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Wednesday 5 June 2002

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des débats
(Hansard)**

Mercredi 5 juin 2002

**Standing committee on
general government**

Waste Diversion Act, 2002

**Comité permanent des
affaires gouvernementales**

Loi de 2002 sur
le réacheminement des déchets

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 5 June 2002

Mercredi 5 juin 2002

The committee met at 1606 in committee room 1.

WASTE DIVERSION ACT, 2002

**LOI DE 2002 SUR
LE RÉACHEMINEMENT DES DÉCHETS**

Consideration of Bill 90, An Act to promote the reduction, reuse and recycling of waste / Projet de loi 90, Loi visant à promouvoir la réduction, la réutilisation et le recyclage des déchets.

The Chair (Mr Steve Gilchrist): I call the standing committee on general government to order for the purpose of clause-by-clause consideration of Bill 90, An Act to promote the reduction, reuse and recycling of waste. Committee members will know we had scheduled a 4 o'clock start time. Notwithstanding the non-attendance of some members, we will proceed, given that the first motion is a government motion. I will ask Mr Dunlop.

Mr Garfield Dunlop (Simcoe North): I move that the definition of "minister" in subsection 1(1)—

The Chair: Forgive me, Mr Dunlop, my mistake. First, we have to approve section 0.1 of the existing act. Any comments or amendments to section 0.1? Seeing none, I'll put the question. Shall section 0.1 carry? Section 0.1 is carried.

Sorry, Mr Dunlop, back to you.

Mr Dunlop: I move that the definition of "minister" in subsection 1(1) of the bill, as amended by the standing committee on general government before second reading, be struck out and the following substituted:

"'Minister' means the Minister of Environment and Energy or such other member of the executive council as may be assigned the administration of this act under the Executive Council Act;

"'Ministry' means the ministry of the minister."

The Chair: Comment? Seeing none, all those in favour of the amendment? Opposed? It is carried.

Shall section 1, as amended, carry? It is carried.

Section 2, any comments or amendments? Seeing none, shall section 2 carry? This is where one of you responds.

Interjection: Carried.

The Chair: Carried. Thank you.

Section 3: in the interest of minimizing grief for all the committee members, I will ask for unanimous consent to stand down the NDP motions before us. We'll deal with

the sections that have no amendments. Is it agreed? Agreed.

Seeing that, on sections 4 through 20, are there any comments or amendments? Seeing none, shall sections 4 through 20 carry? They are carried.

We will revert back to section 3, where we will find an NDP motion marked number 2 in your packet.

Ms Marilyn Churley (Toronto-Danforth): I move that paragraph 1 of subsection 3(2) of the bill, as amended by the standing committee on general government before second reading, be struck out and the following substituted:

"1. That number of members appointed by the Association of Municipalities of Ontario, that is one-half of the total number of members appointed under this subsection."

The Chair: Do you wish to speak to the motion?

Ms Churley: No. This is similar to an amendment I made before. I hope for the support of the committee so that there will be a fair balance on the committee.

The Chair: Any comments?

Mr Dunlop: Yes, we have a comment. We won't be supporting this motion. The committee heard directly from the Association of Municipalities of Ontario of its support for this bill, including the membership on the Waste Diversion Ontario board of directors. The bill recognizes the agreed-to number of positions with municipal stakeholders at four members. This membership resulted from extensive consultation by the ministry and the voluntary Waste Diversion Organization initiative, which was taken over a period of time. The board membership primarily reflects those directly affected by diversion programs, specifically those that will be paying fees, and AMO reiterated its clear support for this bill in its recent appearance before this committee.

The Chair: Any further comments? Seeing none, I'll put the question. All those in favour—

Ms Churley: Recorded, please.

The Chair: Ms Churley has asked for a recorded vote on her motion.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: The amendment is lost.

Ms Churley, number 3 is yours.

Ms Churley: I move that subsection 3(2) of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following paragraphs:

“11. One member appointed by the Ontario Environment Network.

“12. Two members appointed by the Ontario Environment Industry Association.”

