

Understanding Your Requirements as a Hazardous and Special Products Producer

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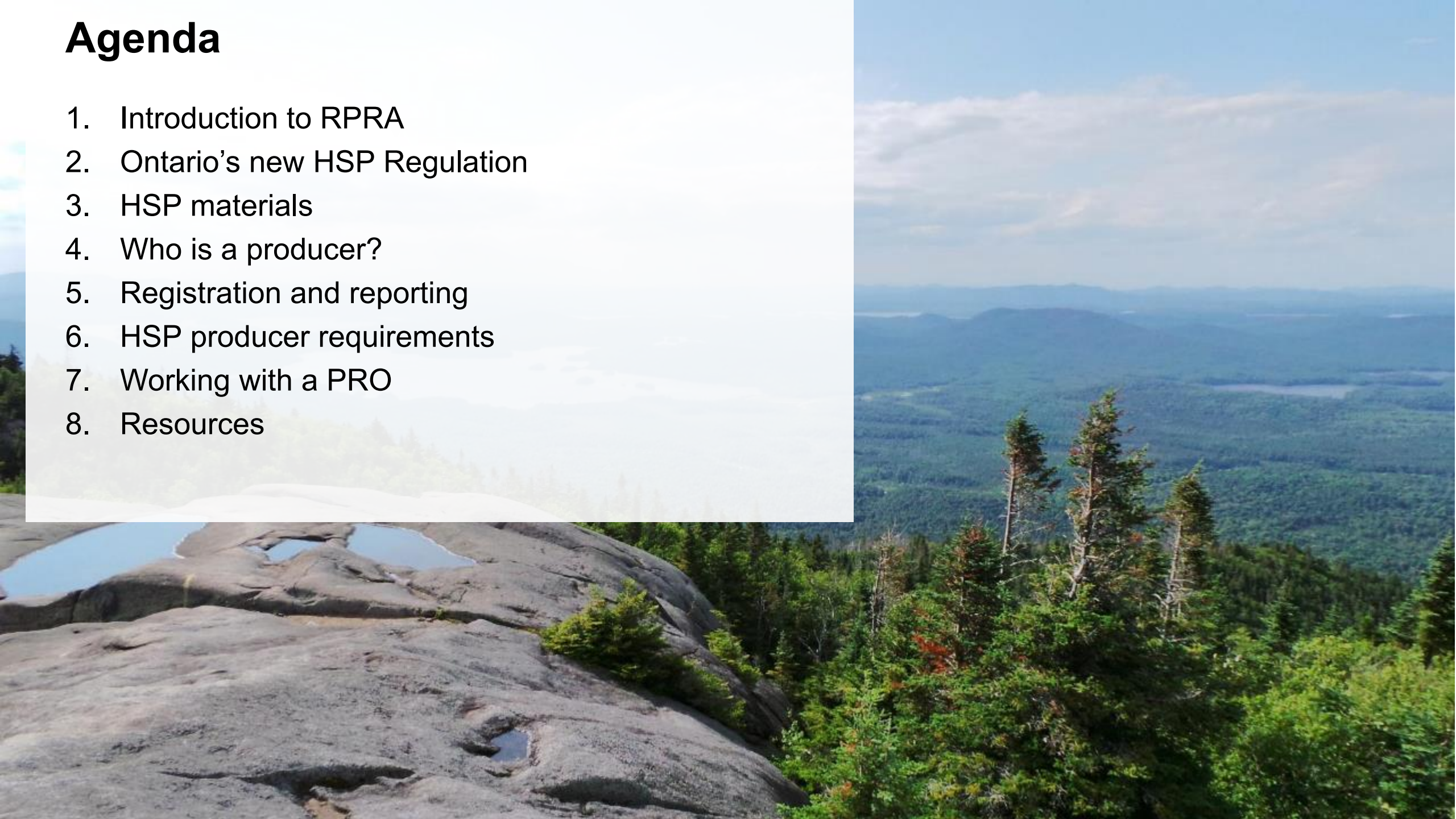
September 15, 2021

*Updated September 16, 2021



Agenda

1. Introduction to RPRA
2. Ontario's new HSP Regulation
3. HSP materials
4. Who is a producer?
5. Registration and reporting
6. HSP producer requirements
7. Working with a PRO
8. 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.

