

January 20, 2022

Honourable Jason Nixon  
Minister of Environment and Parks  
323 Legislature Building  
10800 - 97 Avenue NW  
Edmonton, AB T5K 2B6

Dear Minister Nixon:

Alberta Municipalities had the opportunity to review Alberta Environment and Parks' (AEP) second round of engagement questions on Extended Producer Responsibility (EPR). Local governments are keen to see EPR programs implemented as soon as possible. Alberta Municipalities has long advocated for an EPR packaging and paper program. Because of the funding changes made by Alberta Infrastructure, municipalities are facing higher collection costs for Household Hazardous Waste. The need for a Hazardous and Special Products (HSP) EPR program is now becoming a focus for many local governments.

Our feedback to the engagement questions is attached for your information. We want to share a few high-level points from our research and discussions with our members.

#### **Municipalities must be part of the decision-making process**

Alberta Municipalities understands that EPR regulations shift the responsibility to producers. However, local governments must be part of the discussion and decision-making. Many municipalities operate major collection sites for packaging paper products (PPP), single-use plastics (SUP) and hazardous and special products (HSP) programs. To successfully transition municipalities, we must have a say in how the transition process is designed and implemented, have adequate time to decide, and not feel forced to choose. The transition process needs to be mutually beneficial and understood by all stakeholders involved.

We are asking AEP to share draft EPR regulations with municipalities to help us understand all the details of the framework that the ministry is considering. We are also asking AEP to establish transition working groups for PPP/SUP and HSP programs. The working groups should include producers, municipalities, producer responsibility organizations (PROs), and the waste management sector, with provincial resources supporting the working groups. These working groups should be established as soon as possible and be in place before the provincial government proclaims the regulations.

#### **Current service level and accessibility must be either maintained or enhanced under EPR programs**

Local governments do not support a reduction in service levels under EPR programs. Many municipalities currently provide services at a higher level than suggested in AEP's discussion questions. We believe EPR programs must either maintain or enhance the current level of service.

We understand that there might be a data gap in understanding municipal service levels; therefore, we do not believe service levels should be set in regulations yet. We suggest that AEP, PROs, producers, and municipalities work together to determine service level and accessibility standards. These agreeable terms could be formalized in a transition plan approved by AEP, outlining milestones, expectations, and processes, ensuring all parties understand.

## **Alberta's EPR programs must accept the same items already included in other Canadian jurisdictions**

Alberta Municipalities want to see our EPR programs accept items similar to those accepted in other Canadian provinces. For example, the HSP regulations should designate comparable HSP characteristics and products as BC, Saskatchewan, Manitoba, Ontario, etc. We also support our HSP regulations with a timetable to expand HSP definitions, making Alberta's HSP program the most comprehensive program in Canada within a few years of launching.

Our members have shared that the definitions of PPP and SUP should be broad. The regulations should have a timetable to expand PPP/SUP items and materials to keep up with changes in packaging. As a step forward to build a circular plastics economy outlined in the Government of Alberta's [Natural Gas Vision and Strategy](#), we believe that Alberta should strive to have the most comprehensive PPP/SUP EPR program in Canada. We support the vision of building Alberta into Western North America's centre of excellence for plastic diversion and recycling by 2030.

If we do not develop regulations that can keep up with changes, municipalities will be forced to pick up new items that are not defined in the EPR regulations. Every time plastics are disposed of in landfills, it is an opportunity lost to our petrochemical, natural gas, and recycling industries here. Alberta's EPR programs will soon become outdated, reducing Albertans' future opportunities to recycle. The goal of EPR is that "producers" should assume the responsibility; therefore, incentivize producers to think "circular" in terms of product design and end-of-life management.

## **AEP should implement PPP/SUP and HSP programs concurrently**

Municipalities face higher HSP collection costs due to the financial reduction made by Alberta Infrastructure. We appreciate AEP's commitment to fund its portion of the Household Hazardous Waste grant, but there is still a funding shortfall in today's grant. We are asking AEP to implement HSP and PPP/SUP programs simultaneously and would like to see an HSP program launch within a year after the regulations are passed. AEP should reach out to HSP PROs and producers to discuss how PROs can start working with municipalities. If an EPR HSP program cannot be launched within a year, Alberta Municipalities asks that the provincial government provide additional bridge funding to fill the existing funding gap left by Alberta Infrastructure.

