



CANADIAN ENVIRONMENTAL
LAW ASSOCIATION



October 20th, 2011

Legislative Building
Queens Park
Toronto, ON
M7A 1A1
F: 416-325-3745

Dear Premier McGuinty,

On behalf of our organizations we would like to offer our congratulations on the re-election of a Liberal government. We look forward to continuing to work closely with you and your colleagues over the next four years.

Thank you for completing our election questionnaire and reaffirming your government's continued commitment to environmental protection, specifically increasing waste diversion. Waste reduction and resource conservation remain the pillars of Ontario's environmental record and the bedrock to our growing green economy contributing over \$2.5 billion in revenue, over \$150 million in capital expenditures and over 10,000 jobs.

The addition and expansion of stewardship activities in Ontario through the Waste Diversion Act (WDA) has made an important contribution both to our struggling diversion rate as well as leveraging much needed financial investment in Ontario's waste diversion industry. Programs under the Act have brought an estimated \$240 million annually, expanding on our ability to process collected materials from Ontario's homeowners and businesses directly into our manufacturing and remanufacturing sectors. These programs have also offloaded important costs from the Ontario taxpayers.

However like you, our organizations acknowledge the need to address the current challenges under the WDA, including financing, underperformance, transparency and accountability. To that end we support your commitment to move swiftly to deal with them.

Each of our organizations participated in Government's consultation process to review and improve upon Ontario's Waste Diversion Act and we were encouraged by the direction the government was taking. The consultation dealt with important concepts of full producer responsibility, expansion of regulatory tools, resources directed to the Industrial, Commercial and Institutional (IC&I) sector and the introduction of supporting measures, such as disposal levies and bans, along with long-term, strategic planning. We still strongly support the implementation of these concepts into the Waste Diversion Act. However, lessons have been learned since these consultations and other jurisdictions have moved forward with changes that shed light on Ontario's situation. We do believe there are some short term objectives that the government should focus on.

The issue of eco-fees, how they are established, characterized and monitored is a common issue amongst jurisdictions. These fees continue to be confusing and in some cases continue to be passed on unfairly to the consumer.

As a result of their similar experience with consumer fees, Quebec and New Brunswick have taken action to disallow consumer fees at the point of purchase. This could be done in Ontario through legislative or regulatory changes without compromising the intent and benefits of existing or future producer responsibility programs.

The public must, at the same time, be assured these programs are being managed in an efficient and cost-effective manner. Currently neither the government, nor Waste Diversion Ontario has the power they need to ensure these programs are accountable and transparent. It is in the public interest for enforceable environmental standards and targets to be established and environmental and financial performance be audited by the government or an independent third party.

We want to emphasize that extended producer responsibility continues to be a pivotal policy element of waste diversion frameworks of the most environmentally progressive jurisdictions around the world. With that in mind, our organizations request an opportunity to meet with the Premier's Office staff to discuss these issues in further detail. We look forward to continuing on our collective goals of making Ontario a leader in waste reduction.

If you have any questions or concerns you may contact:

- Rob Cook, OWMA CEO at 905-393-3931;
- Jo-Anne St. Godard, RCO Executive Director at 905 586 5866
- Vivian De Giovanni, MWA Executive Director at 519-823-1990
- Theresa McClenaghan, CELA Executive Director at 416-960-2284 ext. 219
- Andrew Pollock, RPWCO Solid Waste Subcommittee co-chair at 905-685-4225 ext. 3642 or Vincent Sferrazza, RPWCO Solid Waste Subcommittee co-chair at 416-392-4715
- Beth Goodger, SWANA Ontario Chapter President at 905-546-2424 ext. 4409
- Alex Gill, ONEIA Executive Director at (416) 531-7884

Sincerely,



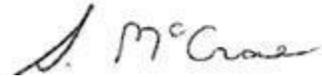
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Cc Hon. Jim Bradley, Minister of Environment
Hon. Brad Duguid, Minister of Economic Development & Innovation
Jamison Steeve, Principal Secretary