

## **Proposed Producer Responsibility Regulation for Hazardous and Special Products (HSP) ERO Posting # 019-2836**

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### **Overview**

Oxford County is a regional government and is responsible for delivering municipal solid waste collection and management services to its eight (8) Area Municipalities. Municipal solid waste is received and managed at the Oxford County Waste Management Facility (OCWMF), which includes landfill waste disposal and waste diversion programs including the operation of a residential Municipal Hazardous or Special Waste (MHSW) drop-off depot. Residential MHSW drop-off is also available at the City of Woodstock's transfer station (Enviro Depot).

The Municipal Household Special Waste (MHSW) Depot at the OCWMF has been in operation since 2009. This depot is open six (6) days a week, year round and receives residential MHSW material. On average, this depot receives 6,000 vehicles and collects approximately 185 tonnes of hazardous special waste annually.

The Enviro-Depot in Woodstock opened in 2018 and services approximately 5,000 vehicles annually and collects around 130 tonnes of hazardous special waste a year.

Historically, the County offered four household hazardous waste collection special events annually. These events were very well attended, and received over 800 to 1,200 vehicles per event over a four-hour period. However, participation levels at these special events started to decline with the opening of the MSHW drop-off at the OCWMF in 2009, and were discontinued following the opening of the Enviro-Depot in Woodstock in 2018.

Oxford County supports the MECP's objective to require producers of hazardous and special products to collect, manage, and promote the recycling or proper disposal of these products at end-of-life.

### **Comments**

Oxford County appreciates the opportunity to provide feedback on the MECP's proposed Producer Responsibility Regulation for Hazardous and Special Products (HSP) and offers the following comments.

The Oxford County submission, in response to ERO Posting #019-2836, will be presented to County Council for endorsement at the April 14, 2021 Council meeting and a copy of the Council resolution will be forwarded to the MECP shortly thereafter.

## Implementation Timeline

Due to the complexities of implementing this program, the County questions whether July 1, 2021 is a realistic implementation date. There are still components of the proposed regulation, which are unclear or where municipal concerns have not been addressed. Providing extra time to address these concerns will allow for a more successful program implementation and therefore the County would support a start date of January 1, 2022.

## Designated Materials

The County recommends that the MECP designate the materials municipal governments recommended in Association of Municipalities in Ontario's (AMO) July 2020 submission.

- Phase 1 (July 1, 2021): Paint and coatings, expanded pesticides category, solvents, expanded fertilizer category, used oil filters, oil containers (under 30 litres), pressurized containers, anti-freeze, aerosols, portable fire extinguishers, mercury containing devices, and all associated containers of the above.
- Phase 2 (January 1, 2023): pharmaceuticals and sharps, automotive additives and cleaners, automotive additives and cleaner containers, fuels, miscellaneous flammable materials, oxidizers, corrosives – acids, corrosives – caustics, fuels, reactive chemicals, and lubricating oils.

Municipalities collect these materials in order to ensure the proper end of life management of these products. Producers of these materials should be responsible of the end of life management of these products and subject to collection, management and recycling/disposal requirements.

## Producer Agreements

Oxford County wants to ensure that individual producers remain liable for end-of-life product management in instances where producers enter into agreements with one or more persons/organizations to carry out and complete all or part of the producer's responsibilities, requirements, activities, or obligations under the regulation.

## Exemptions

Producers, large or small should be held accountable for the responsibilities, requirements, activities, and/or obligations under the regulation. It is important that all hazardous and special products are managed responsibly and no one producer should be exempt from this responsibility. Additionally, many small producers of hazardous products can end up generating a very large amount of hazardous waste, which if left unregulated may not be handled properly and could affect program funding and diversion targets.

## Collection

The County considers it to be of equal importance to divert and/or recycle hazardous and special products, as it is to divert and recycle HSP product containers. Currently, the proposed regulation only requires the recycling of oil containers. Additional consideration should be given to how HSP containers can be captured for proper end-of-life management by the producers.

The County shares AMO's concerns over the lack to collection targets for HSPs and believe that collection targets are equally as important as management targets and targets for recycling efficiencies. Establishing collection, management, and recycling targets hold producers accountable for the entire life cycle of the HSPs. Additional pressure needs to be place on producers to collect HSP, as well as educating consumers on the need to properly dispose of HSPs.

The lack of an end of life management target for fertilizers is of concern to the County. Recognizing that the proposed regulation requires a strong promotion and education plan around using up fertilizers and sharing left over product with others, it seem fundamentally wrong not to hold this HSP to the same standards as all of the other regulated HSPs. It is our understanding that producers are currently required to promote the full use of and/or sharing of fertilizers in order to use up the product. Having operated a MHSW Depot for 12 years the County has collected a significant amount of fertilizers and therefore, the County would like to see collection, management and recycling targets in place for fertilizers.

The requirement for municipal depots to record personal contact information for any residential drop-off of HSP exceeding 25 kg is unrealistic due to available manpower and customer refusal to provide such information as well as Freedom of Information and Protection of Privacy Act considerations. The County strongly recommends that this requirement be removed from the regulation.

The County would also ask the MECP to consider expediting the Environmental Compliance Approval amendment process so that existing depots who cannot currently collect mercury-containing devises as outline in the proposed regulation will be able to do so by July 1, 2021.

## Resource Recovery Fees

The County is supportive of the approach taken in the draft regulation to articulate how producers can apply resource recovery fees as of July 1, 2020. A strong communication plan around resource recovery fees is required so that consumers are not caught off guard by the additional fees. Full transparency on behalf of the producers is key to the success of this program.

## Consumer Accessibility to Collection Depots and Events

The County is supportive of the 18-month transition plan proposed in the draft regulation, as the complexities of this program are great. The County is unclear of what number of sites and

events would be required for our jurisdiction and how that compares to the current system and would ask for greater clarity in the regulation around this.

The County is concerned that the ongoing support of municipal depot operations may be discontinued by the producers. The County would prefer to see a requirement in the regulation that has producers supporting and enhancing the existing collection system in place.

### **Illegal Dumping of Designated Materials**

Producers should be required to collect material, which has been illegally dumped; this responsibility and associated costs should not rest with the municipality.

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**Prepared for:**

Allison Deng                      Senior Policy Advisor, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks ([Allison.Deng@ontario.ca](mailto:Allison.Deng@ontario.ca))

**Further Information:**

Frank Gross                      Manager of Transportation and Waste Management  
([fgross@oxfordcounty.ca](mailto:fgross@oxfordcounty.ca))