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This draft regulation is provided solely to facilitate public consultation under section 16 of the Environmental Bill of Rights, 1993. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the draft regulation are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016

BATTERIES

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PART I
DEFINITIONS AND INTERPRETATION

Definitions

1. In this Regulation,

“Audit Guideline” means the document entitled “Registry Procedure – Audit” published by the Authority and dated [*date to be confirmed*], as amended from time to time, and available on the Registry;

“Batteries Guideline” means the document entitled “Batteries Processing and Refurbishing Guideline” published by the Authority and dated [*date to be confirmed*], as amended from time to time, and available on the Registry;

“battery” means a battery as defined in section 2;

“battery collection site” means a site where batteries used by a consumer in Ontario are collected for the purpose of resource recovery;

“battery hauler” means a person who transports, in Ontario, batteries that are destined for processing, reuse, refurbishing or disposal, but does not include a person who transports batteries for private domestic purposes;

“battery processor” means a person who receives and processes, for the purposes of resource recovery,

- (a) batteries used by a consumer in Ontario, or
- (b) processed materials derived from batteries used by a consumer in Ontario;

“battery refurbisher” means a person who receives batteries used by a consumer in Ontario and prepares or refurbishes them for the purpose of reuse;

“importer” means a person who acquires a product from a person not resident in Ontario for the purpose of supply in Ontario;

“large battery” means a battery that weighs more than five kilograms;

“large producer” means a producer to whom section 6 applies;

“management requirement” means the minimum amount of batteries, determined under section 11 or 12, as the case may be, that a producer of those batteries is required to manage;

“producer” means a person who is required to carry out responsibilities relating to batteries, as determined in accordance with section 4;

“producer responsibility organization” means a person retained by a producer for the purpose of carrying out one or more of the following producer responsibilities relating to batteries:

1. Arranging for the establishment or operation of a collection or management system.
2. Establishing or operating a collection or management system.
3. Preparing and submitting reports;

“resident in Ontario” means a person having a permanent establishment in Ontario within the meaning of the *Corporations Tax Act*;

“small rechargeable battery” means a battery that can be recharged to be used more than once and weighs five kilograms or less;

“small single use battery” means a battery that can be used once and weighs five kilograms or less;

“territorial district” means a geographic area, other than a municipality, named and described in Schedule 2 to Ontario Regulation 180/03 (Division of Ontario into Geographic Areas) made under the *Territorial Division Act, 2002*.

Batteries

2. (1) In this Regulation,

“battery” means a product that,

- (a) is a container consisting of one or more voltaic or galvanic cells, in which chemical energy is stored as electricity or converted into electricity and used as a source of power; and
- (b) falls into one of the following categories:
 - (i) Small single use batteries.

- (ii) Small rechargeable batteries.
- (iii) Large batteries.

(2) In this Regulation, a reference to “battery” does not include printed paper and packaging supplied with the battery.

PART II DESIGNATED CLASS AND PRODUCERS

Batteries

3. For the purposes of section 60 of the Act, batteries are a designated class of material.

Producers

4. (1) For the purposes of the definition of “producer” in section 1, the producer is,

- (a) with respect to new products marketed to consumers in Ontario with which new batteries are provided,
 - (i) subject to subsection (3), if the brand holder of the product is resident in Canada, the brand holder,
 - (ii) if there is no person described in subclause (i) and the product is imported into Ontario by a person resident in Ontario, the importer,
 - (iii) if there is no person described in subclause (i) or (ii) and the product is marketed by a person resident in Ontario, the first person who marketed the product, or
 - (iv) if there is no person described in subclause (i), (ii) or (iii) and the product is marketed by a person not resident in Ontario, the person who marketed the product; or
- (b) with respect to new batteries marketed to consumers in Ontario separately from products,
 - (i) subject to subsection (4), if the brand holder of the batteries is resident in Canada, the brand holder,
 - (ii) if there is no person described in subclause (i) and the batteries are imported into Ontario by a person resident in Ontario, the importer,

- (iii) if there is no person described in subclause (i) or (ii) and the batteries are marketed by a person resident in Ontario, the first person who marketed the batteries, or
- (iv) if there is no person described in subclause (i), (ii) or (iii) and the batteries are marketed by a person not resident in Ontario, the person who marketed the batteries.

(2) For the purposes of clause 61 (6) (c) of the Act, a person referred to in clause (1) (a) is required to carry out the responsibilities of a producer under Part IV of the Act with respect to batteries if they market a new product in Ontario with which new batteries are provided.

(3) For the purposes of subclause (1) (a) (i), if there are two or more brand holders of the product resident in Canada, the producer is the brand holder most directly connected with the production of the product.

(4) For the purposes of subclause (1) (b) (i), if there are two or more brand holders of the battery resident in Canada, the producer is the brand holder most directly connected to the production of the battery.

PART III COLLECTION OF BATTERIES

Battery collection, producer requirements

5. (1) Every producer shall establish and operate a collection system for each applicable category of batteries in accordance with the applicable requirements set out in sections 6 to 9.

(2) For greater certainty, a battery collection site may be operated by or on behalf of one or more producers and may be relied on by one or more producers to satisfy the requirements set out in sections 6 to 9.

