

# Hazardous and Special Products Regulation Overview for Service Providers

September 14, 2021



# Agenda

1. Review of RPRA's role and mandate
2. Ontario's new Hazardous and Special Products Regulation
3. Key Dates and Resources





# Introduction to RPRA

# Who is RPRA?

The Resource Productivity and Recovery Authority (RPRA or the Authority) is the regulatory body created by the Government of Ontario to administer the *Resource Recovery and Circular Economy Act, 2016 (RRCEA)* and the *Waste Diversion Transition Act, 2016 (WDTA)*, and their associated regulations, including the new Blue Box Regulation.

- The WDTA outlines the legislative framework for winding up and transitioning legacy waste diversion programs.
- The RRCEA provides for a new producer responsibility regulatory framework for waste diversion and resource recovery where producers are individually accountable and financially responsible for their products and packaging once consumers dispose of them.

# How is the Authority governed?

- Administrative Authority – created by statute to administer regulatory programs, but not part of government
- Compliance decisions are independent from government
- Accountable to the Minister of the Environment, Conservation and Parks per legislation and Operating Agreement
- Skills based board – Minister appoints 5 of 11; Ministry observer
- Costs recovered through fees charged to obligated parties
  - Currently fees are only applied to producers; could be broadened in future
  - IFO and ISO costs recovered
  - No government funding
- Activities triggered by regulations and Minister's directions

# RPRA's role as a regulator

- RPRA **does not** determine policy or write regulations
  - Regulations under the RRCEA are developed by the Ministry of the Environment, Conservation and Parks and approved by the Ontario Government
  - Our role is to implement and enforce regulations under the RRCEA. We do not have the authority to change a regulation
- RPRA **does not** arrange for the collection or recycling of end-of-life products or materials in Ontario
  - Producers are responsible for establishing collection and management systems to meet their requirements in the regulation
  - Most producers will work with PROs (or producer responsibility organizations) who will establish these systems on behalf of multiple producers
  - Producers are free to make their own commercial arrangements with PROs and other service providers
- RPRA **does not** set or collect environmental fees to cover the cost of collection and management systems

# Compliance and enforcement

Compliance team has typical powers of a provincial regulator, including:

- Inspections and audits
- Investigations
- Compliance orders
- Administrative penalty orders; amounts to be set in regulation (Deputy Registrar and Registrar only)
- Prosecution

Primary approach to compliance is through communications (Communications for Compliance)

- The Authority is a Modern Regulator
- High degree of compliance is being achieved with no compliance orders being issued

# Compliance and enforcement

- As a modern regulator, RPRA takes a risk-based and progressive approach to compliance. This approach allows for appropriate priority setting, efficient allocation of resources and a more efficient recovery of regulatory costs from regulated entities.
- RPRA's risk-based approach focuses on the potential risks that arise from non-compliance. We assess those risks to guide the use of compliance tools and the deployment of resources to minimize risk and maximize compliance.
- RPRA develops a risk profile for each category of non-compliance by assessing the likelihood of non-compliance and impact of non-compliance for each category of non-compliance using the following matrix:

	High	Medium	High	High
IMPACT	Medium	Low	Medium	High
Low	Low	Low	Medium	
	Low	Medium	High	
				LIKELIHOOD

# **Ontario's new Hazardous and Special Products Regulation**



# HSP Regulation

- On June 8, the [Hazardous and Special Products \(HSP\) Regulation](#) was filed
- Materials included in the regulation:

## Products in the current MHSW\* Program:

- Oil filters
- Oil containers
- Antifreeze
- Solvents
- Paints and coatings
- Fertilizers
- Pesticides
- Refillable non-refillable pressurized containers, including propane

\*Municipal Hazardous or Special Waste (MHSW) program operated by Stewardship Ontario will end on September 30, 2021



## Mercury-containing devices:

- Barometers
- Thermometers
- Thermostats

# Are you a service provider?

The HSP Regulation provides the following definitions:

- A **hauler** is a person who arranges for the transport of HSP that are used by consumers in Ontario and are destined for processing, reuse, refurbishing or disposal, but does not include a person who arranges for the transport of HSP initially generated by that person
- A **processor** is a person who processes, for the purpose of resource recovery, HSP used by consumers in Ontario
- A **disposal facility** means a facility at which pesticides are disposed of

Pesticides are the only material that require a disposal facility



# Service provider requirements under the HSP Regulation

The HSP Regulation includes the following requirements for **haulers, processors and disposal facilities**:

1. Registration – Due August 31, 2021
  - Producers, or PROs acting on their behalf, can only count material towards their management requirements from registered service providers.
2. RER Reporting
  - By **July 31, 2022**, processors must submit a report to the Authority that contains information on the RER of each type of HSP they process (excluding Fertilizers and Refillable Propane Containers) in accordance with the Hazardous and Special Products Verification and Audit Procedure: <https://rpra.ca/wp-content/uploads/Registry-Procedure-Verification-and-Audit-HSP.pdf>
3. Annual Reporting
  - Annual performance report to the Authority by **July 31, 2023** – more details will be provided closer to the date
4. Record Keeping

# PRO registration

A producer responsibility organization (PRO) is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations.

