
March 25, 2021

Allison Deng
Ministry of Environment, Conservation and Parks
Resource Recovery Policy Branch
40 St. Clair Avenue West, 8th floor
Toronto, ON
M4V 1M2
Sent via email to: RRPB.Mail@ontario.ca
and submitted online through the Environmental Registry of Ontario

Dear Ms. Deng,

RE: ERO # 019-2836 MECP proposed regulation for Hazardous and Special Products

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted, and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA welcomes this opportunity to provide comments and an agricultural perspective on the proposed regulation on Hazardous and Special Products (HSP). Ontario's agricultural sector, rural residents and rural businesses are underserved by existing commercial and municipal waste resource management. Without provincial standardized materials lists, rural waste management has not reached the level and variety of managed materials as in urban regions. This includes organic waste, wet waste, glass, plastic and paper recycling.

We are concerned that this rural urban inequity may also be the case with Special Products covered under the proposed HSP regulations. We support the Ministry including a standard list of HSP consistent across all regions. Producers and suppliers must be accountable to ensure all regions of Ontario have convenient free access to collection of the complete HSP list.

For transparency and consumer protection, marketers of HSP who include a separate waste management charge at point of sale of must explain how this separate amount is used by the seller to collect, recycle or properly dispose of HSP. Rural and northern stakeholders are concerned that added charges could create a similar divide between the variety and quantity of material collection in rural versus urban regions, as currently exist in the Blue Box program, and other waste collection initiatives. Should added charges be warranted, they must be consistently applied in all regions of Ontario.

The Made-in-Ontario Environment Plan established a waste resource management approach to recover, reuse and reintegrate materials into the market. Under a transition to a full life-cycle Individual Producer Responsibility (IPR) model, producers are already responsible, or soon to be responsible, for the life-cycle of their products and packaging, including;

- As of January 1, 2019, the Tires Regulation makes tire producers responsible for creating an accessible and free tire collection network across Ontario.
- As of January 1, 2021, Waste Electrical and Electronic Equipment Program transitioned to the producer responsibility model on for end of life products and packaging.
- By December 31, 2025, producers of printed paper and plastic, paper, glass, aluminum, and steel packaging will be fully responsible for providing Blue Box services provincewide.

The proposed regulation for HSP follows the same approach to transition waste diversion programs to producer responsibility models;

- Battery materials transitioned on July 1, 2020. Remaining materials under the Municipal Hazardous or Special Waste Program and other hazardous or special materials will transition on July 1, 2021.

OFA supports shifting costs from municipal tax dollars to producers and suppliers, as these are the groups with influence over material design and use. We are cautiously hopeful that cost impacts under the IPR model will drive producer innovation.

Related to enforcement, this responsibility shift to private businesses must include robust compliance enforcement to ensure environmental goods and services are protected for the benefit of all Ontarians.

OFA supports the role of the Resource Productivity and Recovery Authority (RPRA), as the authority to oversee the free collection networks and necessary audit procedures for recycling or disposal. This will ensure producers and suppliers are environmentally responsible, while reducing burdens and costs to businesses and the public. The ability of RPRA to oversee, ensure compliance and enforce regulations is critical to the success of all IRP programs.

Related to obligated parties, OFA supports the rationale for a hierarchy to provide clarity on the roles and obligations of each material brand holder, importer, marketer, and out-of-province marketer or internet retailer. We support categorizing products to enable different degrees of obligated party responsibility, including registration, reporting and audit/data verification, and management targets. However, we recommend further examination of the Ministry decision to only obligate the brand owner of products such as fertilizer, instead of also obligating importers, and marketers. OFA supports requirements for all types of obligated party to implement promotion and education (P&E) programs to improve awareness and participation.

Related to the material, OFA recommends all HSP product categories be obligated to establish convenient consumer collection networks for consumers to return HSP waste free of charge, including permanent collection sites and events. As with the other waste material transitions to IPRs, OFA supports regulatory design to ensure minimum permanent site numbers in thinly populated regions based on municipal population and the number of retail locations. This ensures there are collection locations in northern regions, rural areas and Indigenous communities, while also providing producers with flexibility on establishing their system.

Related to facilities, OFA recommends flexibility to moderate permanent site numbers by implementing alternative collection options, such as toxic taxi, curbside collection services, or additional collection events. OFA does not support the use of mail-in collection for any HSP. As relates to designing a fair balance and distribution of permanent collection sites with collection events, OFA recommends the Ministry collaborate with OMAFRA Rural Affairs Branch and rural stakeholders to ensure an equitable solution is determined for rural and northern regions.

For thinly populated regions, OFA does not support allowing producers to offset minimum permanent collection site requirements or collection event numbers in certain municipalities, with surplus collection sites or events implemented in other municipalities. In urban regions, this greater flexibility to use existing sites to offset requirements may reduce burden, and reflect existing retail location profiles, but we are concerned that this municipal to municipal offset would disadvantage rural populations.

To ensure that Ontarians will still have convenient access to collection options, we recommend the Ministry consider alternate service standards, such as hours of operation for rural regions, to offset the added cost per regional resident, however, permanent sites must be provided at minimum standards.

OFA recommends the Ministry streamline approval requirements to make it simpler to establish HSP collection sites or use existing or closed landfill sites as waste transfer stations and collection facilities.

Recommendations

- The Ministry should work with OMAFRA Rural Affairs Branch and agricultural stakeholders to ensure a there is a fair, consistent and balanced network of permanent and alternate collection options throughout rural regions, uniquely challenged through thinly and dispersed populations.
- As with all IPR programs, the HSP model must ensure there is a standard list of program eligible materials in all regions of the province
- In addition to explaining how fees are used, any separate waste management at point of HSP sale must be equal and consistently applied in all regions of the province, to ensure no region is disadvantaged.
- Streamline the approvals process to enable existing and closed landfill sites to include transfer stations and waste management facilities.

It is equally important in rural regions as in urban centres to establish a convenient collection network for easy HSP recycling, diversion and recovery, thereby reducing landfill disposal and reducing the use of virgin raw materials. OFA appreciates to opportunity to provide an agricultural perspective on the design of HSP management in Ontario and we look forward to working with the Ministry on this and other formative regulations.

Sincerely,



Peggy Brekveld,
President

PB/in

CC The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs,
The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks
OFA Board of Directors