
**Nova Scotia Solid Waste-
Resource Management
Regional Chairs Committee**

REGION 1

Cyril MacDonald
Chair

REGION 2a

Vernon Pitts

REGION 2b

Robert Parker

REGION 3

Mary Commo

REGION 4

Tony Mancini

REGION 5

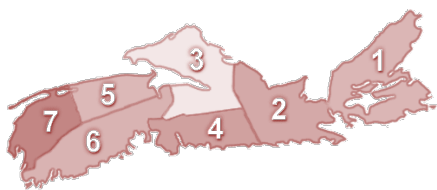
Martha Armstrong

REGION 6

Wayne Thorburne

REGION 7

Linda Gregory
Vice Chair



April 11, 2022

Honourable Tim Halman
Minister of Environment & Climate Change

via Email

Re: Municipal Response to Engagement on Extended Producer
Responsibility for Printed Paper and Packaging in Nova Scotia

Dear Minister Halman,

On behalf of the Nova Scotia Solid Waste Regional Chairs Committee (Regional Chairs), the Nova Scotia Federation of Municipalities (NSFM) and the Association of Municipal Administrators Nova Scotia (AMA), thank you for the opportunity to provide comments on Extended Producer Responsibility for Printed Paper and Packaging (EPR for PPP).

This submission is a consensus of the municipal perspective from across the province, which was first established by a unanimous motion at NSFM in 2018 and solidified with the municipal proposal for EPR for PPP submitted to government in 2019.

Reaching this point has been a long journey. There are now many strong examples of EPR for PPP across Canada that we are learning from. What we have heard, loud and clear, is that **strong regulation and a goal of continuous improvement is crucial to the success of a program for all parties**. Since the announcement of this targeted stakeholder engagement, we have valued the conversations and transparency between our working group and staff from your department. We feel this cooperation will lend to development of regulations to best serve the residents of Nova Scotia.

We would like to remind you that **Nova Scotia has a mature recycling program with proven success**. Residents expect to maintain the level of service and ease of access to curbside recycling they have been provided for over 20 years. Programs are consistent across the province in terms of two-stream, bag-based, bi-weekly recycling collection, with minimal exception. Consistency was not the case in most parts of the country. Nova Scotia is also unique in that we have landfill bans on specific materials that are obligated as PPP and these must be considered in the development of new regulations. Municipalities have invested heavily in meeting these bans through development of robust collection and successful education programs. It is expected that industry will operate with the same diligence.

The response below follows the format presented by NSECC staff during the stakeholder engagement sessions.

Q1. Do you agree that these elements should be part of an EPR for PPP program in NS?

Full Producer Responsibility

Municipalities support an EPR program that is fully funded by producers. Strong regulation, with careful consideration given to the approach defined in the regulations is critical. Strength in oversight and accountability is important to municipalities.

In reviewing program models across Canada, we have heard that an industry submitted plan (BC model) is not necessarily the best approach; plans become outdated fast and are not as straightforward to enforce. The Ontario approach of establishing a third-party oversight body which sets strong targets and a more robust monitoring and compliance oversight is preferred by municipalities.

Residential PPP Obligated

The definition of what type of material is considered 'residential' must be clear and must include single and multi-unit properties.

As Nova Scotia's Solid Waste regulations were implemented in the late 1990's, municipalities recognized a gap in collection services that allowed small businesses (especially in rural areas) to participate in source separation programs, essential to preventing banned material from going to landfill. There are limited options for commercial waste hauling services, especially in rural parts of the province making source separation cost prohibitive.

As such, it is requested that the regulations include consideration for small businesses which currently rely on municipal curbside collection services and generate material types and quantities within household limits.

Municipalities recognize that more information is needed on the number of businesses impacted by this, as well as the relative tonnage and are willing to work with the province to determine these quantities in order to best negotiate with industry.

Our counterparts in BC identified this as a significant missed opportunity.

First Right of Refusal for municipalities

Offering first right of refusal for collection services, and provision of education services to municipalities is supported. Municipalities have long provided this service and will continue to provide them for garbage and organics collection. Given the long-standing success and effectiveness of our education programs, it is recommended that municipalities continue to play a role in educating all residential properties, even those services by a private hauler (i.e., multi-residential).

