

## 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

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### 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

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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

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**Appendices**

Appendix 1      MECP Plain Language Description of Proposed Regulatory Amendments

Appendix 2      Niagara Region Detailed Comments Submitted to MECP

## **PROPOSED AMENDMENTS TO FOUR PRODUCER RESPONSIBILITY REGULATIONS FOR TIRES, BATTERIES, ELECTRICAL AND ELECTRONIC EQUIPMENT, AND HAZARDOUS AND SPECIAL PRODUCTS**

### **PREAMBLE**

Ontario is proposing changes to the following four producer responsibility regulations under the Resource Recovery and Circular Economy Act, 2016 (RRCEA):

- the Tires Regulation (O. Reg. 225/18)
- the Batteries Regulation (O. Reg. 30/20)
- the Electrical and Electronic Equipment (EEE) Regulation (O. Reg. 522/20)
- the Hazardous and Special Products (HSP) Regulation (O. Reg. 449/21)

The proposed changes to Ontario's producer responsibility framework aim to increase flexibility, reduce administrative burden, and simplify compliance requirements for producers of specified materials. These adjustments are not expected to impact the intended outcomes of the regulations, which are to reduce and divert waste.

Some of the proposed changes address common issues among regulations related to collection networks and burden reduction and are presented together under 'Collection' and 'Burden Reduction' headings. These changes may affect a single regulation or more than one regulation. Other proposed changes affect only one regulation and are categorized as 'Regulation-specific Changes'.

### **COLLECTION**

The following amendments aim to increase flexibility for producers in meeting their collection network requirements while still ensuring that Ontarians have access to a convenient collection network.

All proposed collection network changes described in this section would come into effect for the 2025 performance year.

***ITEM 1: Add geographic offsetting – Tires, Batteries, EEE and HSP Regulations***

Current Requirement:

Section 20 of the HSP Regulation currently allows producers to establish and operate a specified amount of collection sites in alternative locations within the upper-tier municipality in which they are required. An alternative location for a collection site is an established collection site in a lower-tier municipality that is excess to the collection site requirements for that lower-tier municipality. Producers can use an excess collection site in one lower-tier municipality to satisfy collection site requirements for a different lower-tier municipality, as long as both lower-tier municipalities are located within the same upper-tier municipality.

For producers of paints and coatings, up to 17 per cent of the required number of collection sites across Ontario can be established and operated in alternative locations within the upper-tier municipality in which they are required.

For producers of other types of HSP (e.g. antifreeze, oil containers, oil filters, non-refillable pressurized containers, pesticides and solvents), up to 5 per cent of the required number of collection sites across Ontario can be established and operated in alternative locations within the upper-tier municipality in which they are required.

The Tires, Batteries and EEE Regulations do not currently include any geographic offsetting provisions.

Proposed Change:

The ministry is proposing to introduce new provisions in the Tires, Batteries, EEE and HSP Regulations to provide geographic offsetting of collection sites between adjacent local municipalities (that is, lower-tier or single-tier municipalities), irrespective of whether those municipalities are located in the same upper-tier municipality.

The proposal is to allow up to 10 per cent of the required number of collection sites across Ontario to be established and operated in alternative locations in adjacent local municipalities. For clarity, this proposal would apply to any adjacent local municipalities regardless of whether one or both of them were located within Territorial Districts.

To maintain accessibility, producers would also be required to ensure that collection sites located in alternative locations in adjacent local municipalities could accept the same materials returned by residents of the municipality in which the collection site was originally required.

The proposal would provide producers with flexibility to comply with their collection site requirements by allowing them to establish and operate a limited number of collection sites in alternative locations in adjacent local municipalities, instead of in the municipality in which they are required. The total number of collection sites required would not be reduced because the site that is being created in the adjacent municipality is above and beyond what was required in that municipality originally – i.e. in order to create the offset, the producer is creating an extra collection site in the adjacent municipality, resulting from one fewer site in the municipality where it was originally required. This provides flexibility because this new extra site can be located in a place that makes more sense for a producer's collection network and for accessibility for Ontarians. The proposal therefore maintains the same number of required collection sites.

The ministry is seeking feedback on how this proposal could potentially impact collection site accessibility in rural and northern municipalities.

Further, the ministry is seeking feedback on whether the current upper/lower-tier offsetting provisions should remain in the HSP Regulation or if they should be replaced with the proposed general geographic offsetting between adjacent local municipalities.



***ITEM 2: Add or increase collection events – Tires, EEE and HSP Regulations*****Current Requirement:**

Subsection 11(5) of the Batteries Regulation and subsection 12(5) of the EEE Regulation currently allow producers to replace up to 25 per cent of required collection sites with public collection events.

Subsections 19(3-5) of the HSP Regulation currently allow producers of all types of HSP that are required to establish collection sites to replace up to 25 per cent of required collection sites with public collection events. However, the HSP Regulation does not currently allow the public-facing collection sites required for automotive types of the HSP to be replaced with events.

The Tires Regulation does not currently allow producers to replace any portion of required tire collection sites with public collection events.

**Proposed Change:**

In the Tires Regulation, the ministry is proposing to add a provision to allow producers to replace up to 25 per cent of required collection sites with public collection events.

In the EEE Regulation for the lighting category, the ministry is proposing to increase the proportion of required collection sites that could be replaced with public collection events from up to 25 per cent of required collection sites to up to 35 per cent of required collection sites.

In the HSP Regulation, for all types of HSP that are required to establish collection sites, the ministry is proposing to increase the proportion of required collection sites that could be replaced with public collection events from up to 25 per cent of required collection sites to up to 35 per cent of required collection sites.

Also in the HSP Regulation, for public-facing collection sites required for automotive types of the HSP, the ministry is proposing to add a provision to allow producers to replace up to 35 per cent of required collection sites with public collection events.

The ministry is not proposing changes to events allowed under the Batteries Regulation or to events allowed for information technology, telecommunications, and audio visual (ITT/AV) equipment under the EEE Regulation.

