



OSPE Submission on Regulation Proposal Notice EBR 011-3966 - Proposal for Changes to Waste Diversion Ontario's Governance Structure

March 9, 2012

Background:

The Ontario Society of Professional Engineers (OSPE) is the voice of the engineering profession in Ontario. We advance the professional and economic interests of our members by advocating with governments, offering valued member services, and providing opportunities for ongoing professional development. We are pleased to respond to this regulation proposal notice which proposes a new governance structure for Waste Diversion Ontario (WDO). Our mandate is to promote the professional and economic interests of engineers and our members have a desire to be part of the decision making process in the planning and implementation of the proposed changes.

In response to the call for comments to the proposal, OSPE collected feedback from members with expertise in environmental and solid waste management. This information is summarized under the comments section below. As well, in the interest of demonstrating the knowledge engineers could offer to the board or an advisory committee, some comments include discussion of waste diversion focusing on rural and northern Ontario.

Comments:

Overview

OSPE supports the proposal, which is intended to serve as the basis for a new amendment to the operating agreement between WDO and the Ministry of the Environment (MOE). OSPE considers it appropriate to move WDO to a skills-based board reflecting modern governance practices, and agrees this will assist in improving the oversight of programs established under the Waste Diversion Act.

Oversight Responsibilities

OSPE supports the WDO being guided by the five principles listed in the proposal. OSPE stresses that the composition of the board be carefully chosen to ensure a balanced group of experts contribute their knowledge to WDO and that recommendations and outcomes are carried forward to the entire MOE. It is very important that expertise is used to create a realistic approach to environmental management that resonates throughout the ministry. This will heighten the integrity of the MOE and eliminate any silos that may exist between departments.

Given the complexities and higher costs in terms of diverting waste per tonne per person, OSPE also encourages at least one board member be appointed from rural and northern Ontario. Familiarity with rural areas and the North is necessary to give the board knowledge of how decisions may affect those parts of the province differently from more populated areas.

For example, in the case of small northern communities in Ontario, costs are reported in dollars/tonne. But waste is never weighed, (loose garbage can weigh as little as 100 kilos/ m³ and compacted waste as much as 300 kilos/ m³), so it is difficult to use this as a measure of cost effectiveness or environmental benefits. However, costs per person served by MSW systems are easy numbers to calculate. It may be beneficial for the WDO to recommend that the MOE should revise their regulations to reflect this.

The very high costs in many small northern communities would also suggest that waste diversion comes at too high a cost of valuable financial resources, much of which could be diverted to other needs. The amount of waste diverted in these areas has almost zero effect on satisfying the real reason for diverting (e.g. saving the earth's limited resources). When costs reach a certain cost per person, these small communities should be exempted from the provisions of the Waste Diversion Act, and instead there should be a requirement that enough effort be spent on safe waste disposal.

It would also be important to have representation by an operating solid waste manager in a small setting. Muskoka would be one of many as a good example of an area to look for someone with this experience. Again, familiarity of smaller operations is useful as they may be affected in varying ways from waste management in larger centres.

Board Composition

OSPE strongly encourages the proposed new WDO board composition include at least one Professional Engineer. Several competencies identified as being necessary for new board members are typically held by engineers. These include (1) strategic thinking, (2) waste diversion, and (3) the environment. It would be essential for the board to include a licensed engineer (P.Eng.) to ensure any decisions made under the purview of the Waste Diversion Act factor in engineering principles and maintain public safety.

Nomination and Appointment Process

The proposed new nomination sub-committee to determine appointments to the WDO board is sound and realistic. OSPE would be pleased to provide additional comments and expertise as the WDO plans and implements the appointment procedures. We will also distribute announcements of any call for applications to the board to our wide audience of engineers throughout the province.

Terms and Chair Appointment

OSPE supports the proposed changes, but cautions that Ontario public servants appointed by the Minister not being subject to time limits could potentially lead to complacency if there are no accompanying requirements to attend meetings and fulfill obligations. OSPE encourages Ministerial appointments to be carefully determined and guided by sound governance principles.

Exclusion Criteria

OSPE has no concerns about exclusion criteria as set forth in the proposal.

Thank you for the opportunity to make this submission. Please feel free to contact us for clarification or additional information if necessary.