
Memorandum

WMPSC-C 14-2024

Subject: Niagara Region Comments on Proposed Amendments to Producer Responsibility Regulations for Tires, Batteries, Electronics, and Hazardous Products

Date: December 9, 2024

To: Waste Management Planning Steering Committee

From: Dave Yousif, Manager, Waste Policy and Planning

Purpose

The purpose of this memorandum is to inform Committee about [proposed amendments](https://ero.ontario.ca/index.php/notice/019-8866) (<https://ero.ontario.ca/index.php/notice/019-8866>) to four producer responsibility regulations concerning tires, batteries, electrical and electronic equipment, and hazardous and special products.

These proposed amendments, introduced by the Ministry of the Environment, Conservation and Parks (MECP), aim to enhance flexibility, reduce administrative burdens and simplify compliance for producers, while maintaining waste reduction and diversion goals. However, there is risk that the proposed changes may undermine waste diversion efforts and reduce service accessibility for Niagara Region residents. This could result in divertible materials being sent to landfills; potentially shortening the Region's landfill lifespan and impacting environmental compliance.

Proposed Amendments

Ontario is proposing 23 changes to four producer responsibility regulations under the Resource Recovery and Circular Economy Act, 2016 (RRCEA): the Tires Regulation, Batteries Regulation, Electrical and Electronic Equipment (EEE) Regulation, and Hazardous and Special Products (HSP) Regulation. A detailed list of proposed changes can be found in Appendix 1.

Key proposals are summarized below into the following categories:

- **Collection:** Changes are being proposed to make it easier for producers to meet collection targets. For example, they could set up temporary collection events

instead of permanent sites, allow collection sites in one community to serve neighbouring municipalities, work with municipalities to use existing services and apply the same rules for population coverage across all four regulations to improve access.

- **Burden Reduction:** The government is proposing to simplify the rules for producers. This includes removing certain requirements like tracking how efficiently materials are recycled, making it easier for small producers to be exempt, and streamlining record-keeping, including eliminating certain reporting requirements.
- **Regulation-Specific Changes:** Some changes are unique to specific programs, like lowering collection target for tires, giving producers more time to meet battery recycling targets and revising reporting requirements for electronics and hazardous materials.

Niagara Region Staff's Responses:

Staff have reviewed the proposed changes and identified areas that could negatively impact the Region. These key impacts include:

- Reduced accessibility and convenience for Niagara residents
- Increased volumes of materials entering landfills or being improperly disposed of
- Continued responsibility for service gaps, associated costs increases and decreased revenues

The following summarizes staff comments on the proposed amendments (see Appendix 2 for the full submission). The MECP commenting period on the proposed amendments was open until October 20, 2024.

1. **Performance Decline:** Since the introduction of producer responsibility regulations, recycling rates have declined for products such as batteries, electrical and electronic equipment, and hazardous special products. Staff recommended that the Province undertake a thorough review to identify the root causes of these declines, and that tactics to improve diversion be included in the proposed amendments.
2. **Lack of Information:** The proposed changes lack detail necessary to evaluate their impact on Niagara. For example, they do not provide exact regulatory wording to clarify producers' obligations for service levels, creating uncertainty about the extent of their responsibilities and impact on Niagara. Staff requested that interested parties

be given the opportunity to review and comment on the draft legal language of the amendments before they are finalized.

3. **Missed Targets and Delays:** The proposed extension of deadlines for achieving key management targets, particularly for batteries and other regulated materials, could slow progress toward waste reduction and recycling goals. For example, extending the timeline for battery recycling targets means producers would have more time before being required to meet collection and recycling standards. This could lead to higher rates of improper disposal, reduced revenue and increased handling costs for the Region. Delays in setting these targets risk undermining the intent of the legislation and its environmental objectives.
4. **Collection Infrastructure:** The proposed amendments would allow producers to meet collection site requirements by organizing temporary events instead of maintaining permanent collection locations. This could reduce access to collection services, particularly in underserved and rural areas, where residents rely on consistent, permanent options.
5. **Accountability Concerns:** Reducing reporting requirements for producers, such as the removal of recycling efficiency reporting requirements, could weaken oversight and make it difficult to ensure that producers are meeting their waste diversion obligations. For instance, without efficiency reporting, it may become unclear whether collected materials are being properly recycled or simply disposed of, undermining the intent of the program. Niagara Region recommends maintaining some form of streamlined end market reporting to ensure accountability.
6. **Expansion of Materials:** The consultation focuses on expanding the list of materials under the EEE program but should also explore expanding obligations for tires, batteries, and hazardous materials. Broadening the scope of producer responsibility would enhance waste diversion efforts and help mitigate or avoid current costs incurred by municipalities associated with managing non-obligated materials.
7. **Drop-off Site Accessibility:** There are inconsistencies between the sites listed by the Resource Recovery and Productivity Authority and those that actually accept materials. Reducing collection targets and allowing more flexibility in providing accessibility could further exacerbate these gaps in service.
8. **Geographic Offsetting:** Niagara Region is concerned that allowing producers to establish collection sites in adjacent municipalities instead of only within Niagara

region boundaries could negatively affect residents' ability to access these services in Niagara.

Conclusion and Next Steps

The Ministry asserts that the proposed amendments will not impact the intended outcomes of waste reduction and diversion. However, the AMO 2023 Ontario Waste and Recycling report highlights a decline in material collection and recycling rates across the province since the introduction of the producer responsibility framework. For example, the collection of EEE dropped by approximately 40% from a peak in 2013 to 2021, and HSP collection fell by around 25% between 2019 and 2021. Battery recycling performance declined significantly in 2021, with producers managing only 12% of the calculated supply for single-use batteries and 13% for rechargeable batteries. This trend raises concerns about the effectiveness of the current program and the impacts of proposed changes.

Although the government's goal is to simplify compliance, staff believe that these amendments could undermine the legislation's waste diversion objectives and reduce service accessibility for residents; all while municipalities continue to bear the financial burden.

Given these concerns, staff recommended that the Ministry undertake a more detailed review and analysis before finalizing the amendments. Additionally, staff plan to continue to collaborate with other municipalities and key interested parties to advocate for changes that will strengthen waste diversion efforts and ensure the long-term sustainability of producer responsibility programs. This coordinated advocacy will emphasize the need for maintaining robust collection targets, enhancing accessibility, and ensuring producer accountability through transparent reporting.

Respectfully submitted and signed by

Dave Yousif
Manager, Waste Policy and Planning

Appendices

Appendix 1	MECP Plain Language Description of Proposed Regulatory Amendments
Appendix 2	Niagara Region Detailed Comments Submitted to MECP