



## Waste-Free Ontario Act: Ontario's Proposed New Waste Reduction Regime

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### Introduction

*On November 26, 2015, Ontario's Ministry of the Environment and Climate Change ("MOECC") posted the proposed Waste-Free Ontario Act to the Environmental Registry (EBR #012-5832) for public comment. The proposed Act is omnibus legislation that, if passed by the Ontario Legislature, would enact The Resource Recovery and Circular Economy Act and the Waste Diversion Transition Act. This newly proposed waste reduction regime would replace the existing waste diversion programs operated under the Waste Diversion Act, 2002. The Waste-Free Ontario Act endeavours to move Ontario towards a circular economy that increases resource recovery and facilitates waste reduction. The legal implications of the proposed regime include, among other things, holding individual producers legally responsible for achieving resource recovery and waste reduction requirements. The public comment period ends on February 24, 2016.*

### Waste-Free Ontario Act

The proposed *Waste-Free Ontario Act* marks a significant shift in how the province is thinking about waste. The *Waste-Free Ontario Act* is omnibus legislation that is intended to support Ontario's move towards a circular economy. The proposed regime is expected to facilitate waste reduction, increase resource productivity, enable efficient and effective collection and recycling systems, and increase the market value of recovered materials. The *Waste-Free Ontario Act* would enact the *Resource Recovery and Circular Economy Act* and the *Waste Diversion Transition Act*.

The *Resource Recovery and Circular Economy Act* would:

- ♦ allow the government to issue policy statements to provide direction on resource recovery and waste reduction. These policy statements would be developed in consultation with the public and key stakeholders.
- ♦ place a heavy burden on producers to recover and reduce the waste associated with their products. The Resource Productivity Recovery Authority would replace Waste Diversion Ontario and be responsible for overseeing enforcement and compliance under the new producer responsibility regime.
- ♦ identify producers as "responsible persons" and enforce specific obligations to be met by responsible persons to reduce and recover waste. Responsible persons would be given flexibility in determining how to best meet their obligations to reduce and recover waste.

- ♦ establish a Strategy for a Waste-Free Ontario to help the province transition to zero waste and zero greenhouse gas emissions from waste. The “Draft Strategy for a Waste-Free Ontario: Building the Circular Economy” was also posted on November 26, 2015 to the Environmental Registry for public comment (EBR #012-5834). The Draft Strategy is multi-faceted and focusses on such things as facilitating collaboration to make recycling more economically viable through the development of markets for recovered and recycled materials. Comments on the Draft Strategy are also due on February 24, 2016.

The *Waste Diversion Transition Act* would:

- ♦ replace the *Waste Diversion Act, 2002*
- ♦ facilitate the transition of existing programs, such as the blue box program, to the new producer responsibility regime
- ♦ enable the wind-up of existing waste diversion programs and Industry Funding Organizations (“IFOs”) that operate these waste diversion programs
- ♦ be repealed once the programs and IFOs are successfully wound-up.

### **Legal Implications**

Under the proposed new waste reduction regime individual producers would be held legally responsible for achieving resource recovery and waste reduction requirements. Producers would be required to show compliance by reporting data to the proposed Resource Productivity and Recovery Authority.

The Authority would replace Waste Diversion Ontario and provide independent oversight of producer requirements, operate a data clearinghouse, and undertake a compliance and enforcement role. The Authority’s compliance and enforcement tools could include the power to conduct inspections and to issue compliance orders and administrative penalties.

By placing a heavier burden on producers, the province believes that the proposed legislation would foster innovation and encourage the production of more resilient, reusable, and recyclable products.

The MOECC is seeking input from stakeholders and the public on the proposed legislation and the Draft Strategy. The public comment period on both the *Waste-Free Ontario Act* and the Draft Strategy is open until February 24, 2016.

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