

Via email

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Dear Mr. Drew,

January 15, 2018

Re: Food and Organic Waste Framework, EBR 013-1814

Please accept the following as the joint submission of the undersigned environmental and health public interest groups in response to Ontario's Proposed Food and Organic Waste Framework.

Our environmental organizations have long advocated for the development of laws, regulations, and policies aimed at preventing or avoiding waste creation, implementing the 3Rs, maximizing waste diversion, and ensuring that residential waste is managed in an environmentally sound manner that avoids the generation and release of toxic chemicals from production/destruction processes and consumer products.

Summary

Overall, we support the direction of the Proposed Food and Organic Waste Framework and encourage timely implementation of the Framework to work towards the "zero waste" goal entrenched in the Strategy for a Waste-Free Ontario. We are pleased that the link between organics and wasted food and climate change has been identified and are optimistic that this Framework will contribute to reducing greenhouse gases and achieving Ontario's reduction targets identified in the *Climate Change Mitigation and Low-carbon Economy Act*.

We are in strong support of a disposal ban on organic material, and we believe that, in combination with diversion requirements, this will result in increased organics diversion. It is crucial that the food waste hierarchy is adhered to, ensuring that regulations and measures put organic material and food to the highest and best use - reducing wasted food, feeding people, feeding animals, and recycling nutrients to our soil.

Below we outline our comments on the objectives in the framework including the government action plan and policy statements.

I. General

Ontario Food Recovery Hierarchy

The food recovery hierarchy needs to be top of mind in all discussions related to food and organic waste. The hierarchy should be a catalyst to incentivize a change in behaviour in how food and organics are separated. The hierarchy should recognize that end results of certain wastes are higher in value than others. These wastes should not be incinerated as biomass or used as land cover; rather, higher value organics and food should be put to a use equal to their value.

Targets

We support the proposed food and organics reduction and recovery targets for municipal, multi-residential and IC&I buildings outlined in section 2 of the proposed policy statement. The proposed targets and timelines provide sufficient incentive and time for each of the affected groups to plan for and make the changes. Clear and reliable audits and reporting on food and organic waste generation and waste reduction plans are essential to demonstrate that the targets have been achieved.

II. Reduce Food Waste

Education and promotion is essential to ensure a change in behaviour by both business and consumers. We support the proposal to require that manufacturers, businesses and municipalities develop and participate in education and promotion. We also support the proposal that businesses will be required to conduct waste audits and create plans to reduce food waste.

Surplus food rescue

Consistent with the food and organic waste hierarchy, we are in strong support of efforts to redistribute surplus food. However, it must be said that the redistribution of edible food, and the use of food banks, is not a long term solution to hunger or food insecurity, and should not be relied on as a solution to economic inequality. Further, most food rescue now occurs via voluntary and non-profit organizations. However these groups require additional funding and infrastructure to continue operations at the current scale, and would require much more investment and support to scale up to be a province-wide solution to reducing food waste. Ontario needs to champion efforts to develop and support the infrastructure for food redistribution.

The businesses and institutions that avoid disposal costs by participating in food rescue and redistribution programs should bear some or all of the costs and responsibilities of these programs. In fact, food manufacturers, wholesalers and retailers are experts in timely and safe handling for food distribution, and as such, these entities are suited to playing a larger role in the collecting, storing and transporting surplus food, and should not simply offload the costs to non-profit food rescue organizations.

It must also be noted that food rescue and food redistribution is not restricted to non-profit and charitable organizations. Encouraging food rescue among the ICI sector is an important part of the framework. The proposed policy statement 3.6 encouraging businesses to build relationships with food rescue organizations should be modified to encompass for-profit businesses and others that are participating in food redistribution. Revising this policy statement will ensure that the ultimate goal of not wasting food is being met and will be expansive enough to involve a cross-sector approach to food waste prevention.

Data collection and reporting requirements

We support the development of data collection mechanisms to ensure that progress is being made toward Ontario's "zero waste" goal. Ontario needs to prioritize development of a data collection mechanism to help track organics and food waste, including how much is generated, how it is managed, and how effective the Framework has been at reducing food waste, assessing the effectiveness of behaviour change, and improving Ontario's policies by looking at data trends. The data collection mechanism should be standardized and be required to be used by the IC&I sector to ensure the data is reliable, accurate and useful. This data should be publicly accessible to increase transparency and public confidence, to support research, and support evaluation and analysis by the public and decision-makers.