The proposals related to events for tires, lighting and HSP would provide producers with increased flexibility to comply with their collection site requirements, while maintaining current levels of public accessibility, by adding or increasing the proportion of allowed collection events.

***ITEM 3: Allow all municipal collection sites to count as permanent sites – Tires, Batteries, EEE and HSP Regulations***

Current Requirement:

Section 10 of the Tires Regulation, subsection 11(1) of the Batteries Regulation, subsection 12(1) of the EEE Regulation and subsection 22(1) of the HSP Regulation currently require collection sites to be open during normal business hours throughout the calendar year. As a result, not all types of municipal collection sites can be considered as collection sites under these regulations. Municipal collection sites and/or municipal mobile collection depots that are open for a limited number of days per week throughout the year or that are open on a seasonal basis currently cannot be considered as collection sites under these regulations. Instead, these types of municipal collection sites must be counted as public collection events.

Proposed Change:

The ministry is proposing to amend existing provisions in the Tires, Batteries, EEE and HSP regulations to allow all municipal collection sites and mobile depots, including those that are open for a limited number of days per week throughout the year or that are open on a seasonal basis to be considered as collection sites.

This proposal would provide producers with increased flexibility to comply with their collection site requirements, while maintaining current levels of public accessibility, by allowing all municipal collection sites and depots to be considered as collection sites.

***ITEM 4: Adjust timeline for new census data – Tires, Batteries, EEE and HSP Regulations***

Current Requirements:

Part III of the Tires Regulation, sections 6 and 8 of the Batteries Regulation, and Part III of the EEE Regulation currently require producers to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts as reported by Statistics Canada in the most recent official census.

Section 12 of the HSP Regulation currently requires producers to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts as reported by Statistics Canada in the most recent official census published prior to the calendar year in which the collection obligation applies.

Proposed Change:

The ministry is proposing to amend the Tires, Batteries, EEE and HSP Regulations to give producers a sufficient period of time (for example, one or two years) after population data from the official census is reported by Statistics Canada to adjust the number of collection sites they are required to establish and operate in order to align with the updated populations of municipalities or territorial districts.

This proposed change would provide producers with a time limited transition period after census population data is reported by Statistics Canada. No impacts on public accessibility are anticipated. It also maintains a low burden approach as there is only a need to potentially adjust the number of sites every five years as new census data is released.

***ITEM 5: Align population density provision across all regulations – Tires Regulation***

Current Requirement:

Under sections 6 and 8 of the Tires Regulation, large tire producers may choose to establish their collection network by meeting a population-based formula or by establishing sites based on the number of retail locations that supply their tires. Tire producers without retail locations that supply their tires into Ontario must meet the population-based requirements.

The population-based formula requires one site for every 3,000 people or portion thereof in local municipalities of 1,000 or more.

Proposed Change:

The ministry is proposing to amend how population-based collection site requirements are calculated for larger municipalities. The ministry proposes to maintain the current population-based formula for populations up to 500,000 but reduce the number of collection sites required once the municipal population is more than 500,000, based on the following metrics:

- In each local municipality with a population of more than 500,000, producers must establish and operate:
  - at least 167 tire collection sites for the first 500,000 people as per the current population-based formula, and
  - at least one tire collection site for every 6,000 people or portion thereof for the portion that surpasses 500,000.

This provision would apply to large producers and producers without retail locations and would recognize that fewer collection sites are needed on a per capita basis because population density is greater in larger municipalities.

This provision would also align collection site requirements in the Tires Regulation with those currently in the Batteries, EEE and HSP Regulations.

***ITEM 6: Align “take-back” provisions – HSP Regulation***

Current Requirement:

Part IV of the HSP Regulation sets out requirements for the distribution of HSP collection sites. This Part does not currently include any flexibility related to “take-back” collection networks.

Subsection 11(4) of the Batteries Regulation and subsection 12(4) of the EEE Regulation include an option that allows producers to reduce the number of required collection sites in proportion to the amounts of batteries or EEE that are collected via programs that allow consumers to return the batteries or EEE at no charge and in a manner that is equivalent to the manner in which the batteries or EEE were supplied (i.e. “take-back” programs). Producers are also required to provide consumers with the packaging or shipping materials required to return the batteries or EEE free of charge. However, regardless of any site reductions, the regulations include a floor to the reductions such that producers must maintain at least one site in every municipality where their product is supplied at a retail location.

Proposed Change:

The ministry is proposing to include a “take-back” or consumer return option in the HSP Regulation that is similar to current consumer return options in other producer responsibility regulations.

The proposed “take-back” or consumer return option would allow consumers to return the HSP at no charge and in a manner that is equivalent to the manner in which the HSP were supplied. Producers would also be required to provide consumers with the packaging or shipping materials required to return the HSP free of charge, where appropriate.

Producers would be allowed to reduce the number of collection sites required using the population-based formula by the percentage of their HSP materials managed through a take-back/closed loop system. The reduction in sites would apply at the municipal level where the take-back system is in place (e.g. if 50 per cent of the material is collected in a take-back system, then the number of sites in that municipality can be reduced by 50 per cent).

In a circumstance where 100 per cent of a producer's materials are managed by a take-back/closed loop system, they would not be required to establish a separate collection network.

It is not proposed that there be a floor in the HSP Regulation to require at least one site in every community, but the ministry is seeking feedback on this point.

In addition, the HSP consumer return option would require producers to demonstrate that their "take-back" system is operating as efficiently as the population-based collection network. If this condition is not satisfied, then HSP producers could not utilize the take-back option.

This is an important condition to include in the HSP Regulation because the HSP Regulation does not include management targets, therefore it is critical to ensure that producers who use this flexibility option are responsible for collecting their share of the supplied HSP.

The policy intent of this provision is to recognize that some HSP materials – such as automotive solvents – may be managed in essentially closed loop systems where the material is put into vehicles and removed at service stations at end of life, and can be managed by the service station.

The ministry is seeking feedback on whether this provision should apply to all types of HSP or just those that are typically managed in take-back/closed loop systems (e.g. automotive solvents).

