

All PRO Meeting

Mary Cummins, Registrar
June 27, 2022





Refresher: Amendments to the Regulation

Summary of BB Regulation Amendments

1. Changes that affect the province-wide system:

- Each producer is responsible for providing Blue Box collection to every eligible source in Ontario
- A single collection system can be created and operated on behalf of every producer by one or more PROs

2. Rule creators, the rule creation process and the allocation table have been removed. Rule creator representation agreements between PROs and producers for rule creation purposes have been removed as a PRO service.

- To replace the rule creation process tools, the amended regulation now requires PROs to submit a PRO Initial Report that outlines how they will operate the Blue Box collection system on behalf of producers

3. Newspaper producers may be exempt from collection, management and promotion and education requirements

- For a producer to qualify for this exemption, newspaper must account for at least 70% of their total weight of Blue Box materials supplied to consumers in Ontario in a calendar year
- If exempt, the producer must still register and report to the Authority
- There is no two-year limit on this exemption

PRO Initial Report Submission



PRO Initial Report Submission

- When a PRO Initial Report is submitted to RPRA, all PROs must be copied on the report
- The Initial Report must indicate which PRO(s) – representing more than 66% of the aggregate weight of Blue Box material supplied to consumers in 2020 – agree with the Initial Report
- The Initial Report must indicate what constitutes the Initial Report (e.g., a cover letter)
- Contact information for both RPRA and the public must be included (if such contact information is different from what is on RPRA website)

PRO Initial Report Submission

- The Registrar will acknowledge receipt and then confirm that the PRO(s) entered into agreements with producers responsible for more than 66% of the 2020 producer Blue Box material supplied
 - These agreements include any agreement to represent a producer for a purpose related to this Regulation as of April 1, 2022
 - The 2020 producer registration and supply data reports, along with the producer agreement quarterly reports provided by the PROs in the Registry to confirm the agreements in existence and the tonnage as of April 1, 2022
 - This includes all 2020 Blue Box material as defined under the Regulation (e.g., newspapers and compostable product and packaging)
 - If a producer requires an adjustment to their 2020 supply data after submission of their registration form, RPRA will use their data submitted as of April 1, 2022 when determining total tonnage

PRO Initial Report Submission

- The Registrar expects a report July 1, 2022 in accordance with the Regulation based on the data that has been provided through the Registry
- Should there be no report submitted, the Registrar will post publicly that there was no agreement reached representing more than 66% of the aggregate weight of blue box material supplied to consumers in 2020

Data Sharing Between PROs and RPRAs



Data sharing

RPRA to provide information

s.31.1 The Authority shall make available to producers to whom section 19 applies such information in its possession as is necessary for compliance with this Part

- This data will be shared in accordance with our [Access and Privacy Code](#)
- NDAs have been executed and data to be provided to PROs who have representation agreements with producers
- All data requests must be submitted to registry@rpra.ca

Registration and Reporting Updates



Processor Registration

- The most recent list of registered processors is available on the [RPRA website](#)
- Producers, or PROs on their behalf, may only rely on registered processors
- PROs should ensure that the processors they work with are registered before entering into agreements with them
- A processor is any person who processes, for the purpose of resource recovery, Blue Box material that was supplied to a consumer in Ontario (i.e., this is beyond MRFs)
- If a PRO or processor is unsure if they need to register, please have the processor contact RPRA

Municipal Change Reports

s.57 If there is a change to the information submitted to the Authority through the Registry under section 54, 55 or 56, the applicable local municipality, local services board or First Nation shall submit the updated information to the Authority, through the Registry, within 30 days of the change.

Do the PROs have any comments or inputs on how they would like to receive/manage changes from municipalities?

Producer Registration and Reporting

- All PROs should ensure their producer clients are registered with RPRA. Please email registry@rpra.ca if there are concerns.
- 2021 producer supply reporting is due October 31, 2022, and producers will be provided with their minimum management requirements at that time – calculation can be performed manually as well

Establishment of the Blue Box System



Establishment of the Blue Box System

- Under Part IV of the Blue Box Regulation, all producers must establish and operate a collection system in Ontario.
- One or more producers may meet this obligation by agreement with their PRO to establish and operate a common collection system on their behalf.
- As a part of the establishment of a common collection system, contracts may be negotiated between PROs or producers and other parties: municipalities, First Nation communities, and processors, for collection, management, and processing of Blue Box materials.

While contract negotiations between regulated parties are typically private business matters outside the purview of the Blue Box Regulation, producers' obligation to ensure a collection system is in place is not.

Establishment of the Blue Box System cont.

- The Registrar expects that all regulated parties will:
 - Conduct themselves with honesty and integrity when negotiating and executing contracts for their respective participation in the Blue Box System
 - Will abide by section 2(n) which states: “It is in the provincial interest that Ontario have a system of resource recovery and waste reduction that aims to...promote cooperation and coordination among various persons and entities involved in resource recovery activities and waste reduction activities;”
- The Registrar will be monitoring the producer progress in establishing the Blue Box System (e.g., the establishment of contracts) in advance of the July 1, 2023 operational date to determine the readiness of, and any non-compliance risks within, the system.
- The impact of non-compliance in the establishment of the Blue Box System for transitioned communities on July 1, 2023 is a high-risk priority for the Registrar.

Failure to establish the Blue Box System by the operational date of July 1, 2023 could warrant immediate enforcement action by the Registrar against producers and PROs.

Enforcement Action

Regulated parties found to be non-compliant may be subject to:

1. Compliance orders, which gives the Compliance Team broad authority to remedy a contravention
2. Fines, including recovering any economic benefit that resulted in the non-compliance, once the Administrative Penalties Regulation proposed under the RRCEA is finalized
3. Prosecution



Questions?