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HWIN Modernization
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**RE:     Comments in response to ERO # 019-1760 Modernizing Hazardous Waste Reporting in Ontario**

To whom it may concern;

On behalf of Ontario's more than 3,000 environment and cleantech firms, the Ontario Environment Industry Association (ONEIA) is pleased to provide our comments on the above-noted ERO posting, *Modernizing Hazardous Waste Reporting in Ontario.* This submission expands upon principles first set in our response to *Preserving and Protecting our Environment for Future Generations: A Made in Ontario Environment Plan* (Environment Plan).

The most recent statistics show that Ontario's environment sector employs more than 65,000 people across a range of sub-sectors. This includes firms working in such diverse areas as water/wastewater/stormwater treatment and management, materials collection and transfer, resource recovery, organics processing, composting, recycling solutions, alternative energy systems, environmental consulting, brownfield remediation – to name just a few. These companies contribute more than $8-billion to the provincial economy, with approximately $1- billion of this amount coming from export earnings.

Members of ONEIA are committed to engaging with governments to develop policies and regulations that are consistent with our principles of sound science, a sound environment and a sound economy. To that end, ONEIA has asked its Resource Recovery Group to convene a wide range of companies and gather their comments to assess and provide feedback on the Discussion Paper. Their feedback forms the basis of this letter.

Throughout this process and consistent with our 28-year history in Ontario, our members are ready to offer a wealth of "made-in-Ontario" expertise that can help the Province achieve its goals of economic prosperity and environmental protection for current and future generations.

**Supporting the Digital Service mandate**
ONEIA supports the elimination of outdated approaches to environmental business processes, such as reforming the existing (and inefficient) online system (i.e. Hazardous Waste Information Network - HWIN) and the current use of paper-based submissions (e.g. paper manifests). ONEIA offers the following comments, offered in the order raised in the Discussion Paper, in support of eliminating the HWIN and transitioning to a digital hazardous waste manifest and reporting system.

**Proposed Changes to Modernize Ontario's Hazardous Waste Digital Reporting Service**

1. **ONEIA supports the move away from paper manifests and waste reporting for the following reasons:**

   a) The transfer chain that sees paper manifests travel from generator to carrier to receiver increases the possibility of spreading viruses and raises the possibility of lost or damaged paperwork, nonstandard information entry, etc. An effective and user-friendly electronic manifesting and waste reporting system would eliminate the possibility of COVID transmission through physical means, raise the trust level within the chain and the staff that support it, and increase the accuracy of transmitted information;

   b) The internal organization of paper manifests takes up considerable time and physical space and imposes additional expenses on an already burdensome system (e.g., cost of person-hours related to scanning/emailing/filing/etc.); and,

   c) Lastly, it is ironic that we have imbedded a wasteful paper-based process within the waste management industry, whose companies strive every day to reduce their environmental footprint.

2) **ONEIA is committed to reducing the administrative burden on businesses that provide environmental services**: Our members have calculated that the manual paper manifest process imposes an administrative cost upon both waste generators and waste receivers of as much as $40 per manifest. Given that Ontario currently generates 450,000 manifests per year, this amounts to an annual red tape cost of up to $36-million.

3) **ONEIA sees an opportunity for Ontario to lead Canada:** As many companies in the waste chain (e.g. generators, transporters, and receivers) have operations across Canada, the electronic manifest system could easily accommodate other provincial waste manifesting requirements and set the benchmark in Canada for other jurisdictions and save Ontario companies that operate across jurisdictions considerable expense.

4) **Ontario needs to be cautious that it is not building additional regulatory bureaucracies:** Given the complex nature of regulatory requirements for the hazardous waste management industry and its associated potential risks and liabilities, ONEIA is concerned that the Resource Productivity and Recovery Authority (RPRA) may be challenged to maintain the required subject matter expertise to develop and maintain a system that meets all stakeholder requirements. Our members are also concerned that a system developed by yet another regulatory authority will not meet the requirements for public protection and business certainty and repeat previous mistakes made in this area (i.e. an "HWIN repeat").

