

Consultation Plan to Support Amending Phase 1 and Developing Phases 2 and 3 Municipal Hazardous or Special Waste Program Plan

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1.0 Background

Waste Diversion Ontario (WDO) is a non-crown corporation created under the Waste Diversion Act (WDA) on June 27, 2002. WDO was established to develop, implement and operate waste diversion programs for a wide range of materials. The WDA empowers the Minister to designate a material for which a waste diversion program is to be established. Once the Minister has designated a material through a regulation under the WDA, the Minister asks WDO to develop a diversion program. WDO is required, by the Act to work co-operatively with an Industry Funding Organization to develop a waste diversion plan for the designated waste. Waste Diversion Ontario is further required by the Act to conduct public consultation on any matter referred to it by the Minister.

To date, the Minister has requested diversion programs for Blue Box Wastes, Used Tires, Municipal Hazardous or Special Waste (MHSW) and Waste Electrical and Electronic Equipment (WEEE). While Used Oil Material was designated in 2003, the Minister set aside this designation when including used oil bottles and used oil filters in the MHSW designation.

The Blue Box Program Plan was approved by the Minister on December 22, 2003 and commenced on February 1, 2004. The WEEE Program was approved by the Minister on July 9, 2008 and will commence on April 1, 2009. The Scrap Tire Diversion Program Plan, submitted to the Minister in September 2005, was deferred.

MHSW was designed by regulation filed under the WDA on December 11, 2006. On December 12, 2006, the WDO Board of Directors received a letter from the Minister of the Environment requesting a diversion program for Phase 1 MHSW. The Program Request Letter required that Stewardship Ontario act as the Industry Funding Organization (IFO) for MHSW. Stewardship Ontario will be responsible for implementing this consultation plan and managing the development and implementation of the MHSW diversion plan, in co-operation with WDO.

The Phase 1 MHSW Plan was submitted to the Minister of the Environment in May 2007, was approved on February 19, 2008 and commenced on July 1, 2008.

On July 22, 2008, the WDO Board of Directors received a letter from the Minister of the Environment requesting amendments to the Phase 1 MHSW Program and a diversion program for Phases 2 and 3 MHSW.

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This Consultation Plan for amendments to the Phase 1 MHSW Program Plan and development of Phase 2 and Phase 3 MHSW Program Plans addresses the requirement under the WDA to consult on the development of program plans.

2.0 Objectives and Scope

Waste Diversion Ontario will develop and implement a consultation process that is thorough and will ensure a beneficial exchange of information, ideas and opinions among those who may be affected by the development and implementation of a diversion program for Phases 2 and 3 MHSW.

A number of parties are considered to be stakeholders in this process, including the stewards of products that result in MHSW and the industry associations that support their work. Additional interested stakeholders include affected industries; municipalities; environmental and community groups with a particular interest in waste management, water quality and public health issues related to the life cycle of MHSW; industrial, commercial and institutional generators of MHSW to be managed under the Program; professionals working in related fields (e.g. environmental consultants); and the general public.

The Program Request Letter outlined the materials to be included in Phase 2 and Phase 3. This consultation process will address Phase 1 materials, where amendments to the Phase 1 Program Plan are proposed, Phase 2 MHSW materials as outlined in the Minister's July 22, 2008 correspondence and Phase 3 MHSW materials. The following table outlines the Phase 1 and Phase 2 and provides examples of items that may be defined as Phase 3 materials during the Phase 3 Plan development process:

Phase 1	Phase 2	Phase 3
<ul style="list-style-type: none"> • Paints and coatings, and containers in which they are contained • Solvent, and containers in which they are contained • Oil filters, after they have been used for their intended purpose • Containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil 	<ul style="list-style-type: none"> • All batteries excluding lead acid batteries from vehicles • Aerosol containers • Portable fire extinguishers • Fluorescent light bulbs and tubes; • Switches that contain mercury • Thermostats, thermometers, barometers, or other measuring devices if they 	<ul style="list-style-type: none"> • All other remaining materials that meet the definition of 'municipal or hazardous waste' in O. Regulation 542/06 such as <ul style="list-style-type: none"> - adhesives, contact cements, glues, epoxies - automotive additives and cleaners - non-Phase 1 paints such as automotive paint, high heat paint, foundation coatings, industrial paints - bleach, peroxides

