



October 14, 2021

ZWBC Feedback on the proposed SABC Accessibility Standard

Thank you for providing the opportunity for Zero Waste BC to comment on this document. Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste is defined as the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health. Extended Producer Responsibility (EPR) will be an important part of the Zero Waste journey and so the EPR system needs to be robust and effective.

Accessibility as an Issue

First, we agree that accessibility is an important feature of any program's service. It has long been problematic for municipalities that when EPR programs are rolled out, smaller communities are often neglected, and while the residents and businesses pay EPR fees on their purchases, they often have little or no service for collection. As costs are usually higher to provide service to these communities (having smaller volumes and longer transport distances), these are often the very communities who do not have any pre-existing recycling or material recovery options for products before the addition of them to the *Recycling Regulation*. These smaller communities with a smaller tax base also have fewer staff working on solid waste. With the current patchwork of service for each program across BC and lack of a strong enough regulatory drive for accessibility, many smaller communities continue to bear the full costs of end of life of these products or end up subsidizing the programs (through provision of staff, space, equipment and sometimes communications tools) to be able to get service.

The concerns of local governments regarding this have been documented in the BC Intermunicipal Working Group on Zero Waste's [2017 Discussion Paper](#).¹ That paper made requests for the province to improve EPR systems by:

- Ensuring service in more rural areas or even mail back systems. Change outcomes to require service where products are sold. Require Regional District specific depot coverage plans. Have an RD-by-RD discussion to set minimum depot numbers and locations for each one based on population but also flow of commerce and waste. (B39 2011 –access for consumers in small and rural communities (B62 2014 MMBC expansion, UBCM Policy Paper 2012, B28 2012, A6 2014, B24 2014, B29 2016).²

¹ Accessed at <https://bczerowaste.files.wordpress.com/2017/03/bc-zw-discussion-paper-february-20171.pdf>

² The numbered references here refer to the Union of BC Municipalities resolutions passed over the years



- The Ministry of Environment implementing financial penalties for non-compliance (recommendation from the BC Attorney General report on product stewardship).
- Setting recovery rates by product type or materials class (not combined).
- Requiring better quality reporting on more comprehensive suite of outcomes.
- Having higher targets for programs renewing plans so there is continuous improvement – (UBCM Policy paper on PPP recommends a target of 85% applied to each subcategory (not a composite target) and to apply to each local government (not a provincial average)).
- Addressing the litter problem of beverage containers by increasing the deposit rates and ensuring that the incentive level at least keep pace with inflation or as adequate to drive desired behaviour.
- Adding requirements for more local government and stakeholder input.
- Including options for return to retail, depot, curbside.
- Eliminating charges at drop off sites as a key goal and ensuring that local government landfills and transfer stations are compensated as citizens will still bring materials there even if they are not official drop off locations.
- Looking at how to set fair compensation policies for local government and all service providers, (B33 2010, UBCM Policy Paper 2012) perhaps using the BC Utilities Commission model or something else. An independent third-party analysis will ensure that local governments are not subsidizing EPR programs and that costs are adequate and accurate for the recovery of materials.

Background

EPR is a concept where the producers are responsible for their product from creation until end of life. The *Recycling Regulation* is the regulatory tool that is used in BC to ensure that producers of specified products and packaging provide the extended service. The intended result is products that are better designed, that have lower environmental footprints, that last longer, that are serviced and repaired, and that are diverted from the waste stream at end of life to be reused, repaired, recycled or materials recovered. Municipalities have a shared interest in this, as waste services often fall to them, and while they manage the waste, they have no control over what products gets produced and introduced into their area. Thus, they have an interest in reducing waste. EPR is intended to shift the externalized costs of waste and wasted resources back to the producer who created them.

