

**MODERNIZING HAZARDOUS WASTE REPORTING IN
ONTARIO – June 2020 Discussion Paper**

August 17, 2020

**Submission by
CALL2RECYCLE CANADA, INC.
on
ERO Number 019-1760**

A. THE GOVERNMENT’S PROPOSAL

The Ontario government is proposing regulatory changes that are intended to improve the speed, and reduce the complexity and costs of reporting hazardous waste movements in Ontario and transferring operational control for a new digital reporting service from the Ministry of the Environment, Conservation and Parks (“MECP”) to the Resource Productivity & Recovery Authority (“RPRA”).

As the operator of multiple stewardship programs across Canada for primary and rechargeable consumer batteries, Call2Recycle Canada, Inc. (“CALL2RECYCLE”) welcomes the opportunity to comment on the proposed changes to the Hazardous Waste Program outlined in ERO Number 109-1760, a discussion paper on Modernizing Hazardous Waste Reporting in Ontario (the “Discussion Paper”).

CALL2RECYCLE’s focus in this submission is to comment on those proposed changes which might have an adverse impact on the successful continuation of its current stewardship programs in Ontario.

B. ABOUT CALL2RECYCLE

1. CALL2RECYCLE is an industry funded, not-for-profit federal corporation which has been administering the Call2Recycle stewardship program for the collection and management of various types of household and consumer batteries across Canada since 1998 through the use of thousands of retail locations that act as collection/drop off sites.
2. CALL2RECYCLE’s stewardship program has evolved from nickel-cadmium rechargeable batteries to almost all forms of household and consumer batteries, excluding automotive and marine lead acid batteries and any other batteries weighing more than 5 kilograms.
3. CALL2RECYCLE’s stewardship program relies on several Ontario and Canadian federal approvals for the collection, storage, transportation processing and recycling of household batteries, including the following:

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- a) Ontario Waste Management System Certificate of Approval #A841566 (“CofA A841566”);
- b) Environment and Climate Change Canada PELES permit #EC 18-003;
- c) Transport Canada ELSP #SU11601; and
- d) Transport Canada ELSP #TUJ 0660.

4. Since the start of the stewardship program in 1998, CALL2RECYCLE has agreements with a network of retailers, municipalities and other organizations to accept batteries from the public in proprietary CALL2RECYCLE collection boxes, and when the boxes are filled, to use the services of national courier services, primarily Purolator Courier, to transport collection boxes of batteries from retailers and other collection sites to one or more consolidation facilities across Canada.

5. CALL2RECYCLE is registered with RPRA as a ‘battery hauler’ pursuant to s.21 of the *Batteries Regulation* and as a ‘producer responsibility organization’ pursuant to s.20 of the *Batteries Regulation*. CALL2RECYCLE will comply with all applicable provisions, including the reporting, auditing and record keeping obligations for ‘battery haulers’ and ‘producer responsibility organizations’ under the *Batteries Regulation*.

6. CALL2RECYCLE also retains the services of licensed waste management facilities to provide sorting and consolidation services for collected batteries, and either recycle the batteries or arrange for transport to licensed recycling facilities in Canada and/or the United States. The consolidation facilities in Ontario have various certificates of approval from the MECP to receive, sort, store and process batteries. All movements of batteries from the licensed consolidation facilities to recycling facilities comply with the manifest requirements under Ontario’s environmental laws.

7. The CALL2RECYCLE stewardship program is funded by battery manufacturers and importers and is operated at no cost to consumers or to the collection sites.

C. COMMENTS AND OBSERVATIONS

1. CALL2RECYCLE supports all reasonable laws and other measures to ensure that hazardous wastes are appropriately and safely managed, while maintaining the ready and convenient access of Ontario residents to return household batteries to their local retail and other collection sites. The ‘return to point of sale’ stewardship model provides the necessary convenience to Ontario residents. The existing regulatory framework for retail

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and other collection sites in Ontario results in a high level of safety and security for the receipt, handling and storage of batteries.

2. CALL2RECYCLE’s stewardship programs feature the mandatory use by participating retailers of specially designed, constructed, colored and labelled containers for returned household batteries.

