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CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016

ELECTRICAL AND ELECTRONIC EQUIPMENT

CONTENTS

PART I
DEFINITIONS AND INTERPRETATION

- [1.](#) Definitions
- [2.](#) Electrical and electronic equipment

PART II
DESIGNATED CLASS AND PRODUCERS

- [3.](#) Electrical and electronic equipment
- [4.](#) Producers

PART III
COLLECTION OF ELECTRICAL AND ELECTRONIC EQUIPMENT

- [5.](#) Application
- [6.](#) EEE collection, producer requirements
- [7.](#) Collection, large producers
- [8.](#) Collection, small producers
- [9.](#) Collection, producers without a retail location
- [10.](#) EEE collection sites

PART IV
MANAGEMENT OF ELECTRICAL AND ELECTRONIC EQUIPMENT

- [11.](#) Application
- [12.](#) EEE management, producer requirements
- [13.](#) Calculation of management requirement
- [14.](#) Calculation of management requirement
- [15.](#) Audit Guideline
- [16.](#) Managed EEE criteria
- [17.](#) Reduction of management requirement

PART V
PROMOTION AND EDUCATION

- [18.](#) Promotion and education, producers
- [19.](#) Resource recovery charges

PART VI
REGISTRATION

- [20.](#) Registration, producers of information technology, telecommunications and audio visual equipment and lighting
- [21.](#) Registration, producers of large equipment and small equipment
- [22.](#) Registration, producer responsibility organizations
- [23.](#) Registration, EEE haulers, EEE processors and EEE refurbishers
- [24.](#) Registry, access to information and privacy

PART VII
REPORTING, AUDITING AND RECORD KEEPING

25.	Initial report, producers of information technology, telecommunications and audio visual equipment and lighting
26.	Reports, producers of information technology, telecommunications, audio visual equipment and lighting
27.	Initial reports, producers of large equipment and small equipment
28.	Reports, producers of large equipment and small equipment
29.	Reports, producer responsibility organizations
30.	Reports, EEE haulers
31.	Reports, EEE processors
32.	Reports, EEE refurbishers
33.	Reports, resource recovery charges
34.	Records
35.	Records, operators of EEE collection sites
36.	Audit, management systems

PART VII
COMMENCEMENT

37.	Commencement
Schedule 1	Categories of electrical and electronic equipment

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;

“electrical and electronic equipment” or “EEE” means electrical and electronic equipment as defined in section 2;

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

“EEE Guideline” means the document entitled “EEE 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;

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

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

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

“EEE refurbisher” means a person who receives EEE used by a consumer in Ontario and prepares or refurbishes it 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;

“information technology, telecommunications and audio visual equipment” means a product the primary purpose of which is collecting, storing, processing, presenting or communicating information, including sounds and images, recording or reproducing sounds and images, and,

- (a) includes, but is not limited to, the examples set out in section 1 of Schedule 1, and
- (b) does not include automated teller machines, automated banking machines, cash registers and medical equipment;

“large equipment” means appliances, tools, medical equipment, monitoring and measuring and control equipment, and recreation and fitness equipment of which at least one external dimension, not including any cables, measures more than 50 centimetres and includes, but is not limited to, the examples set out in section 2 of Schedule 1;

“large producer” means a producer to whom section 7 applies;

“lighting” means lighting equipment, fixtures, bulbs and other products for the purposes of spreading or controlling light and includes but is not limited to the examples set out in section 3 of Schedule 1;

“management requirement” means the minimum amount of EEE, determined under section 13 or 14, as the case may be, that a producer of that EEE is required to manage;

“producer” means a person who is required to carry out responsibilities relating to electrical and electronic equipment, 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 EEE:

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 equipment” means appliances, tools, personal medical equipment, monitoring and measuring and control equipment and recreation and fitness equipment of which no external

dimension, not including any cables, measures more than 50 centimetres and includes, but is not limited to, the examples set out in section 4 of Schedule 1;

“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*.

Electrical and electronic equipment

2. (1) In this Regulation,

“electrical and electronic equipment” or “EEE” means a product that,

- (a) is designed for use with an electric current and a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current, and
- (b) falls into one of the following categories:
 - (i) Information technology, telecommunications and audio visual equipment.
 - (ii) Large equipment.
 - (iii) Lighting.
 - (iv) Small equipment.

