



**CANADIAN PAINT
AND COATINGS
ASSOCIATION**

**ASSOCIATION CANADIENNE
DE L'INDUSTRIE DE LA PEINTURE
ET DU REVÊTEMENT**

March 28, 2021

Allison Deng
Resource Recovery Policy Branch
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Toronto, ON M4V 1M2 RRPB.Mail@ontario.ca

Dear Ms. Deng:

CPCA is pleased to provide feedback on behalf of the paint and coatings industry in Ontario on the draft HSP Regulation posted on the Environmental Registry of Ontario on February 11, 2021 (ERO number: 019-2836). CPCA is a not-for-profit industry association representing the interests of manufacturers and suppliers in the paint and coatings industry in Canada. The industry retains the services of program operators for paint waste recovery and recycling in all ten Provinces and for Ontario that is Product Care Association (PCA). PCA has represented the paint and coatings industry under the current MHSW program in Ontario since 2015 per an Industry Stewardship Plan (ISP) under the Waste Diversion Act.

Since PCA began managing the paint recycling program it has collected more than 53,800 tonnes of paint, recycled more than 31,000 tonnes of paint, including metal and plastic paint cans and paint pails, as of year-end 2020. Product Care actively worked with the producers and increased accessibility by more than 50% since taking over the program. The program inherited 277 municipal and return-to-retail sites in 2015 increasing the number to 424 collection sites by the end of 2020. Municipalities manage their own events and in 2019 there were 298 municipally run events. Product Care continues expanding the collection network in 2021 and is also adding new metal paint collection bins starting in April 2021, which will see a more secure and user safe paint collection container its collection system.

PCA has successfully operated the waste recycling program for paint in Ontario with a robust collection system that we hope can continue under the new HSP regulation. However, we believe there are fundamental changes required to the draft HSP regulation that will ensure a strong paint recycling program can continue to run efficiently, with minimal administrative burden, while continuing to achieve strong waste recycling outcomes. We believe those changes will live up to the key principles noted in the consultation document under "Proposal Details".

We would be pleased to discuss any of the recommendations contained in our submission should you require further clarification.

Sincerely,

Gary LeRoux
President and CEO

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Canadian Paint and Coatings Association Submission to the MECP

Proposed producer responsibility regulation for
Hazardous and Special Products (HSP)

ERO number
019-2836



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Resource Recovery and Circular Economy Act, 2016 Ministry of the Environment, Conservation and Parks

Thanks to the Ministry for allowing the paint and coatings industry to comment on the proposed draft HSP Regulation. We hope the insights below provides a better understanding of how the draft regulation would impact the paint and coatings industry in Ontario. This submission addresses concerns related to accessibility and other proposed requirements and how those fit within the key principles envisioned for the regulation noted in the "Proposal Details." We believe some of the suggestions below on how the HSP Regulation should be developed will help Ontarians retain a world-class paint recycling program it now has, one that has consistently delivered strong paint waste recovery in Ontario and on which other countries have modelled their paint recycling programs such as the United States and Australia.

Background

Since 1913, the Canadian Paint and Coatings Association (CPCA) has represented Canada's major paint and coatings manufacturers, and their industry suppliers and distributors in three primary product categories: architectural paints, industrial products and automotive coatings. In Canada, CPCA members have more than 261 paint manufacturing establishments, own more than 3,000 retail outlets, supply products to another 5,000 retail stores and more than 7,500 auto body shops. This represents annual retail sales of more than \$12.3 billion with direct, indirect and induced jobs at 125,316. For Ontario it represents \$1.8 Billion in GDP, \$647 Million paid in taxes, and 86,300 direct and indirect jobs.

Product Care Association, the current Industry Stewardship Organization (ISO) for paint and coatings, is a federally incorporated not-for-profit organization that operates extended producer responsibility programs across nine Canadian provinces including 8 paint, 3 household hazardous waste ("HHW"), 4 lighting and 1 alarm programs, as well as a lighting program in Washington State).

Product Care operates the industry stewardship programs (ISPs) in Ontario for the paint and coatings program launched on June 30, 2015, and for the pesticide, solvent, and fertilizer (PSF) program approved on April 1, 2016.

