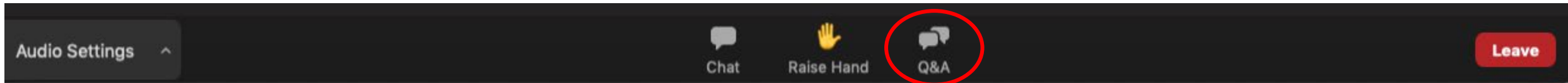


The Rule Creation Process under the Blue Box Regulation

November 30, 2021



How to ask a question




To ask a question at any time during the presentation or for technical assistance, click on the Q&A tab, type your question in the text box and click “send”.

Agenda

1. RPRA's approach to compliance
2. Rule creation process
3. Resources



The image is a collage of various plastic bottles and containers. In the foreground, there are several clear plastic bottles, some with red caps or markings. One bottle in the center has a red cap. Another bottle to the right has a green cap. The bottles are arranged in a way that they overlap, creating a sense of depth. The background is a solid blue color. The text "RPRA's approach to compliance" is overlaid on the left side of the image.

RPRA's approach to compliance

Who is RPRA?

The Resource Productivity and Recovery Authority (RPRA) 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.

Risk-based approach

- 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.
- This approach means RPRA focuses attention on more immediate compliance requirements and high priority compliance cases. For example:
 1. RPRA develops compliance campaigns using a risk matrix. This means the campaigns focus on upcoming requirements under the regulation (e.g., registration, rule creation process), rather than requirements that come into effect several years from now.
 2. RPRA prioritizes the development of supporting tools that will address the needs of the many (e.g., FAQs, webinars). Questions specific to the needs of one business are addressed on a 1:1 basis.

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

Current requirements

Producer registration

- Producer registration deadline was **October 1, 2021**.
- For those who have not yet registered, you must complete this [Registration Form](#) and email it as an attachment to registry@rpra.ca as soon as possible.
- List of registered producers can be found on our website: <https://rpra.ca/programs/blue-box/find-a-blue-box-registrant/>

Municipal reporting

- The deadline for all communities to submit the Initial Report was **September 30, 2021**.
- Communities transitioning in 2023 were also required to submit their Transition Report by **September 30, 2021**. Communities transitioning in 2024 and 2025 are not required to complete the Transition Report at this time.
- For those who have not yet reported, you must complete the [Initial Report](#) and/or [Transition Report](#) and email the report(s) as an attachment to registry@rpra.ca as soon as possible.

Rule creation process

- PROs were required to register as a rule creator by **October 31, 2021**. RPRA confirmed rule creator PROs as of November 1, 2021.
- As of November 1, 2021, registered producers have the option of selecting from among the qualified rule creator PROs, can switch from one qualified rule creator PRO to another, and can do so up until the rules are submitted to RPRA.
- The earliest rules can be submitted to RPRA is January 1, 2022. The allocation table must be submitted to RPRA no later than July 1, 2022.

Rule creation process



What is a PRO?

- A producer responsibility organization, or PRO, is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations under the Blue Box Regulation, including:
 - **Representing a producer for the purposes of the creation of the rules**
 - Arranging, establishing or operating a collection or management system
 - Arranging, establishing or operating a promotion and education system
 - Preparing and submitting reports
- A processor retained solely for the purposes of processing Blue Box material is not a PRO.

What is a rule creator?

- Rule creators are PROs who:
 - have entered into representation agreements with one or more producers of Blue Box material supplied to consumers in Ontario in 2020
 - have registered with the Authority as a rule creator on or after August 1, 2021, and before November 1, 2021
 - represent one or more producers that in aggregate supplied at least 20,000 tonnes of Blue Box material to consumers in Ontario in 2020
- As of November 1, 2021, no new rule creators can register, however, a rule creator may revoke their registration.

Confirmed rule creator PROs

- As of November 1, 2021, RPRA confirmed that three Blue Box PROs qualified as rule creators:

Rule creator PRO	Contact info
Circular Materials	Phone: (844) 328 7149 Email: support@circularmaterials.ca Website: www.circularmaterials.ca
Resource Recovery Alliance	Phone: 1-800-392-2528 Email: info@rrapro.com or cabel@rrapro.com Website: www.rralliance.com
Ryse Solutions Ontario Inc.	Phone: (905) 330-9206 Email: info@ryseinc.ca Website: www.ryseinc.ca/

- Producers can select a rule creator PRO up until the rules are submitted. Producers must inform RPRA of their representation agreement with a rule creator PRO by emailing registry@rpra.ca.
- Producers that have already selected a rule creator PRO but want to make a change, can switch from one to another up until the rules are submitted. To change their rule creator PRO, producers must notify RPRA by emailing registry@rpra.ca within 5 days of the change.

