

PROPOSED AMENDMENTS TO FOUR PRODUCER RESPONSIBILITY REGULATIONS FOR TIRES, BATTERIES, ELECTRICAL AND ELECTRONIC EQUIPMENT, AND HAZARDOUS AND SPECIAL PRODUCTS

PREAMBLE

Ontario is proposing changes to the following four producer responsibility regulations under the Resource Recovery and Circular Economy Act, 2016 (RRCEA):

- the Tires Regulation (O. Reg. 225/18)
- the Batteries Regulation (O. Reg. 30/20)
- the Electrical and Electronic Equipment (EEE) Regulation (O. Reg. 522/20)
- the Hazardous and Special Products (HSP) Regulation (O. Reg. 449/21)

The proposed changes to Ontario's producer responsibility framework aim to increase flexibility, reduce administrative burden, and simplify compliance requirements for producers of specified materials. These adjustments are not expected to impact the intended outcomes of the regulations, which are to reduce and divert waste.

Some of the proposed changes address common issues among regulations related to collection networks and burden reduction and are presented together under 'Collection' and 'Burden Reduction' headings. These changes may affect a single regulation or more than one regulation. Other proposed changes affect only one regulation and are categorized as 'Regulation-specific Changes'.

COLLECTION

The following amendments aim to increase flexibility for producers in meeting their collection network requirements while still ensuring that Ontarians have access to a convenient collection network.

All proposed collection network changes described in this section would come into effect for the 2025 performance year.

ITEM 1: Add geographic offsetting – Tires, Batteries, EEE and HSP Regulations

Current Requirement:

Section 20 of the HSP Regulation currently allows producers to establish and operate a specified amount of collection sites in alternative locations within the upper-tier municipality in which they are required. An alternative location for a collection site is an established collection site in a lower-tier municipality that is excess to the collection site requirements for that lower-tier municipality. Producers can use an excess collection site in one lower-tier municipality to satisfy collection site requirements for a different lower-tier municipality, as long as both lower-tier municipalities are located within the same upper-tier municipality.

For producers of paints and coatings, up to 17 per cent of the required number of collection sites across Ontario can be established and operated in alternative locations within the upper-tier municipality in which they are required.

For producers of other types of HSP (e.g. antifreeze, oil containers, oil filters, non-refillable pressurized containers, pesticides and solvents), up to 5 per cent of the required number of collection sites across Ontario can be established and operated in alternative locations within the upper-tier municipality in which they are required.

The Tires, Batteries and EEE Regulations do not currently include any geographic offsetting provisions.

Proposed Change:

The ministry is proposing to introduce new provisions in the Tires, Batteries, EEE and HSP Regulations to provide geographic offsetting of collection sites between adjacent local municipalities (that is, lower-tier or single-tier municipalities), irrespective of whether those municipalities are located in the same upper-tier municipality.

The proposal is to allow up to 10 per cent of the required number of collection sites across Ontario to be established and operated in alternative locations in adjacent local municipalities. For clarity, this proposal would apply to any adjacent local municipalities regardless of whether one or both of them were located within Territorial Districts.

To maintain accessibility, producers would also be required to ensure that collection sites located in alternative locations in adjacent local municipalities could accept the same materials returned by residents of the municipality in which the collection site was originally required.

The proposal would provide producers with flexibility to comply with their collection site requirements by allowing them to establish and operate a limited number of collection sites in alternative locations in adjacent local municipalities, instead of in the municipality in which they are required. The total number of collection sites required would not be reduced because the site that is being created in the adjacent municipality is above and beyond what was required in that municipality originally – i.e. in order to create the offset, the producer is creating an extra collection site in the adjacent municipality, resulting from one fewer site in the municipality where it was originally required. This provides flexibility because this new extra site can be located in a place that makes more sense for a producer's collection network and for accessibility for Ontarians. The proposal therefore maintains the same number of required collection sites.

The ministry is seeking feedback on how this proposal could potentially impact collection site accessibility in rural and northern municipalities.

Further, the ministry is seeking feedback on whether the current upper/lower-tier offsetting provisions should remain in the HSP Regulation or if they should be replaced with the proposed general geographic offsetting between adjacent local municipalities.

