

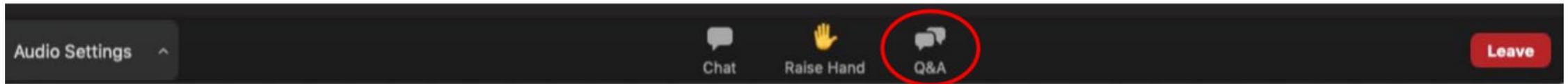
# Understanding your Requirements as a Lighting Producer

Pam Castillo, Compliance and Service Delivery Manager

Updated November 2022



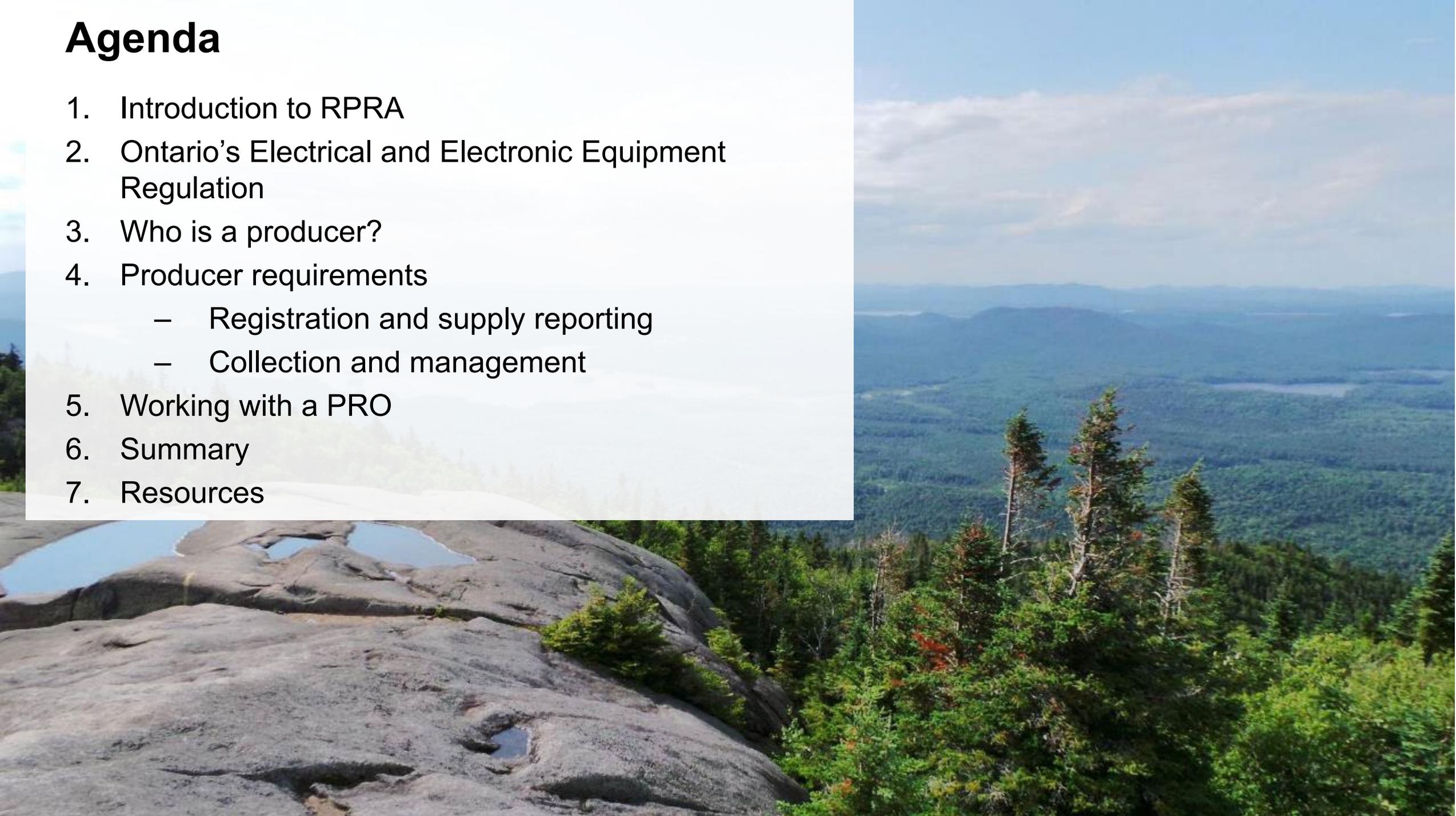
# How to ask a question



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. Introduction to RPRA
2. Ontario's Electrical and Electronic Equipment Regulation
3. Who is a producer?
4. Producer requirements
  - Registration and supply reporting
  - Collection and management
5. Working with a PRO
6. Summary
7. 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 Electrical and Electronic Equipment 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.

# The Authority's mandate

**Oversee existing waste diversion programs** and the IFOs that operate them

**Oversee orderly wind up of the programs** and IFOs as directed by the Minister

**Establish and operate an electronic registry** for obligated parties to register and report information as required by regulation (main tool in achieving compliance mandate)

**Undertake compliance** and enforce requirements of legislation and regulations (e.g., consumer education, collection systems, registration, reporting and performance targets)

**Provide information to the Minister** to support policy decisions

**Provide information to the public** about Ontario's progress in diverting waste and resource recovery

# RPRA's role as a regulator

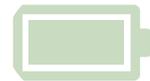
- RPRA **does not** determine policy or write regulations
  - Regulations under the RRCEA are developed by the Ministry of the Environment, Conservation and Parks and approved by the Ontario Government
  - Our role is to implement and enforce regulations under the RRCEA. We do not have the authority 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

# Programs under the RRCEA

## *Transitioned to date*



Tires transitioned to the RRCEA on January 1, 2019, with five PROs operating today



Batteries transitioned on July 1, 2020, with three PROs operating today



ITT/AV on January 1, 2021, with 13 PROs operating today



Hazardous and Special Products transitioned on October 1, 2021, with 9 PROs operating today