Product Care represents the obligated paint stewards in Ontario (manufacturer/producer) responsible for paint waste recovery, which represents 99.94 % of the market for the Paint ISP. The current paint recycling program in Ontario is robust and has been operating exceptionally well for CPCA

members and Ontarians over the past five years under PCA, consistently meeting targets, which is often challenging for a consumable product like paint as explained below.

Since Product Care began managing the paint recycling program it has collected more than 53,800 tonnes of paint, recycled more than 31,000 tonnes of paint, including metal and plastic paint cans and paint pails, as of year-end 2020. Product Care actively worked with the producers and increased accessibility by more than 43% since taking over the program.

The paint ISP program began with a total of 277 municipal and return to retail collection sites in 2015, which has increased by over 50% to 424 R2R collection sites in 2021, without any regulatory requirement.

Municipalities manage their own events and in 2019, there were 298 municipally run events. Product Care continues expanding the collection network in 2021 and is also adding new metal paint collection bins starting in April 2021, which will see a more secure and user safe paint collection container. All of this conforms with the stated principle for the proposed HSP regulation related to environmental outcomes as noted in the "Proposal Details," that is, it ["provides a robust, convenient collection network across Ontario so that consumers can easily drop off their HSP for recycling or proper disposal."](#)

The "Proposal Details" included in the draft HSP regulation outlines "key principles" for the proposed regulation going forward. The paint industry, under Product Care, already



subscribes to key principles under "Environmental Outcomes," namely: *"manages end-of-life products in a safe and environmentally sound manner" and "provides a robust and convenient collection system across Ontario easily accessed by Ontario residents," while "reducing the use of virgin raw materials."* In 2019 the paint industry recovered 15 Million kilograms of waste paint in Ontario, enough to paint 296,800 average sized homes, recovering more than 10,000 tonnes annually.

The paint sector fulfills another key principle noted in the "Proposed Details" under "Reducing Costs and Burden for Business" given the fact Product Care currently, *"provides flexibility for how producers collect and manage their products at end-of-life to meet regulatory obligations; allows them to contract with other organizations (private and public service providers) in order to meet their regulatory obligations," and "encourages a sustainable system for industry and consumers by lowering costs, promoting consistency and ensuring ease of access."* It is hoped that this can continue under the proposed HSP regulatory requirements.

Under the principle of "supporting economic growth and innovation" there are key aspects envisioned for the proposed draft regulation such as *"reducing taxpayer burden by shifting responsibilities and costs related to the collection of HSP to producers."* This too already exists under the current regulation wherein the paint industry pays 100% of the costs of recycling as they 'internalize' fees for waste recycling. This has and continues to assure municipalities will not have to cover the costs of paint waste recycling via municipal taxes and a positive impact for ratepayers. It further adds to this objective given that the majority of paint waste collection costs in Ontario currently goes to municipal service providers and thus a positive impact on municipal budgets.

A section the "Proposed Details" relates to the "Analysis of regulatory impact" for the draft HSP Regulation, which states that it is meant to achieve the following, in quotes below, followed by questions raised by CPCA members:

"We estimate that the proposed regulation could moderately reduce the administrative cost to business."

- What is the MECP's estimated 'moderately reduced' administrative cost to business per the proposed HSP regulation outlined in the regulatory impact analysis?

"Under a producer responsibility framework, producers can achieve operational cost savings in several ways, including through the following:"

"negotiating pricing and contracts with service providers at lower prices"

- On what basis are lower prices expected for municipal or private sector service providers if the regulation ends up being highly prescriptive with little or no room to negotiate better prices? And, how is this the case when application of the draft formula increases costs of paint program operations substantially?

"contracting larger volumes of materials to larger businesses that can operate more efficiently due to economies of scale"

- In principle this seems well founded as per the reference to larger contract volumes for larger companies, but it seems to negate the need for more 'competition' as envisioned in the RRCEA?

"re-designing their products"

- Re-designing products has always been on the agenda of paint companies. This is a constant preoccupation for all producers from a business perspective as they seek to improve their competitive edge in the marketplace, while selling more sustainable products at reasonable prices to more demanding consumers.