What do rule creators do?

- Rule creators make the ten rules that outline how the allocation table will be created.
- The allocation table is how producers will be assigned collection requirements.
- The allocation table is the tool that will provide the following information:
 - details of the Blue Box collection period
 - every residence and facility that is eligible for Blue Box collection services
 - every registered producer required to meet Blue Box material management requirements through collection services
 - the allocation of all municipalities and First Nation communities outside of the Far North to producers for the Blue Box collection period

Submission of the rules

- The rule creation process and allocation table making process are set out in Part III of the Blue Box Regulation.
- The earliest the rules can be submitted to RPRA is January 1, 2022.
- Not all registered producers may have selected a rule creator when the rules are submitted.
- The allocation table for the collection period starting July 1, 2023, must be submitted to RPRA on or before July 1, 2022.
- Submitted rules must address all 10 requirements and must not go beyond the scope of those 10 requirements.

Rules creation timeline

Minister can make rules at any time including post July 1, 2022

November 1, 2021

January 1, 2022

July 1, 2022

Between November 1 and until rules are submitted, the market share of confirmed rule creators may fluctuate as a result of the following scenarios:

- Producer who did not register can register and select a confirmed rule creator
- Producer who registered but never selected a rule creator may select a confirmed rule creator
- Producer who selected a confirmed rule creator may change to a different confirmed rule creator
- Producer who selected a confirmed rule creator may terminate their agreement with a rule creator
- A confirmed rule creator may revoke their status as a rule creator

**Rule
creators
confirmed**

**Earliest the
rules can be
submitted**

Possible Outcome One

Rules complete and at least 66% in agreement: The Authority shall post the rules.

Possible Outcome Two

Rules incomplete or at least 66% agreement not achieved: the process begins again with the market share possibly continuing to fluctuate until such time that rules are submitted that represent at least 66%, or the Minister makes rules.

**Deadline for
submitting
allocation table**

What must the rules address? Part 1

1. Identify the person or persons that will create the allocation table, or identify a procedure for identifying this person or persons.
2. Set out requirements and procedures that apply when a person or persons create the allocation table, including requirements and procedures related to how eligible sources are allocated to producers.
3. Set out requirements and procedures for the creation of the allocation table during the transition period, including requirements and procedures about how to allocate residences and facilities that will become eligible sources as eligible communities start to receive collection services under this Regulation in accordance with the Blue Box Transition Schedule.
4. Set out any requirements and procedures that apply to the allocation of residences or facilities that become, or cease to be, eligible sources during the collection period covered by an allocation table.
5. Set out any requirements and procedures that apply to the inclusion of persons that become producers, or the exclusion of persons that cease to be producers, during the collection period covered by an allocation table.

What must the rules address? Part 2

6. Specify the length of the collection period the allocation table will apply to, with,
 - i. the first collection period starting on the first day of the transition period and ending on December 31 of a year, and
 - ii. any subsequent collection period being set in increments of a year, starting on January 1, with the minimum collection period being one year.
7. Specify the circumstances when the person or persons who make the allocation table must create a revised allocation table either for an entire collection period or for the remaining portion of a collection period.
8. Set out requirements and procedures for the creation and coming into effect of a revised allocation table.
9. Set out requirements and procedures for the proposal, consideration, and approval of amendments to the rules by the persons referred to in clause 14 (5) (b).
10. Set out any information that the Authority must provide to the person or persons who make the allocation table and requirements in respect of maintaining the confidentiality of this information (see next slide).

A note on requirement #10

- RPRA encourages rule creators to communicate with RPRA about requirement #10 in advance to ensure that RPRA has the data that the rule creators would like to be provided to the table maker (i.e., the person or persons who make the allocation table). Note, it is unlikely RPRA will have 2021 supply data in time for the table maker to meet their deadline.
- There is no mechanism in the regulation for RPRA to share any of the data it collects with rule creators.
- The regulation only contemplates RPRA providing data to the table maker:
 - Subject to any policy direction issued by the Minister under the Act, RPRA shall provide the information specified in the rules made under paragraph 10 of section 15 to the person or persons required to make the allocation table.
- The data that RPRA provides to the table maker must be data that RPRA is required to collect under the regulation.
- The data will be shared in accordance with our [Access and Privacy Code](#).

Collaborative approach to rule creation process

- On November 9, the Minister of the Environment, Conservation and Parks issued a [letter](#) to all currently registered Blue Box PROs encouraging a collaborative approach to the rule creation process .
- It is the Minister's expectation that rule creator PROs will work collaboratively and actively consult other PROs, producers and the waste sector while developing the rules to ensure a system that works efficiently and effectively to increase waste diversion.
- If necessary, the Minister has the authority to step in and create or amend rules at any time, as outlined in the Blue Box Regulation.
- The Minister also encourages rule creator PROs to continue to engage with RPRA during the rule creation process, and RPRA will keep the Minister and ministry staff informed of the progress being made.
- The Minister of the Environment, Conservation and Parks can step in to make rules at any time.