## *Upcoming transitions*



Lighting transitions on January 1, 2023, with two PROs registered



Blue Box to transition between July 1, 2023, and December 31, 2025, with four PROs operating today

# Key players in the producer responsibility framework



## Ontario Government

Develops, approves and issues legislation

Makes amendments to legislation, as required

Issues direction letters



## RPRA

Implements and enforces regulations

Primary enforcement approach is effective communication

Has power to do:

- Inspections and audits
- Investigations
- Compliance orders
- Administrative penalty orders
- Prosecutions



## Producers

Responsible for establishing collection and management systems to ensure their products are properly managed at end-of-life

Free to make their own commercial arrangements with \*PROs and other service providers to establish these systems on their behalf

*\*see next slide for more information on PROs*

# Key players in the producer responsibility framework cont.



## Producer responsibility organizations (PROs)

A PRO is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations, including:

- Arranging the establishment or operation of collection and management systems (hauling, recycling, reuse or refurbishment services)
- Establishing or operating a collection or management system
- Preparing and submitting reports

[Learn more about PROs here](#)



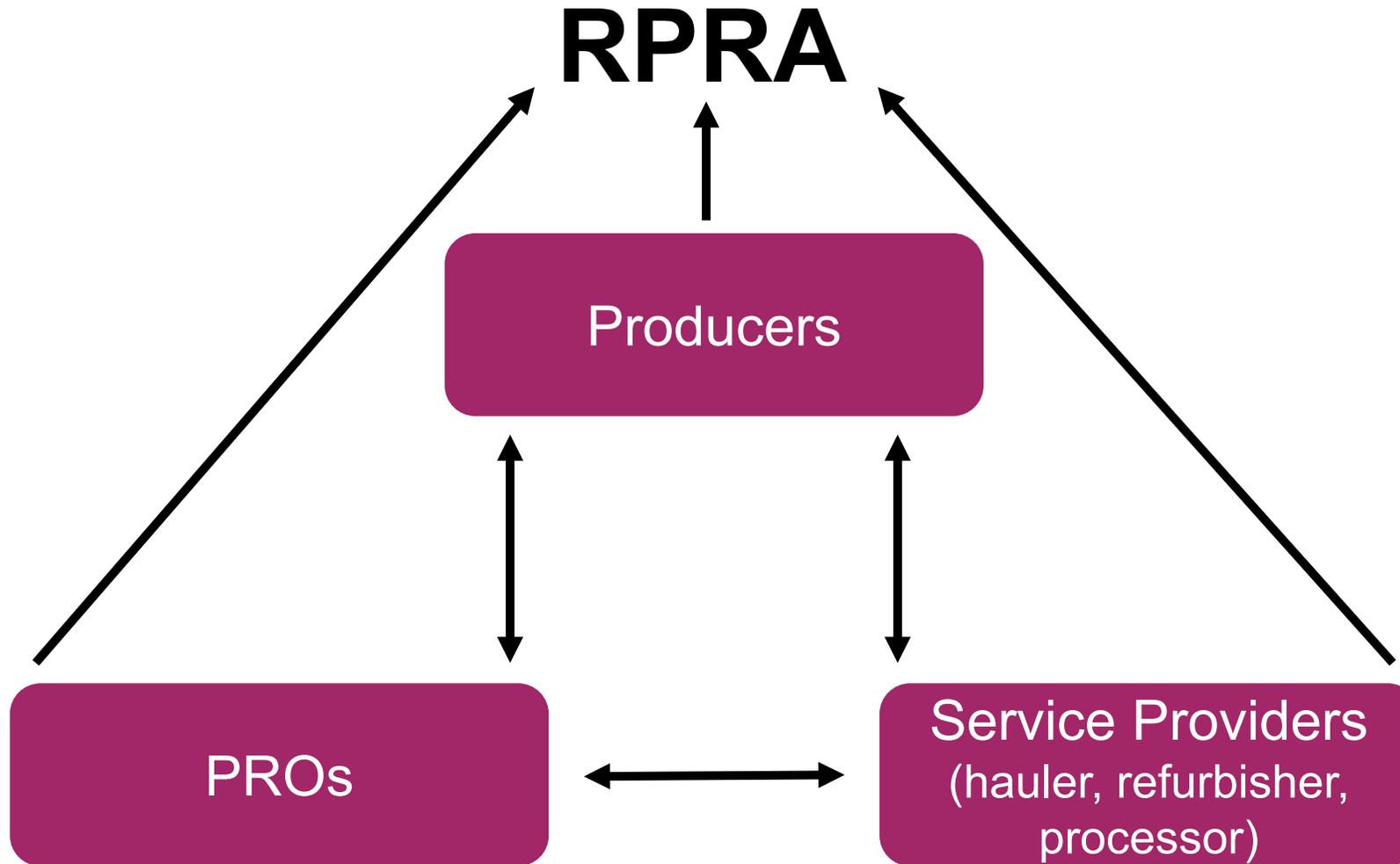
## Service providers (hauler, refurbisher, processor)