***ITEM 7: Give new option for HSP producers to meet collection requirements based on the existing municipal collection network – HSP Regulation***

Current Requirement:

The total number of collection sites that producers of pesticides, solvents and non-refillable pressurized containers are currently required to establish and operate is principally based on the size of municipal populations. The total number of collection sites required is calculated using population-based formulas set out in Part IV of the HSP Regulation. This is also the case for the number of public-facing collection sites that producers of automotive types of HSP (e.g. antifreeze, oil containers and oil filters) are required to establish and operate.

Proposed Change:

The ministry is proposing to introduce new provisions in the HSP Regulation to provide producers of pesticides, solvents, non-refillable pressurized containers and automotive HSP with flexibility to comply with their collection site requirements by allowing them to choose between meeting their collection site requirements by:

- Establishing and operating a number of collection sites based on the size of municipal populations; or
- Establishing and operating the same number of collection sites and events that were operated by all municipalities across Ontario in the previous year.

This flexibility would apply to all collection site requirements for producers of pesticides, solvents and non-refillable pressurized containers, but only to the public-facing sites that producers of automotive HSP are required to establish and operate. This option would not apply to the broader population-based site requirements for automotive HSP.

The proposal would provide producers with flexibility regarding how they are to comply with their collection site requirements but is not expected to alter current levels of public

accessibility as the specified types of HSP are primarily collected through municipal venues which are equipped and approved to handle these materials.

The producer would have to work with municipalities to establish the same number of municipal sites and events as were established by all municipalities across Ontario in the previous year. This means that producers could not choose to apply this flexibility mechanism in just one municipality but would instead be required to create a province-wide network that matches the number of collection sites and events established by all municipalities.

It is the policy intent of this change to encourage and support producers to partner with municipalities in using municipal sites for the purposes of meeting accessibility requirements. Municipal depots are approved to handle these materials and have high visibility to the public as a place to drop-off these materials and other hazardous household products that are not covered by the regulation. It is expected that producers would negotiate with municipalities on fair terms and compensation for the access to the municipal sites. The ministry is interested in any feedback on provisions that could further strengthen this collaboration.

***ITEM 8: Add new performance requirement for large producers of automotive HSP when creating alternative collection networks – HSP Regulation***

Current Requirement:

Part IV of the HSP Regulation currently provides large producers of automotive HSP with two options to determine their required number of collection sites, as described below:

- Using a population-based formula that is principally based on the size of municipal or territorial district populations to calculate the total number of collection sites required; or
- Establishing the required number of collection sites based on the number of retail locations that supply their HSP. The number of collection sites established must



be equal to or greater than 75 per cent of the number of retail locations that supply the producer's product.

Proposed Change:

The ministry is proposing to add a new requirement for large producers of automotive HSP that choose to establish the required number of collection sites based on the number of retail locations that supply their HSP.

This additional requirement would be for large producers of automotive HSP to demonstrate that a collection network based on the number of retail locations that supply their HSP collects the same or better proportion of that producer's supplied HSP as is collected via the population-based collection network. If this condition is not satisfied, then HSP producers could not utilize the collection network option based on the number of retail locations that supply their HSP.

This new requirement would ensure a level playing field by ensuring that large producers of automotive HSP that choose to establish a collection network based on the number of retail locations continue to be responsible for collecting a fair and proportionate share of the supplied HSP.

The ministry is seeking feedback on whether any other requirements should be considered for large producers of automotive HSP that choose the collection network option based on the number of retail locations that supply their HSP.

## **BURDEN REDUCTION**

We are proposing the following amendments to reduce administrative burden for producers in meeting their obligations under producer responsibility regulations.

### ***ITEM 1: Remove recycling efficiency rate (RER) requirements – Batteries, EEE and HSP Regulations***

If all requirements related to recycling efficiency rates (RER) are removed from the regulations, the ministry is proposing the change would come into effect for the 2025

performance year for materials with management targets. For HSP materials without targets, the new requirement for PROs or producers to ensure a minimum amount of collected materials is managed would come into effect for the 2026 performance year.

Current Requirement:

Subsection 16(3) of the Batteries Regulation, subsection 17(4) of the EEE Regulation and section 30 of the HSP Regulation require that producers who use processing activities to meet their management requirements must use processors that meet specified RERs.

The regulations require that the data used by each processor to calculate their RER must be verified in accordance with the Resource Productivity and Recovery Authority's (RPRA's) Verification and Audit Procedures.

Proposed Change:

The ministry is proposing to remove the requirements for individual processors to report on and verify their RERs and for producers to use processors that meet prescribed RERs. Instead, for materials with management targets, the ministry is proposing to rely on those targets to ensure producers and their service providers are recycling collected materials at an efficient rate.

For materials without management targets (e.g. most HSP materials), the ministry is proposing to require that producers or producer responsibility organizations (PROs) manage all of the material they collect at a rate equivalent to the existing RER for each regulated material. This proposed change would shift the obligation for achieving recycling efficiencies from individual processors to producers and PROs. In other words, the recycling efficiency calculation would be applied across all material collected for recycling, not against each processor of the collected material.

Removing the RER will significantly reduce administrative burden for processors who will no longer have to report on and verify their RERs. This approach would also simplify

the model and allow PROs to use any processor without a set minimum RER threshold for each individual processor.

The ministry is proposing to remove RER requirements in the way outlined above because we feel it is the simplest way to reduce burden while maintaining environmental outcomes. However, we have heard there may be some benefit in maintaining RER requirements to ensure a level playing field among processors, but that there should be a simplified verification procedure. As such, we are also seeking feedback on an alternative approach to maintain a numeric RER requirement for each processor in the regulations but simplify the verification process.

This could include: a) verification of only the initial processor and/or potentially their immediate downstream partner processors but no verification further down the processing chain, or b) reducing the frequency of required verification. If this path were pursued, the ministry would also want feedback on whether this simplified verification process should be codified in regulation or specified in a RPRA verification procedure. The ministry would also welcome feedback on an appropriate RER number for different materials.

