



July 23, 2024

ZWBC Feedback for Clean BC's Preventing Waste in BC – Non-residential PPP Discussion Paper

Thank you for the opportunity to provide feedback on this discussion paper for which the need is becoming more urgent every day as the throughput of material grows. We are **very supportive** of regulations to address non-residential packaging and paper products. Our current resource consumption systems of linear-take-make-waste not only create waste but also generate a huge amount of greenhouse gases which constitute some of the discharges that threaten the environment and human health. In addition, the production of all of this material contributes to loss of habitat and biodiversity.

Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste is 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. Our feedback is based on this definition and the [Zero Waste Hierarchy](#).

1 Framing

We concur that disposal includes both landfilling and incineration (definition page 5) but raise the concern that while correctly outlining the concerns about landfills (page 7), without also noting the even greater harms caused by waste to energy that some may conclude that system is preferable. Ideally the province would adopt the Zero Waste Hierarchy (instead of the pollution prevention hierarchy shown on page 11) and ban the use of waste to energy for mixed municipal solid waste and EPR programs to ensure that the highest and best use of materials is pursued, rather than providing a loophole for waste. A significant amount of time and resources continue to be spent on seeking to destroy materials instead of prevention of waste. Inclusion of the Rethink/Redesign step in the hierarchy at the top will ensure systems start to look at the areas that can have maximum impact.

The Circular Economy inset on page 7 is a good outline but should include the fundamental first step which is to reduce the throughput and use of material and reduce the use and creation of toxic materials.

The guiding principles (page 16) are sound but need to include the words “are used” in the second bullet.

2 Outcomes

We make the following recommendations:

- Prevention-first - “Actions are prioritized using the **Zero Waste** hierarchy, resulting in a focus on **reduced consumption, lower toxicity**, waste reduction and materials reuse over recycling, and recycling over energy recovery or disposal. Materials are kept out of landfills, **incinerators** and the environment and are used at their highest value to support a circular economy.
- Consistency -we are pleased to see the mention of paper so that a focus on phasing out some uses of plastics does not just result in the substitution of single use items made of paper.
- Accountability and transparency – while producers may be considered covered under the term “businesses”, adding the term “producers” may make it clearer that they have a particular role to play.
- Access -we fully support the focus in First Nation communities. We also think that small communities also need equitable access to services.
- Maximize material recovery -the inclusion of recovery of products for reuse should be included here as well where collection systems may also be used to support broad reuse systems (like beer bottle, but expand to reuseable cup programs, wine bottles and others).

Discussion Questions

1. Are there any desired outcomes missing from this list?
 - There is a need to emphasize reduced use of packaging overall, minimize the use of packaging, and decreasing overall material throughput. Our research for the [ZW Agenda for BC](#) report showed that despite an increase in diversion from 2008 to 2018, there was an even more significant increase in the consumption of materials, leaving the disposal weights very similar.
 - An additional outcome should be Zero Waste of packaging with none of it going to landfill, waste to energy, cement kilns, pulp mills or any other form of destruction or disposal.
 - Producers need to take responsibility and be held to account for what they create and sell.
 - Small communities need access and measures that drive collection/service in areas outside of the large urban areas. Service should be paid for by producers and not require subsidies from local governments.
 - There is a need to make it simple and clear for businesses to reduce their waste and ensure what remains is sorted into at least three streams (organics, recycling, disposal) and note that it may be more cost effective to work at scale
 - Hard to recycle items -need to drive change and reduction, not just more expense for those (e.g. C&D strapping is hard to recycle so a different system should be encouraged for holding materials together)
 - Focus on reuse and reusable packaging, will reduce volume and also quality issues

