

Mobius PRO Services
Comments on

Amendments to four producer responsibility regulations for
tires, batteries, electrical and electronic equipment, and
hazardous and special products

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“General geographic offsetting between adjacent municipalities” is a better idea. But will be a challenge to ensure residency requirements are consistently waived for people in adjacent communities not part of same upper tier. If not able to use geographic adjacency, it could be that this solves the accessibility issue even with the common upper municipality requirement.

Good idea. Need clarification of required number of public events in lieu of one site. 1:1?

Makes sense. Seasonal spikes in population will be met with increased availability of sites.

Extra time to adapt to new census will be helpful

Makes sense

A reasonable argument can be made that most Automotive HSP is largely collected through take-back systems. (logic applies to oil filters & antifreeze...but to a lesser extent oil & antifreeze containers) Need clarity on definition of closed loop.

The number of automotive HSP sites that operate in a municipality is driven by the demand for automotive HSP services. These things fluctuate.

This seems uniquely written to cover Mobius current Auto-HSP collection system method. Will be requesting further discussion with MOECP policy branch to improve mutual understanding of current situation and proposed 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:

- 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.
- 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.
- 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.
- Adjust timeline for new census data – permit producers a sufficient period of time (for example, one or two years) after population data is updated to adjust the number of collection sites they are required to establish and operate under the Tires, Batteries, EEE and HSP Regulations.
- Align population density provision across all regulations – adjust the population-based formula in the Tires Regulation to reflect higher population densities in large municipalities. This adjustment would ensure the number of required collection sites in these communities accurately reflects their higher population densities, aligning with provisions already established in the Batteries, EEE, and HSP Regulations.
- 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.
- 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:
 - 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.
- Add new performance requirement for large producers of automotive HSP when creating alternative collection networks – require these producers to demonstrate the alternative network can achieve results at least as good as the population-based collection network under the HSP Regulation.

The RER “certification” process has been an arguably needless burden. Significant economic incentive already exists to achieve maximum economic RER on material that has been delivered to processors. Are there any examples where RERs are problematically low, and regulations are required to achieve higher RERs? If so – limit RER thresholds and verification to those areas.

Provided that everything that is collected can be shown to have gone to valid processors, is there a really a problem?

In automotive HSP, definitions of collected weight need to be clarified. Non-program material forms a large portion of collected weight that goes into denominator of RER does not or cannot be included in numerator.

- Examples:
- Motor oil draining from oil filters between collection time and weigh-in at processors
 - Misc. “garbage” in plastic container collection stream
 - Non-program material for material handling such as bags of containers and plastic/strapping of bulked recyclables.
 - Labels on plastic containers
- There needs to be clarification on removal of this weight from collected weight definition to ensure that recovered weight i

Proposed change to be supply based exemption is better

 All good

Burden reduction

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

- 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 collected material at a rate equivalent to the existing RER.
- Adjust small producer exemptions – change the basis for calculating small producer exemptions from collection or management requirements to supply tonnage under the Tires, Batteries and EEE Regulations.
- Revise collection site record keeping – remove the requirement for certain collection sites to keep records related to large amounts of material brought to sites under the Tires, Batteries, EEE and HSP Regulations.
- Remove registration and reporting for tire collectors – remove registration and reporting requirements specified in the Tires Regulation.
- Reduce tire hauler reporting – reduce reporting requirements for tire haulers to only cover two specified tire types.

This is just lowering the net target buried in a slight change in the method of calculating the target. (Will oil filters be going to this same method of calculation?)

Currently 85% of 85% = 72%

Will be 65% (in effect 10% lower) for 5 years then 70% (approximately the same as now). If its too high now, what is expected to change 5 years from now when it will be at essentially the same number it is today? Higher collection rates? More effective recovery? Any reason to believe this will happen?

Is guessing “the right number” below current rates better than having a stretch-goal? We understand the difficulties for some producers of having a number that can’t be achieved and having to exist in a half-compliant state of limbo. Companies need to know if they are or are not compliant.

Suggestion: In the event a producer (via its PRO or PROs) does not achieve the minimum, consider granting (or requiring) the regulator the authority to conclude whether there was more available to collect and/or unpurchased available credits. Then issuing a compliance (or non-compliance) statement.

Setting the target too low means increased likelihood that some PROs & producers will pull more than their fair share. Current system has related unequitable situation where large PRO consistently falls short of target and small PROs achieve theirs. Consider giving RPRA the authority (requirement?) to balance all PROs to same result.

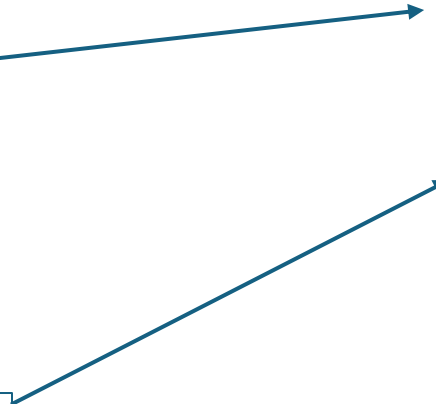
Regulation-specific Changes

Proposed changes to the Tires Regulation

We are proposing the following amendments to reduce burden for tire producers and to align the Tires Regulation with the other producer responsibility regulations:

- Adjust performance target – remove the current collection target and introduce a revised management target based on producers’ historic supply starting in 2025.
- Increase threshold for regulated tires – raise weight threshold for regulated tires from one kilogram to five kilograms. This means that small tires would not be included in a producer’s supply reporting; however, producers would still be required to ensure that these tires are managed appropriately when collected.

This does need to be fixed once and for all. First-fill antifreeze is can and should be treated the same as tires on new vehicles.



Proposed changes to the Hazardous and Special Products (HSP) Regulation

We are proposing the following amendments to reduce burden for producers and simplify the regulation:

- Revise producer hierarchy for antifreeze and oil filters – brand holders, importers and marketers of new vehicles would become the obligated producers for the collection and management of antifreeze and oil filters that are supplied in new vehicles.
- Revise requirements for refillable pressurized containers – reclassify refillable pressurized containers from category B to category E, which would align them with refillable propane containers.

This is a good idea too.