(3) Subsection (1) does not apply to a producer with respect to the relevant collection period if, prior to any reductions under section 15, the management requirement determined for the producer under section 11 or 12, as the case may be, is,

- (a) four tonnes or less, for all batteries that fall into the category of small rechargeable batteries;
- (b) eight tonnes or less, for all batteries that fall into the category of large batteries; or
- (c) two and a half tonnes or less, for all batteries that fall into the category of small single use batteries.

Collection, large producers

6. (1) For the period beginning July 1, 2020 and ending December 31, 2021, every producer who meets the following criteria shall establish and operate a collection system for a particular category of batteries in accordance with subsection (3):

1. The producer is required, under subsection 11 (1), to manage 40 tonnes or more of small rechargeable batteries.
2. The producer is required, under subsection 11 (1), to manage 800 tonnes or more of large batteries.
3. The producer is required, under subsection 12 (1), to manage 80 tonnes or more of small single use batteries.

(2) For every calendar year starting in 2022, every producer who meets the following criteria shall establish and operate a collection system for a particular category of batteries in accordance with subsection (3):

1. The producer is required, under subsection 11 (2), to manage 40 tonnes or more of small rechargeable batteries.
2. The producer is required, under subsection 11 (2), to manage 800 tonnes or more of large batteries.
3. The producer is required, under subsection 12 (2), to manage 80 tonnes or more of small single use batteries.

(3) The producer shall establish and operate a collection system for a particular category of batteries by satisfying the following requirements:

1. Subject to subsections (4) and (5), in each local municipality with a population of 1,000 or more, as reported by Statistics Canada in the most recent official census, the producer shall establish and operate battery collection sites at which that category of batteries is collected, as follows:
 - i. If the population is 500,000 or less, at least one battery collection site for every 15,000 people or portion thereof.
 - ii. If the population is more than 500,000, at least 34 battery collection sites for the first 500,000, and at least one battery collection site for every 50,000 people, or portion thereof, for the portion that surpasses 500,000.

2. In each territorial district with a population of 1,000 or more, as reported by Statistics Canada in the most recent official census, the producer shall establish and operate at least one battery collection site at which that category of batteries is collected.

(4) The producer may reduce the number of collection sites required under paragraph 1 of subsection (3), with respect to the local municipality, by the percentage of residences in the municipality, including residences in multi-unit residential buildings,

- (a) from which the producer collects a particular category of batteries, at least four times per year; and
- (b) to which the producer distributes adequate containers for the collection of the batteries, at no charge.

(5) The producer may replace, in accordance with subsection 9 (2), a portion of battery collection sites required under paragraph 1 of subsection (3) with public battery collection events.

Collection, small producers

7. (1) For the period beginning July 1, 2020 and ending December 31, 2021, every producer who meets the following criteria shall establish and operate a collection system for each applicable category of batteries in accordance with subsection (3):

1. The producer is required, under subsection 11 (1), to manage more than four and less than 40 tonnes of small rechargeable batteries.
2. The producer is required, under subsection 11 (1), to manage more than eight and less than 800 tonnes of large batteries.
3. The producer is required, under subsection 12 (1), to manage more than two and a half and less than 80 tonnes of small single use batteries.

(2) For every calendar year starting in 2022, every producer who meets the following criteria shall establish and operate a collection system for a particular category of batteries in accordance with subsection (3):

1. The producer is required, under subsection 11 (2), to manage more than four and less than 40 tonnes of small rechargeable batteries.
2. The producer is required, under subsection 11 (2), to manage more than eight and less than 800 tonnes of large batteries.
3. The producer is required, under subsection 12 (2), to manage more than two and a half and less than 80 tonnes of small single use batteries.

(3) The producer shall establish and operate a collection system for a particular category of batteries by satisfying one of the following requirements:

1. Subject to subsection (5), in each local municipality or territorial district with one or more retail locations that supplies the producer's batteries or products with which batteries were provided, the producer shall establish and operate as many battery collection sites at which that category of batteries is collected as are equal to or greater than 75 per cent of the number of retail locations in the municipality or territorial district that were operating in,
 - i. 2019, with respect to producers to whom subsection (1) applies, and
 - ii. the previous calendar year, with respect to producers to whom subsection (2) applies.
2. The producer shall establish and operate battery collection sites at which the particular category of batteries is collected as follows:
 - i. Subject to subsections (4) and (5), in each local municipality with a population of 5,000 or more, as reported by Statistics Canada in the most recent official census, the producer shall establish and operate,
 - A. at least one battery collection site for every 15,000 people or portion thereof, if the population is 500,000 or less; or
 - B. if the population is more than 500,000, at least 34 battery collection sites for the first 500,000, and at least one battery collection site for every 50,000 people or portion thereof for the portion that surpasses 500,000.
 - ii. The producer shall establish and operate at least one battery collection site at which a particular category of batteries is collected in each territorial district with a population of 1,000 or more, as reported by Statistics Canada in the most recent official census, in which the producer supplied that particular category of batteries or products with which that particular category of batteries are provided in,
 - A. 2019, with respect to producers to whom subsection (1) applies, and
 - B. the previous calendar year, with respect to producers to whom subsection (2) applies.

