

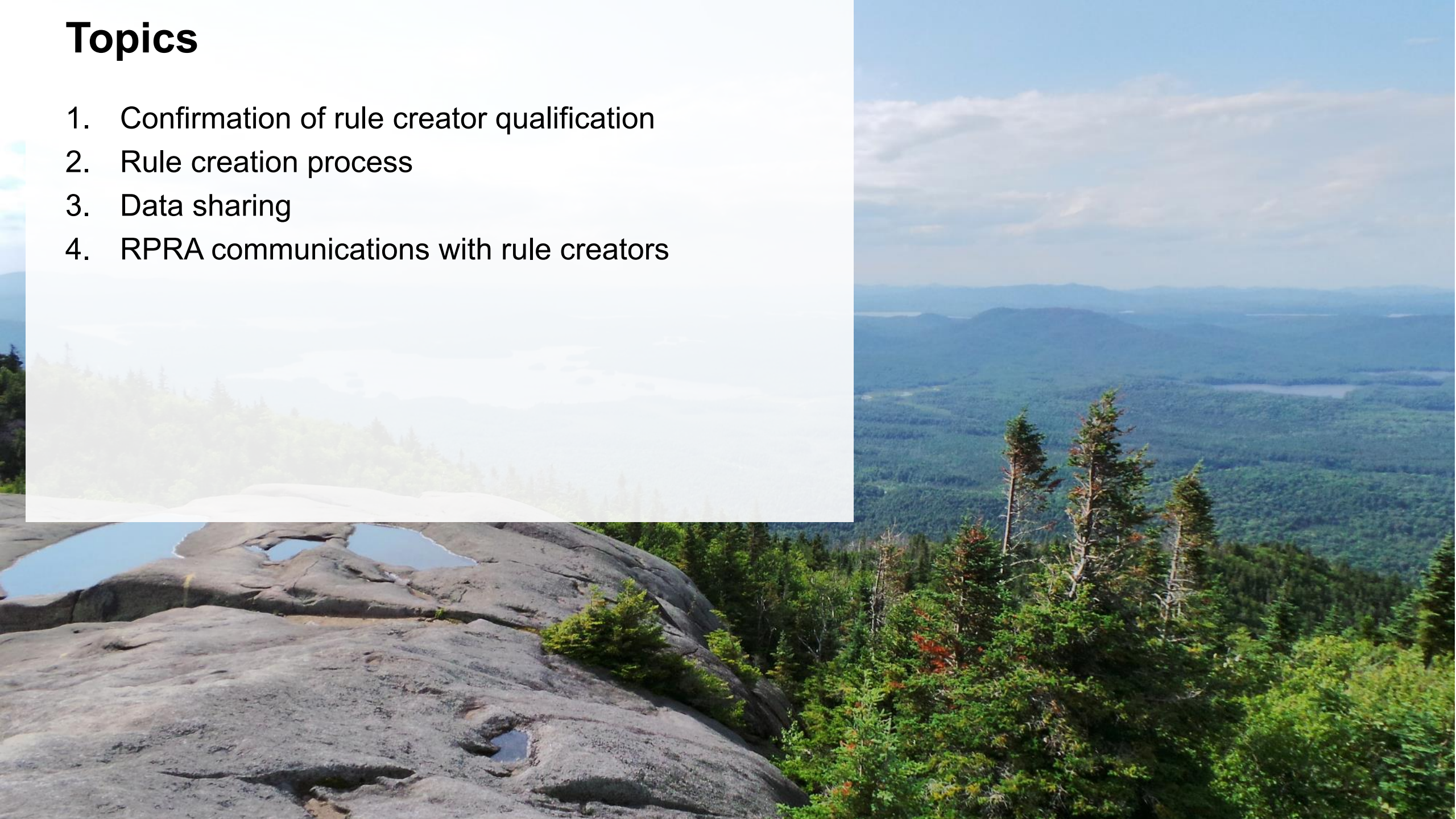
What is a rule creator?

Information about the rule creation process
under the Blue Box Regulation



Topics

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2. Rule creation process
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4. RPRA communications with rule creators



Confirmation of rule creator qualification



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?

