

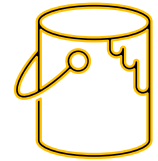
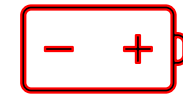


A LOOK AT EPR ACROSS CANADA: ONTARIO

SWANA Presentation
April 5, 2022



EPR IN ONTARIO



- Province sets the outcomes as opposed to producers
 - Performance requirements and timelines established in regulation
 - No plan requirement
 - Producers individually liable to meet outcomes
- Oversight
 - Direct access to compliance data as opposed to through producer responsibility organization (PRO)
 - Independent compliance organization resourced through fees
 - Plan approval cannot be used as defense for not meeting targets
- Competition
 - Allows for multiple PROs to give producers choice
 - Competition Act explicitly applies to all activities
 - Plan approval cannot be used as a regulatory conduct defence

LESSONS LEARNED

- PRO competition has been embraced
 - 6 Tire PROs, 12 EEE PROs, 3 Battery PROs, 9 HSP PROs, 3 PPP PROs
 - Would expect similar in other jurisdictions regardless of size
- Intense lobbying has created major issues
 - Multiple regulations passed just months before producer obligations came into force (e.g., not enough time for producers to register, free riders to be found, commercial arrangements to be established ...)
 - Reductions in targets and broader exemptions
 - Constant assault on RPRA (oversight organization)
- EPR not meant to solve every problem
 - New requirements (e.g., credits against targets for recycled content) make regulations more difficult to enforce

LESSONS LEARNED

- PPP Regulation
 - Common collection system for PPP creates unique challenge as it is more akin to a utility
 - Allocation table and rule-making as mechanism to support common collection system in the Blue Box Regulation have resulted in power struggle between producer-governed PRO and waste-management owned PRO, delays in preparing for transition, stakeholder confusion, and Ministerial intervention
 - Regulation did not effectively reconcile requirement for common collection system with legislative framework for competing PROs
- Regulator
 - Should publish more timely information on producer performance and compliance efforts

THANK YOU & QUESTIONS

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