(4) The producer may reduce the number of collection sites required under subparagraph 2 i of subsection (3), with respect to the local municipality, by the percentage of residences in the municipality, including residences in multi-unit residential buildings,

- (a) from which the producer collects a particular category of batteries, at least four times per year; and
- (b) to which the producer distributes adequate containers for the collection of the batteries, at no charge.

(5) The producer may replace, in accordance with subsection 9 (2), a portion of battery collection sites required under paragraph 1 or subparagraph 2 i of subsection (3) with public battery collection events.

Collection, producers without a retail location

8. (1) For the period beginning July 1, 2020 and ending December 31, 2021, every producer who meets the following criteria and who supplied batteries or products with which batteries were provided in Ontario only through the Internet or by using a catalogue or telephone order system, or by any other remote sales method, shall establish and operate a collection system for the particular category of batteries in accordance with subsection (3):

1. The producer is required, under subsection 11 (1), to manage more than four tonnes of small rechargeable batteries.
2. The producer is required, under subsection 11 (1), to manage more than eight tonnes of large batteries.
3. The producer is required, under subsection 12 (1), to manage more than two and a half tonnes of small single use batteries.

(2) For every calendar year starting in 2022, every producer who meets the following criteria and who supplied batteries or products with which batteries were provided in Ontario through the Internet or by using a catalogue or telephone order system, or by any other remote sales method, shall establish and operate a collection system for the particular category of batteries in accordance with subsection (3):

1. The producer is required, under subsection 11 (2), to manage more than four tonnes of small rechargeable batteries.
2. The producer is required, under subsection 11 (2), to manage more than four tonnes of large batteries.
3. The producer is required, under subsection 12 (2), to manage more than two and a half tonnes of small single use batteries.

(3) The producer shall establish and operate a collection system for a particular category of batteries by satisfying one of the following requirements:

1. The producer shall provide for the collection of the particular category of batteries in a manner that is, at a minimum, equivalent to the manner in which the products were supplied, including providing any packaging or shipping materials required for the collection at no charge.
2. The producer shall establish and operate battery collection sites at which the particular category of batteries is collected as follows:
 - i. Subject to subsections (4) and (5), in each local municipality with a population of 5,000 or more, as reported by Statistics Canada in the most recent official census, the producer shall establish and operate,
 - A. at least one battery collection site for every 15,000 people or portion thereof, if the population is 500,000 or less; or
 - B. if the population is more than 500,000, at least 34 battery collection sites for the first 500,000, and at least one battery collection site for every 50,000 people or portion thereof for the portion that surpasses 500,000.
 - ii. The producer shall establish and operate at least one battery collection site at which a particular category of batteries is collected in each territorial district with a population of 1,000 or more, as reported by Statistics Canada in the most recent official census, in which the producer supplied that particular category of batteries or products with which that particular category of batteries are provided in,
 - A. 2019, with respect to producers to whom subsection (1) applies, and
 - B. the previous calendar year, with respect to producers to whom subsection (2) applies.

(4) The producer may reduce the number of collection sites required under subparagraph 2 i of subsection (3), with respect to the local municipality, by the percentage of residences in the municipality, including residences in multi-unit residential buildings,

- (a) from which the producer collects a particular category of batteries, at least four times per year; and

- (b) to which the producer distributes adequate containers for the collection of the batteries, at no charge.

(5) The producer may replace, in accordance with subsection 9 (2), a portion of battery collection sites required under subparagraph 2 i of subsection (3) with public battery collection events.

Battery collection sites

9. (1) Every producer who establishes and operates a battery collection site for the purposes of paragraph 1 of subsection 6 (3), paragraph 1 or subparagraph 2 i of subsection 7 (3) or subparagraph 2 i of subsection 8 (3) shall ensure that, with respect to each battery collection site that is part of the producer's collection system, the following requirements are satisfied:

1. If the battery collection site is not part of a retail location, the site must accept all batteries.
 2. If the battery collection site is part of a retail location, the site must accept, at a minimum, all batteries that are of a similar size and function and fall into the category of the producer's batteries sold at that location.
 3. The battery collection site must be operated and accept batteries during normal business hours throughout the relevant collection period.
 4. The battery collection site must accept, at a minimum, up to 15 kilograms of batteries per day from any person.
 5. If a battery collection site accepts more than 15 kilograms of batteries from a person on a single day, the operator of the site shall record the person's name, contact information, any unique identifier assigned by the Registrar and the amount of batteries accepted.
 6. If a battery collection site accepts large batteries, the large batteries must be collected and stored in separate containers from other batteries.
- (2) The following rules apply with respect to public battery collection events:
1. A producer may replace up to 25 per cent of the total number of battery collection sites the producer is required to provide in Ontario under paragraph 1 of subsection 6 (3), paragraph 1 or subparagraph 2 i of subsection 7 (3) or subparagraph 2 i of subsection 8 (3), regardless of any reductions under subsection 6 (4), 7 (4) or 8 (4), as the case may be, with the same number of public battery collection events.

2. A public battery collection event must operate for at least four consecutive hours on the day it is held, and must accept all batteries that fall into the particular category in respect of which it is being held.

