



October 18, 2024

Resource Recovery Policy Branch
40 St. Clair Avenue West, 8th floor
Toronto, ON
M4V 1M2
Attention: Krista Friesen, Manager

Re: Amendments to Four Producer Responsibility Regulations for Tires, Batteries, Electrical and Electronic Equipment, and Hazardous and Special Products (ERO #019-8866)

Dear Ms. Friesen,

The County of Simcoe appreciates the opportunity to provide feedback on the proposed amendments to four producer responsibility regulations, which include 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), and the Hazardous and Special Products (HSP) Regulation (O. Reg. 449/21) made under the Resource Recovery and Circular Economy Act, 2016 (RRCEA). The County has also reviewed and supports a letter from AMO's Municipal Resource Recovery and Research Collaborative (M3RC) regarding the proposed amendments.

Overall, the County of Simcoe is supportive of the producer responsibility regulations and understand the importance of amendments to ensure the regulations remain effective. The County's observations are that the current set of amendments largely benefit producers (e.g. lower accessibility targets, increase in potential reductions, etc.) who are not meeting their requirements as established in the current regulations. The changes do not address any concerns that were previously expressed by Ontario's municipalities. For example, one of our primary concerns is the lack of items captured under the HSP regulation. The regulations do not designate all the products collected and deemed hazardous at most municipal collection sites and/or events. Non-designated items like automotive additives and cleaners, oxidizers, corrosive acids, corrosive caustics, reactive chemicals, waste oils, automotive batteries and lubricating oil make up over 20% of our material collected at our HHW (Household Hazard Waste) depots. We understand that for some Ontario municipalities, approximately half of hazardous materials collected were not designated under the HSP regulation.

The County's preference is to continue to operate the HHW depots and offer these HHW collection services but we would like to be fully compensated for the costs that we're paying to manage these materials. Should the County not collect all material types these items are likely to end up in the landfill as there are few other disposal options available to residents. Since Ontario's move to producer responsibility for hazardous and special products in 2008, the compensation from producers has not covered municipal servicing costs for collecting these materials. Funding has slowly been eliminated as compensation has not kept pace with inflation or addressed the increased financial investment required for the operation of HHW depots (including safety requirements to operate a hazardous waste depot and staffing requirements for increased operating hours) to keep up with the tonnage increases.



experienced. In addition, capital costs required to upgrade and increase capacity at HHW Depot buildings are not covered by the producers. Increasing the number of items designated under the HSP regulations would, at least in part, improve compensation for the County's costs to collect these materials.

The regulations also allow producers to have specific collection sites for various materials, instead of one location that can take all items (i.e. the majority of private / municipal transfer stations and HHW Depots). The County believes this is a reduction in convenience and increased burden on residents if they need to visit multiple locations to properly manage their materials. The County believes the intention of the regulations is to have producers set up a network of collection sites and/or collection events that meets or exceeds the current servicing provided by municipalities.

As previously noted, the County appreciates the opportunity to provide feedback on the proposed amendments to the four producer responsibility regulations. Our comments on several of the proposed amendments include the following:

Proposed Amendment	Comments
Add geographic offsetting – allow producers to offset a limited number of required sites in a given municipality by establishing and operating collection sites in an adjacent local municipality under the Tires, Batteries, EEE and HSP regulations.	<ul style="list-style-type: none">• It is critical for producers to ensure that residents in the adjacent municipality have access to that site (e.g., allowed under the Environmental Compliance Approval (ECA)). For example, the majority of the County's ECAs limit drop-off of waste to only County residents.• There would be an increased administrative burden for the operating Site if required to have financial agreements, access agreements, etc. in place. This can become increasingly complex when not in the same upper tier municipality. The County's recommendation is to allow geographic offsetting only within the same upper tier municipality.• A maximum travel distance should be included to ensure residents have reasonable access to collection.• It is recommended that geographic offsetting cannot be used in conjunction with an event being used to offset a collection Site. This may drastically limit accessibility for certain residents.• This should only be allowed if both municipalities agree.
Add or increase collection events – allow producers to replace more traditional collection sites with collection events than is currently allowed under the Tires, EEE, and HSP Regulations.	<ul style="list-style-type: none">• The current amendments will allow for a greater number of events and a reduction in permanent/seasonal depots. Permanent HHW Depots have shown to have higher recovery rates as compared to events and offer increased convenience for residents. The County had previously collected HHW using only events but



