

August 18, 2020

Program Management Branch - Program Oversight
40 St Clair Avenue West
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Re: Modernizing Hazardous Waste Reporting in Ontario ERO 019-1760:

The Ontario Waste Management Association (OWMA) is the largest waste management association in Canada and represents more than 250 members within Ontario's private and municipal sectors. OWMA members manage 85% of Ontario's waste and have diverse interests and capital investments in areas such as waste and recycling collection, material recycling and resource recovery, organics processing and composting, hazardous waste recycling and safe disposal, landfills, and transfer stations. OWMA members are major investors in Ontario's circular economy, create jobs and protect the environment for future generations.

Purpose

This submission is intended to provide the Ontario Ministry of the Environment, Conservation and Parks with policy recommendations on the proposal to change the Resource Productivity and Recovery Authority's mandate to include digital reporting services through its registry for a wider range of waste and resource recovery programs. We believe that changing the mandate of the Resource Productivity and Recovery Authority (RPRA) will benefit the regulated community and create a more efficient and effective framework for digital reporting, fee setting and cost recovery across the broad range of waste management and resource recovery activities.

Introduction

OWMA supports the Ontario government's direction to create a more competitive business environment by removing costly or inefficient processes and red tape and create a more prosperous economy for all Ontarians.

Leveraging the expertise, knowledge, and existing assets of the Authority makes good business sense. OWMA also supports this proposal as a pre-cursor to moving forward under RPRA with essential and critical service improvements to the Hazardous Waste Information Network (HWIN).

Data exchange with industry is critical for ensuring the success of a modernized hazardous waste reporting system.



Without adequate data exchange participation from industry will likely be limited. Ontario's waste management companies already input shipment data into their own systems – a modernized system must allow companies to upload transactions without creating duplication.

The modernized HWIN system must have the capability to download generator information in real time to ensure data accuracy. The waste management industry will not benefit from a system that creates duplication and redundancies.

The OWMA supports the expansion of RPRA's functionality to include digital reporting of HWIN. We recognize the need for centralized data collection across the waste and recycling sector to better inform future government and stakeholder decisions, we believe RPRA is best positioned to perform this function.

Stakeholder Input

The future HWIN process needs to be "system agnostic" in that the system must have the capacity to work with various systems without requiring any special adaptations.

Companies need to be able to push data to HWIN via an API, based on HWIN's required format/syntax, accompanied by the appropriate security key. Companies would then obtain a response that they parse to suit their needs.

OWMA recommends that the modernized HWIN system be an industry developed system. There is a risk that a modernized HWIN system that is too prescriptive and lacks stakeholder consultation will be unsuccessful. OWMA recommends that companies with mature digital manifest systems not be required to overhaul their own system to achieve compliance.

The USEPA underwent a similar transition to digitization. According to the waste management industry, the level of stakeholder engagement throughout the process contributed to the success of the USEPA's transition.

RPRA has said that they are "considering" configuring the modernized HWIN system with existing company systems. OWMA firmly believes that configuration with existing systems is vital to the success of the modernized HWIN system. A modernized HWIN system that requires major IT reconfiguration will be unsuccessful.

Another consideration that must be given to implementing a modernized system is the amount of hardware associated with compliance, i.e requiring drivers to carry tablet computers.

Further clarification on how the implementation of the modernized system will impact stakeholders will help to ensure industry confidence. OWMA recommends clarification on any additional costs associated with compliance.

Administration

Under the modernized system, the burden of data entry will shift from the HWIN office to waste management companies and generators, administering these changes will create significant new costs for industry.

We understand RPRA's intention is to create a desktop and mobile application with the purpose of creating and signing off manifests. It is important to note that companies who deal with thousands of manifests will not reasonably be capable of entering those manifests one at a time.

To solve this issue, the modernized HWIN system should have the ability to download a company's daily manifest in real time. Without real time data exchange the modernized HWIN system will require costly and time-consuming data entry.

Developer Input

We recommend that industry have an opportunity to interact with the prototype being developed prior to the implementation phase, this will give MECP, RPRA, and industry the ability to achieve alignment. Involving stakeholder developers from the outset will mitigate the need for companies to have to reconfigure their own existing systems.

Stakeholder engagement throughout the process is critical to success of the modernized HWIN system. The current HWIN system has experienced several challenges, which have been well documented in several reports by the Auditor General of Ontario in 2005, 2007, and 2009. As a result, less than 1% of manifests are currently completed electronically, leaving businesses and government to manually process more than 200,000 paper-based manifests annually. These inefficiencies have created higher regulatory costs and weakened the government's ability to effectively oversee the system and enforce compliance.

To deal with the growing costs of the program, the Ministry of the Environment and Climate Change (MOECC) has tripled hazardous waste tonnage fees, but without any service improvements. By contrast, MOECC has chosen to only raise fees for approvals after service improvements have been made. We would like to see the same principle applied to the HWIN system.

The USEPA electronic manifest development allowed for software development API as discussions were going on, software programmers from stakeholders were engaged in the process early on.

Confidential Business Information

We recommend that confidential business information be protected. RPRA should continue to follow an Access and Privacy code that protects commercially sensitive and personal information while conducting business operations, performing regulatory functions, and allowing access to public information.

Generators should have the flexibility to delegate access rights to multiple parties. However, if it chooses so, the generator should be able to restrict carrier rights to the specific waste streams they collected.

Errors should be tracked to the company responsible for making them. The system should have the ability to track changes to a client's account. In the event a service provider enters a waste class for a client and another service provider then enters incorrect waste class information for the same client – there should be a way of tracking which party made the error.

