

**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. 522/20

(ELECTRICAL AND ELECTRONIC EQUIPMENT)

**1. The definition of “volunteer organization” in section 1 of Ontario Regulation 522/20 is revoked and the following substituted:**

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

**2. Sections 6 and 7 of the Regulation are revoked.**

**3. Section 9 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 EEE is required to satisfy the requirements set out in this Part that apply to that producer with respect to each category of EEE covered in that agreement.

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

**4. (1) Subsection 12 (7) of the Regulation is amended by striking out “more than four tonnes of ITT/AV or” in the portion before clause (a).**

**(2) Clause 12 (7) (a) of the Regulation is amended by striking out “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 substituting “lighting”.**

**(3) Clause 12 (7) (b) of the Regulation is amended by striking out “EEE” and substituting “lighting”.**

**(4) Subsection 12 (8) of the Regulation is amended by striking out “more than four tonnes of ITT/AV or” in the portion before clause (a).**

**(5) Clause 12 (8) (a) of the Regulation is amended by striking out “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 substituting “lighting”.**

**(6) Clause 12 (8) (b) of the Regulation is amended by striking out “EEE” and substituting “lighting”.**

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

**Call-in collection**

**12.1** (1) Subject to subsection (2), if a large producer of ITT/AV is notified by a representative of one of the following entities or operations that more than four tonnes of ITT/AV has been collected, the producer shall collect all of that ITT/AV from the entity or operation within one year from the day the producer was notified:

1. A council of the band.
2. A municipality.
3. A territorial district.
4. A depot where ITT/AV is collected that is owned or operated by the Crown in right of Ontario.
5. Any business or institution.

(2) Subsection (1) does not apply to an EEE collection site that is located in the Far North, as defined under the *Far North Act, 2010*.

**6. Section 13 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 15 for a category of EEE is required to satisfy the requirements set out in that section that apply to that producer with respect to that category of EEE.

(3) In section 15, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

**7. Subparagraph i of the definition of “MP” in subsection 14 (4) of the Regulation is amended by striking out “60 per cent for the 2023 calendar year, 65 per cent for the 2024 calendar year and 70 per cent for the 2025 calendar year” and substituting “70 per cent for the 2023 calendar year”.**

**8. Section 15 of the Regulation is amended by striking out “or a producer responsibility organization” in the portion before clause (a).**

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

**Resource recovery charges**

**19.1** Every producer and every person who markets EEE 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, 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 EEE.

**10. Section 20 of the Regulation is revoked and the following substituted:**

**Registration, producers**

**20.** (1) Every producer who markets EEE in Ontario shall register with the Authority, through the Registry, by submitting the information set out under subsection (2),

- (a) with respect to ITT/AV, within 30 days of marketing ITT/AV; and
- (b) with respect to lighting,
  - (i) on or before November 30, 2022, if the producer marketed lighting between January 1, 2018 and November 30, 2022, or
  - (ii) within 30 days of marketing lighting if the producer markets lighting after November 30, 2022.

(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 EEE referred to in subsection (1) 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 ensuring the registration is complete and up to date.
5. For producers to whom subclause (1) (b) (i) applies,
  - i. the weight of lighting supplied in Ontario in 2018, 2019 and 2020, and
  - ii. with respect to lighting supplied in Ontario in 2018, 2019 and 2020, the weight, if any,
    - A. of post-consumer recycled glass or plastic content contained in the lighting, and
    - B. of post-consumer recycled content contained in the batteries in the lighting.
6. For producers to whom clause (1) (a) or subclause (1) (b) (ii) applies, the date they first marketed the applicable category of EEE in Ontario.

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

### **Submission of registration information by volunteer organization**

**20.1** (1) A producer of EEE who is not the brand holder of the EEE may enter into a written agreement that authorizes a volunteer organization that owns a brand used in respect of EEE to submit information set out under section 20 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 20 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 EEE 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 20 (2).

**11. (1) Clauses 22 (1) (a) and (b) of the Regulation are revoked and the following substituted:**

- (a) if the EEE hauler or EEE processor arranges for the transport of or processes ITT/AV, as the case may be, within 30 days of the ITT/AV being transported or processed;

**(2) Clause 22 (2) (a) of the Regulation is revoked and the following substituted:**

- (a) with respect to ITT/AV, if the EEE refurbishes 10 tonnes or more of ITT/AV for the purpose of fulfilling producer responsibilities in a calendar year, on or before January 31 in the calendar year immediately following the year in which the ITT/AV was refurbished;

**12. Sections 23 and 24 of the Regulation are revoked and the following substituted:**

**Initial report, collection and management of lighting**

**23.** (1) Every producer of lighting who is required to register under subclause 20 (1) (b) (i) shall, on or before April 30, 2023, 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 lighting, including the following:

1. 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.
2. The name, contact information and any unique identifier assigned by the Registrar of each EEE hauler, EEE processor, EEE refurbisher, 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 an EEE collection site, including the name and contact information of the person who owns, operates or provides the service.

**Initial report, producers**

**24.** On or before April 30, 2023, every producer who supplied lighting in Ontario in 2021 and who is required to register under subclause 20 (1) (b) (i) shall submit a report to the Authority, through the Registry, that contains the following information:

1. The weight of lighting supplied in Ontario in 2021 by the producer.
2. With respect to the lighting supplied in Ontario in 2021, the weight, if any,
  - i. of post-consumer recycled glass or plastic content contained in the lighting, or
  - ii. of post-consumer recycled content contained in the batteries in the lighting.

**13. (1) Subsection 25 (1) of the Regulation is amended by striking out “Subject to subsection (3)” at the beginning.**

**(2) Subsections 25 (3) and (4) of the Regulation are revoked.**

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

**Submission of reports by third parties**

**25.1** (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.

**[Proposed commencement for consultation purposes**

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

**(2) Sections 3, 6 and 9 come into force on the later of January 1, 2023 and the day this Regulation is filed.]**