Hazardous and Special Products Regulation Overview for Service Providers

September 14, 2021





Agenda

- 1. Review of RPRA's role and mandate
- 2. Ontario's new Hazardous and Special Products Regulation
- 3. Key Dates and Resources

Introduction to RPRA



Who is RPRA?

The Resource Productivity and Recovery Authority (RPRA or the Authority) is the regulatory body created by the Government of Ontario to administer the *Resource Recovery and Circular Economy Act, 2016* (*RRCEA*) and the *Waste Diversion Transition Act, 2016* (*WDTA*), and their associated regulations, including the new Blue Box Regulation.

- The WDTA outlines the legislative framework for winding up and transitioning legacy waste diversion programs.
- The RRCEA provides for a new producer responsibility regulatory framework for waste diversion and resource recovery where producers are individually accountable and financially responsible for their products and packaging once consumers dispose of them.

How is the Authority governed?

- Administrative Authority created by statute to administer regulatory programs, but not part of government
- Compliance decisions are independent from government
- Accountable to the Minister of the Environment, Conservation and Parks per legislation and Operating Agreement
- Skills based board Minister appoints 5 of 11; Ministry observer
- Costs recovered through fees charged to obligated parties
 - o Currently fees are only applied to producers; could be broadened in future
 - $\circ~$ IFO and ISO costs recovered
 - No government funding
- Activities triggered by regulations and Minister's directions

RPRA's role as a regulator

- RPRA **does not** determine policy or write regulations
 - Regulations under the RRCEA are developed by the Ministry of the Environment, Conservation and Parks and approved by the Ontario Government
 - Our role is to implement and enforce regulations under the RRCEA. We do not have the authority to change a regulation
- RPRA does not arrange for the collection or recycling of end-of-life products or materials in Ontario
 - Producers are responsible for establishing collection and management systems to meet their requirements in the regulation
 - Most producers will work with PROs (or producer responsibility organizations) who will establish these systems on behalf of multiple producers
 - Producers are free to make their own commercial arrangements with PROs and other service providers
- RPRA **does not** set or collect environmental fees to cover the cost of collection and management systems

Compliance and enforcement

Compliance team has typical powers of a provincial regulator, including:

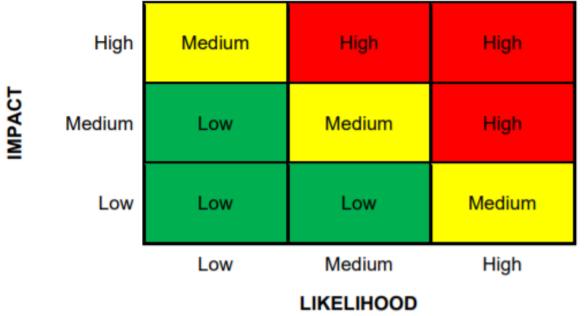
- Inspections and audits
- Investigations
- Compliance orders
- Administrative penalty orders; amounts to be set in regulation (Deputy Registrar and Registrar only)
- Prosecution

Primary approach to compliance is through communications (Communications for Compliance)

- The Authority is a Modern Regulator
- High degree of compliance is being achieved with no compliance orders being issued

Compliance and enforcement

- As a modern regulator, RPRA takes a risk-based and progressive approach to compliance. This
 approach allows for appropriate priority setting, efficient allocation of resources and a more efficient
 recovery of regulatory costs from regulated entities.
- RPRA's risk-based approach focuses on the potential risks that arise from non-compliance. We
 assess those risks to guide the use of compliance tools and the deployment of resources to minimize
 risk and maximize compliance.
- RPRA develops a risk profile for each category of non-compliance by assessing the likelihood of noncompliance and impact of non-compliance for each category of non-compliance using the following matrix:



Ontario's new Hazardous and Special Products Regulation



HSP Regulation

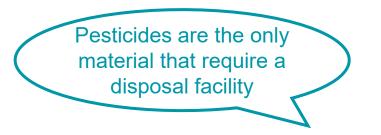
- On June 8, the <u>Hazardous and Special Products (HSP) Regulation</u> was filed
- Materials included in the regulation:

Products in the current MHSW* Program: Mercury-containing devices: Oil filters Fertilizers • **Barometers** ٠ Oil containers Pesticides • ٠ Thermometers ٠ Antifreeze Refillable non-• ٠ refillable pressurized Thermostats ٠ Solvents containers, including Paints and coatings propane *Municipal Hazardous or Special Waste (MHSW) program operated by Stewardship Ontario will end on September 30, 2021

Are you a service provider?

The HSP Regulation provides the following definitions:

- A <u>hauler</u> is a person who arranges for the transport of HSP that are used by consumers in Ontario and are destined for processing, reuse, refurbishing or disposal, but does not include a person who arranges for the transport of HSP initially generated by that person
- A <u>processor</u> is a person who processes, for the purpose of resource recovery, HSP used by consumers in Ontario
- A disposal facility means a facility at which pesticides are disposed of



Service provider requirements under the HSP Regulation

The HSP Regulation includes the following requirements for **haulers**, **processors and disposal facilities**:

- 1. Registration Due August 31, 2021
 - Producers, or PROs acting on their behalf, <u>can only count material towards their</u> <u>management requirements from registered service providers.</u>
- 2. RER Reporting
 - By July 31, 2022, processors must submit a report to the Authority that contains information on the RER of each type of HSP they process (excluding Fertilizers and Refillable Propane Containers) in accordance with the Hazardous and Special Products Verification and Audit Procedure: <u>https://rpra.ca/wp-</u> <u>content/uploads/Registry-Procedure-Verification-and-Audit-HSP.pdf</u>
- 3. Annual Reporting
 - Annual performance report to the Authority by July 31, 2023 more details will be provided closer to the date
- 4. Record Keeping

PRO registration

A producer responsibility organization (PRO) is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations.