Proposed Amendment	Comments
	<p>now operates five HHW depots. Since moving from a HHW collection system of events only to depots that are open 6 days per week, the County has seen approximately an 100% increase in kg of HHW collected per person.</p> <ul style="list-style-type: none">For any materials without a defined management target, this proposed change could decrease collection and result in improper disposal of these materials as accessibility is reduced.
Allow all municipal collection sites to count as permanent sites – allow producers to use all municipal collection sites to count as permanent sites, even those that are open on a seasonal basis or for limited days per week under the Tires, Batteries, EEE and HSP regulations	<ul style="list-style-type: none">This is a beneficial change that takes into consideration that many existing municipal collection sites do not operate year-round or only for reduced hours.The County notes that if seasonal / reduced hours sites count as permanent sites there may be a reduced need to increase the allowance for collection events.
Align “take-back” provisions – allow producers under the HSP Regulation who offer closed-loop collection services to consumers to replace or reduce the number of required collection sites. This would align with options in other producer responsibility regulations.	<ul style="list-style-type: none">This change is likely effective for materials that have a ‘closed loop’ such as automotive solvents that would be collected at automotive facilities.The change should be considered for all HSP materials. The County believes this may take away from a ‘one stop shop’ idea for many current municipal HHW depots. County resident feedback has indicated residents want to get rid of HSP at same time as their other waste materials.
Give new option for HSP producers to meet collection requirements based on the existing municipal collection network – allow producers of pesticides, solvents, non-refillable pressurized containers, and automotive HSP to choose between two compliance options under the HSP Regulation: <ul style="list-style-type: none">Establish and operate a collection network based on the size of municipal populations.Establish and operate the same number of collection sites and events that were operated by municipalities in the previous year.	<ul style="list-style-type: none">It is unclear as to what the definition of “the previous year” is and how this accounts for the need of growth. We are concerned that producers may take the number of total existing sites in Ontario and reallocate them so there is the same number of collection sites but not necessarily the same locations. Municipalities and residents may not have much say in how producers reallocate the sites and this may reduce accessibility for residents.This change does not necessarily ensure that those who do not have access currently will have access in the future. The original intention of the population based requirements were to ensure the vast majority of residents had reasonable access to HSP collection.



Proposed Amendment	Comments
Remove recycling efficiency rate (RER) requirements – remove RER requirements for materials with management targets under the Batteries, EEE and HSP Regulations. For HSP materials without targets, require PROs/producers to manage material at a rate equivalent to the existing RER.	<ul style="list-style-type: none">• The ministry is looking to reduce the requirement for an RER for processors to reduce the administrative burden however the concern is that this does not allow a level playing field amongst processors. The County is concerned that if there is not a RER, that this would compromise the integrity of the system. We think the best solution is to still have an RER but develop a way to reduce the administrative burden.
Extend management target – push back the increase of the management target for primary and rechargeable batteries to 50 per cent by five years, from 2025 to 2030.	<ul style="list-style-type: none">• AMO has reported that the tonnage of batteries recycled has steadily decreased over the last decade.• The County believes that extension of the management target rewards the producers for poor performance by not meeting currently established targets.
Extend management target – push back the increase of the management target for ITT/AV equipment to 70 per cent by five years, from 2025 to 2030.	<ul style="list-style-type: none">• AMO has reported that the tonnage of electrical and electronic equipment recycled has decreased over the last decade, whereas the supply of these materials has increased.• The County believes that extension of the management target rewards the producers for poor performance by not meeting currently established targets.

Thank you for the opportunity to provide feedback on the proposed amendments to the four producer responsibility regulations. Please contact the undersigned should you have any questions or require any additional information.

Sincerely,

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Director, Solid Waste Management
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