"investing in new innovative waste management technologies and practices"

- The paint industry has made substantial investments in R&D and continues pushing the envelope on new technology and innovation. That innovation has led to the current situation in Canada wherein water-based or latex paint (with low or no VOCs) now represent 97 percent of the architectural segment in Canada. It has reduced low-level VOC emissions over the past ten years by 42 kilotonnes as per a study by Environment and Climate Change Canada, the equivalent of taking 3,280,000 cars off the road annually. **All paint and coatings** products are deemed safe for both human health and the environment per extensive federal regulations imposed in 2006 with new regulations impacting paint now undergoing review to reduce both environmental and human health impacts, the latter is not within the purview of this regulation for waste recovery.



1. Hazardous and Special Products (HSP) Paint Product Definition

Draft HSP Regulation

Below are the paint industry recommendations for the HSP regulation for paint in Ontario that would subscribe to the key principles outlined for this regulation in the guiding principles and that would ensure Ontarians continue to have access to a robust and efficient paint recovery program for better environmental outcomes. The recommendations ensure the existing paint recovery program remains in place and where necessary enhanced where it is efficient to do so.

HSP Paint Product Definition

Paint and Coatings: Apparent Expansion in Product Definition of Paint and Coatings in the Hazardous and Special Products (HSP) (section 1)

The paint and coatings definition as proposed in the HSP regulation in section 1 states:

"paints and coatings" means latex, oil or solvent-based coatings, including paints and stains, whether tinted or untinted, but does not include paints and coatings supplied in containers that have a capacity greater than 30 litres;

The Stewardship Ontario (SO) MHSW steward rules define "paints and coatings" as:

"Paints and Coatings means latex, oil and solvent-based architectural coatings including paint and stains whether tinted or untinted" in a container size of up to 30L." (emphasis added)

'Architectural' is used to reference paint and coatings in all federal regulations under CEPA (1999) and other federal legislation. It is widely recognized by industry globally as a category distinct from other paint and coatings segments.

The approved Product Care Industry Stewardship Plan (ISP) used the same definition for paint and coatings as well as:

- adding all aerosol paints, not limited to architectural
- adding non-pesticide marine coatings
- setting a maximum container size of 25 L

Also, it is noted that the Ontario paint and coatings definition was interpreted to include bitumen-based foundation, roof and driveway coatings, which are not included in other provinces. As such we would suggest that it not be included in this HSP regulation.

▪ Recommendations

1.1 The definition of "Paints and Coatings" in the HSP regulation be revised to match the current ISP paint and coatings definition in order to avoid confusion for Producers and collection sites alike.

"Paints and Coatings means latex, oil and solvent-based architectural coatings including paint and stains whether tinted or untinted" in a container size of up to 25L."

1.2 For consistency with paint and coating definitions across Canada, exclude bitumen-based foundation, roof and driveway sealers and coatings as required products under the paint and coating definition.



2. Accessibility

Accessibility Requirements

Pursuant to s. 10 of the proposed HSP regulation, producers of Category B products are required to establish and operate a collection system with specific criteria regarding the number and location of both sites and events. The required number of collection sites and events are different for large and small producers (as defined in s. 9(3)).

The requirements in s.10(3) for large paint Producers are to establish and operate both collection sites and a parallel event collection system:

s.10(3) 1. In each local municipality with a population of 5,000 or more..."

- i. If the population is 500,000 or less, the producer shall establish and operate at least one HSP collection site for every 40,000 people or portion thereof.
- ii. If the population is more than 500,000, the producer shall establish and operate at least 15 HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 150,000 people or portion thereof for the portion that surpasses 500,000.

s.10(3) 2. in each territorial district with a population of 1,000 or more, as reported by Statistics Canada in the most recent official census, the producer shall establish and operate at least one HSP collection site at which the applicable hazardous and special product is collected.

s.10(3) 3. In each local municipality with a population of 5,000 or more, as reported by Statistics Canada in the most recent official census, the producer shall establish and operate HSP collection events at which the applicable hazardous and special product is collected, as follows:

- i. If the population is 500,000 or less, the producer shall establish and operate at least one HSP collection event for every 75,000 people or portion thereof.
- ii. If the population is more than 500,000, the producer shall establish and operate at least seven HSP collection events for the first 500,000 people, and at least one HSP collection event for every 150,000 people or portion thereof for the portion that surpasses 500,000.