(2) This Regulation does not apply to the following products, regardless of whether they would fall into one or more categories of EEE referred to in clause (1) (b):

- 1. Large-scale fixed installations.
- 2. Toys.
- 3. Textiles and clothing containing any EEE.
- 4. Motor vehicles.
- 5. Any product that is, or is designed for use with, any marine, military, aeronautic or space equipment.

(3) In this Regulation, a reference to “electrical and electronic equipment” or “EEE” includes all components, parts and peripherals that accompany the product at the time of supply to the consumer, but does not include printed paper, packaging or batteries supplied with the product.

(4) A product belongs to the category mentioned in clause (1) (b) that is most closely related to the primary purpose of the product, regardless of whether,

- (a) the product falls into more than one category referred to in clause (1) (b); or
- (b) any of the components, parts or peripherals of the product referred to in subsection (3), if sold separately, would fall into a different category of EEE.

(5) For greater certainty, this Regulation does not apply to a product if the primary purpose of the product does not fall into one of the categories referred to in clause (1) (b), regardless of whether any of the components, parts or peripherals of the product referred to in subsection (3) are EEE.

(6) For the purposes of paragraph 1 of subsection (2),

“large-scale fixed installation” means equipment, such as elevators, escalators, automated entryways, streetlights and electronic billboards, that,

- (a) are assembled, installed and de-installed by a qualified person, and
- (b) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location.

PART II DESIGNATED CLASS AND PRODUCERS

Electrical and electronic equipment

3. For the purposes of section 60 of the Act, electrical and electronic equipment are a designated class of material.

Producers

4. (1) For the purposes of the definition of “producer” in section 1, with respect to new EEE marketed to consumers in Ontario, the producer is,

- (a) subject to subsection (2), if the brand holder of the EEE is resident in Canada, the brand holder;
- (b) if there is no person described in clause (a) and the EEE is imported into Ontario by a person resident in Ontario, the importer;
- (c) if there is no person described in clause (a) or (b) and the EEE is marketed by a person resident in Ontario, the first person who marketed the EEE; or

- (d) if there is no person described in clause (a), (b) or (c) and the EEE is marketed by a person not resident in Ontario, the person who marketed the EEE.

(2) For the purposes of clause (1) (a), if there are two or more brand holders of the EEE resident in Canada, the producer is the brand holder most directly connected to the production of the EEE.

(3) Subsection (1) does not apply to a producer who markets new EEE to consumers in Ontario if the EEE is incorporated, by a different producer, into other EEE marketed to consumers in Ontario.

PART III COLLECTION OF ELECTRICAL AND ELECTRONIC EQUIPMENT

Application

5. This Part applies to producers of EEE that fall into the following categories:

1. Information technology, telecommunications and audio visual equipment.
2. Lighting.

EEE collection, producer requirements

6. (1) Every producer shall establish and operate a collection system for each applicable category of EEE in accordance with the applicable requirements set out in sections 7 to 10.

(2) For greater certainty, an EEE 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 7 to 10.

(3) Subsection (1) does not apply to a producer with respect to the relevant collection year if, prior to any reductions under section 17, the management requirement determined for the producer under section 13 or 14, as the case may be, is,

- (a) eight tonnes or less, for all EEE that falls into the category of information technology, telecommunications and audio visual equipment; or
- (b) five tonnes or less, for all EEE that falls into the category of lighting.

Collection, large 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 EEE in accordance with subsection (3):

1. The producer is required, under subsection 13 (1), to manage 800 metric tonnes or more of EEE that falls into the category of information technology, telecommunications and audio visual equipment.
2. The producer is required, under subsection 14 (1), to manage 500 metric tonnes or more of EEE that falls into the category of lighting.

(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 EEE in accordance with subsection (3):

1. The producer is required, under subsection 13 (2), to manage 800 tonnes or more of EEE that falls into the category of information technology, telecommunications and audio visual equipment.
2. The producer is required, under subsection 14 (2), to manage 500 tonnes or more of EEE that falls into the category of lighting.

(3) The producer shall establish and operate a collection system for a particular category of EEE 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 EEE collection sites at which that category of EEE is collected, as follows:
 - i. If the population is 500,000 or less, at least one EEE collection site for every 15,000 people or portion thereof.
 - ii. If the population is more than 500,000, at least 34 EEE collection sites for the first 500,000, and at least one EEE 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 EEE collection site at which that category of EEE 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 EEE, at least four times per year; and

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

(5) The producer may replace, in accordance with subsection 10 (2), a portion of EEE collection sites required under paragraph 1 of subsection (3) with public EEE collection events.