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<ul style="list-style-type: none"> • Single use dry cell batteries • Antifreeze, and containers in which they are contained • Pressurized containers such as propane tanks and cylinders • Fertilizers, fungicides, herbicides, insecticides, or pesticides and containers in which they are contained 	<p style="text-align: center;">contain mercury</p> <ul style="list-style-type: none"> • Pharmaceuticals • Sharps, including syringes 	<ul style="list-style-type: none"> - boric acid, rust removers and inhibitors - corrosive cleaners e.g. ammonia - cosmetic removers - caulking - etching solutions - non-Phase 1 fertilizers - fibreglass resins - insect repellants - kerosene, diesel, gasoline, camping fuels - lighter/starter fluids - masonry cleaners, deck washes - metal cleaners/polishes - moth balls - non-Phase 1 pesticides such as algaecides - oven cleaner - paint/furniture strippers - furniture/floor waxes and cleaners - perchloroethylene (dry cleaner liquid) - photochemicals - plumbing antifreeze and other non-Phase 1 antifreeze - pool chemicals - tar, undercoatings, bitumen based driveway sealers and roof patches - tile/toilet/drain cleaners - traffic marking paints - various acids such as muriatic acid - windshield washer fluid - water proofing solution
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While this consultation plan is being implemented, the plan development process will also include:

- Periodic review of information arising from the consultation process and related to MHSW plan development by the Stewardship Ontario Board and those MHSW stewards directly involved with Stewardship Ontario in plan development;

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- Periodic review of information arising from the consultation process and related to MHSW plan development by the WDO Executive Director and WDO Board; and
- Periodic meetings among WDO staff, Stewardship Ontario staff and Ministry of the Environment staff and legal counsel.

3.0 Key Participants in Consultation

The consultation process will be targeted at four key audiences:

Industry Stewards

Stewards

This group is comprised of representatives of brand owners and first importers of products, which may become MHSW, for sale in Ontario who will be registering with Stewardship Ontario (or implementing their own Industry Stewardship Plan as allowed under the Act and as approved by WDO). These products are referred to as Municipal Hazardous or Special Material.

Industry and Trade Associations

Industry and trade associations may assist in the identification and notification of individual company representatives, their members. These associations include:

- Association of International Automobile Manufacturers of Canada
- Automotive Industries Association of Canada
- Canadian Consumer Specialty Products Association
- Canadian Council of Grocery Distributors
- Canadian Federation of Independent Grocers
- Canadian Hardware and Housewares Manufacturers Association
- Canadian Household Battery Association
- Canadian Independent Petroleum Marketer's Association
- Canadian Paints & Coatings Association
- Canadian Petroleum Products Institute
- Canadian Vehicle Manufacturers' Association
- Direct Sellers Association
- Environment & Plastics Industry Council
- Food and Consumer Products of Canada
- Japanese Automobile Manufacturers Association of Canada
- Ontario Automobile Dealers Association
- Post-Consumer Pharmaceutical Stewardship Association
- Rechargeable Battery Recycling Corporation
- Retail Council of Canada

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Affected Industries

Representatives of other industries that may be affected by the development and implementation of an amended diversion program for Phase 1 MHSW and a diversion program for Phase 2 and Phase 3 MHSW include:

- distributors of products that may result in MHSW
- retailers of products that may result in MHSW
- businesses generating MHSW to be managed under the program
- private companies providing collection of MHSW
- transporters of MHSW
- processors and recyclers of MHSW
- end markets for processed MHSW
- operators of disposal facilities for MHSW
- professionals working in related fields

Industry associations representing these affected industries will be included in the consultation process. These associations include:

- Canadian Council of Grocery Distributors
- Canadian Federation of Agriculture, Ontario Federation of Agriculture and other organizations representing the farming community
- Canadian Federation of Independent Grocers
- Ontario Waste Management Association
- Ontario Environmental Industries Association
- Retail Council of Canada

Municipalities

Some municipalities currently operate permanent MHSW depots or provide special MHSW events while other municipalities do not provide this service. Consultation with both types of municipalities will be important in developing an understanding of the role of municipalities in the delivery of an amended diversion program for Phase 1 MHSW and a diversion program for Phase 2 and Phase 3 MHSW.

Municipalities or representatives of municipalities include:

Association of Municipalities of Ontario (AMO)
City of Toronto¹

Association of Municipal Recycling Co-ordinators (AMRC)

¹ City of Toronto is not a member of AMO.

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Recycling services offered by Ontario municipalities are typically managed by recycling co-ordinators. These recycling co-ordinators are responsible for municipally operated MHSW collection systems.

Municipal Waste Integration Network (mwin)

Municipal recycling co-ordinators also receive information through mwin.

Recycling Council of Ontario (RCO)

Municipal recycling co-ordinators also receive information through RCO.

General Public

Residents of Ontario are consumers of products that may result in MHSW and have a direct interest in the development of a diversion program for these products.

There are two elements of the general public: those members of the public who are already engaged in the issue, either through direct involvement in MHSW management or other waste management issues; and those members of the public who have no awareness of the challenges involved with MHSW end of life management.