3. Improper disposal of batteries is potentially harmful to the environment. CALL2RECYCLE submits that the requirements governing the stewardship of batteries through the *Batteries Regulation* and *Ontario Regulation 347* has ensured that all received batteries are handled, stored, transported and recycled in an environmentally safe and sound manner. The provisions of CofA A841566 enable CALL2RECYCLE and its participating collection sites to reduce the administrative burdens and costs that would otherwise prevent the participation of a high percentage of Ontario’s retailers in CALL2RECYCLE’s stewardship programs.

4. For more than 20 years, CALL2RECYCLE has been diverting increasing quantities of batteries from Ontario landfills and recycling valuable and useful battery components due in large part to a pragmatic regulatory framework. CALL2RECYCLE’s primary purpose in this submission is to ensure that the MECP’s proposed changes to the HWIN system and *Ontario Regulation 347* will enable CALL2RECYCLE to continue its successful stewardship program across Ontario.

5. Page 6 of the Discussion Paper lists four steps that constitute the Hazardous Waste Program:

- Step 1** Registration and Payment
- Step 2** Approvals
- Step 3** Compliance & Enforcement; and
- Step 4** Tracking & Report

6. Regarding Step 1, Registration and Payment – in the context of CALL2RECYCLE’s stewardship programs, individual collection sites, such as participating retailers, should not be required to register as a hazardous waste generator, nor should collection sites be required to pay any additional fees to the MECP, RPR or other regulatory authority. All participants in the CALL2RECYCLE stewardship program should be permitted to continue to rely on the provisions of CofA A841566.

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7. Regarding Step 2, Approvals – the MECP has already approved CofA A841566, and that CofA and the relevant provisions of the *Batteries Regulation* and *Ontario Regulation 347* have provided the required level of oversight for the successful continuation of the CALL2RECYCLE stewardship program. Individual collection sites, such as participating retailers, should not be required to obtain any additional or separate approvals from the MECP, RPRA or other regulatory authority to participate in the CALL2RECYCLE stewardship program.
8. Regarding Step 3, Compliance and Enforcement – CALL2RECYCLE, its stewardship program contractors who provide collection, disposal and other services, and participating collection sites must comply with their respective obligations in applicable laws. CALL2RECYCLE agrees that compliance is vital to a safe environment and the health and safety of Ontario workers and residents, and that the MECP, RPRA or other regulatory authorities can and should undertake compliance monitoring, and where necessary, enforcement measures.
9. Regarding Step 4, Tracking and Reporting - tracking and reporting are important compliance tools. CALL2RECYCLE has and will continue to generate tracking data and reports to all regulatory authorities as required by applicable laws and/or the terms and conditions of its regulatory approvals such as CofA A841566.
10. CALL2RECYCLE’s licensed waste management service providers utilize the current Hazardous Waste Information Network for the movement and disposal of batteries during and after the relevant materials have been sent from the collection sites to the consolidation facilities. CALL2RECYCLE submits that the current level of reporting and tracking for the batteries collected through its stewardship program provides sufficient and timely information to allow the MECP, RPRA or any other regulatory authority to monitor performance and take enforcement actions if and when necessary.
11. A statement appears on pages 8 and 9 of the Discussion Paper that the new digital reporting service will save businesses time and money. CALL2RECYCLE expects that this statement means that any existing fees for generator registration and/or manifests will not increase and that no new fees or registration requirements will be introduced.
12. Statements appear throughout the Discussion Paper that the new digital reporting service for manifests will replace the existing paper based manifest program. CALL2RECYCLE supports any efforts by the MECP and/or RPRA to replace the existing paper based manifest system with a user friendly digital manifest system.

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13. The description of proposed changes on pages 10 and 13 of the Discussion Paper indicates that a new regulation will be passed under RRCEA to “carry over a fee exemptions framework which will maintain the current fee exemptions.” It is vital to CALL2RECYCLE’s stewardship program that exemptions under CofA A841566 continue to apply to CALL2RECYCLE’s stewardship program.

