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Environmental Law Section

Reduce and Reuse, and Why They Trump "Recycle"

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One of the fundamental principles of sound waste management policy and the oldest adage of the conservation and environmental movements is the phrase "reduce, reuse, recycle" (also known as the 3Rs). The basic idea is that we can lower our personal household or family's ecological footprint by reducing the need to buy new products. We can do this by initially purchasing, whenever possible, durable products like well-manufactured quality cars, appliances and even shoes.

Our ancestors knew that well built products, whether wood stoves or hay wagons, lasted much longer, especially when maintained with care. In addition, we need to ask the hard questions before we purchase new goods – "do we really need this new gadget? Can the purchase wait? Can we buy it used on Kijiji?" A corollary is that we should reuse manufactured products and carefully crafted goods as well as packages such as drink containers whenever possible.

It seems, though, that for four decades we have directed the bulk of our attention to the third method, "recycle," at the expense of the other two Rs because it doesn't threaten our model of a consumption-driven economy. We argue herein that recycling is a useful, if limited, tool on the road to making our society more environmentally sound, but it is not as strong as the other two methods, "reduce" and "reuse."

The Latest Stewardship Ontario Controversy and its Aftermath

Recent developments in Ontario give us a good opportunity to reflect on the truth of this observation. Stewardship Ontario, the quasi-governmental recycling agency for the province of Ontario, has recently come under fire for imposing a new pricing plan that some believe could make it much harder for waste haulers to handle and process hazardous wastes.¹

The new fee structure is highly controversial for a number of reasons, not the least of which is the inability for the public to determine the logic behind it. A report by AECOM Canada Ltd. could not determine how Stewardship Ontario came to its decision to impose its new pricing

¹ See Sean Silcoff, "Stewardship Ontario under fire over hazardous-waste removal pricing plan," *The Globe and Mail*, February 1, 2012 (<u>http://tinyurl.com/83vae2u</u>) and Dana Flavelle, "Ontario's eco fee confusion," *The Toronto Star*, February 26, 2012 (<u>http://www.thestar.com/article/1136209</u>).

plan, noting that the recycling agency is reportedly withholding much of the information it used to design its new model.²

The new pricing plan has already caused two haulers to pull out of their deals with Stewardship Ontario, including Hotz Environmental Services Inc., the province's chief paint recycler. Paint represents over 40 percent of hazardous waste in Ontario, so this could prove a major inconvenience for the province and its citizens.

This has left municipalities scrambling to find new transporters for their hazardous waste before the current haulers stop working. This is just the latest controversy for Stewardship Ontario, which has been bogged down in criticism for a number of its policies and practices in recent years. Most notably, Stewardship Ontario also was the architect of the hazardous waste eco-fees debacle of 2010.³ In this case the agency attempted to apply fees to a large range of consumer products, such as rechargeable batteries but failed to do so in a transparent and accountable manner.

In early February 2012, the provincial government reacted to these events by indicating that in the future Stewardship Ontario will be directed to determine its fee structure based on the actual costs of recycling materials at the end of each quarter, as opposed to basing its decisions on open-ended estimates at the beginning of the year.⁴ The province has also ordered a review of Stewardship Ontario's finances and intends to give more power over its governance to Waste Diversion Ontario (WDO). WDO was formally created in 2002 when the Ontario government enacted the *Waste Diversion Act, 2002* (WDA).⁵ The WDA also creates a growing number of industry-funding organizations (IFOs) such as Stewardship Ontario.⁶

All this puts a microscope not only on Stewardship Ontario itself, but also on the entire model of recycling as a way to protect the environment and make efficient use of resources, industry funds and tax dollars. There also are nagging doubts and increasing evidence that Stewardship Ontario and the waste electronics recycling IFO (Ontario Electronic Stewardship) will meet its diversion targets through their collection and processing systems. Perhaps now is a good time to consider alternatives.

³ See Jesse McLean, "New eco fees catching consumers by surprise," *The Toronto Star*, July 7, 2010 (<u>http://www.thestar.com/business/article/833510</u>), and Glenn Munroe, "Eco-Fee" Fallout Puts Stewardship Progress on Hold" *Environews*, vol. 20, no. 2, December 2010

² Kim Mackrael, "Recycling agency accused of stonewalling on Ontario's hazardous waste," *The Globe and Mail*, February 3, 2012 (<u>http://tinyurl.com/89lewrj</u>).

