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October 18, 2024

Krista Friesen  
Manager, Resource Recovery Policy Branch  
Ministry of the Environment, Conservation and Parks  
40 St. Clair Avenue West, 8<sup>th</sup> Floor  
Toronto, ON M4V 1M2

Dear Ms. Friesen:

**RE: ERO 019-8866 Amendments to Four Producer Responsibility Regulations:  
Niagara Region Comments**

Niagara Region is submitting the comments below in response to ERO 019-8866. We thank you for the opportunity to share our municipal perspective and look forward to engagement with the Province on this notice.

Regards,



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Catherine Habermehl  
Director, Waste Management Services

**Niagara Region Comments: “Amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products”**

While the Ministry claims that the proposed amendments to four producer responsibility regulations for tires, batteries, electrical and electronic equipment, and hazardous and special products will not impact the intended outcomes of reducing and diverting waste, the proposed changes could, in fact, have a significant impact. Below are several concerns that highlight why:

1. **Performance Decline Since Inception of Programs:** Since the introduction of the new diversion programs and subsequent amendments, we have seen a dramatic decrease in performance; specifically, lower rates of material collection and recycling. These trends suggest that the amendments and evolving framework may not be supporting the intended goals of increasing waste diversion, and a review is necessary to identify and address the root causes of these declines.
2. **Insufficient Information:** There is a general lack of detailed information to properly evaluate the merits of these new proposed changes. Stakeholders should be able to review and comment on the specific draft legal language of the amendments prior to adoption.
3. **Delays and Missed Opportunities in Setting Management Targets:** Pushing back key management targets gives producers more time to comply. However, this delay could result in slower progress towards waste reduction and recycling goals, undermining the original intent of the legislation and regulations. Furthermore, the MECP has missed a critical opportunity to establish targets for designated materials under the HSP program, further weakening the program’s effectiveness and limiting its potential to increase waste diversion outcomes across the HSP stream.
4. **Reduced Collection Infrastructure:** Allowing producers to geographically offset collection sites or replace permanent locations with temporary events could reduce the accessibility of waste diversion services, especially in underserved or rural areas. This may lead to lower collection rates and, ultimately, less material diverted from landfills.
5. **Lower Accountability:** Reducing administrative burdens, such as removing certain reporting or verification requirements (e.g., recycling efficiency rates), could weaken oversight. Without sufficient reporting, it will become more difficult

to ensure producers are fulfilling their responsibilities to reduce and divert waste effectively.

6. **Expansion of Materials Under All Programs:** While the government is consulting on expanding the list of materials under the Electrical and Electronic Equipment (EEE) program, it should also explore expanding producer obligations to cover additional materials under the other diversion programs (such as tires, batteries, and hazardous and special products). A broader scope would enhance waste diversion efforts across all material streams.
7. **Reduced Accessibility to Drop-off Sites:** Many locations identified by Resource Productivity and Recovery Authority (RPRA) as drop-off sites for used materials do not actually accept the items they are listed as handling. If the government is recommending a reduction in collection targets and more flexibility in how accessibility is provided, these changes, combined with the current gaps in the system, will lead to further inaccessibility for Ontario residents.

In summary, while the government aims to simplify compliance, these proposed changes risk undermining the waste reduction and diversion goals set by the legislation and regulations. Less stringent requirements and extended timelines are likely to result in fewer materials being diverted from landfills, particularly in the short to medium term. The Region's specific comments to each of the proposed items are noted below.

## **Collection**

### **1. Geographic Offsetting (Tires, Batteries, EEE, HSP Regulations)**

While the proposed flexibility for producers to establish collection sites in adjacent municipalities may benefit some regions, it could negatively impact service accessibility in others, such as Niagara. Currently, Environmental Compliance Approvals (ECA) restrict the Region to accepting materials generated within Niagara. If neighbouring municipalities are permitted to accept Niagara's materials, it may limit our residents' access to proper waste diversion services. To address this issue, broad amendments to ECAs will need be considered to modify boundaries for hazardous and special products (HSP), batteries, and other regulated materials. This may be problematic if communities and their residents are opposed to the change. Furthermore, if a neighbouring site (e.g., in Hamilton) is expected to serve Niagara communities, a reasonable distance requirement should be enforced to maintain convenience for residents.

While the general rationale for this amendment is understood, ultimately there is insufficient information to fully assess its impact across various designated materials. Additionally, the reasoning behind the 10% offset allowance remains unclear, making it difficult to provide support without a more detailed analysis.

