



Staff Report

Meeting Date: June 25, 2025
To: County Council
Report Number: PDPW 2025-22
Title: Proposed Amendments to Blue Box Regulation
Author: Kerri Snoddy, Manager, Waste Management & Sustainability
Approved by: Sheridan Graham, CAO/Deputy Clerk/Deputy Treasurer
Recommendation: That Report PDPW 2025-22, Proposed Amendments to Blue Box Regulation, be received;

That staff be directed to submit Report PDPW 2025-22 on the Environmental Registry of Ontario (ERO) posting number 025-0009 as the formal response from Peterborough County on the proposed changes; and

That a copy of the report be forwarded to each local Township and to our local MPPs for their information.

Overview

On June 4, 2025 the Ministry of the Environment, Conservation and Parks posted a proposal to amend the Blue Box Regulation on the Environmental Registry of Ontario. This report provides comments on the proposed changes. The commenting period ends July 4, 2025.

Background

The Blue Box Regulation (Ontario Regulation 391/21) under the Resource Recovery and Circular Economy Act, 2016 makes producers responsible for operating blue box programs. The Ministry of Environment is stating that they have heard from producers that unanticipated cost increases are creating affordability concerns that could negatively



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impact businesses and consumers in Ontario. The Ministry is proposing changes to help manage costs.

The Ministry states in the posting that the actions being proposed are a first step as the government considers broader measures to help stabilize system costs.

Overall, the ERO posting is not transparent about what consultation occurred between the Ministry and producers that led to these proposed changes.

Analysis

The major changes to the regulation that the Ministry is proposing with staff comments are provided below.

Delaying Recovery Targets by 5 years

The current blue box regulation sets recovery targets for producers to meet. The recovery targets were set to be enforceable starting in 2026 to ensure that producer blue box material was being recycled and diverted from landfill. The Ministry is proposing that “best efforts” be made to achieve these targets and delay any enforcement until 2031 to allow producers more time to plan and make appropriate investments needed for collection and recycling.

With no targets or enforcement, we are trusting the producers to “do the right thing” or make “best efforts” to ensure the material they are producing is actually being recycled. It is unclear how delaying recovery targets will result in cost savings without more material going to landfill. The ministry has suggested they may change “best efforts” to implementing language stating the material must go to a processing facility and not directly to the landfill. What would prevent the material from simply being transferred to landfill after it is received at the recycling facility? For materials where it may be cheaper to send it to landfill than recycle it, what would motivate producers to recycle the material? Targets should be enforced beginning in 2026 as originally intended. If producers are unable to meet the regulation’s recycling targets in 2026 because investments into



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recycling technology need to be made, then a baseline target to meet the previous municipal recovery rates should still be set for the time being at minimum. This should not result in any increased costs.

Remove planned expansion for multi-residential buildings, schools, and specified long term care homes and retirement homes to reduce future costs

The current regulation states that starting in 2026 blue box producers would be required to collect recycling from multi-residential buildings, schools, and not for-profit long-term care and retirement homes that were not serviced by municipal programs before transition.

With these changes any new multi residential buildings or facilities built in Ontario or existing facilities that previously did not receive municipal collection would not be eligible for the producer responsibility recycling program. This would expand the list of non-eligible source properties in the province. These residents would either not be able to recycle or the company managing these facilities would be required to pay for private collection. This could also result in more residential recyclable material going to landfill or increased costs to municipalities who may wish to ensure that their residents are able to recycle to preserve landfill space. This approach is arbitrary and not fair or equal to every resident in Ontario. Producers should be required to service all residents in the province as eligible sources.

Remove planned expansion for public space collection

The Ministry states that during the transition period producers are required to establish and operate blue box recycling bins in the same public spaces as were provided by municipalities. The current regulation states that starting in 2026 producers must expand the number of public spaces based on a per-capita formula for the number of receptacles in each community. Producers have informed the Ministry that this will not be cost



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effective to service. The Ministry is proposing that producers will only be required to be responsible for public space bins that municipalities were previously providing.

During the transition period producers were only required to collect from public spaces on existing curbside collection routes. This does not include all public space bins being serviced in municipalities. This change seems to infer that municipalities would remain responsible for any public space recycling bins not on regular curbside collection routes. This change would mean that municipalities would still be responsible for any costs and operations associated with these bins, or they could make a decision not to provide recycling in public spaces resulting in more recycling going to landfill.