^{(&}lt;u>http://www.oba.org/En/Environmental/newsletter_en/v20n2.aspx#Article_4</u>). For an interesting retrospective and a feature on one of this article's authors, see Ellen Moorhouse, "Trash Talk - Behind the eco tempest," *The Toronto Star*, July 16, 2010 (<u>http://tinyurl.com/7zssfgz</u>)

⁴ See the article by Usman Valiante in this edition of *Environews* for more on this topic.

⁵ S.O. 2002, c. 6.

⁶ Other IFOs include Ontario Tire Stewardship and Ontario Electronic Stewardship; <u>http://www.wdo.ca/content/?path=page96+item125698/</u>.

The Rise of Recycling

Stewardship Ontario was born out of the ashes of Ontario Multi-Materials Recycling Inc. (OMMRI), a bizarre agency which was created by the soft drink industry in 1985. OMMRI was joined at the hip with industries that had a vested interest in promoting the sale of recyclable packaging materials (PSRP industries) – aluminum, plastic, steel, glass and newsprint.⁷ Since 1985 the Ministry of the Environment (MOE), OMMRI, the PSRP industries and the various successor agencies such as Stewardship Ontario have fostered a cult-like enthusiasm for recycling to the exclusion of a rational discussion of the vital roles of reduction and reuse in a sustainable society.

The fervour for recycling reached its nadir when one of the authors (D. McRobert) fought a rearguard action at Pollution Probe from 1990 to 1991 and then at the MOE in 1991 to 1992 to protect refillable glass beer bottles.

In 1990, in the wake of the 1988 Canada-USA free trade agreement, American beer companies began to ship flats of beer in cans. Energy was relatively cheap at the time, making it very attractive to ship truck loads of beer from Milwaukee to Toronto. The LCBO willingly cooperated, selling flats of Coors beer for about \$10 a flat of 24 beers, about 70 percent lower than bottled beer sold at The Beer Store by Molson's and Labatt's.⁸ To counter this, the Ontario cabinet agreed to increase the tax on non-refillable containers (the "beer can tax") from 5 cents to 10 cents in its 1992 budget. In addition, MOE released a six page policy statement in June 1992 indicating that the official policy of the Ontario government was to support refillable bottles, even though the cult of recycling was firmly entrenched, especially amongst the engineers, in the MOE.⁹

Downsides of Recycling

Recycling is a valuable tool – there's no denying that. It keeps a great deal of waste, both hazardous and otherwise, out of landfills, and that is always a good thing. It also allows us to get more mileage out of resources and raw materials.

But recycling has its flaws as well. It can consume a great deal of energy to reprocess paper, aluminium, paint, and the like into something that can be used again, so recycling is not quite as

⁷ See D. McRobert, "Ontario's Blue Box System: A Case Study of Government's Role in the Technological Change Process, 1970-1991," extracted from: David McRobert, *Labour Relations, Technological Change and Sustainability: Resolving the Structural Issues*, Osgoode Hall Law School, York University, October 1994 (http://www.lacieg2s.ca/public/law/bluebox.htm).

⁸ David McRobert observes: In the fall of 1991 as I worked with the Ministry of Finance and on the cabinet submissions that led to the beer can tax, the question that invariably came up from my pro-can colleagues at MOE was this: "David, what do you have against buying a flat of American beer in cans for ten bucks?" My answer then and now: "We will lose 5,000 unionized jobs and \$2 billion in revenues for schools and hospitals. And American beer tastes lousy."

⁹ Three years later, industry inquiries to obtain copies of the 1992 MOE refillables policy statement revealed the document "had been lost" by the MOE, allegedly because of poor file keeping. Personal communication to David McRobert from Bruce Pope, Waste Management Branch, MOE, February 1995.

environmentally flawless as one might think. It also contributes to our throwaway consumer culture; once you're done with something, chuck it in a bin, get it hauled away, and forget about it.