5) **Ontario should consider whether systems can be adapted from other jurisdictions:** The tendency of governments and regulatory authorities is to develop new electronic systems from scratch, and studies in this area note that such systems are often beset by delays and unseen complications. ONEIA recommends the RPRA and Ministry assess any existing digital solutions currently in use in other jurisdictions for their suitability and conduct a scan of existing private sector solutions that may offer several benefits (i.e. reduced development time, requirement-based solutions, user tested, etc.).

**Registration and Renewal**

6) **ONEIA favours the removal of the annual registration renewal:** Our members support the removal of the annual registration renewal requirement, as companies find it burdensome and time-consuming. We also support the idea of registering when a company reports its first activity but would flag as a concern that, if a facility does not participate in a possibly voluntary electronic manifesting system, how will reporting on first activity be completed?

**7)   Introduce financial incentives for adoption of an electronic system:**  ONEIA believes there should be a financial incentive (e.g. lower manifest fees compared to current paper-based fees) to encourage switch over to electronic manifesting since this change will require great effort and cost from our member companies in terms of staff training, potential technology upgrades, internal SOP/documentation revisions, etc.  This would be consistent (as noted in the discussion paper) with the lower fee charged by the USEPA for using electronic manifests compared to paper forms.

**Delegating Authority**

**8)  How to ensure consistency between parties?**  If all three parties in the transfer of waste (e.g. generator, carrier, and receiver) are different companies, how will all three participate in the electronic manifesting process?   If one party does not agree to participate, for example, will the other two parties be forced to use paper-based manifesting – thus defeating the productivity gains of an electronic system?  Member companies that adopt an electronic system should not be penalized for their support of efficiency (e.g., higher tonnage/manifest fees associated with paper-based manifesting once electronic manifesting is introduced). What is the Ministry's proposed solution to this potential issue?

**9)  Delegated reporting saves time:**  ONEIA supports the move to provide authority to waste management companies to register/report on behalf of waste generators. Our companies constantly receive requests to help generators navigate through the current HWIN system (e.g. register their waste classes).  This is often confusing for generators and is simply not the most efficient use of their time.  ONEIA believes allowing waste management companies to conduct digital reporting on behalf of the generator would allow the generator to focus on their priorities (their business) while ensuring their waste is taken care of by waste management professionals in an effective manner.  One idea may be to develop a standardized template that permits waste management companies to register their customers for their waste streams as an added service.

**Confidential Business Information**

**10)   Secure electronic information sharing:**  The ability for generators and receivers to share other digital documents such as waste analyses, profile sheets, Safety Data Sheets (SDS) and other confidential business information is key to an efficient and effective electronic system. These documents should be accessible only to the authorized users.

**Tracking and Reporting**

**11)  Tracking short-term storage and onsite activities:**  Short-term storage and onsite waste management activities tracking should be part of the system requirements and accompanied by appropriate awareness activities / training sessions about any requirements related to these areas.

**12)  Multiple contact notification:**  When receiving any electronic notifications from this program, ONEIA would want to ensure multiple contacts receive the notifications within a company (e.g., Operations, Environmental Affairs, Transport, etc.) to ensure the broadest possible diffusion and understanding of information.

**Improving Data Quality**

**13)  Possible integration with the ECA system:**  Consider adding the ability of the new digital system to support Environmental Compliance Approval (ECA) requirements and conditions. Examples would include annual reporting, waste codes, the ability to track volume in-and-out of the facility and cross-system links to verify against the ECA whether a receiver or carrier can handle the waste class that a generator is putting on the eManifest. Similarly, when completing a manifest electronically, ONEIA would like to see a prompt that will denote that a carrier or receiver is not approved to transport or receive that waste class.

14) **Ensuring compliance functionality:** ONEIA recommends that the system fully support the provision of timely feedback on regulatory compliance issues. Similar to Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations( EIHWHRMR), building in compliance flags for non-compliance (or risks of non-compliance) could prevent or at least minimize non-compliance. For example, the system should be able to query the ECA system to ensure that the receiver is approved to transport the waste class code (WCC) to prevent a generator from shipping a subject waste illegally.