- While not noted specifically, there is a concern that requirements for recycled content should not be a method to continue to allow unsuitable packaging; policy needs to tie back to producers to drive systemic change.
 - The quality of material when using recycled content needs to be considered to ensure there are no health or toxicity problems, no impacts on durability, and no unintended consequences of being forced to use recycled content (plastics)
 - There is the need to avoid a monopoly/monopsony for key services by a privately -led entity.
2. What outcomes are most relevant to your business, organization, or community?
All are important.
3. How would you prioritize these outcomes?
We would prioritize in the order of 1,2,3,4 and 6
4. Are there indicators or measures of success you would suggest are used to determine if an outcome is achieved or is achievable?
- Plastics registry data on total plastics used (aim to get similar info on other materials) which needs to be decreased, then % of what is out there reused/recycle/captured. Include how much is captured by EPR programs and how much was not returned
 - Details on kinds of materials per type (how much is designed for reuse and recycling for plastic, paper, glass, metal, etc.) and degree of recycled content
 - Packaging use per capita
 - Possibly some measure of packaging use per industry sector
 - Reductions in use of virgin packaging
 - Use of reusable packaging and cycles of use
 - Disposal of packaging (total and per capita)
 - Total disposal of all waste per capita (with a series of decreasing targets) of waste
 - Number of ICI locations without three stream systems
 - Reporting (verified by third party if possible) about where materials go (similar to existing EPR program requirements but a bit more stringent)
 - Reporting on processing systems within BC (number, types, changes or improvements)
5. Should non-residential packaging targets be the same, or better than existing residential packaging targets? Why or why not?
- They should be higher because the residential ones are too low. It is unfortunate that 75% remains a static goal in the Recycling Regulation when many programs have achieved far more and been allowed to decline in capture. The ultimate target for all systems should be 100% capture by 2035 with interim targets. Have penalties to producers for failure (which are set higher than the cost of complying). There needs to be a strong focus on enforcement and having more control with ICI, using the learnings from the rollout of MultiMaterial BC. There



should also be a goal of 20% reduction in total materials throughout every five years.

6. What types of targets would be most useful? Reduction targets; reuse targets; recycling targets; diversion targets?

- There should not be targets for diversion (though it should be reported), but reduction, reuse, recycling (both capture and ultimate recycling when sold as a material to be put back into similar products), and awareness among the ICI sector. There should also be targets for coverage (ultimately set at 100% with interim targets). There should also be targets provincially for positive regulations (similar to the provincial target for population covered by organics disposal bans) that could cover the % of population with dine in requirements, deconstruction bylaws, three stream sorting requirements, etc.).
- There could also be goals to support local circulation of food and products.

7. Should there be regional or business specific targets in addition to provincial targets? Why or why not?

- Yes, there should be targets by sectors that produce certain kinds of materials, as well as regional targets to ensure that it is not just urban areas that get action and service. Access measures -there should be targets to ensure all municipalities, and First Nation communities that opt in, get fulsome services.
- New targets should get added as the situation evolves, such as for bans in certain single use items (not already covered) or restriction on the use of single use water bottles). There also needs to be an incentive to change behaviour and locations that offer free disposal undermine policy s there should be a target to have 100% of locations charge for disposal and then a subtarget on those that have different forms of Pay As You Throw. A policy and target supporting the use of clear bags for disposal should also be added
- Targets are important to motivate action and to be measure progress against.
- Targets that get watered down over time (previous commitment to 350 kg/capita by 2020) or disappear (75% of population covered by organics disposal ban was considered complete rather than raise it once reached) create disillusionment.

8. How can we measure success or progress against established targets?

- It is important to gather the correct data and then make it public for transparency. There are serious data gaps in the existing system that need to be rectified. Data that needs improved is the total waste disposed. The province should license all haulers and require data reporting by material type, customer type and any materials that cross regional or provincial borders. From a producer perspective, the federal plastics registry will cover one material but the province could also consider tracking the other materials to have a more complete picture and understand shifts in the material flows and types.

9. What actions are best suited at the local, regional, or provincial level of government?
- Ideally the provincial government would look at what materials and products are for a province-wide ban. This will save local government from needing to enact it locally and should drive materials to EPR programs (rather than the existing system of local governments waiting for EPR programs to provide adequate service locally before enacting bans). The province should require the service. Consideration of enforcement (and by whom) and perhaps a phased approach - starting with audits, education, warnings and then later, penalties is suggested.
 - Also at the provincial level: waste hauler licensing, waste hauler mandatory reporting (with data anonymized but made public for all province, by municipality, First Nation community and RD), action on online deliveries and packaging. Where cross community services make data reporting difficult, a system to provide estimates based on a sound method should be used.
 - The province should enact requirements for solid waste reduction plans as part of business licensing (including provisions to fill in gaps for areas where regional districts may not license businesses).
 - If any of the above are not pursued at the provincial level, empower local governments (including regional districts) to do them plus enact requirements for three stream source separation or more mandatory services, packaged services for all waste hauling, franchising areas, and bans of any type of single use item
 - Develop provincial templates so mostly harmonized and pre-approved for local governments to enact (including RDs).
 - Provide support to switch to reusable beverage and takeout ware systems province-wide.
 - Empower local governments to make their own bylaws regarding this without requiring each one to get provincial approval.
10. What factors should be taken into consideration if the Province enables or promotes local actions?
- If the Province plans to take an action soon, then it should set out the scope for local governments to adopt the policy early (as occurred for many single use items); if not, empower local governments to regulate as they choose. Set up a policy working group so different municipalities can test out policy on different items and collective wisdom can be shared.
 - The Province should consider the following: what crosses boundaries and is better done at the provincial level and data needs.
11. What is already working to prevent packaging waste – for businesses, institutions, haulers, local governments?
- EPR for residential PPP with mandatory reporting and third-party audits is working to have an established program with verifiable data and producers paying a significant amount of the costs.