ITEM 2: Add or increase collection events – Tires, EEE and HSP Regulations

Current Requirement:

Subsection 11(5) of the Batteries Regulation and subsection 12(5) of the EEE Regulation currently allow producers to replace up to 25 per cent of required collection sites with public collection events.

Subsections 19(3-5) of the HSP Regulation currently allow producers of all types of HSP that are required to establish collection sites to replace up to 25 per cent of required collection sites with public collection events. However, the HSP Regulation does not currently allow the public-facing collection sites required for automotive types of the HSP to be replaced with events.

The Tires Regulation does not currently allow producers to replace any portion of required tire collection sites with public collection events.

Proposed Change:

In the Tires Regulation, the ministry is proposing to add a provision to allow producers to replace up to 25 per cent of required collection sites with public collection events.

In the EEE Regulation for the lighting category, the ministry is proposing to increase the proportion of required collection sites that could be replaced with public collection events from up to 25 per cent of required collection sites to up to 35 per cent of required collection sites.

In the HSP Regulation, for all types of HSP that are required to establish collection sites, the ministry is proposing to increase the proportion of required collection sites that could be replaced with public collection events from up to 25 per cent of required collection sites to up to 35 per cent of required collection sites.

Also in the HSP Regulation, for public-facing collection sites required for automotive types of the HSP, the ministry is proposing to add a provision to allow producers to replace up to 35 per cent of required collection sites with public collection events.

The ministry is not proposing changes to events allowed under the Batteries Regulation or to events allowed for information technology, telecommunications, and audio visual (ITT/AV) equipment under the EEE Regulation.

The proposals related to events for tires, lighting and HSP would provide producers with increased flexibility to comply with their collection site requirements, while maintaining current levels of public accessibility, by adding or increasing the proportion of allowed collection events.

ITEM 3: Allow all municipal collection sites to count as permanent sites – Tires, Batteries, EEE and HSP Regulations

Current Requirement:

Section 10 of the Tires Regulation, subsection 11(1) of the Batteries Regulation, subsection 12(1) of the EEE Regulation and subsection 22(1) of the HSP Regulation currently require collection sites to be open during normal business hours throughout the calendar year. As a result, not all types of municipal collection sites can be considered as collection sites under these regulations. Municipal collection sites and/or municipal mobile collection depots that are open for a limited number of days per week throughout the year or that are open on a seasonal basis currently cannot be considered as collection sites under these regulations. Instead, these types of municipal collection sites must be counted as public collection events.

Proposed Change:

The ministry is proposing to amend existing provisions in the Tires, Batteries, EEE and HSP regulations to allow all municipal collection sites and mobile depots, including those that are open for a limited number of days per week throughout the year or that are open on a seasonal basis to be considered as collection sites.

This proposal would provide producers with increased flexibility to comply with their collection site requirements, while maintaining current levels of public accessibility, by allowing all municipal collection sites and depots to be considered as collection sites.

ITEM 4: Adjust timeline for new census data – Tires, Batteries, EEE and HSP Regulations

Current Requirements:

Part III of the Tires Regulation, sections 6 and 8 of the Batteries Regulation, and Part III of the EEE Regulation currently require producers to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts as reported by Statistics Canada in the most recent official census.

Section 12 of the HSP Regulation currently requires producers to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts as reported by Statistics Canada in the most recent official census published prior to the calendar year in which the collection obligation applies.

Proposed Change:

The ministry is proposing to amend the Tires, Batteries, EEE and HSP Regulations to give producers a sufficient period of time (for example, one or two years) after population data from the official census is reported by Statistics Canada to adjust the number of collection sites they are required to establish and operate in order to align with the updated populations of municipalities or territorial districts.

This proposed change would provide producers with a time limited transition period after census population data is reported by Statistics Canada. No impacts on public accessibility are anticipated. It also maintains a low burden approach as there is only a need to potentially adjust the number of sites every five years as new census data is released.

ITEM 5: Align population density provision across all regulations – Tires Regulation

Current Requirement:

Under sections 6 and 8 of the Tires Regulation, large tire producers may choose to establish their collection network by meeting a population-based formula or by establishing sites based on the number of retail locations that supply their tires. Tire producers without retail locations that supply their tires into Ontario must meet the population-based requirements.

