

**Caution:**

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

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

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

Amending O. Reg. 30/20

(BATTERIES)

**1. The definition of “volunteer organization” in section 1 of Ontario Regulation 30/20 is revoked and the following substituted:**

“volunteer organization” means a person who owns a brand that is used in respect of tires and is not resident in Canada. (“organisme bénévole”)

**2. Section 6 of the Regulation is revoked.**

**3. (1) Section 7 of the Regulation is revoked and the following substituted:**

**Exemptions**

**7.** 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

producer is exempt from the application of Parts III and IV and sections 18, 19, 24 and 31 in respect of the subsequent performance period.

**(2) Section 7 of the Regulation is amended by striking out “sections 18, 19, 24 and 31” and substituting “sections 19, 24 and 31”.**

**4. Section 8 of the Regulation is amended by adding the following subsections:**

(2) Every producer responsibility organization that has entered into an agreement with a producer to provide collection services under this Part for a category of batteries is required to satisfy the requirements set out in this Part that apply to that producer with respect to each category of batteries covered in that agreement.

(3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

**5. (1) Clauses 11 (7) (a) and (b) of the Regulation are revoked and the following substituted:**

- (a) the operator may notify a large producer of batteries; and
- (b) the producer shall collect all of the batteries of which it was notified from the site within one year from the day the producer was notified.

**(2) Clauses 11 (8) (a) and (b) of the Regulation are revoked and the following substituted:**

- (a) the operator may notify a large producer of batteries; and
- (b) the producer shall collect all of the batteries of which it was notified from the site within one year from the day the producer was notified.

**6. Section 12 of the Regulation is amended by adding the following subsections:**

(2) Every producer responsibility organization that has entered into an agreement with a producer to provide management services under section 14 is required to satisfy the requirements set out in that section that apply to that producer.

(3) In section 14, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

**7. Section 14 of the Regulation is amended by striking out “or a producer responsibility organization” in the portion before clause (a).**

**8. The Regulation is amended by adding the following section:**

**Resource recovery charges**

**18.1** Every producer and every person who markets batteries to consumers in Ontario and who identifies, in an advertisement, invoice, receipt or similar record in connection with the supply of batteries, a separate charge that relates to resource recovery or waste reduction of batteries shall, as part of the producer’s promotion and education program, provide the following information at the time the charge is identified:

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

**9. (1) Subsection 19 (1) of the Regulation is revoked and the following substituted:**

**Registration, producers**

(1) Every producer who markets batteries in Ontario shall register with the Authority, through the Registry, by submitting the information set out under subsection (2) within 30 days of marketing the batteries.

**(2) Paragraphs 5 and 6 of subsection 19 (2) of the Regulation are revoked and the following substituted:**

5. The date the producer first marketed the applicable category of batteries in Ontario.

**(3) Subsections 19 (4), (5) and (6) of the Regulation are revoked.**

**10. The Regulation is amended by adding the following section:**

**Submission of registration information by volunteer organization**

**19.1** (1) A producer of batteries who is not the brand holder of the batteries may enter into a written agreement that authorizes a volunteer organization that owns a brand used in respect of batteries to submit information set out under section 19 on behalf of the producer.

(2) A volunteer organization that enters into an agreement referred to in subsection (1) shall submit the information set out under section 19 on behalf of the producer at least 15 days before the producer is required to register under that section and shall also submit 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 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.

(3) The volunteer organization shall submit updated information within 15 days after any change to the information required under subsection (2) or 19 (2).

**11. (1) Subsections 21 (1) and (2) of the Regulation are revoked and the following substituted:**

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

(1) Every battery hauler and battery refurbisher shall, after arranging for the transport or refurbishing of batteries, as the case may be, register with the Authority, through the Registry,

by submitting the information set out under subsection (3) within 30 days of the batteries being transported or refurbished.

(2) Every battery processor who processes 300 tonnes or more of batteries for the purpose of fulfilling producer responsibilities in a calendar year shall, on or before January 31 in the calendar year immediately following the year in which the batteries were processed, register with the Authority, through the Registry, by submitting the information set out under subsection (3).

**12. Sections 22 and 23 of the Regulation are revoked.**

**13. (1) Subsection 24 (1) of the Regulation is amended by striking out “Subject to subsection (2), on or before April 30, 2022 and on or before April 30 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before April 30 in each year”.**

**(2) Subsections 24 (2) and (3) of the Regulation are revoked.**

**14. The Regulation is amended by adding the following section:**

**Submission of reports by third parties**

**24.1** (1) A producer may enter into a written agreement that authorizes a third party, including a volunteer organization, to submit a report under this Part on behalf of the producer.

(2) If the third party that submits a report under subsection (1) is a volunteer organization, the volunteer organization shall submit the report on behalf of the producer at least 15 days before the producer is required to submit the report.

**15. Section 25 of the Regulation is amended by striking out “On or before April 30, 2022 and on or before April 30 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before April 30 in each year”.**

**16. Section 26 of the Regulation is amended by striking out “On or before April 30, 2022 and on or before April 30 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before April 30 in each year”.**

**17. Subsection 27 (1) of the Regulation is amended by striking out “on or before April 30, 2022 and on or before April 30 in each subsequent year” in the portion before paragraph 1 and substituting “on or before April 30 in each year”.**

**18. Section 28 of the Regulation is amended by striking out “On or before April 30, 2022 and on or before April 30 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before April 30 in each year”.**

**19. Section 32 of the Regulation is revoked and the following substituted:**

**Access to information and privacy**

**32. (1)** Subject to subsection (2), 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.

(2) For greater certainty, the Authority shall not post information, including data, that is,

- (a) provided by or on behalf of a producer and that relates to the producer’s supply of, or management of, batteries; or
- (b) classified as “commercially sensitive information”, “confidential information” or “personal information”, as those terms are defined in the “Access and Privacy Code” referred to in subsection (1), as amended from time to time.

**20. Subsections 33 (1) and (2) of the Regulation are revoked.**

**[Proposed commencement for consultation purposes**

**21. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.**

**(2) Subsection 3 (1) and sections 4, 6 and 8 come into force on the later of January 1, 2023 and the day this Regulation is filed.**

**(3) Subsection 3 (2) comes into force on the later of July 1, 2023 and the day this Regulation is filed.]**