

**ONTARIO REGULATION 30/20**

made under the

**RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT, 2016**

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**BATTERIES**

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## PART I DEFINITIONS

### Definitions

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) weighs five kilograms or less. (“piles et batteries”)

“battery collection site” means a site where batteries used by a consumer in Ontario are collected for the purpose of resource recovery; (“lieu de collecte de piles et batteries”)

“battery hauler” means a person who arranges for the transport of batteries that are used by a consumer in Ontario and are destined for processing, reuse, refurbishing or disposal, but does not include a person who arranges for the transport of batteries initially generated by that person; (“transporteur de piles et batteries”)

“battery processor” means a person who processes, for the purpose of resource recovery, batteries used by a consumer in Ontario; (“transformateur de piles et batteries”)

“battery refurbisher” means a person who prepares or refurbishes, for the purpose of reuse, batteries used by a consumer in Ontario; (“personne remettant à neuf des piles et batteries”)

“land disposed” has the same meaning as “land disposal” in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the *Environmental Protection Act*; (“éliminé en milieu terrestre”)

“large producer” means a producer to whom section 9 applies; (“gros producteur”)

“management requirement” means the minimum amount of batteries, determined under section 13, that a producer is required to manage; (“obligation de gestion”)

“performance period” means the applicable time period, set out under section 4, during which a producer is responsible for collecting or managing batteries; (“période d’exécution”)

“permanent establishment”

- (a) has the meaning assigned by subsection 400 (2) of the *Income Tax Regulations* (Canada) in the case of a corporation, and
- (b) has the meaning assigned by subsection 2600 (2) of the *Income Tax Regulations* (Canada) in the case of an individual; (“établissement stable”)

“primary battery” means a battery that can be used only once; (“piles et batteries primaires”)

“producer” means a person who is required to carry out responsibilities relating to batteries, as determined in accordance with section 5; (“producteur”)

“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, but does not include a battery processor retained solely for the purposes of processing batteries or a battery refurbisher retained solely for the purposes of refurbishing 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; (“organisme assumant les responsabilités d’un producteur”)

“rechargeable battery” means a battery that can be recharged to be used more than once; (“piles et batteries rechargeables”)

“recycling efficiency rate” means the ratio of the weight of resources recovered from batteries received by a battery processor, to the weight of batteries received by that battery processor; (“taux d’efficacité du recyclage”)

“resident in Canada” means a person having a permanent establishment in Canada; (“résident du Canada”)

“resident in Ontario” means a person having a permanent establishment in Ontario; (“résident de l’Ontario”)

“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*; (“district territorial”)

“Verification and Audit Procedure” means the document entitled “Registry Procedure — Verification and Audit” published by the Authority and dated January 24, 2020, as amended from time to time, and available on the Registry; (“Procédure de vérification”)

“volunteer organization” means a person who meets the requirements set out in section 6. (“organisme bénévole”)

## **PART II GENERAL**

### **Designated class**

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

### **Application**

3. This Regulation applies to the following categories of batteries and a reference to a category of batteries is a reference to one of the following categories:

1. Primary batteries.
2. Rechargeable batteries.

### **Performance periods**

4. The following performance periods apply for the purposes of collecting or managing batteries under Parts III and IV:

1. July 1, 2020 to December 31, 2021.
2. Every calendar year, starting in 2022.

### **Producers**

5. (1) For the purposes of the definition of “producer” in section 1, with respect to new batteries marketed to consumers in Ontario separately from products, the producer is,

- (a) subject to subsection (2), if the brand holder of the batteries is resident in Canada, the brand holder;
- (b) if there is no person described in clause (a) and the batteries are 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 batteries are marketed by a person resident in Ontario, the first person who marketed the batteries; or
- (d) if there is no person described in clause (a), (b) or (c) and the batteries are marketed by a person not resident in Ontario, the person who marketed the batteries.

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

(3) For the purposes of clause 61 (6) (c) of the Act, a person referred to in clause (1) (b) is required to carry out the responsibilities of a producer under Part IV of the Act with respect to batteries if they market batteries to a consumer in Ontario or supply the batteries to another person in Ontario who will then market those batteries in Ontario.