The population-based formula requires one site for every 3,000 people or portion thereof in local municipalities of 1,000 or more.

Proposed Change:

The ministry is proposing to amend how population-based collection site requirements are calculated for larger municipalities. The ministry proposes to maintain the current population-based formula for populations up to 500,000 but reduce the number of collection sites required once the municipal population is more than 500,000, based on the following metrics:

- In each local municipality with a population of more than 500,000, producers must establish and operate:
 - at least 167 tire collection sites for the first 500,000 people as per the current population-based formula, and
 - at least one tire collection site for every 6,000 people or portion thereof for the portion that surpasses 500,000.

This provision would apply to large producers and producers without retail locations and would recognize that fewer collection sites are needed on a per capita basis because population density is greater in larger municipalities.

This provision would also align collection site requirements in the Tires Regulation with those currently in the Batteries, EEE and HSP Regulations.

ITEM 6: Align “take-back” provisions – HSP Regulation

Current Requirement:

Part IV of the HSP Regulation sets out requirements for the distribution of HSP collection sites. This Part does not currently include any flexibility related to “take-back” collection networks.

Subsection 11(4) of the Batteries Regulation and subsection 12(4) of the EEE Regulation include an option that allows producers to reduce the number of required collection sites in proportion to the amounts of batteries or EEE that are collected via programs that allow consumers to return the batteries or EEE at no charge and in a manner that is equivalent to the manner in which the batteries or EEE were supplied (i.e. “take-back” programs). Producers are also required to provide consumers with the packaging or shipping materials required to return the batteries or EEE free of charge. However, regardless of any site reductions, the regulations include a floor to the reductions such that producers must maintain at least one site in every municipality where their product is supplied at a retail location.

Proposed Change:

The ministry is proposing to include a “take-back” or consumer return option in the HSP Regulation that is similar to current consumer return options in other producer responsibility regulations.

The proposed “take-back” or consumer return option would allow consumers to return the HSP at no charge and in a manner that is equivalent to the manner in which the HSP were supplied. Producers would also be required to provide consumers with the packaging or shipping materials required to return the HSP free of charge, where appropriate.

Producers would be allowed to reduce the number of collection sites required using the population-based formula by the percentage of their HSP materials managed through a take-back/closed loop system. The reduction in sites would apply at the municipal level where the take-back system is in place (e.g. if 50 per cent of the material is collected in a take-back system, then the number of sites in that municipality can be reduced by 50 per cent).

In a circumstance where 100 per cent of a producer's materials are managed by a take-back/closed loop system, they would not be required to establish a separate collection network.

It is not proposed that there be a floor in the HSP Regulation to require at least one site in every community, but the ministry is seeking feedback on this point.

In addition, the HSP consumer return option would require producers to demonstrate that their "take-back" system is operating as efficiently as the population-based collection network. If this condition is not satisfied, then HSP producers could not utilize the take-back option.

This is an important condition to include in the HSP Regulation because the HSP Regulation does not include management targets, therefore it is critical to ensure that producers who use this flexibility option are responsible for collecting their share of the supplied HSP.

The policy intent of this provision is to recognize that some HSP materials – such as automotive solvents – may be managed in essentially closed loop systems where the material is put into vehicles and removed at service stations at end of life, and can be managed by the service station.

The ministry is seeking feedback on whether this provision should apply to all types of HSP or just those that are typically managed in take-back/closed loop systems (e.g. automotive solvents).

ITEM 7: Give new option for HSP producers to meet collection requirements based on the existing municipal collection network – HSP Regulation

Current Requirement:

The total number of collection sites that producers of pesticides, solvents and non-refillable pressurized containers are currently required to establish and operate is principally based on the size of municipal populations. The total number of collection sites required is calculated using population-based formulas set out in Part IV of the HSP Regulation. This is also the case for the number of public-facing collection sites that producers of automotive types of HSP (e.g. antifreeze, oil containers and oil filters) are required to establish and operate.

Proposed Change:

The ministry is proposing to introduce new provisions in the HSP Regulation to provide producers of pesticides, solvents, non-refillable pressurized containers and automotive HSP with flexibility to comply with their collection site requirements by allowing them to choose between meeting their collection site requirements by:

- Establishing and operating a number of collection sites based on the size of municipal populations; or
- Establishing and operating the same number of collection sites and events that were operated by all municipalities across Ontario in the previous year.