It is our understanding that education incentives from PROs are specifically for operational collection issues (i.e., not currently covered by Divert NS funding) and would cover expenses such as Hotline customer service and targeted education relative to contamination. Nova Scotia's integrated solid waste system requires a higher level of education and compliance to ensure municipalities are providing due diligence to keep banned material (including obligated PPP) from landfill disposal. This includes municipal led education to multi-unit residential properties receiving private collection. Flat-rate education incentives, strictly tied to the

collection of obligated materials, does not reflect full costs. Compensation should reflect actual costs and not be a flat-rate incentive. This will better reflect local conditions, both urban and rural, without over or under valuating rates.

We recognize EPR is a major shift of responsibility for municipalities as it means we could be operating under a commercial contract and see industry working closely with municipalities to ensure efficiencies in subcontracting collection, contract oversight, as well as provision of 'hotlines' to address customer service.

Beyond first right of refusal for collection, municipalities may wish to bid on other operational components including processing, and this option should be recognized within the regulations.

Use existing infrastructure where practical

Existing municipal infrastructure must be included in the provision of services. In instances where existing infrastructure is no longer needed, NSECC should set-up a reserve account to help municipalities decommission and redevelop sites.

A full responsibility program must also include a plan to compensate municipalities for storage/bulking of obligated material at transfer stations and transportation to processing facilities, where applicable, in areas where municipalities are providing collection or receiving obligated materials.

Consideration of handling IC&I recyclables with residential materials (where needed)

It is critical that reasonable access to recycling processing or receiving facilities be available to ICI customers, even if they continue to pay a tipping fee.

Since 1998, Nova Scotia has had landfill bans in place to encourage diversion. Businesses have implemented source separation programs to ensure compliance with these bans and the subsequent municipal by-laws that support them. In many cases, municipalities and waste authorities are the sole operator of a Material Recovery Facility (MRF), or drop-off facility in a region and rules for ICI customers mirror residential requirements.

Packaging-like household products obligated (e.g., pie plates)

Packaging-like household products must be obligated as residents do not distinguish between different sources – a package is a package; a bag is a bag; a pie plate is a pie plate.

Recognizing there are many 'material-like' products left in the waste stream that could be diverted given stronger market conditions, municipalities support that regulations be flexible for future inclusion of additional packaging-like products provided they can be processed by brand owners to maximize diversion. i.e., Laundry hampers, retired organics carts, storage totes.

Small businesses are exempt

Municipalities agree that exemptions should be implemented to lessen the impact to small businesses and registered charities. Businesses with up to \$2 million in gross revenue, and/or who generate 1 tonne or less of packaging, should be considered for business exemptions. The conditions of any exemptions must be clear in the regulations, including any requirement for reporting.

Q2. What is your preferred approach for the following elements of an EPR program for PPP program in NS?

Financial exemption (de minimus)

Per the previous section, we agree that a maximum de minimus of \$2 million should be considered.

No decrease in service levels

Maintaining curbside collection of obligated materials is important to municipalities. Residents in Nova Scotia have participated in a curbside recycling program for over 20 years and expect this level of service to be maintained and transitioned to an extended producer stewardship program seamlessly.

Two-stream recycling with a minimum of bi-weekly collection is the standard in Nova Scotia. Most rural municipalities offer collection to small IC&I to the same or similar limits as residents to maximize recycling efforts and provide cost-effective diversion. Including recycling from small IC&I collected curbside is needed.

Maintaining or expanding the current sort list as a minimum standard for curbside collection, including collection of plastic film and foam polystyrene, is important to municipalities.

Municipalities recognize that glass containers create contamination and operational challenges for recycling processors. It is preferable that glass be kept in the curbside collection program to maximize diversion and meet provincial disposal ban. Transitioning glass food containers to the deposit refund program is an option municipalities would consider supporting.

Timelines to allow for transition

Nova Scotia has an established, mandatory, recycling system that is adaptable to a full responsibility program. Municipalities feel an urgency to move swiftly with regulations but recognize adequate time and flexibility is needed to allow for a smooth transition and to allow for existing municipal contracts to switch over.

Municipalities feel strongly that a transition to a full producer responsibility system be implemented in a maximum of 2.5 years from end of consultation. Municipalities are open to a staggered timeline if necessary.

Requirements to include in a dispute resolution proves

Municipalities favour regulation identifying the requirement for dispute resolution clauses in service contracts. Regulations must clearly define responsibilities of each party such that responsibility is further reflected in contracts. Inclusion of provisions for arbitration is recommended.

Newspaper obligations

The inclusion of newspapers is recommended by municipalities with an option for in-kind advertising as a means of funding their obligated materials. Municipalities recommend a review of the approach taken in BC, whereby the province contributes funding to the Producer Responsibility Organization, and in turn, receives in-kind advertising credits from the newspaper industry.

