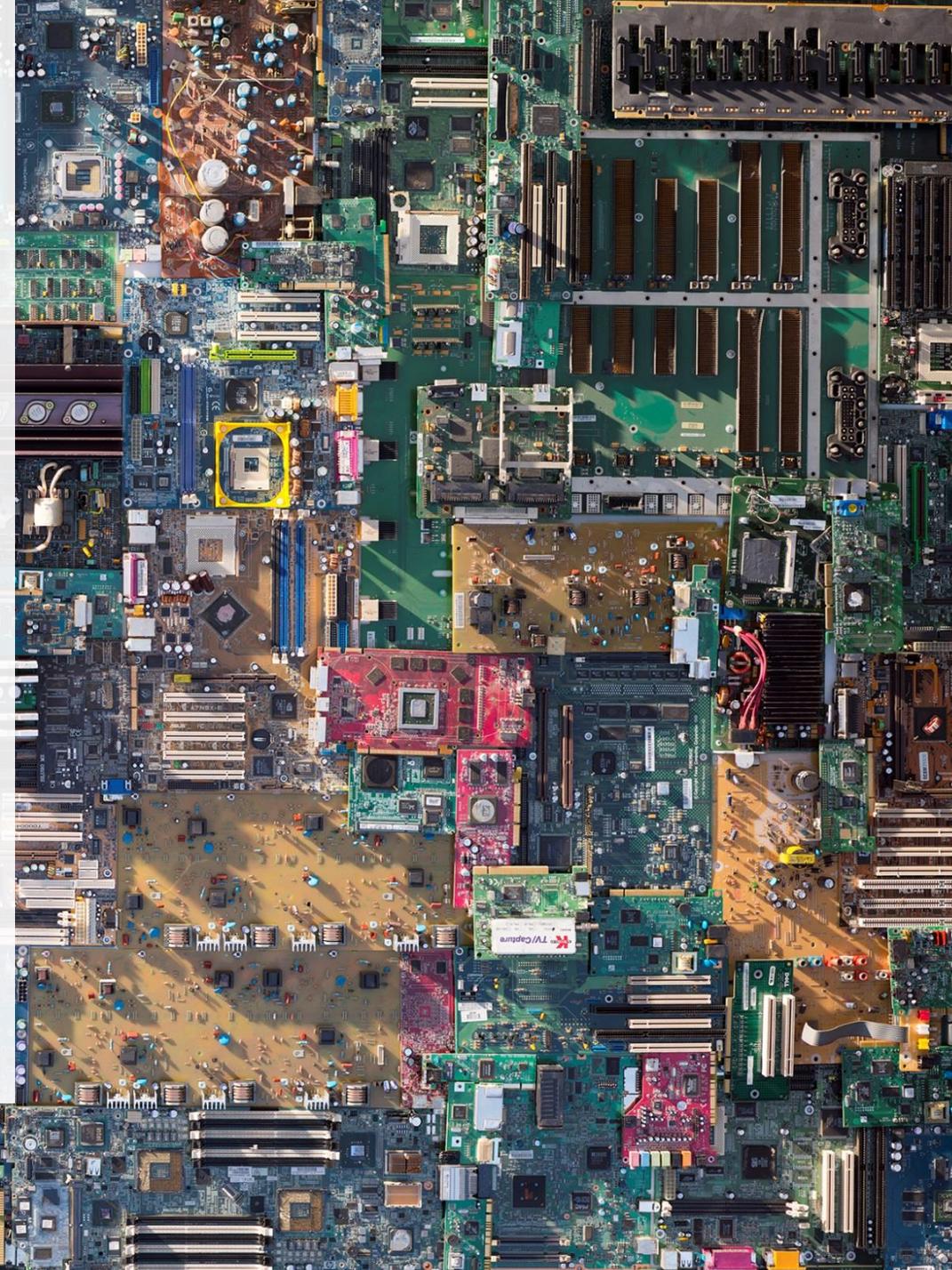


# Waste Electrical and Electronic Equipment (WEEE) Program Wind Up

RPRA Consultations

Spring 2019



# Agenda

1. Purpose of the Consultation
2. Background
3. About RPRA
4. OES's Wind-Up Plan

# Purpose of the consultation

- Provide an overview of OES's Wind-Up Plan for the WEEE Program
- Answer questions you may have on the wind up and provide clarity
  - If there are questions we cannot answer, we will follow up in a written Q&A
- Outline key questions we are seeking feedback on during the consultation
  - You can provide your feedback until **Thursday, April 18**
  - At the end of the presentation we will recap how you can provide feedback



# Background

# Current WEEE Program

- Ontario Electronic Stewardship (OES) operates the WEEE Program on behalf of the electronics industry
  - Program ensures end-of-life electronics are handled in a safe, secure and environmentally sound manner
  - Funded by an environmental handling fee (EHF) for electronics
- In February 2018, the Minister of the Environment directed the wind up of the WEEE Program
  - Program directed to end on June 30, 2020