This is again an amendment I feel very strongly that we need to make sure the environmental community is represented on this committee. The Ontario Environment Network is an umbrella organization representing environmental groups across the province. It has expertise in this area and would like to have a voice on the board, as well as the Ontario Environment Industry Association, in terms of balance and the concerns raised by these folks. I think again it would be a wise idea of the government to have these people on the board.

The Chair: Any comments? Seeing none, I'll put the question.

Ms Churley: Recorded, please.

The Chair: Ms Churley's asked for a recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Motion number 4, Ms Churley.

Ms Churley: I move that subsection 3(3) of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following paragraph:

“5. One observer appointed by the Ontario Environment Network.”

Again, I think it's very important that the board—it's just been voted down. It will not have representation on the board, but there is opportunity for observer status. Again, this organization represents environmental organizations across the province, it has expertise and an interest in the subject and it's a real travesty if it is left off. This is a compromise and I hope people will support it.

The Chair: Further comment?

Mr Dunlop: The committee dealt with this issue in clause-by-clause review of the bill after first reading. The appointment of observers to the board has been the subject of a lot of discussion by the ministry through its consultation. The current observers identified in the bill are making financial contributions, such as the Ontario Community Newspaper Association, the Canadian Paint and Coatings Association and the Canadian Manufacturers of Chemical Specialties. While they have a signifi-

cant stake in the management of waste, such as the Ontario Waste Management Association and the Paper and Paperboard Packaging Environmental Council, this act allows for observers to change through the operating agreement between Waste Diversion Ontario and the minister; also, nothing in the bill prevents Waste Diversion Ontario from adding further participants to the board process in the future.

The Chair: Further comments? Seeing none, I'll put the question.

Ms Churley: A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Shall section 3 carry? Section 3 is carried.

That will take us then to section 21 and the next motion which is number 5 in your packet, Ms Churley.

Ms Churley: I move that subsection 21(2) of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following paragraph:

“4.1. Information, for each industry funding organization, on the impact in the previous year of the fees collected by the organization on the retail cost of products.”

The Chair: Do you wish to speak to the motion?

Ms Churley: No. I think the implications are very clear why I've put this amendment forward.

The Chair: Any further comment?

Mr Dunlop: Waste Diversion Ontario and each industry funding organization must report annually on their programs. As part of these reports, audited financial statements must be submitted that would include accounting of the fees received by the industry funding organization partners. The bill allows for the flexibility to consider the issue of retail price impacts on the development and the evaluation of any of the programs as well.

The Chair: Any further comments? I'll put the question.

Ms Churley: Recorded, please.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Shall section 21 carry? Section 21 is carried.

Section 22: amendment number 6 in your packet.

Ms Churley: I move that section 22 of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following subsection:

“Economic impact analysis

“(5) In developing the program, Waste Diversion Ontario and the industry funding organization shall undertake an economic impact analysis of the program and shall make that economic impact analysis available to the public in advance of the consultation required by subsection (4).”

This amendment was suggested by some of the stakeholders. In bringing on such a program, I think it's important that we have written into the bill that an economic impact analysis be done. I'm hoping for support from all members on this.

Mr Dunlop: The bill does offer flexibility to consider economic impacts in the development of any program.

The Chair: Further comment? Seeing none, I'll put the question.

Ms Churley: Recorded, please.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Number 7: Ms Churley.

Ms Churley: I move that section 22 of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following subsection:

“Environmental impact analysis

“(6) In developing the program, Waste Diversion Ontario and the industry funding organization shall undertake a comprehensive environmental impact analysis of the program, including a study of alternative approaches, and shall make that environmental impact analysis available to the public in advance of the consultation required by subsection (4).”

Mr Dunlop: The motion is very similar to a previous motion that would have required the economic impact analysis be developed for each program. The bill in its present form allows for flexibility to consider environmental impacts in the development of any program as well.

The Chair: I'll put the question. Recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: The amendment is lost. Shall section 22 carry? It is carried.