### ***ITEM 2: Adjust small producer exemptions – Tires, Batteries and EEE Regulations***

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would use the new approach on supply data they report to RPRA in 2025 which would be used to determine exemptions for 2026 obligations.

#### **Current Requirement:**

Currently, producers of tires, batteries and electrical and electronic equipment are required to create a registry account, register and submit their supply data to RPRA to determine if they meet the applicable small producer exemptions.

Under the Tires Regulation, the small producer exemption is based on the calculation of a producer's collection requirement; subsection 4(7) of the regulation establishes that producers with a collection requirement of 1,000 kilograms or less are exempt.

Pursuant to section 7 of the Batteries Regulation, producers with a management requirement of less than 1.25 tonnes of rechargeable batteries or 2.5 tonnes of primary batteries are exempt.

Section 8 of the EEE Regulation exempts producers with a management requirement of less than 3.5 tonnes of ITT/AV equipment and less than 350 kilograms of lighting.

The HSP Regulation uses a supply data threshold to determine the small producer exemption.

Proposed Change:

The ministry is proposing to modify the small producer exemption for the Tires, Batteries and EEE Regulations to be based on supply tonnage instead of the producer's collection or management requirement. The ministry is proposing the following supply data thresholds which align with the current threshold of the collection target in the Tires Regulation and the highest management targets in the Batteries and EEE Regulations:

- 1,175 kilograms of tires
- 2.5 tonnes of rechargeable batteries
- 5.0 tonnes of primary batteries
- 5.0 tonnes of ITT/AV equipment
- 500 kg of lighting

This approach would reduce administrative burden by allowing producers to determine if they are exempt by looking at their supply data and they will therefore no longer be required to create a registry account or submit data to RPRA if they are below the applicable threshold. The proposed change would not substantially change the number of producers that have obligations.

***ITEM 3: Revise collection site record keeping – Tires, Batteries, EEE and HSP Regulations***

The proposed change would come into effect for the 2025 performance year.

**Current Requirement:**

Section 10 of the Tires Regulation, section 11 and subsection 30(2) of the Batteries Regulation, section 12 and subsection 31(2) of the EEE Regulation, and subsections 22(1) and 55(1) of the HSP Regulation require that collection sites that accept large amounts of material (as specified under each regulation) must keep records related to the weight of the material and the person dropping the material off.

**Proposed Change:**

The ministry is proposing to revise the record keeping requirements for all four regulations and to implement a two-tier requirement for collectors to keep records related to large amounts of materials dropped off:

- Remove requirement for collection sites where PROs are paying a flat fee or for municipal sites.
- Keep the requirement where PROs pay the collection sites on a per unit or weight basis.

Removing the record keeping for some sites will reduce administrative burden, while keeping for other sites that are paid on a weight or per unit basis ensures that there is no motivation to collect additional out-of-province material for the purposes of charging higher fees.

***ITEM 4: Remove registration and reporting for tire collectors***

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Sections 17 and 20 of the Tires Regulation set out the registration and reporting requirements for tire collectors. The sections require that tire collectors register with RPRA by submitting specified information when they collect 1,000 kilograms or more of tires. Tire collectors are also required to provide annual reports about collection activities to RPRA.

Proposed Change:

The ministry is proposing to remove the registration and reporting requirements for tire collectors. This change would be consistent with what is required for collectors of other materials regulated under the RRCEA.

The proposed change would have the effect of reducing administrative burden for tire collectors, but oversight would not be affected since tire producers and PROs will still have to report on collection activities and RPRA would maintain the ability to inspect and request information from tire collectors as needed.

***ITEM 5: Reduce tire hauler reporting***

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 21 of the Tires Regulation requires that tire haulers must report annually on four types of tires:

1. large tires
2. medium truck tires
3. off the road tires, except for large tires that are off the road tires
4. passenger and light truck tires

### Proposed Change:

The ministry is proposing to simplify the reporting requirement for tire haulers and only require reporting on two tire types:

1. large tires (over 700 kg)
2. other tires (under 700 kg)

The proposed change would have the effect of reducing administrative burden for tire haulers, and better align with RPRA's registry which is currently set to accept reporting for two types of tires.

The ministry is seeking feedback on whether this change should apply to others in chain of custody as well, such as processors and retreaders.

## **REGULATION-SPECIFIC CHANGES**

### **TIRES**

#### ***ITEM 1: Adjust performance target***

The proposed change would apply starting in the 2025 performance year.

#### Current Requirement:

The Tires Regulation currently requires that tire producers collect a minimum weight of tires each year. The minimum weight is based on the average weight of tires that the producer historically supplied into Ontario, multiplied by 85 per cent and is referred to as a collection target (set out in section 4). In addition, producers must manage (e.g. reuse, retread or recycle) at least 85 per cent of the weight of the tires they collect; this requirement is referred to as the management target (set out in section 11).

Proposed Change:

The ministry is proposing to remove the collection target and revise how the management target is calculated. This would align with the approach used in the other regulations under the RRCEA.

The following requirements would be unchanged:

- 85 per cent collection target for the 2019-2024 calendar years; and
- 85 per cent management target for the 2019-2024 calendar years.

The following proposed management targets would be introduced:

- 65 per cent for the 2025 to 2029 calendar years; and
- 70 per cent for the 2030 calendar year and for every subsequent calendar year

Beginning in 2025, these management targets would be based on the average weight of tires the producer historically supplied into Ontario. This new requirement would account for both the amount of tires available for collection and the rate at which tires can be managed.

The proposed change would align with the results that have been achieved to date. It would also reduce the administrative burden associated with calculating and reporting on two separate targets.

The proposal does not include a reduction in the number of collection sites tire producers are required to operate throughout Ontario.

***ITEM 2: Increase threshold for regulated tires***

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would report on tires that weigh 5 kilograms or more (rather than 1 kilogram or more) in 2025 which would be used to determine their 2026 obligations.