  - OES will wind up as a corporation shortly thereafter
  - In December 2018, the Minister of the Environment accelerated the wind up of the batteries program to June 30, 2020 to better coordinate with the wind up of the WEEE Program
- The Minister's direction enables the transition of WEEE to individual producer responsibility

# What's changing

## Going from:

Stewards/producers collectively responsible for the end-of-life management of electrical and electronic products

A system centrally managed by OES

## To:

Stewards/producers individually responsible for the end-of-life management of electrical and electronic products

A system managed by multiple competing producer responsibility organizations (PROs), and/or producers managing their own products



# What's changing

## Going from:

A supply chain operated according to a Program Plan

OES collects system data and the Authority oversees OES

The *Waste Diversion Transition Act, 2016* (WTDA)

## To:

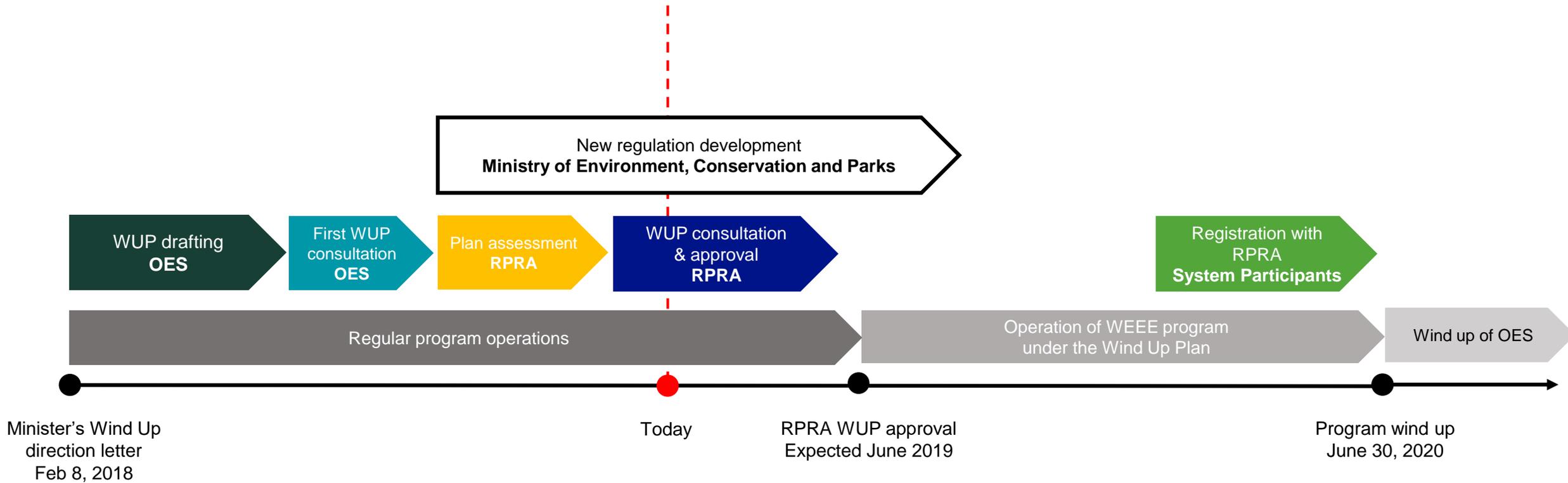
A supply chain operated without a Program Plan, resulting from commercial negotiations within the parameters of a new regulation

