

August 20, 2019

Mr. Nick Aubry
Chair, Ontario Electronic Stewardship
5750 Explorer Drive, Suite 301
Mississauga, ON L4W 0A9

Dear Mr. Aubry,

RE: Approval of OES Wind-up Plan

As directed by the then Minister of the Environment and Climate Change in correspondence dated February 8, 2018, Ontario Electronic Stewardship (OES) submitted a wind up plan for the diversion program for waste electrical and electronic equipment (WEEE) and for OES (the Wind Up Plan) to the Resource Productivity and Recovery Authority (the Authority) by December 31, 2018.

On March 7, 2019, the Authority posted the Wind Up Plan and, on March 21, began consultations with municipalities, stewards and other affected stakeholders. On April 2, the Minister of the Environment, Conservation and Parks (the Minister) requested that the Authority consult on surplus fund options that benefit consumers and report back by April 30. Consultations continued until April 25 to accommodate this request and the Authority reported to the Minister on April 30. On July 2, the Minister amended the wind up date to extend the waste diversion program for WEEE for six months and directed OES to revise the Wind Up Plan accordingly. OES submitted the revised Wind Up Plan to the Authority on July 25.

In addition to consulting on the Wind Up Plan, the Authority conducted an assessment of the Wind Up Plan to ensure it was consistent with the Minister's direction letters and in accordance with the *Waste Diversion Transition Act* (WDTA) and its regulations.

I am pleased to inform you that on August 16, 2019, the Authority's Board approved the OES Wind Up Plan with the following conditions:

1. The OES Wind-up Plan shall be updated by OES as required to address operational and implementation issues and as directed by Authority staff.

2. OES shall provide any information identified by Authority staff that is required to assist the Authority in performing its duties under the *Waste Diversion Transition Act, 2016*, pursuant to s. 31 of that Act.
3. OES shall arrange for an independent auditor, who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004*, to perform an audit satisfactory to the Authority to assess whether OES intellectual property and any other OES assets were fairly used by or transferred to EPRA.
4. OES shall develop and implement a detailed data management plan acceptable to Authority staff with the objective of ensuring data security and ensuring that data are solely used by OES for the purpose of implementing the approved Wind-up Plan. OES shall submit a draft plan to the Authority within 75 days of the Authority's approval of the OES Wind-up Plan.
5. Regarding OES compliance activities relating to service providers, OES is directed to:
 - a. Develop and implement a compliance guideline acceptable to Authority staff, to ensure consistency and transparency in OES compliance decision-making.
 - b. Submit to the Authority a copy of each rejection, default or suspension notice and the related written justification for the action within 5 business days of issuance.
 - c. Inform the Authority of any generator pairing request that is not accepted or approved within 45 days of the request being submitted to OES, including the details of the request and the status of the request assessment.
 - d. Provide the Authority with advance notice of scheduled site inspections, reviews, and audits.
6. OES shall provide clear and transparent communications to the public and affected stakeholders and collaborate closely with the Authority to coordinate communications to stakeholders relating to the WEEE Program wind-up, under the direction of the Wind-Up Manager.
7. Regarding OES's recommendation that remaining residual funds after program wind-up be transferred to the Authority to offset Registry-related expenses, OES shall cooperate with the Authority in consulting with stakeholders on additional details about the transfer and how the funds will be used.

In accordance with the WDTA, this approval will be published on the Authority's Registry. A report describing the consultation process and summarizing stakeholder comments received will also be posted on the Authority's Registry.



OES may communicate the Authority's decision to approve the Wind Up Plan with conditions only after the Authority publishes its decision. The Authority will work with OES to develop a co-ordinated communications strategy including the date on which OES may communicate the Authority's approval with conditions to stakeholders.

Finally, on behalf of the Authority, I would like to express my appreciation for the diligence and cooperation of the OES Board of Directors and staff in reaching this critical milestone. There is, of course, much work to be done in the months ahead, and the collaborative approach established between OES and the Authority will be key to successfully implementing the Wind Up Plan.

Sincerely,

Glenda Gies
Chair, Resource Productivity and Recovery Authority