### Current Requirement:

Section 1 of the Tires Regulation defines a “tire” to mean “a component that is designed to surround the rim of a vehicle’s wheel and has an actual weight of one kilogram or more”. This means that tires that weigh one kilogram or more are a designated material and producers that supply those tires have regulatory requirements for collection, management, registration, reporting, auditing and record keeping.

### Proposed Change:

The ministry is proposing to change the weight threshold that defines a designated tire from one kilogram to five kilograms. Automobile tires are generally above this threshold. This change would mean that tire producers would no longer have to report on supply weight of tires that weigh less than five kilograms, and would not have obligations related to that supply weight.

However, the proposal is to require that producers (or their service providers) must accept and manage tires that weigh less than five kilograms that are returned to public collection networks. This approach is similar to the one proposed for the EEE Regulation for replacement parts.

The proposed change would reduce administrative burden for producers of small tires but would not have a negative impact on environmental outcomes as producers’ collection networks would still have to collect and manage tires that weigh less than five kilograms.

## **BATTERIES**

### ***ITEM 1: Extend management target***

The proposed change would provide producers with additional time to build out the system and achieve the 50 per cent management target. This proposed change would not constrain producers’ ability to achieve or exceed the 50 per cent management target before 2030.

Current Requirement:

Part IV of the Batteries Regulation currently requires battery producers to manage (that is, recycle, reuse or refurbish) minimum amounts of batteries. Only primary (single-use) and rechargeable batteries that weigh five kilograms or less are required to be managed.

The minimum amounts of batteries required to be managed in a year are calculated based on the average weight of batteries that were supplied into Ontario by a producer in previous years multiplied by the management target for that year.

The minimum amounts of batteries required to be managed gradually increase due to increases in management targets. Currently, management targets for both primary and rechargeable batteries are:

- 40 per cent for the 2020-2021, 2022 and 2023 calendar years;
- 45 per cent for the 2024 calendar year; and
- 50 per cent for the 2025 calendar year and for every subsequent calendar year.

Proposed Change:

The ministry is proposing to delay the increase of the management target to 50 per cent by five years, from 2025 to 2030. This change would result in revised management targets, as set out below.

The following management targets would be unchanged:

- 40 per cent for the 2020-2021, 2022 and 2023 calendar years; and
- 45 per cent for the 2024 calendar year.

The following proposed revised management targets would be introduced:

- 45 per cent for the 2025 to 2029 calendar years; and

- 50 per cent for the 2030 calendar year and for every subsequent calendar year.

## **ELECTRICAL AND ELECTRONIC EQUIPMENT**

### ***ITEM 1: Change requirements for ITT/AV replacements parts***

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would not report on the weight of replacement parts in 2025 and that weight would not be used to determine 2026 obligations.

#### Current Requirement:

There are two categories of electrical and electronic equipment under the EEE Regulation:

- information technology, telecommunications, and audio visual (ITT/AV) equipment, and
- lighting.

Section 1 of the EEE Regulation sets out the definition for ITT/AV equipment, while subsection 3(3) references “all components, parts and peripherals”. Schedule 1 includes “parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives” as examples of ITT/AV equipment.

#### Proposed Change:

The ministry is proposing to remove reporting requirements for replacement parts from ITT/AV equipment. Replacement parts would generally include components that are designed to replace existing components in ITT/AV equipment, that when assembled, enable the equipment to work properly.

Removing reporting requirements for replacement parts would mean that producers of ITT/AV equipment would no longer have to report on supply weight of those parts, and would not have obligations related to that supply weight.

However, the proposal is to require that producers (or their service providers) must continue to accept and manage replacement parts for ITT/AV that are returned to public collection networks. This approach is similar to the one proposed for the Tires Regulation for tires that weigh five kilograms or less.

The proposed change would reduce administrative burden for producers of replacement parts for ITT/AV equipment but would not have a negative impact on environmental outcomes as producers' collection networks would still have to collect and manage these parts.

***ITEM 2: Revise allowable reuse***

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Subsection 17(1) of the EEE Regulation allows producers that use an Ontario-based refurbisher to count two times the actual weight of the material reused or refurbished when calculating performance towards meeting management requirements.

Proposed Change:

The ministry is proposing to remove the ability for producers to count two times the actual weight for EEE managed by an Ontario-based refurbisher. Instead, the weight of EEE reused or refurbished in Ontario would count at its actual weight for the purposes of meeting a producer's management requirement.

The proposed change would simplify the framework for what management activities are allowed to count toward management requirements and would better reflect the actual tonnes being managed each year.

***ITEM 3: Remove waste reduction incentives***

The proposed change would come into effect for reporting requirements in 2025, meaning that producers would not report on deductions as part of the supply data they report in 2025 which would be used to determine 2026 obligations.

**Current Requirement:**

Section 18 of the EEE Regulation allows producers to reduce their management requirements for a calendar year, up to a maximum of 50 per cent, if they undertake specified waste reduction activities.

For ITT/AV equipment, waste reduction incentives apply to the following in relation to new products that are supplied into Ontario:

- Use of post-consumer recycled glass or plastic content
- Offer of warranties that are more than one year
- Availability of information, tools or parts repair the ITT/AV at no charge or on a cost recovery basis

For lighting, waste reduction incentives apply only for use of post-consumer recycled glass or plastic content in new lighting supplied into Ontario.

**Proposed Change:**

The ministry is proposing to remove the provisions that allow producers to reduce their management requirements from the EEE Regulation. Under the proposed change, EEE producers would no longer be able to reduce their annual management requirements.

The proposed change would simplify the framework for how producers determine their management requirements and would result in management targets being established based on all tonnes of EEE being supplied into Ontario.

***ITEM 4: Extend management target for ITT/AV equipment***

This proposed change would provide ITT/AV producers additional time to build out the system and achieve the 70 per cent management target. This proposed change would not constrain producers' ability to achieve or exceed the 70 per cent management target before 2030.