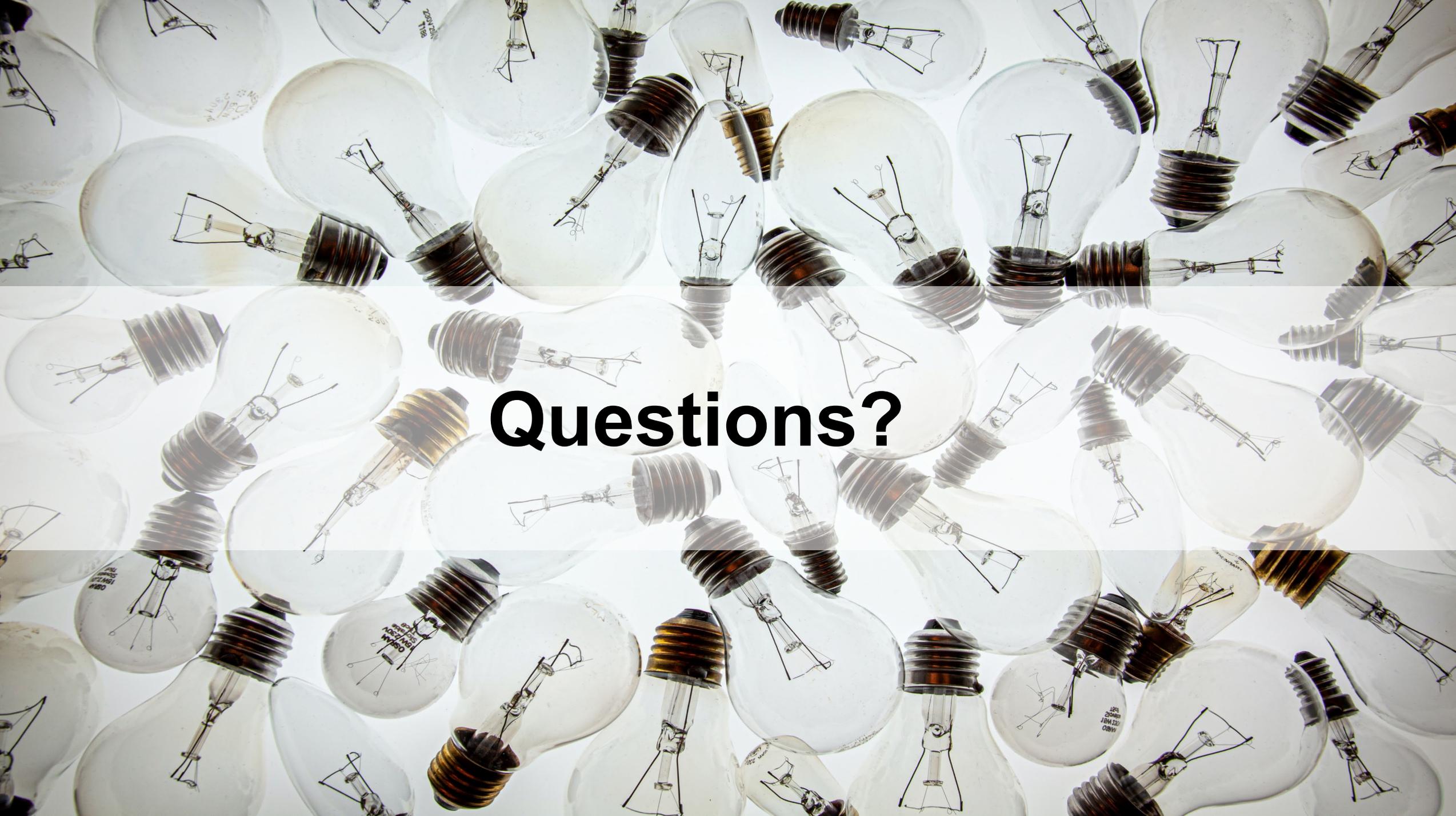
- A **hauler** is a person that arranges the transport of lighting used in Ontario that are destined for processing, reuse, refurbishing or disposal.
- A **refurbisher** is a person that prepares or refurbishes lighting used in Ontario for the purpose of reuse.
- A **processor** is a person that processes lighting used in Ontario for the purpose of resource recovery.

When producers work with a PRO, PROs contract with service providers to provide collection and management services.

[Learn more about service providers here](#)

# Relationships in the EEE Regulation





**Questions?**

# Ontario's EEE Regulation



# The EEE Regulation

On **September 21, 2020**, the government released the final [Electrical and Electronic Equipment \(EEE\) Regulation](#), which includes two separate materials: ITT/AV and lighting equipment.

On **January 1, 2021**, **ITT/AV producers** became individually accountable and financially responsible for collecting and reusing, refurbishing or recycling their products when consumers discard them.

Starting **January 1, 2023**, **lighting producers** will also become individually accountable and financially responsible for collecting and reusing, refurbishing or recycling their products when consumers discard them.

# Requirements

Under the EEE Regulation, lighting producers are required to:

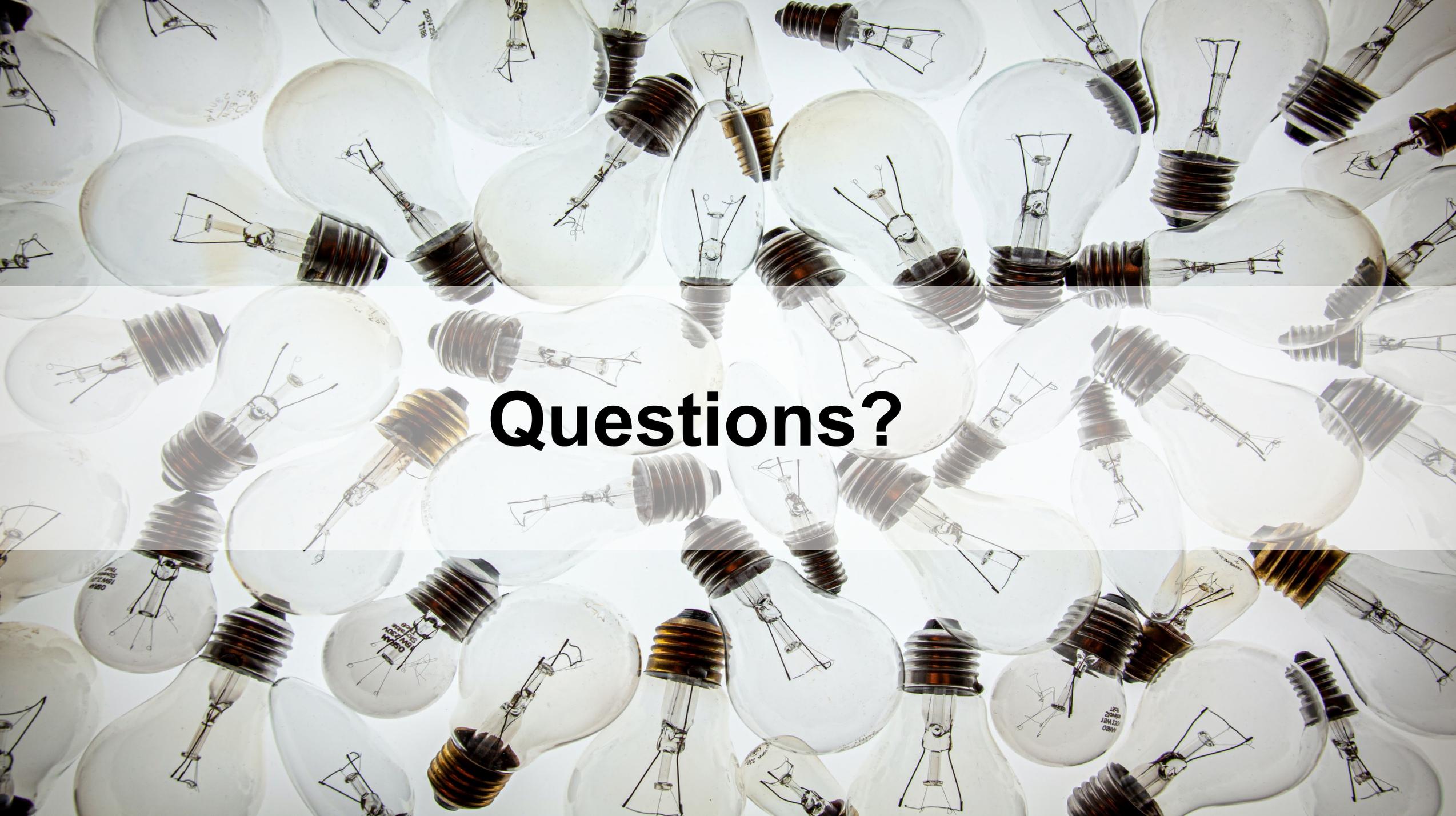
- Register with RPRA
- Report their supply data to RPRA annually
- Meet mandatory and enforceable requirements for lighting collection systems
- Meet mandatory and enforceable requirements for managing collected lighting materials, including meeting a management requirement set out in the regulation
- Meet mandatory and enforceable requirements for promotion and education
- Provide third-party audits of actions taken towards meeting their collection and management requirements, and report on those actions to RPRA through their annual performance reports
- Under the new framework, lighting producers can choose how to meet their collection and management requirements in a competitive market.

# Lighting materials under the EEE Regulation

- The EEE Regulation defines lighting as equipment that has the primary purpose of producing light, such as:
  - Light bulbs
  - Tubes and lamps, including:
    - Incandescent
    - Fluorescent
    - Halogen
    - Light emitting diode (LED)
    - High intensity discharge (HID) lamps

## Note:

- The above is not an exhaustive list of obligated materials
- The definition does not include lighting that is provided with another product or a fixture, or that falls into the category of [ITT/AV equipment](#) as defined by the regulation.



