

March 25, 2021

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## Public Works

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### **RE: Amendments to the Transitional Operating Agreement between the Minister of the Environment, Conservation and Parks and the Resource Productivity and Recovery Authority (RPRA) (ERO #019-2886)**

Dear Ms. Friesen:

We are writing to you in response to the proposed amendments to the Minister's Transitional Operating Agreement with the Resource Productivity and Recovery Authority (RPRA) and also in regards to the need for an independent and properly resourced and funded RPRA, which the proposed and other recent changes will impact.

#### **A strong, independent and well-resourced RPRA**

Strong, independent program oversight is essential to achieve the provincial interests identified in the Waste-Free Ontario Act, 2016 and to hold producers accountable for their actions, or inactions. As the Ministry may be aware, a fundamental flaw in the previous legislation was that the former oversight organization, Waste Diversion Ontario, was not allocated the proper resources nor mandated with powers to fulfill an oversight role. This flaw resulted in the following:

- Limited ability to address free riders or to provide adequate oversight over waste collectors and processors;
- Lack of proper oversight of Industry Funding Organizations and the limited ability to hold them to account for not meeting established outcomes; and
- Lack of data to inform policy decision making and to identify potential issues.

The Region adamantly believes effective oversight and program success can only be achieved if RPRA is adequately supported with minimal interference from external groups such as the proposed advisory councils and unencumbered by needless reporting requirements.

We are concerned that involvement of advisory councils, which would be made up of industry representatives that routinely call for RPRA to be defunded and/or its oversight be limited, will result in an inadequately resourced authority that will

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have difficulty in managing the amount of activity anticipated over the next few years. These activities include:

- The transition of Ontario's blue box program with funding allocation updates, registration requirements, standards development, and performance monitoring;
- The implementation of the new electronic and electrical equipment (EEE) regulation, and forthcoming hazardous and special products (HSP) regulation;
- The creation of a new electronic manifest system;
- Adapting the registry to support reuse of excess soil, such as tracking systems, soil matching systems and other non-regulatory programs; and
- Oversight of existing (tires, batteries, EEE) and forthcoming recycling programs (HSP, blue box).

All of these initiatives need to be properly resourced to ensure they can be executed properly.

We are also aware and concerned that RPRA has recently lost several key members of its Executive Team and question the signal that it sends. This is a significant loss in industry expertise within the organization. We recommend that the Ministry, rather than limit oversight, signal strong support of RPRA to ensure they are properly resourced to fulfill their role of oversight and enforcement.

**Administrative Monetary Penalties regulation**

In line with the above commentary on oversight, the Region is also concerned about the timely, or lack thereof, development and implementation of the Administrative Monetary Penalties regulation. This is a key enforcement mechanism to ensure a level playing field for producers and to ensure management targets and other regulatory requirements are met. It is our recommendation that an Administrative Monetary Penalties regulation be moved forward as soon as possible and, at the same time, that RPRA be provided the necessary tools and oversight to enforce the regulation.

We would be more than pleased to discuss these items in more detail with you at your earliest convenience

Sincerely,



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