

## Industry awaits impacts of the Waste-Free Ontario Act

by Mary Baxter Jun 20, 2016

Ontario's building industry will have to wait until late summer or early fall before it obtains clarity on how the province's newly minted Waste-Free Ontario Act will affect construction activity.



The Act, which received Royal Assent June 9, requires producers, such as manufacturers, to be fully responsible for their products and packaging at the products' end of life and establishes the framework to introduce the Resource Productivity and Recovery Authority, described in a Ministry of the Environment and Climate Change news release as "a strong oversight body with new compliance and enforcement powers."

The authority replaces Waste Diversion Ontario which oversees five waste diversion programs: blue box, waste electrical and electronic equipment, municipal hazardous or special waste, used tires and paint and coatings.

The new authority will oversee the existing diversion programs until new programs take effect.

The legislation gives the provincial government 90 days after the bill passes into law to finalize a draft strategy and details about the new authority.

**"If we're going to create yet another new agency for the industry, where does that fit into all the other stuff?" says Richard Lyall, Residential Construction Council of Ontario (RESCON) president. "Every aspect of our industry is under review right now, and all of those reviews have cost implications.**

"It's going to the point where we're going to have to get one of those little ticket takers at a job site, so the inspectors can take it and wait their turn to get on because they're going to be piling up at the entranceways."

The construction sector is already doing much to reduce and manage its waste, he says. For example, a waste management plan is a routine requirement of the LEED green building certification that is now widely embraced by the industry.

Lyall also points to the **Residential and Civil Construction Alliance of Ontario's SOiiL (Supporting Ontario Infrastructure Investments and Lands)** soil exchange program to reduce the amount of fill that ends up in garbage dumps. "We're pretty close to the final green lighting of this," he says of the program that was inspired by a similar service in England.

RESCON is also working to drive greater adoption of offsite construction practices and panelization of prefabricated products that would reduce onsite waste such as packaging or cut-offs.

It has recently established a panelization working group to address the issue.

The waste reduction potential is "massive," as is the reduction in packaging waste, Lyall says. In other jurisdictions, whole kitchens and bathrooms are being fabricated offsite.

"I was in a new hotel in Copenhagen where all the bathrooms were basically hoisted right in — the floor, wall, ceilings, light fixtures, shower heads, everything else like that. Same thing with kitchens. Even the appliances are in the kitchen and it's hoisted into place.

"All of those appliances, all of those taps and fixtures, all of those tiles and cabinets didn't have to be wrapped and boxed and packaged and so on to be shipped out to a site." didn't have to be wrapped and boxed and packaged to be shipped out."

Fifteen to 20 per cent of the housing construction industry uses panelized components; Lyall would like to see the percentage rise to 80 per cent of the market.

He acknowledges managing waste can be a problem on construction sites at times. "It has been a challenge of more of who picks it up? Because sometimes when trades get really busy, they don't want to pick after, they don't want to pick up their own waste, so quite often it's employers of the builder or special companies that are called in to pick it up."

But there is strong motivation to tackle the problem within the industry, he says. "No one is interested in seeing otherwise good materials or recyclable materials going to landfills."

One big concern about the new Resource Productivity and Resource Recovery Authority is it's not known how the new system is going to work, he says.

According to the province's draft waste diversion strategy, the authority "would operate a data clearinghouse" and "provide independent, robust oversight, and compliance and enforcement of producer responsibilities."

Producers of products that could potentially generate waste through packaging or some other process would be required to register with the authority and report information. The authority's "compliance and enforcement tools could include inspection powers and the ability to issue compliance orders and administrative penalties," the draft document says.

The new act gives the Ontario Minister of the Environment and Climate Change the authority to issue policy direction to the authority.

Other components proposed in the draft strategy include:

A visionary goal of zero waste in the province and zero greenhouse gas emissions from the waste sector.

Provincial authority to issue policy statements to help coordinate decision-making "across multiple sectors and actors."

A prohibition on producers (manufacturers) transferring liability of their responsibility for achieving resource recovery and waste reduction requirements.

Mandatory producer registration with the authority and a requirement that producers negotiate with municipalities or service producers where these are needed to meet obligations.

A review of recycling regulations that govern non-hazardous solid waste from residential, industrial, commercial and institutional sources. The review would explore the introduction of third-party monitoring, certification and audits, among other things.

The introduction of reduction targets for elements not already covered by existing programs, such as fluorescent bulbs and tubes, additional electronics, carpets and bulky items (furniture and mattresses) and batteries.

The document notes that over the past decade, there has been no change in the proportion of waste that ends up in landfill. It remains at nearly three quarters of what the province produces.

There is a lack of data about institutional, commercial and industrial sectors efforts to divert more waste have been largely unsuccessful, the document says. Yet these three sectors "generate 60 per cent of waste, such as printed paper, products and packaging, organic wastes and construction and demolition waste."