
REPORT TITLE: **Peel's Comments on Proposed Amendments to the Producer Responsibility Regulations for Tires, Batteries, and Electrical and Electronic Equipment**

FROM: Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

That the comments included in Appendix I of the report of the Commissioner of Public Works, listed on the February 3, 2022 Waste Management Strategic Advisory Committee agenda, titled "Peel's Comments on the Proposed Amendments to the Producer Responsibility Regulations for Tires, Batteries, and Electrical and Electronic Equipment", be endorsed.

REPORT HIGHLIGHTS

- On November 26, 2021 the Ministry of the Environment, Conservation and Parks posted the proposed amendments to the producer responsibility regulations for tires, batteries and electrical and electronic equipment under the *Resource Recovery and Circular Economy Act, 2016* for review with comments due by January 10, 2022.
 - Staff does not support the proposed amendments to the regulations as these make producers less responsible.
 - Staff recommends the Ministry maintain the current provisions in the regulations and further increase management targets for electrical and electronic equipment (EEE).
 - The comments included in Appendix I of this report were submitted to the Ministry of the Environment, Conservation and Parks under the condition that the comments were subject to Council endorsement.
 - Staff will continue to participate in consultations related to the producer responsibility regulations made under the *Resource Recovery and Circular Economy Act, 2016*.
-

DISCUSSION

1. Background

On January 1, 2019, used tires was the first program to transition to full producer responsibility through regulations under the *Resource Recovery and Circular Economy Act, 2016*. Whereby, producers assume the responsibility for the collection and recycling of designated materials.

Batteries was second to transition on July 1, 2020 and electrical and electronic equipment followed on January 1, 2021.

Regional Council has supported the transition of these programs to full producer responsibility through the following resolutions:

Peel's Comments on Proposed Amendments to the Producer Responsibility Regulations for Tires, Batteries, and Electrical and Electronic Equipment

- 2017-973 Update on Transition of Blue Box and Used Tires Program to Full Producer Responsibility
- 2019-197 Overview of Waste Management in the Region of Peel
- 2019-676 Proposed Reducing Litter and Waste in Our Communities Discussion Paper Comments
- 2020-934 Update and Proposed Direction on the Transition of Region of Peel's Waste Diversion Programs to Full Producer Responsibility

2. Comments on the Proposed Amendments to the Tires, Batteries and Electrical and Electronic Equipment Regulations

On November 26, 2021 the Ministry of the Environment, Conservation and Parks posted the proposed amendments to the producer responsibility regulations for tires, batteries and electrical and electronic equipment under the *Resource Recovery and Circular Economy Act, 2016* with comments due by January 10, 2022.

On December 15, 2021 the Ministry held a consultation session on the proposed amendments. The proposed amendments are focused on producer responsibilities and aim to reduce unnecessary administrative requirements for the tire, battery and electrical and electronic equipment industries.

Staff reviewed the proposed amendments to the regulations, participated in the consultation, and prepared comments for the Ministry. Overall, staff is not supportive of the proposed amendments as they seem to make producers less responsible by instituting shared responsibility, reducing oversight, and setting low management targets.

In particular, staff does not support the following proposed provisions:

- Requirement for producers and producer responsibility organizations to share the responsibilities in establishing a collection network and ensuring proper management of materials.
- Reduced frequency of performance audits and reporting requirements, including reduced requirements for small producers.
- Removal of general promotion and education requirements.
- Slight increase to management targets (from 65 percent to 70 percent for electrical and electronic equipment).

Staff instead recommended that the Ministry:

- Maintain the current provisions in the regulations for producer responsibility, reporting requirements, performance audits, small producer exemption and general promotion and education requirements.
- Increase EEE management targets to 75 percent for 2022 and 80 percent for 2023 onwards with annual increases.

Comments on specific parts of the proposed amendments are included in Appendix I of this report.

Staff submitted the appended comments to the Ministry by the deadline of January 10, 2022 with the proviso that they were subject to Council approval.

Peel's Comments on Proposed Amendments to the Producer Responsibility Regulations for Tires, Batteries, and Electrical and Electronic Equipment

RISK CONSIDERATIONS

The proposed changes to the tires, batteries and electrical and electronic equipment regulations could lead to lower capture rates, poorer oversight, and producers being less responsible for the management of their materials but otherwise present no significant risks to Peel.

FINANCIAL IMPLICATIONS

There are no immediate incremental financial implications resulting from this report. Costs have been included in the 2022 operating budget.

CONCLUSION

Staff reviewed the proposed amendments to the tires, batteries, and electrical and electronic equipment regulations and submitted comments not supporting the changes to the Ministry of the Environment, Conservation and Parks by the January 10, 2022 deadline, with the proviso that the comments were subject to Council approval.

Staff will continue to participate in consultations related to the producer responsibility regulations made under the *Resource Recovery and Circular Economy Act, 2016* to provide feedback that advocates for the interest of the Region's residents and will update Regional Council as appropriate.

APPENDICES

Appendix I – Peel's Comments Submitted on December 23, 2021

Authored by: Cynthia Lucar Diaz, Advisor, Policy Waste Reduction, Waste Management