This flexibility would apply to all collection site requirements for producers of pesticides, solvents and non-refillable pressurized containers, but only to the public-facing sites that producers of automotive HSP are required to establish and operate. This option would not apply to the broader population-based site requirements for automotive HSP.

The proposal would provide producers with flexibility regarding how they are to comply with their collection site requirements but is not expected to alter current levels of public

accessibility as the specified types of HSP are primarily collected through municipal venues which are equipped and approved to handle these materials.

The producer would have to work with municipalities to establish the same number of municipal sites and events as were established by all municipalities across Ontario in the previous year. This means that producers could not choose to apply this flexibility mechanism in just one municipality but would instead be required to create a province-wide network that matches the number of collection sites and events established by all municipalities.

It is the policy intent of this change to encourage and support producers to partner with municipalities in using municipal sites for the purposes of meeting accessibility requirements. Municipal depots are approved to handle these materials and have high visibility to the public as a place to drop-off these materials and other hazardous household products that are not covered by the regulation. It is expected that producers would negotiate with municipalities on fair terms and compensation for the access to the municipal sites. The ministry is interested in any feedback on provisions that could further strengthen this collaboration.

ITEM 8: Add new performance requirement for large producers of automotive HSP when creating alternative collection networks – HSP Regulation

Current Requirement:

Part IV of the HSP Regulation currently provides large producers of automotive HSP with two options to determine their required number of collection sites, as described below:

- Using a population-based formula that is principally based on the size of municipal or territorial district populations to calculate the total number of collection sites required; or
- Establishing the required number of collection sites based on the number of retail locations that supply their HSP. The number of collection sites established must

be equal to or greater than 75 per cent of the number of retail locations that supply the producer's product.

Proposed Change:

The ministry is proposing to add a new requirement for large producers of automotive HSP that choose to establish the required number of collection sites based on the number of retail locations that supply their HSP.

This additional requirement would be for large producers of automotive HSP to demonstrate that a collection network based on the number of retail locations that supply their HSP collects the same or better proportion of that producer's supplied HSP as is collected via the population-based collection network. If this condition is not satisfied, then HSP producers could not utilize the collection network option based on the number of retail locations that supply their HSP.

This new requirement would ensure a level playing field by ensuring that large producers of automotive HSP that choose to establish a collection network based on the number of retail locations continue to be responsible for collecting a fair and proportionate share of the supplied HSP.

The ministry is seeking feedback on whether any other requirements should be considered for large producers of automotive HSP that choose the collection network option based on the number of retail locations that supply their HSP.

BURDEN REDUCTION

We are proposing the following amendments to reduce administrative burden for producers in meeting their obligations under producer responsibility regulations.

ITEM 1: Remove recycling efficiency rate (RER) requirements – Batteries, EEE and HSP Regulations

If all requirements related to recycling efficiency rates (RER) are removed from the regulations, the ministry is proposing the change would come into effect for the 2025

performance year for materials with management targets. For HSP materials without targets, the new requirement for PROs or producers to ensure a minimum amount of collected materials is managed would come into effect for the 2026 performance year.

Current Requirement:

Subsection 16(3) of the Batteries Regulation, subsection 17(4) of the EEE Regulation and section 30 of the HSP Regulation require that producers who use processing activities to meet their management requirements must use processors that meet specified RERs.

The regulations require that the data used by each processor to calculate their RER must be verified in accordance with the Resource Productivity and Recovery Authority's (RPRA's) Verification and Audit Procedures.

Proposed Change:

The ministry is proposing to remove the requirements for individual processors to report on and verify their RERs and for producers to use processors that meet prescribed RERs. Instead, for materials with management targets, the ministry is proposing to rely on those targets to ensure producers and their service providers are recycling collected materials at an efficient rate.

For materials without management targets (e.g. most HSP materials), the ministry is proposing to require that producers or producer responsibility organizations (PROs) manage all of the material they collect at a rate equivalent to the existing RER for each regulated material. This proposed change would shift the obligation for achieving recycling efficiencies from individual processors to producers and PROs. In other words, the recycling efficiency calculation would be applied across all material collected for recycling, not against each processor of the collected material.