We appreciate your staff hosting municipal sessions with local government officials and thank you for listening to municipalities. We look forward to working with your team to implement EPR programs in 2022. If you would like to discuss this further, please feel free to contact me by email at [president@abmunis.ca](mailto:president@abmunis.ca).

Sincerely,



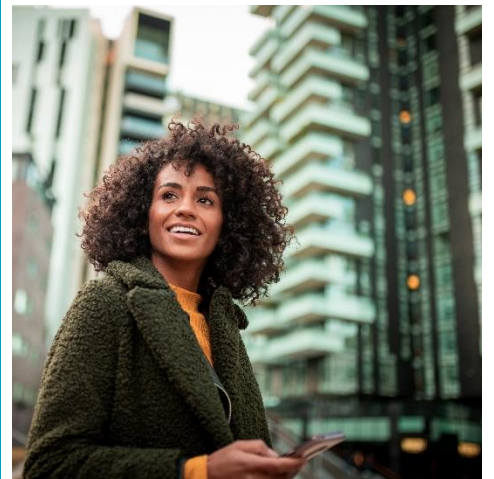
Cathy Heron  
Alberta Municipalities President

### Enclosures

- Alberta Municipalities EPR Submission - Targeted Engagement Sessions - Winter 2021/22

Cc Mr. Searle Turton, Member of Legislative Assembly, Spruce Grove-Stony Plain

# EPR Submission



Extended Producer Responsibility – Targeted Engagement Sessions -  
Winter 2021/22

## Table of Contents

AB Munis: Extended Producer Responsibility.....	3
Municipalities must be part of the decision-making.....	3
Current service level and accessibility must be either maintained or enhanced under EPR programs .....	3
Alberta's EPR programs must accept the same items already included in other Canadian jurisdictions.....	3
AEP should implement PPP/SUP and HSP programs concurrently .....	4
AEP Discussion Questions .....	5
Packaging and paper products (PPP) /Single-use plastics (SUP).....	5
Additional Questions - PPP .....	6
Hazardous and Special Products (HSP).....	8
Additional Questions - HSP.....	10



# AB Munis: Extended Producer Responsibility

Alberta Municipalities had the opportunity to review Alberta Environment and Parks' (AEP) Extended Producer Responsibility discussion questions for paper products and packaging (PPP), single-use plastics (SUP), and hazardous and special products (HSP).

We appreciate the ministry taking the time to offer two municipal sessions in December 2021, and these sessions were well-attended by municipal elected officials and staff. Alberta Municipalities has long advocated for an EPR framework in Alberta. Our advocacy included the [Alberta Collaborative EPR Study \(ACES\)](#), published in early 2020, which emphasized the many benefits of an EPR program. This research is a partnership among Calgary, Edmonton, and the Canadian Stewardship Services Alliance. The report covers municipalities' perspectives on EPR and other provinces' best practices. We believe ACES continues to be a good reference for us as we continue to develop an EPR policy and programs.

Alberta Municipalities' feedback to the discussion questions is attached for your consideration. We also want to share a few high-level themes from our discussions with our members.

## **Municipalities must be part of the decision-making**

Alberta Municipalities understands that EPR regulations shift the responsibility to producers. However, local governments must be part of the discussion and decision-making. Many municipalities operate major collection sites for packaging paper products (PPP), single-use plastics (SUP) and hazardous and special products (HSP) programs. To successfully transition municipalities, we must have a say in how the transition process is designed and implemented, have adequate time to decide, and not feel forced to choose. The transition process needs to be mutually beneficial and understood by all stakeholders involved.

We are asking AEP to share draft EPR regulations with municipalities to help us understand all the details of the framework that the ministry is considering. We are also asking AEP to establish transition working groups for PPP/SUP and HSP programs. The working groups should include producers, municipalities, producer responsibility organizations (PROs), and the waste management sector, with provincial resources supporting the working groups. These working groups should be established as soon as possible and be in place before the provincial government proclaims the regulations.

