



Hamilton

City of Hamilton
Public Works Department - Environmental Services Division
Mailing Address: 71 Main St. W., Hamilton, ON L8P1H6

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Submitted to ERO# 019-2836

Alison Deng, Senior Policy Advisor
Resource Recovery Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, 8th floor
Toronto, ON M4V 1M2

Re: ERO# 019-2836: Proposed producer responsibility regulation for Hazardous and Special Products (HSP)

Thank you for the opportunity to provide feedback on proposed producer responsibility regulation for the Hazardous and Special Products program.

As a member of the Regional Public Works Commissioners of Ontario (RPWCO), the City of Hamilton is providing comments on the proposed Regulation and proposed regulatory amendments to Ontario Regulation 101/94 to make producers responsible for operating the Hazardous and Special Products program ("Regulation").

The following comments represent sections of the proposed Regulation that the City of Hamilton has concerns with, would like the MECP to consider, or would like additional information on:

1. The new HSP Regulation is expected to be fully in effect on July 1, 2021, subject to all necessary approvals being obtained. Municipalities are concerned that this is a short time frame for all stakeholders to plan for the program changes to operate the HSP program.
2. The proposed HSP regulation should include Producer management requirements for refillable propane cylinders. (refer to Part 1 – Definitions, page 6)
Excluding Producer management requirements for refillable propane cylinders would place additional pressure on municipal HSP depots to collect this product and deal with the associated operating costs.
3. The proposed HSP regulation currently indicates that, "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

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managed under either the proposed HSP Regulation or the proposed Blue Box regulation.” (refer to Application section (3), item 3)

This may cause confusion for consumers to determine the appropriate collection program to handle these empty containers and doesn't clearly indicate which Producers are responsible for the costs associated for the management of these empty containers. The preference is to include these containers as part of the proposed HSP Program.

4. Producer exemptions included in section 8 of the proposed regulation should be removed. (refer to Exemptions, section 8)

The concern with allowing exemptions for Producers is that that municipal HSP depots will continue to have greater operating and financial responsibility for the management of HSP products.

5. The Producer's responsibilities for call-in collection requirements should be revised to make Producers responsible for collecting HSP materials which have been illegally dumped at municipal HSP depots. (refer to Call-in collection, section 11, item 1)

The concern is that dealing with illegally dumped HSP materials will place additional operational and financial burden for municipal HSP depots.

6. The proposed Regulation requires municipal collection sites to record information for hazardous and special products accepted in excess of 25 kilograms per day per person. (refer to HSP collection sites, section 13, sub-section 1, item 6)

Municipal collection sites and events should be exempted from the requirements in section 13(1)(6) since this will place additional operating requirements for municipalities.

7. The number of HSP collection sites may be reduced if Producers “distribute adequate containers, where appropriate, for the collection of the HSP, at no charge”. (refer to Reduction in HSP collection sites, section 15, sub-section 1(b))

Additional information should be provided to clarify the requirements for the supply and distribution of these containers for the HSP program.

8. The management requirements identified in Part IV of the proposed Regulation should be amended to include management requirements for Category D products, i.e. fertilizers.

9. In addition to the promotion and education requirements outlined in Part V of the proposed Regulation, Producers should be required to provide at least one direct educational piece to every household once per year. This is recommended to reinforce positive consumer behaviours to keep harmful substances out of the environment and protect human health.

10. The proposed Regulation identifies that “mercury-containing devices must be provided for collection to the municipality through municipal depots provided by the municipality”. (refer to Producers of Category C Products, section 23, sub-section 1, item 1)

This clause should be amended because a portion of municipal HSP depots are not set up to accept mercury-containing devices. Additional financial and operating support should be provided to municipal HSP depots to allow them to collect mercury-containing devices.

11. It is strongly recommended that the RPRA consults with stakeholder groups including municipalities for the development of the “HSP Collection, Processing and Disposal Procedure”, particularly if this procedure has an impact on stakeholders, i.e. municipal HSP depots.

The following comments are in support of the proposed Regulation:

1. Strategies that reduce HSP waste which considers environmental responsibility, economic requirements and social accountability.
2. The Ontario Government’s goal to shift the responsibility and costs associated with the collection and management of HSP to producers and reduce burden on taxpayers.

The City of Hamilton respectfully requests the MECP’s consideration of the above comments. Thank you for the opportunity to comment on the proposed HSP regulation. The City of Hamilton remains committed to working with MECP on the requirements for the transition of the HSP program.