### **Volunteer organizations**

6. A volunteer organization is a person who,

- (a) is a brand holder who owns a brand that is used in respect of batteries;
- (b) is not resident in Canada;
- (c) has registered in the Registry in accordance with subsection 19 (5); and
- (d) has entered into a written agreement with a producer for the purpose of carrying out one or more producer responsibilities relating to batteries under section 19, 22, 23 or 24.

### **Exemptions**

7. (1) If, prior to any reductions under section 17, a producer’s management requirement for a performance period is not more than one and one-quarter tonnes with respect to rechargeable batteries or not more than two and one-half tonnes with respect to primary batteries, the following exemptions apply for that performance period:

1. Parts III and IV and sections 18 and 31 do not apply if the producer has the equivalent of five or more full-time employees.
2. Parts III and IV and sections 18, 19, 22, 23, 24 and 31 do not apply if the producer has the equivalent of fewer than five full-time employees.

(2) For the purposes of this section,

“full-time employee” means a person who is paid or who earns commission for an average of at least 30 hours of work per week.

### PART III COLLECTION OF BATTERIES

#### Battery collection, producer requirements

8. Subject to section 7, every producer shall establish and operate a collection system for each applicable category of batteries in accordance with the requirements set out in sections 9 to 11.

#### Collection, large producers

9. (1) Every producer who is required under section 13 to manage, or to make best efforts to manage, as the case may be, 40 tonnes or more of rechargeable batteries or 80 tonnes or more of primary batteries in a performance period shall establish and operate a collection system for each applicable category of batteries in accordance with subsection (2) during each applicable performance period.

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

1. Subject to subsections 11 (3) to (6), 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.

#### Collection, small producers

10. (1) Every producer who is required under section 13 to manage, or to make best efforts to manage, as the case may be, more than one and one-quarter and less than 40 tonnes of rechargeable batteries or more than two and one-half and less than 80 tonnes of primary batteries in a performance period shall establish and operate a collection system for each applicable category of batteries in accordance with subsection (2) during each applicable performance period.

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

1. Subject to subsections 11 (3) to (6), in each local municipality or territorial district with one or more retail locations that supply the producer’s batteries, 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 the calendar year immediately preceding the calendar year in which the applicable performance period begins.
2. The producer shall establish and operate battery collection sites at which that category of batteries is collected as follows:
  - i. Subject to subsections 11 (3) to (6), 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 that 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 category of batteries in the calendar year immediately preceding the calendar year in which the applicable performance period begins.

#### Battery collection sites

11. (1) Every producer who establishes and operates a battery collection site for the purposes of subsection 9 (2) or 10 (2) 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 fall into the same category and are similar in size and function to the batteries supplied by the producer at that location.
3. The battery collection site must be readily accessible to the public and must be operated and accept batteries during normal business hours throughout the performance 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 is not part of a retail location and 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 weight of batteries accepted.

(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 9 and 10.

(3) Subject to subsection (6), a producer may reduce the number of battery collection sites the producer is required to establish and operate in a local municipality or territorial district under subsection 9 (2) or 10 (2), as the case may be, by the percentage of residences in the municipality or territorial district, including residences in multi-unit residential buildings,

- (a) from which the producer collects that category of batteries, at least four times during the applicable performance period; and
- (b) to which the producer distributes adequate containers for the collection of the batteries, at no charge.

(4) Subject to subsection (6), a producer may reduce the number of battery collection sites the producer is required to establish and operate in a local municipality or territorial district under subsection 9 (2) or 10 (2), as the case may be, by the percentage of batteries that the producer supplied in Ontario in the calendar year immediately preceding the calendar year in which the applicable performance period begins that were subject to a collection program operated by or on behalf of the producer that,

- (a) allowed the consumer to return the batteries, at no charge, in a manner that was, at a minimum, equivalent to the manner in which the batteries were supplied; and
- (b) provided the consumer, at no charge, with the packaging or shipping materials required to return the batteries.

(5) Subject to subsection (6), a producer may replace a portion of battery collection sites the producer is required to establish and operate in a local municipality or territorial district under subsection 9 (2) or 10 (2), as the case may be, with public battery collection events in accordance with the following rules:

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, regardless of any reductions under subsections (3) and (4), with the same number of public battery collection events.
2. A public battery collection event must be readily accessible to the public, must operate for at least four consecutive hours on the day it is held and must accept all batteries.