And then there's the risk of the poor governance and accountability in management, as some would argue seems to be the case with Stewardship Ontario's oversight of the IFOs. Perhaps it is time to focus more of our efforts on creating and using products with long lifespans and reusing them as much as possible. Deposit-return systems are an extremely effective way to get consumers to recycle and reuse items and could very effectively be adapted to products like cell phones, batteries or paint cans, which should be kept out of landfills.

The environmental benefits of such a plan should be obvious. Less garbage would be sent to landfills, and less energy would be required to operate trucks to pick up and process recyclables. But there are other benefits. Reusable products, as opposed to disposable ones, are also cheaper for the average consumer over the long term, and one saves on the time and effort of constantly replacing disposable items.

Towards More "Reduce" and "Reuse"

There are many ways we as a society can go about promoting a more sustainable waste system. We can move away from the manufacture of disposable products and move towards reusable ones. Instead of plastic cutlery and paper plates that are thrown away when we are done with them, we can turn to reusable metal and ceramic options as Tim Horton's has done for its instore consumption of soup and sandwiches at many stores. Instead of distributing goods in boxes and bottles that are immediately thrown away after use, we can utilize reusable containers that can be refilled when emptied.

We can move away from a culture of planned obsolescence and encourage manufacturers to put more effort into quality and durability. When products are intended to have long lifespans, there will be less need for unsightly landfills and expensive recycling facilities.

We can create a better infrastructure for the redistribution of used products once a person or business is finished with them. Maybe the wealthy family at one end of town no longer needs their year-old computer, smart phone or iPad, but it may be an upgrade for a family of lesser means at the other end of town.

Many often argue against such changes from an economic perspective. After all, the current model makes good money for manufacturers; how else would it have come to be? But while it is true that there might be some growing pains along the way, there can be just as much economic opportunity in a society based on sustainability and reuse.

Money and effort that is currently put towards the endless production of short-lifespan and disposable products such as disposable napkins, (plastic) cameras, razors, cutlery, plates, etc. can instead be diverted to the repair and maintenance of long-lasting products. Indeed, this is what was done until the end of World War II, as Vance Packard points out in his classic 1960 book (and required reading on planned obsolescence), *The Wastemakers*.¹⁰

¹⁰ For additional background, see <u>http://en.wikipedia.org/wiki/Planned_obsolescence</u>.

"It's cheaper to buy a new one than to replace the broken one" is a common argument we make to attempt to justify our wasteful behaviours. However, what we have been doing for more than 70 years is substituting resources such as energy, minerals and plastics for labour. This has served to reduce the bargaining power of labour in North America but it also has contributed to growing structural unemployment, climate change, overflowing landfills, and high consumption rates.

We have known for decades how to build (and even re-establish) a resilient and sustainable economy based on design for disassembly, reuse and repair, and sharing of tools, equipment and resources. In the mid 1970s, the Science Council of Canada prepared a series studies for the federal government of Canada on what they called a "conserver society."¹¹ These innovative and compelling reports showed that relatively simple conservation-based solutions could be implemented without much difficulty. However, they were regarded with disdain by officials in key federal government departments (such as Finance, Natural Resources Canada and Industry Canada) who understood the role of the federal government to be to work with industry to promote a throw-away consumer economy. Consequently, relatively little progress has been made on implementing conserver solutions such as water conservation, community composting and car pooling, to name only a few.

Experience shows that if we were willing to reinvest in reuse and repair technologies and innovative design, prices would eventually go down, and fixing broken products and items would once again become a more vital part of the economy.

New jobs can also be created in the field of redistributing used items. A beginning of this system is already in place in Saskatchewan, where depots for used items provide good sources of employment for youth and the disabled.

All of these changes sound drastic to some folks but in truth they are not. Moreover, these are the sort of changes that will be needed if our society is to become more sustainable in the coming decades.

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¹¹ See <u>http://www.thecanadianencyclopedia.com/articles/conserver-society.</u>

See also: Lawrence Solomon, *The Conserver Solution* (1978); Peter Victor, *Managing Without Growth: Slower by Design, Not Disaster* (2008); Iain Wallace, *A Geography of the Canadian Economy* (2002).