successfully across Canada, in Europe and elsewhere, and are a proven solution for producer-funded bottle collection and solves the contamination issue.
4. ***Remove planned expansion for public space collection:*** This is where waste escaping into the environment is most likely to occur. Technologies exist, including "smart"

collection bins that ensure proper waste streaming in public places. EPR is meant to drive design simplification, which should also reduce and simplify categorization of waste in public places. There is no justification for removing this critical requirement.

5. ***Reduce and delay the recovery target for flexible plastic:*** Reducing the recovery target to 5% (the current diversion rate) effectively means that there is no plan in place for flexible plastics. There are however businesses that use certain hard-to-recycle flexible plastics as inputs (in the construction, outdoor furniture and decking and landscaping sectors primarily) without resorting to harmful chemical recycling. These should be pursued rather than reducing the recovery target.
6. ***Allow energy recovery to count towards diversion:*** The proposed allowance of up to 15% of a producer's recycling target to be met through incineration goes completely against circular economy principles, and the main purpose of EPR. Energy recovery does not constitute recycling. The Canadian recycling standard (CSA R117:24) provides the most up-to-date and authoritative definition of recycling, which is "the processing of waste materials to produce secondary materials from which new products are made" and which explicitly excludes waste-to-energy incineration.

In conclusion, these proposed amendments will, if implemented, lead to increased waste generation and pollution across Ontario. Given that the whole purpose of EPR is to increase costs for producers to disincentivize waste, the stated rationale for these amendments (that they are too expensive for producers to fund) lacks credibility, particularly given the five years they have already had to prepare for the Regulation's roll-out in 2026.

We therefore respectfully request that these amendments be withdrawn in their entirety.

Sincerely,

Kate Reekie

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