(6) Despite subsections (3), (4) and (5), the number of battery collection sites the producer is required to establish and operate shall not be reduced below one battery collection site or one public battery collection event in a local municipality or 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 batteries at a retail location in the calendar year immediately preceding the calendar year in which the applicable performance period begins.

(7) Subject to subsection (9), 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 one tonne of batteries,

- (a) the operator may notify a large producer of batteries or a producer responsibility organization retained by that producer; and
- (b) the producer or producer responsibility organization referred to in clause (a) shall collect all of the batteries of which it was notified from the site within one year from the day the producer or producer responsibility organization was notified.

(8) Subject to subsection (9), 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 one tonne of batteries,

- (a) the operator may notify a large producer of batteries or a producer responsibility organization retained by that producer; and

(b) the producer or producer responsibility organization referred to in clause (a) shall collect all of the batteries of which it was notified from the site within one year from the day the producer or producer responsibility organization was notified.

(9) Subsections (7) and (8) 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**

**12.** Subject to section 7, every producer shall establish and operate a system for managing batteries by determining and satisfying their management requirement with respect to each applicable category of batteries in accordance with sections 13 to 17.

##### **Calculation of management requirement**

**13.** (1) Subject to section 17, from July 1, 2020 to December 31, 2022, every producer shall make best efforts to manage a minimum amount of batteries from each applicable category during an applicable performance period and shall determine that minimum amount using the formulas set out in subsection (3).

(2) Subject to section 17, for the 2023 calendar year and each subsequent calendar year, every producer shall manage a minimum amount of batteries from each applicable category during an applicable performance period and shall determine that minimum amount using the formulas set out in subsection (3).

(3) The formulas referred to in subsections (1) and (2) are the following:

1. For producers of primary batteries for whom the performance period is July 1, 2020 to December 31, 2021,

$$[(Y2 + Y3) / 2 \times 0.4] \times 1.5$$

2. For producers of rechargeable batteries for whom the performance period is July 1, 2020 to December 31, 2021,

$$Y3 \times 0.4 \times 1.5$$

3. For producers of rechargeable batteries for whom the performance period is the 2022 calendar year,

$$(Y3 + Y4) / 2 \times 0.4$$

4. For producers of primary batteries for whom the performance period is a calendar year starting in 2022,

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

5. For producers of rechargeable batteries for whom the performance period is a calendar year starting in 2023,

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

(4) Subject to subsection (5), in the formulas set out in subsection (3),

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

“Y3” is the weight of rechargeable batteries or primary batteries, as the case may be, of which the person is a producer, that were supplied in Ontario in the calendar year three years prior to the relevant performance period,

“Y4” is the weight of rechargeable batteries or primary batteries, as the case may be, of which the person is a producer, that were supplied in Ontario in the calendar year four years prior to the relevant performance period,

“Y5” is the weight of rechargeable batteries, of which the person is a producer, that were supplied in Ontario in the calendar year five years prior to the relevant performance period, and

“MP” is the management percentage for the relevant performance period, which is,

- i. with respect to primary batteries, 40 per cent for the 2022 and 2023 calendar years, 45 per cent for the 2024 calendar year and 50 per cent for the 2025 calendar year and for every subsequent calendar year, and
- ii. with respect to rechargeable batteries, 40 per cent for the 2023 calendar year, 45 per cent for the 2024 calendar year and 50 per cent for the 2025 calendar year and for every subsequent calendar year.

(5) For the purposes of subsection (4), with respect to the formulas set out in paragraphs 1 and 2 of subsection (3), the calendar year two years prior to the relevant performance period is 2019 and the calendar year three years prior to the relevant performance period is 2018.

##### **Management of batteries**

14. Every producer who is required under section 13 to manage batteries, or to make best efforts to manage batteries, as the case may be, shall ensure that all batteries collected at a battery collection site by the producer or a producer responsibility organization under Part III are, within three months from the date the batteries are picked up from the collection site by a battery hauler,

- (a) managed by a battery refurbisher who is registered under section 21; or
- (b) processed by a battery processor who,
  - (i) is registered under section 21, or
  - (ii) is not required to register under section 21 as a result of processing less than 300 tonnes of batteries for the purpose of fulfilling producer responsibilities in the previous calendar year.