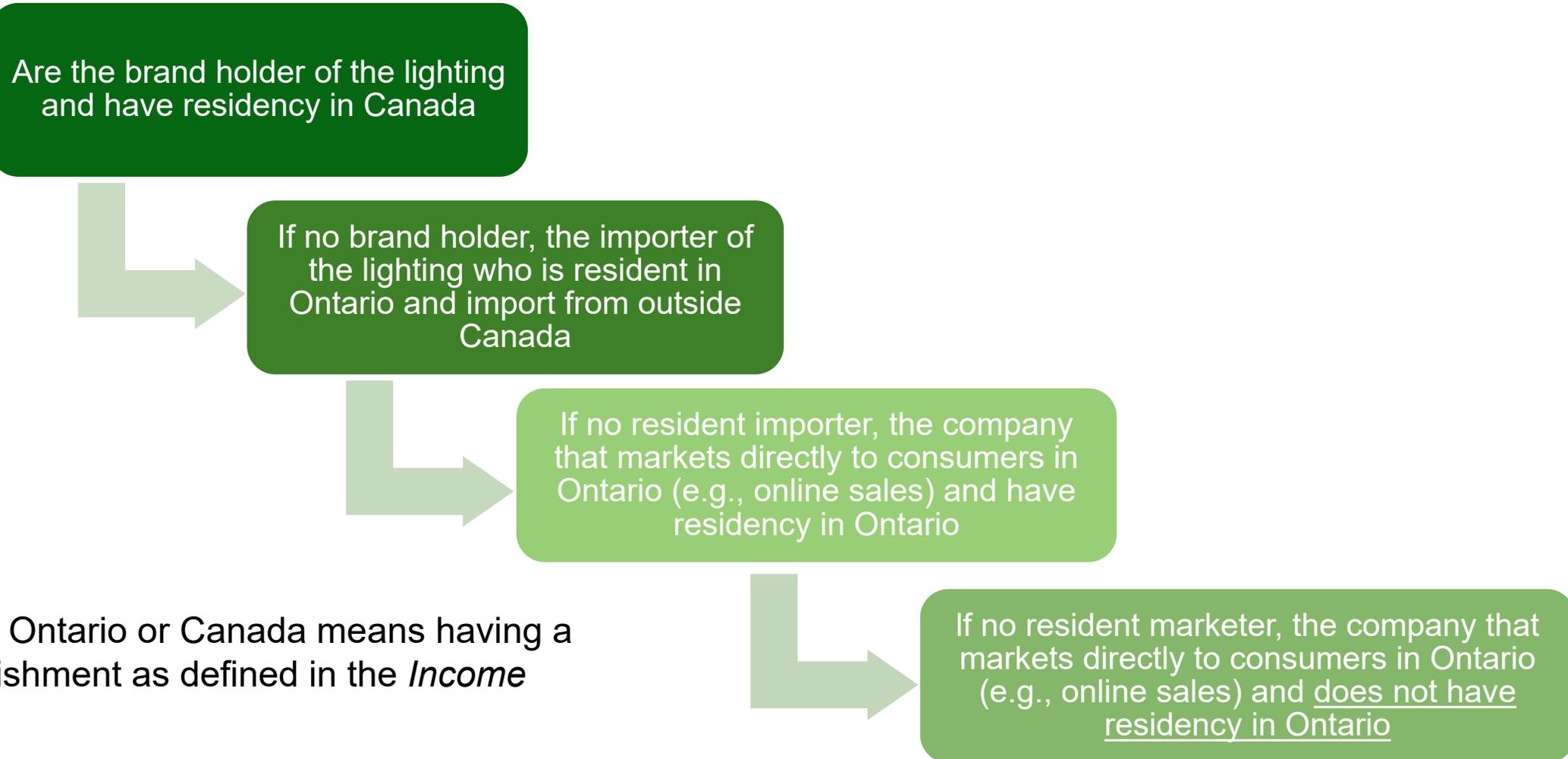
**Questions?**

**Who is a  
producer?**



# Who is a lighting producer?

A person is considered a lighting producer under the EEE Regulation if they supply lighting into Ontario and:



**Note:** Resident in Ontario or Canada means having a permanent establishment as defined in the *Income Tax Regulations*.

# Who is a brand holder?

A brand is any mark, word, name, symbol, design, device or graphical element, or a combination thereof, including a registered or unregistered trade-mark, which identifies a product and distinguishes it from other products.

A brand holder is a person who owns or licenses a brand or otherwise has rights to market a product under the brand.

## **Note:**

- If there are two or more brand holders, the producer most directly connected to the production of the EEE is the brand holder
- If more than one item of EEE produced by different brand holders are marketed as a single package, the producer who is more directly connected to the primary product in the package is the brand holder

# Question to consider: Is my company the obligated producer?

To help you determine if your company is the obligated producer under the EEE Regulation, consider the following questions:

1. Is my company the brand holder for the products we supply? If yes, does my company have residency in Canada?
  - If yes to both questions, you are the obligated producer for all products for which you are the brand holder and supplied into Ontario.
2. Does my company import any of the products we supply from outside Ontario? Is there a brand holder resident in Canada for those products that we import?
  - If the brand holder is resident in Canada, they are the obligated producer. Confirm with your supplier that they are aware of their products being supplied into Ontario.
  - If the brand holder is not resident in Canada, and you are resident in Ontario, you are the obligated producer for the products that you import and supply into Ontario.
3. Does my company market any products directly to consumers in Ontario?
  - If you market products directly to a consumer in Ontario and there is no resident brand holder or importer, you are the obligated producer for those products. This is true even if your company does not have residency in Ontario, if there is no marketer resident in Ontario.

# Producer exemptions

- If, before any reductions to their supply data, the lighting producer's management requirement is less than 350 kilograms, they are exempt from the following:
  - Registering and reporting to RPRA
  - Establishing a collection and management system and meeting a management requirement
  - Promotion and education requirements
- Even if a producer is not required to register with RPRA, they must retain records related to the weight of lighting supplied into Ontario and provide them to RPRA upon request
- Producers are encouraged to confirm their exemption with the Compliance and Registry Team at **833-600-0530** or [registry@rpra.ca](mailto:registry@rpra.ca)

**Note:** the management percentage changes over time, therefore producers will need to ensure that they continue to meet the exemption each year.

# Producer exemptions cont.

## Exemptions based on annual supply

Performance period	Formula to calculate management requirement	Exempt if management requirement is less than (kg)	Exempt if average annual supply less than (kg)
2023	$(2018 \text{ supply} + 2019 \text{ supply} + 2020 \text{ supply}) / 3 \times 30\%$	350	1,167
2024	$(2019 \text{ supply} + 2020 \text{ supply} + 2021 \text{ supply}) / 3 \times 30\%$	350	1,167
2025	$(2020 \text{ supply} + 2021 \text{ supply} + 2022 \text{ supply}) / 3 \times 30\%$	350	1,167
2026	$(2021 \text{ supply} + 2022 \text{ supply} + 2023 \text{ supply}) / 3 \times 40\%$	350	875
2027	$(2022 \text{ supply} + 2023 \text{ supply} + 2024 \text{ supply}) / 3 \times 50\%$	350	700

# Registration and supply reporting



# Producer registration

Lighting producers are required to register with RPRA via our digital Registry:

- By **November 30, 2022**, if the producer marketed lighting between **January 1, 2018**, and **November 30, 2022**; or
- Within 30 days of marketing lighting if the producer markets lighting after **November 30, 2022**.

Producers must provide the following information when registering:

- Name and contact information, authority to bind via RPRA's Executive Attestation Form
- The weight of lighting supplied in Ontario in 2018, 2019 and 2020
- Information regarding reduction in management requirement based on post-consumer recycled content
- Identify any PROs who they have retained (if applicable at time of registration)
- Pay their [annual program fee](#) to RPRA



# What are RPRA's annual program fees?

- Producers will be required to pay a program fee as part of the registration process
- Program fees are the charges obligated producers are required to pay RPRA in order to support RPRA's operations
- Program fees cover RPRA's costs related to building and operating the digital Registry, and compliance and enforcement activities

## 2022 Registry Fees for Lighting Producers

- \$75 flat fee if average of lighting supplied in 2018, 2019, and 2020 is 1166 kg or less
- \$0.22 per kg if average of lighting supplied in 2018,2019,and 2020 is more than 1166 kg

### Note:

- When producers enter their supply data into the Registry, they will be able to download their invoice
- Invoices are payable in 30 days of issuance

# What is “supplied” into Ontario?

- Lighting is considered supplied into Ontario when it is marketed into Ontario, meaning that it has been sold, distributed, leased or rented to someone in Ontario
  - Lighting that is imported into Ontario is not necessarily supplied into Ontario and should only be reported to RPRA when it has been marketed to someone in Ontario
  - Lighting supplied into all sectors of the Ontario economy is obligated (e.g., residential, business, hospital, institutional, commercial, industrial)
  - Lighting leased to someone in Ontario is considered supplied into Ontario, even when the product is taken back by the producer at end-of-life

# What is lighting supply data reporting?

Lighting supply data is reported annually by producers with obligations under the EEE Regulation.