(3) Subject to subsection (5), with respect to a battery collection site owned or operated by the Crown in right of Ontario or by a municipality with a population of less than 1,000, as reported by Statistics Canada in the most recent official census, if the operator of the site collects more than two tonnes of batteries,

- (a) the operator may notify a large producer of batteries that fall into the same category collected at the site, or a producer responsibility organization retained by that producer with respect to that category of batteries; and
- (b) the producer shall collect all of the batteries of which it was notified from the site within one year from the day the producer was notified.

(4) Subject to subsection (5), with respect to a battery collection site located on a reserve, as defined in the *Indian Act* (Canada), if the operator of the site collects more than two tonnes of batteries,

- (a) the operator may notify a large producer of batteries that fall into the same category collected at the site, or a producer responsibility organization retained by that producer with respect to that category of batteries; and
- (b) the producer shall collect all of the batteries of which it was notified from the site within one year from the day the producer was notified.

(5) Subsections (3) and (4) do not apply to a battery collection site that is located in the Far North, as defined under the *Far North Act, 2010*.

PART IV MANAGEMENT OF BATTERIES

Battery management, producer requirements

10. Every producer shall establish and operate a system for managing batteries by determining and satisfying their management requirement with respect to each relevant category of batteries,

- (a) for the period beginning July 1, 2020 and ending December 31, 2021, in accordance with subsection 11 (1) or 12 (1), as the case may be, and section 14; and
- (b) for every calendar year starting in 2022, in accordance with subsection 11 (2) or 12 (2), as the case may be, and section 14.

**Calculation of management requirement
Small rechargeable batteries and large batteries**

11. (1) Subject to subsection (3) and section 15, for the period beginning July 1, 2020 and ending December 31, 2021, every producer of small rechargeable batteries or large batteries, who supplied those batteries or products with which those batteries are provided in Ontario, shall manage a minimum amount of materials from batteries from each applicable category and shall determine that minimum amount using the formula,

$$[(2016 \text{ Supply} + 2017 \text{ Supply} + 2018 \text{ Supply}) / 3 \times 0.7] \times 1.25$$

in which,

“2016 Supply” is the weight of small rechargeable batteries or large batteries, as the case may be, of which the person is a producer, that were supplied in Ontario in 2016,

“2017 Supply” is the weight of small rechargeable batteries or large batteries, as the case may be, of which the person is a producer, that were supplied in Ontario in 2017, and

“2018 Supply” is the weight of small rechargeable batteries or large batteries, as the case may be, of which the person is a producer, that were supplied in Ontario in 2018.

(2) Subject to subsection (3) and section 15, for every calendar year starting in 2022, every producer of small rechargeable batteries or large batteries, who supplied those batteries or products with which batteries are provided, in Ontario, shall recover a minimum amount of materials from batteries from each applicable category and shall determine that minimum amount using the formula,

$$(Y3 + Y4 + Y5) / 3 \times MP$$

in which,

“Y3” is the weight of small rechargeable batteries or large batteries, of which the person is a producer, that were supplied or provided with products that were supplied in Ontario in the calendar year three years prior to the relevant calendar year,

“Y4” is the weight of small rechargeable batteries or large batteries, of which the person is a producer, that were supplied or provided with products that were supplied in Ontario in the calendar year four years prior to the relevant calendar year,

“Y5” is the weight of small rechargeable batteries or large batteries, of which the person is a producer, that were supplied or provided with products that were supplied in Ontario in the calendar year five years prior to the relevant calendar year, and

“MP” is the management percentage for the relevant calendar year, which is 75 per cent for the 2022 calendar year and 80 per cent for every subsequent calendar year.

(3) Subsections (1) and (2) do not apply to a producer with respect to the relevant management period if the management requirement determined for the producer for that period is, prior to any reductions under section 15,

- (a) four tonnes or less for small rechargeable batteries; or
- (b) eight tonnes or less for large batteries.

Calculation of management requirement

Small single use batteries

12. (1) Subject to subsection (3) and section 15, for the period beginning July 1, 2020 and ending December 31, 2021, every producer of small single use batteries, who supplied those batteries or products with which those batteries are provided, in Ontario, shall manage a minimum amount of materials from batteries from that category and shall determine that minimum amount using the formula,

$$[(2017 \text{ Supply} + 2018 \text{ Supply} + 2019 \text{ Supply}) / 3 \times 0.3] \times 1.25$$

in which,

“2017 Supply” is the weight of small single use batteries, of which the person is a producer, that were supplied in Ontario in 2017,

“2018 Supply” is the weight of small single use batteries, of which the person is a producer, that were supplied in Ontario in 2018, and

“2019 Supply” is the weight of small single use batteries, of which the person is a producer, that were supplied in Ontario in 2019.

(2) Subject to subsection (3) and section 15, for every calendar year starting in 2022, every producer of small single use batteries shall manage a minimum amount of materials from batteries from that category and shall determine that minimum amount using the formula,

$$(Y2 + Y3 + Y4) / 3 \times MP$$

in which,

“Y2” is the weight of small single use batteries, of which the person is a producer, that were supplied in Ontario in the calendar year two years prior to the relevant calendar year,

“Y3” is the weight of small single use batteries, of which the person is a producer, that were supplied in Ontario in the calendar year three years prior to the relevant calendar year, and

“Y4” is the weight of small single use batteries, of which the person is a producer, that were supplied in Ontario in the calendar year four years prior to the relevant calendar year, and

“MP” is the management percentage for the relevant calendar year, which is 40 per cent for the 2022 calendar year and 50 per cent for every subsequent calendar year.

