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SUBMITTED ONLINE TO THE ENVIRONMENTAL REGISTRY OF ONTARIO:
ero.ontario.ca/notice/026-0218

Krista Friesen
Manager, Policy Development
Resource Recovery Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, 12th Floor
Toronto, ON M4V 1M2

Dear Ms Friesen:

Re: City of Toronto Comments on Environmental Registry of Ontario Number 026-0218: Proposed Amendments to Tires and Other Producer Responsibility Regulations

The City of Toronto (the "City") is pleased to provide comments in response to the proposals from the Ontario Ministry of the Environment, Conservation and Parks' (the "Ministry") to amend the Tires, Hazardous and Special Products ("HSP") and Administrative Penalties Regulations made under the Resource Recovery and Circular Economy Act, 2016 ("RRCEA"), that were posted on April 2, 2026 to the Environmental Registry of Ontario ("ERO") for comment.

The City supports the goal of increasing the recovery of resources and reducing waste by holding those most responsible for the design of products and packaging accountable for end-of-life management of their materials supplied into the Ontario marketplace.

The City continues to be concerned that potential improper management of materials currently captured under the various Extended Producer Responsibility ("EPR") regulations will impact the City's responsibilities to safely manage waste and litter, consistent with provincial regulations, leading to:

- A potential increase in litter generated both from materials designated under these regulations or materials that are not designated but still require management by the City as environmental stewards; and

- The potential for the improper disposal or illegal dumping of both designated and non-designated materials in the environment, which could lead to releases of harmful materials to the air, land, and water.

The City notes that Minister of the Environment, Conservation and Parks recently indicated that the Ministry was exploring options to address landfill capacity concerns and reduce reliance on US landfills, accelerating the shift toward a circular economy. The City looks forward to working with the Ministry to ensure the most efficient and effective use of Ontario's remaining capacity, including the diversion of materials that should be managed under the EPR regulations.

As such, the City requests that the Province ensure that any proposed amendments to regulations be assessed with the goal of maintaining and then increasing the standard of management for all regulated materials.

1. Expand the existing "call-in" collection requirement to any site that generates tires and add a guaranteed response time – Tires

The City supports these amendments if they will ensure producers or their producer responsibility organizations ("PROs") are obligated to collect **all** tires on a regular basis. This will help reduce any hazards associated with stockpiled tires and ensure processors have a consistent supply of tires to support a circular economy. The Ministry needs to ensure that producers have the incentives to view targets as floors, not ceilings, especially in light of declining landfill capacity in Ontario.

The City also supports the Resource Productivity and Recovery Authority ("RPRA") being given a strong oversight role in both the development of rules, the determination of the appropriate number of collection sites and the oversight of the operation of the amended collection process/system.

2. Add a new requirement that collected tires must be managed within 3 months of pick-up – Tires

The City supports this amendment as it creates consistency with the timing for the management of materials subject to the other EPR regulations.

The City has concerns with the questions seeking feedback on the use of Energy from Waste ("EFW") facilities to manage excess tires once recycling targets are met. Consideration should first be given to ensuring that the recycling targets for tires are set at an appropriate level that corresponds to the quantity of tires sold into the Ontario marketplace, and that the processing capacity to manage tires within Ontario is being fully utilized.

One of the goals of EPR is to incentivize innovation in product design by encouraging producers to maximize the materials available for recycling. Producers would then be able to determine the best way to recover recyclable materials for use in new products and if necessary, seek out innovative ways to reach that goal.

The province should prioritize the creation of a highly innovative recycling diversion system supported by high targets in order to limit the pressure placed on the limited residual waste management capacity in Ontario.

The City is concerned that allowing tire producers to use EFW to manage any tires remaining once targets have been met does not support the transition to a circular economy as it allows producers the option to incinerate rather than innovate and invest to create more opportunities to recover materials.

Should the Province move ahead with this idea, the RPRA should be directed to monitor to ensure targets are being met, with the Ministry committing to increasing targets once they are being met.

3. Revise recycling efficiency rate (RER) requirements – HSP

The City feels that the Ministry should have provided more data in support of the proposal that the requirement to meet the RER for antifreeze (both liquid and containers) and oil containers be delayed to 2028 from 2027.