III. Recovering Resources from Food and Organic Waste

We strongly support the proposed policy statements that direct municipal governments, owners of multi-residential buildings, and Ontario's IC&I sector to collect and divert food and organic waste. This is a crucial step to getting organic waste out of the disposal stream and we feel that it is essential that all Ontarians have access to organics diversion tools at home, work and play.

The proposed policy statements exclude small municipalities and businesses that create small amounts of food and organic waste. To truly work towards the goal of zero waste, we support the review of policy statements and targets within 10 years with the goal of revising the size thresholds or targets for municipalities and businesses to eventually lead to organics diversion and reporting requirements for all businesses and residents in Ontario, regardless of size.

Municipal food and organic waste resource recovery

Many Ontario residents do not have access to organics collection and diversion at home. We support the policy statements that direct municipalities and multi-residential building owners to maintain and implement organics collection and diversion programs.

A number of Ontario municipalities have had curbside or other organics programs for a number of years, demonstrating that these programs are effective. While much more work needs to be done to fully divert all organics, the direction to municipalities to implement organics collection for single family residential customers is an essential starting point. These policies are necessary to push those municipalities that have not yet implemented organics diversion programs and they will ensure that more Ontario residents are able to divert food and organic waste at home.

Multi-residential food and organic waste resource recovery

We also strongly support the efforts to increase resource recovery in multi-unit residential buildings. Unfortunately, while organics make up a larger percentage of household waste in multi-residential buildings than in single family homes, many residents in apartments, condominiums and co-operative buildings across Ontario do not have organics collection.

We support the proposed action in the Framework to review the Building Code to ensure that all new buildings provide equal or better access to diversion services than disposal. Requiring buildings to have, for example, more than a single garbage chute is important, but we encourage the building code review to consider how our waste systems will evolve and to also include requirements for accessible and flexible space (e.g. a 'recycling room') to ensure buildings are ready for new diversion programs in the decades to come. As the Building Code will only apply to new buildings and major renovations of existing buildings, Ontario needs to do more to encourage existing buildings to increase their resource recovery.

We support the proposed policy statements that require building owners to provide organics collection and diversion for all buildings. This will ensure equal access to diversion services and an opportunity to reduce waste for all Ontario residents, regardless of where they live.

Industrial, Commercial & Institutional food and organic waste resource recovery

We support the proposed actions and policy statements in the Framework that address food and organic waste in the IC&I sector in Ontario. This sector generates significant amounts of food and organic waste and a range of actions and policies are needed to help this sector recover organic resources and reduce waste.

Revising the 3Rs Regulations to include food and organic waste

Ontario's 3Rs Regulations need to be amended to include food and organic waste. Ontario's 3Rs regulations outline responsibilities for the IC&I sector to reduce and divert waste, however they have been largely ineffective. Gaps in the regulations, and lack of enforcement has meant that many businesses and institutions have inadequate recycling and waste reduction programs and plans. We urge the government to expedite the review and revision of the 3Rs regulations in regard to organics as well as all waste types, and to include revisions to improve enforcement.

IC&I resource recovery policy statements

We support the proposed policy statements and targets for the IC&I sector to reduce and recover food and organic waste. Standardized reporting and data collection from the IC&I sector is essential to inform policy makers and decision makers in efforts to reach zero waste in Ontario. We support requirements to measure food and organic waste and implement waste reduction plans, and to redistribute surplus food to prevent waste.

We also support the requirements for IC&I generators to demonstrate that they collect and divert food and organic waste. Holding businesses and institutions accountable for the food and organics waste generated at their facilities will have a great impact on measuring and eliminating wasted food, redistributing surplus food, and collecting organics for diversion. This not only diverts valuable food and organic waste towards beneficial uses, but it ensures that Ontarians have access to organics collection everywhere, improving public confidence and education.

Disposal Ban

We applaud Ontario's intention to ban organics from all forms of disposal in Ontario. Far too much valuable organic material is sent to landfill and incinerators in Ontario, wasting resources and causing environmental harm. A province-wide ban sends a clear signal to the public and to industry that Ontario values organic resources and is taking serious action to reduce greenhouse gas emissions. Ontario should begin consultations on a disposal ban as soon as possible to ensure that communities can prepare for the necessary infrastructure and capacity needed to manage the additional volumes of waste being diverted.

Any disposal ban must include robust enforcement mechanisms, and a plan with the appropriate timing and measures to be phased in carefully, to ensure that municipalities are ready, and that organic waste is not simply illegally disposed of and/or pushed out of Ontario to neighbouring provinces or the United States.