15) **Detailed recommendations regarding functionality:** ONEIA recommends that the digital system should be designed to:
   a) provide the necessary data, as one "source of truth" for all stakeholders including generators, transporters, receivers, and regulators including emergency response personnel;
   b) interact with internal company systems and provide sufficient levels of security so that all data created is available only to the applicable user;
   c) harmonize with other applicable jurisdictional requirements such as the Federal Transportation of Dangerous Goods (TDG) and USEPA digital manifest process for cross border shipments;
   d) be mobile-friendly to enable broader usage with mobile devices, tablets, etc.;
   e) be able to provide digital manifests to Transport Canada and Environment and Climate Change Canada, if required;
   f) provide for real-time manifest corrections and be able to reconcile workflow with tracking and security;
   g) handle successive carriers (often this is the reason operators currently continue to use paper manifests);
   h) include a "comment / additional information" field built-in as part of the eManifest. For example, users often identify what "07" means on the manifest in box 9, e.g. whether it is a tote or pail. This will also need to be accommodated for future updates; and,
   i) be portable between "flat" file formats (e.g. downloadable as .csv or excel sheets as opposed to .pdf formats).

**Manifest Corrections**

16) **Appropriate notification of corrections:** "Manifest correction" is mentioned as part of the plan in the discussion paper and this functionality would be welcomed by ONEIA members. This does raise questions about who receives the notification and can then approve the change that must be considered. Would it be the parties that signed the manifest at the site location (e.g. e-mail on file for notification?) or the overarching company owner / administrator responsible for registration on the digital system? ONEIA would recommend that this area be clarified as it will affect "timely" approval.

**Transition Planning**

17) **Proposed transition timing, early adoption and registration transfer:** ONEIA recommends that this system be in place to identify, implement, and monitor a digital manifest solution by January 1, 2021. This will alleviate potential concerns around COVID-19 transmission and send a strong signal reducing a potential $36-million annual cost to the industry. We would also recommend that all generator and receiver registrations currently in HWIN should be transferred to the new system to avoid the need for duplicate data entry.

18) **Ensuring company staff training and awareness:** The proposed shift to electronic manifesting will entail a steep learning curve for staff across the waste system in Ontario. This will require significant training of those who make the system work, therefore, ONEIA members want to ensure multiple opportunities (e.g., training webinars, instruction manuals, etc.) for their staff to be effectively trained on how to use electronic manifesting and other digital reporting

services, and to ask context-specific questions about implementation. ONEIA believes a live support phone line would be beneficial.  Such a line would need to provide a clearer and more focused service than the current HWIN Help Desk, which some members have found to provide vague responses or often direct the caller to regulations instead of providing clear answers.  Such a lack of clarity incurs additional work for staff in our member companies.

19) **Need for guidance materials:**  To ensure generators are aware of their regulatory obligations, ONEIA recommends that a guidebook be created (potentially an amendment to the Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste) to describe stakeholder obligations.  ONEIA also recommends that such material be accompanied by an educational campaign (e.g. memos, webinars, online instruction) to ensure stakeholders are aware of these changes.

**Measuring Success – Performance Measures**

20) **Need to accommodate usability, audience requirements and connectivity.**  The new system should ensure ease of use and accessibility for users who may not be technically savvy and/or are working in a mobile environment (e.g. truck drivers).  One of the biggest challenges with HWIN is how difficult it is for drivers to sign an eManifest, as they do not always have access to a computer at the customer site and the alternative (e.g. to use a mobile phone) is often problematic, as drivers often do not use the system frequently enough to remember the passwords required to sign the e-manifest over the phone.  The flexibility of allowing mobile, tablet and desktop-based application of this digital system is critical, along with offline entry capability for remote locations that may not have a reliable internet connection.