(3) Subsections (1) and (2) do not apply to a producer with respect to the relevant management period if the management requirement determined for the producer for that period is, prior to any reductions under section 15, two and a half tonnes or less.

Audit Guideline

13. (1) Every producer shall calculate their management requirement under section 11 or 12, as the case may be, in accordance with the Audit Guideline.

(2) Supply data used to calculate management requirements under section 11 must be audited, in accordance with subsection (4),

- (a) by March 1, 2020, with respect to supply data for the 2016, 2017 and 2018 calendar years;
- (b) by March 31, 2023, with respect to supply data for the 2019, 2020 and 2021 calendar years; and
- (c) by March 31 in every third year following 2023, with respect to supply data for the three calendar years two, three and four years prior.

(3) Supply data used to calculate management requirements under section 12 must be audited, in accordance with subsection (4),

- (a) by March 1, 2020, with respect to supply data for the 2017, 2018 and 2019 calendar years;
- (b) by March 31, 2023, with respect to supply data for the 2020, 2021 and 2022 calendar years; and
- (c) by March 31 in every third year following 2023, with respect to supply data for the three calendar years one, two and three years prior.

(4) Subject to subsection (5), every producer shall ensure that supply data is audited,

- (a) by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004*; and

(b) in accordance with any procedures set out in the Audit Guideline.

(5) Subsection (4) does not apply with respect to supply data submitted for the 2017, 2018 or 2019 calendar year that was previously submitted to Stewardship Ontario pursuant to a rule or regulation made under the *Waste Diversion Act, 2002* or the *Waste Diversion Transition Act, 2016*.

Managed batteries criteria

14. (1) The following conditions apply for the purposes of satisfying the management requirement under section 11 or 12, as the case may be:

1. The weight of recovered resources from batteries counted toward the management requirement must be from batteries used by a consumer in Ontario, from the same category as the batteries that were used to calculate the management requirement, and that have been, by the end of the relevant management period,
 - i. managed, in accordance with the Batteries Guideline by a battery refurbisher registered under section 20, and provided to a person for reuse, or
 - ii. processed, in accordance with the Batteries Guideline by a battery processor who meets the requirements set out under subsection (3), and
 - A. provided to a person for the making of new products or packaging,
 - B. used to enrich soil, or
 - C. subject to subsection (2), used as aggregate.
2. The weight of batteries, or recovered resources from those batteries, must only be counted once and must not be counted by more than one producer.
3. The following must not be counted toward the management requirement:
 - i. The weight of materials that are land disposed.
 - ii. The weight of materials that are incinerated or used as a fuel or fuel supplement.
 - iii. The weight of materials that are stored, stockpiled or otherwise deposited on land or used as daily landfill cover.

(2) With respect to satisfying a management requirement under section 11 or 12, as the case may be, the weight of material used as aggregate, referred to in sub-subparagraph 1 ii C of subsection (1), may only account for up to five per cent of the management requirement.

(3) A battery processor referred to in subparagraph 1 ii of subsection (1) shall meet the following requirements:

1. The battery processor shall be registered under section 20.
2. The battery processor must meet an average recycling efficiency rate of 80 per cent, determined in accordance with subsection (4).

(4) The average recycling efficiency rate referred to in paragraph 2 of subsection (3) is determined, for each three-year period beginning with 2021 to 2023, by using the formula,

$$(R2 + R3 + R4) / TW$$

in which,

“R2” is the weight of recovered resources, from the category of batteries in respect of which the person is a battery processor, that was processed in the calendar year two years prior to the first year in the three-year period,

“R3” is the weight of recovered resources, from the category of batteries in respect of which the person is a battery processor, that was processed in the calendar year three years prior to the first year in the three-year period,

“R4” is the weight of recovered resources, from the category of batteries in respect of which the person is a battery processor, that was processed in the calendar year four years prior to the first year in the three-year period, and

“TW” is the total weight of the category of batteries received by the processor in R2, R3 and R4.

Reduction of management requirement

15. If any of the batteries supplied in the calendar years in respect of which a management requirement has been determined under section 11 or 12 contain post-consumer recycled content, the management requirement may be reduced up to a maximum of 50 per cent by the producer reducing the weight of their supply data for each of those years by the equivalent weight of the post-consumer recycled content used in the batteries.

PART V PROMOTION AND EDUCATION

Promotion and education, producers

16. (1) Every producer shall implement a promotion and education program by, at a minimum, publishing and clearly displaying the information set out under subsection (2) on their website,

- (a) on or before July 1, 2020, if the producer marketed batteries or products with which batteries were provided between January 1, 2016 and June 30, 2020; or
- (b) if the producer markets batteries or products with which batteries are provided in Ontario after July 1, 2020, on or before the day section 5 applies to the producer.

(2) The information referred to in subsection (1) is the following:

1. The locations of the producer's battery collection sites for each category of batteries, where consumers may return the batteries at no charge.
2. A description of any collection services provided by the producer that are available other than at a battery collection site.
3. A description of the resource recovery activities engaged in by the producer for each category of batteries in the course of managing the batteries.