Compostable Products & Packaging

We are very concerned with the proposed policy statements on compostable products and packaging. Compostable products and packaging present a host of problems for municipal

and other waste management systems: ‘compostable’ plastic is indistinguishable for the consumer from conventional plastic, and can contaminate the recycling stream. Compostable plastic should be strictly regulated, and education programs should be put in place to help achieve high diversion rates.

The Organics Framework should be consistent with the spirit and intention of the *Resource Recovery and Circular Economy Act* (RRCEA) and ensure that packaging and products are the responsibility of the product stewards. However, as written, the proposed policy statements in section 5 put the responsibility on waste processors and municipalities to accommodate changing packaging in their systems. To be consistent with the RRCEA, the product stewards must be held responsible for demonstrating that their products are being effectively recovered at the end of life. For example, producers would have to adhere to the processing and composting systems already in use by municipal governments, assist in creating the systems that can manage their products, or find an alternate collection or processing system.

IV. Support Resource Recovery Infrastructure

Streamlining approvals

While we agree with the need to make effective, safe, and environmentally beneficial facilities get approved faster, eliminate confusion and encourage innovative pilot projects, we caution against reducing regulatory burden at the expense of environmental and human health. The approvals process is an important means of protection for environmental and human health, and applications should be carefully reviewed to determine whether the proposed activity will result in impacts on natural resources or public safety. New approaches and processes to facilitate approvals, such as registration, should only be used for low risk activities with very little chance of causing adverse effects to the environment or public health and safety. This is an integral component of an effective regulatory framework.

We support the continued use of technology to streamline and expedite the approval process, provided this does not compromise the level of scrutiny and review of applications by the government. Ontario should also continue to look at the underlying causes of delays in the permitting process and find solutions that address these underlying causes. The approvals process should not be expedited if the delays in approvals stem from incomplete applications or staff capacity. As part of modernizing the regulatory framework, Ontario should continue to devote resources to outreach and public education to ensure that applications are filled out completely and correctly.

Changes to the approvals process should also not interfere with any public notice and third party appeal rights under the Environmental Bill of Rights. The public’s input into the

government's decision-making process should not be jeopardized to save time and money for businesses. In addition, Ontario should ensure that cumulative effects are considered and integrated into decisions regarding whether to issue approvals.

Urban community composting

Any changes to the approval process, including using predetermined setbacks and standards, must take the urban environment and the context of community composting into account. Many existing setbacks are not practicable in cities and they do not reflect the mitigation strategies that urban practitioners use successfully. Community mid-scale composting is a low-risk activity that already occurs in municipalities across Ontario at community gardens and farms to manage local organics and help to restore soil health. Community composting also provides direct education and learning opportunities, and helps connect Ontarians to the value of healthy soil. A modern regulatory approach should recognize the unique situations of composting in an urban environment, which could involve encouraging municipalities to come up with their own standards for small operations in an urban setting. Ontario should ensure that their regulatory approach for low-risk, small-scale operations are scale-appropriate.

Standardized training for owners and operators

We support the proposal to require owners and operators of resource recovery systems that undertake composting and anaerobic digestion to be required to undergo training. However, we emphasize that training should be scale-appropriate, especially for community composting operations. Community composting needs to be encouraged and certification should not be required for low-risk activities. Instituting such a requirement creates a prohibitively expensive barrier for not-for-profit and charitable organizations to undertake community composting.

Review of D-Series Land Use Compatibility Guidelines

We support a review of the D-Series Land use Compatibility Guidelines. Scale-appropriate guidelines should be developed that recognize community composting as a low-risk activity and accommodate the unique conditions of urban environments. In addition to the guidelines, a framework that supports operators to develop a nuisance-mitigating operational plan would be welcome.

V. Promoting Beneficial Uses

In keeping with the goals for zero waste and a circular economy, all efforts to promote beneficial uses of recovered organic resources should adhere to a hierarchy that puts the recovered resources to the highest and best use.

Compost Quality Standards

We are generally supportive of Ontario promoting the use of organics in compost and supportive of reviewing and updating Ontario's Compost Quality Standards and Guidelines to provide standards for anaerobic digestion processes. These standards must be updated to ensure that environmental and human health is protected not only from heavy metals, but also from persistent and bioaccumulative substances. Many persistent, bioaccumulative and toxic chemicals and heavy metals are associated with a range of adverse health and environmental impacts. The Compost Standards focus specifically on heavy metals but do not include limits for many other persistent toxic substances. There may be uptake of these toxic substances when compost products are applied to agricultural lands for food crops that may be relevant for application of compost under Category B of these standards. Widespread education on the full range of soil health beyond NPK nutrients and tillage is critical.