The Authority collects system data through a secure registry to enforce individual producer compliance

The *Resource Recovery and Circular Economy Act, 2016* (RRCEA)



# Wind Up Plan (WUP) Development and Approval





# About RPRA

# The Resource Productivity and Recovery Authority

- Regulatory body created by the Ontario government to oversee producer responsibility requirements
  - Compliance and enforcement responsibilities delegated by the province
- Mandated to support the transition to a circular economy and waste-free Ontario
  - Despite efforts, Ontario's diversion rates have stalled
  - New emphasis on producer responsibility to drive better economic and environmental outcomes

# The RRCEA and WDTA

- RPRA receives its authority from the *Resource Recovery and Circular Economy Act, 2016* (RRCEA) and the *Waste Diversion Transition Act, 2016* (WTDA)
- RRCEA establishes a new regime where producers are accountable for their products and packaging, recovering resources, and reducing waste
- WDTA allows for the continuation of waste diversion programs and sets out provisions to wind up those programs as directed by the Minister of the Environment, Conservation and Parks

A high-angle, top-down view of a person walking on a wooden spiral staircase. The person is wearing a dark hat and a light-colored top. The staircase is made of light-colored wood and curves around a central point. The background is a light-colored wall with some architectural details.

# **Our Vision**

**A circular economy today  
for a waste-free tomorrow.**

# **Our Mission**

**Enforce producer responsibility and advocate for  
the circular economy to spur innovation and  
protect the environment.**

# What we do

Under the **WDTA**, our responsibilities include:

- Overseeing existing waste diversion programs and industry funding organizations until wind up
  - Tires- Program ended December 31, 2018
  - Waste Electrical and Electronic Equipment
  - Municipal Hazardous or Special Waste
  - Blue Box
- Approve wind-up plans developed by industry funding organizations
  - Oversee the implementation of wind-up plans



# What we do

Under the **RRCEA** our responsibilities include:

- Developing and operating a registry to register and receive information from obligated parties responsible for materials under the RRCEA
- Managing, analyzing and reporting on the information in the registry
- Carrying out compliance and enforcement activities

# The Wind-Up Plan



# The Wind-Up Plan

## Minister's Direction

The plan should be consistent with the following principles:

- Demonstrate transparent communications and meaningful consultation
- Support competition and prevent conflict of interest
- Demonstrate fairness to stewards and protect consumers
- Maintain and improve program performance

# Topic 1: Governance and Administration



# Conflict of interest mitigation

- Minister directed in wind-up letter that:
  - *“OES shall take all necessary steps to ensure there is no real, potential or apparent conflict of interest when developing and implementing the plan.”*
- Potential concerns identified:
  - Electronic Products Recycling Association (EPRA) administers the OES WEEE Program through a service agreement with OES
  - EPRA may have an operational role under the RRCEA after wind up
  - OES and EPRA Boards had significant cross representation
- Conflict of Interest Mitigation Plan:
  - RPRA required that OES develop and implement a Conflict of Interest Mitigation Plan and that this plan be implemented prior to wind up

# OES Conflict of Interest Mitigation Plan

## Board Governance

- Existing OES Board resigned and new Board appointed in August 2018
  - New Board eliminated all OES/EPRA cross board memberships
  - New Board eliminated EPSC and RCC observer members
  - Oversaw the drafting of the Wind-Up Plan

# OES Conflict of Interest Mitigation Plan

## Administration

- New independent manager for the WEEE Program appointed in March 2019
  - Reports to new OES Board
- OES will separate operations from EPRA to minimize conflict during wind up
- OES will function as a corporate entity following the wind-up date to process claims from service providers
- OES will appoint a liquidator to dispose of any remaining assets and coordinate corporate dissolution