**2. Increase in Collection Events (Tires, EEE, HSP Regulations)**

We do not support the proposed increase in collection events replacing permanent sites, as no clear rationale has been provided for this change. Reducing the number of permanent collection sites could result in less material being diverted and decrease year-round accessibility for residents and ultimately decreased funding to municipalities to an already under-funded program. Permanent sites are known to achieve higher recovery rates compared to temporary, one-day events, so replacing them with short-term events could weaken the overall effectiveness of waste diversion programs. An additional potential implication with decreased accessibility and convenience is an increase in illegal dumping or improper disposal. Given the lack of clarity on the necessity and potential impact of this change, we cannot support it in its current form.

**3. Municipal Collection Sites as Permanent Sites**

We view this as a positive change, as it acknowledges that some municipal sites do not operate year-round or during regular business hours. However, to prevent a reduction in the availability of services, the government should limit the number of sites permitted to operate with reduced hours. This would help ensure producers provide adequate funding to maintain full operations rather than relying on reduced schedules. Ultimate support for this change is condition on a review of draft regulatory language.

**4. Adjustment of Census Data Timeline**

We do not support a prolonged extension (anything in excess of 12 months) of the timeline for producers to adjust their collection site obligations based on updated census data. Delaying these adjustments could lead to communities being underserved for extended periods, potentially up to five years. Since census data is updated every five years, this delay could create significant discrepancies in service levels, particularly in rapidly growing areas. It is essential that updates to service obligations happen in a timely manner to keep pace with population growth and community needs.

**5. Population Density Alignment (Tires Regulation)**

We are not in favour of the proposed reduction in the number of tire collection sites for municipalities with populations over 500,000. Reducing the number of sites by half may disproportionately affect larger communities that rely on accessible collection points for proper tire disposal. In addition, widespread illegal dumping of tires continues, and a further reduction of collection sites will only exacerbate this problem. This adjustment could limit access and undermine the effectiveness of tire recycling efforts in urban areas.

**6. Alignment of "Take-Back" Provisions (HSP Regulation)**

The proposal to reduce collection site requirements through take-back programs raises concerns about equitable access to hazardous product disposal. Without a minimum

requirement of at least one site in every community, residents may struggle to find accessible disposal options. Moreover, certain materials, such as auto solvents generated at home, may not be covered by take-back systems, increasing the risk of improper disposal and environmental harm.

#### **7. Option for HSP Producers to Use Existing Municipal Collection Networks**

We do not support this proposal, as it shifts responsibility onto municipalities rather than ensuring that collection services meet population needs. Relying on matching the number of collection sites and events from the previous year does not account for changing or growing community requirements. Additionally, there is a lack of clarity on how this approach would be implemented, particularly regarding the tracking and collection of data on municipal sites and events. Without a thorough analysis of the implications, this proposal raises significant concerns about equitable service delivery.

#### **8. New Performance Requirement for Large Producers of Automotive HSP**

There is not enough information provided to fully assess this proposed change. More clarity is needed on how this new performance requirement will be implemented and how its effectiveness will be measured.

### **Burden Reduction**

#### **1. Removal of Recycling Efficiency Rate (RER) Requirements (Batteries, EEE, HSP Regulations)**

We do not support the removal of Recycling Efficiency Rate (RER) reporting requirements for individual processors. While reducing administrative burden is important, there is no guarantee that materials collected will be managed properly without the oversight provided by RERs. We have seen issues in other programs, such as tire recycling, where collected materials were not effectively managed. Eliminating RERs could lead to similar problems by weakening the accountability of processors. Instead of removing RERs entirely, we recommend simplifying the reporting process or introducing a streamlined verification system. This would reduce the administrative burden while still ensuring that materials are properly recycled and environmental goals are met.

#### **2. Adjustment to Small Producer Exemptions (Tires, Batteries, EEE Regulations)**

We are unable to support or oppose the adjustment to small producer exemptions at this time due to insufficient information on how this change will impact the system, particularly for municipalities. Reducing the number of obligated producers will likely result in less funding within the system, which could affect the ability of municipalities to

manage tires, batteries, and EEE effectively. Without a clear understanding of the financial implications and how this change will affect municipal programs, we cannot fully assess its potential consequences. A more detailed analysis is needed to evaluate the impact before any decision can be made.

### **3. Revised Record Keeping for Collection Sites**

No concerns pending review of draft regulatory language.

### **4. Removal of Registration and Reporting for Tire Collectors**

No concerns pending review of draft regulatory language.

### **5. Reduced Tire Hauler Reporting**

No concerns pending review of draft regulatory language.

