

**DATE:** November 24, 2020

**FILE:** 5380-02

**TO:** Chair and Directors  
Comox Strathcona Waste Management Board

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

**R. Dyson**

**RE: Recycling Regulation Intentions Paper Response**

### **Purpose**

To provide input to the Ministry of Environment and Climate Change Strategy (MoE) regarding potential products for inclusion in the *Environmental Management Act*, Recycling Regulation (the Regulation).

### **Recommendation**

THAT the prepared response as attached to the staff report dated November 24, 2020, to the Ministry of Environment and Climate Change Strategy on their policy intentions paper expanding the *Environmental Management Act* Recycling Regulation be submitted.

### **Executive Summary**

- Through the release of this Intentions Paper, the MoE is engaging in expanding extended producer responsibility (EPR) by including more products under the Regulation and other waste reduction policy approaches to ensure that these items are managed responsibly. While many products are already covered by EPR, they are now ready to do more and will develop a multi-year strategy, including further outreach, on proposed priorities.
- Our region would benefit from an expansion of the Regulation through improved diversion opportunities and reduced disposal costs for residents and the service as the costs to manage products in an EPR program are borne by the program, and not local governments.
- Inclusion of mattresses in an EPR program for example, would eliminate the \$15 fee for residents to dispose of a mattress at Comox Strathcona Solid Waste (CSWM) facilities.
- In 2019, our Household Hazardous Waste program cost the CSWM service approximately \$260,000 to safely process products outside existing EPR programs.
- Applying EPR principles to the management of marine debris could provide steady funding for beach clean-ups from the industries that are creating the marine debris.

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Attachments: Appendix A – “Letter to the MoE; Recycling Regulation Policy Intention Paper”

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November , 2020

Sent via email only: [extendedproducerresponsibility@gov.bc.ca](mailto:extendedproducerresponsibility@gov.bc.ca)

Bob McDonald, Director  
 Extended Producer Responsibility  
 Ministry of Environment & Climate Change Strategy  
 PO Box 9341  
 Station Provincial Government  
 Victoria BC V8W 9M1

Dear Mr. McDonald:

**Re: Recycling Regulation Policy Intention Paper**

The Comox Strathcona Waste Management Service (CSWM) is pleased to be able to offer our comments on the Ministry of Environment and Climate Change Strategy (MoE) Policy Intentions Paper (Intentions Paper) on the Recycling Regulation (the Regulation). We are proud to be a part of the most comprehensive extended producer responsibility (EPR) policies in North America, but agree with the position that there are additional areas of growth for the Regulation, and gaps within existing programs that need to be filled.

**3.1 New Schedule for Mattresses****Q: Do you have comments/suggestions on the intention to add mattresses & foundations to the regulation?**

The Comox Valley and Campbell River Waste Management Centres (Centres) divert mattresses and foundations containing springs from landfill in order to recover the metal for recycling and conserve landfill space.

We support the intention to add mattresses and foundations to the Regulation. From January 1 to November 20, 2020, the Centres diverted 6,623 mattresses & foundations containing springs from being landfilled. The Centres also divert hide-a-beds and other bulkier items such as older recliners where metal can be reclaimed. The estimate labour and equipment cost for our operations to dismantle these items is approximately \$10/unit, which only results in the diversion of metal, with the remaining material ending in landfill.

There is no existing private recycling infrastructure for mattresses within the CSWM service area and hauling and storage of these materials to promote additional diversion beyond metal is not economically feasible. The addition of mattresses and foundations to the Regulation would increase diversion from our landfills and reduce the cost for the CSWM and residents to manage these products at end of life. Local governments must be compensated for the collection, dry storage, and handling of these materials and health and safety concerns from biohazards and bed bugs must be addressed by the program managers and not left to collection facilities. The pick-up of illegally

dumped mattresses must be incentivized and a management option for soiled mattresses must be available for all collectors.

As with the beverage container and Packaging and Printed Paper (PPP) Stewardship Plan (RecycleBC), please consider tiered fees based on recyclability or ease of recyclability for these products as pocket coil mattresses are a good example of a more difficult product type to manage.

**Q: Are there exemptions to this new product category that you believe should be considered?**

No.