Ms Churley: Mr Chair, before we move on, I need to ask for the indulgence of the committee. I have to go and make a quick phone call. I couldn't find anybody to replace me. Could we have five minutes?

The Chair: Would you like me to deal with the sections that have no amendments?

Ms Churley: Yes, please.

The Chair: If we finish with that, then I promise we won't deal with any of the sections that—

Ms Churley: I will be very quick. I do apologize.

The Chair: All right. Then let's go to section 23. Are there any amendments or comments? Seeing none, I'll put the question. Shall section 23 carry? It is carried.

Mr Ted Arnott (Waterloo-Wellington): On a quick point of order, Mr Chair: I just want to thank you for being so accommodating.

The Chair: We aim to please, Mr Arnott, on this committee.

Sections 26 to 28: Are there any comments or amendments? Seeing none, shall sections 26 to 28 carry? They are carried.

Section 32: Any comments or amendments? Seeing none, shall section 32 carry? It is carried.

Section 33.1: Any comments or amendments? Seeing none, shall section 33.1 carry? It is carried.

Sections 34 to 42: Any comments or amendments? Seeing none, shall sections 34 to 42 carry? They are carried.

Sections 43 and 44: Any comments or amendments? Seeing none, shall sections 43 and 44 carry? They are carried.

Shall the title of the bill carry? It is carried.

With that, we'll declare a three-minute recess until Ms Churley has an opportunity to return.

The committee recessed from 1619 to 1626.

The Chair: I call the committee back to order. That will take us back to amendment number 8, a new section 22.1.

Ms Churley: Thank you, everybody, for your indulgence.

I move that the bill, as amended by the standing committee on general government before second reading, be amended by adding the following section:

“Municipal organic waste diversion program

“22.1(1) Every upper-tier and single-tier municipality shall develop, implement and operate a waste diversion program for organic waste.

“Same

“(2) One half of the total net capital and operating costs of a municipal waste diversion program for organic waste shall be paid for by the municipality and the other half shall be paid for by Waste Diversion Ontario.

“Same

“(3) The council of the municipality shall submit the program to the minister for his or her approval and subsections 25(2), (3) and (4) apply to the application for the minister's approval with necessary modifications.

“Definitions

“(4) In this section,

“‘single-tier municipality’ means a municipality other than an upper-tier municipality that does not form part of an upper-tier municipality for municipal purposes;

“‘upper-tier municipality’ means a municipality of which two or more municipalities form part for municipal purposes.”

Just briefly, I spoke before on a similar amendment. For the waste stream, very clearly the focus needs to be on the removal of organics, as is being done in Halifax, Edmonton and other jurisdictions around the world. Ontario used to be a leader in waste management issues and is no longer. We’ve fallen way behind. It has been proven that getting the organics out is the most important thing we can do. As you know, the biggest problem with landfill is the decomposing of the organics which causes the leachate and the other problems we see with landfill. We know there is a move to move us to incineration, which I don’t think is the way to go either.

The whole area of waste management I think we should be calling resource management, as other jurisdictions are starting to do, and trying to get as much of the so-called waste out of the waste stream and treated as resources. We need to have a special emphasis on organics and getting them out of the waste stream. We need to see this body more involved than it will be as the legislation before us gives them the authority to do. I think we would all agree, from the hearings we had previously, that this is the way to go. We need to put a much bigger effort into getting the organics out, and indeed a much bigger effort into reuse and refillable as well. This is a very important component of how we should be dealing with our resources and I hope there is support for this particular amendment. I can only try.

Mr Dunlop: The committee did deal with this after the first clause-by-clause review, after the first reading as well. The government considers progress on organic diversion to be a very important objective and a very important issue for municipalities. I know it certainly is in my municipalities.

Organic waste is one of the waste materials to be designated by regulation under this act. Once designated, the minister will request Waste Diversion Ontario to develop, implement and fund a program for this material. There are a number of options that need to be considered in developing and implementing an organics program and we believe that Waste Diversion Ontario is best suited to determine which organic diversion option will be considered and implemented.