21) **The issue of user rights:**  ONEIA recommends that the new system allows for different user rights to be assigned within an organization and that the system have the ability to delegate authority to a service provider.  A company should be able to set different user permission levels to allow varying access levels.  For example, a company may give a transporter / service provider the right to set up an eManifest, but they do not want that user to have visibility into how much waste the company generates or details of additional service providers.  This segregation of information is very important to ensure trust in the system.

22) **Templates for repeated use:**  The new system should accommodate the need for businesses to set up templates for repeated use and to prepare eManifests in advance before submission. It should also allow the user to save input information at various stages of the process as they prepare the eManifest before final submission.  Paper manifests currently allow users to prepare loads and manifests in advance with majority of the information completed before actual pickup to minimize time on-site and allow drivers to be more efficient.  The digital system needs to replicate and enhance this ability.  EIHWHRMR has done a good job setting up their movement document application for this so the new system should be informed by their capability and usability.

**Measuring Success – Continuous Improvement**

23) **Links with other reporting systems essential:**  As the goal of process reform is to simplify things while protecting the public and making compliance easier for companies, it is vital that any new system tie into / meet the standards of other jurisdictions (e.g. TDG and EIHWHRMR).  ONEIA members will only realize time and cost savings if they do not have to duplicate paperwork for other monitoring systems (e.g. EIHWHRMR's movement module for inter-boundary loads).  Since future reporting information will be sent to RPRA (which is also responsible for batteries), MHSW and other programs, the system should consider building "plug-ins" to support future paperless monitoring systems.

24) **Electronic record storage generates many "wins":**  Proper electronic record keeping will provide gains for all parties.  Eliminating the need for paper records, provided that electronic

records are properly stored and backed-up, would be a positive change. As we move towards such a system, companies would want to ensure that RPRA (or the Ministry) discusses with Transport Canada the need to guarantee acceptance and recognition of electronic manifesting and electronic record storage.

As per our suggestion in 15 (i) above, ONEIA would want to ensure that all completed electronic manifests could be easily pulled from the system and repurposed for other reporting requirements (e.g. MECP reporting against waste ECAs). Users should also be able to look-up archived manifests/documents in the digital reporting service to ensure post-event reporting, so ensuring access to all documents created by a user in the system would be a must.

25) **Access by first / emergency responders and enforcement officials:** If the system requires that electronic manifests do not have to be printed and travel with subject waste, the Province should confirm that first / emergency responders / enforcement officers could easily retrieve such information when needed, particularly outside of regular business hours.

26) **Financial assurance submission and tracking:** ONEIA members support any attempts to broadly modernize hazardous waste processes to reduce regulatory burden and not add additional regulatory requirements. Easier processes such as a standardized templates for submitting financial assurance re-evaluations would benefit companies and allow tracking of progress of submitted ECA applications/amendments through digital means.

**Next Steps**

27) **Prompt action is essential:** ONEIA recommends that the Province identify, implement, and monitor a digital manifest solution by January 1, 2021. This will alleviate potential concerns around COVID-19 transmission and allay concerns about the ongoing cost to the industry of up to $36-million annually at a time when Ontario's economy may very well be slowing.

28) **Assessing systems already in the field:** ONEIA recommends the RPRA and Ministry also assess any existing digital solutions currently in operation in Canada for their suitability, including those use by the private sector. This may deliver discrete benefits, including time savings, proven solutions that meets requirements, ease of use, etc.

**Moving forward**
ONEIA members look forward to working with the Province and participating in consultations on the priorities and next steps of Modernizing Hazardous Waste Reporting in Ontario. ONEIA member companies and their representatives are willing to participate in advisory panels on the Discussion Paper. ONEIA believes that time is of the essence and ONEIA will collaborate with the Province in an expeditious manner with respect to advancements of actions identified within the Discussion Paper.

We welcome the opportunity to discuss our ideas further. Please feel free to contact me at agill@oneia.ca or at (416) 531-7884 should you have any questions and I would be pleased to connect you with members of our Resource Recovery Working Group.

Yours truly,

Alex Gill
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