# Conflict of Interest Mitigation Plan

## Data Management

- Minister directed that:
  - *“OES sharing of data and information to parties other than the Authority must be done through a fair, open and transparent process that does not result in preferential treatment of one person or group over another or release of any confidential information.”*
- New OES Board and Program Manager will oversee data management and transfer during wind up
  - OES will identify any confidential or commercially sensitive data transferred to RPRA and take measures to ensure that data is supplied in confidence
  - RPRA is required to treat information in its possession as confidential
- All steward and service provider data in OES’s possession will be destroyed following transfer to RPRA



# Key question- Governance and administration

*Do OES's proposals support competition and prevent conflict of interest?*



# Topic 2: Budget and EHF



# Revised financial forecasts

- In April- June 2018, the Tax Court of Canada overturned a ruling from early in the program that stated that industry funding organizations, such as OES, were not allowed to claim Input Tax Credits (ITCs) for HST paid to third parties
- This meant claiming ITCs was allowed for the HST paid on services and goods received in managing the program from 2009-2018
- The Wind-Up Plan financial forecasts were revised following OES's consultations as a result of receipt of final refunds from CRA in February 2019
  - In total, OES received a refund of \$60.8 million from the CRA as a result of ITCs

# Background - EHF reduction

- In light of the larger than expected OES forecast reserve surplus resulting from the CRA decision:
  - OES implemented a 17-month steward fee reduction to \$0
  - The fee reduction took effect on February 1, 2019
  - Eliminated:
    - Steward fees to OES until wind up
    - Consumer EHF fees until wind up
- OES formally notified stewards of the fee elimination on December 3, 2018 so that stewards could prepare their internal IT systems

# Proposal- Budget

<b>Revenue:</b>	<b>2018 Forecast</b>	<b>2019 Budget</b>	<b>2020 Budget</b>
EEE Fee Revenue	\$51,309	\$3,327	
EHF Fee Refund		(\$2,300)	
Tax Refund	\$60,840		
Interest	\$936	\$545	\$250
	\$113,085	\$1,572	\$250
<b>Expenses:</b>			
Processing	\$27,142	\$26,013	\$12,681
Handling	\$6,103	\$6,231	\$3,280
Transportation/Storage	\$6,236	\$6,419	\$3,380
<b>Direct Program Costs:</b>	\$39,481	\$38,663	\$19,341
<b>Other:</b>			
Promotion and Education	\$2,885	\$2,860	\$1,000
Administration	\$3,101	\$3,370	\$2,485
Wind-up Fees	\$150	\$2,400	\$2,900
RPRAs fees	\$1,256	\$2,600	\$1,300
<b>Indirect Costs:</b>	\$7,392	\$11,230	\$7,685
<b>Total Costs:</b>	\$46,873	\$49,893	\$27,026
<b>Surplus/(Deficit)</b>	\$66,212	(\$48,321)	(\$26,776)
<b>Tonnage (metric tonnes)</b>	<b>47,711</b>	<b>45,684</b>	<b>22,271</b>
Reserve	\$109,815	\$61,494	\$28,480
Drawdown on Reserve for HST		(\$6,238)	(\$2,597)
Closing Reserve		\$55,256	\$25,884

# Proposal- Budget

- OES is projecting a program surplus of \$25.8 million following the steward fee elimination and the resolution of outstanding financial obligations
  - The Authority will hold additional consultations on potential options to deal with the final surplus
- Forecasts subject to financial contingencies, such as fluctuations in WEEE supply
- If needed, OES reserves the right to adjust steward fees to fund any financial shortfalls that may occur

