

Manitoba Waste Diversion and Recycling Framework Review

EXECUTIVE SUMMARY

April 28, 2021



MANITOBA
CONSERVATION
AND CLIMATE

A circular collage of various waste materials is positioned on the right side of the cover. The collage is divided into four quadrants by a white circular border. The top-left quadrant shows a pile of discarded batteries, including Energizer and Duracell brands. The top-right quadrant shows a stack of old, worn tires. The bottom-left quadrant shows a large pile of crumpled and discarded newspapers. The bottom-right quadrant shows several discarded paint cans of various colors and sizes. In the center of the collage is a white circle containing the text 'MANITOBA CONSERVATION AND CLIMATE'.

Executive Summary

Introductions and Objectives

Over the last few decades, the Government of Manitoba has made specific efforts to improve waste management practices within the province. Provincial legislation has continued to evolve in an effort to establish more progressive, diversion-based waste management programs. This project aims to review the current waste diversion and recycling framework in Manitoba to identify its strengths and gaps and recommend options to modernize and improve the current framework.

The nine project overall objectives were:

1. Gather ideas on how to enhance current waste diversion and recycling programming to include new products, sectors and processing technologies; increase program accessibility across the province; and identify other enhancements for exploration.
2. Explore options and make recommendations for increasing accountability and efficiency of the stewardship programs including improvement to financial and non-financial performance indicators.
3. Identify what aspects of stewardship programs and initiatives are effective and make recommendations on what should change.
4. Provide insights on how Manitoba can work with the private sector and municipalities to build the conditions for growth of local circular economies.
5. Recommendations on how to leverage the departmental allocation of WRARS funds to drive behavior changes that reduce waste and increase waste diversion and recycling.
6. Ensure recommendations identify the current and emerging opportunities and barriers facing waste diversion and recycling in Manitoba.
7. Provide insights on how to position Manitoba to meet ambitious waste diversion and recovery targets being set nationally and internationally (including the Ocean Plastics Charter and the Canadian Council of Ministers of the Environment [CCME] aspirational waste reduction goal / Canada-wide Strategy on Zero Plastic Waste).
8. Provide insights on how to position Manitoba to meet greenhouse gas (GHG) emissions reduction targets established by the Manitoba government.
9. Recommendations on how the Manitoba government and its partners can work together to achieve waste reduction targets and promote synergy amongst the various players.

The framework review project had four phases:

- Current State Analysis;
- Policy Landscape and Best Practices Jurisdictional Scan;
- Stakeholder Consultation and Engagement; and
- Recommendations and Reporting.

Project Methodology and Approach

Current State Analysis Approach

The Current State Analysis review was comprised of three main tasks:

1. A regulatory review of Manitoba's Waste Reduction and Prevention Act (WRAP);
2. An evaluation of Manitoba's 12 stewardship programs; and
3. An evaluation of Manitoba's Waste Reduction and Recycling Support (WRARS) landfill levy and funding allocation.

The Current State Analysis reviewed the current waste reduction and recycling legislation and programming to understand the gaps and challenges associated with the current provincial system by learning from consultation with municipalities, industry providers, Producer Responsibility Organizations (PROs), service providers and the public. The consulted stakeholder list can be found in Appendix A.

Insights gathered from engaging with stakeholders and the public informed the Current State Analysis and also informed final recommendations.

Policy Landscape and Best Practices Jurisdictional Scan Approach

This second phase of the review researched topics and jurisdictions relevant to Manitoba's Current State to identify opportunities to address identified waste diversion and recycling challenges and proposed suggestions and approaches from other successful waste diversion and recycling jurisdictions.

Topics for best practices to include were identified by the Province of Manitoba in the Request for Proposal (RFP), and the additional topic of "waste hierarchy" was also added. A list of two to three recommended jurisdictions for each best practice, along with the rationale for selecting the jurisdiction, was presented to the Province for review and approval. Topics for the policy landscape scan and a brief overview of each was also presented and approved by the Province. The final topics selected are presented in Section Error! Reference source not found. Policy Landscape Scan and Section Error! Reference source not found. Best Practices Jurisdictional Scan. Insights gathered from the scans also informed final recommendations for Manitoba.

Stakeholder Consultation and Engagement Methodology

The consultation and engagement methodology and approach to the framework review was comprised of two parts:

- **Part 1** – Preliminary Consultation and Surveys; and
- **Part 2** – Stakeholder Workshops.

Preliminary consultation was conducted during the Current State Analysis phase of the review. In anticipation of the series of stakeholder workshops (Part 2) designed to take a deeper consultation into potential options and topics, stakeholder consultation included a first phase of surveys, emailed questionnaires and interviews (Part 1). The 12 steward program organisations were interviewed by team leads. Other stakeholders were invited to complete emailed questionnaires or were interviewed directly by team leads. A public survey hosted on EngageMB and a separate municipal survey was emailed to municipal stakeholders.

Three virtual engagement workshops were conducted online using the Zoom and Jamboard interactive platforms. The first workshop was focused on steward program stakeholders. The second workshop was focused on municipalities, community groups, service providers and NGOs. The third and final workshop brought all stakeholders together to share perspectives with each other on the area for exploration topics. Staff from Manitoba also were present as observers. Each workshop was 90 minutes.

Recommendations and Reporting Approach

The final phase of the review presents the findings from the first three phases: Current State Analysis, Policy Landscape and Best Practices Scan, and Stakeholder Consultation and Engagement. A draft final report was presented for Manitoba's review, followed by a final report. The review's recommendations are presented throughout this report and summarized in Section [Error! Reference source not found.](#).

Current State Analysis and Consultation Results

The Current State Analysis reviewed the following:

1. A regulatory review of Manitoba's Waste Reduction and Prevention Act (WRAP);
2. A review of Manitoba's 12 stewardship programs; and
3. A review of Manitoba's Waste Reduction and Recycling Support (WRARS) landfill levy and funding allocation.