With regard to funding, Waste Diversion Ontario is best suited to determine the costs covered under the program and those to be designated as stewards, and of course they all need the approval of the minister as well.

The Chair: Any other comments? Seeing none, I’ll put the question. A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Ms Churley: You don’t like the wording, right? You like the concept.

The Chair: Section 24, amendment 9, Ms Churley.

Ms Churley: I’m having trouble with a section of my own amendment here, but let me read it.

I move that subsection 24(1) of the bill, as amended by the standing committee on general government before second reading, be amended by striking out the portion before paragraph 1 and substituting the following:

“Contents of waste diversion program

“(1) A waste diversion program developed under this act for a designated waste shall include the following:”—
And there is no “following.”

Mr Doug Beecroft: I can speak to that.

Ms Churley: Can you speak to this for me, please?

Mr Beecroft: If you look at section 24 of the bill as it appears, you’ll see it has four paragraphs. What your motion proposes is striking out those lines preceding those four paragraphs, deleting the four paragraphs there.

Ms Churley: I see. This does make sense then. Thank you very much for that clarification. So I stand by my amendment here.

The Chair: Any comment?

Mr Dunlop: I want to point out that there are a number of materials that the ministry has identified to be designated by regulation under this act. They are, first of all, blue box waste, household special waste, used oil, scrap tires, electronic waste, organic waste, pharmaceutical waste, fluorescent tubes and batteries. Flexibility is required as it is difficult to predict the specific program requirements for each of these materials. So we will not be supporting this amendment.

The Chair: Further comment? A recorded vote.

Ayes

Churley.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: The amendment is lost.

Motion number 10, Ms Churley.

Ms Churley: I move that paragraph 1 of subsection 24(1) of the bill, as amended by the standing committee on general government before second reading, be struck out and the following substituted:

“1. Activities to reduce, reuse and recycle the designated waste, in that order of priority.”

I think this one speaks for itself. There’s no reason why the government would not support this one, we would all agree. Please, tell me.

Mr Dunlop: We have a problem with this one as well.

Ms Churley: What?

Mr Dunlop: The government understands the importance of the 3Rs. The focus of the proposed act is clearly identified in the title of the bill. To reinforce this, the bill was amended by adding a purpose statement which states, “The purpose of this act is to promote the reduction, reuse and recycling of waste and to provide for the development, implementation and operation of waste diversion programs.”

In addition, this issue will be dealt with at the program level when Waste Diversion Ontario develops a program for designated material, and I mentioned the other materials earlier. Flexibility is required to choose the appropriate mix of solutions for any waste diversion program developed by Waste Diversion Ontario.

The Chair: Any other comments? A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Number 11, Ms Churley.

Ms Churley: I move that section 24 of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following subsection:

“Target waste diversion

“(1.1) A waste diversion program developed under this act for a designated waste shall provide for the reduction, reuse or recycling of at least 60% of the designated waste.”

Again, we discussed this in the previous committee hearings and I think it’s critical that that number be increased so we can move forward more quickly and more efficiently in achieving our targets.

Mr Dunlop: I just want to say that the ministry—

Ms Churley: —is supporting this one.

Mr Dunlop: As I indicated earlier, there are a number of materials the ministry has identified to be designated by regulation under this act, and I listed them a couple of motions ago. Flexibility is required and it is difficult to predict specific targets to be achieved for each of these materials, because some may be a lot more than 60%.

The act provides for the development of objectives as part of any waste diversion program. A proposed program must also address how the proposed targets will be measured. Specific targets, however, have not been set out in the legislation as it is expected that targets will vary from program to program. There are some materials where program targets will be well known—an example would be tires—and others where the target will be more difficult to set at the start of the program. In requiring a program to be developed for a designated waste, the minister may set the target or require that Waste Diver-

sion Ontario or the industry funding organization in Ontario set the target as part of the program proposal.

The Chair: Comments? Recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

That takes us to amendment number 12.

Ms Churley: I move that subsection 24(2) of the bill, as amended by the standing committee on general government before second reading, be amended by striking out the portion before paragraph 1 and substituting the following:

“Same

“(2) A waste diversion program developed under this act for designated waste shall not include any of the following.”