Collection, small producers

8. (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 EEE in accordance with subsection (3):

1. The producer is required, under subsection 13 (1), to manage more than 8 and less than 800 tonnes of EEE that falls into the category of information technology, telecommunications and audio visual equipment.
2. The producer is required, under subsection 14 (1), to manage more than 5 and less than 500 tonnes of EEE that falls into the category of lighting.

(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 EEE in accordance with subsection (3):

1. The producer is required, under subsection 13 (2), to manage more than 8 and less than 800 tonnes of EEE that falls into the category of information technology, telecommunications and audio visual equipment.
2. The producer is required, under subsection 14 (2), to manage more than 5 and less than 500 tonnes of EEE that falls into the category of lighting.

(3) The producer shall establish and operate a collection system for a particular category of EEE 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 EEE, the producer shall establish and operate as many EEE collection sites at which that category of EEE 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 EEE collection sites at which the particular category of EEE 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 EEE 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 EEE collection sites for the first 500,000, and at least one EEE 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 EEE collection site at which a particular category of EEE 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 a particular category of EEE 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 EEE, at least four times per year; and
- (b) to which the producer distributes adequate containers for the collection of the EEE, at no charge.

(5) The producer may replace, in accordance with subsection 10 (2), a portion of EEE collection sites required under paragraph 1 or subparagraph 2 i of subsection (3) with public EEE collection events.

Collection, producers without a retail location

9. (1) For the period beginning July 1, 2020 and ending December 31, 2021, every producer who meets the following criteria and who supplied a particular category of EEE 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 EEE in accordance with subsection (3):

1. The producer is required, under subsection 13 (1), to manage more than eight tonnes of EEE that falls into the category of information technology, telecommunications and audio visual equipment.
2. The producer is required, under subsection 14 (1), to manage more than five tonnes of EEE that falls into the category of lighting.

(2) For every calendar year starting in 2022, every producer who meets the following criteria and who supplied a particular category of EEE 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 EEE in accordance with subsection (3):

1. The producer is required, under subsection 13 (2), to manage more than eight tonnes of EEE that falls into the category of information technology, telecommunications and audio visual equipment.
2. The producer is required, under subsection 14 (2), to manage more than five tonnes of EEE that falls into the category of lighting.

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

1. The producer shall provide for the collection of the particular category of EEE 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 EEE collection sites at which the particular category of EEE 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 EEE one 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 EEE collection sites for the first 500,000, and at least one EEE 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 EEE collection site at which a particular category of EEE 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 a particular category of EEE 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 EEE, at least four times per year; and
- (b) to which the producer distributes adequate containers for the collection of the EEE, at no charge.

(5) The producer may replace, in accordance with subsection 10 (2), a portion of EEE collection sites required under subparagraph 2 i of subsection (3) with public EEE collection events.

EEE collection sites

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

1. If the EEE collection site is not part of a retail location, the site must accept all EEE that falls into the category of EEE collected by the site.
2. If the EEE collection site is part of a retail location, the site must accept, at a minimum, all EEE that is of a similar size and function and falls into the category of the producer's EEE sold at that location.
3. The EEE collection site must be operated and accept EEE during normal business hours throughout the relevant collection period.

4. The EEE collection site must accept, at a minimum, up to 15 units or 150 kilograms of a EEE that falls into a particular category of EEE per day from any person.
5. If an EEE collection site accepts more than 15 units or 150 kilograms of EEE that falls into a particular category of EEE 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 EEE accepted.
6. If an EEE collection site accepts EEE that falls into more than one category, each category of EEE must be collected and stored in separate containers.

(2) The following rules apply with respect to public EEE collection events:

1. A producer may replace up to 25 per cent of the total number of EEE collection sites the producer is required to provide in Ontario under paragraph 1 of subsection 7 (3), paragraph 1 or subparagraph 2 i of subsection 8 (3) or subparagraph 2 i of subsection 9 (3), regardless of any reductions under subsection 7 (4), 8 (4) or 9 (4), as the case may be, with the same number of public EEE collection events.
2. A public EEE collection event must operate for at least four consecutive hours on the day it is held, and must accept all EEE that falls into the particular category in respect of which it is being held.