Removing the RER will significantly reduce administrative burden for processors who will no longer have to report on and verify their RERs. This approach would also simplify

the model and allow PROs to use any processor without a set minimum RER threshold for each individual processor.

The ministry is proposing to remove RER requirements in the way outlined above because we feel it is the simplest way to reduce burden while maintaining environmental outcomes. However, we have heard there may be some benefit in maintaining RER requirements to ensure a level playing field among processors, but that there should be a simplified verification procedure. As such, we are also seeking feedback on an alternative approach to maintain a numeric RER requirement for each processor in the regulations but simplify the verification process.

This could include: a) verification of only the initial processor and/or potentially their immediate downstream partner processors but no verification further down the processing chain, or b) reducing the frequency of required verification. If this path were pursued, the ministry would also want feedback on whether this simplified verification process should be codified in regulation or specified in a RPRA verification procedure. The ministry would also welcome feedback on an appropriate RER number for different materials.

ITEM 2: Adjust small producer exemptions – Tires, Batteries and EEE Regulations

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would use the new approach on supply data they report to RPRA in 2025 which would be used to determine exemptions for 2026 obligations.

Current Requirement:

Currently, producers of tires, batteries and electrical and electronic equipment are required to create a registry account, register and submit their supply data to RPRA to determine if they meet the applicable small producer exemptions.

Under the Tires Regulation, the small producer exemption is based on the calculation of a producer's collection requirement; subsection 4(7) of the regulation establishes that producers with a collection requirement of 1,000 kilograms or less are exempt.

Pursuant to section 7 of the Batteries Regulation, producers with a management requirement of less than 1.25 tonnes of rechargeable batteries or 2.5 tonnes of primary batteries are exempt.

Section 8 of the EEE Regulation exempts producers with a management requirement of less than 3.5 tonnes of ITT/AV equipment and less than 350 kilograms of lighting.

The HSP Regulation uses a supply data threshold to determine the small producer exemption.

Proposed Change:

The ministry is proposing to modify the small producer exemption for the Tires, Batteries and EEE Regulations to be based on supply tonnage instead of the producer's collection or management requirement. The ministry is proposing the following supply data thresholds which align with the current threshold of the collection target in the Tires Regulation and the highest management targets in the Batteries and EEE Regulations:

- 1,175 kilograms of tires
- 2.5 tonnes of rechargeable batteries
- 5.0 tonnes of primary batteries
- 5.0 tonnes of ITT/AV equipment
- 500 kg of lighting

This approach would reduce administrative burden by allowing producers to determine if they are exempt by looking at their supply data and they will therefore no longer be required to create a registry account or submit data to RPRA if they are below the applicable threshold. The proposed change would not substantially change the number of producers that have obligations.

ITEM 3: Revise collection site record keeping – Tires, Batteries, EEE and HSP Regulations

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 10 of the Tires Regulation, section 11 and subsection 30(2) of the Batteries Regulation, section 12 and subsection 31(2) of the EEE Regulation, and subsections 22(1) and 55(1) of the HSP Regulation require that collection sites that accept large amounts of material (as specified under each regulation) must keep records related to the weight of the material and the person dropping the material off.

Proposed Change:

The ministry is proposing to revise the record keeping requirements for all four regulations and to implement a two-tier requirement for collectors to keep records related to large amounts of materials dropped off:

- Remove requirement for collection sites where PROs are paying a flat fee or for municipal sites.
- Keep the requirement where PROs pay the collection sites on a per unit or weight basis.

Removing the record keeping for some sites will reduce administrative burden, while keeping for other sites that are paid on a weight or per unit basis ensures that there is no motivation to collect additional out-of-province material for the purposes of charging higher fees.

ITEM 4: Remove registration and reporting for tire collectors

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Sections 17 and 20 of the Tires Regulation set out the registration and reporting requirements for tire collectors. The sections require that tire collectors register with RPRA by submitting specified information when they collect 1,000 kilograms or more of tires. Tire collectors are also required to provide annual reports about collection activities to RPRA.

Proposed Change:

The ministry is proposing to remove the registration and reporting requirements for tire collectors. This change would be consistent with what is required for collectors of other materials regulated under the RRCEA.

