



# **Industry Advisory Council Terms of Reference and Membership**

## **Consultation Report**

**March 29, 2021**

Updated April 22, 2021

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## Introduction and context

On February 4, 2021, the Authority received a letter from the Minister of the Environment, Conservation and Parks directing it to establish an Industry Advisory Council (IAC or Council) under S.30 of the *Resource Recovery and Circular Economy Act, 2016* (RRCEA).

The Council will represent a cross-section of the regulated producer community and will be made up of 11 members appointed by the Authority in consultation with industry and the Ministry.

The Minister also directed the Authority to consult with the regulated community on the Council's Terms of Reference.

This report details the Authority's consultation process and the feedback received. Questions about this report can be emailed to [consultations@rpra.ca](mailto:consultations@rpra.ca).

## About the Authority

The Authority is the regulator created by the Ontario Government to enforce the requirements of the RRCEA and the *Waste Diversion Transition Act, 2016* (WDTA).

The RRCEA establishes a new resource management regime where producers are individually accountable and financially responsible for their products and packaging, recovering resources and reducing waste. The WDTA allows for the continuation of Ontario's legacy waste diversion programs and sets out provisions to wind up those programs and the industry funding organizations responsible for operating them as directed by the Minister of the Environment, Conservation and Parks.

## Principles for public consultation

The Authority's consultations are guided by the following best practice principles developed by the Organization for Economic Cooperation and Development (OECD):

***Inclusiveness and openness:*** Engage broadly with a wide variety of stakeholders, provide clear and understandable information, and make the consultation process accessible, comprehensible and responsive.

***Timeliness:*** Engage stakeholders early before decisions are made and provide regular opportunities for engagement on key program and policy matters.

***Accessible and cost effective:*** Consider a variety of tools and methods to gather feedback that promote efficient and cost-effective consultations.

***Balance:*** Provide opportunities for diverse perspectives and opinions to be heard and considered.

**Transparent:** Record feedback, report back a summary to stakeholders, and synthesize feedback into programs and policies as appropriate.

**Evaluation:** Demonstrate the impact of public consultations on program delivery and policy development.

## Consultation process

The Authority's consultation on the proposed Terms of Reference for the Authority's Industry Advisory Council began on March 3, 2021 and ended on March 19, 2021.

On March 3, 2021, an Advisory Councils webpage was created on the Authority's website to provide information about the Authority's advisory councils and groups. This new page communicated the Minister's direction to the Authority to establish the Industry Advisory Council, including the posting of the Minister's direction letter and the Council's draft Terms of Reference. The website also served to notify stakeholders of the Authority's consultation on the Council's Terms of Reference and solicit interest from industry representatives interested in participating on the Council.

A dedicated [consultation page](#) was also created with background information on the consultation, how to provide feedback on the proposed Terms of Reference and to solicit interest from members of the regulated producer community interested in participating on the Council.

On March 3, 2021, the Authority announced the start of the consultation period to the Authority's stakeholders via the RPRA Monthly Newsletter.

Additionally, Authority staff engaged stakeholders directly to solicit interest in participating on the Council, the proposed terms of reference and the membership list. Authority staff also consulted directly with ministry staff on the proposed Terms of Reference and the membership list.

## What we heard

The Authority received seven written submissions via email during the consultation period related to the Council's draft Terms of Reference.

The Authority also received interest from 15 organizations who wished to participate on the Council.

The feedback received is summarized below:

- Multiple stakeholders supported the establishment of Council Co-Chairs representing the Authority and Industry rather than a Chair and Vice Chair and the establishment of a minimum membership of Council members.
  - The Council's Terms of Reference has been updated to reflect this recommendation from stakeholders.

- Multiple stakeholders suggested that Council memberships belong to each sectoral association, not individual producers. However, stakeholder feedback also supported the allowance for individual producers to attend Council meetings as a representative of their sectoral association or as a guest if there is relevance to the Council's agenda.
  - The Council's Terms of Reference has been updated to reflect this recommendation from stakeholders.
- One stakeholder did not support the inclusion of a Code of Conduct for Council members. While another stakeholder suggested that the Council act in a manner consistent with the Authority's corporate values.
  - The Code of Conduct contained in the Council's Terms of Reference has been revised to align with the Authority's corporate values.
- Multiple stakeholders suggested that meeting materials be provided in advance of each Council meetings and that meeting minutes be distributed for approval by Council members following each meeting.
  - These suggestions have been incorporated into the Council's Terms of Reference.
- Multiple stakeholders suggested that the Council meet at quarterly intervals.
  - The Minister has directed that the Council hold a minimum of two meetings per year which is reflected in the Council's Terms of Reference. The language in the Council's Terms of Reference does not prohibit the Council from meeting more frequently, if required, and the Authority anticipates the Council will likely meet on a quarterly basis.
- A stakeholder suggested that the Terms of Reference may be reviewed from time to time, to ensure their relevance.
  - A provision that the Council's Terms of Reference may be reviewed from time to time, to ensure their relevance, has been included.
- Multiple stakeholders suggested that there be no term limits for appointed Council members, but members must remain employed by the sector they represent.
  - This suggestion has been incorporated into the Council's Terms of Reference.
- Multiple stakeholders have suggested that the Council's Terms of Reference require a quorum to be met prior to commencement of each meeting.
  - A provision has been added that a quorum of 50% plus one, including the Co-Chairs, must be met prior to commencement of a Council meetings.

- A stakeholder suggested that the Terms of Reference establish a commitment to periodically evaluate the performance of the Council to gauge effectiveness and identify opportunities for improvement.
  - This suggestion has been incorporated into the Council's Terms of Reference
  
- A stakeholder has suggested the addition of a Confidentiality Section.
  - As the council is intended to be representative of the broader regulated community, the Council is intended to operate in an open and transparent manner. There is no expectation that members provide or will discuss confidential business information during Council meetings.
  
- Although no feedback was received during the consultation related to the Conflict of Interest section within the draft Terms of Reference, the Authority has removed this section as such scenarios are not anticipated in the context of an open and transparent forum
  
- One stakeholder recommended that the mandate of the Council be clarified, and the value of the Council further tapped beyond providing advice and feedback. The stakeholder also suggested that the industry representatives provide policy interpretations to help shape practical, workable, cost-effective policies and practices.
  - This recommendation was not adopted as it is not consistent with the mandate of the Council established by the Minister's direction.

The feedback received during the Authority's consultation supported the development of the Council's Terms of Reference and the Authority's determination of the Council's membership.

For a list of stakeholders that submitted written feedback, see [Appendix A](#).

## Conclusion

The Authority considered all stakeholder feedback as it finalized the Council's Terms of Reference and determined the Council's membership. The Authority finalized the Terms of Reference and Council membership, in consultation with the ministry, and posted the Council membership list and final Terms of Reference to the Advisory Council's webpage on April 22, 2021.

## **Appendix A: Stakeholders that submitted written feedback**

The seven written submissions were submitted by the following stakeholders:

- Association of Municipalities of Ontario, City of Toronto, Regional Public Works Commissioners of Ontario, Municipal Waste Association
- Ontario Community Newspaper Association
- National Electrical Manufacturers Association
- Electronics Product Stewardship Canada
- Tire and Rubber Association of Canada
- Global Automakers of Canada
- Canadian Consumer Specialty Products Association