## **Current service level and accessibility must be either maintained or enhanced under EPR programs**

Local governments do not support a reduction in service levels under EPR programs. Many municipalities currently provide services at a higher level than suggested in AEP's discussion questions. We believe EPR programs must either maintain or enhance the current level of service.

We understand that there might be a data gap in understanding municipal service levels; therefore, we do not believe service levels should be set in regulations yet. We suggest that AEP, PROs, producers, and municipalities work together to determine service level and accessibility standards. These agreeable terms could be formalized in a transition plan approved by AEP, outlining milestones, expectations, and processes, ensuring all parties understand.

## **Alberta's EPR programs must accept the same items already included in other Canadian jurisdictions**

Alberta Municipalities want to see our EPR programs accept items similar to those accepted in other Canadian provinces. For example, the HSP regulations should designate comparable HSP characteristics and products as BC, Saskatchewan, Manitoba, Ontario, etc. We also support our HSP regulations with a timetable to expand HSP definitions, making Alberta's HSP program the most comprehensive program in Canada within a few years of launching.

Our members have shared that the definitions of PPP and SUP should be broad. The regulations should have a timetable to expand PPP/SUP items and materials to keep up with changes in packaging. As a step forward to build a circular plastics economy outlined in the Government of Alberta's [Natural Gas Vision and Strategy](#), we believe that

Alberta should strive to have the most comprehensive PPP/SUP EPR program in Canada. We support the vision of building Alberta into Western North America's centre of excellence for plastic diversion and recycling by 2030.

If we do not develop regulations that can keep up with changes, municipalities will be forced to pick up new items that are not defined in the EPR regulations. Every time plastics are disposed of in landfills, it is an opportunity lost to our petrochemical, natural gas, and recycling industries here. Alberta's EPR programs will soon become outdated, reducing Albertans' future opportunities to recycle. The goal of EPR is that "producers" should assume the responsibility; therefore, incentivize producers to think "circular" in terms of product design and end-of-life management.

### **AEP should implement PPP/SUP and HSP programs concurrently**

Municipalities face higher HSP collection costs due to the financial reduction made by Alberta Infrastructure. We appreciate AEP's commitment to fund its portion of the Household Hazardous Waste grant, but there is still a funding shortfall in today's grant. We are asking AEP to implement HSP and PPP/SUP programs simultaneously and would like to see an HSP program launch within a year after the regulations are passed. AEP should reach out to HSP PROs and producers to discuss how PROs can start working with municipalities. If an EPR HSP program cannot be launched within a year, Alberta Municipalities asks that the provincial government provide additional bridge funding to fill the existing funding gap left by Alberta Infrastructure.



# AEP Discussion Questions

## Packaging and paper products (PPP) /Single-use plastics (SUP)

1. *From a municipal perspective, how long should producers have to meet the first target and then the second target in the following phased management targets?*
  - *Paper 80% increasing to 90%*
  - *Rigid plastic 50% increasing to 60%*
  - *Flexible plastic 25% increasing to 40%*
  - *Metal 67% increasing to 75%*
  - *Glass 75% increasing to 80%*

### Alberta Municipalities' Input:

- a. Municipalities support progress targets. However, municipal data collection might not represent province-wide data. It is possible that there might be a data gap to determine management targets effectively at this moment.
  - b. Municipalities believe that the target should be for producers to meet, not municipalities. Some municipalities may choose to be a contractor of a Producer Responsibility Organization (PRO). They should not be obligated or financially penalized if producers cannot meet the targets.
  - c. In order to allow the markets to find the best solutions and respond to innovation, we suggest the province strives for higher targets to create demand. Materials that are more difficult to recycle should have a different timeline than easy-to-recycle materials, e.g. papers/OCC. The provincial government must also have a mechanism to enforce the targets, measure performance, and encourage continuous improvement.
2. *Alberta proposed all producers would provide, at minimum, the same type of service residents currently receive (e.g., curbside where curbside, depot where depot). Are there any residences in Alberta that do not currently receive waste collection either through collection from households or drop off locations where residents can deliver waste? Where are they located and why don't they currently receive household or drop off waste collection? If there are areas that don't currently receive household or drop off waste collection, can you share any ideas on how an EPR program could be rolled out in these areas?*