(3) Subject to subsection (5), with respect to an EEE 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 four tonnes of EEE that falls into the category of information technology, telecommunications and audio visual equipment or more than two tonnes of EEE that falls into the category of lighting,

- (a) the operator may notify a large producer of EEE that falls into the same category collected at the site, or a producer responsibility organization retained by that producer with respect to that category of EEE; and
- (b) the producer shall collect all of the EEE 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 an EEE collection site located on a reserve, as defined in the *Indian Act* (Canada), if the operator of the site collects more than four tonnes of EEE that falls into the category of information technology, telecommunications and audio visual equipment or more than two tonnes of EEE that falls into the category of lighting,

- (a) the operator may notify a large producer of EEE that falls into the same category collected at the site, or a producer responsibility organization retained by that producer with respect to that category of EEE; and
- (b) the producer shall collect all of the EEE 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 an EEE collection site that is located in the Far North, as defined under the *Far North Act, 2010*.

PART IV MANAGEMENT OF ELECTRICAL AND ELECTRONIC EQUIPMENT

Application

11. This Part applies to producers of EEE that fall into the following categories:

1. Information technology, telecommunications and audio visual equipment.
2. Lighting.

EEE management, producer requirements

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

- (a) for the period beginning July 1, 2020 and ending December 31, 2021, in accordance with subsection 13 (1) or 14 (1), as the case may be, and section 16; and
- (b) for every calendar year starting in 2022, in accordance with subsection 13 (2) or 14 (2), as the case may be, and section 16.

Calculation of management requirement

Producers of information technology, telecommunications and audio visual equipment

13. (1) Subject to subsection (3) and section 17, for the period beginning July 1, 2020 and ending December 31, 2021, every producer of EEE that falls into the category of information technology, telecommunications and audio visual equipment, who supplied that EEE in Ontario, shall manage a minimum amount of materials from EEE from that 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 information technology, telecommunications and audio visual equipment, of which the person is a producer, that was supplied in Ontario in 2016,

“2017 Supply” is the weight of information technology, telecommunications and audio visual equipment, of which the person is a producer, that was supplied in Ontario in 2017, and

“2018 Supply” is the weight of information technology, telecommunications and audio visual equipment, of which the person is a producer, that was supplied in Ontario in 2018.

(2) Subject to subsection (3) and section 17, for every calendar year starting in 2022, every producer of EEE that falls into the category of information technology, telecommunications and audio visual equipment, who supplied that EEE in Ontario, shall manage a minimum amount of materials from EEE from that category and shall determine that minimum amount using the formula,

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

in which,

“Y3” is the weight of information technology, telecommunications and audio visual equipment, of which the person is a producer, that was supplied in Ontario in the calendar year three years prior to the relevant calendar year,

“Y4” is the weight of information technology, telecommunications and audio visual equipment, of which the person is a producer, that was supplied in Ontario in the calendar year four years prior to the relevant calendar year,

“Y5” is the weight of information technology, telecommunications and audio visual equipment, of which the person is a producer, that was 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 17, eight tonnes or less.

Calculation of management requirement

Producers of lighting

14. (1) Subject to subsection (3) and section 17, for the period beginning July 1, 2020 and ending December 31, 2021, every producer of EEE that falls into the category of lighting, who supplied that EEE in Ontario, shall manage a minimum amount of materials from EEE from that category and shall determine that minimum amount using the formula,

$$[(2016 \text{ Supply} + 2017 \text{ Supply} + 2018 \text{ Supply}) / 3 \times 0.3] \times 1.25$$

in which,

“2016 Supply” is the weight of lighting, of which the person is a producer, that was supplied in Ontario in 2016,

“2017 Supply” is the weight of lighting, of which the person is a producer, that was supplied in Ontario in 2017, and

“2018 Supply” is the weight of lighting, of which the person is a producer, that was supplied in Ontario in 2018.

(2) Subject to subsection (3) and section 17, for every calendar year starting in 2022, every producer of EEE that falls into the category of lighting, who supplied that EEE in Ontario, shall manage a minimum amount of materials from EEE from that category and shall determine that minimum amount using the formula,

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

in which,

“Y3” is the weight of lighting, of which the person is a producer, that was supplied in Ontario in the calendar year three years prior to the relevant calendar year,

“Y4” is the weight of lighting, of which the person is a producer, that was supplied in Ontario in the calendar year four years prior to the relevant calendar year,

“Y5” is the weight of lighting, of which the person is a producer, that was 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 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 17, five tonnes or less.