There are currently 7 PROs registered with RPRA:

- [Automotive Materials Stewardship](#) - oil filters, oil containers and antifreeze
- [Mobius PRO Services](#) - oil filters, oil containers, antifreeze, solvents, paints and coatings, non-refillable and refillable pressurized containers
- [Product Care Recycling](#) - solvents, paints and coatings, pesticides, fertilizers, non-refillable and refillable pressurized containers
- [Heritage-Crystal Clean](#) - oil filters, oil containers, antifreeze, paints and coatings, solvents, non-refillable pressurized containers, refillable propane containers, barometers, thermometers, and thermostats
- [Ryse Solutions Inc.](#) - oil filters, oil containers, antifreeze, solvents, paints and coatings, pesticides, fertilizers, non-refillable and refillable pressurized containers, refillable propane containers, barometers, thermometers and thermostats
- [Tank Traders](#) - refillable propane containers
- [Thermostat Recovery Program](#) - thermostats

# Producer requirements under the HSP Regulation

The HSP Regulation includes the following requirements for **producers**:

1. Collection:
  - Number of collection sites, events and call-in services to ensure residents across the province (except the Far North) can drop off their materials
2. Management:
  - Weights of recovered materials
  - Processing and disposal
3. Promotion and Education:
  - Provide information about collection and management services
  - Material-specific information to be provided to consumers
4. Registration
5. Supply Data Reporting
6. Auditing and Record Keeping

These requirements vary based on material type and amount of material the producer supplies



Visit our [HSP producer webpage](#) to learn more about their requirements.

# Collection requirements

**Oil Filters, Oil Containers, Antifreeze, Refillable and Non-refillable Pressurized Containers, Solvents, Paints and Coatings, Pesticides**  
(Categories A and B)

## Transition Period – October 1, 2021, to December 31, 2022

- Collection sites – maintain at least same number as at end of the MHSW Program
- Collection events – make best efforts to hold same number of events in each community as in 2020
- Call-in Service (large producer) – provide number for communities to call to request a pickup (of 100 kg or more)

## New Collection Requirements

- Different collection site and event requirements for “small” and “large” producers

We will provide additional compliance guidance in advance of the new requirements taking effect in 2023



# Producer collection requirements

## Mercury-containing Devices, Refillable Propane Containers (Categories C and E)

### As of October 1, 2021, onward

- Call-in Service – Provide number for communities to call to request a pickup

### Fertilizers (Category D)

No collection requirements



# Management of HSP for producers

## Establish a management system

- As of October 1, 2021
- For all materials except fertilizers
- Material must be processed (or disposed of in the case of pesticides) within 3 months of being collected

## Recycling Efficiency Rate (RER)

- As of January 1, 2023
- For all materials except fertilizers and refillable propane containers
- Producers shall ensure their material is processed at facilities that achieve the minimum RER specified in the Regulation

## First performance period

- October 1, 2021, to December 31, 2022
- For **oil filters** and **non-refillable pressurized containers** only (Category A)
- Producers must recover an amount of material based on their average supply into Ontario
- Reporting for 1<sup>st</sup> performance period will be in 2023

# Producer reporting – Collection and Management Systems

- On or before **January 1, 2022**
- Applies to all materials except **fertilizers** and **refillable propane containers**
- Report a description of how the producer will fulfil their responsibilities for each applicable material, including:
  1. A list of all collection sites, events, call-in or any other collection services, including the name and contact information of the person who owns, operates or provides the service.
  2. The name, contact information and RPRA registration number of each hauler, processor and disposal facility that is part of the producer's collection or management system.

Note: Producers can only count material towards their management requirements that has been hauled/processed by a service provider registered with the Authority.



# Key Dates and Resources

# Key dates that effect service providers

1. **August 31, 2021:** service provider registration
2. **September 30, 2021:** wind-up of MHSW program
  - Current MHSW Stewards should refer to Stewardship Ontario's website to review any reporting requirements and deadlines related to the wind-up: <https://stewardshipontario.ca/mhsw-windup/>
3. **October 1, 2021:** new collection, management, promotion and education requirements begin for producers
4. **November 30, 2021:** producer registration
5. **July 31, 2022:** processor RER report
6. **July 31, 2023:** hauler, processor and disposal facility annual reports
7. **July 31, 2023:** PRO annual report

Detailed guidance, including how to report with the Authority, will be provided well ahead of the deadlines



# Resources to help you understand the HSP Regulation



## Website [rpra.ca](http://rpra.ca)

Visit our [Hazardous and Special Products webpage](#) for an overview of the regulation.

Visit our [hauler](#), [processor](#), [disposal facility](#) and [PRO](#) webpages for more information on their specific requirements.



## Learning Series

Visit our Learning Series page on [Understanding Ontario's new HSP Regulation](#) for webinar recordings and presentation slides.



## Compliance and Registry Team

The Compliance and Registry Team is available to answer any questions you have.

Contact the team at: [registry@rpra.ca](mailto:registry@rpra.ca) or 833-600-0530.