### Alberta Municipalities' Input:

- a. Yes, there are still communities in Alberta that might not have access to recycling services, typically in smaller communities.
- b. Many smaller communities are part of a regional waste management commission. A regional waste management commission is one way to roll out a collection service.
- c. There are remote communities that might not be part of a commission. These municipalities may require a PRO to bring in service regularly.
- d. We believe there must be a mandated timeline to bring services to small and remote communities. The timeline should be agreed upon among municipalities, AEP and producers.

3. *What are your thoughts on producers being obligated to collect from schools, long-term care facilities and retirement homes? To what degree do municipalities already collect from these facilities?*

Alberta Municipalities' Input:

- a. From what we heard, some communities currently collect materials from schools, churches, long-term care facilities and retirement homes. The service may be provided directly via municipalities or a regional waste management commission.
- b. Local governments or regional waste management commissions provide the service out of necessity. Many of these communities have no private contractors willing to provide services.
- c. We believe an EPR program should accommodate a small amount of institutional, commercial, and industrial (ICI) waste because municipalities are obligated to provide waste management locally.
- d. If AEP chooses not to include a small amount of ICI in communities as part of the program, there should be sufficient time for local governments to transition out of providing this service. These facilities should not suffer or have their service interrupted or discontinued because of an EPR program.
- e. Alberta Municipalities support an EPR program for paper and packaging eventually including ICI waste.

## Additional Questions - PPP

4. *In regards to transitioning to an EPR program for single-use plastics, packaging and paper products, what factors should Alberta Environment and Parks take into account in terms of timing? Are there any operational or contractual considerations?*

Alberta Municipalities' Input:

- a. There are many elements to consider. Each municipality may have different factors. Some communities have invested in recycling assets, and municipalities will need to decide what to do with these assets.
- b. Other municipalities may have a long-term contract with a private waste management company. Transitioning the contracts could be complex (or straightforward) based on the terms and conditions of their agreement.
- c. Alberta Municipalities believe that AEP needs to work with municipalities on transition by:
  - i. Establish a transition working group including producers, municipalities, and the waste management sector to discuss challenges and work collaboratively. This working group should be in place before the regulations are passed, with provincial resources to support the smooth transition,
  - ii. Ask PROs to submit a transition plan to AEP outlining how it proposes transitioning the entire province to an EPR system, and
  - iii. The transition plan should be mandated when the program first launches to ensure all parties understand the process, milestones, and expectations.

5. *Should municipal governments be designated as producers for the PPP/SUP materials they provide to residents or be exempt? And why?*

Alberta Municipalities' Input:

- a. It is difficult for Alberta Municipalities to answer without knowing the definition of "producers" in the regulations. However, municipalities generate some paper waste (e.g., utility bills, recreation brochures, and legal notices required by the *Municipal Government Act*). Municipal governments might meet the definition.
- b. If local governments are required to comply, it is also expected that some municipalities should be exempted under the proposed Small Business Exemption criteria, which still need to be determined.
- c. Many smaller municipalities do not generate a lot of paper waste. Currently, many are also exploring online services as an alternative to paper billings. Exempting municipalities with little paper waste reduces administrative burdens.



6. *Could municipalities report information on their current recycling and waste services and infrastructure to government to ensure producers have the information necessary to plan for and provide PPP collection services to residents? Are there any comments on the best approach and timing to do so?*

Alberta Municipalities' Input:

- a. Please see our comments in Question 4.

7. *Should use of PPP materials as aggregate or for fuel be counted towards management targets? And Why?*

Alberta Municipalities' Input:

- a. Many local governments and regional waste management commissions are exploring waste-to-energy technologies. Some pilot projects have already started. For example, several southern Alberta municipalities have joined to study and build a waste-to-energy facility for non-recyclable materials. We would like to see that EPR programs do not become a barrier for communities exploring waste to energy facilities for non-recyclable materials.
- b. Many municipalities have adopted the waste hierarchy to guide their local waste policy program. We believe that EPR programs should follow the waste hierarchy to keep materials at their highest value. Typically, higher-end uses generate more economic activities and create more jobs locally.