Confirming agreement with the rules

See the FAQ: “ What data will the Authority use when determining 66% agreement by supply weight with rules submitted by the rule creators? ”

- When the rules are submitted to RPRA, rule creators may register their agreement with the proposed rules with RPRA within five days of rules being submitted.
- RPRA must then confirm that, out of those producers who have representation agreements with rule creators, at least 66% agree with the rules.
- RPRA will use the following formula to determine agreement with the rules using data as of the date that the rules were submitted:

$$\frac{\text{Weight of Blue Box materials supplied* by producers who are represented by PROs in agreement with the rules}}{\text{Total weight of Blue Box materials supplied* by producers who are represented by PROs in the rule creation process}}$$

** Does not apply to Blue Box material in the certified compostable products and packaging material category*

Confirming agreement with the rules (continued)

- RPRA will:
 - Redo this calculation each time the rules are submitted.
 - Use producers' 2020 supply data reported to RPRA as of the date that the rules were submitted.
 - Use producers' supply weight net their deductions.
 - Use the data that is in the Registry as submitted by both PROs and producers at the time rules are submitted (i.e., both the PRO and producer must have indicated they have a representation agreement).
 - RPRA may require information from producers and PROs about their current representation agreements when the rules are submitted.
- Once RPRA confirms that there is 66% agreement with the rules, RPRA will post the final rules on its website.

Verification of producer supply data

- RPRA reviews each registration form for completeness and will be performing a verification process on the producer's data if that producer has identified a rule creator.
- An RPRA inspector may review producer data and related records for the purpose of determining compliance at any time.
- If a producer requires an adjustment to their 2020 supply data after submission of their registration form, RPRA will use their adjusted data when assessing agreement with the rules **provided the adjustment occurs before RPRA performs the calculation to determine agreement with the rules.**
- To clarify, to determine agreement with the rules, RPRA will use the supply data reported as of the date the rules were submitted.

A large stack of newspapers is shown, tied together with a thick, light-brown rope that runs vertically through the center. The newspapers are piled high, with their edges and headlines visible. Some headlines include "BJP hit back", "At least 15 people were", "Don't forget to destroy all", "Packed fruits and vegetables", and "Solar water heaters". The word "Questions?" is overlaid in a large, bold, black font in the center of the image.

Questions?

A close-up photograph of a person's hands typing on a silver laptop. The laptop screen is black. A semi-transparent grey rectangular box is overlaid on the screen, containing white text. The background is blurred, showing a window and some greenery.

**Help us improve
our webinars**

Resources



We are here to help

- RPRA is a resource for regulated parties who have any questions about their regulatory requirements or how to meet those requirements.
- Contact our Compliance Team if you:
 - have questions about the Blue Box Regulation, or any of the other RRCEA regulations (Tires, Batteries, Electrical and Electronic Equipment or Hazardous and Special Products)
 - are unsure whether you meet the definition of a producer under the regulation
 - are unsure whether the packaging/product you supply into Ontario is obligated under the regulation
 - are wondering how collection and management system are established under the regulation and what collection and management obligations producers must meet
 - would like more information about working with PROs and why you might contract with a PRO
 - have questions about the registration or reporting process

Contact the Compliance Team at registry@rprra.ca or 833-600-0530.

Resources to help you understand and meet your requirements



Website rpra.ca

Visit our [Blue Box Regulation webpage](#) for an overview of the regulation.

We also have webpages specific to the various roles outlined in the regulation:

- [Producer](#)
- [PRO](#)
- [Processor](#)
- [Municipality](#)
- [First Nation community](#)



Learning Series

Recordings and presentation slides from our Learning Series on Understanding Ontario's new Blue Box Regulation are housed on our [Learning Series webpage](#).

Sessions to date:

- Municipal Reporting
- Producer Requirements
- Rule Creation Process



FAQ's

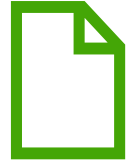
Visit our [Blue Box FAQ webpage](#) for answers to frequently asked questions.



Registration and Reporting Guides

To help stakeholders meet their registration and reporting requirements, we created two key documents:

- [Municipal and First Nation Reporting Guide](#)
- [Producer Registration Form Overview Video](#)



Registry Resources

Visit our [Registry Resources webpage](#) for Compliance Bulletins and Registry Procedures.

The [Blue Box Verification and Audit Registry Procedure](#) provides guidance to producers for supply and performance reporting.