Below is an analysis of the anticipated disruption that would be caused by the application of the draft HSP accessibility paint formula to the current collection system is provided below.

Product Care constructed a spreadsheet to apply the above criteria to Ontario local municipalities in order to quantify the accessibility requirements and compare them to the existing Ontario paint collection site and event networks.

The table below provides a summary of the results of this comparison:

Current Product Care Accessibility vs. HSP Proposed Accessibility				
	Current Municipal sites	Current Return to Retail Sites	Total Number of Collection Sites	Current Number of events
Current Paint Accessibility	100	311	411	298
HSP Proposed Accessibility			436	321

The application of the proposed collection system requirements has the effect of creating a large "shortfall" of both sites and events as well as "excess" sites and events, compared to the current paint collection system. Shortfall sites are the number of sites that would need to be added to the current system, in various municipalities, as a result of the proposed HSP regulation and excess sites are current paint collection sites that would no longer be required.

By way of example, the tables below show the effect of the application of the draft HSP paint accessibility formula when applied to Simcoe County and the Region of Peel.



Simcoe County consists of 2 single tier communities (Barrie and Orillia) and the remainder of Simcoe county as an Upper Tier geographic area made up of 19 lower tier communities. Applying the HSP formula to all of Simcoe County results in a shortfall of 9 sites, and at the same time, 7 existing sites will no longer be required.

As with most other Ontario municipalities, no events are conducted in Simcoe County, and therefore there is also a shortfall of 19 events when the HSP events formula is applied.

As a result, Simcoe County would have both a shortfall of 28 sites/events and 7 excess sites.

Geographic Area	Population	Region/District/County	No. of Sites Required by Formula	No. of Existing MUNI Sites	No. of Existing R2R Sites	Total Muni + R2R sites	No. of Shortfall Sites	No. of Excess Sites	No. of Events Required	No. of Existing Events	No. of Shortfall Events	No. of Excess Events
Barrie	141,434	Simcoe County	4	1	5	6	0	2	2	0	2	0
Innisfil	36,566	Simcoe County	1			0	1	0	1	0	1	0
Bradford West Gwillimbury	35,325	Simcoe County	1	1	1	2	0	1	1	0	1	0
New Tecumseth	34,242	Simcoe County	1			0	1	0	1	0	1	0
Orillia	31,166	Simcoe County	1	1	1	2	0	1	1	0	1	0
Collingwood	21,793	Simcoe County	1			0	1	0	1	0	1	0
Essa	21,083	Simcoe County	1	1	1	2	0	1	1	0	1	0
Oro-Medonte	21,036	Simcoe County	1	1		1	0	0	1	0	1	0
Wasaga Beach	20,675	Simcoe County	1		1	1	0	0	1	0	1	0
Springwater	19,059	Simcoe County	1		1	1	0	0	1	0	1	0
Midland	16,864	Simcoe County	1	1	1	2	0	1	1	0	1	0
Clearview	14,151	Simcoe County	1	1	1	2	0	1	1	0	1	0
Severn	13,477	Simcoe County	1			0	1	0	1	0	1	0
Tiny	11,787	Simcoe County	1			0	1	0	1	0	1	0
Adjala-Tosorontio	10,975	Simcoe County	1			0	1	0	1	0	1	0
Tay	10,033	Simcoe County	1			0	1	0	1	0	1	0
Ramara	9,488	Simcoe County	1			0	1	0	1	0	1	0
Penetanguishene	8,962	Simcoe County	1			0	1	0	1	0	1	0
Mnjikaning First Nation 32	878	Simcoe County	0			0	0	0	0	0	0	0
Christian Island 30	614	Simcoe County	0			0	0	0	0	0	0	0
Christian Island 30A	42	Simcoe County	0			0	0	0	0	0	0	0
		Total	21	7	12	19	9	7	19	0	19	0

Peel Region is a geographic area which is an Upper Tier municipality with a population of almost 1.4M and is made up of 3 lower tier municipalities. When the HSP accessibility formula is applied to Peel Region's municipalities, the resulting requirement is 30 new collection sites and events.