**Current Requirement:**

Part IV of the EEE Regulation currently requires ITT/AV producers to meet management targets of:

- 55 per cent for the 2021 and 2022 calendar years (at best efforts);
- 60 per cent for the 2023 calendar year;
- 65 per cent for the 2024 calendar year; and
- 70 per cent for 2025 calendar year and every subsequent calendar year.

**Proposed Change:**

The ministry is proposing to delay increasing the management targets for ITT/AV equipment to 70 per cent by five years, from 2025 to 2030.

The following management targets would be unchanged:

- 55 per cent for the 2021 and 2022 calendar years (at best efforts);
- 60 per cent for the 2023 calendar year; and
- 65 per cent for the 2024 calendar year.

The following proposed revised management targets would be introduced:

- 65 per cent for the 2025 to 2029 calendar years; and
- 70 per cent for the 2030 calendar year and for every subsequent calendar year.

The proposed change would give ITT/AV producers additional time to adjust to the proposed change that would remove the ability to count two times the actual weight for EEE managed by an Ontario-based refurbisher.

***ITEM 5: Consult on expanding types of regulated EEE***

In addition to these three changes to the EEE Regulation, the ministry is also seeking feedback on the potential to expand collection and management obligations to additional types of EEE as a way to reduce the fire hazard potential of batteries contained in those products.

This is an opportunity to provide initial feedback and data to the ministry; if the ministry decides to expand EEE materials, there would be additional consultation opportunities where the ministry would provide additional details about what materials are being proposed for expansion, what obligations would be proposed and timing to implement.

**HAZARDOUS AND SPECIAL PRODUCTS**

***ITEM 1: Revise producer hierarchy for antifreeze and oil filters***

The proposed change would require producers of antifreeze or oil filters supplied in new vehicles to register and report on supply data in 2025, with their collection and management obligations starting on January 1, 2026.

Current Requirement:

Section 4 of the HSP Regulation sets out which brand holders, importers or marketers of antifreeze and oil filters must collect and manage (e.g. reuse, recycle) these products. These collection and management responsibilities include responsibility for collecting and managing antifreeze and oil filters supplied in new vehicles.

Proposed Change:

The ministry is proposing to modify this framework. Brand holders, importers or marketers of new vehicles would become the obligated producer of the antifreeze and

oil filters included in their vehicles. This would be similar to the Tires Regulation, in which the brand holders, importers and marketers of new vehicles are responsible for collecting and managing the new tires supplied on their vehicles.

This change would not impact environmental outcomes as the obligation for regulated materials will only be switched between parties. It would also result in more accurate supply data being reported.

Brand holders, importers or marketers of antifreeze and oil filters that are supplied directly to consumers would continue to be responsible for the collection and management of these products.

***ITEM 2: Revise requirements for refillable pressurized containers***

The proposed change would come into effect for the 2025 performance year.

Current Requirement:

Section 1 of the HSP Regulation defines “refillable pressurized containers” as an obligated type of HSP. This type is defined to not include refillable pressurized containers for propane. “Refillable propane containers” is a separate type of material under the HSP Regulation.

Currently, the obligations for refillable pressurized containers and refillable propane containers are different. The collection obligation for large producers of refillable pressurized containers is to collect containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities. Small producers of refillable pressurized containers do not have a collection obligation. In contrast, the collection obligation for all producers of refillable propane containers is to collect their containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities.

For both refillable pressurized containers and refillable propane containers, producers must send all collected containers to processors for management.



In addition, producers of refillable pressurized must submit annual reports, satisfy promotion and education obligations, and audit their management activities every three years. Producers of refillable propane containers do not have these obligations.

Proposed Change:

The ministry is proposing that producers of refillable pressurized containers have the same obligations as producers of refillable propane containers.

The ministry proposes to do this by re-classifying refillable pressurized containers. In the HSP regulation there are currently five different categories of materials. Currently refillable pressurized materials are in Category B. The ministry proposes that it be moved to Category E, the same category as refillable propane containers.

For clarity, both refillable pressurized containers and refillable propane containers would have the same requirements, including a collection obligation for all producers (large and small) to collect their containers from a municipality, territorial district, reserve or Crown site when they receive a request from one of these entities. Producers of both types of pressurized containers would not be required to submit annual reports, meet promotion and education obligations or audit their management activities.

The proposed change would create a level playing field between producers of refillable pressurized containers and refillable propane containers. It would reduce administrative burden for producers of refillable propane containers but would not have a negative impact on environmental outcomes as processors and PROs of these containers will continue to report on collection and management activities.

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October 18, 2024

Krista Friesen  
Manager, Resource Recovery Policy Branch  
Ministry of the Environment, Conservation and Parks  
40 St. Clair Avenue West, 8<sup>th</sup> Floor  
Toronto, ON M4V 1M2

Dear Ms. Friesen:

**RE: ERO 019-8866 Amendments to Four Producer Responsibility Regulations:  
Niagara Region Comments**

Niagara Region is submitting the comments below in response to ERO 019-8866. We thank you for the opportunity to share our municipal perspective and look forward to engagement with the Province on this notice.

Regards,



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Catherine Habermehl  
Director, Waste Management Services

**Niagara Region Comments: “Amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products”**

While the Ministry claims that the proposed amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products will not impact the intended outcomes of reducing and diverting waste, the proposed changes could, in fact, have a significant impact. Below are several concerns that highlight why:

1. **Performance Decline Since Inception of Programs:** Since the introduction of the new diversion programs and subsequent amendments, we have seen a dramatic decrease in performance; specifically, lower rates of material collection and recycling. These trends suggest that the amendments and evolving framework may not be supporting the intended goals of increasing waste diversion, and a review is necessary to identify and address the root causes of these declines.
2. **Insufficient Information:** There is a general lack of detailed information to properly evaluate the merits of these new proposed changes. Stakeholders should be able to review and comment on the specific draft legal language of the amendments prior to adoption.
3. **Delays and Missed Opportunities in Setting Management Targets:** Pushing back key management targets gives producers more time to comply. However, this delay could result in slower progress towards waste reduction and recycling goals, undermining the original intent of the legislation and regulations. Furthermore, the MECP has missed a critical opportunity to establish targets for designated materials under the HSP program, further weakening the program’s effectiveness and limiting its potential to increase waste diversion outcomes across the HSP stream.
4. **Reduced Collection Infrastructure:** Allowing producers to geographically offset collection sites or replace permanent locations with temporary events could reduce the accessibility of waste diversion services, especially in underserved or rural areas. This may lead to lower collection rates and, ultimately, less material diverted from landfills.
5. **Lower Accountability:** Reducing administrative burdens, such as removing certain reporting or verification requirements (e.g., recycling efficiency rates), could weaken oversight. Without sufficient reporting, it will become more difficult

to ensure producers are fulfilling their responsibilities to reduce and divert waste effectively.