The Authority's mandate

Oversee existing waste diversion programs and the IFOs that operate them

Oversee orderly wind up of the programs and IFOs as directed by the Minister

Establish and operate an electronic registry for obligated parties to register and report information as required by regulation (main tool in achieving compliance mandate)

Undertake compliance and enforce requirements of legislation and regulations (e.g., consumer education, collection systems, registration, reporting and performance targets)

Provide information to the Minister to support policy decisions

Provide information to the public about Ontario's progress in diverting waste and resource recovery

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
 - Currently fees are only applied to producers; could be broadened in future
 - 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

Transitions to date



Tires transitioned to the RRCEA on January 1, 2019, with five PROs operating today



Batteries transitioned on July 1, 2020, with three PROs operating today



EEE transitioned on January 1, 2021, with 12 PROs competing for producers (majority of those PROs have producer clients to date)



Municipal Hazardous or Special Waste to transition on October 1, 2021



Blue Box to transition between July 1, 2023, and December 31, 2025

Key players in the producer responsibility framework



Ontario Government

Develops and approves legislation

Approves changes to acts and regulations

Issues Minister's Directions



RPRA

Implements and enforces regulations

Primary enforcement approach is effective communication

Has power to do:

- Inspections and audits
- Investigations
- Compliance orders
- Administrative penalty orders
- Prosecutions



Producers

Responsible for establishing collection and management systems to meet their requirements in the regulations

Free to make their own commercial arrangements with PROs and other service providers to establish these systems on their behalf



PROs and Service Providers

Provide collection and management services on behalf of producers

Includes:

- PROs (producer responsibility organizations)
- Haulers/Transporters
- Reuse/Refurbishers
- Processors

The background of the image is a dense, repeating pattern of numerous small, open paint cans. Each can is filled with a different color of paint, creating a vibrant and complex mosaic of hues including reds, blues, yellows, greens, purples, and greys. The cans are arranged in a grid-like fashion, with their circular openings facing the viewer. The lighting is even, highlighting the texture of the paint and the metallic rims of the cans.

Questions?

Ontario's new HSP Regulation



The HSP Regulation

On **June 8**, the government released the final [Hazardous and Special Products \(HSP\) Regulation](#).

On **September 30, 2021**, the operation of the Municipal Hazardous or Special Waste (MHSW) Program operated by Stewardship Ontario will cease. The operation of the industry stewardship plans managed by the Automotive Materials Stewardship, Product Care Association and SodaStream will also cease on September 30.

Starting **October 1, 2021**, HSP producers will be individually accountable and financially responsible for requirements set out under the regulation.

HSP Regulation – Summary of Requirements

1. Collection requirements
2. Management requirements
3. Promotion and education
4. Recycling efficiency rate requirements
5. Registration of producers and service providers (e.g., haulers)
6. Producer supply data reporting
7. Producer and service providers performance reporting
8. Auditing, verification and record keeping

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



HSP materials



Materials under the HSP Regulation

Products in the current MHSW* Program:

- Oil filters
- Oil containers
- Antifreeze
- Solvents
- Paints and coatings
- Fertilizers
- Pesticides
- Refillable non-refillable pressurized containers, including propane

*Municipal Hazardous or Special Waste (MHSW) program operated by Stewardship Ontario will end on September 30, 2021



Mercury-containing devices:

- Barometers
- Thermometers
- Thermostats

And the container?

- The following material definitions include the product's primary packaging:
 - Antifreeze
 - Paints and coatings
 - Pesticides
 - Solvents

Does not include primary packaging made of corrugated and boxboard boxes, plastic film, shrink wrap or printed materials.

- Oil containers, solvents, paints and coatings, fertilizers and pesticides continue to only be obligated when supplied in a container that has a capacity is less than 30 litres or 30 kilograms.
- All antifreeze supplied – regardless of container size – must be reported. However, the antifreeze container is only obligated when supplied in a container that has a capacity that is less than 30 litres or 30 kilograms.