Audit Guideline

15. (1) Every producer shall calculate their management requirement under section 13 or 14, as the case may be, in accordance with the Audit Guideline.

(2) Supply data used to calculate management requirements under sections 13 and 14 must be audited, in accordance with subsection (3),

- (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) Subject to subsection (4), 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.

(4) Subsection (3) does not apply with respect to supply data submitted for the 2016, 2017, 2018 or 2019 calendar year that was previously submitted to the Ontario Electronic Stewardship pursuant to a rule or regulation made under the *Waste Diversion Act, 2002* or the *Waste Diversion Transition Act, 2016*.

Managed EEE criteria

16. (1) The following conditions apply for the purposes of satisfying the management requirement under section 13 or 14, as the case may be:

1. The weight of recovered resources from EEE counted toward the management requirement must be from EEE used by a consumer in Ontario, from the same category as the EEE that was used to calculate the management requirement, and that has been, by the end of the relevant management period,
 - i. managed, in accordance with the EEE Guideline by an EEE refurbisher registered under section 23, and provided to a person for reuse,
 - ii. processed, in accordance with the EEE Guideline by an EEE processor who meets the requirements set out under subsection (3), and
 - A. provided to a person for the making of new products or packaging, or
 - B. subject to subsection (2), if the processed material is glass, used as aggregate.

2. The weight of EEE, or recovered resources from that equipment, 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 13 or 14, as the case may be, the weight of processed glass used as aggregate, referred to in sub-subparagraph 1 ii B of subsection (1), may only account for up to five per cent of the management requirement.

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

1. The EEE processor shall be registered under section 23.
2. The EEE processor must meet an average recycling efficiency rate, determined in accordance with subsection (4),
 - i. of at least 80 per cent, if the processed EEE falls into the category of information technology, telecommunications and audio visual equipment, and
 - ii. of at least 50 per cent, if the processed EEE falls into the category of lighting.

(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 EEE in respect of which the person is an EEE 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 EEE in respect of which the person is an EEE 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 EEE in respect of which the person is an EEE 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 EEE received by the processor in R2, R3 and R4.

Reduction of management requirement

17. A management requirement determined under section 13 or 14 may be reduced up to a maximum of 50 per cent in accordance with the following rules:

1. If any of the EEE supplied in the calendar years in respect of which the management requirement has been determined contains post-consumer recycled glass or recycled plastic content, the producer may reduce the weight of its supply data for each of those years by the equivalent weight of the post-consumer recycled glass or plastic used in the EEE.
2. If any EEE that falls into the category of information technology, telecommunications and audio visual equipment that was supplied in the calendar years in respect of which the management requirement has been determined is subject to a warranty that covers more than one year and less than three years from the date of purchase, at no additional charge, the producer may reduce the weight of its supply data for each of those years by five per cent of the weight of the EEE supplied with the warranty in each of those years.
3. If any EEE that falls into the category of information technology, telecommunications and audio visual equipment that was supplied in the calendar years in respect of which the management requirement has been determined is subject to a warranty of three years or more, at no additional charge, the producer may reduce the weight of its supply data for each of those years by 10 per cent of the weight of the EEE supplied with the warranty in each of those years.
4. With respect to EEE that falls into the category of information technology, telecommunications and audio visual equipment that was supplied in the calendar years in respect of which the management requirement has been determined, if the producer of that EEE makes available to the consumer information, at no charge, and tools and parts, at no charge or on a cost recovery basis, to safely repair the EEE, the producer may reduce the weight of its supply data for each of those years by 10 per cent of the weight of the EEE for which the information, tools and parts were made available.

PART V PROMOTION AND EDUCATION

Promotion and education, producers

18. (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 EEE in Ontario between January 1, 2016 and June 30, 2020; or
- (b) if the producer markets EEE in Ontario after July 1, 2020, on or before the day section 6 applies to the producer.

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

1. The locations of the producer's EEE collection sites for each category of EEE, where consumers may return the EEE at no charge.
2. A description of any collection services provided by the producer that are available other than at an EEE collection site.
3. A description of the resource recovery activities engaged in by the producer for each category of EEE in the course of managing the EEE.
4. With respect to information technology, telecommunications and audio visual equipment, if the producer has reduced the management requirement under section 13 in accordance with paragraph 4 of section 17, a description of the information, tools and parts that the producer made available to consumers in the calendar years in respect of which the management requirement was determined under section 13, including a description of how the information, tools and parts were made available.