6. **Expansion of Materials Under All Programs:** While the government is consulting on expanding the list of materials under the Electrical and Electronic Equipment (EEE) program, it should also explore expanding producer obligations to cover additional materials under the other diversion programs (such as tires, batteries, and hazardous and special products). A broader scope would enhance waste diversion efforts across all material streams.
7. **Reduced Accessibility to Drop-off Sites:** Many locations identified by Resource Productivity and Recovery Authority (RPRA) as drop-off sites for used materials do not actually accept the items they are listed as handling. If the government is recommending a reduction in collection targets and more flexibility in how accessibility is provided, these changes, combined with the current gaps in the system, will lead to further inaccessibility for Ontario residents.

In summary, while the government aims to simplify compliance, these proposed changes risk undermining the waste reduction and diversion goals set by the legislation and regulations. Less stringent requirements and extended timelines are likely to result in fewer materials being diverted from landfills, particularly in the short to medium term. The Region's specific comments to each of the proposed items are noted below.

## Collection

### 1. Geographic Offsetting (Tires, Batteries, EEE, HSP Regulations)

While the proposed flexibility for producers to establish collection sites in adjacent municipalities may benefit some regions, it could negatively impact service accessibility in others, such as Niagara. Currently, Environmental Compliance Approvals (ECA) restrict the Region to accepting materials generated within Niagara. If neighbouring municipalities are permitted to accept Niagara's materials, it may limit our residents' access to proper waste diversion services. To address this issue, broad amendments to ECAs will need be considered to modify boundaries for hazardous and special products (HSP), batteries, and other regulated materials. This may be problematic if communities and their residents are opposed to the change. Furthermore, if a neighbouring site (e.g., in Hamilton) is expected to serve Niagara communities, a reasonable distance requirement should be enforced to maintain convenience for residents.

While the general rationale for this amendment is understood, ultimately there is insufficient information to fully assess its impact across various designated materials. Additionally, the reasoning behind the 10% offset allowance remains unclear, making it difficult to provide support without a more detailed analysis.

## **2. Increase in Collection Events (Tires, EEE, HSP Regulations)**

We do not support the proposed increase in collection events replacing permanent sites, as no clear rationale has been provided for this change. Reducing the number of permanent collection sites could result in less material being diverted and decrease year-round accessibility for residents and ultimately decreased funding to municipalities to an already under-funded program. Permanent sites are known to achieve higher recovery rates compared to temporary, one-day events, so replacing them with short-term events could weaken the overall effectiveness of waste diversion programs. An additional potential implication with decreased accessibility and convenience is an increase in illegal dumping or improper disposal. Given the lack of clarity on the necessity and potential impact of this change, we cannot support it in its current form.

## **3. Municipal Collection Sites as Permanent Sites**

We view this as a positive change, as it acknowledges that some municipal sites do not operate year-round or during regular business hours. However, to prevent a reduction in the availability of services, the government should limit the number of sites permitted to operate with reduced hours. This would help ensure producers provide adequate funding to maintain full operations rather than relying on reduced schedules. Ultimate support for this change is condition on a review of draft regulatory language.

## **4. Adjustment of Census Data Timeline**

We do not support a prolonged extension (anything in excess of 12 months) of the timeline for producers to adjust their collection site obligations based on updated census data. Delaying these adjustments could lead to communities being underserved for extended periods, potentially up to five years. Since census data is updated every five years, this delay could create significant discrepancies in service levels, particularly in rapidly growing areas. It is essential that updates to service obligations happen in a timely manner to keep pace with population growth and community needs.

## **5. Population Density Alignment (Tires Regulation)**

We are not in favour of the proposed reduction in the number of tire collection sites for municipalities with populations over 500,000. Reducing the number of sites by half may disproportionately affect larger communities that rely on accessible collection points for proper tire disposal. In addition, widespread illegal dumping of tires continues, and a further reduction of collection sites will only exacerbate this problem. This adjustment could limit access and undermine the effectiveness of tire recycling efforts in urban areas.

## **6. Alignment of "Take-Back" Provisions (HSP Regulation)**

The proposal to reduce collection site requirements through take-back programs raises concerns about equitable access to hazardous product disposal. Without a minimum

requirement of at least one site in every community, residents may struggle to find accessible disposal options. Moreover, certain materials, such as auto solvents generated at home, may not be covered by take-back systems, increasing the risk of improper disposal and environmental harm.

### **7. Option for HSP Producers to Use Existing Municipal Collection Networks**

We do not support this proposal, as it shifts responsibility onto municipalities rather than ensuring that collection services meet population needs. Relying on matching the number of collection sites and events from the previous year does not account for changing or growing community requirements. Additionally, there is a lack of clarity on how this approach would be implemented, particularly regarding the tracking and collection of data on municipal sites and events. Without a thorough analysis of the implications, this proposal raises significant concerns about equitable service delivery.

### **8. New Performance Requirement for Large Producers of Automotive HSP**

There is not enough information provided to fully assess this proposed change. More clarity is needed on how this new performance requirement will be implemented and how its effectiveness will be measured.