## **Regulation Specific Changes**

### **Tires**

#### **1. Adjust Performance Target**

We do not support reducing the management target from 85% to 65% for 2025-2029 and 70% from 2030 onward. It is unclear why this reduction is necessary, especially since municipalities continue to manage increasing amounts of tire waste without receiving compensation. In Niagara for example, the number of tires managed at our sites has more than doubled since 2017 (from 9,998 to 20,426 tires), yet no funding or compensation has been provided by producers for this work. Ultimately, the proposal lacks sufficient justification and does not provide a clear methodology for determining the lower target.

#### **2. Increase Threshold for Regulated Tires**

We oppose the proposed increase in the threshold from one kilogram to five kilograms for regulated tires. This change will reduce the number of tire producers contributing to the program, resulting in less funding for tire management. Since municipalities currently receive no compensation for tire disposal, reducing the number of obligated producers will further weaken the financial model. Additionally, with the increasing use of e-bikes and scooters, small tires will likely become more common. This raises concerns about who will cover the processing costs for these tires. More consideration is needed, particularly regarding whether these smaller tires are produced by different manufacturers.

## **Batteries**

### **1. Extend Management Target Timeline**

We are not in favour of delaying the 50% management target for batteries from 2025 to 2030. No valid reason has been provided for the extension, especially for a target that should be achievable. Battery recycling has been in place for over 15 years, and the target was established long before the regulation's implementation in July 2020. The delay seems to be a result of conflicts between industry players, which should not justify postponing these targets.

Additionally, as highlighted in the 2023 AMO Ontario Baseline Waste & Recycling Report, battery recycling rates have steadily declined over the past decade, and municipalities have raised concerns about compliance issues. Delaying the management target only rewards poor performance by producers and undermines the government's economic and environmental goals. In addition, this proposed change runs counter to the need to address growing concerns over battery-related fire hazards in the waste stream.

## **Electrical and Electronic Equipment (EEE)**

### **1. Change in ITT/AV Replacement Parts Requirements**

We are concerned that removing reporting requirements for ITT/AV replacement parts may reduce overall target amounts. By eliminating the weight of these parts from management performance calculations, this change could lower expectations for recycling performance and decrease the effectiveness of the program.

### **2. Revision of Allowable Reuse**

We oppose the removal of the incentive that allows producers to count reused or refurbished EEE at double the weight. Reuse is a more desirable outcome than recycling, and there should be an incentive to encourage it while tracking tonnage accurately. Instead of removing the incentive, the management targets should be adjusted to reflect actual tonnage, ensuring that cost-efficiency drives reuse over recycling when appropriate.

### **3. Removal of Waste Reduction Incentives**

We oppose the removal of waste reduction incentives, which encourage the use of recycled content or extended warranties. These incentives promote more sustainable waste reduction strategies that go beyond simple recycling. Rather than eliminating

them, we suggest finding a solution to simplify and retain these incentives within the regulatory framework.

#### **4. Extension of Management Target Timeline for ITT/AV**

We do not support delaying the 70% management target for ITT/AV from 2025 to 2030. The targets appear to have been set too low, and giving more time seems unnecessary, given the extensive collection opportunities already available. Although northern Ontario may face specific challenges, this delay ultimately rewards processors for not taking the regulations seriously.

Furthermore, as noted in the 2023 AMO Ontario Baseline Waste & Recycling Report, recycling rates for electrical and electronic equipment have dropped significantly since 2013, despite an increase in the supply of these materials. Delaying the increase in the management target rewards poor performance and fails to address growing concerns over battery-related fire hazards in the waste stream.

#### **5. Consultation on Expanding Regulated EEE**

We fully support expanding the list of designated EEE to include more than just products with embedded batteries. Ontario lags other provinces in this area, and we recommend adding items with power cords, such as small appliances and power tools, to the designated list. Expanding the regulation to cover more items, including hazardous and special products (HSP), will improve waste diversion outcomes.

While municipal governments are supportive of expanding the scope of regulated materials, it is unclear why more consultation is necessary. Expanding the list of covered electronics and electrical equipment has been included in several previous provincial consultations, and this expansion was a commitment made in the Province's strategy. We urge the Province to move forward with implementation.

### **Hazardous and Special Products**

#### **1. Revise Producer Hierarchy for Antifreeze and Oil Filters**

No concerns pending review of draft regulatory language.

#### **2. Revision of Refillable Pressurized Container Requirements**

Refillable pressurized cylinders (both propane and other gases) are frequently dropped off at municipal depots without funding or compensation provided by producers. This raises the question of why municipalities should continue to accept these items. While the proposed changes may create a level playing field for producers, they do not



address the need for fair (or any) compensation to municipalities for this material category.