

January 4, 2022

John Fox
Resource Recovery Policy Branch
40 St. Clair Avenue West, 8th Floor
Toronto, ON M4V 1M2

Dear Mr. Fox,

Re: 019-4656 - Proposed amendments to the producer responsibility regulations for tires, batteries and electrical and electronic equipment made under the Resource Recovery and Circular Economy Act

The Ontario Waste Management Association (OWMA) and its members welcome the proposed amendments to O. Reg. 225/18 (Tires), O. Reg. 30/20 (Batteries) and O. Reg. 522/20 (Electrical and Electronic Equipment) as a step in the right direction for necessary changes to divert more waste from landfills and support growth of the circular economy. The proposed amendments help achieve better balance between reducing unnecessary red tape and ensuring transparency to hold individuals accountable to meet their obligations under the regulations.

Notably, OWMA strongly supports the proposed changes to the Electrical and Electronic Equipment (EEE) Regulation (O. Reg. 522/20) that will increase the management target for information technology, telecommunications and audio visual (ITTAV) equipment from 60 to 70 per cent in 2023 and from 65 to 70 per cent in 2024. This is **a positive step by the government** that will make it easier for consumers to recycle and support investment and job creation in recycling.

Regarding other proposed amendments to the regulations, OWMA, on behalf of our 250 public and private sector members, provides the following comments:

Batteries (O. Reg 30/20):

The OWMA commends and appreciates added promotion and education requirements regarding visibility of fees. However, we would like further clarification on the following:

Expanded Definitions

The proposed changes should consider amending the definition of battery to be greater than five kilograms to include new material categories such as batteries from e-scooters and e-bikes.

Liability

The producer shared liability provisions for matters such as establishing a collection network and ensuring batteries are collected and managed properly are unclear. It is not certain from these positions who is liable in the event producers or Producer Responsibility Organizations (PROs) fail to comply with the legislation.

Targets

Recycling targets for rechargeable and single use batteries need to be raised. These targets must be higher to:

1. Reduce the use of virgin materials and environmental impacts associated with production (i.e. mining impacts, greenhouse gas emissions, transportation, etc.);
2. Prevent pollution/environmental liabilities when batteries are incorrectly disposed (i.e. landfills, compost facilities, thermal treatment plants, etc.);
3. Encourage producers to educate the public about proper disposal; and
4. Encourage development of Ontario-based processing facilities.

For 2022, the management targets for rechargeable batteries should be set at 80% and for single use batteries at 50%.

Electrical and Electronic Equipment Regulation (EEE) (O. Reg. 522/20)

Liability

Similar to the Batteries Regulation, the producer shared liability provisions for matters such as establishing a collection network and ensuring EEE is collected and managed properly are unclear. It is not certain from these positions who is liable in the event producers or PROs fail to comply with the legislation.