## **Burden Reduction**

### **1. Removal of Recycling Efficiency Rate (RER) Requirements (Batteries, EEE, HSP Regulations)**

We do not support the removal of Recycling Efficiency Rate (RER) reporting requirements for individual processors. While reducing administrative burden is important, there is no guarantee that materials collected will be managed properly without the oversight provided by RERs. We have seen issues in other programs, such as tire recycling, where collected materials were not effectively managed. Eliminating RERs could lead to similar problems by weakening the accountability of processors. Instead of removing RERs entirely, we recommend simplifying the reporting process or introducing a streamlined verification system. This would reduce the administrative burden while still ensuring that materials are properly recycled and environmental goals are met.

### **2. Adjustment to Small Producer Exemptions (Tires, Batteries, EEE Regulations)**

We are unable to support or oppose the adjustment to small producer exemptions at this time due to insufficient information on how this change will impact the system, particularly for municipalities. Reducing the number of obligated producers will likely result in less funding within the system, which could affect the ability of municipalities to

manage tires, batteries, and EEE effectively. Without a clear understanding of the financial implications and how this change will affect municipal programs, we cannot fully assess its potential consequences. A more detailed analysis is needed to evaluate the impact before any decision can be made.

### **3. Revised Record Keeping for Collection Sites**

No concerns pending review of draft regulatory language.

### **4. Removal of Registration and Reporting for Tire Collectors**

No concerns pending review of draft regulatory language.

### **5. Reduced Tire Hauler Reporting**

No concerns pending review of draft regulatory language.

## **Regulation Specific Changes**

### **Tires**

#### **1. Adjust Performance Target**

We do not support reducing the management target from 85% to 65% for 2025-2029 and 70% from 2030 onward. It is unclear why this reduction is necessary, especially since municipalities continue to manage increasing amounts of tire waste without receiving compensation. In Niagara for example, the number of tires managed at our sites has more than doubled since 2017 (from 9,998 to 20,426 tires), yet no funding or compensation has been provided by producers for this work. Ultimately, the proposal lacks sufficient justification and does not provide a clear methodology for determining the lower target.

#### **2. Increase Threshold for Regulated Tires**

We oppose the proposed increase in the threshold from one kilogram to five kilograms for regulated tires. This change will reduce the number of tire producers contributing to the program, resulting in less funding for tire management. Since municipalities currently receive no compensation for tire disposal, reducing the number of obligated producers will further weaken the financial model. Additionally, with the increasing use of e-bikes and scooters, small tires will likely become more common. This raises concerns about who will cover the processing costs for these tires. More consideration is needed, particularly regarding whether these smaller tires are produced by different manufacturers.

## **Batteries**

### **1. Extend Management Target Timeline**

We are not in favour of delaying the 50% management target for batteries from 2025 to 2030. No valid reason has been provided for the extension, especially for a target that should be achievable. Battery recycling has been in place for over 15 years, and the target was established long before the regulation's implementation in July 2020. The delay seems to be a result of conflicts between industry players, which should not justify postponing these targets.

Additionally, as highlighted in the 2023 AMO Ontario Baseline Waste & Recycling Report, battery recycling rates have steadily declined over the past decade, and municipalities have raised concerns about compliance issues. Delaying the management target only rewards poor performance by producers and undermines the government's economic and environmental goals. In addition, this proposed change runs counter to the need to address growing concerns over battery-related fire hazards in the waste stream.

## **Electrical and Electronic Equipment (EEE)**

### **1. Change in ITT/AV Replacement Parts Requirements**

We are concerned that removing reporting requirements for ITT/AV replacement parts may reduce overall target amounts. By eliminating the weight of these parts from management performance calculations, this change could lower expectations for recycling performance and decrease the effectiveness of the program.

### **2. Revision of Allowable Reuse**

We oppose the removal of the incentive that allows producers to count reused or refurbished EEE at double the weight. Reuse is a more desirable outcome than recycling, and there should be an incentive to encourage it while tracking tonnage accurately. Instead of removing the incentive, the management targets should be adjusted to reflect actual tonnage, ensuring that cost-efficiency drives reuse over recycling when appropriate.

### **3. Removal of Waste Reduction Incentives**

We oppose the removal of waste reduction incentives, which encourage the use of recycled content or extended warranties. These incentives promote more sustainable waste reduction strategies that go beyond simple recycling. Rather than eliminating



them, we suggest finding a solution to simplify and retain these incentives within the regulatory framework.

#### **4. Extension of Management Target Timeline for ITT/AV**

We do not support delaying the 70% management target for ITT/AV from 2025 to 2030. The targets appear to have been set too low, and giving more time seems unnecessary, given the extensive collection opportunities already available. Although northern Ontario may face specific challenges, this delay ultimately rewards processors for not taking the regulations seriously.

Furthermore, as noted in the 2023 AMO Ontario Baseline Waste & Recycling Report, recycling rates for electrical and electronic equipment have dropped significantly since 2013, despite an increase in the supply of these materials. Delaying the increase in the management target rewards poor performance and fails to address growing concerns over battery-related fire hazards in the waste stream.

#### **5. Consultation on Expanding Regulated EEE**

We fully support expanding the list of designated EEE to include more than just products with embedded batteries. Ontario lags other provinces in this area, and we recommend adding items with power cords, such as small appliances and power tools, to the designated list. Expanding the regulation to cover more items, including hazardous and special products (HSP), will improve waste diversion outcomes.

While municipal governments are supportive of expanding the scope of regulated materials, it is unclear why more consultation is necessary. Expanding the list of covered electronics and electrical equipment has been included in several previous provincial consultations, and this expansion was a commitment made in the Province's strategy. We urge the Province to move forward with implementation.

#### **Hazardous and Special Products**

##### **1. Revise Producer Hierarchy for Antifreeze and Oil Filters**

No concerns pending review of draft regulatory language.

##### **2. Revision of Refillable Pressurized Container Requirements**

Refillable pressurized cylinders (both propane and other gases) are frequently dropped off at municipal depots without funding or compensation provided by producers. This raises the question of why municipalities should continue to accept these items. While the proposed changes may create a level playing field for producers, they do not

address the need for fair (or any) compensation to municipalities for this material category.