

**September 7, 2022**

## **Notice of Compliance Requirement - Action Required**

### **To: Battery Producer**

Your company has, in accordance with section 19 (2) paragraph 3, reported that Call2Recycle Canada Inc. (Call2Recycle) has been retained by the producer as the producer's producer responsibility organization (PRO).

RPRA has determined that your company is out of compliance with s. 8 of the Ontario Regulation 30/20 (the Batteries Regulation) and immediate action is required.

### **Background**

The April 14, 2022, Registrar's Statement regarding a dispute and contract termination between Call2Recycle Canada Inc. (Call2Recycle), a PRO, and Raw Materials Company Inc. (RMC), an Ontario-based battery processor, communicated that an inspection had been initiated by RPRA to determine producer compliance with regulatory requirements under the *Resource Recovery and Circular Economy Act, 2016* (RRCEA), as well as the Batteries Regulation. As a result of the inspection, RPRA's Compliance and Registry Team has identified non-compliance of producers relying on Call2Recycle to satisfy their requirements to establish and operate a compliant collection system in Ontario under the Batteries Regulation.

Following communication and guidance provided by RPRA Inspectors to Call2Recycle, Call2Recycle continues to be unable to demonstrate a compliant collection system in Ontario as required under Part III of the Batteries Regulation, including section 8 which states every producer shall establish and operate a collection system for each applicable category of batteries in accordance with the requirements set out in sections 9 to 11. Call2Recycle has also failed to provide RPRA with a satisfactory plan to comply.

The failure of producers to establish and operate a compliant collection system in Ontario is a contravention of the Batteries Regulation.

Non-compliant producers may be subject to the following enforcement actions:

- Compliance orders, including requiring you to comply with any directions to remedy the non-compliance

- Fines, including recovering from you any economic benefit that resulted from the non-compliance, if the Administrative Penalties Regulation proposed under the RRCEA is finalized
- Prosecution

Any orders issued related to this matter will be publicly disclosed, as required by the RRCEA, on RPRA's website.

**To avoid possible enforcement action, you must take the required actions identified below.**

Note that under section 11 (2) of the Batteries Regulation, a battery collection site may be operated by or on behalf of one or more producers and may be relied on by one or more producers to satisfy the requirements set out in sections 9 and 10. Accordingly, the required actions identified below may be provided to RPRA by you individually, or on behalf of one or more producers.

## **Compliance Requirement**

Pursuant to sections [79](#), [99\(4\)](#) and [99\(5\)](#) of the RRCEA, you are required to provide the following information to RPRA via email to [registry@rpra.ca](mailto:registry@rpra.ca) no later than **5:00 PM, September 16, 2022**:

1. A corrective action plan that outlines the process that will be taken to establish a compliant collection system required as applicable under s. 8 of Part III in O. Reg. 30/20: BATTERIES and outlined in RPRA's [Compliance Bulletin: Battery Collection Systems](#).
2. A corrective action plan for ensuring included collection sites understand and meet the requirements of operation as stated in s. 11, including but not limited to:
  - Collection site educational outreach notifications
  - Collection site servicing procedures

The corrective action plan outlined above, must bring the battery collection system into compliance no later than **5:00 PM, September 30, 2022**. Additionally, RPRA must be provided the following information by September 30:

- Address, phone number, and contact of all battery collection sites in the system
- Location, date, time, and phone number of contact of all battery collection events, curbside collection or direct collection initiatives of any and all battery site reduction applications

Should you have any questions, you may contact Addison Veres, Inspector, RPRA at [registry@rpra.ca](mailto:registry@rpra.ca).



Addison Veres, Inspector, Compliance Operational Lead

### **Statutory References**

*Resource Recovery and Circular Economy Act, 2016*, S.O. 2016, c. 12, Sched. 1:

Section 79 – An inspector may require the production of records or data, on paper or electronically.

Section 99(4) – No person shall refuse to provide information required for the purpose of this Act or the regulations to the Registrar, a Deputy Registrar, or an inspector.

Section 99(5) – Failure to comply with section 99(4) is an offence.