Peel region currently has 22 existing sites and conducted one event in 2019 and collected 653,428 KGs of paint. The HSP requirement for Peel Region requires an additional 13 sites and 17 events, despite Peel Region previously moving away from events.

In total, Peel Region would have a shortfall of 13 sites and 17 events, see the chart below.

Geographic Area	Population	Region/District/County	No. of Sites Required by Formula	No. of Existing MUNI Sites	No. of Existing R2R Sites	Total Muni + R2R sites	No. of Shortfall Sites	No. of Excess Sites	No. of Events Required	No. of Existing Events	No. of Shortfall Events	No. of Excess Events
Mississauga	721,599	Peel Region	17	2	9	11	6	0	9	1	8	0
Brampton	593,638	Peel Region	16	2	7	9	7	0	8	0	8	0
Caledon	66,502	Peel Region	2	2		2	0	0	1	0	1	0
		Total	35	6	16	22	13	0	18	1	17	0



The net effect of applying the proposed HSP accessibility criteria to the Ontario municipalities is shown in the tables below.

Paint	Collection Sites						Events			
	No. of Sites Required by Formula	No. of Existing MUNI Sites	No. of Existing R2R Sites	Total Muni + R2R sites	No. of Shortfall Sites	No. of Excess Sites	No. of Events Required	No. of Existing Events	No. of Shortfall Events	No. of Excess Events
Proposed HSP Accessibility Requirements Summary										
Ontario										
All Single/Lower Tier Regions + Territorial Districts	436	100	311	411	127	102	321	298	226	203

Paint	Total Sites + Events		
Proposed HSP Accessibility Requirements Summary	Total No. of Sites + Events Required	TOTAL Shortfall Sites or Events	Total No. of Excess Sites or Events
Ontario			
All Single/Lower Tier Regions + Territorial Districts	757	353	305

It is estimated that the cost of adding 127 permanent sites and 226 events could increase the current paint program operating costs in Ontario by as much as 50% (**\$8 million annually**) based on average annual municipal site costs and typical event costs. Other scenarios produce similar results and impacts. This does not support the stated principle for the proposed HSP regulation as noted in the "Proposal Details": "We estimate that the proposed regulation could **moderately reduce the administrative cost to business.**" It does not.

Recommendations

2.1 Use an Upper Tier and Single Tier approach to accessibility.

The approach to determine accessibility for a large Producer should be based on Upper and Single tier municipalities, rather than single and lower tier municipalities as required by the draft HSP regulation. Currently waste management is managed at the Upper tier level by many municipalities, and currently a large number of lower tier municipalities do not provide waste management services.

- An upper-tier municipality means a municipality of which includes two or more lower-tier municipalities.
- A single-tier municipality is not part of an upper-tier municipality for municipal purposes and assumes all municipal responsibilities set out under the Municipal Act and other Provincial legislation.
- Of Ontario's 444 municipalities, 241 are lower tier, grouped into 30 upper tier municipalities, and there are 173 single-tier municipalities.
- The table below shows a summary of the required accessibility under the upper and single tier model using the municipal population criteria of 10K minimum population, 1 site/50K up to 500K and 10 sites for first 500K plus 1 site/100K over 500K.

Paint	Collection Sites						Total Sites + Events		
	No. of Sites Required by Formula	No. of Existing MUNI Sites	No. of Existing R2R Sites	Total Muni + R2R sites	No. of Shortfall Sites	No. of Excess Sites	Total No. of Sites + Events Required	TOTAL Shortfall Sites or Events	Total No. of Excess Sites or Events
Proposed Accessibility Requirements Summary									
Ontario									
All Upper /Single Tier Regions + Territorial Districts	264	100	311	411	12	172	264	12	172



- This preferred approach is based on a reasonable application of the requirement and will substantially reduce the disruption of the existing system for paint, both municipal and return-to-retail sites, with which consumers are well acquainted. This approach also subscribes to another key principle noted in the 'Proposal Details, 'namely, "encouraging a sustainable system for industry and consumers by lowering costs, promoting consistency and ensuring ease of access." **It is the approach that best aligns with all the principles noted with respect to environmental outcomes, reducing costs and burdens on business, while supporting economic growth and innovation.**

2.2 Moderate the population criteria which determine the number of paint collection sites required.

The population settings and increments are inconsistent between products and categories of products and have the effect of increasing the number of sites per population. The current proposed HSP accessibility factors would require **436 paint sites**, each site servicing an average Ontario population of 31,000 people, while the factors for pesticide/solvent/ pressurized containers, for comparison, would result in requiring **168 sites**, each servicing an average of 81,000 people. This is a large discrepancy.