Resource recovery charges

17. Every producer and every person who markets batteries or products with which batteries are provided to consumers in Ontario and who identifies, in an advertisement, invoice, receipt or similar record in connection with the supply of batteries or products with which batteries are provided, a separate charge that relates to resource recovery or waste reduction of batteries, shall implement a promotion and education program by providing the following information at the time the charge is identified in the same manner in which the charge is communicated:

1. The person responsible for imposing the charge.
2. How the charge will be used to collect, reduce, reuse, recycle and recover batteries.

PART VI REGISTRATION

Registration, producers

18. (1) Every producer who markets batteries or products with which batteries are provided in Ontario shall register with the Authority through the Registry by submitting the information set out under subsection (2),

- (a) subject to subsection (3), on and after January 1, 2020 and on or before March 1, 2020, if the producer marketed small rechargeable batteries or large batteries in Ontario between January 1, 2016 and March 1, 2020;
 - (b) subject to subsection (3), on and after January 1, 2020 and on or before March 1, 2020, if the producer marketed small single use batteries in Ontario between January 1, 2017 and March 1, 2020; or
 - (c) if the producer markets any batteries in Ontario after March 1, 2020, within 30 days of marketing the batteries.
- (2) The information referred to in subsection (1) is the following:
- 1. The producer's name, contact information and any unique identifier assigned by the Registrar.
 - 2. The category to which the batteries, marketed in Ontario by the producer, whether provided separately or with a product, belong.
 - 3. The name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organization retained by the producer.
 - 4. The name and contact information of an employee of the producer who has authority to bind the corporation or entity and who is responsible for having the registration complete and up to date.
 - 5. A description of how the producer is fulfilling or plans to fulfil their responsibilities relating to the particular category of batteries, including the following:
 - i. The location of each battery collection site that is part of the producer's collection system, and the name and contact information of the operator of the site.
 - ii. The name, contact information and any unique identifier assigned by the Registrar of each battery hauler, battery processor and battery refurbisher that is part of the producer's collection or management system.
 - iii. A description of any collection services provided by the producer that are available other than at a collection site, including the name and contact information of the person who owns, operates or provides the service.
 - 6. For producers to which clause (1) (a) or (b) applies,

- i. the number and weight of batteries in the particular category of batteries supplied in Ontario in 2016, 2017, 2018 and 2019, audited in accordance with section 13, and
- ii. a description of any waste reduction activities described in section 15 that were undertaken by the producer in those years.

7. For producers to which clause 1 (c) applies, the date they first marketed the particular category of batteries or the product with which the batteries are provided in Ontario.

(3) For producers to which clause 1 (a) applies, the information required under paragraph 5 of subsection (2) must be submitted on or before May 31, 2020.

(4) The producer shall submit updated information within 15 days after any change to the information required to be submitted under this section.

Registration, producer responsibility organizations

19. (1) Every producer responsibility organization shall, within 30 days of being retained by a producer, register with the Authority, through the Registry, by submitting the following information:

1. The producer responsibility organization's name, contact information and any unique identifier assigned by the Registrar.
2. The category of batteries in respect of which the producer responsibility organization is retained.
3. A description of how batteries or processed materials collected or managed by the producer responsibility organization are allocated among producers who have retained the organization's services for the purpose of meeting their requirements under section 11 or 12, as the case may be.
4. The name and contact information of an employee of the producer responsibility organization who has authority to bind the corporation or entity and who is responsible for having the registration complete and up to date.

(2) The producer responsibility organization shall submit updated information within 15 days of any change to the information required to be submitted under this section.

Registration, battery haulers, processors, refurbishers

20. (1) On or before May 31, 2020, every battery hauler, battery processor and battery refurbisher shall register with the Authority through the Registry by submitting the information set out under subsection (3).

(2) After May 31, 2020, every battery hauler, battery processor and battery refurbisher shall, within 30 days of having engaged in their respective activity, register with the Authority through the Registry by submitting the information set out under subsection (3).

(3) The information referred to in subsections (1) and (2) is the following:

1. The name, contact information and any unique identifier assigned by the Registrar of the battery hauler, battery processor or battery refurbisher, as the case may be.
2. The name and contact information of an employee of the battery hauler, battery processor or battery refurbisher, as the case may be, who has authority to bind the corporation or entity and who is responsible for having the registration complete and up to date.
3. If the person is a battery hauler, the categories of batteries the person is transporting.
4. If the person is a battery processor, the categories of batteries the person processes, the location of each site where the person receives and processes batteries and the types of processed materials that result from the processing.
5. For battery processors to which subsection (1) applies, the recycling efficiency rate of the processor for each category of batteries processed at each processing facility for 2017, 2018 and 2019, including a description of how the processor determined the recycling efficiency rate.
6. For battery processors to which subsection (2) applies, the proposed recycling efficiency rate for each category of batteries that will be processed at the facility during the year in which the person is registering and the next calendar year.
7. If the person is a battery refurbisher, the categories of batteries the person refurbishes or provides for reuse, and the location of each site where the person does the refurbishing or the preparation for the reuse.

(4) The battery hauler, battery processor or battery refurbisher, as the case may be, shall submit updated information within 15 days of any change to the information required to be submitted under this section.

