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Re: EBR #013-0094 - Discussion Paper on Addressing Food and Organic Waste in Ontario

Please accept the following as the joint submission of the Toronto Environmental Alliance, Canadian Environmental Law Association, the Citizens' Network on Waste Management and Environmental Defence Canada in response to Ontario's Discussion Paper on Addressing Food and Organic Waste in Ontario, EBR number 013-0094.

Our environmental non-government organizations have long advocated the development of laws, regulations and policies aimed at preventing or avoiding waste creation, implementing the 3R's, maximizing waste diversion, and ensuring that residual 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

At the outset, it should be emphasized that we support strong legislation, comprehensive regulations, effective policies and timely implementation of measures aimed towards the laudable "zero waste" goal entrenched in the Strategy for a Waste-Free Ontario. Organics and wasted food are a significant portion of the waste stream in Ontario that, to date, has not received enough attention as a key waste and climate change issue. The undersigned 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 Organics Strategy adheres to the food waste hierarchy, 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 soils.

Below are our comments organized by the discussion questions.

I - Scope of the Food and Organic Waste Framework

The scope of the Food and Organic Waste Framework should be broad, as described in the Discussion Paper. It is important to include all organic materials in the policy development process, so that any issues with prevention and diversion of waste can be addressed.

The focus of Ontario policies on food and organics waste must be on reducing and redistributing. Actions that fall in the higher segments of the waste hierarchy provide greater environmental and social benefits.[fn: Discussion Paper, page 18]

Though we agree that compostable packaging and compostable single use products, as a growing category of waste to manage, must be considered in the scope of this framework, these products should be treated in regulation as other packaging and single-use products are: with extended producer responsibility regulations. See further discussion of compostable packaging and products below in section II.

II - Prevention of Food Waste and Diversion of Food and Organic Waste

We support the organics waste hierarchy that seeks to reduce wasted food, and to redistribute it to feed people and animals before composting it to recycle nutrients.

Food Redistribution

While there is a need to create efficient systems to redistribute edible food, this redistribution, and the use of food banks, is not a long term solution to hunger or poverty, and should not be relied on as a solution to economic inequality.

Considering the significant environmental and social benefits to the province as a whole, the Province should outline requirements for food manufacturers, retailers and restaurants to donate edible food.

However, as noted in the discussion paper and by non-profit and charitable food rescue organizations, a major limitation to food redistribution is the limited capacity of food banks and charities to accept, store and transport food. When redistribution of edible food is to be championed as a method of reducing food waste, the food retailers and manufacturers that avoid disposal costs by participating in redistribution programs should bear some or all of the cost and responsibility for these programs. In fact, food manufacturers, wholesalers and retailers are experts in timely and safe handling for food distribution.

Disposal Ban

We applaud the Government for announcing an 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.

Any disposal ban must include strict enforcement, 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.

It is also important to note another benefit of banning organics disposal: avoiding toxic leachate. On page 5 of the discussion document, environmental problems associated with organics put into landfills are listed, but this list omits one very serious negative impact. Organics are the major contributor to the generation of liquids in landfills as they break down and generate toxic leachate. This toxic leachate often results in contamination of groundwater, and even when it is sent offsite for treatment at a municipal wastewater treatment plant, the toxics are not adequately treated and end up being discharged into rivers and lakes.

Diversion and Reporting Requirements

We support food and organic waste diversion requirements, particularly for the IC&I sectors. Current Ontario regulations (102/94) that require waste reduction plans are poorly enforced and promoting voluntary action has not reduced organic waste significantly. Regulations requiring the management and diversion of organics from disposal, such as those seen in other jurisdictions (e.g, California, Massachusetts, New York City) are needed in Ontario. Phasing in diversion requirements for waste generators has diverted organics and effectively stimulated new processing capacity and related green jobs in other jurisdictions.

Information about organics diversion in the Industrial, Commercial, and Institutional (“IC&I”) sector is particularly lacking in Ontario. As such, the Province should require regular and detailed reporting on organics material and management from this sector to provide greater understanding of current systems and future opportunities.

Compostable products

Compostable plastics and biodegradable packaging and disposable products 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.

Compostable and biodegradable packaging and disposable products should be treated as packaging, just like packaging made of other materials. Otherwise, there will be an incentive for companies to switch to compostable materials to avoid producer obligations in the blue box program. Producers must be responsible for addressing issues with the disposal of the packaging they use; the responsibility must not be passed on to municipalities.

A note on Residential waste

Throughout this section in the Discussion document, the MOECC refers to “residential” wastes as the responsibility of municipalities to take care of. However, under current Ontario regulations, most multi-residential buildings are privately owned and managed, and municipalities do not have responsibility for their waste. Therefore, the strategy needs to include a section on multi-residential buildings, making the owner of the building responsible for ensuring that there is a readily available composting system available to their residents, and ensuring that the waste management company that they hire to take care of garbage at the building collects the organics separately and takes them to a composting facility.

III - Processing Capacity and End-Markets for Food and Organic Wastes

As noted above, we support a disposal ban for organics, and diversion requirements for organics in Ontario. These two measures will stimulate investment and innovation for organics management processing capacity. However, there are other steps needed to ensure that sufficient and appropriate organics processing capacity is developed, especially in a way that continues to promote the highest and best use of organics.

Community mid-scale composting

Community mid-scale composting must be recognized and supported as a key part of organics processing capacity. Community 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. With scale appropriate controls and rules to protect environmentally sensitive areas, compost quality and nuisance concerns, community composting can be a key part of a robust and diverse organics system.

Carbon Offsets

The development of offset protocols must not take the place of more strict regulatory tools. We agree that 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; however, any offset protocols that are developed under Ontario's cap and trade program have to meet strict requirements. The Western Climate Initiative criteria for offset protocols emphasize that offsets must be real, additional, permanent, have clear ownership, and be verifiable and enforceable. This approach should be an essential component of Ontario's program.

As discussed above, we support a ban on disposal of organics in Ontario. 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 may be necessary on this particular element of the program given the potential impact to the goals of reducing greenhouse gases.

Renewable Natural Gas

We support the development of a renewable content requirement for natural gas, as also outlined in the Climate Change Action Plan (Action 6.1). We do remain concerned about the details of renewable natural gas infrastructure. Any successful renewable natural gas projects should show how they plan to capture and address carbon dioxide gas and other by-products. Anaerobic digesters and biogas upgrading facilities must also be able to address issues of contamination in the digestate output. We support the goal of reducing the greenhouse gas emissions associated with organic waste, and urge the Ministry to prevent potential negative impacts on human and environmental health. Enacting minimum renewable content provisions while implementing environmental standards at RNG facilities would increase the end-market capacity for organic waste, and protect from harmful environmental releases.

Compost Standards

Compost standards must be reviewed and updated to provide standards specific to anaerobic digestion processes. The standards must be updated to ensure that environmental and human health is protected from the presence of persistent and bioaccumulative substances and heavy metals. 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.

Government Procurement

Our organizations support a stronger role for provincial and municipal governments in developing local end markets for food and organic materials. Government procurement and purchasing is a key way for governments to lead the way towards a fully circular economy, and help drive the efforts towards higher organics diversion rates. Ontario should expand this procurement policy to include urging all private sector and public sector organizations to use such policies.

We look forward to future opportunities to comment on this and other waste strategies for Ontario. Please contact us for clarification on any points made above.

Sincerely,



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