- Under the Blue Box Regulation, producers will be assigned collection requirements through an allocation table.
- The rules that outline how the allocation table will be created may be determined by rule creators.
- 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
- No new rule creators can register after October 31, 2021.
- A rule creator may revoke their registration after October 31, 2021.
- The Minister can step in to make rules at any time.

Producers changing PROs

- Producers can change PROs at any time, for any reason.
- A producer needs to notify the Authority of a change in PROs for the purposes of rule creation by sending an email to registry@rpra.ca within 5 days of the change.
- A producer may choose to enter into a representation agreement with a different PRO if their PRO has revoked its registration as a rule creator, or for any other reason.
- When considering whether a PRO has met the 20,000 tonnes threshold to be a rule creator, or when determining if there is at least 66% agreement with the rules, RPRA will use the data available in the Registry with respect to a producer's supply and who the producer/PRO has identified as having a representation agreement with.

Confirmation of rule creator registration

- RPRA will confirm which rule creators have representation agreements with one or more producers that in aggregate supplied at least 20,000 tonnes of Blue Box material to consumers in Ontario in 2020.
 - In order for RPRA to determine that a rule creator represents a producer's tonnage, the following must be true:
 - The producer must have registered and reported their 2020 supply weight to RPRA
 - The producer must have informed RPRA either through their registration form or email to registry@rpra.ca that they have a representation agreement with the PRO
 - The PRO must have informed RPRA that they have a representation agreement with the producer through the BB PRO Reporting on Producer Clients form
 - This form must be submitted to RPRA no later than November 1, 2021
 - RPRA is planning to confirm rule creators' registrations the week of November 1
- RPRA is posting a list of registered producers on our website here: <https://rpra.ca/programs/blue-box/find-a-blue-box-registrant/>. It is not updated on a regular basis due to the manual registration process, but the last updated date is on the sheet.

Rules creation process



The rule creation process

The rule creation process and allocation table making process are set out in Part III of the Blue Box Regulation.

When can rules be submitted to the Authority?

- The earliest that rules can be submitted to the Authority is January 1, 2022.
- The allocation table must be submitted to the Authority no later than July 1, 2022.

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 the Authority, rule creators may register their agreement with the proposed rules with the Authority within five days of rules being submitted.
 - When rules are submitted to the Authority, all rule creators must be copied on the proposed rules.
- The Authority must then confirm that, out of those producers who have representation agreements with rule creators, at least 66% agree with the rules.
- The Authority 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 cont.

The Authority will:

- Redo this calculation each time the rules are submitted.
- Use producers' 2020 supply data reported to the Authority 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).
 - The Authority may require information from producers and PROs about their current representation agreements when the rules are submitted.

Verification of producer supply data

- The Authority 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 Authority 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, the Authority will use their adjusted data when assessing agreement with the rules **provided the adjustment occurs before the Authority performs the calculation to determine agreement with the rules.**
- To clarify, to determine agreement with the rules, the Authority will use the supply data reported as of the date the rules were submitted.

Submission of the rules

Section 14 (3) paragraph 1: “The producer responsibility organizations may submit proposed rules to the Authority on or after January 1, 2022, if the proposed rules address paragraphs 1 to 10 of section 15.”

- Rules submitted must address all 10 requirements and must not go beyond the scope of those 10 requirements.
- We encourage 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.

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.

Rules creation timeline

November 1, 2021

January 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**

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.

**Earliest the
rules can be
submitted**

Data sharing



Data sharing

- 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, the Authority 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.
- This data that RPRA provides to the table maker must be data that the Authority is required to collect under the regulation.
- This data will be shared in accordance with our [Access and Privacy Code](#).

The background of the slide is a close-up photograph of numerous discarded, clear plastic bottles. The bottles are crumpled and piled together, with some showing red and blue markings. A green plastic cap is visible in the upper right corner. The overall image conveys a message of environmental waste and the need for recycling or responsible disposal.

RPRA communications with rule creators

Communications with rule creators

- The Authority will answer questions regarding the rule creation process to all rule creators at the same time.
- Questions from rule creators should be submitted to the Authority and all rule creators should be copied on the correspondence.
 - All emails must be sent to registry@rpra.ca
- Wherever possible, the Authority will post FAQs answering the rule creators' questions.
- The Authority will hold rule creator meetings periodically to address rule creator questions.