Resource recovery charges

19. Every producer and every person who markets electrical and electronic equipment to consumers in Ontario and who identifies, in an advertisement, invoice, receipt or similar record in connection with the supply of EEE, a separate charge that relates to resource recovery or waste reduction of EEE, 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 EEE.

PART VI REGISTRATION

Registration, producers of information technology, telecommunications and audio visual equipment and lighting

20. (1) Every producer who markets, in Ontario, EEE that falls into the category of information technology, telecommunications and audio visual equipment or lighting, 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 the EEE between January 1, 2016 and March 1, 2020; or
- (b) if the producer marketed the EEE after March 1, 2020, within 30 days of marketing the EEE.

(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 of EEE to which the product marketed by the producer in Ontario belongs.
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 EEE, including the following:
 - i. The location of each EEE 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 EEE hauler, EEE processor and EEE 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) applies,
 - i. the number and weight of EEE in the particular category of EEE supplied in Ontario in 2016, 2017 and 2018, audited in accordance with section 15, and
 - ii. a description of any waste reduction activities described in section 17 that were undertaken by the producer in those years.
 7. For producers to which clause (1) (b) applies, the date they first marketed the particular category of EEE 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, producers of large equipment and small equipment

21. (1) Every producer who markets large equipment or small equipment in Ontario shall register with the Authority through the Registry by submitting the information set out under subsection (2),

- (a) on and after May 1, 2020 and on or before July 1, 2020, if the producer marketed the EEE in Ontario between January 1, 2014 and July 1, 2020; or
 - (b) if the producer marketed the EEE after July 1, 2020, within 30 days of marketing the EEE.
- (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 of EEE to which the product marketed by the producer in Ontario belongs.
 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. For producers to which clause (1) (a) applies,
 - i. the number and weight of EEE in the particular category of EEE supplied in Ontario in 2014, 2015, 2016, 2017 and 2018, and
 - ii. a description of any waste reduction activities that were undertaken by the producer in those years.
6. For producers to which clause (1) (b) applies,
 - i. the date they first marketed the particular category of EEE in Ontario, and
 - ii. a description of any waste reduction activities that have been undertaken by the producer.

(3) The data required under paragraph 5 of subsection (2) must be calculated in accordance with the Audit Guideline.

(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

22. (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 EEE in respect of which the producer responsibility organization is retained.
3. A description of how electrical and electronic equipment 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 13 or 14, 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, EEE haulers, EEE processors and EEE refurbishers

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

(2) After May 31, 2020, every EEE hauler, EEE processor and EEE 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 EEE hauler, EEE processor or EEE refurbisher, as the case may be.
2. The name and contact information of an employee of the EEE hauler, EEE processor or EEE 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 an EEE hauler, the categories of EEE the person is transporting.
4. If the person is an EEE processor, the categories of EEE the person processes, the location of each site where the person receives and processes EEE and the types of processed materials that result from the processing.
5. For EEE processors to which subsection (1) applies, the recycling efficiency rate of the processor for each category of EEE processed at each processing facility for 2017, 2018 and 2019, including a description of how the processor determined the recycling efficiency rate.
6. For EEE processors to which subsection (2) applies, the proposed recycling efficiency rate for each category of EEE 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 an EEE refurbisher, the categories of EEE 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 EEE hauler, EEE processor or EEE 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

24. 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 of information technology, telecommunications and audio visual equipment and lighting

25. On or before March 31, 2021, every producer of EEE that falls into the category of information technology, telecommunications and audio visual equipment or lighting 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 the producer’s particular category of EEE,
 - i. the number and weight of the EEE supplied in Ontario in 2019, and
 - ii. a description of any waste reduction activities described in section 17 that were undertaken by the producer in Ontario in 2019.

Reports, producers of information technology, telecommunications, audio visual equipment and lighting

26. (1) Subject to subsection (2), on or before March 31, 2022 and on or before March 31 in each subsequent year, every producer of EEE that falls into the category of information technology, telecommunications and audio visual equipment or lighting shall submit to the Authority through the Registry an annual report that contains the following information with respect to those categories of EEE 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 16 (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 EEE, for each category of EEE, that were refurbished.