Registering Under the New Digital Reporting Service

OWMA recommends MECP reconfigures LDR requirements. It is the experience of our members that LDR requirements overshadow a lot of the HWIN requirements. MECP can ensure successful transition to the new HWIN system by simplifying the registration process. The reality is that most waste generators do not fully understand what is required of them even though they have a legal responsibility to do so.

Delegating Authority

We recommend MECP develop a draft or template that outlines the liability of the delegated authority. Companies should not be required to re-enter the registration information for the tens of thousands of waste streams they manage, it would make the transition to the new system very costly.

The modernized HWIN system must protect confidential business information and where more than one user has been authorized, each user must only have access to transactions that they are authorized to participate in.

Time and Requirements

The amount of time to allow businesses to work offline before being required to sync their data should mirror current regulations, which specify the manifest should be mailed within three days of shipment. Industry systems can have a higher frequency depending on capability (i.e. with hours).

Generators need access to their online registration/reporting data for two years as this is regulatory cutoff for data requests by MECP.

OWMA believes that reporting service should suffice as the record and should be in line with the administrative burden objective.

There needs to be a provision for emergencies i.e. responding to spills, as system access in these situations can be difficult. There should be a stipulated guideline on how long a company must enter data within, provided that the MECP spills action center is informed and updated on any emergency situations.

Fees

The regulation should clearly require RPRA to consult with hazardous waste program stakeholders prior to establishing or amending any fees related to this program. OWMA recommends HWIN fees be transparent with respect to how much money is being collected, and how the money collected is being used.

In 2016/2017 the HWIN fees tripled in cost without service improvements. According to the Ministry, the cost increase was 'only temporary', as a result many generators are still paying inflated disposal fees. We believe the modernized HWIN system gives government an opportunity to reduce these fees.

Due to a lack of transparency in fee collection there has always been a question of how much of the fees collected are associated with compliance and enforcement by the ministry. The enforcement allocation of cost of HWIN is regional and therefore we recommend compliance should not be included fee collection.

The Ministry can achieve greater transparency by separating digital reporting costs and enforcement and compliance costs.

There is supposed to be a waiver of disposal fees when waste is shipped for recycling. However, the fee is only waived if the waste is shipped directly from the generator to the approved recycling facility. Many waste management companies have local waste transfer facilities. They collect from a region, terminate the shipment at their local facility then reship to final recycling or disposal locations. The new system should track waste through transfer locations so that when it arrives at an approved recycling location, the disposal fee is waived. When the transfer location creates a new manifest to ship to the next destination, the system should allow them to reference the original manifest and waste stream.

Paper Manifest Considerations

When the advisory committee to the MOECC discussed manifesting there were several recommendations that should not be lost during transition to the new HWIN system:

a) Manifest templates for both electronic and paper formats should be designed to allow for more than five lines of waste streams. Currently, waste pick-ups exceeding five streams, multiple manifests must be completed. The new HWIN system should include a second page that accommodates more than five waste streams on a single manifest.

The advantage of "Longer forms" (i.e. one manifest allowing the listing of twenty-five waste streams, versus five manifests required to list twenty-five waste streams). For example, the revised manifest would eliminate repetitive data entry on the five manifests (which could in the repetitive process lead to errors), plus there would be time savings - tracking manifest numbers, tracking documents, mailing, and filing multiple sheets.

b) Accommodate information entry on manifests, for Provincial, TDG, Inter-provincial and International documents-- the manifest format should be designed to allow the data to migrate on the form to the Block/Column/Line pertinent to the documents end authority - Provincial, TDG etc. The purpose of this migrating option is to eliminate the need to complete a second TDG form and duplication of data entry on various forms. The new HWIN manifest should be a template that includes Blocks/Column/Lines that accept information in formats acceptable to the authority requesting the information i.e. Federal/Provincial/MTO and MECP.

Electronic Manifest Copy

There has been discussion regarding the elimination of paper manifests and the understanding that a waste inventory might not be electronically transferred due to the location and availability of WIFI, and that the uploading would occur when the service provider obtained access to WIFI. However, the scenario was brought up that without a paper copy of a manifest on the truck and if the truck were in an accident, how would the MTO or MECP onsite representative know what was in the inventory.

One solution was mentioned that some service providers receive an inventory prior to pick-up (most do) so a draft manifest could be carried by the service provider and updated on site, the information would not be updated until the service provider has access to Wi-Fi. However, in the draft manifest option the data would be available in case of an emergency.

Additional Policy Recommendations

OWMA recommends a retail exemption: The modernized HWIN system will digitize reporting and should reduce the administrative burden of certain retailers, such as the automotive servicing industry, which include gas stations and car dealerships. Onboarding these retailers to an electronic tracking system is recommended but the registration requirements of that sector should be simplified. An example would be only the name, address, and predetermined waste that comes from that sector be required in registration. The benefits would be that the Ministry would have the ability to track how much waste is coming from a sector, data that is currently not available.

The modernized HWIN system must consider how it will migrate the registration information from the current system to the new system. There are tens of thousands of generators in Ontario, starting the registration system over again will be a costly, and time-consuming undertaking.

The ministry and/or RPRA should create bulletins clearly indicating the generator responsibilities (perhaps short bulletins on different subjects). These can be emailed out to registered generators on occasion but also be posted on their websites. The bulletins will also facilitate carriers in educating generators if they can provide official documentation from the government.

Sincerely,



Mike Chopowick
Chief Executive Officer