Review of Manitoba's Waste Reduction and Prevention Act (WRAP)

The WRAP Act (The "Act") was passed in 1990 and it seeks to "to reduce and prevent the production and disposal of waste in the province consistent with the principles of sustainable development."¹ The Act states that its purpose is to encourage consumers, manufacturers, distributors, retailers, governments, government agencies and others to develop and adopt practices and programs to reduce and prevent waste.²

The Act also speaks to stewardship for industry and governments with respect to waste management under the banner of "sustainable development".³ It wants Manitobans to acknowledge responsibility for both the

¹ Ibid at s. 1(1).

² Ibid at s. 1 (1)(a)

³ Ibid at s. 1(2)(a).

environment and the economy.⁴ It further states that decisions with respect to waste management should have due regard for both environmental and human health impacts as well as economic impacts.⁵ Arguably, these provisions also dilute the force of the requirements of the Act. The purpose section of a legislation, such as Section 1 of the WRAP Act, is very important, as it is typically used by courts as an interpretation tool to understand the meaning of the rest of the provisions of an act.

The non-binding nature of the obligations under the Act is made more apparent by the powers granted to the Minister of Conservation and Climate⁶ (the “Minister”), which are to consult with and encourage manufacturers, distributors, retailers, consumers and governments, among others, to implement programs and practices to reduce and prevent waste.⁷ At most, the Act allows the Minister to “do any acts the minister considers necessary to carry out the purpose of this Act.”⁸

The Act requires WRAP levies, including any additional WRAP levies required by the regulation, to be collected and remitted⁹ or paid¹⁰ by manufacturers, distributors or retailers of the materials designated by the Act in accordance with the regulations. Fines and imprisonment can be imposed for contraventions of the Act’s provisions.¹¹

The WRAP Act regulates a number of “designated materials”, which are determined by regulations implemented under the Act.¹² The Act itself does not implement a waste hierarchy.

The Act provides a very broad definition for the word “recycle” which includes “to do anything, including reuse or recover, that results in providing a use for a thing that otherwise would be disposed of or dealt with as waste, but does not include the disposal of waste in land, the use of a thermal destruction process or any other activity prescribed by regulation.”¹³

The WRAP Act leaves several things to be determined by regulations, such as what materials are recyclable and which are waste, among others. Despite regulating different types of materials, the regulations have common elements such as set out the materials obligated under the regulation, among others. As such, a guideline accompanies each regulation setting out more specific requirements for stewardship programs. The WRAP review sections of this report go into greater detail regarding the elements of the regulations and guidelines under the Act.

A preliminary review of the WRAP Act (the “Act”) reveals that a number of actions can be taken to strengthen the obligations of industry subject to the extended producer responsibility (EPR) system set up by the Act and its regulations. However, given the diluted obligations set out at the purpose section

⁴ Ibid at s. 1 (2)(b).

⁵ Ibid at s. 1(2)(e).

⁶ Government of Manitoba, “WRAP Act”, Sustainable Development: Waste Wise. Retrieved from: <https://www.gov.mb.ca/sd/wastewise/wastereduction/act.html>.

⁷ WRAP Act, supra at s. 3.

⁸ Ibid at s. 3(g).

⁹ Ibid at s. 12.

¹⁰ Ibid at s. 13.

¹¹ Ibid at s. 20.

¹² Ibid at s. 2.

¹³ Ibid at s. 2.

of the Act, it is very likely that a wholesale revision of the Act, including perhaps through its repeal and the enactment of new legislation and regulations, may be required to strengthen Manitoba's EPR system.

Although a jurisdictional scan may reveal that certain steps can be taken to strengthen certain obligations of the Act without the requirement of substantive revisions or new enactments, it is important that gaps in material collection and management targets, accessibility standards, among other things, be addressed to ensure the Act's effectiveness and to facilitate the enforcement of its provisions.

The following are some of the steps that can be taken to strengthen the Manitoba's EPR system through the legislation that governs it:

- **Mandatory Purpose Section:** The Act should replace the permissive and voluntary language at the purpose section of the Act (e.g., "encourage... practices and programs for the reduction and prevention of waste") to more mandatory language (e.g., "hold persons accountable for preventing and reducing waste").
- **The Waste Hierarchy:** The Act, and/or its regulations, should implement a clear waste hierarchy that sets out priorities for the handling of specific waste in accordance with its environmental impacts.
- **Competition Law Protections:** The current Act, or its regulations, do not provide protection under the federal *Competition Act*. This protection is important and should be included in the WRAP Act. In the context of EPR programs, this protection ensures that ministerial approval of program plans does not result in the inadvertent protection of anti-competitive behaviour that follows the implementation of program plans as approved. Additionally, it ensures that there is a level playing field among stewards and competing stewardship programs. This goes beyond allowing more than one producer responsibility organization (PRO) to operate in the province. Allowing more than one PRO to operate does not, in and of itself, do away with competition concerns. One, among many PROs, could act in an anti-competitive way with respect to its competitors; and, because their actions are approved by the Minister, they might justify their conduct as sanctioned by government.

Competition law is concerned with how companies, or market actors, operate once they are in the market to ensure that there's equal access to competitors, such that new companies can enter the market at any time and have the opportunity to expand within the areas currently serviced by existing PROs.

- **Specific Collection and Management Targets:** The regulations under the Act should set out specific collection and management targets for each material and subcategories of material obligated under the Act. Performance targets should be set for subcategories of materials (e.g., rigid plastic, film plastic, or PET, HDPE, etc.). This provides clarity and certainty to producers' obligations with respect to each material, ensuring that penalties or fines can be imposed if targets are not met. Additionally, a level playing field is created as poorly performing materials are not allowed to piggyback on the success of better performing materials. Moreover, a level playing field is created among stewardship

programs by ensuring that different programs are not subject to different collection and management obligations.