### 3.2 Schedule 2 – Residual Product Category

**Q: Do you have comments or suggestions on the intention to regulate more product types?**

We welcome the intention to regulate more product types within the residual product category of the Regulation. The CSWM service pays a contractor to collect Household Hazardous Waste (HHW) from residents four days a week, accepting products both within EPR programs, and outside of EPR programs. This provides us with the comfort of knowing that all materials that are accepted are immediately identified, categorized, and safely stored within our facilities and our staff and the public are not at risk. In 2019 alone, our HHW program cost the CSWM service approximately \$260,000 to safely process products outside the existing regulation. Our contractor accepted, sorted and disposed of 391 drums and 15 pails of product that were exempt from the existing EPR programs.

Here are some examples of products that do not currently fall within the Regulation:

Broad Category	Examples
Hypochlorites	Bleach
	General cleaners
	30 Seconds Moss-Out
Non Regulated Liquids	Carpet cleaners
	Polishes
	Concentrate chemicals
	Flooring cleaners
	Bug & tar remover
	CLR - environmentally friendly version
	Wallpaper stripper
Corrosive/Toxic	Rust Remover
	Muriatic Acid (residential)
	Moss out/Moss control
	VIM cleaner
Oxidizers	Chlorinating pucks
	Brominating pucks
	Pool-shock
	Comet cleaner
Peroxides	2-part catalysts
	2-part adhesives (fibreglass resin)

<b>Paints</b>	Industrial Paint
	Marine paint
	2-part paints
	Roof tar, driveway sealant, foundation sealer etc.
<b>Tar based products</b>	Roof tar, driveway sealant, foundation sealer etc.
<b>Diesel</b>	Fuel
<b>Compressed aerosols, non-food</b>	Oven cleaner
	Any insect repellent
	Glass cleaner
	Upholstery cleaners
	General cleaners (spot remover, scrubbing bubbles sani-foam etc.)
	Degreasers (grill, automotive etc.)
	Tire foam
	Spray foam insulation small and large
	Cements, glues, resins, sealers,
<b>Adhesives, flammable killers</b>	Pesticides of any type
	Insecticides
	Herbicides
<b>Compresses Gas</b>	Butane
	Propane
	Bear spray
	Spray foam (gap fill and insulation)

**Q: What product types should be prioritized for regulation?**

In addition to those outlined in the Intentions Paper, please consider the following:

- Any pesticide regardless of labelling
- Spray foam insulation products
- Any container displaying the corrosive symbol
- Insect repellents
- Butane, propane tanks, small green camper propane tanks (these do not have a market)
- Any cleaner
- Any products containing the corrosive symbol intended for residential use

**Q: Do you have comments or suggestion on how to clearly define/classify product categories in the regulation that are user-friendly?**

Here are some potential ideas that may assist in classifying products for producers:

- Any consumable product not listed under the exempt category.
- Any products intended for use on in or around the home, recreational activities, yard maintenance and do not include product intended for ingestion (consumables), hair or beauty products.
- Any product not marked for industrial use only.

**Q: Are there product types you believe should be exempt from the regulation, beyond products such as cleaners that are intended for use down the drain?**

- Consumables (food i.e. spam in a compressed aerosol container)
- Beauty products
- Hair products
- Drywall mud
- Hardened epoxys, driveway sealers tars etc. - items that do not leach into the ground once hardened

### **3.2.2 Schedule 3 – Electronic & Electrical Product Category**

**Q: Do you have comments or suggestions on the intention to regulate more electronic and electrical products, including batteries?**

Yes, any consumer products with a cord or battery should be included within this program. This category changes rapidly with consumer trends and technology and it creates confusion for the public and collectors. If a product is identified as falling within the definition of the Regulation, and it is not managed within an approved program, MoE should be strict in financially penalizing the producers. Free-riders identified by either local governments, collectors or EPR program operators should be brought in line by the MoE to maintain a level playing field and reduce confusion at collection sites.

**Q: What product types should be prioritized for regulation?**

Products containing batteries, and particularly lithium ion embedded batteries, are suspected to be the cause of many fires at recycling and waste management facilities. Incorrect management of these smaller products have large financial implications and can cause major disruption to the entire waste collection and sorting network in remote parts of our province.

**Q: Are there product types you believe should be exempt from the regulation and may be better managed through alternative policy approaches?**

Large scale electronics that are typically purchased through a lease or monthly fee and repaired only by certified technicians should be exempt from collection at public sites, but manufacturers claiming this exemption should have to report on their management practices to the MoE.