14. A statement appears on page 13 of the Discussion Paper that the Hazardous Waste program will continue to operate as a full cost recovery program. As long as the current CofA A841566 remains in force, there will be no costs to the Hazardous Waste program, and therefore no need for cost recovery from the CALL2RECYCLE or its participating collection sites. CALL2RECYCLE’s service contractors will continue their participation in the Hazardous Waste program for all handling and disposal of hazardous wastes after the batteries have been sent from the collection sites to a licensed consolidation facility.

15. A statement appears on page 14 of the Discussion Paper regarding the tracking of locations and other business information. CALL2RECYCLE currently maintains a tracking system which can provide reports on the identity of participating collection sites and the quantity of batteries collected and recycled. CALL2RECYCLE opposes any new registration or reporting requirements for participating collection sites such as retailers. CALL2RECYCLE will continue to provide such reports and relevant information as required by its regulatory permits or applicable laws, including the reporting, auditing and record keeping obligations for ‘battery haulers’ and ‘producer responsibility organizations’ pursuant to the *Battery Regulation*.

16. With respect to question #1 on page 14 of the Discussion Paper, CALL2RECYCLE will provide the required reports on the collection, movement and recycling of batteries as required by the *Battery Regulation* for ‘battery haulers’ and ‘producer responsibility organizations’.

17. With respect question #2 on page 14 of the Discussion Paper, any person required to maintain records regarding the collection, handling or disposal of hazardous wastes should not be required to maintain paper records, provided that they have recorded and retained the relevant information electronically.

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18. With respect question #3 on page 14 of the Discussion Paper, CALL2RECYCLE submits that the Spills Action Centre should continue its existing role in the unlikely event that there is a spill of hazardous waste involving its stewardship programs.
19. Statements appear on pages 16 and 17 of the Discussion Paper regarding the reporting of short-term storage of hazardous wastes. Under CALL2RECYCLE's stewardship programs, participating retailers and other collection sites must engage in short term storage of batteries until a sufficient quantity is collected to merit pickup and consolidation by CALL2RECYCLE. Participating retailers and other collection sites should not be subject to any additional registration or reporting requirements if they are registered participants in the CALL2RECYCLE stewardship program. The current exemptions under CofA A841566 and *Ontario Regulation 347* should be continued.
20. With respect question #2 on page 17 of the Discussion Paper, CALL2RECYCLE submits that CALL2RECYCLE and its licensed consolidation facilities should have access to online data for a period of up to three (3) years from the time that the data is created. The rationale for this time frame is that in the unlikely event that a specific record becomes the subject of a regulatory investigation, charges or a civil dispute, such proceedings must be commenced within two years of the relevant events. A three-year access window would allow the relevant parties to access information relevant in the event of an investigation, charges, or civil claims.
21. With respect question #7 on page 18 of the Discussion Paper, flexibility in the reporting units for quantities generated and transported would be a positive and welcome step, particularly if CALL2RECYCLE can report on the number of CALL2RECYCLE's standardized collection containers (CALL2RECYCLE would provide dimensions of the containers and other information that may be reasonably necessary to determine an approximate quantity of the batteries received, transported and recycled).
22. With respect question #1 on page 19 of the Discussion Paper, provided that the reporting structure and regulatory exemptions which are currently a part of *Battery Regulation* and CofA A841566 remain in place, a six-month transition period from the current manifest system to a new digital system would be adequate.

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D. CALL2RECYCLE RECOMMENDATIONS

1. In light of CALL2RECYCLE’s successful operation and growth of its battery stewardship program for more than 2 decades, CALL2RECYCLE recommends that there should be no changes to the *Battery Regulation 298/12* or CofA A841566.
2. There should be no increase in any administrative burdens and/or costs to participating retailers or other collection sites in CALL2RECYCLE’s stewardship programs. Any increase in administrative burdens for a waste generator registration, temporary storage report or movement document will most likely result in an immediate and substantial decrease in the number of participating collection sites.

E. CONCLUSIONS

1. CALL2RECYCLE submits that the proposed transition from the current mix of digital and paper manifests to a new simpler digital manifest system is a positive development.
2. CALL2RECYCLE remains at all times willing to work with RPRA, MECP and other stakeholders to improve the battery stewardship programs.

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