BC's *Recycling Regulation* is outcome-based, but without additional clear outcomes or financial and other consequences for underperformance, there is little incentive for a program to strive toward providing a comprehensive BC-wide service. Currently the *Regulation's* only detailed outcome is a 75% collection target. Clearly more defined outcomes and stringent targets are needed for programs to live up to the intent set out in the Canadian Council of Ministers of



Environment (CCME) [Canada-wide Action Plan for Extended Producer Responsibility](#), which is the guiding document for EPR in Canada, and to which BC is a signatory.³

The CCME plan notes one responsibility of government is to “ensure that programs operate fairly in accordance with other regulations and policy and do have interests in **ensuring the public has free and reasonable access to the program.**” Producers’ role includes work to “improve the environmental performance of their products and have an interest in operating programs efficiently and effectively while at the same time **meeting the performance measurement targets** which are set by government.” Consumers “have a responsibility to participate in EPR programs **provided that access to the program is convenient.**”⁴ Two key principles are, “costs of program management are not borne by general taxpayers” and “consumers have reasonable access to collection systems without charge to maximize recovery opportunities.” The plan recommends a metric of kilogram per capita captured. The plan does not include an accessibility metric or standard as it focuses on the outcome of the kg/capita target, which, if high enough, would mean an accessibility standard would not be necessary as there would be a significant drive for the programs to collect as much material as possible. An outcomes-based approach assumes that setting a high target, while not dictating the process, will allow the creativity of businesses to come up with the most efficient system to deliver upon the target. The plan does note differing local conditions and highlights “some operating EPR programs, for example, have developed internal operational subsidies to ensure there is **equal access to the program and a sustainable collection system from remote, small or rural communities.**” The plan also emphasizes that “stewardship plans should address the full life cycle of the designated product and must assume **full financial and operational responsibility** for the collection of the end-of-life management of the designated product(s)”, “programs should be structured to ensure fees to manage products reflect the **actual costs** of the end-of-life management of that product and are designed to provide incentives for improved environmental product design and performance“, and that EPR program plans should have “**special provisions for remote or rural areas served.**”⁵

³ The objectives noted in that document are: “The Canada-wide Action Plan for EPR would seek the adoption by producers of full life-cycle cost accounting for their products. This would see the costs of the end-of-life management of products treated similarly to other factors of production and incorporated into wholesale and retail product prices. Successful EPR shifts the expenses associated with product end-of-life management from taxpayers to producers and consumers and reduces the amount of waste generated and going to disposal. In addition the Action Plan seeks to reduce the toxicity and environmental risks from products and product waste and to improve the overall life-cycle performance of products, including reducing associated greenhouse gas emissions.”

⁴ Emphasis ours.

⁵ Emphasis ours.



Recycling Regulation⁶

The *Regulation* says that a producer must have an approved plan or comply with section 3. This plan needs to aim for at least at 75% collection rate (for each product category) within a reasonable time. It also needs to plan for covering the collection and management costs, reasonable and free consumer access to collection facilities or collection services, making consumers aware of the program and services, eliminating or reducing the environmental impacts of a product throughout the product's life cycle, and the management of the product in adherence to the order of preference in the pollution prevention hierarchy. It also has specific requirements for PPP for curbside and municipal streetscape service. Plan approval depends on different factors including “the provision of convenient options for the collection of products in urban centres **and** small, isolated communities, and for persons with disabilities or who have no access to transportation”. Annual reporting must include “the location of the producer's collection facilities, and any changes from the previous report in its collection facilities and collection services, including the number and location of collection facilities”.

The *Regulation* is mostly silent on what accessibility is needed with the exception of producers who choose to provide their own service (Section 3), for which it requires:

“(3) If a collection facility is operated at a location other than at the premises of a retailer who sells the producer's products, the producer must locate the collection facility

- (a) within 4 kilometres by road from the retailer's premises if the retailer's premises are located in a municipality that has a population greater than 25 000, or
- (b) within 10 kilometres by road from the retailer's premises if the retailer's premises are located outside a municipality that has a population greater than 25 000.

(4) A producer must make its collection facility

- (a) available without charge to any consumer who wishes to return unlimited quantities of products within the product categories the producer uses in a commercial enterprise, sells, offers for sale or distributes in British Columbia, and
- (b) operate during regular business hours, 5 days per week, one day of which must be Saturday.”

This shows a requirement based on service near the point of sale, with a distance of no more than 10 km and a requirement for hours of service suitable for convenient access.

SABC Proposal

With the CCME EPR plan, the *Recycling Regulation* and the SABC proposed standard in mind, the proposal falls short in many ways, which we will outline below. Rather than ensuring fair

⁶ https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/449_2004



and accessible collection across BC, the SABC proposal seeks to minimize the producers' responsibility and to pass costs back to taxpayers, the local government, and the environment.

