

June 21, 2019

Krista Friesen
Resource Recovery Policy Branch
40 St. Clair Avenue West, Floor 8
Toronto, ON
M4V 1M2

Dear Ms. Friesen,

**RE: REGULATION FOR RECYCLING OF ELECTRICAL AND ELECTRONIC
EQUIPMENT (EEE) AND BATTERIES (EBR REGISTRY NUMBER: 019-0048)**

Niagara Region appreciates the opportunity to provide comments in response to the EBR posting regarding the Regulations for Recycling of Electrical and Electronic Equipment (EEE) and Batteries under the Resource Recovery and Circular Economy Act, 2016. Please find the Region's comments on each respective section of the regulations below.

Designating Materials

Niagara Region is supportive of inclusive list of designated materials, including appliances, lighting and ballasts, which are included in Schedule I of the EEE regulation, however the list of EEE does not include toys. Toys containing electronic parts and batteries are commonly found at municipal recycling and waste disposal facilities and should be included in the scope of the EEE regulation.

The Region has no concerns with the definition of "large-scaled fixed installations" which excludes large-scale electrical equipment such as elevators, escalators and streetlights.

Niagara Region also supports the inclusion of single use and rechargeable batteries in the battery regulation as it avoids confusion for consumers and ensures more battery capture.

Defining Responsible Producers

The regulations propose responsibility primarily on brand holders who are resident in Canada whose EEE and batteries are marketed and supplied to Ontario consumers, followed by importers and others who market EEE and batteries who are resident in Ontario, and then others who are located out of province but who market and supply EEE and batteries to Ontario consumers through the internet. Niagara Region supports the cascading approach to identify responsibility for EEE and batteries, however if there are two or more brand holders resident in Canada, the regulation states that the brand holder most directly connected to the production of the EEE or the batteries is the producer. This is not defined and should be further clarified as it is vague.

Niagara Region's Response to Consultation Sessions: Proposed Producer Responsibility Framework for WEEE and Batteries

Niagara Region supports the dual hierarchy for batteries to differentiate producers that include batteries in their products and those that do not.

With respect to the producers that are located out of province but who market and supply EEE and batteries to Ontario consumers through the internet, a mechanism should be developed to report on-line sellers (free-riders) that do not pay extended producer responsibility (EPR) fees and do not assume take-back obligations. This would improve enforcement by RPRA.

Collection Requirements

Niagara Region supports the Ministry's approach for ensuring accessibility of EEE and battery collection sites across the Province. While the accessibility requirements increase the reach to consumers throughout the province and applies to municipalities of more than 1,000, this may still leave a segment of Ontario municipalities without disposal options if there is no local retailer. Accessibility of collection sites must be included in all municipalities.

The regulation does not, and should not, require municipalities to collect EEE or batteries, but municipalities should retain the right to collect if they wish to be a service provider.

The EEE regulation suggests collecting each type of EEE material separately. Only in rare cases would categories not mix with other categories or have different requirements (i.e.: lighting ballasts). But for the most part, electronics can be safely collected together. This will enable sites with limited space to effectively offer collection services for a wider range of materials with existing resources.

A significant portion of EEE falls under the categories of large and small equipment, including most appliances, tools and gardening equipment. Therefore producers of large and small equipment should not be exempt from collection requirements. Further, in an effort to maximize capture, producers should be subject to collection requirements in all cases, and should not have reduced obligations even if their management requirement falls below the identified minimum thresholds. The identified management requirement thresholds in the regulations do not support the notion of 100% extended producer responsibility practices.

Management Requirements

Niagara Region is supportive of adding the weight of reuse, refurbishment, or processed EEE to make new products, packaging or *things* to satisfy recovery requirements as this should help incentivize more reuse and refurbishment activity; however, there should be increased checks and enforcement to prevent any producers from falsely calling a product refurbished just to meet their targets. In addition, the term, "things" needs to be defined. It is vague and does little to provide clarification and could have companies looking to achieve targets based on the lowest common denominator.

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Waste Reduction Initiatives

Niagara Region is supportive of a reduction of a management requirement to be capped at 50 per cent if: EEE contains post-consumer recycled glass or recycled plastic content; if EEE is subject to a warranty that covers one or more years (with escalating reductions); or if the producer provides information, tools or parts available at no charge or on a cost recovery basis to safely repair the EEE. The process for repairs shall be a relatively simple process to ensure that it does not deter the repair of EEE.

Both regulations should encourage product design where there is less use of toxic materials and rare earth components in the manufacture of EEE and battery products.

An extended warranty, at no additional cost, that provides the same coverage as the original manufacturer's warranty would provide an incentive for manufacturers to design their products with additional longevity. This would drive innovation in the design of their product if their extended, no-charge warranty was three or more years, with the incentive that the producer may reduce the weight of its supply data for each of those years by 10 per cent of the weight supplied with the warranty in each of those years.

A processor and refurbisher guideline will support the required standards that must be met by processors and refurbishers in order for the tonnage processed by those companies to count toward a producer's recovery requirement. The guideline should make a clear distinction between repair and refurbishment. Refurbishing should be clearly defined as a product being put back on the market, versus repair which does not entail a resale of the product. The guideline, as well as increased checks and enforcement, will help support and prevent any producers from falsely calling a product refurbished just to meet their management requirement.

Promotion and Education

Promotion and education should be clear on what types of EEE and batteries can be recycled and which cannot. In addition, the requirements for promotion and education should be expanded to be clear on how repair services, parts and tools are made available to consumers and how producers shall make these tools available and accessible to rural, northern and remote communities.

The regulations should be clear on what types of communication are required (i.e.: radio, television, social media campaigns, etc.) and should also include non-digital media forms such as print to increase accessibility of information to rural, northern and remote communities that may not have access to broadband internet service providers.

Further, the regulations should state that the producer, while responsible for all promotion and education, can delegate or engage with private parties to address these responsibilities to help meet their requirements.

Finally, the regulations do not offer a standard for those who market EEE and batteries in Ontario on visible extra fees related to resource recovery or waste reduction. Rather, the regulations leave it up to

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seller whether they identify the charge or not. Niagara Region supports all-in pricing to make it simpler for the consumer.

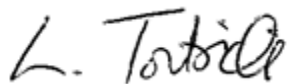
Registration, Record Keeping, Reporting and Auditing

The regulations should require collection sites to register and confirm that they are an active collection site for EEE and batteries. In Niagara, there has been some confusion with respect to the collection of tires as some registered collectors are not actively collecting tires. As such, the regulations should require collection sites to register with confirmation of active collection.

The regulations state that municipalities, acting as collectors, must keep records relating to EEE and batteries at their sites. Specifically, the draft regulations state that if the site receives more than 15 units or 150 kg of EEE, or more than 15 kg of batteries, from a person on a single day, the operator of the site must record the person's name, contact information, any unique identifier assigned by the Registrar and the amount of EEE or batteries accepted. Niagara Region is not supportive of keeping or maintaining these records as it is impractical and unnecessary for municipal collection sites. We support the exclusion of municipal sites from these record keeping requirements as municipal sites manage a wide range of materials from the public to ensure they are properly managed and are extremely busy.

Thank you again for the opportunity to provide comments on the regulation. Niagara Region looks forward to continued engagement with the Ministry, and sharing our unique municipal perspective as we work together to create a circular economy for Ontario.

Regards,



Lydia Torbicki
Director, Waste Management Services (Acting)

cc: Mr. R. Tripp, CAO (Acting)
Ms. C. Habermehl, Commissioner, Public Works Department (Acting)