The proposed change would have the effect of reducing administrative burden for tire collectors, but oversight would not be affected since tire producers and PROs will still have to report on collection activities and RPRA would maintain the ability to inspect and request information from tire collectors as needed.

ITEM 5: Reduce tire hauler reporting

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 21 of the Tires Regulation requires that tire haulers must report annually on four types of tires:

1. large tires
2. medium truck tires
3. off the road tires, except for large tires that are off the road tires
4. passenger and light truck tires

Proposed Change:

The ministry is proposing to simplify the reporting requirement for tire haulers and only require reporting on two tire types:

1. large tires (over 700 kg)
2. other tires (under 700 kg)

The proposed change would have the effect of reducing administrative burden for tire haulers, and better align with RPRA's registry which is currently set to accept reporting for two types of tires.

The ministry is seeking feedback on whether this change should apply to others in chain of custody as well, such as processors and retreaders.

REGULATION-SPECIFIC CHANGES

TIRES

ITEM 1: Adjust performance target

The proposed change would apply starting in the 2025 performance year.

Current Requirement:

The Tires Regulation currently requires that tire producers collect a minimum weight of tires each year. The minimum weight is based on the average weight of tires that the producer historically supplied into Ontario, multiplied by 85 per cent and is referred to as a collection target (set out in section 4). In addition, producers must manage (e.g. reuse, retread or recycle) at least 85 per cent of the weight of the tires they collect; this requirement is referred to as the management target (set out in section 11).

Proposed Change:

The ministry is proposing to remove the collection target and revise how the management target is calculated. This would align with the approach used in the other regulations under the RRCEA.

The following requirements would be unchanged:

- 85 per cent collection target for the 2019-2024 calendar years; and
- 85 per cent management target for the 2019-2024 calendar years.

The following proposed management targets would be introduced:

- 65 per cent for the 2025 to 2029 calendar years; and
- 70 per cent for the 2030 calendar year and for every subsequent calendar year

Beginning in 2025, these management targets would be based on the average weight of tires the producer historically supplied into Ontario. This new requirement would account for both the amount of tires available for collection and the rate at which tires can be managed.

The proposed change would align with the results that have been achieved to date. It would also reduce the administrative burden associated with calculating and reporting on two separate targets.

The proposal does not include a reduction in the number of collection sites tire producers are required to operate throughout Ontario.

ITEM 2: Increase threshold for regulated tires

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would report on tires that weigh 5 kilograms or more (rather than 1 kilogram or more) in 2025 which would be used to determine their 2026 obligations.

Current Requirement:

Section 1 of the Tires Regulation defines a “tire” to mean “a component that is designed to surround the rim of a vehicle’s wheel and has an actual weight of one kilogram or more”. This means that tires that weigh one kilogram or more are a designated material and producers that supply those tires have regulatory requirements for collection, management, registration, reporting, auditing and record keeping.

Proposed Change:

The ministry is proposing to change the weight threshold that defines a designated tire from one kilogram to five kilograms. Automobile tires are generally above this threshold. This change would mean that tire producers would no longer have to report on supply weight of tires that weigh less than five kilograms, and would not have obligations related to that supply weight.

However, the proposal is to require that producers (or their service providers) must accept and manage tires that weigh less than five kilograms that are returned to public collection networks. This approach is similar to the one proposed for the EEE Regulation for replacement parts.

The proposed change would reduce administrative burden for producers of small tires but would not have a negative impact on environmental outcomes as producers’ collection networks would still have to collect and manage tires that weigh less than five kilograms.

BATTERIES

ITEM 1: Extend management target

The proposed change would provide producers with additional time to build out the system and achieve the 50 per cent management target. This proposed change would not constrain producers’ ability to achieve or exceed the 50 per cent management target before 2030.

Current Requirement:

Part IV of the Batteries Regulation currently requires battery producers to manage (that is, recycle, reuse or refurbish) minimum amounts of batteries. Only primary (single-use) and rechargeable batteries that weigh five kilograms or less are required to be managed.

The minimum amounts of batteries required to be managed in a year are calculated based on the average weight of batteries that were supplied into Ontario by a producer in previous years multiplied by the management target for that year.