# Key question- Budget and EHF

*Do you support OES's budget as proposed?*

# Topic 3: Operations



# Proposal- Transition of Material Tracking System (MTS)

- Proprietary software used to track WEEE materials through the supply chain, and to process orders, payments and incentive claims
- OES is proposing to make a clean version of MTS available as a free software to stewards and potential producer responsibility organizations as of January 2020
- OES will conduct information sessions if necessary to facilitate the transition of the MTS
- A copy of the MTS software will be provided to RPRA following program termination

# Key question- MTS

*Would you use a clean version of the MTS system?*



# Proposal- Program operation

- In OES's view a business as usual approach will ensure that program performance is maintained and there is no disruption to the existing program during wind up
- OES is not proposing any changes to WEEE material definitions
- OES is not proposing changes to collection, transportation and processing incentive rates prior to or during the wind up period
- OES is proposing to maintain existing service provider contracts related to collection, transportation and processing during the wind up period

# Operations: Stewards



# Proposal- Steward fees and supply reports

- In OES's view, the continuation of steward supply reports is essential for OES to monitor program performance and conduct periodic and final program cost allocations
- Current OES steward and remitter service agreements will remain in place for the duration of the program
- OES will provide formal notice of the timing of termination of these agreements to stewards after RPRA's approval of the Wind-Up Plan

# Proposal- Steward fees and supply reports

- Despite the reduction of steward fees to \$0, stewards must submit EEE supply reports until June 30, 2020
- Following program termination, stewards who normally submit annual supply reports will submit a six month supply report covering the period January 1, 2020- June 30, 2020

# Proposal- Steward fees and supply reports

- Final steward reports for the month ending June 30, 2020 will be due by **July 31, 2020**
  - Corrections or adjustments due by **September 15, 2020**. This applies to all stewards whether they normally report on a monthly, quarterly or annual basis
- OES is proposing that steward reports be submitted through a different login link starting July 1, 2020

## Key question- Steward operations

***Does OES's proposed reporting schedule and process align with your business operations?***





# Operations: Service Providers

# Proposals- Service provider contracts, incentives and payments

- OES is not proposing changes to current collection, transportation and processing incentive rates prior to or during the wind up period
- OES is proposing that it maintain existing service provider contracts related to the collection, transportation or processing of WEEE materials
- OES will monitor applications for additional service providers during this period in light of maintaining current program performance and streamlining program wind up
- OES is proposing to give all service providers a minimum of six months' notice of contract terminations. Currently OES anticipates providing notice of contractual termination to service providers in relation to wind up by **September 30, 2019**



# Proposals- Compliance

- OES will continue with its regular compliance review activities during the wind up period
- OES is proposing to conduct additional onsite processor visits to validate inputs and outputs related to processor reports
- OES is also proposing to conduct additional reviews on claims outside of normal patterns to ensure validity of claims and expedite the reconciliation process

# Proposals- Collectors and Generators

- In January 2020, OES will begin working with collectors and generators to prepare for program shut down
- Collected WEEE will only be eligible for program incentives if the WEEE is dropped off at a collection site by **June 30, 2020** and the related MTS Bill of Lading (BOL) for pick up and transportation of these materials is created and submitted to OES by end of day on **June 30, 2020**.
- As of **July 1, 2020**, collectors and generators will not be able to add new volume to MTS and no new BOL submissions will be accepted



## Proposals- Collectors and Generators

- Collector and generator BOL submissions must be made by **June 30, 2020** with arrangement for pickup of such materials arranged no later than **July 10, 2020**
- Collector claims for incentives on WEEE materials collected prior to June 30, 2020 must be submitted to OES no later than **July 31, 2020**



## Proposals- Re-use and Refurbishers

- Re-use and refurbisher service providers will have until **July 10, 2020** to submit reports to OES on R&R activities completed prior to June 30, 2020
- After July 10, 2020, the MTS system will no longer be available for R&R reports