Principles

Principle #1 Consumer's Property Rights and Obligations

Regarding this principle and illegal dumping and littering in general, the document seems to indicate that producers have no responsibility for illegal dumping and that it is left to consumers and government to handle. This ignores the fact that products may be dumped due to poor design (not repairable, short lifespan, made with low value materials, made with small parts that are littered), as well as lack of accessible collection systems. We recommend that producers be part of delivering solutions to these issues and that program plans for commonly dumped items include strategies to eliminate dumping and littering. For example, a mattress or large appliance program could offer pick up services or a beverage container program could work to have bottle caps remain attached.

Principle #2 BC's Environmental Laws

We disagree with the interpretation of environmental laws. Producers are to be responsible for their products right up until end of life, not solely if they are discarded correctly. If there is any discrepancy then the laws need to be rewritten to adhere to the principles of the CCME document. Producers should be actively working to avoid their products going to disposal, and they should possibly be compensating local governments for the products that end up there.

Principle # 3 The Service Density Reality

As noted above, urban communities are usually cheaper to serve and may already have existing infrastructure before a new program begins, but that does not absolve the producers from needing to provide that infrastructure for all communities. It can often be more cost effective to partner with a local government to provide it, but in all cases, the facilities should be fully compensated. Regarding discarding products, it should be noted that the products found their way to the community, so the systems exist to send them back (depots, return to retail, spoke and hub systems, mail or ship back).

Principle # 4 Product Characteristics

Each product category is different and that is why programs develop their own plans to meet the needs of their particular situation. Again, this does not negate the responsibility of the producers to provide a collection system that is fair and accessible. Where regulatory challenges exist, as may be the case with the *Hazardous Waste Regulation*, the producers should raise these with the BC Government so that resolutions can be found (as were proposed in the [Intentions Paper](#)).



Principle #5 BC's Geography and Population Distribution

A search for BC's population⁷ shows that in 2020 there were an estimated 5,146,712 people in BC, with 10% living in non-municipal settings. While they may live in more remote settings, they clearly are able to purchase products and likely go to a municipality to do that or to pick up their orders. The presumption that small communities will not have the same service as urban ones should not be made, and we fundamentally disagree with this; it may be different, but the assumption that it will be less should not be the starting point. Alternatives to this will be discussed below.

Roles and Responsibilities

The roles and responsibilities are better defined by the CCME document, as it is clearer what the responsibilities of producers are.

SABC Accessibility Framework

We agree that the framework needs to be flexible and promote innovative solutions but note that BC's size and population characteristics will be common across many provinces.

SABC proposes that for urban communities (of which SABC counts only four - the Census Metropolitan Areas of Vancouver, Victoria, Kelowna and Abbotsford-Mission), service within 15 km is the standard. For non-urban communities, it is 60 km and for remote communities, there may be no service. Non-urban communities are defined as all areas that are not urban, while remote communities are those that SABC can determine to be far from population centres, without reliable infrastructure/roads or need to be accessed using alternate mechanisms. This definition is problematic, as it is unclear what communities will be considered non-urban and which ones remote.

We think that this is the wrong approach to determining accessibility. This standard would provide easy access (particularly for those with vehicles) for residents and businesses in four metropolitan areas while leaving many communities having to drive up to 60 km or without any reasonable service. This could mean that Pemberton and Squamish residents could be required to go to Whistler just to drop off an old toaster (which you can purchase in both Pemberton and Squamish); Tofino residents may need to go to Ucluelet to discard a lightbulb; Smithers and Burns Lake residents could need to get to Houston to drop off antifreeze. Clearly this is not meeting the definition of accessible, nor meeting the needs to citizens and businesses. The results could be denial of fair services to at least 40% of the population, regional districts unable to meet their solid waste targets, and financial and environmental costs remaining a burden to these communities. It does not address the needs of those without vehicles.

⁷ BC's population by municipality <https://www2.gov.bc.ca/gov/content/data/statistics/people-population-community/population/population-estimates>



Suggested Approach

As noted in the RCBC document⁸ (which analyzed public services, not retail nor private services), Regional Districts have the responsibility of waste planning. Instead of trying to set a one size fits all standard based on population alone, it would make more sense to undergo a comprehensive collaboration with each Regional District to determine what is needed in that region. Where there are large communities near borders with other regional districts, talks with both of them together to determine what is needed should occur. The standard developed should then include a list of locations for minimum services by type of product by Regional District to create a BC-wide level of service. Consider coordinating the planning exercise with the BC Product Stewardship Council (BCPSC).

