

This document provides guidance to battery producers obligated under the Batteries Regulation ([O. Reg. 30/20](#)) in relation to their performance periods and reporting.

The Stewardship Ontario program for single-use batteries ended on June 30, 2020. The resource recovery program under the Batteries Regulation for both single-use (primary) and rechargeable batteries began on July 1, 2020.

Under the Batteries Regulation, battery producers are required to collect and recover resources from batteries weighing 5 kg or less beginning July 1, 2020. Each producer is required to meet individual producer performance requirements based on what they supply into the Ontario market. The formulas to calculate those performance requirements are set out in the Batteries Regulation. Producers will be able to confirm their performance requirements as part of the registration process that will occur in November 2020.

The first performance period runs from July 1, 2020, to December 31, 2021, and performance results must be reported by April 30, 2022. For this performance period, and for the 2022 performance period, producers are required to use best efforts to meet their performance requirements. In determining whether a producer used best efforts to meet a management requirement, the Registrar will consider whether the producer, acting in good faith, took all reasonable steps to meet the requirement.

At a minimum, the Registrar expects that in making best efforts, producers, directly or through their PROs, will:

1. Meet the minimum collection system requirements in the Batteries Regulation
2. Regularly service collection sites to pick up batteries for management
3. Regularly monitor the volume of material being collected and managed during the performance period, and compare that against the producer's management requirements
4. Develop a plan for increasing the volume of batteries collected and managed, if, during the performance period, the management requirements appear unlikely to be met
5. Implement the plan to increase collection and management to meet the requirements

Producers are encouraged to seek legal advice to ensure that they understand their legal obligations under the Batteries Regulation, including what it means to use best efforts to meet their performance obligations.

The performance requirements came into effect on July 1, 2020. It will be important for battery producers to ensure that, at a minimum, they understand their performance obligations in advance of completing the registration process and have appropriate contractual arrangements in place with service providers to meet those requirements.

By November 30, 2020, battery producers are required to register and report their Ontario supply data, which will be used by the Authority to confirm their performance requirements for the period July 1, 2020, to December 31, 2021.

The Batteries Regulation outlines how management requirements are calculated. This is summarized in the tables below.

Single-Use Batteries

Performance Period	Management Requirement	Calculation
July 1, 2020 to December 31, 2021	Best efforts – 40%	$[(2018 + 2019) / 2 \times 0.4] \times 1.5$
2022	Best efforts – 40%	$[(2018 + 2019 + 2020) / 3 \times 0.4]$
2023	40%	$[(2019 + 2020 + 2021) / 3 \times 0.4]$
2024	45%	$[(2020 + 2021 + 2022) / 3 \times 0.45]$
2025	50%	$[(2021 + 2022 + 2023) / 3 \times 0.5]$

Rechargeable Batteries

Performance Period	Management Requirement	Calculation
July 1, 2020 to December 31, 2021	Best efforts – 40%	$[(2018) \times 0.4] \times 1.5$
2022	Best efforts – 40%	$[(2018 + 2019) / 2 \times 0.4]$
2023	40%	$[(2018 + 2019 + 2020) / 3 \times 0.4]$
2024	45%	$[(2019 + 2020 + 2021) / 3 \times 0.45]$
2025	50%	$[(2020 + 2021 + 2022) / 3 \times 0.5]$

Date	Revisions
Issued September 2020	N/A