

October 18, 2024

Submitted online and via email to Krista.Friesen@ontario.ca

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Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, 8th floor
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RE: ERO 019-8866 - Amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products

Dear Ms. Friesen

The City of Guelph (the "City" or "Guelph") appreciates the opportunity to provide feedback regarding the proposed amendments to producer responsibility regulations under the *Resource Recovery and Circular Economy Act, 2016*. In this submission, you will find the overall comments and recommendations from the City of Guelph regarding the proposed changes, organized based on the [summary document](#) provided in the Environmental Registry of Ontario posting.

The City of Guelph also consulted with the Association of Municipalities of Ontario (AMO), the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association and are aligned with their comments on these amendments.

It is important to underline at the outset that Guelph is supportive of the outcomes-based approach taken under the RRCEA along with the provision for a strong oversight body. We also understand that this approach is new and it is important that we get these provisions right. We do have concerns that each round of amendments to date - including those that were made before the regulations were passed - have reduced the outcomes sought (e.g., lower targets, more deductions and exemption) and weakened oversight. This runs counter to the province's ambitious targets to meet a 50% waste diversion target by 2030.

Guelph is fully supportive of the producer responsibility direction and appreciate all the efforts the Ministry has undertaken. We are pleased that the Ministry is open to amendments, and we continue to advocate for expanding the list of designated materials. In the HSP regulation alone, many of the materials the City collects from residents are excluded from the regulation such as acids, caustics, oxidizers, fire extinguishers, flares, ammunition, motor oil, pharmaceuticals, and hypodermic

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needles. The approach also continues to be fragmented when some types of materials are included while others are not (e.g. products with flammable organics where it does not include automotive and household cleaning products). The program still relies on municipal good-will as a backstop at the cost of the taxpayer for partial costs related to some designated materials and the full cost for non-designated materials.

Guelph's Context:

The City's [Solid Waste Management Master Plan \(SWMMP\)](#) was developed in 2021 which continues ongoing assessment of the implications on the City's integrated waste management system for extended producer responsibility programs. The City continues to evaluate the viability of providing services in the new system and the feasibility, costs and diversion impacts of providing services.

The City of Guelph owns and operates the Waste Resource Innovation Centre (WRIC) located at 110 Dunlop Drive in Guelph. A public drop-off which includes a hazardous and special products (HSP) drop-off are located at the site.

At the WRIC, the on-site municipal HSP depot that serves Guelph residents accepted over 15,000 material drop offs in 2023. The largest categories of HSP waste collected included non-aerosol paints and coatings, aerosol paints and coatings, flammable liquids, and motor oil. Incoming HSP waste is sent to hazardous waste haulers for disposal or recycling. The WRIC also accepts alkaline, car, and rechargeable batteries. In 2023, approximately 3.1 metric tonnes of alkaline batteries, 12.9 metric tonnes of car batteries, and 108 boxes of rechargeable batteries were collected.

The WRIC collected approximately 180 tonnes of electronic and electrical equipment (EEE) waste in 2023.

Since 2019, the WRIC has not accepted automotive tires for collection or recycling. Guelph residents have access to over 50 registered used tire collection sites within the City, based on the [RPRA map online](#).

The following sections contain the City's comments on the proposed amendments to producer responsibility regulations as outlined in Environmental Registry of Ontario posting 019-8866.

Collection:

1. Add geographic offsetting – Tires, Batteries, Electrical and Electronic Equipment (EEE) and Hazardous and Special Products (HSP) Regulations:

The rationale of providing geographic offsetting of collection sites between adjacent local municipalities for this amendment is understood, but more information is needed to understand how this amendment would impact different designated materials and WRIC operations, especially since Guelph is adjacent to a few large municipalities (e.g. Halton and Waterloo Region). For geographic offsetting, producers must ensure that residents in the adjacent municipality have access to that site (e.g., Guelph's ECA only allows collection of materials generated in Guelph and Wellington County). It is also recommended that a standard be included to ensure all residents have reasonable access to collection sites.

2. Add or increase collection events – Tires, EEE and HSP Regulations

More information about the rationale of increasing collection events and the impact it would have for municipalities is needed; especially for materials that currently do not have collection or management targets. Permanent sites are known to achieve higher recovery rates as compared to one / half day events. What constitutes as a public event and conditions on frequency should also be clearly defined within the regulation.

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

This amendment would be a helpful change for municipal sites that do not operate year-round. The WRIC is open year-round (excluding weekends and holidays) but does not currently accept tires for collection or recycling. The City of Guelph would need more information on how this would impact its operations, regarding tire collection at the WRIC, if we don't provide that service, and accepting waste beyond our ECA boundary.

4. Adjust timeline for new census data – Tires, Batteries, EEE and HSP Regulations

This amendment is supported by the City. It is understood by the City that producers may need more time to account for accurate census data to establish and operate collection systems according to requirements aligned with the populations of municipalities or territorial districts in Ontario.

5. Align population density provision across all regulations – Tires Regulation

The City requires more information about how this amendment would affect collection when changing geographic boundaries to adequately comment on this recommendation. Especially since the WRIC does not currently accept tires.

6. Align "take-back" provisions – HSP Regulation

It is difficult to support or comment on this amendment without specific information on which HSP materials will be included in the "take-back"

program. The City of Guelph can support programs where HSP materials are being managed in a closed-loop system (e.g. automobile solvents deposited at an auto-mechanic business).