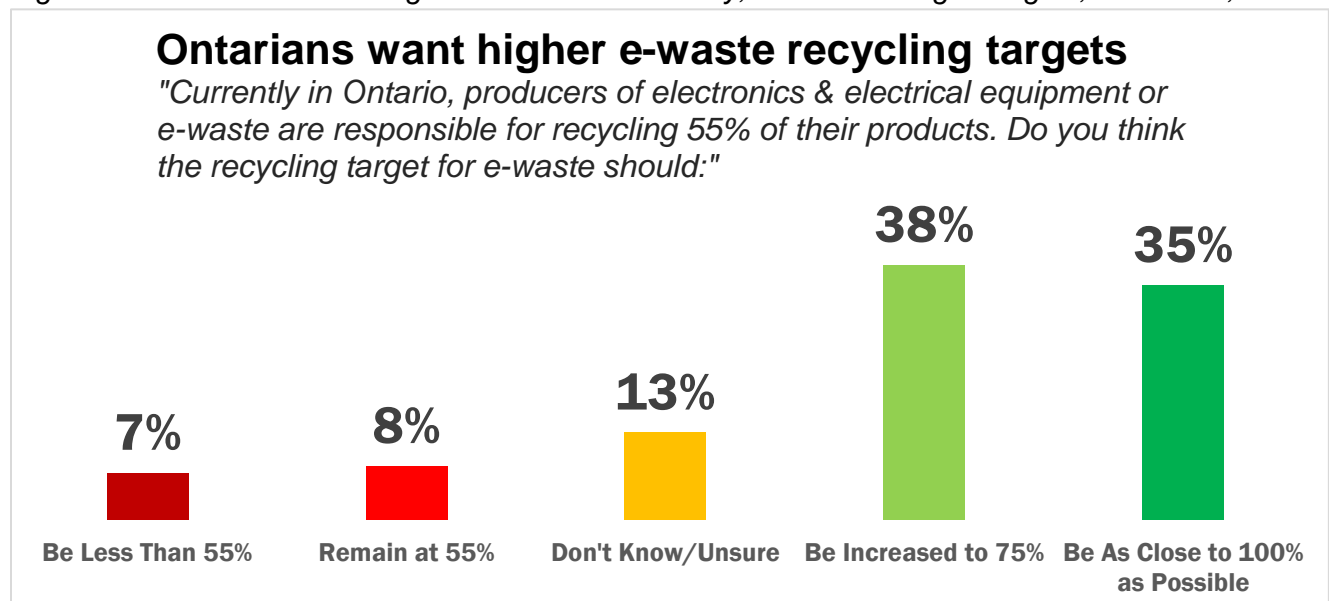
Targets

OWMA strongly supports the proposed changes to the Electrical and Electronic Equipment (EEE) Regulation (O. Reg. 522/20) that will increase the management target for information technology, telecommunications and audio visual (ITTAV) equipment to 70%. Management targets are the

prime driver of waste diversion and investment in recycling. In fact, establishing aggressive targets are so important to enabling the recycling of electronic waste materials, it would be better to have the 70% target commence in 2022, with even further increases to the management target in 2023 to 80%. The proposed amendments, however, are a significant improvement from the current regulation, and will support efforts to create more jobs for Ontarians, more waste diverted from landfills and improved environmental outcomes.

In November 2021, an OMWA-commissioned poll through Pollara Strategic Insights found that **almost three-quarters of Ontarians want higher recycling targets for producers of electronic equipment** (see fig. 1). There is strong public support for aggressive recycling requirements in Ontario.

Fig. 1: Household Waste Management in Ontario Survey, Pollara Strategic Insights, 2021. n=1,001



Reuse Multiplier

The 2X reuse multiplier was not addressed in the amendments and this provision should have been removed. The 2X reuse multiplier in this regulation allows for the reuse of EEE to count as double volume towards a producer meeting their management target, thus providing additional incentive for products that already have value, while removing incentive for more problematic products. This additional incentive for reuse will further reduce diversion rates without adding any economic value or employment to waste processing. OWMA supports reuse and repair as an instrument for waste diversion, however the double credit applied to this stream of materials is not justifiable and will act as a disincentive to recycling by eroding the impact of established management targets.

Lowering of Reporting Requirements for Eco-Fees

The requirements lowering reporting requirements for eco-fees should be removed. Transparency and accountability are necessary to ensure a fair and collaborative system and a move to a more circular economy. Reporting and auditing requirements for visible fees keep everything transparent and should be added back to the regulation.

Promotion and Education Requirements

Promotion and education requirements should not have been lessened. It is important that all stakeholders remain involved and knowledgeable at the same or higher level than the present system, not a decreased level. Full promotion and education requirements are important to ensure that everyone is up-to-date and keeping in accordance with the regulation. These requirements should be added back to the regulation at their original level.

New Material Categories

1. The amendments should consider expanding definitions to include new material categories and products such as domestic appliances.

Tires (O. Reg. 225/18)

Liability

Similar to the Batteries Regulation and EEE Regulation, the producer shared liability provisions for matters such as establishing a collection network and ensuring tires are collected and managed properly are unclear. It is not certain from these positions who is liable in the event producers or PROs fail to comply with the legislation.

Producer Management Targets

Allowing tires that are modified and reused to count towards a producer's management targets is a huge detriment to the system and the environment in general. A regulatory mechanism to incentivize reuse (an activity that has already been happening without incentive) to reduce obligations on recycling (an activity that does not happen without an incentive) could be damaging to the recycling industry. The focus may become to take credit for these materials, as they represent the least cost, while leaving the materials that pose the most environmental risk because they are the costliest to manage.

Management Audits

Management audits should not have been reduced from annually to tri-annually. Having supply data audited by a third party and annual management audits help ensure accountability and transparency for this recycling program.

Reporting and Auditing Requirements

Reporting and auditing requirements for visible fees maintain transparency and should not have been removed.

Promotion and Education Requirements

Promotion and education requirements for producers should not be reduced. Comprehensive promotion and education tactics, such as visible fees, are important to ensure that consumers are educated on the importance of diverting waste through reduction, reuse and recycling activities. It also helps to educate consumers on regulations and diversion programs that have been put in place by the province to support positive environmental outcomes.

Thank you for your consideration of our recommendations. I can be reached at mchopowick@owma.org to schedule a discussion with you and your staff to provide further details and information.

Sincerely,



Mike Chopowick
Chief Executive Officer