8. *If the province establishes a not-for-profit, non-crown regulator governed by a Board of Directors that is independent from producers, service providers and municipalities to oversee the EPR regulation and systems for PPP and HSP, what suggestions do you have for the province in order to 1) hold this entity accountable for regulatory oversight (e.g., policy tools) and 2) ensure efficiency?*

Alberta Municipalities' Input:

- a. There are pros and cons for establishing an oversight body to govern EPR PPP and HSP programs. A well-designed oversight agency can bring credibility and legitimacy to EPR programs. However, we have also heard that oversight body could add additional costs to the program without additional benefits.
- b. If Alberta decides to create a third-party oversight body, we believe this body must have:
- i. Sufficient power to address non-compliance,
  - ii. Independent and proper financial resources to operate and carry out its mandate,
  - iii. A balanced viewpoint and representatives from Alberta's diverse sectors on the board of directors,
  - iv. Board members selected based on merit, skills, experience and via transparent selection processes, and
  - v. A governing body considers inclusion and diversity dimensions in determining board members.
  - vi. Furthermore, the Alberta Collaborative EPR Study (ACES) highlights that an oversight body should be responsible for:
    1. Monitoring and overseeing producer responsibility in Alberta,
    2. Verifying the data provided by producers,
    3. Administering a data management system that ensures producers are held accountable for their supply chain and ensuring that all data provided is accurate under the standards established,
    4. Conducting periodic audits of submitted producer data,
    5. Continuous improvement of EPR programs, and
    6. Educating the public about recycling under the EPR system.
  - vii. A third-party oversight body could have some possible compliance challenges, for example:
    1. It will be hard to enforce the regulations if the businesses do not have a physical presence in Canada.

2. Some federally regulated industries might challenge the Alberta government's EPR regulations.
3. Unclear mandate and division of responsibility between the third-party organization and AEP could result in confusion as to who can enforce what, when and how.
4. The oversight body must be granted the proper resources and legal authority to ensure compliance.
5. It is important to consider who will be responsible for mediating disputes and upholding standards, for example, who will enforce accessibility standards, collection targets, etc.



## *Hazardous and Special Products (HSP)*

*9. What types of products in addition to pesticides, non-refillable pressurized containers, antifreeze, solvents, batteries (excluding lead acid batteries), gasoline, fuels, fuel additives/treatments, lubricants and adhesives are you currently collecting?*

### Alberta Municipalities' Input:

- a. The Alberta Recycling Management Authority (ARMA) has been working with municipalities on the collection of Household Hazardous Waste (HHW). We suggest AEP works with ARMA to get this information.
- b. As part of the transition, Alberta Municipalities suggests that a transition working group be set up working with a PRO and municipalities to support moving the existing HHW program to an EPR HSP program.
- c. A transition plan should be required to ensure that all parties understand the process, responsibilities, milestones, and expectations.

10. If the following service level was regulated for HSP depots and events, does this increase, maintain, or decrease your current service level?

<i>Cities with a population over 500,000</i>	<i>At least one HSP collection site for every 250,000 people or portion thereof<sup>1</sup></i>
<i>Cities, towns, municipal districts with a population over 10,000 but less than 500,000</i>	<i>At least one HSP collection site<sup>2</sup></i>
<i>Towns, municipal districts, specialized municipalities, First Nations communities, with a population over 1,000 but less than 10,000</i>	<i>At least one collection event per year<sup>3</sup></i>
<i>In any other town, village or First Nations community with a population less than 1,000 that held a collection event in 2021</i>	<i>At least one collection event per year<sup>4</sup></i>

Alberta Municipalities' Input:

