



Public Works

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peelregion.ca

December 23, 2021

John Fox
Ministry of the Environment, Conservation and Parks
Environmental Policy Division
Resource Recovery Policy Branch, Waste Diversion
40 St. Clair Avenue West, Floor 8
Toronto ON M4V 1M2

Dear Mr. Fox:

Re: Proposed amendments to the producer responsibility regulations for tires, batteries and electrical and electronic equipment made under the Resource Recovery and Circular Economy Act, 2016 (ERO Number: 019-4656)

The Region of Peel thanks the Ministry of the Environment, Conservation and Parks for the opportunity to comment on the proposed amendments to the producer responsibility regulations for tires, batteries and electrical and electronic equipment made under the Resource Recovery and Circular Economy Act, 2016.

The following comments are submitted for your consideration as you finalize the proposed amendments to the tires, batteries and electrical and electronic equipment regulations. These comments will be presented to Peel's Regional Council and if there are any amendments to these comments directed by Council, they will be sent to the Ministry as soon as possible. It is requested that the Ministry consider any additional comments from Council as part of this submission.

General comment

The intended outcome of transitioning the tires, batteries and electrical and electronic equipment programs to individual producer responsibility was to make producers environmentally accountable and financially responsible for recovering resources and reducing waste associated with their products and packaging. However, the proposed amendments to the tires, batteries and electrical and electronic equipment regulations seem to be on an opposite path, making producers less responsible by instituting shared responsibility, reducing oversight, and setting low management targets.

Shared Responsibility

The Region of Peel shares the Province's vision and goals to move Ontario towards a circular economy and implement the individual producer responsibility (IPR) framework. However, we do not support the proposed provisions to require producers and producer responsibility organizations (PROs) to share the



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responsibilities set out for producers in the current regulations such as establishing a collection network and ensuring the proper management of materials. This is a fundamental change to the regulations and runs counter to the foundation of the Resource Recovery and Circular Economy Act that makes producers individually liable. It is important to recognize that PROs are contractors that act on behalf of producers. As such, producers can choose to make them liable in the individual contracts they have with them.

Recommendation 1: Producers should continue to remain fully accountable as in the current regulations. The Ministry should refrain from incorporating provisions on shared responsibility in the tires, batteries, and electrical and electronic equipment regulations.

Reduced Oversight

The Region strongly supports an oversight regime that is transparent and accountable to ensure the new regulatory landscape is fair. We do not support provisions that significantly reduce oversight, transparency, and accountability to the public on the management of these materials, including reduced frequency of performance audits and removal of reporting requirements.

- **Reduced frequency of performance audits** – The proposed amendments require performance audits every three years. Producers should be required to conduct performance audits every year to reduce the risk of producers not meeting their obligations. These requirements are necessary to ensure a level-playing field and to ensure the outcomes sought in the regulation are achieved – mainly that materials are properly managed at the end-of-life and support rules that strengthen ongoing investment into Ontario's economy and their associated returns.
- **Removal of reporting requirements** – The proposed amendments would effectively remove detailed reporting requirements for producers. It is unclear how this change would increase public trust and access to information in our new regulatory landscape.

Recommendation 2: Performance audits should be required on an annual basis to promote continuous improvement.

Recommendation 3: The Ministry should refrain from removing detailed reporting provisions for producers in the tires, batteries, and electrical and electronic equipment regulations.

Management Targets for Electrical and Electronic Equipment (EEE)

The Region welcomes the proposed increase of management targets for the EEE regulation; however, it still falls short of where management targets should be. The



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proposed changes do nothing to ensure improvements in capture rates in 2022 and propose targets that continue to be well below those initially proposed by the Ministry in the draft regulation (75% in 2022 and 80% in 2023). Producers should be encouraged to exceed the annual management requirements in the first year and subsequent years. Producers should also be responsible for managing all EEE and batteries they receive even if they have reached and exceeded their annual management requirement.

Recommendation 4: Performance requirements should be the minimum and progressively increased on an annual basis, with penalties for not achieving mandated management requirements.

Recommendation 5: The Ministry should revert to the initial targets set in the draft EEE regulation which were set at 75% for 2022 and 80% for 2023 onwards.

Small Producer Exemption

The Region of Peel does not agree with the proposed changes to reduce requirements for small producers to just record keeping. All producers should be responsible for the management of these materials, even in small quantities, and should continue to register, record and report on how they manage these materials.

Recommendation 6: The Ministry should maintain the current regulated provision requiring small producers to register, record and report.

Promotion and Education

The Region of Peel welcomes the addition of promotion and education requirements for visible fees, however, it does not agree with the proposed removal of general promotion and education requirements for producers. Education materials are necessary to raise awareness of proper disposal of materials to avoid environmental and health and safety hazards. Further, it is important to have recurrent promotion and education that reach all audiences throughout Ontario in both urban and rural communities.

Recommendation 7: The Ministry should maintain the current regulated general promotion and education requirements to avoid leakage of these materials into the environment.

Municipal 3Rs Collaborative Submission

The Region of Peel supports the comments and suggestions submitted by the Municipal 3Rs Collaborative (Association of Municipalities of Ontario, Municipal Waste Association, Regional Public Works Commissioners of Ontario, and the City of Toronto) as they are in line with the comments above.



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As always, the Region of Peel is prepared to work collaboratively with the Ministry and other stakeholders as we continue to support the Province's efforts to improve the tires, batteries and electrical and electronic equipment programs under the Resource Recovery and Circular Economy Act, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Norman Lee', is positioned above the printed name.

Norman Lee
Director, Waste Management
Public Works
Region of Peel
Norman.lee@peelregion.ca