Registry, access to information and privacy

21. Information and data submitted to the Authority through the Registry shall not be posted on the Registry unless it is posted in a manner that is consistent with the “Access and Privacy Code” published by the Authority and dated December 14, 2017, as amended from time to time, and available on the website of the Registry.

PART VII REPORTING, AUDITING AND RECORD KEEPING

Initial report, producers

22. On or before March 31, 2021, every producer shall submit to the Authority, through the Registry, a report that contains the following information:

1. A description of the actions taken by the producer in the previous calendar year to fulfil their responsibilities relating to collection under Part III.
2. With respect to producers of small rechargeable batteries or large batteries,
 - i. the number and weight of the particular category of batteries the producer supplied in Ontario in 2019, and
 - ii. a description of any waste reduction activities described in section 15 that were undertaken by the producer in Ontario in 2019 with respect to that category of batteries.
3. With respect to producers of small single-use batteries,
 - i. the number and weight of small single-use batteries the producer supplied in Ontario in 2020, and
 - ii. a description of any waste reduction activities described in section 15 that were undertaken by the producer with respect to small single-use batteries in Ontario in 2020.

Reports

23. (1) Subject to subsection (2), on or before March 31, 2022 and on or before March 31 in each subsequent year, every producer shall submit to the Authority, through the Registry, an annual report that contains the following information with respect to each relevant category of batteries in the previous calendar year:

1. A description of the actions taken by the producer to fulfil their responsibilities relating to the requirements set out under Parts III and IV.
2. A description of the activities referred to in subsection 14 (1) engaged in by the producer and by any producer responsibility organization retained by the producer, including the following information:
 - i. The number and weight of batteries, for each category of batteries, that were refurbished.

- ii. The number and weight of batteries, for each category of batteries, that were reused.
 - iii. The weight of processed materials, by material type, that resulted from the processing of each category of batteries.
 - iv. A list of the types of products and packaging that were made with the processed materials referred to in subparagraph iii.
 - v. The number and weight of each category of batteries and the weight of processed materials that were,
 - A. land disposed,
 - B. incinerated,
 - C. used as a fuel or a fuel supplement,
 - D. stored, stockpiled or otherwise deposited on land, or
 - E. used as aggregate, by material type.
3. With respect to each category of batteries supplied in Ontario,
- i. the number and weight of each type of battery, and
 - ii. a description of any waste reduction activities described in section 15 that were undertaken by the producer.

(2) With respect to small rechargeable batteries and large batteries, the producer shall submit the information required under paragraph 3 of subsection (1) in respect of the calendar year two years prior to the year in which the report is due.

(3) If the data submitted under subparagraph 3 i of subsection (1) relates to a calendar year in respect of which, under section 13, the data must be audited, the producer shall submit the audited data.

Reports, producer responsibility organizations

24. On or before March 31, 2022 and on or before March 31 in each subsequent year, every producer responsibility organization shall create and submit to the Authority, through the Registry, an annual report that contains the following information with respect to the previous calendar year:

1. The number and weight of batteries, for each category of batteries, collected by the producer responsibility organization.
2. The weight of batteries, for each category of batteries, and the weight of processed materials allocated to each producer who retained the producer responsibility organization's services for the purposes of meeting their requirements under section 11 or 12, as the case may be.
3. The number and location of battery collection sites or public battery collection events, and a description of any collection services, arranged, established or operated on behalf of each producer by the producer responsibility organization and the producer's name, contact information and any unique identifier assigned by the Registrar.

Reports, battery haulers

25. On or before March 31, 2022 and on or before March 31 in each subsequent year, every battery hauler shall create and submit to the Authority, through the Registry, an annual report that contains the following information with respect to the previous calendar year:

1. The number and weight of batteries, for each category of batteries, picked up from a battery collection site or from a person and the name and contact information of the operator of the site or person.
2. For each battery refurbisher to whom the battery hauler provided batteries referred to in paragraph 1, the number and weight of batteries provided, for each category of batteries, and the battery refurbisher's name, contact information and any unique identifier assigned by the Registrar.
3. For each battery processor to whom the battery hauler provided batteries referred to in paragraph 1, the number and weight of batteries provided, for each category of batteries, and the battery processor's name, contact information and any unique identifier assigned by the Registrar.
4. If the battery hauler is part of a producer's collection system, the name, contact information and any unique identifier assigned by the Registrar of the producer or of the producer responsibility organization retained by the producer.
5. If any of the batteries referred to in paragraph 1 were collected from outside of Ontario, the number and weight of those batteries, for each category of batteries.

Reports, battery processors

26. On or before March 31, 2022 and on or before March 31 in each subsequent year, every battery processor shall create and submit to the Authority, through the Registry, an annual report that contains the following information with respect to the previous calendar year:

1. The weight of batteries received from a battery hauler at each site where the battery processor receives and processes batteries and the battery hauler's name, contact information and any unique identifier assigned by the Registrar.
2. The number and weight of batteries referred to in paragraph 1, for each category of batteries, that the battery processor sold or provided for refurbishing or reuse.
3. A description of the processing activities undertaken by the battery processor, including the weight of batteries referred to in paragraph 1, for each category of batteries, that were processed and the weight of the processed materials, by material type.
4. With respect to the processed materials referred to in paragraph 3,
 - i. a list of the types of products and packaging that were made by the battery processor and the weight of the processed materials that were used in the making of such products and packaging,
 - ii. the weight of the processed materials that were sent by the battery processor to another person for the purposes of making products and packaging and the types of products and packaging that were made by the other person with the processed materials, and
 - iii. the weight of the processed materials that were used to enrich soil.
5. The weight of batteries referred to in paragraph 1 and the weight of processed materials referred to in paragraph 3 that were,
 - i. land disposed,
 - ii. incinerated,
 - iii. used as a fuel or a fuel supplement,
 - iv. stored, stockpiled or otherwise deposited on land, or
 - v. used as aggregate, by material type.
6. If the battery processor is part of a producer's management system, the name, contact information and any unique identifier assigned by the Registrar of the producer or of the producer responsibility organization retained by the producer.
7. If any of the batteries referred to in paragraph 1 were collected from outside of Ontario, the weight of the batteries, for each category of batteries.

8. If the battery processor received processed materials derived from batteries collected outside of Ontario, the weight of those processed materials.
9. The recycling efficiency rate of the battery processor, for each category of batteries, processed at the facility and a description of how the battery processor calculated the rate under subsection 14 (4).

Reports, battery refurbishers

27. On or before March 31, 2022 and on or before March 31 in each subsequent year, every battery refurbisher shall create and submit to the Authority, through the Registry, an annual report that contains the following information with respect to the previous calendar year:

1. The number and weight of batteries, for each category of batteries, received from a battery hauler and the battery hauler's name, contact information and any unique identifier assigned by the Registrar.
2. The number and weight of batteries referred to in paragraph 1, for each category of batteries, that were refurbished or provided for reuse.
3. If any of the batteries referred to in paragraph 1 were collected from outside of Ontario, the number and weight of those batteries for each category of batteries.
4. If the battery refurbisher is part of a producer's management system, the name, contact information and any unique identifier assigned by the Registrar of the producer or of the producer responsibility organization retained by the producer.

Reports, resource recovery charges

28. On or before May 31, 2020 and on or before May 31 in each subsequent year, every person who implements a promotion and education program under section 17 shall create and submit to the Authority, through the Registry, a report that contains the following information with respect to the previous calendar year:

1. How the charge imposed with respect to new batteries or products with which new batteries are provided that relates to resource recovery or waste reduction has been used to increase collection, reuse, recycling and recovery of batteries.
2. An audit, conducted by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004*, verifying that the charge imposed accurately reflects the costs incurred in relation to the collection, reuse, recycling and recovery of batteries.

Records

29. Every producer, producer responsibility organization, battery hauler, battery processor and battery refurbisher shall keep the following records in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from their date of creation:

1. Records related to arranging for the establishment or operation of a collection or management system for the purpose of fulfilling their responsibilities relating to batteries.
2. Records related to establishing or operating a collection or management system for the purposes of fulfilling their responsibilities relating to batteries.
3. Records related to information required to be submitted to the Authority through the Registry.
4. Records related to implementing a promotion and education program required under this Regulation.
5. Any agreements that relate to paragraph 1, 2, 3 or 4.

Records, operators of battery collection sites

30. Every operator of a battery collection site shall keep the following records with respect to each site, if there is more than one, in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from their date of creation:

1. The number and weight of each category of batteries that were collected at each collection site.
2. The number and weight of batteries referred to in paragraph 1, for each category of batteries, that the operator provided for reuse or refurbishing or sent for processing.
3. For each battery hauler to whom the operator provided batteries referred to in paragraph 1, the number and weight of the batteries provided for each category, and the battery hauler's name, contact information and any unique identifier assigned by the Registrar.
4. If any of the batteries referred to in paragraph 1 were collected from outside of Ontario, the number of those batteries, for each category.

Audit, management systems

31. (1) Every producer shall cause an audit to be undertaken of the practices and procedures the producer implemented in order to comply with section 11 or 12, as the case may be, with respect to each category of batteries for which they are responsible for that calendar year.

(2) The audit referred to in subsection (1) must be conducted by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004* and in accordance with the procedures set out in the Audit Guideline.

(3) On or before March 31 of any year in which an annual report under section 23 is due, the producer shall prepare and submit a copy of a report on the audit to the Authority through the Registry that includes the following with respect to the batteries:

1. The number and weight of batteries, for each category of batteries, that were refurbished.
2. The number and weight of batteries, for each category of batteries, that were reused.
3. The weight of processed materials, by material type, that resulted from the processing of each category of batteries.
4. A list of the types of products and packaging that were made with the processed materials referred to in paragraph 3.
5. The weight of the processed materials referred to in paragraph 3 that were used to enrich soil.
6. The weight of each category of batteries and the weight of processed materials that were,
 - A. land disposed,
 - B. incinerated,
 - C. used as a fuel or a fuel supplement,
 - D. stored, stockpiled or otherwise deposited on land, or
 - E. used as aggregate, by material type.
7. A statement confirming whether the producer met their management requirement as set out in section 11 or 12, as the case may be.
8. If the producer has reduced its management requirement pursuant to section 15, the weight of batteries supplied in the calendar years in respect of which a management requirement has been determined under section 11 or 12, as the case may be, that contained post-consumer recycled content.

**PART VIII
COMMENCEMENT**

Commencement

32. [Commencement].