- **Concrete Performance Measurement Approaches:** Further to levelling the playing field among stewardship programs, the Act, and/or its regulations, should set out specific and uniform performance measurement approaches for the collection and management of materials obligated under the regulations. This would increase the transparency and accuracy of program or producer¹⁴ evaluations, reduce municipal costs, and facilitate the enforcement of non-performing or poorly performing programs and/or producers.
- **The Minister's Office and Institutional Capacity:** There is legitimate concern with respect to the oversight and evaluation of stewardship programs by ministries given the limited institutional capacity of ministries (funding, staff, technology, etc.) to oversee the performance of the players within an EPR system. Some jurisdictions, such as Ontario, have chosen to create a body, independent of government and funded by the EPR system, to act as a clearinghouse of information from producers, and to evaluate producer performance. Such bodies have also been observed to assist in the identification of free riders, a growing issue particularly with the rise of online sales.¹⁵
- **Harmonization with Other Provincial Programs:** Rather than requiring stewardship programs to demonstrate harmonization with programs in other provinces, when plans are submitted for approval to the Minister harmonized requirements for stewardship programs should be provided in either the Act or its regulations. This facilitates a level playing field among programs and assists in enforcement of program requirements.
- **Administrative Monetary Penalties vs. Fines/Imprisonment:** The Act currently provides for fines or imprisonment to be imposed for contraventions of the Act. A court case must be brought in order to penalize contraventions of the Act. However, administrative monetary penalties (AMPs) provisions in the Act, or its regulations, may allow penalties to be imposed without the necessity of bringing court cases. AMPs have been found to be a quick, clear and tangible way of addressing contraventions of regulatory schemes. They can be imposed by an administrative body for non-compliance with a regulatory scheme rather than by a court.¹⁶ They are primarily intended to maintain compliance or to regulate conduct;¹⁷ at the same time, the Act could provide for the imposition of criminal sanctions such as fines or imprisonment to regulate the same conduct in egregious cases.¹⁸

Evaluation of Manitoba's 12 Stewardship Programs

There are currently 12 stewardship programs for numerous materials in Manitoba partially funded by PROs. They are:

1. Batteries (Call2Recycle);

¹⁴ This depends on the type of EPR implemented, whether that is collective producer responsibility or individual producer responsibility.

¹⁵ Organization for Economic Cooperation and Development, "Extended Producer Responsibility and the Impact of Online Sales" (2018). Retrieved from: <https://www.oecd.org/environment/waste/policy-highlights-extended-producer-responsibility-and-the-impact-of-online-sales.pdf>.

¹⁶ Guindon v. R, 2015 SCC 41 at para. 67.

¹⁷ Ibid at para. 45.

¹⁸ Ibid at para. 68.

2. Lead Acid Batteries (Canadian Battery Association);
3. Beverage Containers (Canadian Beverage Container Recycling Association);
4. Cell Phones (Canadian Wireless Telecommunications Association);
5. Pesticides Containers, Agricultural (CleanFarms Inc.);
6. Electrical and Electronic Waste (Electronic Products Recycling Association);
7. Medical – Expired and unused medications (Health Products Stewardship Association);
8. Thermostats containing mercury (Heating, Refrigeration and Air Conditioning Institute of Canada);
9. Used oil, filters, and antifreeze (Manitoba Association for Resource Recovery Corporation);
10. Printed Paper and Packaging Recyclables (Multi Material Stewardship Manitoba);
11. Paint, CFL lights, etc. (Household Hazardous Waste – Product Care Association); and
12. Tires (Tire Stewardship Manitoba).

A Current State Analysis summary matrix is provided for each of the 12 programs. Each program summary table includes an analysis, based on available data and consultations, of the following topics:

- **Reporting** – Mechanisms for report KPIs including performance indicators for:
 - Financial; and
 - Non-Financial:
 - Public Awareness;
 - Participation;
 - Recovery Rate;
 - Percent Processed; and
 - Contamination.
- **Funding** – Program-Specific:
 - Municipal Funding Levels; and
 - Funding Formulas.
- **Community Perspectives** – Municipalities and Northern Affairs Community Council's (NACCs) perspectives (via consultation) on:
 - Current Industry-Funded Stewardship Programming; and
 - Its ability to divert waste going to landfill in their communities.
- **Stakeholder Collaboration** – Barriers and opportunities for enhanced coordination and collaboration between the:
 - Government;
 - Stewardship Organizations;
 - Municipalities; and
 - Other Key Waste Diversion and Recycling Stakeholders.
- **Expansion** – How to expand the current waste diversion and recycling programming to include:
 - New Products;
 - Sectors;
 - Processing Technologies; and
 - Other Enhancements.



Review of Manitoba's Waste Reduction and Recycling Support (WRARS) Program

Part 1 – Landfill Levy Review

The WRARS levy is \$10.00 per tonne of material disposed at Class 1, 2 and 3 landfills in Manitoba. While Class 1 landfills have scales to weigh disposed waste, landfill owners of Class 2 or 3 landfills can either:

- Estimate waste tonnage using a volume to weight calculation; or
- Use a per capita waste factor of 660 kg (0.66 tonnes) per year.

Private landfills are subject to the \$10.00 per tonne landfill levy for waste collected from other generators or municipalities/NACC. Until this year, the levy revenue was deposited to the WRARS account:

- 80% was disbursed to municipalities based on the recycling tonnages reported to Multi-Material Stewardship Manitoba (MMSM) and a funding formula; and
- The remaining 20% was used for various research and program funding needs.

To be eligible for the rebate the community/municipality/NACC has to submit a landfill levy to be in compliance of the WRAP Act. To receive the Recycling Rebate, they have to be registered for the Recycling Rebate, but also pay the landfill levy first. The Recycling Rebate is based on recycling tonnages that are also reported to MMSM as designated materials in the Packaging and Printed Paper Regulation of the WRAP Act.