Submitting supply data determines a producers management requirements for the following year. A producer's management requirement determines the following:

- if they are exempt from obligations under the regulation
- the minimum weight of lighting they must ensure is managed or recovered (e.g., collected and recycled) in Ontario
- whether they must meet small or large collection system requirements

Performance Period	Management Requirement	Calculation
2023	Best efforts – 30%	$(2018 + 2019 + 2020) / 3 \times 30\%$
2024	Best efforts – 30%	$(2019 + 2020 + 2021) / 3 \times 30\%$
2025	30%	$(2020 + 2021 + 2022) / 3 \times 30\%$
2026	40%	$(2021 + 2022 + 2023) / 3 \times 40\%$
2027	50%	$(2022 + 2023 + 2024) / 3 \times 50\%$

*The above table shows the formulas used to calculate a producer's management requirement for each performance period.*

# How to determine lighting supply data

To determine how many lighting (units) supplied into Ontario, producers can:

1. Use actual units, or
2. A formula based on Ontario population in relation to national sales as set out in RPRA's [EEE Verification and Audit Registry Procedure](#)

To determine the weight of the lighting units supplied, producers can:

1. Use actual weight
2. Calculated weight using the conversion calculator as set out in RPRA's [EEE Verification and Audit Registry Procedure](#)
  - For products where weight conversion factors are not provided, producers should use actual weight
3. Subtracting a packaging factor from the total weight of a product and its packaging
  - If you are planning to use this method, please contact the Compliance and Registry team to discuss

Producers may also bring forward their own methodology for RPRA to review

**Note:** Lighting producers will need to verify their supply data beginning in 2024 (2022 supply data)

# Reduction in management requirements

Lighting producers can reduce their supply data (and in turn their management requirement) through the following:

- Incorporating a post consumer recycled (PCR) glass or plastic into their products
- Producers that use PCR content in their products can reduce their supply weight by the weight of that recycled content, in each year it was used in the lighting
  - If a lighting bulb contains 0.02 kg of PCR glass or plastic, and a company supplies 1000 of those bulbs, the producer can reduce their supply data by 20 kg (0.02 kg x 1000 bulbs), therefore reducing their management requirement
  - Producers can reduce their management requirement up to a cumulative maximum of 50% and it must be verified in accordance with RPRA's [EEE Verification and Audit Registry Procedure](#)

Lighting producers will need to verify their post-consumer recycling content beginning in 2024 (2022 supply data)

- This does not reduce the obligation of a producer to report accurate data or limit the ability of a Compliance Officer to review the data and related records for the purpose of ensuring compliance, if requested.

# Collection and management requirements



# Collection system requirements

## Collection sites

As of **January 1, 2023**, lighting producers are required to establish and operate a collection system for lighting.

Operating a collection system will differ between small and large producers.

Producers must ensure that consumers can drop off lighting free of charge at each site that is part of their collection system.

Collection sites can be shared by producers.

Producers can reduce their accessibility requirements by providing options such as curbside collection, mail back programs, or collection events.

For detailed information on collection system requirements, visit:

<https://rpra.ca/programs/electronics/lighting-producers>



# Management requirements

## Management of lighting (i.e., reuse, refurbish or process)

### Establish a management system

- As of **January 1, 2023**, lighting producers must establish and operate a system for managing used lighting
- Material must be processed within 3 months of being collected (i.e., pickup date)

### First performance period (**January 1, 2023, to December 31, 2023**)

- 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 2024

### Recycling Efficiency Rate (RER)

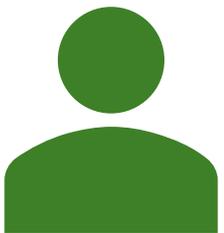
As of **January 1, 2025**, producers can only use a lighting processor, for the purposes of meeting their management requirements, that is registered with RPRA and has a RER of 50% for lighting and 90% for mercury from lighting.

# Promotion and education

From **January 1, 2023, to December 31, 2024**, producers of lighting are required to:

- Make reasonable efforts to raise public awareness of lighting recovery and reasonable efforts to encourage public participation, and
- Publish information on their website about collection locations, collection services, and recovery activities.

Refer to the  
[EEE Regulation](#)  
for more  
information



# Reporting Collection and Management

On or before **April 30, 2023**, lighting producers, or PROs acting on their behalf, must submit the following information about their collection network:

- The location of every collection site that is part of their system to satisfy the accessibility requirements
- A description of their collection services (e.g., curbside)
- Every hauler, processor and refurbisher that is part of their collection or management system