- ii. The number and weight of EEE, for each category of EEE, that were reused.
- iii. The weight of processed materials, by material type, that resulted from the processing of each category of EEE.
- 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 EEE 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 in aggregate, by material type.

3. With respect to each category of EEE supplied in Ontario,

- i. the number and weight of each category of EEE, and
- ii. a description of any waste reduction activities described in section 17 that were undertaken by the producer.

(2) 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 15, the data must be audited, the producer shall submit the audited data.

Initial reports, producers of large equipment and small equipment

27. On or before March 31, 2021, every producer of EEE that falls into the category of large equipment or small equipment shall submit to the Authority, through the Registry, a report that contains,

- (a) the number and weight of the EEE for each category of EEE the producer supplied in Ontario in 2019; and

- (b) a description of any waste reduction activities that were undertaken by the producer in 2019.

Reports, producers of large equipment and small equipment

28. On or before March 31, 2022 and on or before March 31 in each subsequent year, every producer of large equipment and small equipment shall submit to the Authority, through the Registry, an annual report that contains the following information with respect to those categories of EEE:

1. With respect to the previous calendar year, a description of the actions taken by the producer, if any, to collect and manage EEE, including activities relating to reuse, refurbishing and processing.
2. With respect to the calendar year two years prior to the year in which the report is required to be submitted,
 - i. the number and weight of each category of EEE supplied in Ontario, and
 - ii. a description of any waste reduction activities that were undertaken by the producer.

Reports, producer responsibility organizations

29. 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 EEE, for each category of EEE, collected by the producer responsibility organization.
2. The weight of EEE, for each category of EEE, 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 13 or 14, as the case may be.
3. The number and location of EEE collection sites or public collection events, 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, EEE haulers

30. On or before March 31, 2022 and on or before March 31 in each subsequent year, every EEE 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 EEE, for each category of EEE, picked up from an EEE collection site or from a person and the name and contact information of the operator of the site or person.
2. For each EEE refurbisher to whom the EEE hauler provided EEE referred to in paragraph 1, the number and weight of EEE provided for each category of EEE and the EEE refurbisher's name, contact information and any unique identifier assigned by the Registrar.
3. For each EEE processor to whom the EEE hauler provided EEE referred to in paragraph 1, the number and weight of EEE provided for each category of EEE and the EEE processor's name, contact information and any unique identifier assigned by the Registrar.
4. If the EEE hauler is part of a producer's collection system, the name and 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 EEE referred to in paragraph 1 were collected from outside of Ontario, the number and weight of that EEE, for each category of EEE.

Reports, EEE processors

31. On or before March 31, 2022 and on or before March 31 in each subsequent year, every EEE 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 EEE that falls into the category of information technology, telecommunications and audio visual equipment or lighting received from an EEE hauler at each site where the EEE processor receives and processes EEE and the EEE hauler's name, contact information and any unique identifier assigned by the Registrar.
2. The number and weight of EEE referred to in paragraph 1, for each category of EEE, that the EEE processor sold or provided for refurbishing or reuse.
3. A description of the processing activities undertaken by the EEE processor, including the weight of EEE referred to in paragraph 1, for each category of EEE, 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 EEE processor and the weight of the processed materials that were used in the making of such products and packaging, and
 - ii. the weight of the processed materials that were sent by the EEE 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.
5. The weight of EEE 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 in aggregate, by material type.
6. If the EEE 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 EEE referred to in paragraph 1 were collected from outside of Ontario, the weight of the EEE, for each category of EEE.
8. If the EEE processor received processed materials derived from EEE collected outside of Ontario, the weight of those processed materials.
9. The weight of EEE that falls into the category of large equipment or small equipment received from an EEE hauler at each site where the EEE processor receives and processes EEE and,
 - i. the EEE hauler's name, contact information and any unique identifier assigned by the Registrar, and
 - ii. a description of the processing activities undertaken by the EEE processor with respect to the EEE, including the weight of processed materials that resulted from the processing activities.

10. The recycling efficiency rate of the EEE processor, for each category of EEE processed at the facility, and a description of how the EEE processor calculated the rate under subsection 16 (4).