While the levy has merit and has been successful in other jurisdictions, the relatively modest size of the landfill levy was probably not sufficient to change behaviour. Stakeholders interviewed for this project felt that the tonnes of packaging and printed paper (PPP) recycled during the years from 2011 to 2019 were likely more related to the availability of additional local recycling opportunities and diversion program awareness, rather than as a result of disposal deterrence due to the landfill levy itself. Where the cost of disposal to a business is \$150.00 per container, and recycling costs \$350.00 per container, a landfill levy of \$10.00 per tonne will not make up the difference in cost sufficiently to cause the business to recycle, unless they want to do so for other reasons (reputation, corporate responsibility, etc.). For this reason, recycling tonnes is attributed largely to the residential sector efforts, rather than the Industrial, Commercial & Institutional (ICI) sector. Data from Statistics Canada Waste Management Information Survey (WMIS) was analysed to determine the extent to which overall waste disposal from all sectors (residential and non-residential including construction and demolition waste) has changed in Manitoba since 2000, before the WRARS landfill levy was introduced. The disposed waste varied between 764 to 798 kg per capita disposed from 2000 to 2010. This is often the case with disposed waste which is influenced by the economy and other factors. The amount disposed was highest in 2012 at about 814 kg per capita, and has dropped quite dramatically since that time to a low of 712 kg per capita in 2018.

The European Commission released a research report in April 2012 which explored the use of economic instruments to reduce waste disposed and achieve desired environmental performance. The report "Use

of Economic Instruments and Waste Management Performances” was prepared by BioIntelligence Service S.A.S based out of Paris.

The study reported that nineteen EU member states had landfill taxes in place for the disposal of non-hazardous municipal waste. The landfill taxes vary widely in amount, ranging from a low of €3.00 per tonne (\$4.00 per tonne) in Bulgaria to over €107.00 per tonne (\$145.00 per tonne) in the Netherlands. The study found that in most cases (but not all) there was a correlation between high costs to landfill (tipping fees and landfill taxes combined) and high waste diversion rates. The researchers noted that EU Member States with total landfill charges of lower than €40.00 per tonne (\$54.00 per tonne) generally landfilled more than 60% of their waste (i.e. had waste diversion rates of 40% or lower). The researchers further noted that EU Member States were much more likely to achieve a 50% waste diversion from landfill rate or higher where landfill charges approached €100.00 per tonne (\$136.00 per tonne). While data for countries such as the UK and Austria show that landfill tonnages decrease significantly when landfill taxes increased; and, data for Ireland and France show a 25% reduction in landfill waste during times when the landfill levies remained relatively constant.

Part 2 – WRARS Funding Formula Review

The objective of the funding formula review was to identify options to better leverage departmental allocation of funds to drive behavior changes that could reduce waste and increase waste diversion and recycling in Manitoba. Based on historical data provided by Manitoba, the allocation of program funds from 2011 to 2020 were the following types of project funding:

- 37% of funding has gone towards HHW recovery
- 32% towards organics projects
- 12% towards research and development
- 10% towards other
- 1% to 4% towards the remaining categories

Since 2017, the Manitoba government has managed the programs and the most recent projects have been awarded funding for waste diversion and recycling opportunities. For this reason, we recommend that landfill operations not be funded through any future program, rather the program funding should focus on direct diversion activities with measurable results and impacts and shared learning outcomes.

Throughout the program years, there has been increased recycling activities overall due to the program funding. The province sees a decreasing reported tonnage by municipalities (by weight) possibly due to a dramatic reduction in newsprint and other printed paper in the recycling program, and lighter material unit weights or “light weighting”. It should be noted that the tonnes on which the funding has been allocated until 2019 have decreased quite dramatically in the last few years.

The following suggestions could be considered when modernizing the future program to address program funding allocation and types of programs it would financially support.

The 80/20 split from landfill levy revenues currently is allocated as municipal rebate (80%) and WRARS program funding (20%). While municipalities feel they should receive 100% of the revenue, this would not allocate any funds to developing new diversion programs or studies, especially for programs that typically do not cater to EPR frameworks such as organics and CR&D waste streams. Should the funding continue to be provided to municipalities, there should be more restrictions. The funding should not be used for landfill related activities, and should be approved only for use in diversion related activities.

- Consult further with municipalities, AMM (Association of Municipalities of Manitoba), MARR (Manitoba Association of Regional Recyclers) on their needs, gaps and challenges with respect to funding. Initial municipal feedback suggested that 100% of the levy revenue should go directly back to municipalities. This relates to their general challenges with lack of funding to pay for waste diversion programs. Any future funding provided to municipalities should be earmarked for diversion related activities only.
- The question remains on what portion should go towards the municipal rebate for diversion and what portion should go towards project funding. One option is to maintain the current 80/20 split (or even move it to 90/10 depending on what research program needs are identified) with additional monitoring and program data gathering.
- Municipal rebates currently (80%) are not required to fund future waste diversion and recycling activities. A suggested future requirement is to publicly earmark the rebates towards supporting waste diversion and recycling activities to improve diversion performance and maintain transparency and public trust in recycling programs. Using the funding to support disposal activities should not be permitted.
- Programs should support diversion from disposal activities and report on funded project outcomes; e.g., tonnes diverted, impact of program, GHG, and lessons learned. A final report should be submitted to Manitoba, and all project funding applications should include a plan to share lessons learned with the broad municipal waste diversion community in Manitoba.
- Funding and project final reports should be shared publicly (support program transparency) as a growing resource library for diversion programs in Manitoba.
- A long-term future program plan (strategy) would set out priority areas, targets and goals over the next two, five and ten years.
- Consider renewing the current program, including renaming the program (new phase or version) and updating the program guideline, objective and expectations. Present this renewal, or new phase, in virtual webinars to all stakeholders.
- Initial municipal consultation suggests that the rebates do not cover municipal diversion costs. In addition, the municipal efforts to implement stewardship EPR type programs in their community remains largely a municipal financial, resource, infrastructure and P&E burden rather than entirely the responsibility of the PROS, even long after these stewardship programs have matured and been established in the province, with some established in the mid-1990s.

