



January 22, 2018

Lisa Kingsmore
Senior Policy Analyst
Ministry of the Environment and Climate Change
Climate Change and Environmental Policy Division
Resource Recovery Policy Branch
40 St. Clair Avenue West
Floor 8
Toronto Ontario M4V1M2

Dear Ms. Kingsmore:

RE: Proposed Tire Regulation under the Resource Recovery and Circular Economy Act, 2016 – EBR 013-1716

The Association of Municipalities of Ontario (“AMO”), the City of Toronto, the Regional Public Works Commissioners of Ontario (“RPWCO”) and the Municipal Waste Association (“MWA”) collectively submit these comments on behalf of municipal governments regarding EBR Registry 013-1716 on the Proposed Tire Regulation. We appreciate the opportunity to provide comments on this Regulation and recognize its significance as the first regulation under the Resource Recovery and Circular Economy Act, 2016.

Definitions:

We noted that the definition of “tire” is limited to “a primarily rubber component that is designed to surround the rim of a vehicle’s wheel”. While it is understood that the current Ontario Tire Stewardship Plan is based on rubber tires, the government should focus on designating the product or packaging whatever its composition and place responsibility to ensure it is properly managed at the end-of-life. Such a limitation in the definition could prove problematic moving forward. This is also not a precedent municipalities would want set for other designations under the Resource Recovery and Circular Economy Act.

We also urge the government to include the tire rims as part of this program. Rims are often included with tires that are dropped off by residents who do not have the capability or tools to remove the tire rim from the tire. There would be a benefit to having this included in the proposed Regulation.

Persons Who May Have Responsibilities:

We recognize the challenge of identifying Responsible Persons who retail products without a residence or presence in Ontario. This will be a challenge in other programs as well such as paper products and packaging, electronics, household hazardous waste and future designations. We note that the Ministry in Section 3. (1) (b) (v) has indicated that the Responsible Person will be the non-resident marketer of the tires, however there is some concern about the Province’s ability to enforce the Regulation on a non-resident. A



potential remedy could be to have the obligation applied to the transportation company who delivers the product. We would expect that transportation companies would largely have Ontario residency.

Tire Collection Sites:

We applaud the Ministry for their approach to ensuring accessibility of tire collection sites across the Province. We recognize this is one of the key challenges under the Resource Recovery and Circular Economy Act as the responsibility lies with individual producers and/or their representative Producer Responsibility Organizations. We have some concern about accessibility in smaller rural, northern and remote communities. The requirement is to have at least one tire collection site or hold at least one public tire collection event each calendar year only applies to local municipalities of more than 1,000. We estimate this would leave more than 20% of Ontario municipalities without disposal options if there is no tire retailer locally.

Management of Tires:

One of the core elements of the Resource Recovery and Circular Economy Act is to increase the value of materials that are recaptured and utilized. We are concerned that Section 9 (1) (iii) of the regulation, remains vague on what activities may or may not be considered. It uses text from the Act “...used in the making of new products, packaging or *other things*” (emphasis added) and does little to provide clarification. This has the potential to impact value added businesses that have developed in our communities and push the market backwards as companies seek to achieve goals based on the lowest common denominator. Municipalities have regularly experienced the repercussions of having to clean up environmental liabilities as a result of unclear or vague definitions. One alternative could be to consider the Canadian Standards Association’s (CSA) Guideline for accountable management of end-of-life materials definition of recycling which defines it as:

“any operation by which EOL products or materials are reprocessed into new products, materials, or substances (solids, liquids, or gases), whether for original or other purposes, to replace virgin equivalents of that material. This includes biological processes like anaerobic digestion and composting that produce a nutrient amendment.”

The Regulation can also utilize reference to a separate Guideline that could further define what activities would and would not be included in this definition. A Guideline would be more readily adapted than the regulation which would allow the government to more nimbly address an evolving market.

Promotion and Education:

Municipal governments have some concern that promotion and education efforts done solely through electronic means on websites will limit awareness for some consumers, particularly those in rural, northern and remote communities. Many of these communities do not have access to broadband internet service providers and their ability to access data electronically is limited. Utilization of digital communication only would also limit awareness in households without computers or internet access. Promotion and education

requirements should come in all media forms, including print, radio, and digital, to increase accessibility to program information.

Reporting, Auditing and Record Keeping:

Municipal governments appreciate how important it will be to collect and track data to enable assessment of progress towards objectives and continuous improvement. The requirements for reporting, auditing and record keeping appear thorough and align with this.

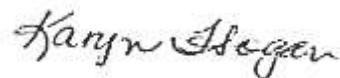
The reporting requirements should allow for flexibility based on risk and unique circumstances. This may be another opportunity for the Ministry to reference a guideline that can address these details and be adapted more readily to particular market circumstances. Attached is a copy of a report completed for the Regional Public Works Commissioners of Ontario which provided details and rationale for a similar approach. The manner in which the current regulation is established could seriously restrict the ability of municipalities to participate. For example, in Section 15 (5.) the requirement to collect personal information for any person who drops off more than 10 tires at a site on a single day may not be practical at small depots in rural, northern and remote communities where staff are not present on a full-time basis.

Thank you for the opportunity to provide feedback and please contact us if you have any additional questions.

Sincerely,



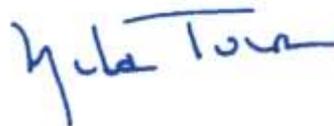
Fred W. Jahn, P.Eng
Chair, Regional Public Works Commissioner
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Karyn Hogan, BA, MLIS, MA
Chair, Municipal Waste Association



Jim McKay
General Manager
Solid Waste Management Services
City of Toronto



Monika Turner
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Attachment 1: Greenslate Municipal Collection Standards Report