Given that these RER requirements were provided to the sector in 2021 and then subsequently extended from 2023 to 2027, there is no way to confirm that an additional year is needed (or is sufficient) to develop management options for antifreeze (both liquid and containers) and oil containers.

In addition, the City would like the Ministry to provide an explicit statement that the use of EFW to manage these materials in the interim in no way implies that EFW can be used to address the RER requirements. Recent media coverage highlights the confusion that this proposal has created¹.

The City supports the fact that this proposal does not change the RER for paints and coatings, and solvents, which will still come into effect in 2027.

4. Administrative change to clarify collection site requirements – HSP

The City has no comment on the proposal to amend the regulation to align with RPRA's interpretation of collection site requirements.

When the (then proposed) changes to collection site requirements were first brought forward as part of amendment proposals in 2024, the City noted its concern with the lack of details on how information in support of approvals would be assessed under the amended collection site requirements, as well as potential impacts to municipal collection sites.

5. Remove the \$1 million cap – Administrative Penalties (AP) Regulation

The City supports the removal of the cap, with caveats.

¹ [Is Ontario trading plastic recycling for incineration? Toronto Star April 17 2026](#)

As the AP Regulation is currently written, the total amount of a penalty (the base amount combined with the economic benefit amount) cannot exceed \$1 million per contravention per person or business.

Removal of the cap, along with the new requirements for PROs to report annually to RPRA on financial information that can inform assessment of economic benefit (e.g., cost to collect and manage material), should provide additional compliance incentives.

However, the City continues to be concerned that the current guidelines for the use of AP funds, such as to reduce revenue requirements of producer responsibility programs during the RPRA's annual budget and fee-setting processes, create the perception that registrants in program areas with compliance issues are directly benefiting from any penalties that are assessed. This is especially a concern in circumstances when the majority of registrants in a program area are made subject to an administrative penalty under the Regulation.

While the City has noted in the past that there is merit to the concept of applying the AP funds collected back to the program areas from which they were generated, the City has also stated that the use of the funds should be prioritized to support activities that improve economic and environmental outcomes in the relevant programs, as noted in comments provided to the Ministry in 2021 and the RPRA in 2024 (see attachments).

Additionally, the City notes that the proposal does not appear to explicitly address the provision in the current regulation that bars a person or business from being made subject to more than \$1 million in penalties in the same year for the same continuing contravention. This should be clarified.

6. Rules for shared PRO activities – Tires, HSP, Batteries, EEE

In keeping with the City's overarching principles of ensuring that EPR programs maximize the diversion of waste from landfills and that materials collected are recycled and incorporated back into the economy, the City supports strong oversight by RPRA when it comes to the sharing of collection responsibilities and the sale/purchase of excess recovery performance credits by PROs for the purposes of meeting minimum management requirements.

As such, the Ministry should consider the use of a clearinghouse to allocate shared collection responsibilities and set credit trading rules and prices for PROs operating in Ontario. The responsibility for establishing and operating the clearinghouse should be taken on by RPRA.

7. Increase Ontario based recycling – Tires

The City supports any efforts to increase the recovery of valuable resources from tires when they reach end of life. Recycling efforts should include the goal of creating sustainable economic opportunities within Ontario in support of a circular economy. These opportunities would be lost if tires were processed elsewhere, sent to landfills or directed to EFWs.

The goal of these provincially regulated environmental programs is to reduce waste and increase diversion from landfills. However, public confidence is eroded when there is a steady stream of media reports that show images of piled up tires, illegal dumping or raise concerns with the improper disposal of HSP. If these programs are not properly operated, with strong compliance, the resulting waste becomes a problem for municipalities, the Province and PROs.

Should you have any questions regarding our submission, please contact Charlotte Ueta, Director of Policy, Planning & Outreach, Solid Waste Management Services, by email at Charlotte.Ueta@toronto.ca.

Thank you for your consideration.

Yours truly,



Matt Keliher
General Manager
Solid Waste Management Services

Attachments:

1. Response to Consultation on Administrative Penalties Regulation made under the Resource Recovery and Circular Economy Act, 2016 – EBR Registry Number: 019-004 – November 3, 2021
2. Response to Consultation on the Use of Administrative Penalties Collected by the Resource Productivity and Recovery Authority – March 27, 2024

MK/ts

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