Flyers must be included in the regulation as obligated materials and not be exempt from financial responsibilities.

Q3. Do you support inclusion of the following additional elements now or in the future phase of an EPR for PPP program in NS?

Material specific targets

To maximize recovery of packaging, we support the development of material specific targets. These targets need to be set high and measurement be based on the quantity of material processed (not what has been collected).

Regardless if targets can be met by higher diversion rates achieved in more densely populated areas, it is essential that a standard level of service continues to be provided across the province.

Recycling collection service at schools (K-12)

Municipalities agree that consideration should be given to collection from K-12 schools.

Whereas the waste generated in schools has a similar composition to residential waste, an EPR for PPP program should be considered in this sector. It must be understood that schools typically have a higher contamination rate in their source separation programs, therefore flexibility must be allowed.

Consider GHG emissions in plan development

As supported by the Environmental Goals and Climate Change Reduction Act, Nova Scotia has set an ambitious climate change target of net zero emissions by 2050 and a waste reduction target of 300 kg per person disposal rate by 2030. We feel it is important that both of these targets be reflected in EPR regulations, showing the correlation between waste reduction and GHG mitigation.

Regulations and the subsequent governance/oversight model should facilitate leadership at the provincial level to move us towards a circular economy.

Third party oversight to deliver robust transparency and compliance

As previously stated, municipalities feel strength in oversight and accountability are critical components to be included in EPR regulation. This relates both to operation of the program, achievement of targets and accountability of downstream markets. Quality end-markets are essential to ensure the success of programs. Options for local (i.e. within Nova Scotia or Atlantic Canada) processing are currently limited, but should be developed with a goal of improving circularity.

The Resource Productivity and Recovery Authority (RPRA) in Ontario has strong, transparent, and professional oversight. The involvement of technical advisory committees provides opportunities to identify areas for improvement and ensures ongoing municipal engagement. We feel a version of this model would foster continued collaboration between the oversight organization, industry, and municipalities.

Public space recycling (streetscapes)

While provision of additional receptacles in public spaces is a goal, we would like to see regulations be open to further exploring this opportunity in the future. This source of material has a high contamination rate and it is felt more data is needed to fully understand how to overcome barriers.

Option to account for PPP in the composting stream

Municipalities are open to considering material that currently appears in our composting stream for inclusion in EPR for PPP programs. This includes material such as boxboard which is repurposed to contain wet food waste as an alternative to purchasing other bin liners.

We recognize there are challenges in quantifying the amount of product captured in this stream, and on what basis funding should be paid. Municipalities are open to working with industry to determine a feasible approach.

Recognition of compostable within a program cannot be seen as a work-around for producers to bypass paying into a program. One of the principles of EPR is design for the environment. If compostable packaging (consistent with existing municipal infrastructure) is developed as a result of this, regulations must recognize there is still a cost to manage regardless of which stream it is captured in. 'A package is a package'.

Furthermore, biodegradable plastic alternatives for packaging is a growing industry that is currently causing significant confusion in the recycling system and contamination issues for the organics stream in Nova Scotia. Municipalities would support adding biodegradable plastics as either a standalone material on the landfill ban list, or add to the definition under the ban for plastic bags already in place, to reduce both the confusion and contamination issues.

While we are currently focused on PPP, we also recognize other priorities both now and on the horizon. We are open to expanding to more types of EPR (i.e. hazardous waste). As requested by NSECC staff we will be submitting feedback on this as a separate letter.

In closing, we would again thank NSECC for the opportunity to share our feedback in this format. We have valued being part of the conversation. This level of cooperation between municipalities and the province will ensure we have the strongest EPR program to best serve our residents.

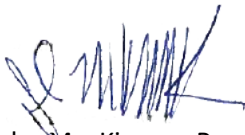
Regards,



Cyril MacDonald, Chair
NS Solid Waste Regional Chairs Committee



Amanda McDougall, President
Nova Scotia Federation of Municipalities



John MacKinnon, President
Association of Municipal Administrators Nova Scotia

cc: Honourable John Lohr, Minister of Municipal Affairs and Housing
Paul LaFleche, Deputy Minister, Municipal Affairs and Housing
Nova Scotia Solid Waste Regional Chairs Committee Members
Juanita Spencer, Chief Executive Officer, NSFM
Janice Wentzell, Executive Director, AMANS
Andrea Trask, Chair, Nova Scotia Managers & Directors Committee
Andrew Garrett, Chair, Nova Scotia Regional Coordinators Committee