There are currently 7 PROs registered with RPRA:

- <u>Automotive Materials Stewardship</u> oil filters, oil containers and antifreeze
- <u>Mobius PRO Services</u> oil filters, oil containers, antifreeze, solvents, paints and coatings, non-refillable and refillable pressurized containers
- <u>Product Care Recycling</u> solvents, paints and coatings, pesticides, fertilizers, non-refillable and refillable pressurized containers
- <u>Heritage-Crystal Clean</u> oil filters, oil containers, antifreeze, paints and coatings, solvents, non-refillable pressurized containers, refillable propane containers, barometers, thermometers, and thermostats
- <u>Ryse Solutions Inc.</u> oil filters, oil containers, antifreeze, solvents, paints and coatings, pesticides, fertilizers, non-refillable and refillable pressurized containers, refillable propane containers, barometers, thermometers and thermostats
- <u>Tank Traders</u> refillable propane containers
- <u>Thermostat Recovery Program</u> thermostats

Producer requirements under the HSP Regulation

The HSP Regulation includes the following requirements for producers:

- 1. Collection:
 - Number of collection sites, events and call-in services to ensure residents across the province (except the Far North) can drop off their materials
- 2. Management:
 - Weights of recovered materials
 - Processing and disposal
- 3. Promotion and Education:
 - Provide information about collection and management services
 - Material-specific information to be provided to consumers
- 4. Registration
- 5. Supply Data Reporting
- 6. Auditing and Record Keeping

Visit our <u>HSP producer webpage</u> to learn more about their requirements.

These requirements vary based on material type and amount of material the producer supplies



Collection requirements

Oil Filters, Oil Containers, Antifreeze, Refillable and Non-refillable Pressurized Containers, Solvents, Paints and Coatings, Pesticides (Categories A and B)

Transition Period – October 1, 2021, to December 31, 2022

- Collection sites maintain at least same number as at end of the MHSW Program
- Collection events make best efforts to hold same number of events in each community as in 2020
- Call-in Service (large producer) provide number for communities to call to request a pickup (of 100 kg or more)

New Collection Requirements

 Different collection site and event requirements for "small" and "large" producers We will provide additional compliance guidance in advance of the new requirements taking effect in 2023



Producer collection requirements

Mercury-containing Devices, Refillable Propane Containers (Categories C and E)

As of October 1, 2021, onward

• Call-in Service – Provide number for communities to call to request a pickup

Fertilizers (Category D) No collection requirements



Management of HSP for producers

Establish a management system

- As of October 1, 2021
- For all materials except fertilizers
- Material must be processed (or disposed of in the case of pesticides) within 3 months of being collected

Recycling Efficiency Rate (RER)

- As of January 1, 2023
- For all materials except fertilizers and refillable propane containers
- Producers shall ensure their material is processed at facilities that achieve the minimum RER specified in the Regulation

First performance period

- October 1, 2021, to December 31, 2022
- For oil filters and non-refillable pressurized containers only (Category A)
- Producers must recover an amount of material based on their average supply into Ontario
- Reporting for 1st performance period will be in 2023

Producer reporting – Collection and Management Systems

- On or before January 1, 2022
- Applies to all materials except **fertilizers** and **refillable propane containers**
- Report a description of how the producer will fulfil their responsibilities for each applicable material, including:
 - 1. A list of all collection sites, events, call-in or any other collection services, including the name and contact information of the person who owns, operates or provides the service.
 - 2. The name, contact information and RPRA registration number of each hauler, processor and disposal facility that is part of the producer's collection or management system.

Note: Producers can only count material towards their management requirements that has been hauled/processed by a service provider registered with the Authority.

Key Dates and Resources



Key dates that effect service providers

- 1. August 31, 2021: service provider registration
- 2. September 30, 2021: wind-up of MHSW program
 - Current MHSW Stewards should refer to Stewardship Ontario's website to review any reporting requirements and deadlines related to the wind-up: <u>https://stewardshipontario.ca/mhsw-windup/</u>
- **3.** October 1, 2021: new collection, management, promotion and education requirements begin for producers
- 4. November 30, 2021: producer registration
- 5. July 31, 2022: processor RER report
- 6. July 31, 2023: hauler, processor and disposal facility annual reports
- 7. July 31, 2023: PRO annual report

Detailed guidance, including how to report with the Authority, will be provided well ahead of the deadlines

Resources to help you understand the HSP Regulation



Website rpra.ca

Visit our <u>Hazardous and</u> <u>Special Products webpage</u> for an overview of the regulation.

Visit our <u>hauler</u>, <u>processor</u>, <u>disposal facility</u> and <u>PRO</u> webpages for more information on their specific requirements.



Learning Series

Visit our Learning Series page on <u>Understanding</u> <u>Ontario's new HSP</u> <u>Regulation</u> for webinar recordings and presentation slides.



Compliance and Registry Team

The Compliance and Registry Team is available to answer any questions you have.

Contact the team at: registry@rpra.ca or 833-600-0530.