- a. Our members are concerned that the proposed service standards will lead to a decrease in current service levels. Many municipalities offer higher service levels right now.
- b. We believe that under an EPR HSP program, no municipalities should receive a lower service than the status quo. An EPR program must enhance today's service level.
  - i. We have heard that many municipalities are working together with their regional waste management commission to offer services to their residents, often at a higher level of service per capita than proposed by AEP. Municipalities want to maintain this level of service for their region under an EPR HSP program.
- c. We believe the drive-time-to-depot measurement needs to be established by the PRO in collaboration with municipalities. Many municipalities are also members of a regional waste management commission, which operates a centralized depot for commission members. The PRO and municipalities must work together to determine criteria on accessibility, time-to-depot measurement, and service standards.
- d. Some criteria that should be considered when establishing an accessible recycling system:
  - i. All municipalities can recycle the same set of materials,
  - ii. It is at least as convenient to recycle materials as it is to dispose of them as garbage,
  - iii. The accessibility and service standards need to be reviewed regularly to ensure producers meet their obligations and are held accountable.

11. How long should producers have to meet the first target and then the second target in the following phased management targets?

- Batteries 40% increasing to 45%
- Non-refillable pressurized containers 20% increasing to 25%

Alberta Municipalities' Input:

- a. Please see our answers to Question 1.

12. What benefits and challenges exist for municipalities if an HSP program were to be launched within a year of the regulations being in place? Do you have any

<sup>1</sup> Based on latest StatsCan census data, 5 depots would be required in Calgary and 4 in Edmonton.

<sup>2</sup> Based on latest StatsCan census data, there are 52 communities with a population over 10,000 but less than 500,000.

<sup>3</sup> Based on latest StatsCan census data, there are 152 communities with a population over 1,000 but less than 10,000.

<sup>4</sup> Based on the list of HHW Communities, 54 towns, villages and Indian reserves with a population less than 1,000 provided HSP collection in 2020.

*suggestions if Alberta Environment and Parks were to take a phased approach for managing HSP materials? Which materials are most important to be managed first?*

Alberta Municipalities' Input:

- a. Alberta Municipalities supports having an HSP program implemented within a year. Many municipalities face higher HSP collection costs due to the reduction of financial support provided by Alberta Infrastructure.
- b. To support a smooth and quick transition, AEP should reach out to HSP PROs, e.g., Product Care, Recycle My Battery, etc., to discuss how PROs can start working with municipalities to transition. We believe that launching an HSP and PPP program can happen concurrently.
- c. Suppose we cannot transition to an EPR HSP program within a year. In that case, Alberta Municipalities asks the provincial government to provide additional funding to fill the existing funding gap left by Alberta Infrastructure.
- d. We do not support a phased approach for managing HSP materials. It is confusing for residents to determine what items are in or out. Furthermore, residents will bring in items regardless, and municipalities will pay for out-of-scope items.
- e. We believe that Alberta's program should accept HSP materials collected in other provinces from the beginning.

## Additional Questions – HSP

*13. Should use of HSP materials as aggregate or for fuel be counted towards management targets?*

Alberta Municipalities' Input:

- a. Please see our answers to Question 7.

*14. Should management targets be applied to HSP that is intended to be used up by residents? & 15. Should collection targets be applied to HSP that is not recyclable (where a management target isn't feasible)?*

Alberta Municipalities' Input:

- a. Different materials might require different ways to measure them. Although some HSP is intended for "use," consumers do not always consume all HSP products. In this instance, if a management target is not feasible, producers should still provide access to recycling these products and report on how much and what has been collected.
- b. Information collected could be used for future waste management planning.

*16. If the province establishes a not-for-profit, non-crown regulator governed by a Board of Directors that is independent from producers, service providers and municipalities to oversee the PPP regulation, what suggestions do you have for the province in order to 1) hold this entity accountable for regulatory oversight (e.g., policy tools) and 2) ensure efficiency?*

Alberta Municipalities' Input:

- a. Please see our answers to Question 8.



# Alberta Municipalities Strength In Members

**Connect :**

[advocacy@abmunis.ca](mailto:advocacy@abmunis.ca)

300, 8616 51 Avenue  
Edmonton, AB T6E 6E6  
780.433.4431 ■ 310.MUNI

abmunis.ca