Renewable Fuels

The Proposed Food and Organic Waste Framework includes support for development of renewable natural gas infrastructure. We suggest that the Food and Organic Waste Framework be considered during the work to develop the proposed Renewable Fuel standard for Gasoline, and the federal Clean Fuel Standard Regulatory Framework to meet the shared goals of reduced GHGs. We also recommend that as Ontario begins consultations on RNG, any successful RNG project should be required to demonstrate significant net reductions in GHG emissions and should show how they plan to address carbon dioxide gas and other by-products. Integrating these strategies presents a strong and timely opportunity to support the province's goals for waste diversion, climate change mitigation, technological innovation, and preventing potential negative impacts on human and environmental health.

With Ontario considering new regulations to raise the minimum ethanol content in gasoline to 10%, supporting innovative and cost-effective ways to produce ethanol and other renewable fuels from organic waste may become increasingly important. Whether or not this minimum content requirement is raised, producing renewable fuels like ethanol from organic waste rather than relying on crop-based sources is a far more efficient use of resources. Using organic waste also reduces indirect land-use changes, which could result from growing crops like corn exclusively for ethanol. In light of this, we also suggest that quality standards to support safe end products from anaerobic digestion should incorporate fuel production as a potential beneficial use.

Government Procurement

We believe there is a strong and important role for provincial and municipal governments to lead by example for all aspects of food and organic resource recovery through green procurement policies. We support the proposed action plan to support the development of local end markets for food and organic materials through procurement policies.

Ontario should expand this procurement policy to support other aspects of the framework, including efforts to reduce food waste and divert organics. For example, all Provincial facilities, offices and institutions should have food and organic waste reduction plans, diversion programs and report on their progress. Contracts and purchases for catering and food services should include requirements for service providers to adhere to food waste reduction plans, redistribution efforts and to demonstrate that organics are diverted from disposal.

Carbon offsets

If carbon offsets are to be used to support the development of additional processing capacity for food and organic waste, these offset protocols must not take the place of more strict regulatory tools. While it is important to support the development of infrastructure that will reduce the greenhouse gas emissions that result from organic waste ending up in landfills, it is also important that any offset protocols developed under Ontario's cap and trade program meet the program's strict requirements that offsets are real, additive, verifiable and permanent. As Ontario offset credit regulations roll out new protocols, proposed regulations such as a ban on disposal of organics should factor into this process.

For example, Ontario needs to ensure that offset credits generated through the new Landfill Gas Protocol will not interfere with the timing or extent of the ban on organics disposal. This recently-released protocol guides the creation of offset credits under Ontario's cap-and-trade system through capturing methane created by organics in landfills, and would incentivize methane capture in landfills of a certain size. Larger landfills are already required to capture methane and are ineligible to sell offset credits for this activity.

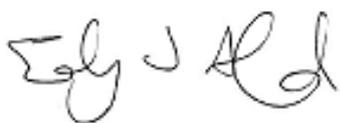
The proposed ban on disposal of organics would effectively create a much stronger regulatory tool to achieve the same result (among many others) as this offset protocol: reducing methane emissions from landfill sites. During the proposed consultation period for the ban, Ontario should take steps to review and modify the Landfill Gas Offset Protocol to ensure it does not interfere with the proposed ban, and to ensure it remains additive.

We also agree that minimum renewable natural gas content will be an effective way to encourage innovation in renewable natural gas industries. A ban on organics disposal would impact the additionality and permanence of any offsets that are developed. If there is a role for offset protocols, it must not interfere with the timing or extent of the ban on organics disposal. Additional consultation with all stakeholders, in conjunction with those working on the cap-and-trade offset protocols, may be necessary on this particular element of the program given the potential impact to the goals of reducing greenhouse gases.

Conclusion

The Proposed Food and Organic Waste Framework is a good first step for Ontario in achieving its “zero waste” goal. Every Ontarian deserves to have the mechanisms and infrastructure in place to ensure that their food is not going to waste. As such, we strongly support the disposal ban of organics and the diversion requirements for cities, multi-unit residential building and the IC&I sector. We urge expedience in implementing the proposed timelines to ensure that the proposed targets are met, and recommend that the proposed timelines either stay the same, or be expedited.

Sincerely,



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