Some HSP materials (e.g. flammable liquids, sharps, aerosol containers, etc.) must be handled in a way that is safe for the public, businesses, and waste haulers. It increases the hazards associated with these materials by putting the responsibility on the public or commercial businesses to properly handle, package, and transport these items. This amendment would also require time and resources to educate the public.

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

More specific information is needed to comment on this amendment. No analysis is provided on the feedback that has led to this proposed change. This amendment could pose increased risk to public health and safety as it has implications for how hazardous materials such as pesticides, solvents, non-pressurized containers, and automotive waste are collected and transported for recycling. This amendment may be considered but more discussion is necessary.

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

This amendment to add a new requirement for 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 is supported by the City. More information may be needed to understand how this would be implemented.

Burden Reduction:

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

This amendment is not supported by the City in its current iteration. A major change to the regulation to remove recycling efficiency rates requires more analysis and rationale than is given currently. Removing RER targets, especially for materials that do not already have established management targets, may hinder the amount of those materials getting collected and recycled properly. Establishing a simplified model and verification process to collect this information that still ensures a level playing field amount processors may be supported by the City. However, keeping RER requirements until a new simplified model is developed would be necessary.

2. *Adjust small producer exemptions – Tires, Batteries and EEE Regulations*

More information is needed to fully assess the impacts of this proposed amendment. Maintaining the current threshold until adequate analysis can be provided is recommended.

3. Revise collection site record keeping – Tires, Batteries, EEE and HSP Regulations

This amendment to revise the record keeping requirements for all four regulations and to implement a two-tier requirement for collectors to remove administrative burden is supported by the City.

4. Remove registration and reporting for tire collectors

See answer to question #5, below.

5. Reduce tire hauler reporting

No concerns were identified with this amendment. Guelph's WRIC does not currently accept tires for collection or recycling.

Regulation-Specific Changes – Tires:

1. Adjust performance target

The WRIC does not currently accept tires for collection or recycling, however, a few tires are inadvertently dropped off in mixed waste loads. A 70% recovery does seem to be more aligned with previous performance and recommend that the 70% target be used instead of the initial 65% target which appears to be lower than past performance.

2. Increase threshold for regulated tires

The rationale for this amendment to change the weight threshold that defines a designated tire from one kilogram to five kilograms is understood by the City of Guelph, since automotive tires are generally above this threshold. As stated above, the WRIC does not currently accept tires for collection or recycling.

Regulation-Specific Changes – Batteries:

1. Extend management target

This amendment is not supported by the City. Battery recycling in Ontario overall has decreased steadily over the last decade which may indicate a compliance or education/ awareness issue. Delaying the increase in the management target would be rewarding producers for poor performance and does not further the MECP's economic or environmental targets.

A producer requirement for promotion and education should also be added to inform the public how to properly manage batteries.

Regulation-Specific Changes – Electrical and Electronic Equipment:

1. Change requirements for ITT/AV replacements parts

The City supports this amendment to remove reporting requirements for replacement parts from ITT/AV equipment if these materials are still required to be collected and managed.

2. Revise allowable reuse

This amendment to remove the ability for producers to count two times the actual weight of EEE managed by an Ontario-based refurbisher and instead use its actual weight for the purpose of management requirements is supported by the City. This would simplify the framework and provide more accurate information about the amounts of EEE waste being managed each year in the Province.

3. Remove waste reduction incentives

The City supports this amendment to remove provisions that allows producers to reduce their annual management requirements in relation to use of post-consumer content, warranties, and availability of information, tools or parts repair. This amendment should simplify the framework for how management requirements are determined and result in management targets being established based on all tonnes of EEE being supplied in Ontario. A similar amendment should be made to the battery regulation which allows for a management reduction based on the use of recycled content. This provision should be removed.

4. Extend management target for ITT/AV equipment

The City does not support this amendment. The supply of information technology, telecommunications, and audiovisual has increased, and the management of this category must be maintained. Delaying the increase in the management target would be rewarding producers for poor performance and does not further the MECP's economic and environmental targets.

A producer requirement for promotion and education should also be added to inform the public how to properly manage ITT/AV equipment.

5. Consult on expanding types of regulated EEE

The City supports the addition of more materials under the EEE regulation to reduce potential fire hazards. Materials that contain batteries such as small appliances, power tools, personal care appliances, sports equipment, toys, amount others should be included.

Regulation-Specific Changes – Hazardous and Special Products:

1. Revise producer hierarchy for antifreeze and oil filters

This amendment to 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 in 2026 is supported by the City. This change will result in more accurate data being reported, and

requires brand holders, importers, or marketers of new vehicles to become the obligated producer and be responsible for the collection and management of these products.

2. Revise requirements for refillable pressurized containers

Refillable pressurized cylinders do get collected at the WRIC and are expensive to manage. The City was not supportive of the changes made to reduce the requirements for refillable propane cylinders (i.e., annual report, promotion and education, audit) and are not supporting of expanding to all refillable cylinders. All refillable cylinders should meet the same requirements at Category B hazardous and special waste products.

Closure:

For many of these amendments, additional information and time is required to provide a fulsome analysis of any potential impacts to the City of Guelph and the Waste Resource Innovation Centre. The City recommends that detailed regulations be posted for further comments before they are finalized.

Thank you for the opportunity to provide feedback on these amendments, and we look forward to further discussion. Please feel free to contact the City at intergovernmental.relations@guelph.ca should you have any questions or comments.

Sincerely,

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