

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. 225/18

(TIRES)

1. (1) Subsection 1 (1) of Ontario Regulation 225/18 is amended by adding the following definition:

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

(2) The definition of “resident in Ontario” in subsection 1 (1) of the Regulation is revoked and the following substituted:

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

(3) The definition of “tire hauler” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“tire hauler” means a person who arranges for the transport of tires that are used by consumers in Ontario and are destined for processing, reuse, retreading or disposal, but does not include a person who arranges for the transport of tires initially generated by that person; (“transporteur de pneus”)

(4) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“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. (1) Subclause 3 (1) (a) (i) of the Regulation is amended by striking out “resident in Ontario” and substituting “resident in Canada”.

(2) Subclause 3 (1) (b) (i) of the Regulation is amended by striking out “resident in Ontario” and substituting “resident in Canada”.

3. (1) Subsection 4 (5) of the Regulation is revoked and the following substituted:

(5) The producer shall calculate the minimum amount under subsection (2) using the data submitted under paragraph 4 of subsection 18 (2) with respect to the calculated weight of tires supplied or provided on vehicles supplied in Ontario for the calendar year to which Y3, Y4 and Y5 apply.

(2) Subsection 4 (7) of the Regulation is amended by striking out “sections 5 to 10, 12 and 26” and substituting “sections 5 to 10 and 26”.

(3) Subsection 4 (7) of the Regulation is amended by striking out “sections 5 to 10 and 26” and substituting “sections 5 to 10, 15, 18 and 26”.

4. The Regulation is amended by adding the following section:

Producer responsibility organizations

4.1 (1) Every producer responsibility organization that has entered into an agreement with a producer to provide collection services or management services under this Regulation is required to satisfy the requirements set out in sections 6 to 10 and clause 11 (2) (a) that apply to that producer with respect to tires covered in that agreement.

(2) In sections 6 to 10 and clause 11 (2) (a), a reference to a producer includes a producer responsibility organization to which subsection (1) applies.

5. Subsections 6 (2) and (3) of the Regulation are revoked and the following substituted:

(2) Subject to subsection (4), with respect to a tire 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 200 or more tires,

(a) the operator may notify a producer referred to in subsection (1); and

(b) the producer shall collect all of the tires of which it was notified from the site within one year from the day the producer was notified.

(3) Subject to subsection (4), with respect to a tire collection site located on a reserve, as defined in the *Indian Act* (Canada), if the operator of the site collects 200 or more tires,

- (a) the operator may notify a producer referred to in subsection (1); and
- (b) the producer shall collect all of the tires of which it was notified from the site within one year from the day the producer was notified.

(4) Subsections (2) and (3) do not apply to a tire collection site that is located in the Far North, as defined under the *Far North Act, 2010*.

6. Paragraph 1 of subsection 11 (3) of the Regulation is revoked and the following substituted:

- 1. The tires are sold and reused for their original purpose,
 - i. without modification, or
 - ii. with modification, including repair but not including retreading.

7. Sections 12 and 13 of the Regulation are revoked.

8. Section 14 of the Regulation is amended by striking out “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” at the end of the portion before paragraph 1 and substituting “shall, as part of the producer’s promotion and education program, provide the following information at the time the charge is identified”.

9. (1) Subsection 15 (1) of the Regulation is revoked and the following substituted:

Registration, producers

(1) Every producer shall register with the Authority through the Registry by submitting the information set out under subsection (2) within 30 days of marketing tires or a vehicle on which tires are provided, in Ontario.

(2) Paragraphs 6 and 7 of subsection 15 (2) of the Regulation are revoked and the following substituted:

- 6. The date the producer first marketed tires or provided tires on vehicles marketed in Ontario.

(3) Subsections 15 (3) and (4) of the Regulation are revoked.

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

Submission of registration information by volunteer organization

15.1 (1) A producer of tires who is not the brand holder of the tires may enter into a written agreement that authorizes a volunteer organization that owns a brand used in respect of the tires to submit information set out under section 15 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 15 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 tires 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 15 (2).

11. (1) Subsection 17 (1) of the Regulation is revoked.

(2) Subsection 17 (2) of the Regulation is amended by striking out "After October 31, 2018" at the beginning.

(3) Subsection 17 (3) of the Regulation is revoked and the following substituted:

(3) Every tire collector, other than a municipality or the Crown in right of Ontario, shall register with the Authority through the Registry by submitting the information set out under subsection (4) within 30 days of collecting, for the first time, 1,000 kilograms or more of calculated weight in a calendar year.

12. (1) Subsection 18 (1) of the Regulation is revoked.

(2) Subsection 18 (2) of the Regulation is amended by striking out “On or before May 31, 2020 and on or before May 31 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before May 31 in each year”.

(3) Paragraph 1 of subsection 18 (2) of the Regulation is amended by striking out “12 and 14” at the end and substituting “11”.

(4) Paragraph 4 of subsection 18 (2) of the Regulation is amended by adding “using data determined and verified in accordance with the Audit Guideline” at the end.

(5) Subsections 18 (3) and (4) of the Regulation are revoked.

13. The Regulation is amended by adding the following section:

Submission of reports by third parties

18.1 (1) A producer may enter into a written agreement that authorizes a third party, including a volunteer organization, to submit a report under this Regulation 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.

14. Section 19 of the Regulation is amended by striking out “On or before May 31, 2020 and on or before May 31 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before May 31 in each year”.

15. Section 20 of the Regulation is amended by striking out “On or before May 31, 2020 and on or before May 31 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before May 31 in each year”.

16. Section 21 of the Regulation is amended by striking out “On or before May 31, 2020 and on or before May 31 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before May 31 in each year”.

17. Section 22 of the Regulation is amended by striking out “On or before May 31, 2020 and on or before May 31 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before May 31 in each year”.

18. Section 23 of the Regulation is amended by striking out “On or before May 31, 2020 and on or before May 31 in each subsequent year” at the beginning of the portion before paragraph 1 and substituting “On or before May 31 in each year”.

19. Section 24 of the Regulation is revoked.

20. Subsection 26 (3) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(3) On or before October 31, 2024 and on or before October 31 in every third subsequent year, 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 tires collected in the previous three calendar years:

21. Section 27 of the Regulation is revoked and the following substituted:

Access to information and privacy

27. (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, tires; 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.

[Proposed commencement for consultation purposes

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

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