

Do not go where the path may lead - go instead where there is no path and leave a trail.

Nanaimo Recycling Exchange Feedback to BCUOMA Draft EPR Plan, 2022

General response to BCUOMA DRAFT plan and reports.

Increased transparency and understanding of the BCUOMA program would be achieved through MOECC determined format for EPR plans and reports, with strict oversight of terms and evidence.

BCUOMA is one of the most confusing EPR programs to understand. It is not clear how EPR actually helps to lower environmental damage and impact of products when it appears that 96% of products collected are outside the EPR purview, and 4% seems to be within program control. How is it beneficial to have an EPR program to manage 4% of products accepted?

It is almost impossible to determine the relationship between BCUOMA and the commercial collection system. If EHC's are collected for small container products (30L of used oil for example), that suggests the program is consumer funded. If that is so, then where do funds originate that BCUOMA provides to commercial collectors and processors "based on collection volumes and locations"?

The BC Used Oil Management Association EPR Plan DRAFT highlights the need for updated MOECC definitions of all levels of the Pollution Prevention Hierarchy. "Enhanced" Pollution Prevention Hierarchy definitions is an understatement: there should be no entitlement for individual EPR plans or reports to use enhanced definitions.

The outdated EMA definition of Recyclable Material seems to stand as the criteria for EPR Recycling, Recycled, and Recyclable. By coincidence, or by unfortunate lack of attention to current practices, the EMA definition of Recyclable Material defines the exact requirements of processing for acceptance at cement kiln markets. It is an environmental disaster that this definition has led to burning material (for revenue) in the making of cement. This market has out-paced value of materials for traditional recycling and has thereby replaced the traditional use of the word Recycling.

Environmental Management Act. Definitions 1. (1)

"recyclable material" means a product or substance that has been diverted from disposal, and satisfies at least one of the following criteria:

(a) is organic material from residential, commercial or institutional sources and is capable of being composted, or is being composted, at a site;

Do not go where the path may lead - go instead where there is no path and leave a trail.

(b) is managed as a marketable commodity with an established market by the owner or operator of a site;

(c) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process;

(d) has been identified as a recyclable material in a waste management plan;

(e) is any other material prescribed by the Lieutenant Governor in Council, or the minister under section 22 [minister's regulations — codes of practice];

MOECC should provide clear updated definitions for the Recycling Regulations. NRES is promoting the concept of national standard definitions to harmonize, as recommended by CCME EPR programs in Canada, and that would apply to other programs such as the proposed new plastics registry and labelling programs in BC.

MOECC should also require EPR plans and annual reporting to demonstrate product management in strict terms of the Hierarchy. This would prevent confusing and misleading use of terms.

In fact, MOECC should define Stewardship to prevent latitude for application of the term as demonstrated by the BCUOMA hybrid program. It is not clear how BCUOMA claims stewardship over a product when 96% of the product is not actually being stewarded.

Collection

Typically, EPR programs demonstrate successful collection. Annual reports are meant to show year over year improvement in management of products. BCUOMA's "Unaccounted For" products have been troublesome since 2006 reports, and not much seems to have changed.

The BCUOMA "Stewardship" model is unique at best and entirely misleading at worst. As noted in the proposed plan, "the processors own the material they collect or receive from collectors and market this material for their own benefit. The incentives provided by BCUOMA are actively managed and reviewed by the association to ensure the desired outcomes are being achieved." It doesn't seem that desired outcomes of "Unaccounted for" product is being achieved.

Instead, the enhanced definition of "Unaccounted for" has become "Re-Purposed" which sounds like one of those great "Re" words like recycle, or refurbish, or reuse. Except it's not. It is 18.76M litres of lost product because the financial incentives for sending to a cement kiln have likely surpassed the financial incentives for actually recycling. This not just the result of loose definitions: it also happens any time oil prices drop and remove the reason to purchase

Do not go where the path may lead - go instead where there is no path and leave a trail.

recycled oil. EPR is meant to cushion these market fluctuations with incentives, but BCUOMA has no EPR control over 96% of product and so doesn't provide incentives.

Recycling

How is it that consumers have to wash salad dressing out of a plastic bottle, but used motor oil containers contaminated with oil can be recycled? As it turns out, DesRosiers reports they aren't being recycled. There is troubling discrepancy between BCUOMA reporting and the DesRosiers findings:

BCUOMA Plan states,

- “while plastic oil and antifreeze containers are recycled into new oil containers, drainage tiles, and parking curbs,” and
- “both used antifreeze and empty containers are processed and recycled at facilities right here in British Columbia.”

The DesRosiers study reports, “

- Smaller package types such as bottles and jugs are intentionally made of HDPE with recyclability in mind but the issue of contaminants is a source of concern which reduces the recyclability and rate of reuse for these plastics
- Package manufacturers noted that their decision to use new plastic versus recycled plastic is generally cost driven with new plastic currently noted as the more economically viable option
- Do automotive fluid container manufacturers also purchase this recycled material? Participants in this study noted that the majority—if not all—of their recycled (reduced to resin, pellets, flaked) material is sold to other industries.
- Recyclers—according to package manufacturers—are deeply concerned with the amount of oil residue left within these HDPE containers once they reach their facilities. This contamination can make it impractical to recycle the plastic and can also negatively affect the quality of the recycled resin.
- However, as recyclable as HDPE plastic is on its own, the issue of contaminants presents a frequent speedbump
- As was mentioned by a number of recyclers, the current price of recycled resin sits somewhat higher than virgin resin, or at least they are similar in price. Package manufacturers make price-driven decisions when it comes to selecting a supplier for their plastic and a more expensive recycled product does not make for a good purchase.

Clearly, much of the BCUOMA packaging is not being recycled. In this case, EPR fees should be used to prohibitively price non-recyclable packaging, including the unfortunate “eco-boxes” out of the market. EPR fees should be used to incentivize Reuse containers. The barrier is not that producers are out of country. The barrier is BCUOMA failure to implement a fee schedule to change packaging design.

Do not go where the path may lead - go instead where there is no path and leave a trail.

Can we stop enabling the bending and twisting of definitions to pretend PRO's are managing products for their highest and best use, which everyone seems to believe is recycling. It is completely unfair to PRO's to expect magical recycling of non-recyclable products. Further research will not make a product recyclable, and it's a waste of eco-fee revenue. Why do we insist on perpetuating this faux EPR model when EPR was designed to remove polluting products from the system?

The suggestion by DesRosiers to develop an industry board to standardize packaging types and set recycling fees and incentives is disturbing: if an EPR provider is not able to implement EPR principles, then again, what is the benefit of EPR for these products?

In the DesRosier report, the Recycling industry is clear about refusing to recycle many containers without incentives. Whether this is a hostage tactic or a reflection of the truth about plastic, it's a lost cause. Contamination and competition from within the plastic industry will prevent achievement of recycling goals of BCUOMA plastic containers and other products.

Kind Regards,

Jan Hastings, MA
Executive Director
Nanaimo Recycling Exchange Society
jan@recycling.bc.ca