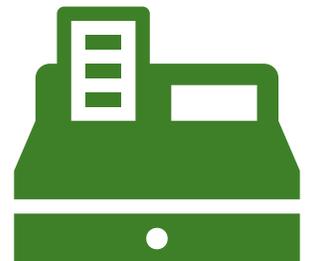


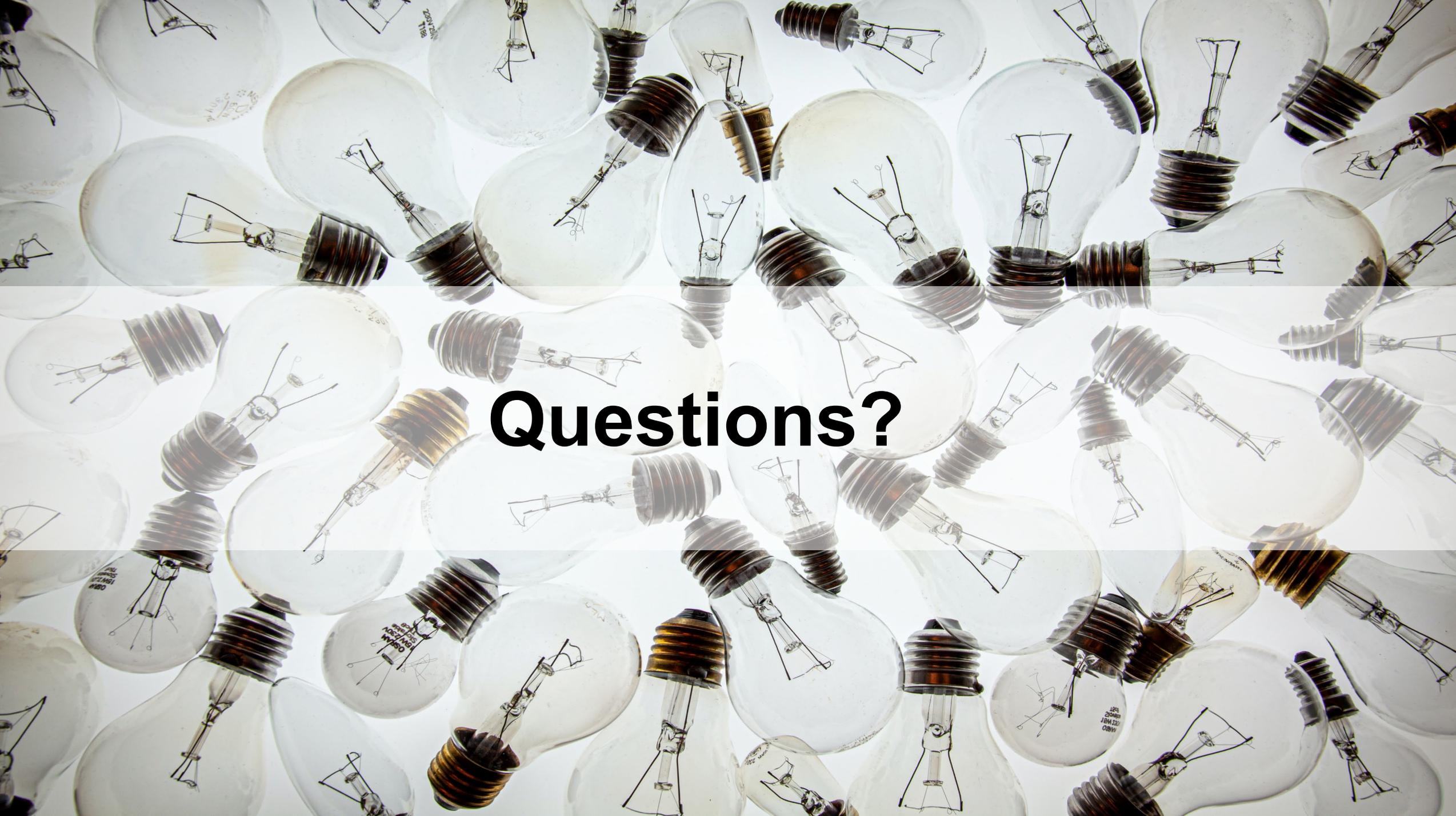
# Visible resource recovery charges

- Under the EEE Regulation, it's a business decision whether a producer charges visible resource recovery fees, sometimes referred to as EHF's, eco-fees, recycling fees
- Producers who incur costs for collecting and recycling lighting can choose to charge a visible fee on their products or to embed those costs into the price of the product
- Producers who identify resource recovery charges as a separate fee to consumers in an advertisement, invoice or receipt must provide the following information at the time of being charged:
  - The person responsible for imposing the charge, and
  - How the charge will be used to collect, reduce, reuse, recycle and recover lighting.
- RPRA does not set or collect any fees for the collection or management of lighting in Ontario

For more information on resource recovery fees, visit:

<https://rpra.ca/environmental-fees-on-products-sold-in-ontario/>





**Questions?**

# Working with a PRO



# 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 EEE Regulation, including:

- Arranging, establishing or operating a collection or management system
- Arranging, establishing or operating a promotion and education system
- Preparing and submitting reports

# Working with PROs or other service providers

- As a producer, you may have mandatory collection and management requirements. You can choose to:
  - meet these management requirements yourself;
  - hire a PRO to do it for you, or
  - contract directly with haulers, refurbishers and processors.
- Producers will likely contract the services of PROs or other service providers to meet their obligations under the regulation.
- Regardless of whether you retain service providers to meet your management requirements, you are always legally responsible for meeting those requirements.
- Make sure you build in audit and verification requirements into your contract with your service providers.

# Question to consider: Does my company need a PRO?

To help you determine if your company should work with a PRO in meeting your obligations under the EEE Regulation, consider the following questions:

1. What are my requirements under the regulation?
  - How much lighting does my company need to collect and manage in Ontario? (i.e., what is my management requirement?)
  - What collection system requirement does my company need to meet? Small or large?
2. Can my company meet its obligations without the services of a PRO?
  - What action does/will my company take to collect and recycle lighting in Ontario?
  - What commercial arrangements does/will my company have with service providers (refurbishers, haulers and processors)?
  - What actions does/will my company take with regards to the promotion and education requirements set out in the EEE Regulation?
  - What systems does/will my company have in place to track actions taken to meet our management requirement in order to report and satisfy verification/audit requirements?

# Question to consider: Does my company need a PRO? cont.

3. Does my company need a contract with a PRO?

- Which obligations are my company unable to meet without the services of a PRO?
- Which PRO can help me meet those obligations under the regulation?

# Important considerations about working with PROs

- There is no deadline for a producer to contract with a PRO. Producers are not required to have a contract with a PRO prior to their registration on **November 30, 2022**.
- Producers are not required to sign up with a PRO. It is a business decision if a producer chooses to work with a PRO, and a producer can choose to meet their obligations without a PRO.
- Producers can have a different PRO for the purposes of providing collection/management services.

# Lighting PROs currently registered

- Producers who want to retain a PRO to meet their requirements should contact one as soon as possible.
- Registered lighting PROs are listed on RPRA's website:  
<https://rpra.ca/programs/electronics/lighting-pros/>
- We will continue to update the website as more PROs register.