**Verification and Audit Procedure**

15. (1) With respect to the data used to calculate a management requirement, every producer shall use data determined in accordance with the Verification and Audit Procedure.

(2) Every producer shall ensure that the data referred to in subsection (1) is also verified in accordance with the Verification and Audit Procedure,

- (a) for primary batteries, beginning with respect to data relating to the 2021 calendar year, and with respect to each subsequent calendar year; and
- (b) for rechargeable batteries, beginning with respect to data relating to the 2020 calendar year, and with respect to each subsequent calendar year.

**Managed batteries criteria**

16. (1) The following conditions apply for the purposes of satisfying a management requirement under section 13:

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 performance period,
  - i. managed by a battery refurbisher who is registered under section 21 and provided to a person for reuse, including provided for reuse by supplying the battery with another product, or
  - ii. processed by a battery processor who meets the requirements set out under subsection (3), and
    - A. used or destined to be used by 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.
  - iii. The weight of materials that are used as a fuel or a fuel supplement.
  - iv. The weight of materials that are stored, stockpiled, used as daily landfill cover or otherwise deposited on land, unless they are deposited on land in a manner set out in sub-subparagraph 1 ii A, B or C.

(2) With respect to satisfying the management requirement under section 13, the weight of material used as aggregate, referred to in sub-subparagraph 1 ii C of subsection (1), may only account for up to 15 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 must be registered under section 21 or not be required to register under section 21 as a result of processing less than 300 tonnes of batteries for the purpose of fulfilling producer responsibilities in the previous calendar year.
2. Beginning in the 2023 calendar year, the battery processor must have an average recycling efficiency rate,
  - i. of at least 70 per cent, with respect to rechargeable batteries, and
  - ii. of at least 80 per cent, with respect to primary batteries.

(4) The data used to calculate the average recycling efficiency rate referred to in paragraph 2 of subsection (3) must be calculated and verified in accordance with the Verification and Audit Procedure.

**Reduction of management requirement**

17. (1) Subject to subsection (2), if any of the new batteries that were supplied by a producer in Ontario in a calendar year contained post-consumer recycled content, the producer may reduce their management requirement in accordance with the following rules:

1. The producer may reduce the weight used in the relevant formula in section 13 with respect to each year that the batteries containing post-consumer recycled content were supplied.
2. The producer may reduce the weight used with respect to each year referred to in paragraph 1 by the equivalent weight of post-consumer recycled content contained in the batteries.
3. The producer may only reduce the management requirement by a maximum of 50 per cent.

(2) The weight of post-consumer recycled content referred to in subsection (1) must be verified in accordance with the Verification and Audit Procedure,

- (a) for primary batteries, beginning with respect to data relating to the 2021 calendar year, and with respect to each subsequent calendar year; and
- (b) for rechargeable batteries, beginning with respect to data relating to the 2020 calendar year, and with respect to each subsequent calendar year.

**PART V  
PROMOTION AND EDUCATION**

**Promotion and education, producers**

18. (1) From July 1, 2020 to December 31, 2022, every producer who is required under section 12 to establish and operate a system for managing batteries in a performance period shall implement a promotion and education program during each applicable performance period by, at a minimum,

- (a) making reasonable efforts to raise public awareness of the producer's efforts to collect, reduce, reuse, recycle and recover batteries and to encourage public participation in those efforts; and
- (b) publishing and clearly displaying the information set out under subsection (2) on their website,
  - (i) on or before July 1, 2020, if the producer marketed batteries in Ontario between January 1, 2018 and June 30, 2020, or
  - (ii) on or before the day section 8 applies to the producer, if the producer markets batteries in Ontario on or after July 1, 2020.

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

1. The location of each battery collection site that is part of the producer's collection system, 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.

**PART VI  
REGISTRATION**

**Registration, producers and volunteer organizations**

19. (1) Subject to subsection (4), every producer who markets batteries in Ontario shall register with the Authority, through the Registry, by submitting the information set out under subsection (2),

- (a) on or before November 30, 2020, if the producer marketed batteries between January 1, 2018 and November 30, 2020; or
- (b) within 30 days of marketing the batteries, if the producer markets batteries after November 30, 2020.