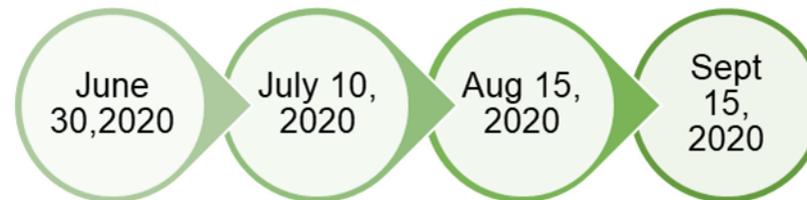
# Proposals- Processors

- In the first quarter of 2020, processor mass balancing reports will be moved from a quarterly to a monthly basis to expedite OES payments in the final six months of program operations
- Processors will have until **August 15, 2020** to submit claims to OES for the MTS BOL's completed and submitted by June 30, 2020 end of day and with corresponding pick ups completed by July 10, 2020
- BOL's dated later than June 30, 2020, will not be eligible for reimbursement
- Mass balancing reports must be completed and submitted to OES by **September 15, 2020**



## Proposals- Processors

- OES will increase the audits of processors during the last six months of the program to ensure claims are entered correctly, are valid and that processors continue to function in accordance with program requirements
- Onsite inspections and wind up audits will occur during **July through September 2020**



# Key question- Service provider operations

*Do the deadlines proposed by OES work when thinking about your business processes?*



# Summary of key dates

Cut-Off Date	Wind Up Plan Measure
June 30, 2020	<ul style="list-style-type: none"><li>- Program termination date;</li><li>- Final date for collection of WEEE materials under program;</li><li>- Final date for submission of MTS BOLs by collectors and generators;</li></ul>
July 10, 2020	<ul style="list-style-type: none"><li>- Final date for transportation pick up of WEEE from collector and generator sites;</li><li>- Final date for submission of re-use and refurbish reports to OES;</li></ul>
July 31, 2020	<ul style="list-style-type: none"><li>- Final date for submission of claims for collection incentives to OES from collectors;</li><li>- Final date for submission of steward EEE supply reports to OES for the period ending June 30, 2020;</li></ul>
August 15, 2020	<ul style="list-style-type: none"><li>- Final date for processing of WEEE collected prior to June 30, 2020 and submission of processor incentive claims to OES;</li></ul>
September 15, 2020	<ul style="list-style-type: none"><li>- Final date for completion of final processor mass balance reports under WEEE program;</li><li>- Final date for steward submission of corrections or adjustments to EEE supply reports provided earlier under the program.</li></ul>





# Topic 4: Promotion and Education

# Proposal- Consumer collection sites

- OES is proposing that program access, collection sites, events, and spending on promotion and education activities be maintained throughout the wind up period
- OES will coordinate the collection of any OES collection materials previously provided to OES collection partners in a manner that does not adversely impact consumer access to WEEE disposal sites prior to June 30, 2020.

# Proposal- Consumer awareness

- OES uses EPRA's Recycle My Electronics logo, branding, campaigns and marketing collateral to increase consumer awareness and participation in Ontario through radio, print and digital initiatives
- OES proposes to continue using the Recycle My Electronics brand to promote recycling of waste electronics throughout the wind up period
- Current promotional and education campaigns and partnerships will continue throughout 2019. In 2020 these events will be assessed on a case-by-case basis to determine their need given the pending program termination
- After program termination, use of Recycle My Electronics brand will revert to EPRA



## Key questions- Promotion and education

*Do OES's proposals support competition following wind up?*

*Do OES's proposal maintain and improve program performance?*



## **Key question- The overall plan**

***Is there enough information in the wind-up plan for you to prepare for the wind up of the program?***

***From your perspective, does the plan meet the requirements of the Minister's direction?***



# Next steps

- You may provide your feedback on OES's Wind-Up Plan by:
  - Completing a survey that will be emailed to you after this webinar
  - Emailing your comments to [consultations@rpra.ca](mailto:consultations@rpra.ca)
- Feedback is due by **Thursday, April 18, 2019**
- Feedback from the consultation will be summarized in a report that will be available on the Authority's website
- RPRA and OES will provide information on proposed regulations as soon as information becomes available from the Ministry of Environment, Conservation and Parks