

August 18, 2020

HWIN Modernization
Program Management Branch - Program Oversight
40 St Clair Avenue West
4th Floor
Toronto ON M4V 1M2

Subject: *Discussion paper on modernizing hazardous waste reporting in Ontario*

Dear Sir / Madam:

The Railway Association of Canada (RAC), on behalf of its near 60-member railway companies, welcomes the opportunity to provide feedback on the *Discussion paper on modernizing hazardous waste reporting in Ontario*. In Ontario, the RAC's membership consists of four Class 1 freight railways and 12 shortline railways. In 2018, the total value of goods moved by freight railways in Ontario totaled \$7.8 billion respectively and just over one million carloads originated in the province. The RAC applauds the Government of Ontario's efforts to improve the efficiencies and effectiveness of the hazardous waste reporting system while also reducing regulatory compliance costs for businesses and as such, is pleased to provide the following comments.

Registration and Payment

1. Generators must maintain records of all data, analysis, and other information used to register subject waste. Now that businesses are moving digital, should we allow supporting records (e.g. data, analysis, and other information used in the preparation of the Generator Registration Report) to be kept electronically? Are paper copies needed?

Overall, the rail sector supports the ability to allow supporting records to be kept electronically. Moving to electronic systems has the potential to increase efficiencies, reduce the use of paper and create further alignment between provinces and the federal government.

3. Currently spills and emergency reporting is managed through the Spills Action Centre. How should we manage registration for emergency situations going forward?

Given the linear nature of the rail sector, a corporate level emergency generator ID would allow for rapid response and clean up in the event of spills, or releases, while assuring traceability of information to the responsible organization.

Alignment with Federal Government

The RAC and its federal Class 1 rail carriers that move hazardous waste to, from and across numerous provinces, would like to emphasize the need for a harmonized approach to moving hazardous waste in Canada that is accessible and acceptable to the federal government and provinces. The rail sector is concerned that the development of distinct provincial and federal waste document management systems will introduce further administrative burden for the movement of hazardous waste interprovincially and internationally.

It is our stance that these systems need to communicate with each other so that the multiple authorities receive their respective information through single entries thus avoiding the replication of administrative effort on carriers to meet the obligations of separate systems. This is further complicated by the differences between the provinces with respect to the classification of hazardous waste.

Allowing for data referencing or data transfer between the provincial government and the federal government will no doubt reduce the administrative burden on businesses. Case in point, a railway transporting hazardous waste from British Columbia to Ontario should be able to submit a single manifest that is accepted by all levels of government. This eliminates the need for two different reporting requirements on the same shipment. Furthermore, harmonization with the *Transportation of Dangerous Goods Regulations* (TDG) also needs to be considered. Currently the provincial manifests don't line up with the TDG reporting requirements which results in requiring a separate attestation for TDG that accompanies any TDG-regulated manifests. Correcting this misalignment will further support efficient reporting to authorities and reducing the administrative burden on businesses.

While it is noted in the discussion paper that the Government of Ontario will work closely with Environment and Climate Change Canada (ECC) and Transport Canada (TC) to ensure the new digital reporting service aligns with federal requirements, the RAC would appreciate transparency on what this would entail during the development of the new system in Ontario. Notably, the RAC strongly recommends that changes to Reg 347 under Ontario's *Environmental Protection Act* are adequately harmonized with federal regulations (*Cross-border movements of hazardous waste and hazardous recyclable materials regulations*) to ensure minimal overlap of requirements thus reducing impacts to interprovincial carriers.

Another consideration for the rail sector is the Electronic Data Interchange (EDI) systems used by railways. These EDI systems allow for application to application transfer of business documents and data. In the event the Government of Ontario enacts changes to the type of information required in hazardous waste manifests, it will have a negative impact to the EDI systems. Actioning changes to these EDI systems by railways are both cost prohibitive and time intensive to implement, creating an additional administrative burden rather than reducing red tape.

Conclusion

The RAC and its members appreciate the opportunity to provide feedback to the Government of Ontario as it modernizes the hazardous waste reporting system. Please don't hesitate to reach out to the RAC should you require additional information and I look forward to continued consultations.

Sincerely,



Peter Bedrossian
Director of Regulatory Affairs