- Many municipal landfills are reaching their capacity. Municipalities are looking for other diversion programs like organics composting to divert waste and extend landfill life. A rise in renewed interest in waste to energy (WTE) or energy from waste (EFW) alternatives is reported; both WTE and EFW are low on the waste hierarchy and are low value retaining processes (VRPs) in a circular economy. By designating future program funds towards reduction or diversion activities only, projects under WTE or EFW would not be eligible for funding.

The following two types of program priorities are suggested in allocating funds:

- Materials specific program funding (household hazardous waste, organics, construction waste); and
- Operational support funding for various aspects of developing waste diversion programs in the province such as resources, collaboration and operations.

Policy Landscape Scan and Best Practices Jurisdictional Scan

Policy Landscape

The Policy Landscape Scan summarised high level policy influencing drivers and their context to Manitoba. The Policy Landscape Scan provided an overview of the following eight topics that are impacting solid waste management policy and frameworks in Canada and internationally at this time:

1. Plastic Waste;
2. CCME EPR (Canadian Council of Ministers for the Environment, Extended Producer Responsibility): Harmonization and Phase 2 Materials;
3. COVID-19;
4. Waste to Energy vs Landfilling;
5. Municipal Regional Considerations;
6. Landfill Bans;
7. GHG/Climate Change; and
8. Circular Economy.

The following table provides a summary of the policy landscape and the key issues facing Manitoba with respect to waste diversion and recycling today and the near future.

Table ES-1: Policy Landscape

Policy Landscape Topics	Overview Components
Plastic Waste	<p>Includes relevant national and regional targets, initiatives, pacts and agreements, such as the CCME National Zero Plastic Waste Strategy and Ocean Plastics Charter; Federal government's proposed approach to plastic products, such as the recent proposed national ban on six single-use plastic (SUP) items; "big picture" issues when updating legislation.</p> <p>Plastics are addressed through a number of Federal long term Plastics Strategy commitments and industry initiatives such as the recent Canada Plastics Pact. Specifically:</p> <ul style="list-style-type: none"> • Federal Plastics Waste Initiative; • CCME – Zero Plastic Waste Strategy (Manitoba is on the working group, chair for two years, and has contributed to discussion); and • Industry's new Canada Plastics Pact. <p>These may impact Manitoba moving forward, stays flexible and considers options to ban plastic bags. Recommendations to ban compostable plastic cutlery, etc. It comments on Federal regulatory mechanism for bans and material management.</p> <p>Local options for Manitoba:</p> <ul style="list-style-type: none"> • Materials; • Processing options for plastics; • Single-use items (SUIs) and bans (jurisdictional review); • Options to stay nimble to align with Federal government as required; and • How Manitoba can move forward and take action while waiting for Federal initiatives.
CCME EPR: Harmonization and Phase 2 Materials	<p>Manitoba has committed to CCME Extended Producer Responsibility (EPR) Phase 1 and 2 materials. Phase 1 has largely been accomplished (packaging and printed paper (PPP), mercury containing thermostats, electronics and electrical equipment, automotive (oil, lead-acid batteries (LABs) and a list of other materials).</p> <p>Phase 2 includes construction, demolition, furniture, textiles carpet and appliances including ozone depleting substances (ODS). CCME has a disposal target of 490 kg per capita per year by 2030; still to tackle organics, construction and demolition waste and bulky wastes such as textiles, furniture, mattresses and carpets (all in CCME EPR Phase 2 list) to help reach the target.</p> <p>EPR Harmonization CCME: British Columbia (B.C.), Quebec and Ontario transition to 100% EPR funding for PPP programs.</p>

Policy Landscape Topics	Overview Components
COVID-19	<p>COVID-19 impact on the recycling industry:</p> <ul style="list-style-type: none"> • The increase of residential waste generated and the decrease in commercial waste generation, and its impact on waste audit data analysis in the near future. • Provides insight/considerations into how diversion and generation numbers are impacted by COVID-19. • Long term behavioural changes related to waste generation (old corrugated cardboard (OCC) and municipal waste). • Producer Responsibility Organization (PRO) program implications (e.g. program revenue increases due to higher sales during COVID-19 and the impact to program annual surplus [e.g. battery programs experience]). • Impacts on reporting for the next few years due to COVID-19 consumer behaviour and lifestyle changes.
Waste to Energy vs. Landfill	<p>Increased interest in Waste to Energy (WtE), specifically in some prairie provinces and smaller municipalities, led by an interest in decreasing landfill capacity and the “incentive” of revenue generation potential by new technology providers (gasification, pyrolysis, incineration and energy from waste).</p>
Municipal Regional Consideration	<p>Regional considerations (infrastructure, transportation, etc.) such as the geographical spread of rural communities throughout Manitoba and the lack of accessibility and infrastructure in remote, Indigenous and winter road communities; consider Regional or District approach.</p> <p>Stewardship programs and end market issues volatility of end markets for blue box recycled materials and the lack of economy of scale and accessibility of programs for distant rural communities for their materials to reach processors and end markets.</p>
Landfill Bans	<p>Emerging trend of landfill bans as policy/regulatory approach to divert material from landfill. Diversion programs need to be in place before a ban is implemented.</p>
GHG/Climate Change	<p>GHG and climate change will be a growing focus in the future – diversion of organics is the most important aspect of waste management waste streams to contribute to GHG reductions.</p>
Circular Economy Framework	<p>International growth of interest and implementation of Circular Economy roadmaps and interventions to support resource value retention by applying higher waste hierarchy efforts.</p>

Best Practices Jurisdictional Scan

The best practices jurisdictional scan outlines best practices identified, and lessons learned, for the following eight topics:

Policy Frameworks – Full 100% EPR for PPP

- British Columbia, Ontario and Quebec – most recently modernized frameworks.
- All 100% funded by industry, but slightly different.

Stewardship Program Accountability

- Ensuring compliance and improving accountability of stewardship programs.
- Financial and non-financial KPIs.

Stakeholder Collaboration

- Ontario Municipal and Industry Program Committee.
- National Zero Waste Council, Metro Vancouver.
- Product Stewardship Councils, USA.