(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, 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 ensuring the registration is complete and up to date.
  5. For producers to whom clause (1) (a) applies,
    - i. the weight of primary batteries supplied in Ontario in 2018 and 2019,
    - ii. the weight of rechargeable batteries supplied in Ontario in 2018, and
    - iii. the weight, if any, of post-consumer recycled content contained in the batteries supplied in Ontario in the years referred to in subparagraphs i and ii.
  6. For producers to whom clause 1 (b) applies, the date they first marketed the applicable category of batteries in Ontario.
- (3) The producer shall submit updated information within 15 days after any change to the information required under subsection (2).
- (4) Subsection (1) does not apply to a producer referred to in clause 5 (1) (b), (c) or (d) with respect to a brand of batteries owned by the volunteer organization if,
- (a) the producer has entered into an agreement described in clause 6 (d) with the volunteer organization for the purpose of carrying out the producer's responsibilities relating to registration under this section; and
  - (b) the volunteer organization has registered under subsection (5),
    - (i) on or before November 30, 2020, with respect to a producer referred to in clause (1) (a), or
    - (ii) within 30 days of the producer marketing batteries, with respect to a producer referred to in clause (1) (b).
- (5) The volunteer organization may register with the Authority, through the Registry, by submitting the following information:
1. The volunteer organization's name, contact information and any unique identifier assigned by the Registrar.
  2. The name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organization retained by the volunteer organization.
  3. The name and contact information of an employee of the volunteer organization who has authority to bind the corporation or entity and who is responsible for ensuring the registration is complete and up to date.
  4. The brand and categories of batteries in respect of which the volunteer organization is a brand holder who owns the brand and in respect of which the registration relates.
  5. With respect to each producer referred to in clause (1) (a) who has entered into an agreement described in clause 6 (d) with the volunteer organization for the purpose of registration and to whom the registration relates,
    - i. the producer's name, contact information and any unique identifier assigned by the Registrar,
    - ii. the weight of primary batteries supplied in Ontario in 2018 and 2019,
    - iii. the weight of rechargeable batteries supplied in Ontario in 2018,
    - iv. the weight, if any, of post-consumer recycled content contained in the batteries supplied in Ontario in the years referred to in subparagraphs ii and iii, and
    - v. a copy of the agreement described in clause 6 (d) between the volunteer organization and the producer.
  6. With respect to each producer referred to in clause (1) (b) who retained the volunteer organization for the purpose of registration and to whom the registration relates,
    - i. the producer's name, contact information and any unique identifier assigned by the Registrar,
    - ii. the date each producer first marketed the applicable category of batteries in Ontario, and
    - iii. a copy of the agreement described in clause 6 (d) between the volunteer organization and the producer.
- (6) The volunteer organization shall submit updated information within 15 days after any change to the information required under subsection (5).

**Registration, producer responsibility organizations**

**20.** (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. With respect to each producer who has retained the producer responsibility organization,
    - i. the name, contact information and any unique identifier assigned by the Registrar, and
    - ii. a description of the producer responsibilities relating to batteries that the producer responsibility organization has been retained to carry out.
  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 ensuring the registration is complete and up to date.
- (2) The producer responsibility organization shall submit updated information within 15 days of any change to the information required under this section.

**Registration, battery haulers, processors, refurbishers**

**21.** (1) Every battery hauler and battery refurbisher shall register with the Authority, through the Registry, by submitting the information set out under subsection (3),

- (a) on or before March 31, 2020, if the battery hauler or battery refurbisher arranges for the transport of or refurbishes batteries, as the case may be, on or before March 31, 2020; or
- (b) if the battery hauler or battery refurbisher arranges for the transport of or refurbishes batteries, as the case may be, after March 31, 2020, within 30 days of the batteries being transported or refurbished.

(2) Every battery processor shall register with the Authority, through the Registry, by submitting the information set out under subsection (3),

- (a) on or before March 31, 2020, if the battery processor processed 300 tonnes or more of batteries in 2019; or
- (b) if the battery processor processes 300 tonnes or more of batteries for the purpose of fulfilling producer responsibilities in a calendar year, beginning in 2020, on or before January 31 in the calendar year immediately following the year in which the batteries were processed.

