

Ontario's IC&I Experience

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Ontario's IC&I Regulations

- Three regulations under the Environmental Protection Act (O. Reg. 102/94, 103/94 and 104/94) outline the following waste diversion requirements on large establishments in the IC&I sector:
 - Waste generation and packaging audits covering wastes generated at the site.
 - Work plans to reduce, reuse and recycle waste and packaging.
 - Source separation programs, and “reasonable efforts” to ensure specific separated wastes are reused or recycled.
- At least 10,000 Ontario establishments are currently captured under the regulations.
 - Do not apply to certain Ontario businesses (e.g. entertainment complexes) or to those that do not meet the “large establishment” definition (e.g., retail shopping complexes less than 10,000 square feet; hotels with 75 units or less).
- O. Reg 103/94 (Source Separation) sets out the wastes that must be included in source separation programs for each establishment type.

Challenges

- Poor quality data produced
- Burdensome and process-oriented framework (paper based)
- Open to interpretation from a compliance perspective and in some cases unenforceable
- Lack of penalties for non-compliance/no 3rd party auditing of reporting
- Poor alignment with existing municipal recycling programs (aka Blue Box)

Looking Forward

- During mediation in 2019 in support of moving municipal recycling to EPR, many industry representatives were clear that while they did not support including the IC&I sector in the new model, they agreed that modernizing the rules for IC&I recycling was important.
 - Noted that these regulations should better align with the materials that go in the blue box to ensure a co-ordinated approach to recycling in Ontario.
 - Industry response likely reflected concerns related to the broader range of materials within the IC&I sector, impact on existing internal recycling efforts, as well as the need to focus on transitioning the municipal sector.
- In December 2021, Ontario's Auditor General issued a report on Ontario's IC&I regulations and made a number of recommendations to address problems identified, including
 - Broadening scope of both range facilities and types of materials.
 - Improving data collection and reporting.
 - Look to best practices in other jurisdictions.