

Transmitted via-email

June 21, 2019

Resource Recovery Policy Branch
40 St. Clair Avenue West, 8th Floor
Toronto, ON M4V 1M2
Canada

Re: Regulation for Resource Recovery and Circular Economy Act, 2016

Dear Ministry of the Environment for Conservation and Parks,

The Outdoor Power Equipment Institute of Canada (“OPEIC”) appreciates the opportunity to respond to the Government of Ontario’s draft regulation of Electrical and Electronic Equipment and Batteries. OPEIC supports Ontario’s intent to significantly reduce the amount of solid waste going to landfills. However, Outdoor Power Equipment (“OPE”) actually constitutes as a “positive value” element in the recycling system versus typical consumer electronics considered on the EEE draft regulation. Our belief that the existing free market repair / refurbishment system for outdoor power equipment already meets many of the policy objectives outlined in the draft regulation.

OPEIC is an international trade association representing the manufacturers and their suppliers of all power sources including battery and electric products, non-road gasoline powered engines, personal transport & utility vehicles, golf cars and consumer and commercial outdoor power equipment. OPE includes mowers, garden tractors, trimmers, edgers, chain saws, snow throwers, tillers, blowers, concrete trowels, augers, and other related products. OPEIC member companies and their global supply chains contribute approximately \$16 billion to the US GDP. Our industries products are core critical to the landscape, forestry, and constructions industries.

Major concerns of the proposed draft regulation is that it would add an administrative and financial burden were products are already being reused, refurbished, and recycled at respectable levels. Additional concerns to the proposed regulations include:

- The proposed “electric-powered lawn mowers and snow blowers and other non-vehicular gardening equipment” were not covered under the previous Ontario regulatory framework and it is unreasonable to believe its imposition of a July 1, 2020 program start date is even attainable. Experience with products in other

jurisdictions has proved that it takes considerable time to get these types of programs created and functioning properly.

- Consideration to the weight-based recovery target should take into account various types and sizes of electronic products. OPE is typically heavier and more durable than many other consumer based EEE products to withstand harsh conditions during usage.
- Creates unprecedented annual collection and recycling rates for EEE and small rechargeable batteries with up to 80% targets over time, even though the proposed benchmark targets are likely unattainable and impossible to achieve. OPE and the related batteries are built to last much longer than typical consumer based EEE products.
- Spending a large amount of resources on registration, reporting, record keeping, and recycling education is onerous if collections are not required for small equipment producers in the initial launch.
- Promotional and Educational requirements should not be enforced for producers who are exempted from collection requirements. This is a significant hardship on small businesses that the regulation is specifically seeking to assist with this type of exemption.
- EEE and rechargeable battery manufacturers recommend that regulation enforcement on small producers should only occur when collections are required. Imposing full regulations on previously planned large producers allows opportunities for program refinement whereas partial regulation on small producers will only create marketplace confusion and unnecessary burdens.
- The 10% reduction of supply data should be available for more categories and is extremely low because outdoor power EEE benefit from repair centers that are readily accessible for these types of products.
- OPE manufacturers have been improving the environmental footprint of their products for many years. Prior industry work that includes recycled materials and provides options for consumer repair should be recognized as a reduction incentive in the initial data calculation.
- Establishes undisclosed fees to be applied for all EEE and batteries without any direction or limits which will impact the entire supply chain and consumer purchases.
- Accessibility requirements based on population as low 1,000 individuals is highly cost ineffective and contradictory of the outlined goals. Experience in other jurisdictions has shown that the cost to provide collection services to rural and remote communities can become a threat to the financial viability of the entire collection program with limited environmental benefits.

The proposed Ontario draft regulation is taking similar steps in recycling efforts that the British Columbia Ministry of Environment took years ago. Similarities between the two programs is the inclusion of electric OPE but with two different implementation styles. Harmonization efforts should be considered to increase the awareness and overall impact of all parties involved including the local consumer. Separate non-adopted regulations could establish confusion and burdens for residents and manufacturers alike throughout the country.

OPEIC and its members strongly recommend that the draft regulation be postponed for further review and holdings of additional public and stakeholder consultations to be performed. It is apparent that the current draft does not consider a similar recycling adoption effort as to other jurisdictions, take weight differentiation between EEE products and batteries into consideration, or fully credit the products that benefit from free-market repair / refurbishment networks such as OPE. We would welcome a joint effort opportunity to further explain our comments and appreciate any consideration of our concerns.

Thank you again for the opportunity to respond to the draft regulation of Electrical and Electronic Equipment and Batteries. Please let me know if you have any questions or if I can provide additional information.

Kind regards,

A handwritten signature in cursive script that reads "Brandon Martin".

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