(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 ensuring the registration is complete and up to date.
3. If the person is a battery hauler, each category of batteries for which the person arranges transport.
4. If the person is a battery processor, each category 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. If the person is a battery refurbisher, each category 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 under this section.

**PART VII  
REPORTING, AUDITING AND RECORD KEEPING**

**Initial report, collection and management**

**22.** (1) Subject to subsection (3), on or before April 30, 2021, every producer who is required to register under clause 19 (1) (a) shall submit a report to the Authority, through the Registry, that complies with subsection (2).

(2) The report referred to in subsection (1) must contain a description of how the producer is fulfilling or plans to fulfil their responsibilities relating to each applicable category of batteries, including the following:

1. 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.
2. 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.

3. A description of any collection services provided by the producer that are available other than at a battery collection site, including the name and contact information of the person who owns, operates or provides the service.
- (3) Subsection (1) does not apply to a producer referred to in clause 5 (1) (b), (c) or (d) if,
  - (a) a volunteer organization has submitted a registration with respect to the producer under subsection 19 (5);
  - (b) the producer has entered into an agreement described in clause 6 (d) with the volunteer organization for the purpose of carrying out the producer's responsibilities relating to reporting under this section; and
  - (c) on or before April 15, 2021, the volunteer organization has submitted a report to the Authority, through the Registry, that complies with subsection (4).
- (4) The report referred to in clause (3) (c) must contain the following information with respect to the producer:
  1. The location of each battery collection site that is part of the producer's collection system, for each category of batteries, and the name and contact information of the operator of the site.
  2. 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.
  3. A description of any collection services provided by the producer or by the volunteer organization that are available other than at a battery collection site, including the name and contact information of the person who owns, operates or provides the service.

**Initial report, producers and volunteer organizations**

**23.** (1) Subject to subsection (3), on or before April 30, 2021, every producer who supplied rechargeable batteries in Ontario in 2019 and who is required to register under clause 19 (1) (a) shall submit a report to the Authority, through the Registry, that contains the following information:

1. The weight of rechargeable batteries supplied in Ontario in 2019 by the producer.
2. The weight, if any, of post-consumer recycled content contained in the batteries referred to in paragraph 1.

(2) Subject to subsection (3), on or before April 30, 2021, every producer who supplied primary batteries in Ontario in 2020 and who is required to register under section 19 shall submit a report to the Authority, through the Registry, that contains the following information:

1. The weight of primary batteries supplied in Ontario in 2020 by the producer.
2. The weight, if any, of post-consumer recycled content contained in the batteries referred to in paragraph 1.

- (3) Subsections (1) and (2) do not apply to a producer referred to in clause 5 (1) (b), (c) or (d) if,
  - (a) a volunteer organization has submitted a registration with respect to the producer under subsection 19 (5);
  - (b) the producer has entered into an agreement described in clause 6 (d) with the volunteer organization for the purpose of carrying out the producer's responsibilities relating to reporting under this section; and
  - (c) on or before April 15, 2021, the volunteer organization has submitted a report to the Authority, through the Registry, that complies with subsection (4).

(4) The report referred to in clause (3) (c) must contain the following information with respect to the producer, relating to the batteries identified by the volunteer organization under paragraph 4 of subsection 19 (5) in their registration:

1. If the producer supplied rechargeable batteries in Ontario in 2019, the weight of those batteries.
2. If the producer supplied primary batteries in Ontario in 2020, the weight of those batteries.
3. The weight, if any, of post-consumer recycled content contained in the batteries referred to in paragraphs 1 and 2.

**Annual report, producers and volunteer organizations**

**24.** (1) Subject to subsection (2), on or before April 30, 2022 and on or before April 30 in each subsequent year, every producer who is required to register under section 19 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to each applicable category of batteries:

1. A description of the actions taken by the producer in the previous performance period to fulfil their responsibilities relating to the requirements set out under Parts III and IV and section 18.
2. A description of how the producer and any producer responsibility organization retained by the producer satisfied the management requirement in the previous performance period, including the following information:
  - i. The weight of batteries that were refurbished.
  - ii. The weight of batteries that were reused.