- Product bans at different regulatory levels are working and should be expanded. Similarly, some disposal bans are having an impact as well as three stream sorting requirements.
- Voluntary actions by some businesses and industry have also had an impact but need to be regulated to level the playing field.

12. Are there other actions that should be considered? What are they?

- EPR is needed for ICI PPP
- Possible additional taxes on problematic products or materials.
- There should be a clear bag mandate province-wide.
- A provincial levy on all disposal should be added to fund these provincial programs (and encourage all disposal sites to charge fees and have staff oversight of disposal).
- Three stream (or more) collection should be mandated.
- Systems should support cameras and scales on hauler trucks to capture better information
- A comprehensive provincial education and communications system on waste.

13. What are the benefits or limitations of these waste prevention options?

- We need all of them. As noted in the CCME Canada-wide Action Plan for EPR, EPR is not meant to be a stand-alone solution but part of a suite of policy that drives design and production in the right direction, helping to internalize many of the costs currently externalized today. We cannot just continue with siloed action but instead must implement a comprehensive, systemic plan.

14. How ready are organizations, businesses, governments to implement?

- Some more than others so requirements should be phased in.

15. How should implementation be prioritized?

Each of these actions are key priorities but the phasing may look different and should be coordinated. Focus on the large distributors for key impact- for example -food suppliers - like GFD, and Sodexo. It is important to make sure small businesses see EPR regulation as a benefit that will save time and money and be implemented in better way (The Province should build the cost-benefit case for the transition for the businesses). There is a need to ensure smaller communities get service from EPR programs and not require local governments subsidize services. Where enforcement is required, consider the ability to enforce it and if there is a burden on bylaw enforcement. The system also needs to be robust -for example consider the impact of market value change where cardboard is now much less valuable so there is a need to market-proof the systems and go beyond recycling. Note that recycling costs continue to increase and allocating these costs to producers (not end users) is essential.

- List of designated recycled material and supporting actions -should also include designate reusable products with supporting action.

- Disposal bans should be enhanced by creating a maps showing which areas have specific bans in place and working with RDs and local governments to ask who wants to be next to roll out new ones. Work to have a uniform map by 2030. That includes all easily recycled materials and all EPR programs. Include First Nation communities where they opt in and it is feasible based on waste systems. There is a need for fines and enforcement plus better solid waste composition audits as noted below).
- Reuse requirements will require the development of a specific plan that will be voluntary (with provincial support) to start and become mandatory by 2030. Single use items in foodservices including dine in requirements) should be the starting place and include the sources noted in the discussion paper. There should be strong incentives to start with.
- Waste prevention plans will also require the development of a specific plan that will be voluntary (with provincial support) to start and become mandatory by 2030 and include targets and ongoing development of tools and support (such as coaching and template plans by business type) based on the results. Reduction should be given a higher priority than recycling and organics composting and waste to energy should not be supported. It is key that this is paired with EPR of non-residential packaging so that there are incentives for producers to change design and offerings. This policy option could be phased in starting with audits then support for developing plans with standardized expertise and eventually making it a requirement (with some benefit for early adopters). It could be modelled on the Canadian Digital Adoption Program for improving marketing and technology with a list of qualified service providers to help develop plans, where organizations sign up for it and it may be subsidized by government and producers. Create a similar track for Small/ Medium business to encourage service providers and help businesses. Several non-profits and local governments have already assisted with aspects of this (e.g. Synergy, Ocean Ambassadors, District of North Vancouver, Squamish for waste audits and support).
- Provincial data standardization and sharing should start with licensing all waste haulers/facilities, plus requiring EPR for ICI PPP and improved data collection from local governments. The database of this information will be required for waste planning at all levels and to set and monitor progress on targets. Data on reuse, and waste prevention initiatives and services should also be included.