Enhanced Program Implementation

- Consistency of program implementation (program accessibility).

Municipal Supports

- Continuous Improvement Fund, Ontario.
- Municipal Hazardous Special Waste program, Ontario.
- Circular Economy supports.

Enhanced Program Participation

- P&E using mobile apps and digital media.
- Blue in the Loo campaign.
- Love Food Hate Waste campaign.

Landfill Levies

- Increasing landfill levies shows an increase in waste diversion and reduction in waste landfilled.

Waste Hierarchy

- Waste reduction and diversion policy objective.
- Focus on reduction, reuse and recycling.

Engagement and Consultation

Stakeholder Consultation and Engagement related to the Manitoba Waste Diversion and Recycling Framework review was comprised of two parts:

- **Part 1** – Preliminary Consultation and Surveys; and
- **Part 2** – Stakeholder Workshops.

The goal was to engage with program users and targeted stakeholders to gain an understanding of the current challenges and gaps within the current system, to introduce best practices and proposed concepts to stakeholders for targeted feedback, and to allow the stakeholder groups to engage with each other.

Part 1: Preliminary Consultation and Surveys

In order to achieve engagement objectives, seek input from key stakeholders and the general public, and run a thorough engagement process, several techniques were utilized. A succession of interviews were conducted throughout February and March 2021 with stakeholder representatives from the twelve PROs, municipalities (and representative organizations), Indigenous and northern communities (and affiliated organizations), industry, NGOs, and community groups. Several stakeholders were sent questionnaires developed specifically for them and written responses were exchanged through emails. Concurrently, two surveys were conducted. First, a public survey was developed and posted on EngageMB platform from January 21, 2021 until February 10, 2021. Second, a detailed municipal survey was sent to 27 municipalities, selected to represent Manitoba's diverse communities. The review also considered the results from the recent 2020 Omnibus public survey that included several waste and recycling questions.

In general, we heard positive feedback from Stewardship Program Organizations regarding the current legislation and its allowance for industry to take the lead role. There was acknowledgement of good collaboration between PROs currently, highlighted by the 'Winter Road' initiative and other backhaul efforts. MARR was deemed a supportive forum to share information and networking ideas. There was general support for national harmonization of materials that should be covered by stewardship programs, and of landfill bans as a means to divert those same materials to EPR programs. Notable challenges included provincial staffing fluctuations (getting 'up to speed') and 'free riders' not paying into programs. There was recognition that support from the province would be welcomed in this regard. As GHG reporting is not required currently by legislation, concerns were expressed that a reduction in emissions requirement may compete with an increased accessibility target. Agreement was conveyed regarding the need to focus on plastics, in particular single-use items.

Public Survey Key Takeaways:

- Recycling Information:
 - Is confusing;

- Lack of awareness; and
- Not confident in their knowledge.
- Discouraged By:
 - Lack of local options for recycling;
 - Inconvenience; and
 - Unsure it gets recycled.
- Support for Diversion of:
 - Organics, Plastics, Styrofoam, and Glass.
- Composting:
 - 50% compost and 50% do not:
 - Lack of education on how to compost;
 - Nuisances (including smells and pests); and
 - Limitations due to living arrangements.
- Recycling Program Availability:
 - 41% very satisfied or satisfied; and
 - 34% either dissatisfied or very dissatisfied.
- 71% of Participants Recycle.

Municipal Survey and Interviews Key Takeaways:

- PRO Programs:
 - 100% EPR – complicated for municipalities; need producer accountability and service standards;
 - Lack of consultation on 100% EPR for PPP;
 - Collection by PROs not frequent enough;
 - PPP – not receiving 80% of their eligible expenses;
 - Lack of dialogue between municipalities and PROs – need a forum/council; and
 - Most stewardship programs would not function without municipal support.
- Funding and Program Costs:
 - Recycling collection, transportation, staffing cost burden/barrier, too much financial responsibility on Municipalities, inadequate funding; and
 - WRARS funding 80/20 – felt some rebate amount is being held back; transparency issues.
- Other Comments:
 - Missing diversion opportunities for organics, CR&D;
 - Composting needs to be operationally and financially attainable for municipalities;
 - Illegal dumping concerns;
 - Municipal feedback not reflected in government outcomes; and
 - Do not support landfill bans – onus on municipalities to enforce bans.

Producer Responsibility Organizations (PRO) Interviews Key Takeaways:

- Successes:
 - Legislation is well written; broad, non-specific; allows industry to design plans;

- Support landfill bans;
- Good collaboration between PROs;
- Manitoba is a leader and one of the best regulatory regimes;
- Overall meeting or working towards program plan targets (accessibility, recovery);
- Work with and support municipalities as partners in support of collection, depots, P&E;
- MARR: supportive forum, network; and
- GHG reporting not currently a requirement.
- Challenges:
 - Need Gov't support with free riders;
 - MB staffing changes are a challenge;
 - Support National harmonization;
 - Performance: multiple metrics, not a single metric; and
 - Plastics: Single-Use Plastics (SUP) focus.

Private Sector, Non-Government and Industry Organizations Interviews Key Takeaways:

- Challenges:
 - Lack of program transparency;
 - Lack of recycling access in the north;
 - Pay levy/fees – do not receive same funding and services;
 - Northern shipping cost is a burden;
 - Unrealistic expectation from the PROs;
 - PROs focus on recycling; not reduction; and
 - Unclear – PROs role vs community roles.
- Stakeholder Suggestions:
 - Northern consultant point person – very useful;
 - Idea for one umbrella organization to represent all Pro programs for coordination;
 - Would like to see a technical steering committee;
 - Strategy needs a strong circular economy approach;
 - Regional servicing contracts (processors);
 - Need locally and culturally appropriate education materials; and
 - 100% EPR for MMSM.