I understand this is the same situation as the other one.

The Chair: Any comments?

Mr Dunlop: The committee reinforced the intent of the act by adding a purpose statement, as I read out earlier, which is to promote reduction, reuse and recycling of waste. While not prohibiting the burning, land-filling or land application of materials that are diverted under a waste diversion program, the focus of this act is clearly waste reduction, reuse and recycling. There may, however, be instances where these other waste management options may need to form part of the proposal submitted to the minister, but they are not to be promoted as the sole purpose of the program.

The Chair: Comment? Recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Ms Curley, number 13.

Ms Churley: Well, you can’t say I’m not trying.

I move that subsection 24(2) of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following paragraph:

“3.1 The export of waste for recycling, except where the waste is exported to a recycling facility in the United States that was in operation and receiving material for recycling from Ontario before the day this act receives royal assent.”

The Chair: Any comments? I suspect Mr Dunlop has some.

Mr Dunlop: Yes. The intent of this motion is really not clear. If there are opportunities for recycling that are not available in Ontario, why would any government or any organization not take advantage of them in any other jurisdiction? In any event, the following paragraph of the bill, section 24(2), paragraph 4, already allows the minister by regulation to add activities that are not to be promoted in a waste diversion program.

The Chair: Comments? Recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: The amendment is lost.

Number 14, Ms Churley.

Ms Churley: I move that subsection 24(5) of the bill, as amended by the standing committee on general government before second reading, be struck out and the following substituted:

“Blue box program threshold for payments to municipalities

“(5) A waste diversion program developed under this act for blue box waste shall provide for payments to municipalities that total at least 50% of the total net operating and capital costs incurred by the municipalities, on and after the day this act receives royal assent, in connection with the blue box waste.”

This is to provide for adequate funding for municipalities. I understand municipalities do want this bill passed, they’ve made that clear—something is better than nothing; there has been nothing since 1995—but the funding, as proposed by the bill, is inadequate. This amendment would remedy that.

1640

Mr Dunlop: The committee amended this clause to reflect the 50% funding agreement for the blue box program, which was the subject of extensive consultation by the ministry. It also reflects the recommendations made on the issue by the voluntary waste diversion organization after extensive discussions between industry and municipalities.

The Chair: Further comments? Recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Number 15, Ms Churley.

Ms Churley: I move that section 24 of the bill, as amended by the standing committee on general government before second reading, be amended by adding the following subsections:

“Payments to municipalities for disposal of waste not covered by program

“(6) Subject to subsection (7), where a waste diversion program developed under this act does not provide for all of the designated waste to be reduced, reused or recycled, the industry funding organization that the program is developed in co-operation with shall provide funding to municipalities equal to 50 per cent of the total net operating costs incurred by the municipalities to dispose of the portion of the designated waste not reduced, reused or recycled under the program.

“Same

“(7) Where a waste diversion program developed under this act does not, in any year, result in the reduction, reuse or recycling of at least 60% of the designated waste, the industry funding organization that the program is developed in co-operation with shall provide funding to municipalities equal to 100% of the total net operating costs incurred by the municipalities to dispose of the portion of the designated waste not reduced, reused or recycled under the program that is the difference between 60% of the total amount of designated waste and the percentage of the total amount of the designated waste that was reduced, reused or recycled in that year.”

The Chair: Any comments?

Mr Dunlop: The motion entails a completely new policy direction for this legislation. None of the consultations contemplated payments for disposal, as the intent of the initiative was to promote and fund waste diversion programs. There is no incentive in either of these sections for municipalities to maintain or enhance current diversion activities, as their disposal costs will be subsidized by the industry. Funding for landfilling could act as an incentive for municipalities to reduce their recycling.

The Chair: Comments? I’ll put the question. A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Shall section 24 carry? Section 24 is carried.

Section 25, NDP motion number 16, Ms Churley.