Key changes to HSP material definitions

There have been some key changes to the material definitions which may affect what a producer is obligated for and should be considered if using data previously reported:

- **Barometers**, intended for residential use, that contains mercury and may contain electronic components are included
- **Thermometers**, intended for residential use, to measure body or air temperature and that contains mercury and may contain electronic components are included
- **Thermostats** that contains mercury and may contain electronic components are included
- **Antifreeze** now includes factory fill
- **Solvents** that are captured by the definition are obligated regardless of how they are marketed
- **Paints and coatings** now includes:
 - All non-pesticide marine paint products, regardless of whether it was contained in an aerosol container or not
 - Aerosol automotive paints
 - Craft paints
 - Industrial paints



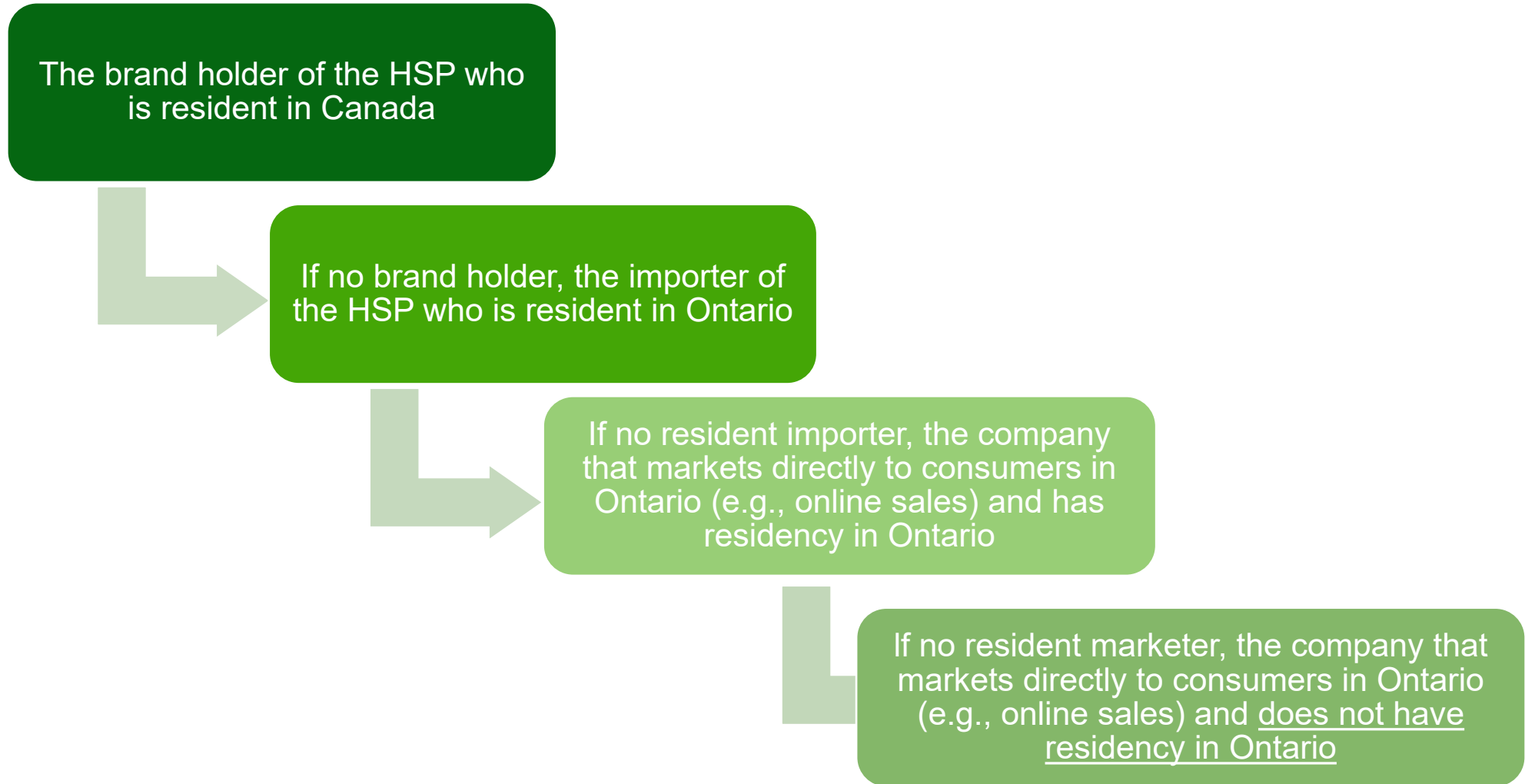
Questions?

