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Subject: Proposed Changes to Hazardous and Special Products Regulation (O. Reg. 449/21)

The Heating, Refrigeration, and Air Conditioning Institute of Canada (HRAI) is pleased to provide comments on the Ontario Ministry of the Environment, Conservation and Parks' (MECP) proposed amendments to the *Hazardous and Special Products (HSP) Regulation* under the *Resource Recovery and Circular Economy Act, 2016*, specifically regarding the Recycling Efficiency Rate (RER) for mercury-containing thermostats.

HRAI is a national trade association representing over 1,290 manufacturers, wholesalers, and contractors in the HVACR industry across Canada. Since 2016, HRAI has operated the Thermostat Recovery Program (TRP), a national industry-funded stewardship initiative designed to promote the adoption of modern, energy-efficient thermostats while ensuring the safe collection and management of legacy mercury-containing units. The program currently includes approximately 1,830 registered participants across Canada, primarily HVACR contractors and wholesalers. To date, TRP has successfully diverted over 252,000 mercury-containing thermostats and recovered more than 800 kg of mercury.

Mercury-containing thermostats have not been manufactured or sold in Canada since 2008, and federal regulations under the *Products Containing Mercury Regulations (SOR/2014-254)* prohibits the manufacture, import, and sale of mercury-containing products (excluding lamps and dental amalgam) in Canada. As a result, all remaining mercury-containing thermostats are legacy products being removed from service and are declining over time.

Importantly, mercury from thermostats cannot be recycled in the conventional sense due to the hazardous nature of mercury. Instead, it must be permanently removed from circulation and managed through stabilization and secure disposal. Under the TRP, recovered mercury is sent to Bethlehem Apparatus (Pennsylvania, USA), where it undergoes a stabilizing treatment process converting elemental mercury to mercury sulphide, rendering it safe for disposal in specially engineered landfill. Once the mercury has gone through this process, it is returned to Canada for final disposal at a permitted hazardous waste facility (Stablex, Quebec). This process is aligned with best environmental practices and regulatory requirements but does not constitute "recycling" as defined under the RER framework.

Similarly, other thermostat components offer limited recycling potential. Glass ampoules containing mercury are contaminated and unsuitable for recycling, and are therefore sent to landfill. Plastic components are mixed, low-grade materials with no viable end markets; attempts to identify recycling options have been unsuccessful, and the small volumes generated would result in disproportionate environmental impact from transportation. Metals (e.g., steel, aluminum, nickel) are the only components that are consistently recycled due to their established market value.

Given these material and technical limitations, the 90% RER requirement for mercury-containing thermostats is not achievable. The current requirement does not reflect the product composition nor the necessity of managing mercury through safe, long-term disposal rather than recycling.

While HRAI strongly supports the intent of improving environmental outcomes through resource recovery, we respectfully submit that the current 90% RER requirement is not technically feasible or environmentally appropriate for this product category.

In summary, HRAI recommends that MECP remove the 90% RER requirement for mercury-containing thermostats from the HSP Regulation since mercury cannot be recycled and is managed by sending it to long-term storage, replacing the current RER with requirements focused on specific management of mercury.

HRAI appreciates the opportunity to provide feedback and would welcome further discussion with MECP on this matter.

Sincerely,



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