The same should be done for First Nations communities who are responsible for planning their own waste management. When we look at First Nation communities, the population sizes are even smaller. Of the 201 bands noted in this document (<https://catalogue.data.gov.bc.ca/dataset/populations-of-first-nations-bands-living-on-and-off-reserves-or-crown-lands>), only five have more than 1000 people living on a reserve. Some reserves may be quite hard to access and remote, and may have very limited retail in or near the community. Programs should be able to provide some form of service and this service may become more cost effective when adding service to other communities along the access routes and when collaborating with other stewardship programs (or organizations transporting materials to or from the community). For these communities, the stewardship programs should work with Indigenous Zero Waste Technical Advisory Group, the First Nation bands and BCPSC (to see what synergies may exist with the Regional District network) to determine what suitable service looks like.

The following factors should be part of the considerations:

1. Population -In general, in BC cities have populations over 5000, towns are 2500-5000 and villages are under 2500. There are 80 cities, 23 towns and 60 villages.⁹ We recommend that all cities and towns receive collection depot service in these locations. For villages, the analysis should consider some of these subsequent factors and it should be up to the Regional District to determine if service is not needed (opt out rather than

⁸ Note that the RCBC literature review was not on standards for EPR programs that are meant to fulfill a role as per the *Recycling Regulation*. It looked at public services, not services required to internalize the costs that were created by the producers. A better study would have been to review each program to see where gaps exist by community and Regional District to see if there were some commonalities that would help highlight where the problems lie. Accessed at <https://www.bcrecycles.ca/?AA=Download&AD=20,Dif1>

⁹ See footnote 6 above.



needing to request it). For First Nations, the determination should be made with the First Nation itself.

2. Volume of visitors -for some communities visitors represent a significant demand for services (Whistler being the most extreme example, having a census population of about 14,000 people but when visitors are included, the **average** daily population is over 35,000). Other village-sized communities that have significant visitors such as Harrison Hot Springs, Ucluelet, Valemount and Sun Peaks should be assessed for service based on the amount and types of waste materials, that are not proportional to the census population.
3. Material flow - Materials coming in: the rule of thumb should be if a product or packaging type can be bought in a municipality, there should be a collection point there. It is reasonable to expect someone to bring an item back as far as they are willing to go to get it. Materials coming out: the rule of thumb should be if there is a staffed waste facility in a municipality, there should be a collection point. It is important to look at where products are bought, and where people take their discards (curb, depot, transfer stations or landfill) to get a sense of the degree of service that would suit a community. A bedroom community that has very limited retail and waste services could be expected to use services in the adjacent community. A small community that has retail that serves its needs as well as waste services locally should expect to be able to have collection services in their municipality.
4. Distance -while it may be suitable for residents of Belcarra (pop. 673) to drive to a depot in a neighbouring community to drop off a washing machine (infrequent discard, not sold in municipality, usual pattern of retail purchases is outside of community, neighbouring community is 15 km away); it would not be fair to ask the residents of Stewart (pop. 425) to drive to Terrace (3 hr 40 minutes, 311 km) to recycle their packaging and printed paper (PPP) (sold in community, frequent discard).
5. One stop dropping -convenience to consumers is not just about access but also about having collection points accept as broad a range of products and packaging as possible so that one trip to a collection site can serve multiple purposes and diminish the risk of needing to go to another location or problems with not understanding which materials go where.
6. Different collection models -while a collection depot may work well for a larger centre, smaller sites may be better served by return to retail. Return to retail may also allow for shipping back materials to central locations by backfilling delivery trucks, helping to resolve some of the transportation cost issues.