Who is a producer?



Producer hierarchies

Oil filters, oil containers, antifreeze, solvents, paints and coatings, pesticides, pressurized containers including refillable propane containers



Who is a producer?

For **mercury-containing barometers, thermometers and thermostats**:

- Brand holder and has residency in Canada who supplied mercury-containing barometers, thermometers and thermostats
- If there are no brand holders with residency in Canada who supplied mercury-containing barometers, thermometers and thermostats, then the brand holder resident in Canada of barometers, thermometers and thermostats that do not contain mercury

For **fertilizers**:

- Brand holder and has residency in Canada

Key changes to producer hierarchies

There have been some key changes to the producer hierarchies in the HSP Regulation. This may affect what a producer is obligated for and should be considered if using data previously reported:

- Brand holders that are resident in Canada are obligated (previously was resident in Ontario)
- Producer hierarchy's introduction of marketers with or without residency in Ontario

Note: RPRA is sending emails out to SO, AMS and PCA stewards who may have obligations under the HSP Regulation. You should contact RPRA if you think you may be a producer but were not a steward under SO, AMS and PCA.

The background of the image is a dense, repeating pattern of numerous small, open paint cans. Each can is filled with a different color of paint, ranging from bright primary and secondary colors to muted, earthy tones and various shades of gray. The cans are arranged in a grid-like fashion, creating a vibrant and textured visual field. The lighting is even, highlighting the metallic rims of the cans and the smooth surfaces of the paint inside.

Questions?

Registration and reporting



Producer registration

The deadline in the HSP Regulation for producer registration is October 31, 2021. The Authority recognized that additional time for registration is needed and is giving producers until **November 30, 2021**, to register.

- Producers of **all materials** must provide the following information:
 - Name, contact information and Stewardship Ontario number (if applicable)
 - Identify any PROs who they have retained (if applicable at time of registration)
 - Name, contact information of the person who will be responsible for having the registration complete and up to date

Producer registration cont.

- Producers of **oil filters, antifreeze, oil containers, pressurized containers, pesticides, solvents, paints and coatings** must also provide:
 - The total weight of each type of HSP that was supplied to consumers in Ontario in 2018, 2019 and 2020
- Producers of **fertilizers** and **refillable propane containers** must provide:
 - The date they first supplied the products to consumers in Ontario

Note: producers must submit this information to RPRA directly and will also be required to pay their 2021 Registry fee following registration.

Key changes to data reported

There have been some key changes to the data reported which may affect what a producer is obligated for and should be considered if using data previously reported

- Supply data for solvents, paints and coatings, pesticides, refillable and non-refillable pressurized containers, must include supply data from all sectors (includes all IC&I)

Producers who are required to report supply data (oil filters, antifreeze, oil containers, pressurized containers, pesticides, solvents, paints and coatings) can report in the same form that they reported to either Stewardship Ontario, AMS or PCA (e.g., units). RPRA will use the corresponding calculation from either Stewardship Ontario, AMS or PCA to convert the metric reported to kilograms. This conversion incorporates the weight of containers.

For further information, please review the **Hazardous and Special Products Verification and Audit Procedure**: <https://rprra.ca/wp-content/uploads/Registry-Procedure-Verification-and-Audit-HSP.pdf>

The background of the image is a dense, repeating pattern of numerous small, open paint cans. Each can is filled with a different color of paint, ranging from bright primary and secondary colors to muted earth tones and various shades of gray. The cans are arranged in a grid-like fashion, creating a vibrant and textured visual field. The word "Questions?" is superimposed in the center of this pattern.

Questions?



HSP producer requirements

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



Collection requirements cont.