It is recommended that the HSP regulation moderate the population settings for paint and apply them to Upper/Single tier municipalities, as follows;

- 1) *In each local municipality with a population of 10,000 or more, as reported by Statistics Canada in the most recent official census,*
- 2) *If the population is 500,000 or less, the producer shall establish and operate at least one HSP collection site for every 50,000 people or portion thereof.*
- 3) *If the population is more than 500,000, the producer shall establish and operate at least 10 HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 100,000 people or portion thereof for the portion that surpasses 500,000.*

Any concern regarding coverage within a single or upper tier municipality could be managed by reference to the RPRA HSP Collection, Processing and Disposal Procedure.

2.3 Remove parallel event requirement, but allow events or excess sites to offset gaps in collection sites

The HSP requires an event collection system to operate in every municipality in parallel with the collection site system. The proposed HSP event requirement requires 321 events to occur annually which represents 42% of the total number of collection sites and events. **The 298 events operated in 2019 collected only 15% of the total paint collected that year.** Currently events are only conducted in 87 of the 444 Ontario municipalities and the number of events is generally in decline as they are recognized to be a less convenient, and a much less effective collection method. Municipalities such as Niagara Region, Simcoe County, York Region and others have moved away from hosting events in favour of permanent collection sites. It is a very costly proposition with little paint waste recovery.

It is recommended that:

- a) There be no requirement in the HSP to establish or operate a parallel event collection system, and
- b) Events can be used to cover collection site shortfalls as may be needed, but not be otherwise required.

This preferred accessibility approach based on Upper Tier/Single Tier municipalities would ensure that Ontarians continue to have access to a best of breed waste recovery program that is not only accessible, but with proven efficiencies that minimize cost and administrative burden for both producers and consumers, all while achieving environmental outcomes for a highly consumable product like paint.



3. Management Requirements

Description of Requirements

Part IV of the HSP draft regulation describes the requirements for the management of HSP materials. Management of Category "B" products.

For paint, s. 20 (1) states:

"If a producer of Category B Products collects Category B Products, the producer shall ensure that the weight of recovered resources from the collected HSP has been, by the end of the calendar year in which the HSP was collected,

- a) managed in accordance with the HSP Collection, Processing and Disposal Procedure and
- b) processed in accordance with the HSP Collection, Processing and Disposal Procedure by a processor,
 - i. [...]
 - ii. who has an average recycling efficiency rate of at least, [...]
- c) 70 per cent, with respect to paints and coatings, beginning in the 2022 calendar year, [...]

■ Recommendations

Remove management target for paint

The original paint recycling rate was approved in the Final Consolidated Municipal Hazardous or Special Waste Plan Volumes I and II, 2009. Based on a Product Stewardship Institute study, it assumed 10% of paint was available to collect and 100% of the containers were available to collect.

In practical terms, one is unable to predict consumer behaviour and when or if they will drop off unused paint. Anecdotally paint sits in homes and garages for year or more before someone physically removes it and drops it off at a collection site. Stored paint becomes hardened or frozen and is unusable for recycling. The amount of unusable paint (not including the cans) was 39% in 2020 of all the paint recycled.

The trend has shifted for the majority of 3.78L paint cans from being metal, when the study was conducted, to a black plastic (PP#5) paint can, which most paint manufactures use today. Recycling plastics is a worldwide issue, recycling black plastic is more challenging. To date the ISO has only found 2 companies in Canada willing to recycle black plastic paint cans. It is recommended that paint Recycling Efficiency Rate be removed from the HSP regulations.