PRO	Contact Information
Product Care	Website: <a href="http://www.productcare.org">www.productcare.org</a> Phone: <a href="tel:416-479-1040">416-479-1040</a> ext. 239 Email: <a href="mailto:ontario@productcare.org">ontario@productcare.org</a>
RYSE Solutions Inc.	Website: <a href="https://ryseinc.ca/">https://ryseinc.ca/</a> Phone: 289-352-1200 Email: <a href="mailto:info@ryseinc.ca">info@ryseinc.ca</a>

# Summary



# Upcoming dates and activities

- By **November 30, 2022**, producers must:
  - Register as a producer with RPRA
  - Submit 2018, 2019 and 2020 supply data for lighting
  - Pay their [annual program fee](#)
- Beginning **January 1, 2023**, the following producer requirements are in effect:
  - Collection sites
  - Management of lighting (i.e., reuse, refurbish or process)
  - Promotion and education

A top-down view of a person's hands typing on a silver laptop keyboard. The person is wearing a white shirt and a black fitness tracker on their left wrist. A semi-transparent white horizontal bar is overlaid across the middle of the image, containing the text "Help us improve our webinars" in a bold, black, sans-serif font. To the right of the laptop, a black smartphone is lying vertically on the wooden desk surface.

**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 and Registry Team if you:
  - have questions about the EEE Regulation, or any of the other RRCEA regulations (Tires, Batteries, Blue Box or Hazardous and Special Products)
  - are unsure whether you meet the definition of a producer 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 one
  - have questions about the registration or reporting process

Contact the Compliance and Registry Team at [registry@rpra.ca](mailto:registry@rpra.ca) or 1-833-600-0530

# Resources to help you understand the EEE Regulation



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

Visit our [EEE webpage](#) for an overview of the regulation. Visit the [producer webpage](#) for more information on requirements.

Detailed guidance will be posted prior to registration opening.



## Webinars

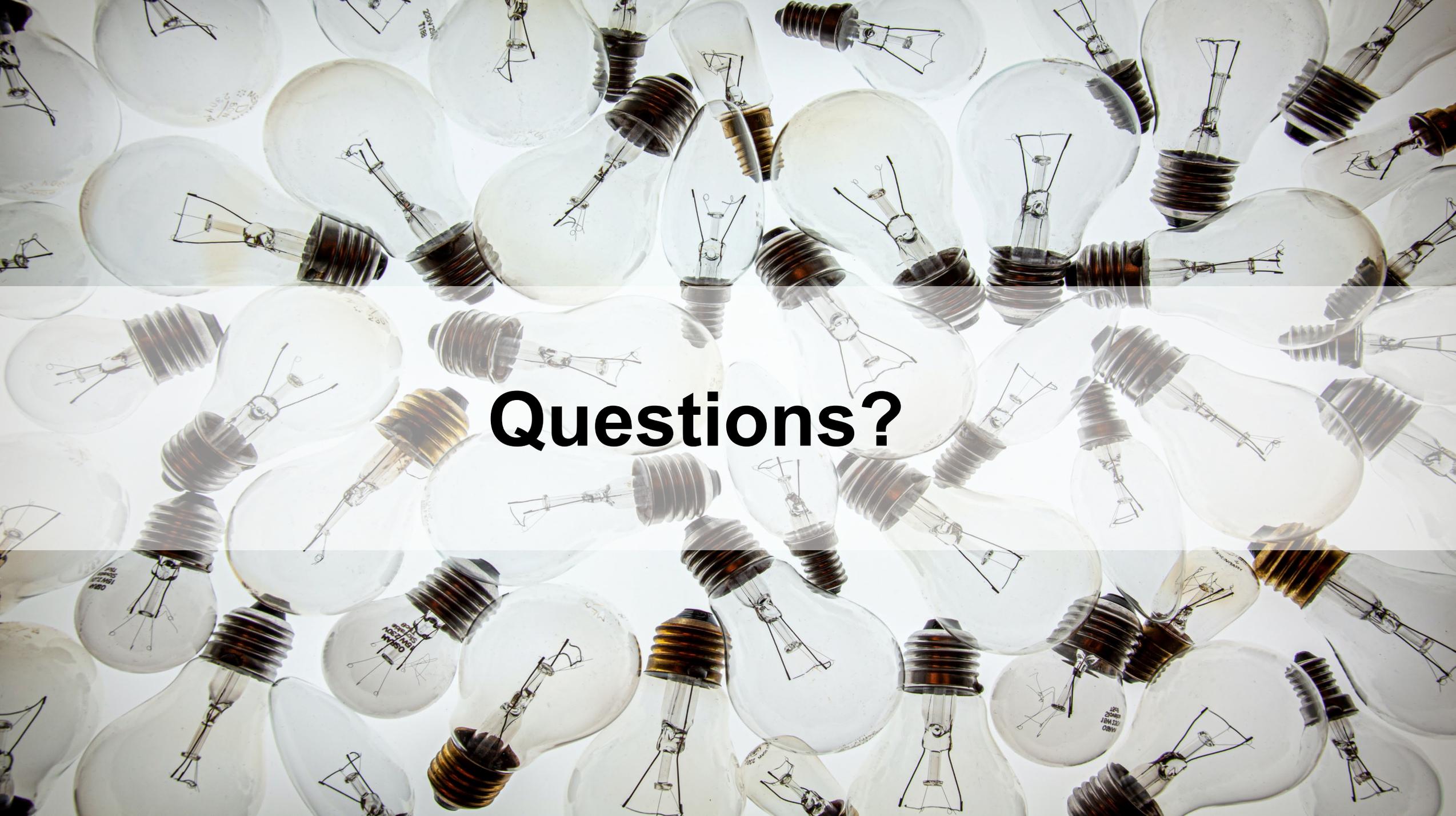
The recording of this webinar and the presentation slides will be posted on [our website](#) for future reference.



## Compliance and Registry Team

The Compliance and Registry Team is available to answer any questions you may have about the regulation and your role.

Contact the team at:  
[registry@rpra.ca](mailto:registry@rpra.ca) or  
1-833-600-0530.



**Questions?**