Federal Government, Indigenous Organizations, Initiatives and Communities Interviews Key Takeaways:

- Challenges:
 - Paying the enviro fees on some designated materials, but are not provided service access;
 - Limited by capacity and funding for waste management;
 - Challenging to register for PRO programs and meet the requirements to participate;
 - Materials already being stockpiled – no good clarity on what to do next; and
 - Backhaul program is effective, but only serves a limited number of remote communities.

- Stakeholder Suggestions:
 - Develop a northern regional strategy;
 - Support for organics diversion in the north;
 - Align provincial goals and programs with funding available through the First Nations Solid Waste Management Initiative; and
 - Support for addition of mattresses and large appliances as designated materials.

Part 2: Engagement Workshops

The Stakeholder Webinar Summary included:

- A summary of the virtual session stakeholder groupings and why selected;
- Attendees of virtual sessions;
- Brief description of how the current state analysis and its consultations were used to create the themes and questions for the stakeholder virtual workshop sessions;
- Topics presented for facilitated discussion at sessions;
- The three sessions' findings and key outcomes summary; and
- Summary of the sessions' presentations and data.

Workshop Areas for Exploration

The following “areas for exploration” were developed from the gap analysis and provided for discussion during the stakeholder engagement workshops. These topics were chosen as areas for discussion because they were anticipated to highlight key differences in approach, level of satisfaction, risks and barriers perceived by different stakeholder groups. These are not all specifically recommended for action by the Province, but are intended as discussion topics to broadly represent some of the recommendations presented as part of this study and potential outcomes resulting from future consultation. The topics chosen for discussion included:

Landfill Bans: for specific material(s) for which alternative diversion programs are active in Manitoba and have viable end markets.

100% EPR: extended producer responsibility (full EPR), in particular for PPP as managed by MMSM in partnership with CBCRA. As an EPR province, this the next stage for modernization of Manitoba's framework and to shift full responsibility back to the producers and reduce financial and resource burdens currently carried by Manitoba's municipalities, communities and the tax base.

Expanded Materials List: in particular for existing stewardship programs, as well as the creation of new EPR-type programs for white goods, mattresses and box springs.

Introduction of Organics and CR&D Diversion Programs: introduction of the concept of expanding diversion programs, incentives and opportunities for organics (kitchen waste, leaf and yard waste, brush, wood) and CR&D materials. These materials typically do not fit stewardship-type frameworks.

Increase to Landfill Levy: proposal to increase landfill levies (\$ per tonne) on disposed waste (all landfilled garbage in the province) to encourage diversion alternatives to landfilling.

Accessibility through Regional Collaboration: option to expand diversion and stewardship/EPR program access to more Manitobans, especially in outlying communities (northern, remote and Indigenous communities).

Enhanced Targets: expand targets for more performance based metrics and KPIs to increase diversion from landfill. The questions included preferred target types, approach to target setting and enforcement levers.

The stakeholder feedback on each of these topics for discussion was presented in a separate document as an Engagement Memo. The goal was not to gather exhaustive feedback, but to present a snapshot of the opportunities and barriers perceived by the stakeholder groups on each of these concepts, allowing the Government of Manitoba to better understand the current issues and viewpoints.

Gap Analysis

The following gap analysis, or needs analysis identified the key areas for focus and improvements in modernizing the Manitoba framework for waste diversion and recycling. The gaps are presented under the nine objectives of the framework review. From this gaps analysis, the key recommendations and considerations were identified.

Program Enhancement	<ul style="list-style-type: none"> • New products, sectors, accessibility, technologies
Program Accountability	<ul style="list-style-type: none"> • Efficiency, enforcement, improving non-financial and financial KPIs
Program Effectiveness	<ul style="list-style-type: none"> • Disposal rate, recovery and diversion targets, awareness and education, landfill levy
Circular Economy	<ul style="list-style-type: none"> • Lacking; need awareness, support and initiatives
WRARS Funding Allocations	<ul style="list-style-type: none"> • Lack of transparency; important for non-obligated HHW diversion; necessary for organics diversion programs

Recommendations

Findings from the Current State Analysis and consultation were used to inform the focus of the Jurisdictional Scan. The scans focused on the jurisdictions and topics relevant to the gaps identified in Manitoba's waste diversion and recycling framework to identify opportunities to mitigate identified waste diversion and recycling challenges and needs, and ideas for approaches and lessons learned from other successful jurisdictions. Following the jurisdictional scan, the three virtual interactive engagement workshop sessions with stakeholders occurred in late March 2021. Outcomes and feedback were compiled and summarized. Based on the Current State Analysis and consultation, Policy Landscape and Best Practices Jurisdictional Scan and virtual engagement workshops, the final considerations and recommendations are presented below.

Recommendations for Next Steps

Based on the information reviewed in this study, it is recommended that before that Province can implement any specific changes to the diversion programs or legislation, that a comprehensive Waste Diversion and Recycling Strategy (WDARS) be developed to guide future decision making. A detailed strategy is recommended to reflect direction provided by the MOE (MOE mandate letter, October 2020, Appendix Error! Reference source not found.), as well as to gather from future engagement, the guiding principles for the Province.

- The intent is for the Province to establish a strategic direction based on Guiding Principles, and to identify specific goals.
- Develop the Strategy and Act to reflect the mandate provided to WDR by the Premier of Manitoba.
- The strategy and Act are to be developed on a fundamental foundation of Circular Economy, or similar, framework (zero waste, resource recovery, waste hierarchy), to guide future decision making and a clear provincial direction.
- Note that the WRAP Act revisions and the strategy can be developed simultaneously, with the goal to ensure that the WRAP Act aligns with the strategy and is not a barrier to fulfillment of the strategy's actions and recommendations.
- It is anticipated that the development of a Strategy will require stakeholder and public engagement to establish the guiding principles set out at the start of the strategy development. Once the guiding principles are established, proposed strategic tasks will be developed (current state, gap analysis, options).
- Practical targets should be based in data collected and lessons learned from other jurisdictions, as well as alignment with National Targets.
- Leverage British Columbia and Ontario's substantial past experience within the municipal associations to negotiate and review PRO programs and implications (legal and otherwise), and that they may be able to support Manitoba in negotiations and shared lessons learned.
- Next steps for a gap analysis will be specific to the guiding principles. Anticipated gaps include provincial waste generation data and waste characterization audits representative of the various

regions of the province. Baseline data is needed to assess and track which particular materials continue to be disposed in Manitoba landfills, and what their sources are, such as residential, ICI or CR&D. This information is a starting point, and sets the baseline for a developing a provincial strategy. It is used to understand the current state and bridge the gap to where the province would like to go, by establishing goals and targets to the various generators and materials and measuring, monitoring, reporting and communication of the province's progress.