7. Base level of service -programs should develop options for the communities or people that will not receive service from a collection point. These could be mail back or ship back options. The costs will not be too significant relative to the product costs given that the product got to the location to begin with and the percentage of the population in that situation is 10%, many of whom may be coming into neighbouring communities and could use those communities service. This would meet the requirement for accessible service.
8. Other *Regulation* obligations -for persons with disabilities or who have no access to transportation, programs need to determine how to deliver this service and it may or may not be combined with the standard to be developed.
9. Renewal -the locations determined to need service in the standard should be renewed with Regional Districts as part of their five-year solid waste management plan review to ensure that population and material flow changes get reflected in the level of service.
10. Collection events should be considered a stop gap measure held at most for one year as it is not reasonable to expect consumers to hold onto their materials for this long, particularly if they are moving. If a program cannot find a partner who is willing to provide the ongoing collection service for the compensation offered, the program should deliver the service itself or may need to increase compensation. In some cases, this might result in the need to offer a higher compensation to cover the higher costs in a particular community, or if the program believes it can provide the service for less, then it should operate the collection site directly.

Key principles to consider

- Collection needs to be easier than wasting the item in order to drive behaviour change.
- When consumer behaviour is not meeting expectations, programs should change their program design to raise collection rates. This could mean more accessibility, more information, deposits, pick ups, collection when delivering new items, or other measures.
- Local governments may choose to host collection sites but they are not obligated to. They should be *fully* compensated for their services.
- For Recycle BC and future ICI PPP, these items are generated in larger volumes and on a frequent basis, and constitute a significant portion of the discard stream. For these materials, any location that has a pickup service for waste (municipal or private), needs to also have an option for collection of PPP at the same or better level of convenience as waste.
- For the existing residential PPP schedule, the *Regulation* requires collection of streetscape materials. Recycle BC has imposed their own standard for population and



population density but this does not meet the intent of the *Regulation* and Recycle BC should be required to meet the regulation requirements.

- For non-PPP items, we would define reasonable access as “as close or closer as the nearest waste facilities or if no waste facilities are nearby, as close as the nearest retail store that sells that item.”

Costs

The programs are meant to be fully producer funded (not a percentage with the rest paid by municipalities as has been the case in other provinces). Despite this, many municipalities are providing subsidies for programs when they provide space, staff and equipment to offer collection services. Some communities choose to do this to get service that might not otherwise be offered or to help make it as convenient as possible for residents and businesses by offering one stop dropping. Some choose not to as they wish to ensure the EPR programs are fully paying for their product management. In some cases, this results in no service to a community at no penalty to the program. Similarly, private depots may provide service for less than their costs as they have no other option (as in no other market to sell to and customers may be dropping off the items when they bring in products for other programs).

Some recent studies to look at what the true costs of providing the services have been done. These studies have looked at the staff time and the space for collection services but a key component missing is the minimum service required. Collection service should be thought of similarly to retail -even if there are only two sales a day (or drop offs), one cannot rent a space for only an hour, nor ask customers to only come on Mondays 8 am until 9 am. Stores need to be open longer to attract customers and the space needs to be available. Similarly for collection depots, costs for rental of space and staff time to provide enough hours of service to make it convenient also need to be covered. This matches what would be required under Section 3 of the *Regulation* if there was an individual producer plan.

Part of the reason for an outcome-based regulation is to allow the creativity of the business community to develop smarter solutions. If costs of keeping a brick-and-mortar collection centre are too high for a small community, then a program could develop a ship back or mail back model. EPR programs could collaborate (as they already have for some small First Nations communities) to coordinate shared transport. Programs could work with local retailers to take back the sporadic discarded items.

SABC notes cost concerns as a reason not to provide service, but this is not found in the *Recycling Regulation*. In fact, some programs have lowered their producer fees despite not having full accessibility nor 100% recovery rate. Furthermore, the degree of design change based on the enactment of EPR programs is extremely low, mainly because the fees relative to other costs are minimal for the producers. This is contrary to the intent of the CCME plan which has a vision that EPR is “a means to provide clear signals to producers that Canadians want



improved environmental performance of products and better product design with reduced use of toxic materials, enhanced recyclability, increased use of recycled materials, reduced life-cycle energy and materials consumption and reduced greenhouse gas emissions.” Clearly costs can provide that clear signal. It also notes the intention that “municipalities can benefit from the shifting of waste management collection and disposal costs to a producer responsibility organization in a consistent way across jurisdictions.”

Meanwhile the environmental and waste costs continue to be externalized.

This concludes our feedback. Once again, thank you to SABC for starting a conversation on what is needed regarding accessibility. We hope that this feedback is useful and Zero Waste BC is happy to discuss these suggestions.

Sincerely,

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Director
ZWBC