The minimum amounts of batteries required to be managed gradually increase due to increases in management targets. Currently, management targets for both primary and rechargeable batteries are:

- 40 per cent for the 2020-2021, 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.

Proposed Change:

The ministry is proposing to delay the increase of the management target to 50 per cent by five years, from 2025 to 2030. This change would result in revised management targets, as set out below.

The following management targets would be unchanged:

- 40 per cent for the 2020-2021, 2022 and 2023 calendar years; and
- 45 per cent for the 2024 calendar year.

The following proposed revised management targets would be introduced:

- 45 per cent for the 2025 to 2029 calendar years; and

- 50 per cent for the 2030 calendar year and for every subsequent calendar year.

ELECTRICAL AND ELECTRONIC EQUIPMENT

ITEM 1: Change requirements for ITT/AV replacements parts

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would not report on the weight of replacement parts in 2025 and that weight would not be used to determine 2026 obligations.

Current Requirement:

There are two categories of electrical and electronic equipment under the EEE Regulation:

- information technology, telecommunications, and audio visual (ITT/AV) equipment, and
- lighting.

Section 1 of the EEE Regulation sets out the definition for ITT/AV equipment, while subsection 3(3) references “all components, parts and peripherals”. Schedule 1 includes “parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives” as examples of ITT/AV equipment.

Proposed Change:

The ministry is proposing to remove reporting requirements for replacement parts from ITT/AV equipment. Replacement parts would generally include components that are designed to replace existing components in ITT/AV equipment, that when assembled, enable the equipment to work properly.

Removing reporting requirements for replacement parts would mean that producers of ITT/AV equipment would no longer have to report on supply weight of those parts, and would not have obligations related to that supply weight.

However, the proposal is to require that producers (or their service providers) must continue to accept and manage replacement parts for ITT/AV that are returned to public collection networks. This approach is similar to the one proposed for the Tires Regulation for tires that weigh five kilograms or less.

The proposed change would reduce administrative burden for producers of replacement parts for ITT/AV equipment but would not have a negative impact on environmental outcomes as producers' collection networks would still have to collect and manage these parts.

ITEM 2: Revise allowable reuse

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Subsection 17(1) of the EEE Regulation allows producers that use an Ontario-based refurbisher to count two times the actual weight of the material reused or refurbished when calculating performance towards meeting management requirements.

Proposed Change:

The ministry is proposing to remove the ability for producers to count two times the actual weight for EEE managed by an Ontario-based refurbisher. Instead, the weight of EEE reused or refurbished in Ontario would count at its actual weight for the purposes of meeting a producer's management requirement.

The proposed change would simplify the framework for what management activities are allowed to count toward management requirements and would better reflect the actual tonnes being managed each year.

ITEM 3: Remove waste reduction incentives

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would not report on deductions as part of the supply data they report in 2025 which would be used to determine 2026 obligations.

Current Requirement:

Section 18 of the EEE Regulation allows producers to reduce their management requirements for a calendar year, up to a maximum of 50 per cent, if they undertake specified waste reduction activities.

For ITT/AV equipment, waste reduction incentives apply to the following in relation to new products that are supplied into Ontario:

- Use of post-consumer recycled glass or plastic content
- Offer of warranties that are more than one year
- Availability of information, tools or parts repair the ITT/AV at no charge or on a cost recovery basis

For lighting, waste reduction incentives apply only for use of post-consumer recycled glass or plastic content in new lighting supplied into Ontario.

Proposed Change:

The ministry is proposing to remove the provisions that allow producers to reduce their management requirements from the EEE Regulation. Under the proposed change, EEE producers would no longer be able to reduce their annual management requirements.

The proposed change would simplify the framework for how producers determine their management requirements and would result in management targets being established based on all tonnes of EEE being supplied into Ontario.

ITEM 4: Extend management target for ITT/AV equipment

This proposed change would provide ITT/AV producers additional time to build out the system and achieve the 70 per cent management target. This proposed change would not constrain producers' ability to achieve or exceed the 70 per cent management target before 2030.