- iii. The total weight of processed materials that resulted from the processing of batteries that were,
    - A. provided to a person for the making of new products or packaging,
    - B. used to enrich soil, or
    - C. used as aggregate.
  - iv. The total weight 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, used as daily landfill cover or otherwise deposited on land, or
    - E. used as aggregate, with respect to any aggregate that was used beyond the 15 per cent maximum permitted under subsection 16 (2).
3. The weight of batteries supplied in Ontario and the weight, if any, of post-consumer recycled content contained in those batteries, verified in accordance with the Verification and Audit Procedure,
- i. in the previous calendar year, with respect to primary batteries, and
  - ii. in the calendar year two years prior, with respect to rechargeable batteries.
- (2) Subsection (1) does not apply to a producer referred to in clause 5 (1) (b), (c) or (d) if,
- (a) a volunteer organization has submitted a registration with respect to the producer under subsection 19 (5);
  - (b) the producer has entered into an agreement described in clause 6 (d) with the volunteer organization for the purpose of carrying out the producer's responsibilities relating to reporting under this section; and
  - (c) on or before April 15 in the year in which the report under subsection (1) is required to be submitted, the volunteer organization has submitted a report to the Authority, through the Registry, that complies with subsection (3).
- (3) The report referred to in clause (2) (c) must contain the following information with respect to the producer:
- 1. A description of the actions taken by the volunteer organization in the previous performance period to carry out the responsibilities of the producer.
  - 2. A description of any actions taken in the previous performance period by the volunteer organization and any producer responsibility organization retained by the volunteer organization in relation to satisfying the producer's management requirement, including the following information:
    - i. The weight of batteries that were refurbished.
    - ii. The weight of batteries that were reused.
  - iii. The total weight of processed materials that resulted from the processing of batteries that were,
    - A. provided to a person for the making of new products or packaging,
    - B. used to enrich soil, or
    - C. used as aggregate.
  - iv. The total weight 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, used as daily landfill cover or otherwise deposited on land, or
    - E. used as aggregate, with respect to any aggregate that was used beyond the 15 per cent maximum permitted under subsection 16 (2).
3. The weight of batteries identified in paragraph 4 of subsection 19 (5) that were supplied in Ontario by the producer and the weight, if any, of post-consumer recycled content in those batteries, verified in accordance with the Verification and Audit Procedure,
- i. in the previous calendar year, with respect to primary batteries, and
  - ii. in the calendar year two years prior, with respect to rechargeable batteries.

#### **Annual report, producer responsibility organizations**

**25.** On or before April 30, 2022 and on or before April 30 in each subsequent year, every producer responsibility organization that is required to register under section 20 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to each applicable category of batteries in the previous performance period:

1. The weight of batteries collected by the producer responsibility organization.
2. A list of every battery processor and battery refurbisher that the producer responsibility organization retains to process or refurbish batteries, including any unique identifier assigned by the Registrar, and the weight of the processed materials and refurbished batteries processed by each battery processor or battery refurbisher.
3. The weight of refurbished batteries and the weight of processed materials allocated to each producer who retained the producer responsibility organization's services for the purpose of satisfying their management requirement under section 13.
4. 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**

**26.** On or before April 30, 2022 and on or before April 30 in each subsequent year, every battery hauler who is required to register under section 21 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to each applicable category of batteries in the previous performance period:

1. The weight 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 weight of batteries provided 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 weight of batteries provided 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 weight of those batteries.

#### **Reports, battery processors**

**27.** (1) Subject to subsection (2), on or before April 30, 2022 and on or before April 30 in each subsequent year, every battery processor who is required to register under section 21 and who processed 300 tonnes or more of batteries for the purpose of fulfilling producer responsibilities in the previous calendar year shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to each applicable category of batteries in the previous performance period:

1. The weight of batteries and the weight of processed materials derived from batteries received from a battery hauler or any other person at each site where the battery processor receives and processes batteries and the battery hauler's or the person's name, contact information and any unique identifier assigned by the Registrar.
2. The weight of batteries referred to in paragraph 1 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 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 purpose of making products and packaging and the types of products and packaging that were made by the other person with the processed materials,
  - iii. the weight of the processed materials that were used to enrich soil, and
  - iv. the weight of the processed materials that were used as aggregate.