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

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 Rates

- 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 recycling efficiency rate specified in the Regulation

First performance period (For oil filters and non-refillable pressurized containers only)

- **October 1, 2021, to December 31, 2022**
- Producers must recover an amount of material based on their average supply into Ontario
- Reporting for 1st performance period will be in 2023

Promotion and education

The Regulation provides details of the information that producers must make publicly available, based on the material. For example:

- For materials where collection sites and events are required, producers (or PROs) must maintain a website that lists the locations and/or dates and types of material accepted
- For mercury-containing devices, the producer must provide information about the human and environmental hazards of mercury and how to properly handle and dispose of the material
- For fertilizers, producers must provide information about how to use or share excess material

Note: there are no promotion and education requirements for:

- Refillable pressurized containers
- Refillable propane containers (refillable)

Refer to the HSP
Regulation for
more information



Resource recovery charges



Producers who identify resource recovery charges as a separate fee to consumers in an advertisement, invoice or receipt must provide the following information at the time of being charged:

- The person responsible for imposing the charge
- How the charge will be used to collect, reduce, reuse, recycle and recover HSP

Producer exemptions

by average weight of material (in tonnes) supplied in Ontario in previous calendar year

	Exempt (less than \leq)	Small Producer	Large Producer (equal to or greater than \geq)
Oil Filters	3.5	\leftrightarrow	100
Non-refillable Pressurized Containers	3	\leftrightarrow	100
Refillable Pressurized Containers	8	\leftrightarrow	100
Antifreeze	20	\leftrightarrow	300
Oil Containers	2	\leftrightarrow	55
Solvents	3	\leftrightarrow	70
Paints and Coatings	10	\leftrightarrow	1000
Pesticides	1	\leftrightarrow	9
Mercury-containing Devices	N/A		
Fertilizers			
Refillable Propane Containers			

Producer exemptions cont.

If a producer is exempt in accordance with the chart on slide 35, the **producer is exempt from the following requirements:**

1. Registration with RPRA
2. Requirements related to setting up or operating a collection system
3. Management requirements
4. Promotion and education requirements



Questions?

Working with a PRO



What is a PRO?

- A producer responsibility organization, or PRO, is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations under the HSP Regulation, including:
 - Arranging, establishing or operating a collection or management system
 - Arranging, establishing or operating a promotion and education system
 - Preparing and submitting reports
- A processor retained solely for the purposes of processing HSP material is not a PRO

Who is a PRO?

Producers who want to retain a PRO to meet their requirements should contact one as soon as possible. There are currently five PROs registered with RPRA:

- [Automotive Materials Stewardship](#) - oil filters, oil containers and antifreeze
- [Heritage-Crystal Clean](#) - oil filters, oil containers, antifreeze, paints and coatings, solvents, non-refillable pressurized containers, refillable propane containers, barometers, thermometers, and thermostats
- [Mobius PRO Services](#) - oil filters, oil containers, antifreeze, solvents, paints and coatings, non-refillable and refillable pressurized containers
- [Product Care Recycling](#) - solvents, paints and coatings, pesticides, fertilizers, non-refillable and refillable pressurized containers
- [Ryse Solutions Inc.](#) - oil filters, oil containers, antifreeze, solvents, paints and coatings, pesticides, fertilizers, non-refillable and refillable pressurized containers, refillable propane containers, barometers, thermometers and thermostats

A close-up photograph of a person's hands typing on a silver laptop keyboard. The laptop screen is black and displays a semi-transparent grey rectangular box containing white text. The background is blurred, showing a window with white curtains and some green foliage. The person's left hand is on the left side of the keyboard, and their right hand is on the right side, with fingers positioned over the keys. The lighting is soft and even.

**Help us improve
our webinars**

Resources to help you understand the HSP Regulation



Website

Visit our [Hazardous and Special Products webpage](#) for an overview of the regulation.

We will be posting detailed compliance guidance, registration information, FAQs and other resources in advance of regulatory requirements taking effect.



Webinars

Recordings of our webinars and the presentation slides will be posted on our website for those who cannot join us live.



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.



Questions?