4. Types of Generators Served by the Program (no section reference)

The Stewardship Ontario MHSW program and the Product Care ISP paint programs are both limited to waste paints and coatings generated by residential consumers, and small quantity industrial, commercial and institutional (ICI) Generators, as specified in the Minister's Program Request Letter to SO dated December 12, 2006. Currently the Product Care paint ISP program excludes generators who are HWIN (Hazardous Waste Information Network) registered generators, who are required to manage their own waste paint. HWIN is defined in R.R.O. 1990, Reg. 347: General – Waste Management under Environmental Protection Act, R.S.O. 1990, c. E.19.

The proposed HSP regulation contains no limitation as to the type of generator the program is required to service. This is consistent with the paint stewardship regulations in all other Canadian provinces.

▪ Recommendation

It is proposed that the HSP definition for paint include limiting sectors to the current Industry Stewardship Plan (ISP) program definition, which includes paint that is supplied to residential and designated small quantity Industrial, Commercial and Institutional (IC&I). Currently there are very limited collection system options for large quantity ICI users. This will provide continuity and less confusion at collection sites as the paint program transitions, and can be reconsidered at a future time when options to service this user sector are identified.

5. Empty Containers

The HSP regulation, part II, section 3 (2) states "*this regulation does not apply to the following products, regardless of whether or not they would fall into one or more categories of HSP:*

- i. *Subject to subsection (3), blue box materials, as defined in subsection 2 (1) of the proposed Blue Box regulation (posted on the Environmental Registry of Ontario as ERO number 019-2579) to be made under the Act.*
- ii. *Packaging, including but not limited to corrugated boxes, boxboard boxes, plastic film, shrink wrap or printed materials.*

and

(3) Despite subsection (2), empty containers that no longer contain Category B Products and that are also blue box materials, as defined in subsection 2 (1) of the proposed Blue Box regulation, except for empty oil containers and refillable pressurized containers, may be collected and managed under either this Regulation or the proposed Blue Box regulation."

The proposed Blue Box regulation states: "*Blue Box materials does not include the following materials...material included in the Municipal Hazardous or Special Waste Program, if that program is in operation under the Waste Diversion Transition Act, 2016."*

▪ Recommendation

Allowing Ontario residents to place their empty HSP paint containers in the Blue Box will add convenience for all Ontario residents and have the affect of increasing recycling in the Province and reducing costs overall. Producers recommend allowing empty paint containers, that are designated Blue Box materials under the proposed Blue Box regulations, be accepted in the Blue Box for recycling.



6. Total Weight Reported by Producers (calculated weight)

Under Part VII Reporting, Auditing and Record Keeping Producers there is a requirement to submit to the Authority the "total weight" of HSP supplied Products as described in Section 30.(1)

"...shall submit a report to the Authority, through the Registry, that contains the [total?] weight of each applicable HSP within each applicable category of HSP that the producer supplied in Ontario in 2018, 2019 and 2020."

Each similar product classified under each category may have a different weight based on each producer's product or packaging. A can of paint will have weight variants between manufacturers, which when extended over hundreds of thousands of paint cans can be significant and may provide an advantage, or disadvantage from one Producer to the next.

■ Recommendation

Producers should be made to use a common conversion rate for same sized/type of products. The table below shows the current conversion rates for paint, pesticides, solvents and fertilizers.

Ontario - Conversion Factors	
Reporting Unit	Convert to KGs
PAINT	
Paint - 100 ml to 250 ml	0.33
Paint - 251 ml to 1 Litre	1.14
Paint - 1.01 Litres to 5 Litres	4.53
Paint - 5.01 to 23 Litres	21.29
Aerosols - Aerosols Any Size	0.42

7. HSP Collection Sites

Sharing collection sites amongst Producers – Part III Section 13 (2) states *"For greater certainty, an HSP collection site may be operated by or on behalf of one or more producers and may be relied on by one or more producers to satisfy the requirements set out in sections 10 and 12."*

Sharing collection sites with Producers of a PRO provides efficiencies and avoids duplication of sites and expense. Producers associated with other PROs should not be able to satisfy their accessibility requirement by "claiming" a collection site not associated with their PRO.

■ Recommendation

Any Producer who refers to a collection site, other than a collection site associated with their PRO, cannot do so without a legal agreement.

For more information contact:

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