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, used as daily landfill cover or otherwise deposited on land, or
    - v. used as aggregate, with respect to any aggregate that was used beyond the 15 per cent maximum permitted under subsection 16 (2).
  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. The recycling efficiency rate, verified in accordance with the Verification and Audit Procedure, of the battery processor for each category of batteries processed at the facility and a description of the methodology and information used to calculate and verify the recycling efficiency rate.
- (2) The information provided under paragraphs 1 to 5 of subsection (1) must include information with respect to batteries, and any processed materials derived from batteries, collected in Ontario as well as outside of Ontario.

**Annual report, battery refurbishers**

**28.** On or before April 30, 2022 and on or before April 30 in each subsequent year, every battery refurbisher who is required to register under section 21 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to each applicable category of batteries in the previous performance period:

1. The weight of batteries received from a battery hauler or any other person at each site where the battery refurbisher receives and refurbishes batteries and the battery hauler's or the person's name, contact information and any unique identifier assigned by the Registrar.
2. The weight of batteries referred to in paragraph 1 that were refurbished or provided for reuse.
3. The weight of batteries referred to in paragraph 1 that were sent for processing.
4. If any of the batteries referred to in paragraph 1 were collected from outside of Ontario, the weight of those batteries.
5. 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.

**Records**

**29.** Every producer, producer responsibility organization, battery hauler, battery processor, battery refurbisher and volunteer organization 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 the date of creation:

1. Records related to arranging for the establishment or operation of a collection or management system for the purpose of fulfilling responsibilities relating to batteries.
2. Records related to establishing or operating a collection or management system for the purposes of fulfilling 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. Records related to the weight of batteries supplied in Ontario.
6. Any agreements that relate to paragraph 1, 2, 3, 4 or 5.

**Records, battery collection sites**

**30.** (1) Every operator of a battery collection site at which batteries are collected shall keep the following records with respect to each applicable category of batteries collected at 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 the date of creation:

1. The weight of batteries that were collected.
2. The weight of batteries referred to in paragraph 1 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 weight of the batteries provided 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 weight of those batteries.

(2) If a battery processor, a battery refurbisher or the operator of a battery collection site that is not part of a retail location collects more than 15 kilograms of batteries from a person on a single day, the battery processor or battery refurbisher, as the case may be, 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 the date of creation:

1. The person's name, contact information and any unique identifier assigned by the Registrar.
2. The weight of batteries accepted on that day from that person.

#### **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 sections 12 to 16,

- (a) on or before April 30, 2024, with respect to each category of batteries the producer was responsible for between January 1, 2022 and December 31, 2023; and
- (b) on or before April 30, 2027 and on or before April 30 in every third performance period after that, with respect to each category of batteries the producer was responsible for in the three immediately preceding calendar years.

(2) On or before April 30 in any year in which an audit is required under subsection (1), 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 each applicable category of batteries:

1. The weight of batteries that were refurbished.
2. The weight of batteries that were reused.
3. The weight of processed materials that resulted from the processing of batteries that were,
  - i. provided to a person for the making of new products or packaging,
  - ii. used to enrich soil, or
  - iii. used as aggregate.
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 batteries and the weight of processed materials that were,
  - i. land disposed,
  - ii. incinerated,
  - iii. used as a fuel or a fuel supplement,
  - iv. stored, stockpiled, used as daily landfill cover or otherwise deposited on land, or
  - v. used as aggregate, with respect to any aggregate that was used beyond the 15 per cent maximum permitted under subsection 16 (2).
6. A statement confirming whether the producer satisfied their management requirement.

(3) 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 Verification and Audit Procedure.

#### **Access to information and privacy**

**32.** Information and data submitted under this regulation 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 VIII AMENDMENTS AND COMMENCEMENT**

#### **Amendments**

**33. (1) Paragraph 1 of subsection 7 (1) of this Regulation is amended by striking out "sections 18 and 31" and substituting "section 31".**

**(2) Paragraph 2 of subsection 7 (1) of this Regulation is amended by striking out "18".**

**(3) Section 18 of this Regulation is revoked.**

**(4) Paragraph 1 of subsection 24 (1) of this Regulation is amended by striking out “and section 18” at the end.**

**Commencement**

**34. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.**

**(2) Section 33 of this Regulation comes into force on July 1, 2023.**

Français

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