Overall, this change is keeping the status quo, and not committing to improving or enhancing recycling in the province which was the overall goal of the regulation.

Reduce recovery target for flexible plastic to 5% and delay recovery target by 5 years

The current regulation obligates producers to collect and manage packaging and single use items made from flexible plastic like food wraps, pouches, and bags. The current recovery target for flexible plastic is 25% for 2026. The producers have stated that this is challenging given technological limitations. The Ministry is proposing to reduce the recovery target to 5% and delay any enforcement of this target until 2031.

It is likely that this material including flexible plastic bags etc. will be continued to be collected in the blue box program and then go to landfill. The goals of the producer responsibility legislation stated by the province were to promote waste diversion by setting province wide targets and innovate new and alternative collection methods to divert materials that currently can't be recycled in the blue box. These changes go against these objectives.

Allow Energy Recovery to Count Towards Diversion (up to 15% for a single material category)



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The current blue box regulation prohibits producers from including materials supplied for energy recovery activities in the materials used to meet management targets including materials sent to an incinerator or materials recovered for use as fuel or fuel supplement. Producers have told the ministry that this is prohibitive, and it fails to recognize factors like packaging design or contamination in determining what can be recycled. The Ministry is proposing that material recovery should be able to be counted towards diversion (up to 15% for a single material category).

Producers have influence on how their own packaging is designed and could make efforts to reduce packaging or make it more recyclable. This is one of the major principles behind producer responsibility legislation and there are many resources and examples that show that minimizing packaging or making it more recyclable is one of the best ways to reduce costs in producer responsibility programs. Producers also have requirements under the regulation for promotion and education. Additional efforts can be made with promotion and education to reduce contamination rates.

Recyclable material should not be sent for incineration or to be used for fuel. The changes proposed would allow this to take place as it would allow producers to send up to 15% for energy recovery in a single material category. This does not contribute to a circular economy (the entire purpose and intent behind this legislation) and could result in the need for additional raw materials to be produced and used in blue box packaging rather than recycling the products to be used more than once.

Finally, there is a note at the end of the proposed changes listed where the Ministry states that they have heard that PROS could work more closely with municipalities on the collection of blue box material from small businesses located along residential routes. There could be efficiencies to consider if business located along blue box collection routes were to be serviced by the same trucks that manage residential blue box waste. The ministry is looking for feedback on this issue to improve efficiency.



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This is also discussed in a corresponding proposed amendment to the Resource Recovery and Circular Economy Act that was posted on the ERO the same day as the proposed blue box regulation changes. The proposal states that the Ministry is considering enable the government to make regulations that require PROs to make an offer to municipalities or other specified entities to service small businesses.

The intent is to maintain the current approach to small business collection, where municipalities and PROs negotiate commercial agreements to have blue box collection for small businesses, at municipal expense.

Municipalities would welcome this change as some cost savings and efficiencies would be realized through the ability to collect eligible and non-eligible material on the same collection vehicles. This would also reduce greenhouse gas emissions and wear and tear on our roads from additional collection vehicles. No additional operational changes would be necessary to the current system in place as this is already occurring province wide. However, the MECP should take this one step further and include these properties under producer responsibility to reduce costs to taxpayers and make producers responsible to collect their blue box material generated at these small businesses.

Financial Impact

There is no immediate financial impact to the County of Peterborough's budget. However, if these changes contribute to more recyclable material going to the Peterborough County, City, Waste Management Facility this would have impacts on the landfill site life and ultimately result in increased costs to the County. Any additional changes to the regulation that the Ministry has noted they are considering could also have financial impact.

Anticipated Impacts on Local and/or First Nations Communities

N/A

In consultation with:

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1. Iain Mudd, Director of Planning, Development and Public Works

Communication Completed/required:

Submission of this report to the Ministry of Environment, Conservation and Parks via the relevant ERO posting.

Respectfully submitted,

Kerri Snoddy, Manager, Waste Management & Sustainability

MISSION

Peterborough County is an upper tier municipal government serving residents, visitors, and eight townships to meet the needs of our community, in consultation with First Nations. The County provides paramedic services (emergency and community); public works and land use planning services as well as partnered services including public health, economic development and tourism, municipal long-term care, social and children's services, and housing support.

VISION

Working together with our townships and service delivery partners to provide high quality municipal services to our communities.

