

Memorandum

WMPSC-C 5-2025

Subject: Amendments to Four Producer Responsibility Regulations for Tires, Batteries, Electrical and Electronic Equipment, and Hazardous and Special Products: A Summary of Changes

Date: February 24, 2025

To: Waste Management Planning Steering Committee

From: Dave Yousif, Manager Waste Policy and Planning

Purpose

The purpose of this memorandum is to update Committee members on the finalized [amendments to four producer responsibility regulations](https://ero.ontario.ca/index.php/notice/019-8866) (<https://ero.ontario.ca/index.php/notice/019-8866>) concerning tires, batteries, electrical and electronic equipment, and hazardous and special products, as announced by the Ministry of the Environment, Conservation and Parks (MECP).

Background

On October 18, 2024, Niagara Region submitted formal comments to the Ministry of the Environment, Conservation and Parks (MECP) through the Environmental Registry of Ontario (ERO Notice 019-8866), expressing concerns about the proposed amendments. The comments highlighted the lack of detailed information, potential negative impacts on waste diversion and accessibility, and the need for stakeholder consultations on draft regulations.

Following this, report WMPSC-C 14-2024, which summarized Niagara Region's comments and concerns, was presented to the Waste Management Planning Steering Committee on December 9, 2024. The report and presentation provided Committee members with an overview of the proposed changes, their potential implications, and Niagara Region's recommendations to the MECP. Following consultation in October 2024, the provincial government finalized the amendments on January 1, 2025.

Summary of Changes Implemented

A high-level overview of the finalized amendments and how they compare with Niagara Region's submitted comments is outlined below:

1. Collection Network Flexibility:

- Niagara's Comments: The introduction of geographic offsetting (allowing alternative collection sites in adjacent municipalities) and an increased reliance on collection events (instead of permanent depots) could reduce service accessibility, especially in rural areas.
- Finalized Amendment: The government finalized the amendments allowing producers to establish alternative collection sites in adjacent municipalities (up to 10% across all regulations) and increased allowances for collection events.

2. Revised Lighting Targets:

- Niagara's Comments: Lowering recycling targets could undermine waste diversion efforts.
- Finalized Amendment: The government reduced recycling targets to 30% (best efforts) for 2025–2026, 30% for 2027–2030, and 35% for 2031 and beyond.

3. Combined Battery Management Targets:

- Niagara's Comments: Combining targets for primary and rechargeable batteries and delaying the 50% management target until 2026 could reduce the focus on recycling more problematic batteries.
- Finalized Amendment: The government implemented this change, which may allow producers to meet targets through easier-to-recycle batteries, without the need for focus on more challenging material types.

4. Expansion of Regulated Electrical and Electronic Equipment (EEE):

- Niagara's Comments: Advocated for the expansion of regulated EEE types to enhance waste diversion.
- Finalized Amendment: No further discussion or action was taken on this matter.

Niagara Region's Concerns

The finalized amendments raise several concerns for Niagara Region regarding their potential impact on waste diversion efforts and municipal responsibilities. The reduction of recycling targets and the extension of timelines for meeting these targets could

undermine progress toward waste diversion goals. These changes could shift responsibility onto municipalities to manage 'hard-to-recycle' materials, which may end up in the garbage stream. This would place additional financial pressure on local waste management systems to manage these materials, as well as take up valuable disposal capacity.

Further, allowing producers to establish collection sites in adjacent municipalities raises significant concerns regarding enforcement, oversight, and accessibility. To ensure compliance, the Resource Productivity and Recovery Authority (RPRA) must develop robust processes, standards, and monitoring mechanisms to verify that these sites effectively serve the residents of the base municipality. There are uncertainties about how the 10% offset will be monitored and what records will be required to confirm that adjacent collection sites are properly serving the base municipality. Challenges include verifying service adequacy, tracking data, and ensuring producers do not exploit the flexibility to prioritize cost savings over accessibility. These changes also place additional resource demands on RPRA for audits and enforcement, while creating potential gaps in service for municipalities like Niagara Region, where residents may see reduced convenience, increasing the risk that these materials will be put into municipally collected garbage instead.

Additionally, the absence of consultation on expanding the scope of regulated EEE is seen as a missed opportunity to address emerging waste streams that could otherwise be diverted from landfills. Expanding the list of regulated items would have strengthened waste diversion efforts and reduced municipal costs.

Finally, if producers fail to meet their obligations under the new regulations, municipalities, including Niagara Region, may face increased costs. These costs would result from the need to manage materials that are not adequately addressed by producer responsibility programs, further straining municipal resources and budgets.

Next Steps

To address concerns with the finalized amendments, Niagara Region will take steps to ensure waste diversion goals are met and municipal interests are protected.

First, the Region will closely monitor and evaluate the impact of the amendments. This includes tracking changes to waste diversion rates, assessing service accessibility, and analyzing the financial implications for municipalities. This monitoring will help identify gaps and challenges resulting from the regulatory changes. This will include proactive

engagement with RPRA, advocating for transparency, strong oversight, and clear reporting standards to protect local waste diversion efforts.

Niagara Region will continue advocating for stronger producer responsibility frameworks. By collaborating with other municipalities, the Association of Municipalities of Ontario, and key interest holders, the Region will push for regulations that enhance waste diversion and ensure producers meet their obligations.

Additionally, the Region will provide regular updates to Council on the implementation of the amendments, including any impacts on waste diversion rates, service accessibility, or municipal costs, and will recommend actions to address ongoing challenges.

Respectfully submitted and signed by

Dave Yousif
Manager, Waste Policy and Planning