



# Essex-Windsor Solid Waste Authority

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January 11, 2024

**Sent Via Email: [Anthony.Leardi@pc.ola.org](mailto:Anthony.Leardi@pc.ola.org)**

Mr. Anthony Leardi, MPP, Essex Riding  
310 Thomas Rd.  
Amherstburg, ON  
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Dear Mr. Leardi,

**Subject: Support for Blue Box Program Extended Producer Responsibility for Industrial, Commercial and Institutional Sector (Non-Eligible Sources)**

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At its meeting of Tuesday, November 7, 2023, the Board of the Essex-Windsor Solid Waste Authority (the Authority), directed Administration to send a letter to local Province of Ontario representatives in Essex-Windsor regarding Blue Box Collection for the Industrial, Commercial and Institutional (IC&I) sector once the Region transitions the existing Blue Box Program.

The Authority is a municipal agency created by the City of Windsor and the County of Essex with the responsibility of providing an economical and environmentally conscious integrated solid waste management system for the region that includes the City of Windsor and the seven County of Essex municipalities including Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington, and Tecumseh. This includes the management and operation of the Regional Blue Box Program.

The municipalities, local service boards, and First Nation communities of Ontario are currently working to transition the responsibilities of operating and partially funding the residential blue box recycling program over to the Producers of paper and plastic packaging, and other similar products per Ontario Regulation (O. Reg. 391/21) that was passed under the Resource Recovery and Circular Economy Act (RRCEA). This Transition to the extended producer responsibility (EPR) model began July 1st, 2023, and ends December 31, 2025, at which time on January 1, 2026, full EPR begins. The Essex-Windsor Region, which includes all municipalities within the County of Essex and the City of Windsor, Transitions to EPR on August 28, 2024.

O. Reg. 391/21 requires producers to collect only from eligible sources including residences, multi-residential buildings, schools, and non-profit long-term care and retirement homes. It excludes sources (i.e., non-eligible) that are currently receiving blue box curbside collection services amongst eligible sources even though this has been practiced by municipalities across Ontario for years to increase recycling rates. As defined by O. Reg. 391/21, non-eligible sources (NES) include industrial, commercial, and institutional (ICI) businesses, as well as not-for-profit organizations, municipal buildings and facilities, daycares, places of worship, campgrounds and trailer parks, and commercial farms, etc.

Current waste diversion (recycling) regulations governing the ICI sector include O. Reg. 102/94: *Waste Audits and Waste Reduction Work Plans* and O. Reg. 103/94: *Industrial, Commercial and Institutional Source Separation Programs*. These regulations target very large IC&I establishments and fail to address small and medium establishments, which have been excluded from the new Blue Box Regulation but currently receive blue box collection services from their municipality, like the Authority.

As producers are not required to collect from NESs, Circular Materials (CM), which is the majority Producer Responsibility Organization (PRO) in Ontario, has dictated terms and conditions to have this material collected and processed with eligible source materials at a cost to municipalities only during the Transition period. Beginning January 1, 2026, NES blue box materials must be separated from eligible sources and handled solely by municipalities if they wish to continue servicing these sources, many are municipal taxpayers.

This approach leaves significant gaps in waste diversion legislation at a time when landfill capacity in the Province is reaching a crisis point with approximately 10 years of airspace remaining. Further, efficiencies will be lost when separating the collection and processing of eligible and NES materials, putting more strain on supply-chain resources and unnecessarily increasing costs. This structure dictated by Circular Materials for servicing NESs is restrictive, inefficient, and disadvantageous to municipalities who have diligently supported the diversion of blue box materials from their municipally owned landfills for the past three decades.

The approach presents significant concerns for municipalities and their taxpayers for a number of reasons:

- **Inefficient collection method:** banning the co-collection of eligible source and NES materials at the curb post-2026 is an inefficient way to collect these materials as many NESs reside on eligible source collection routes (e.g., neighbourhood convenience stores). This will unnecessarily result in

additional collection trucks on the roads and an increase in greenhouse gas emissions, as well as high costs to service these sources separately.

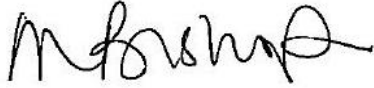
- **How will a non-eligible source collection program be funded:** many municipalities have embedded the cost of blue box recycling in municipal taxes equally amongst residences and local businesses. With eligible sources being funded by the Producers under O. Reg. 391/21, this reduces the tax base for this service that would have otherwise been applied towards ICI properties. This shift in cost burden will negatively impact NESs such as the ICI sector, particularly small local businesses, non-profit organizations, daycares, places of worship, post-secondary schools, municipal buildings, etc.
- **Lack of competition:** the waste management sector has seen fewer service providers bidding on municipal waste collection contracts in the last 5-10 years. This suggests a lack of competition in the marketplace, putting municipalities in a disadvantageous position to procure competitive pricing for such a small-scale service like NESs thus putting more financial pressure on municipalities and their NESs such as small local businesses, non-profit organizations, daycares, places of worship, post-secondary schools, municipal buildings, etc.
- **Blue Box materials will be landfilled:** if municipalities choose to charge NESs for collection services as a result of financial burden, those that do not meet the criteria set out in IC&I Source Separation Programs (O. Reg. 103/94) will likely not participate in a recycling program if it comes at an additional cost. This will lead to blue box materials going into the garbage stream and consequently an increase in tonnages going to the local Essex-Windsor Regional Landfill, thereby reducing the lifespan of this landfill and landfill capacity in Ontario. It will inadvertently increase a municipality's cost to manage this increased tonnage in their garbage stream.

The Essex-Windsor Solid Waste Authority and its Board Members are urging the Province to reconsider the criteria for including NESs in the O. Reg. 391/21; at a minimum to expand the producer responsibility to include IC&I properties not governed by O. Reg. 103/94 to bridge the gap between the two regulations' criteria while promoting continued participation in recycling programs.

The Authority requests that you strongly consider supporting this request and hope that you will raise awareness on this subject at this pivotal and critical time for waste diversion in the Province.

Should you require further information, please contact me by email at [mbishop@ewswa.org](mailto:mbishop@ewswa.org) or by phone at (519) 776-6441 extension 1225.

Sincerely,



Michelle Bishop, General Manager

CC:

- Andrew Dowie, MPP, Windsor-Tecumseh Riding ([Andrew.Dowie@pc.ola.org](mailto:Andrew.Dowie@pc.ola.org))
- Trevor Jones, MPP, Chatham-Kent-Leamington ([Trevor.Jones@pc.ola.org](mailto:Trevor.Jones@pc.ola.org))
- Lisa Gretzky, MPP, Windsor West ([LGretzky-QP@ndp.on.ca](mailto:LGretzky-QP@ndp.on.ca))
- County of Essex, Essex County Municipalities and City of Windsor
- AMO