### **3.2.3 Schedule 5 Packaging and Paper Product Category**

**Q. While EPR for industrial, commercial and institutional (ICI) packaging and paper has been suggested by some stakeholders, there are also other approaches that have been advanced for commercial business waste management. Do you have comments or suggestions on EPR or alternative policy approaches to address the need for greater diversion from landfills and to better manage ICI materials?**

We recommend a phased approach to handle the varying complexities of the system.

#### Phase 1

Allow any PPP that can be purchased in a retail store to be accepted at a collection site. For example, a small business purchasing products from Staples Canada should be able to recycle the packaging of those products within the existing RecycleBC program. The sale of that product

included a fee to fund the RecycleBC program, but just because the consumer is not a resident they are denied access to recycle it. This would allow facilities such as libraries, schools, municipal recreation centres and small businesses generating small quantities of PPP for recycling to participate in the benefits of the RecycleBC program either by self-hauling to a collection site, or by receiving direct collection within a community recycling collection network funded by RecycleBC.

### Phase 2

Inclusion of larger businesses generating significant quantities of PPP, some of which is originating from transportation and secondary packaging that is not currently captured within the RecycleBC program.

The BC used oil program is an example of an incentivized collection program for approved haulers to collect material within a region, consolidate it and report it to a central EPR program. This model could be applied to ICI recycling from large generators that exceed the standard frequency and container sizes supported by residential collection. Approved haulers could provide bins and service large businesses at a frequency which meets the needs of the business. The program could be funded directly by the businesses that are participating in the program, based on their share of materials generated for recycling, not their sales of a product.

While very similar to free-market current practices, the inclusion of ICI recycling within the Regulation would require businesses to divert even if it costs more than disposal options and it would simplify the banning of recyclables such as cardboard from landfills. This section could have its own phased approach, with only marketable material being accepted initially, such as cardboard or specific hard plastics.

### **Q. Are there sources of ICI waste that should be the primary focus for better management, such as food services, office buildings or sports stadiums?**

A large number of ICI clients attempting to recycle at our Centres are small businesses with no access to alternative recycling. Examples of businesses that we turn away include:

- Small retail stores
- Home-based businesses
- Construction site and/or their trailers/office waste
- Small offices
- Local coffee shops
- School districts
- Restaurants
- Retailers who provide service to deliver goods and keep the resident's packaging for recycling. Examples are residential appliance and their product packaging
- Local farm and feed shops
- Lumber yards

## **4. Marine Debris in B.C – End-of-Life Management of Lost Fishing Gear**

### **Q. Do you have any comments or suggestions on policy approaches to better manage fishing gear?**

The shellfish aquaculture industry within our region can cause plastic waste to wash up on the beaches of our islands within weeks of the completion of a volunteer beach clean-up. Licenses for commercial fishing, and shellfish operations should include a fee that financially supports clean-up efforts and research into the prevention of the generation of marine litter from their industry. The funds should be directed to clean-up efforts within the region that the activity is taking place, especially when it is a fixed operation like shellfish aquaculture or fish farming.

## 6. Implementation

### **Q. To help inform the development of the multi-year strategy, do you have comments of suggestions on that product categories outlined in this intentions paper should be prioritized for regulation?**

Mattress EPR programs have been successful in other jurisdictions such as California, and consume the most space within our landfills and should be prioritized highest. The \$10 per unit cost does not represent the value of the airspace taken up within the landfill.

Other materials requiring the provinces attention:

#### **Agricultural Plastics, twine and grain bags**

Cleanfarms launched a pilot program in 2019 for the diversion of these products from landfill; please consider this approach for BC.

#### **Tire Recycling**

Improvements could be implemented to the existing tire recycling program:

- Place a fee on bicycle tires & tubes, not just a pilot program
- Accept more tire types into the program (see Tire Stewardship BC excluded list)
- Improve on the delivery of the program- we are not able to receive service to all of our sites including Tahsis, Zeballos and Gold River due to minimum load requirements of a truck and trailer worth of tires. These sites are not large enough to store that quantity.

Sincerely,

Arzeena Hamir  
Vice-Chair

cc: Russell Dyson, CAO, Comox Valley Regional District  
Marc Rutten, General Manager Engineering Services, Comox Valley Regional District