Short Term Areas of Focus

- Consultation on 100% EPR for PPP, through collaboration with a technical advisory committee.
- Review funding allocation for new WRARS, to clearly establish where funding will be allocated. Focus on re-allocating funds to not-for-profit organizations who support waste reduction and recycling efforts, as per the Provincial Mandate letter.
- Develop a detailed internal staffing and resources allocation plan, to ensure that staff and expertise are available to support the activities laid out in the long term action plan.
- Consultation and strategy on eliminating the use of Plastic Bags as per the Provincial Mandate Letter
- Introduction of enhanced reporting requirements and Provincial data collection to support the measurement and impact assessment of waste reduction strategies on GHG emissions.
- Undertake baseline data collection through waste characterization studies, to provide insight and data into waste material going to landfill. This data will provide insight into areas for improvement in current PRO programs, as well as confirm additional material stream to be managed through EPR programs in the future.

Recommended Actions, Policy Tools, and Levers

Once a provincial waste diversion and recycling strategy is in place, then the specific tools and levers to support the strategy's goals can be implemented. The following are recommended options which reflect the gaps identified throughout the project. The province should align these recommendations with the guiding principles developed in the future strategy. These recommendations reflect changes that would enhance the current programming, and could be leveraged to deliver future programming and achieve targets. The Best Practices Jurisdictional Scan (Section Error! Reference source not found.) provides insight into how many of these items have been implemented elsewhere. The specific approaches undertaken by Manitoba to achieve identified outcomes will require tailoring, and consultation to ultimately develop a 'Made in Manitoba' solution. The jurisdictions reviewed should be looked to for lessons learned, and in fact representatives of those jurisdictions should be interviewed by Manitoba staff, so that Manitoba can benefit from the investment already made and the lessons learned in many of these areas.

The recommendations were developed based on:

- The project's nine objectives;
- Current state program evaluation and stakeholder consultation feedback;
- Current policy landscape drivers and national context;
- Jurisdictional scan of best practices and lessons learned; and
- Virtual engagement sessions' feedback with key stakeholders.

Recommendations have been aligned with project objectives, and each take into consideration:

- WRAP Act and Regulations;
- Stewardship Programs;
- WRARS – Landfill levy and diversion funding; and
- Overlap of the above.

Recommendations were developed with consideration to the following high level impacts to Manitoba:

- Benefits to waste diversion and recycling (environmental, financial, social);
- Tools and mechanisms required to implement the recommendation; and
- Anticipated challenges with the implementation of the recommendation or barriers to overcome, and how to mitigate them.

The following recommendations are policy tools and mechanisms to address the gaps identified above.

Program Enhancement	<ul style="list-style-type: none"> • Add new Stewardship Materials • Expand Diversion programs to service the ICI Sector • Expand Diversion programs to service the CR&D Sector
Program Accountability	<ul style="list-style-type: none"> • Increase Program Accountability through Updated KPIs and Targets • Increase Enforcement Measures • Introduce Enhanced Data Reporting Requirements
Program Effectiveness	<ul style="list-style-type: none"> • Implement 100% EPR for PPP • Update Material Recovery Targets • Increase Accessibility to Waste Diversion • Landfill Levy Updates
Support for Circular Economy	<ul style="list-style-type: none"> • Add the Waste Hierarchy to the WRAP Act • Introduce Circular Economy Policy Levers
WRARS Funding Allocations	<ul style="list-style-type: none"> • Re-Design the Funding Allocation System
Other Considerations	<ul style="list-style-type: none"> • Introduce Organics Diversion Programs to Reduce Waste to Landfill and GHG Emissions • Consult on Landfill Bans as a Tool to Incentivise Waste Diversion • Align Provincial Targets with National Targets • Coordinate with AB and SK who are currently starting consultation on 100% EPR for PPP • Look to lessons learned from work already completed by ON, BC, and QC

Regulatory Review of Manitoba's WRAP Act

The proposed recommendations to update or re-write and modernize the Manitoba WRAP Act are:

- Add a mandatory purpose section;
- Add the waste hierarchy as a foundational framework;
- Enhance Competition Law protections;
- Add specific collection and management targets;

- Require concrete performance measurement approaches;
- Harmonization with other provincial programs; and
- Add Administrative monetary penalties vs fine/imprisonment.

Recommendations on Manitoba's WRARS Landfill Levy and Funding Allocation

Funding allocation suggestions to modernize Manitoba's WRARS landfill levy and the project funding include:

- Align funding allocation with strategic goals;
- Development of a new funding model for supporting municipal waste diversion;
- Material specific program funding (HHW, organics, CR&D materials); and
- Operational support funding for developing waste diversion programs (i.e. for resources, collaboration, operations).

Conclusions

In conclusion, the province of Manitoba has the opportunity to modernize its provincial framework for waste diversion and recycling. Modernization of the frame work may begin with re-writing the WRAP Act or, updating the Act by adding more regulation and schedules in order to add more material and create nimbleness. In addition, a provincial policy action plan and implementation timeline will need to be developed in consultation with all stakeholders. A Circular Economy and waste hierarchy could be used as the base for establishing guiding principles of the provincial action plan or strategy.

The next steps will involve development of discussion papers for consultation on where the province should go. Defining potential options and actions items with specific goals and timelines would follow. In addition, feasibility studies and research on specific policy tools may need to be developed to better inform Manitoba throughout this process and policy and strategy development.