Ms Churley: I move that subsection 25(3) of the bill, as amended by the standing committee on general government before second reading, be struck out and the following substituted:

“Decision of minister

“(3) The minister shall decide in writing to approve the program, to not approve the program, to modify the

program and approve the modified program or to direct Waste Diversion Ontario to modify the program and to resubmit it for approval.”

This amendment is there because right now there’s some concern that already under an existing act the minister has the authority to do everything that’s in this bill, and more. The way the bill is worded now, some of that authority would be taken away and in fact there could be plans put forward that the minister should have more of a say in directing how the program unfolds. The concern here is that this bill, as written, will actually limit the power the minister already has and should continue to have.

The Chair: Further comment?

Mr Dunlop: Adding the authority could delay the development of a program. The minister could be in negotiations with Waste Diversion Ontario for the final program and thus delay program implementation. The ministry, as part of its role on the board of directors, will be involved in the process leading up to the submission of a program to the minister.

The Chair: Further comments? I’ll put the question. A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost. Shall section 25 carry? It is carried. Section 29, Mr Dunlop.

Mr Dunlop: I move that subparagraph 3 iii of subsection 29(3) of the bill, as amended by the standing committee on general government before second reading, be amended by striking out “the Ministry of the Environment” and substituting “the ministry.”

The Chair: I’m advised it should actually be subparagraph 1 iii.

Ms Churley: I was going to ask about that for clarification.

The Chair: I will accept that that was just a typo; if everyone can change their notes accordingly.

Mr Dunlop: Paragraph 1?

The Chair: Yes, subparagraph 1 iii. Any comment?

Ms Churley: Could I ask for clarification? It now says, “the Ministry of the Environment.” I was confused. Now I know why, because of the typo here. But why would you substitute “the ministry” instead of “the Ministry of the Environment”?

Mr Dunlop: We’re making it flow with the other wording throughout the ministry. It may not always be the Ministry of the Environment, as well. It could be called the Ministry of Environment and Energy, or something like that.

Ms Churley: I see what you’re saying. It’s just that simple. I think I can support that.

The Chair: Any other comments?

Seeing none, all those in favour? Opposed? It’s carried.

Shall section 29, as amended, carry? It is carried.

Section 30: Ms Churley, amendment number 18.

Ms Churley: I move that subsections 30(2) and (3) of the bill, as amended by the standing committee on general government before second reading, be struck out.

The Chair: Any comments? Seeing none, I’ll put the question.

A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Shall section 30 carry? It is carried.

Section 31: Mr Dunlop, amendment number 19.

Mr Dunlop: This is similar to the last one.

I move that paragraph 3 of subsection 31(2) of the bill, as amended by the standing committee on general government before second reading, be amended by striking out “the Ministry of the Environment” and substituting “the ministry.”

The Chair: Any comment? Seeing none, I’ll put the question.

All those in favour? Opposed? It’s carried.

Shall section 31, as amended, carry? It is carried.

Section 33: Ms Churley, number 20.

Ms Churley: I move that subsections 33(7), (8) and (9) of the bill, as amended by the standing committee on general government before second reading, be struck out.

The Chair: Seeing no comments, a recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That is lost.

Shall section 33 carry? It is carried.

A new section, 33.2: Ms Churley, number 21.

Ms Churley: I move that the bill, as amended by the standing committee on general government before second reading, be amended by adding the following section before the heading “Enforcement”:

“Liquor Control Board of Ontario

“33.2 (1) A program developed under section 22 shall not provide for the diversion of blue box waste that is packaging associated with products listed for sale by the Liquor Control Board of Ontario.

“Participation, contribution not required

“(2) A program developed under section 22 shall not require the participation of or contribution by the Liquor Control Board of Ontario in respect of blue box waste

that is packaging associated with products listed for sale by the Liquor Control Board of Ontario.

“Returnable containers program

“(3) The Liquor Control Board of Ontario shall, not later than January 1, 2003, implement a program providing that containers for products listed for sale by the Liquor Control Board of Ontario can be returned to the point of sale for a returnable deposit.”

