



Sent via email to: grathbone@rpra.ca

November 21, 2019

Geoff Rathbone, Director of Transition
Resource Productivity and Recovery Authority (RPRA)
4711 Yonge Street, Suite 408
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Dear Mr. Rathbone,

Re: Proposed Wind-up Plan for the Municipal Hazardous or Special Waste (MHSW) Program

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 Stewardship Ontario’s (“SO”) Wind-up Plan for the Municipal Hazardous or Special Waste (“MHSW”) Program. We appreciate the opportunity to provide comments for your consideration.

As you are aware, municipal governments are a pivotal part of the current collection system, operating MHSW sites across the Province and capturing a significant portion of overall materials. Given the nature of these materials, we want to ensure they are diverted from landfill and properly managed.

Surplus Funds

As identified in SO’s Wind-up Plan, the program is currently running an over \$50 million surplus, mainly as a result of an HST ruling by the Canadian Revenue Agency. Minister Yurek’s most recent letter to SO states:

“... I am directing that the proposal to include options to return surplus funds to MHSM [municipal hazardous or special material] consumers; for example, through a consumer rebate program. The requirement for a proposal to return surplus funds to MHSM consumers, replaces the requirement in the April 12, 2018 direction regarding the return of access funds to stewards.”

The current proposal in the Wind-up Plan does not return surplus funds to MHSM consumers. Instead it is proposing a fee reduction for both SO and Industry Stewardship Plan (“ISP”) stewards. Municipal governments remain skeptical that any cost savings will be passed onto consumers given the manner in which the program is run. This has the potential to increase public skepticism around environmental programs.

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Municipal governments would prefer these funds be returned directly to consumers or utilized in a way that benefits the broader public good by protecting our environment. It is understood that there may be limitations related to the disbursements of these funds. We would be pleased to discuss better means by which the Minister can achieve his overarching goal.

Conflict of Interest Mitigation

Municipal governments are supportive of the steps being taken to mitigate any potential conflicts of interest between the current program and future producer responsibility organizations. We do however have some concerns about how data will be managed until termination. The data could be better managed through a third-party entity.

Although separate from this Wind-up Plan, we do also want to ensure that similar provisions related to data are applied to the ISPs.

Municipal Claims

Municipal governments are supportive of the proposal that claims must be provided by municipal governments two months after program termination.

Batteries and RRCEA Regulations

In the numerous workshops that the Municipal 3Rs Collaborative (“M3RC”) has held across the province, we have heard a number of concerns related to the need for *Resource Recovery and Circular Economy Act* (“RRCEA”) regulations to be moved forward as quickly as possible to enable more time for municipal planning to occur. Although this is not part of the Wind-up Plan, we would strongly urge the Ministry of Environment, Conservation and Parks (“Ministry”) to ensure RRCEA regulations including the battery regulation are posted well before implementation. The battery regulation poses unique challenges as it does not fall within the calendar/fiscal year and solid waste management departments still do not know how to plan for it.

In conclusion, we encourage RPPRA and the Ministry to work comprehensively on forthcoming regulations to ensure that program objectives achieve goals of full producer responsibility. Municipal governments are here and willing to support the Ministry through actively continuing to participate in future consultations.

We look forward to the opportunity to ongoing consultation with RPPRA on the future wind-up of SO and other remaining waste diversion programs.

Sincerely,



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