Current Requirement:

Part IV of the EEE Regulation currently requires ITT/AV producers to meet management targets of:

- 55 per cent for the 2021 and 2022 calendar years (at best efforts);
- 60 per cent for the 2023 calendar year;
- 65 per cent for the 2024 calendar year; and
- 70 per cent for 2025 calendar year and every subsequent calendar year.

Proposed Change:

The ministry is proposing to delay increasing the management targets for ITT/AV equipment to 70 per cent by five years, from 2025 to 2030.

The following management targets would be unchanged:

- 55 per cent for the 2021 and 2022 calendar years (at best efforts);
- 60 per cent for the 2023 calendar year; and
- 65 per cent for the 2024 calendar year.

The following proposed revised management targets would be introduced:

- 65 per cent for the 2025 to 2029 calendar years; and
- 70 per cent for the 2030 calendar year and for every subsequent calendar year.

The proposed change would give ITT/AV producers additional time to adjust to the proposed change that would remove the ability to count two times the actual weight for EEE managed by an Ontario-based refurbisher.

ITEM 5: Consult on expanding types of regulated EEE

In addition to these three changes to the EEE Regulation, the ministry is also seeking feedback on the potential to expand collection and management obligations to additional types of EEE as a way to reduce the fire hazard potential of batteries contained in those products.

This is an opportunity to provide initial feedback and data to the ministry; if the ministry decides to expand EEE materials, there would be additional consultation opportunities where the ministry would provide additional details about what materials are being proposed for expansion, what obligations would be proposed and timing to implement.

HAZARDOUS AND SPECIAL PRODUCTS

ITEM 1: Revise producer hierarchy for antifreeze and oil filters

The proposed change would require producers of antifreeze or oil filters supplied in new vehicles to register and report on supply data in 2025, with their collection and management obligations starting on January 1, 2026.

Current Requirement:

Section 4 of the HSP Regulation sets out which brand holders, importers or marketers of antifreeze and oil filters must collect and manage (e.g. reuse, recycle) these products. These collection and management responsibilities include responsibility for collecting and managing antifreeze and oil filters supplied in new vehicles.

Proposed Change:

The ministry is proposing to modify this framework. Brand holders, importers or marketers of new vehicles would become the obligated producer of the antifreeze and

oil filters included in their vehicles. This would be similar to the Tires Regulation, in which the brand holders, importers and marketers of new vehicles are responsible for collecting and managing the new tires supplied on their vehicles.

This change would not impact environmental outcomes as the obligation for regulated materials will only be switched between parties. It would also result in more accurate supply data being reported.

Brand holders, importers or marketers of antifreeze and oil filters that are supplied directly to consumers would continue to be responsible for the collection and management of these products.

ITEM 2: Revise requirements for refillable pressurized containers

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 1 of the HSP Regulation defines “refillable pressurized containers” as an obligated type of HSP. This type is defined to not include refillable pressurized containers for propane. “Refillable propane containers” is a separate type of material under the HSP Regulation.

Currently, the obligations for refillable pressurized containers and refillable propane containers are different. The collection obligation for large producers of refillable pressurized containers is to collect containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities. Small producers of refillable pressurized containers do not have a collection obligation. In contrast, the collection obligation for all producers of refillable propane containers is to collect their containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities.

For both refillable pressurized containers and refillable propane containers, producers must send all collected containers to processors for management.

In addition, producers of refillable pressurized must submit annual reports, satisfy promotion and education obligations, and audit their management activities every three years. Producers of refillable propane containers do not have these obligations.

Proposed Change:

The ministry is proposing that producers of refillable pressurized containers have the same obligations as producers of refillable propane containers.

The ministry proposes to do this by re-classifying refillable pressurized containers. In the HSP regulation there are currently five different categories of materials. Currently refillable pressurized materials are in Category B. The ministry proposes that it be moved to Category E, the same category as refillable propane containers.

For clarity, both refillable pressurized containers and refillable propane containers would have the same requirements, including a collection obligation for all producers (large and small) to collect their containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities. Producers of both types of pressurized containers would not be required to submit annual reports, meet promotion and education obligations or audit their management activities.

The proposed change would create a level playing field between producers of refillable pressurized containers and refillable propane containers. It would reduce administrative burden for producers of refillable propane containers but would not have a negative impact on environmental outcomes as processors and PROs of these containers will continue to report on collection and management activities.