Very briefly, because I’m sure people understand what this is about, when Chris Stockwell, who is now the Minister of Environment and Energy, was running for the Tory leadership, he said very clearly—it’s on the record—that if he became leader, he would move the LCBO to a returnable, refillable system. He did not become the leader, but he did become the Minister of the Environment.

I think this committee has a golden opportunity here to support this amendment and to help him meet his laudable goal of finally having the LCBO bring in a program similar to the beer store system which, as we know, has been around since the 1930s. It’s crazy that in this day and age, we still don’t have such a system in place. Because the Minister of the Environment is on record supporting this initiative, I cannot believe his own members here today—the Minister of the Environment, perhaps a future leader, wants to bring in this program and we can endorse his goals today by supporting this amendment.

Seriously, I think we have to drag the Liquor Control Board of Ontario kicking and screaming into implementing such a program. I just hope you’ll support me on this one. You’d better have a very good reason that we can tell Chris Stockwell if you don’t support it.

1650

Mr Dunlop: We talked to Minister Stockwell about that.

Ms Churley: What did Mr Stockwell have to say?

Mr Dunlop: In its current form, the act does not preclude the development and implementation of a deposit-return system.

Ms Churley: What a cop-out. I want to say for the record to Mr Stockwell, what a cop-out. He had a perfect opportunity here to direct these committee members to support this.

Mr Dunlop: We’re not done with this, Marilyn.

Mr Norm Miller (Parry Sound-Muskoka): I want to say that in spirit I support Ms Churley.

Ms Churley: In spirit?

Mr Miller: In spirit. I’m very happy to see that the act does not preclude the development and implementation of a deposit-return system. We were all here last week when Usman Valiante from the brewers made an excellent presentation to us, mainly encouraging the LCBO to develop a deposit-return system. I feel it’s something we should be moving toward doing, and I hope we will look at that in the future as being the environmentally friendly solution that makes more sense, if it doesn’t cost too much to implement. I think it is the way for us to move in future and we’ll certainly work with Ms Churley toward trying to make it happen in the future.

The Chair: Any further comments? Seeing none, I’ll put the question on motion 21.

A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald.

The Chair: That amendment is lost, which then takes us to motion number 22 and a new section 42.1.

Ms Churley: I move that the bill, as amended by the standing committee on general government before second reading, be amended by adding the following section:

“Application of Environmental Protection Act

“42.1 Nothing in this act affects the powers and duties of the minister under the Environmental Protection Act.”

I spoke to this under another amendment previously, but let me reiterate that there is concern. It was expressed by Mr Gord Perks and others that the minister already has the powers to do this and more, and it’s really perverse because there is concern that this bill will actually take some of those powers away. We’re talking here about the ability of the bill to allow certain things to happen in the future, but also the flip side of that is that this bill, if passed in its present form, will limit or could limit the minister from taking certain measures if this body is opposed to it. Look at what’s happening in Hydro One—dare I talk about it now. When we create these kinds of bodies, we want to make sure that a minister, particularly one who wants to see the LCBO start a refillable regime—that those powers remain the same.

Mr Dunlop: The government feels there’s no need for this motion. The provisions of Bill 90 do not in any way reduce the powers available under the Environmental Protection Act.

Ms Churley: May I just say that in that case, just to be on the safe side, why don’t you just give me this one amendment? Let me win one here.

The Chair: With that plaintive cry, I’ll put the question.

A recorded vote.

Ayes

Churley, Colle.

Nays

Arnott, Dunlop, McDonald, Miller.

The Chair: That amendment is lost.

Shall Bill 90, as amended, carry? It is carried.

Shall I report the bill, as amended, to the House? Agreed.

Thank you very much. We met our timeline. I thank the members for their attendance. The committee stands adjourned till the call of the Chair.

The committee adjourned at 1655.

CONTENTS

Wednesday 5 June 2002

Waste Diversion Act, 2002, Bill 90, <i>Mr Stockwell</i> / Loi de 2002 sur le réacheminement des déchets, projet de loi 90, <i>M. Stockwell</i>.....	G-53
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