Reports, EEE refurbishers

32. On or before March 31, 2022 and on or before March 31 in each subsequent year, every EEE 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 EEE, for each category of EEE, received from an EEE hauler and the EEE hauler's name, contact information and any unique identifier assigned by the Registrar.
2. The number and weight of EEE referred to in paragraph 1, for each category of EEE, that were refurbished or provided for reuse.
3. If any of the EEE referred to in paragraph 1 were collected from outside of Ontario, the number and weight of that EEE, for each category of EEE.
4. If the EEE 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

33. 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 19 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 EEE that relates to resource recovery or waste reduction has been used to increase collection, reuse, recycling and recovery of EEE.
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 EEE.

Records

34. Every producer, producer responsibility organization, EEE hauler, EEE processor and EEE 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 EEE.
2. Records related to establishing or operating a collection or management system for the purposes of fulfilling their responsibilities relating to EEE.
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 EEE collection sites

35. Every operator of an EEE 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 EEE that falls into the category of information technology, telecommunications and audio visual equipment or lighting that was collected at each collection site.
2. The number and weight of EEE referred to in paragraph 1, for each category of EEE, that the operator provided for reuse or refurbishing or sent for processing.
3. For each EEE hauler to whom the operator provided EEE referred to in paragraph 1, the number and weight of the EEE provided for each category, and the EEE hauler's name, contact information and any unique identifier assigned by the Registrar.
4. If any of the EEE referred to in paragraph 1 were collected from outside of Ontario, the number of those EEE, for each category.

Audit, management systems

36. (1) Every producer of EEE that falls into the category of information technology, telecommunications and audio visual equipment or lighting shall cause an audit to be undertaken of the practices and procedures the producer implemented in order to comply with section 13 or 14, as the case may be, with respect to each category of EEE 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 26 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 EEE:

1. The number and weight of EEE, for each category of EEE, that were refurbished.
2. The number and weight of EEE, for each category of EEE, that were reused.
3. The weight of processed materials, by material type, that resulted from the processing of each category of EEE.
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 each category of EEE 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 in aggregate, by material type.
6. A statement confirming whether the producer met their management requirement as set out in section 13 or 14, as the case may be.
7. If the producer has reduced its management requirement pursuant to section 17, the weight of EEE supplied in the calendar years in respect of which a management requirement has been determined under section 13 or 14, as the case may be,
 - i. that contained recycled glass or plastic,
 - ii. was subject to a warranty greater than 1 year, and
 - iii. in respect of which, the information, tools and parts to safely repair the EEE were provided in accordance with paragraph 4 of section 17.

**PART VIII
COMMENCEMENT**

Commencement

37. [Commencement]

**SCHEDULE 1
CATEGORIES OF ELECTRICAL AND ELECTRONIC EQUIPMENT**

Information technology, telecommunications and audio visual equipment

1. Information technology, telecommunications and audio visual equipment includes the following:

1. Computers.
2. Printers (desktop and floor-standing).
3. Printer cartridges.
4. Video gaming consoles.
5. Telephones, including cellular phones.
6. Display devices.
7. Stereos, including after-market vehicle stereos.
8. Headphones.
9. Speakers.
10. Cameras.
11. Video recorders.
12. Drones with audio or visual recording equipment.
13. Peripherals and cables used to support the function of information technology, telecommunications and audio visual equipment.
14. Parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives.

Large equipment

2. Large equipment includes the following:

1. Refrigerators.
2. Freezers.
3. Stoves.
4. Ovens.
5. Washing machines.
6. Dryers.
7. Dishwashers.
8. Microwave ovens.
9. Air conditioners.
10. Fans and exhaust ventilation equipment.
11. Treadmills.
12. Table saws and other power tools.
13. Electric-powered lawn mowers and snow blowers and other non-vehicular gardening equipment.

Lighting

3. Lighting includes:
 1. Light bulbs, including incandescent, fluorescent, halogen and LED.
 2. Light fixtures, including ceiling-mounted, floor-standing and table-top lamps.
 3. Light strings, spotlights and flashlights.

Small equipment

4. Small equipment includes the following:
 1. Blenders.
 2. Can openers.

3. Kettles.
4. Toasters.
5. Toaster ovens.
6. Drills.
7. Saws.
8. Welding tools.
9. Soldering tools.
10. Devices for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, punching, folding, bending or otherwise processing wood, metal or other materials.
11. Devices for riveting, nailing, screwing or removing rivets, nails or screws.
12. Sewing machines, knitting machines and other devices for weaving or processing textiles.
13. Thermostats.
14. Blood pressure monitors.