The Province should standardize the waste audit system and get funding from SABC. The Province should coordinate waste audits to ensure coverage across the Province and adequate funding from the stewards while the Province and local government should divide up the non-EPR material costs. The Province should work with local governments on data collection, rotation around the province to ensure sound data. Local governments who wish to conduct waste audits more often than 5 years can Data needs to made public and transparent.

16. What are the benefits or limitations of expanded EPR options?

- The benefits could be myriad: synergies with existing programs and systems, costs driven back to producers so possibly gains in prevention and design change, especially if the program plan is actually required to follow the hierarchy (such as supporting reusable grocery containers like crates, bread trays, etc.). There is a need to ensure efficiencies by pairing with Recycle BC collection (allow small business to use residential systems where suitable), transport (particularly for smaller communities and First Nation communities), and possibly processing (regional, not program specific). There is a need to make the PRO a utility to ensure the best system and not prone to competition/non-competition issues. Ideally a new Crown Corporation is created to run the program to ensure that the issues identified in the roll out of the Multi Material BC program do not reoccur (disappearance of some well-qualified small businesses, lack of service in some areas, not adequately compensating local government service providers, challenges with access to markets for non-participants, lack of competition among service providers, etc.). By ensuring an EPR program, the costs are borne by the producers, not each small business and public institution (and fees on products may incent lower consumption). It follows the premise of no charge at end of use. When all ICI organizations have service, there could be synergies in the routes. There could be consideration of ensuring that waste hauling always includes a single rate that always includes all three streams (recycling options, organics collection and disposal) instead of allowing for selecting only some services. A bounty for the services could be offered to service providers instead of awarding winner take all contracts and allow service providers to compete based on service.

17. How ready are organizations, businesses, and governments to implement an expanded form of EPR?
 - Many are ready already but others less so. There is a need for a widespread education campaign to ensure businesses, institutions and local governments understand their roles (as an end user or as a producer).
18. Are there sectors or materials that should be prioritized to be included or excluded?
 - None should be excluded but if there are some that are more challenging than others for specific producers, those could be phased in later -aim to get the easy work done first and iron out the wrinkles later.
 - There needs to be support for reusables in EPR systems and an assurance that reuse is rewarded, not penalized.

19. How should implementation of EPR actions be prioritized (e.g. by sector, by material, by geographic location)?

Policy Option 1. Expansion of EPR to include packaging and paper products from more sources. If needed, this could start with all areas outside urban areas in Metro Vancouver, Capital Regional District and the Fraser Valley Regional District (essentially where services may already be more robust). It is needed in these more rural areas as there are fewer waste haulers and often no ICI recycling. It needs to be paired with hauling /collection for Recycle BC for efficiency/central locations and possibly processing.



- PPP for all ICI packaging should be implemented (with an option to include a phase for the geography above or just do it all at once).
- It should include service to all retailers, accommodations, food services and offices.
- There could be possibly some kind of franchising to protect small haulers' access to market but also get rid of multiple trucks running in areas every day when one would do. Creative thinking and a Crown Corporation (instead of industry-led PRO) is needed to ensure the key outcomes are reached without the acknowledge pitfalls of the existing system.
- Pallets should be included
- Consideration of a de minimus clause to ensure small organizations are not targeted initially but with a clear schedule for onboarding those businesses in later years and Recycle BC requirements should be changed in concert with this.

Policy Option 2. EPR stewardship for a specific sector

- The Clean Farms program should be regulated quickly.
- Health care could be its own sector for certain products.
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20. Other issues identified:

- Some costs have shifted but there is still a significant subsidy from local governments for facility costs and services
- EPR cannot solely focus on a collection rate, it needs to support full access to services and prioritize redesign, reuse and then actual recycling (not just collection).
- some ICI businesses are already paying for system when they buy products intended for residential market
- Need for ecomodulated non-visible fees
- Need for EPR programs to invest in R&D -support innovation
- The Recycling Regulation needs an update to require programs and measurement for the upper part of hierarchy.
- Advocate for a strong plastics treaty that includes a significant decrease in plastic production.
- Do not allow new plastics production facilities in BC.

Once again, thank you for the opportunity to provide feedback and we are happy to discuss these comments.

Sincerely,

Sue Maxwell
Director,
Zero Waste BC