It is important to involve the engaged members of the public in the process of designing a plan for effective management of MHSW. This will include environmental and consumer groups with a strong interest in waste diversion, issues related to public health that may concern the life cycle of MHSW, water quality, and environmental policy.

It is also important to reach members of the public who are not aware of MHSW end of life management issues with information about diversion program plan development and the consultation process.

The consultation process will recognize the particular challenges of reaching members of the public who reside in northern and remote communities through use of local media and the ability to participate in workshops via webcast.

4.0 General Elements of Consultation

The consultation process will contain the following elements:

WDO Website: The WDO website will be used to outline the consultation process and schedule, post consultation documents for comment and receive comments from industry, municipalities and the general public.

Stewardship Ontario Website: The Stewardship Ontario website will be used to outline the consultation process and schedule, post consultation documents for comment and receive comments from industry, municipalities and the general public.

Database of Identified Stakeholders: An inventory of identified stakeholders will be created in database format that will form the core of consultation activities.

Electronic Notice to Identified Stakeholders: Electronic notices outlining the consultation process, schedule and key dates for meetings and comments will be distributed to identified stakeholders.

Consultation Paper: Stakeholder consultations that involve technical or economic complexities will be anchored in a background paper that is regularly updated throughout the process to reflect the state of consultation. The consultation paper will be available on the websites.

Consultation Workshops/Webcasts: Issues will be presented to stakeholders at a number of workshops that will be simultaneously webcast. Questions and comments will be solicited from meeting and webcast participants during the event. Information presented at workshops and questions asked by participants will be available via archived webcasts for 180 days.

Amended Phase 1 and Phase 2 MHSW Program Plan

Workshop/Webcast # 1 – Summary of and Proposed Amendments to Phase 1 MHSW Program Plan and Preliminary Data to Support Phase 2 MHSW Program Plan Development

- Outline of consultation process
- Summary of Phase 1 MHSW Program Plan
- Possible amendments to Phase 1 MHSW Program Plan
- Issues related to the transition from the approved Phase 1 MHSW Program Plan to the amended Phase 1 MHSW Program Plan
- Phase 2 baseline data including existing Phase 2 MHSW services
- Definition of Phase 2 obligated materials

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- Definition of Phase 2 obligated stewards
- Options to reduce, reuse, transport, process and recycle Phase 2 MHSW
- Collection options to provide program accessibility
- Issues related to the addition of Phase 2
- Incentives to achieve plan objectives and targets
- Q&A on all topics

Comments will be requested on the proposed amendments to the Phase 1 MHSW Program Plan and data to support Phase 2 MHSW Program Plan development. Comments received following Workshop/Webcast # 1 will be considered when preparing the draft preliminary amended Phase 1 and Phase 2 MHSW Program Plan.

Posting of Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan: Following Workshop/Webcast # 1, Stewardship Ontario will post its Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan on its website. Within 15 days of publication of the proposed plan, Stewardship Ontario will hold Workshop # 2 (with access via webcast) to explain its proposed amendments to the Phase 1 MHSW Program Plan and its Draft Preliminary Phase 2 MHSW Program Plan and for interested stakeholders and members of the public to provide comment.

Workshop/Webcast # 2 – Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan

- Proposed amendments to Phase 1 MHSW Program Plan
- Proposed Phase 2 MHSW Program Plan
- Issues raised during consultation and how they were addressed
- Budget and setting stewards' fees
- How to prepare to meet steward obligations
- Process to submit comments

Comments will be requested on the draft preliminary plan within 10 days of Workshop/Webcast # 2.

Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan Submission: Stewardship Ontario will consider all comments received from stakeholders and will amend its Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan as appropriate based upon comments received. Stewardship Ontario will submit the Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan to WDO for review, post the draft preliminary documents on its website and provide notice to all stakeholders regarding the posting. The WDO will also post the draft documents on its website.

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Comments to WDO: Once the Draft Preliminary Amended Phase 1 and Phase 2 MHSW Program Plan has been submitted to WDO, affected stakeholders and members of the public may submit comments directly to WDO if they believe that the plan does not adequately take into account comments submitted during the consultation process. WDO will consider any such comments when it is evaluating whether to request that Stewardship Ontario modify the program plan or to approve the plan and forward it to the Minister for review and approval.

Phase 3 MHSW Program Plan

Workshop/Webcast # 3 – Summary of Preliminary Data to Support Phase 3 MHSW Program Plan Development

- Outline of consultation process
- Summary of Phase 1 and Phase 2 MHSW Program Plan
- Phase 3 baseline data including existing Phase 3 MHSW services
- Definition of Phase 3 obligated materials
- Definition of Phase 3 obligated stewards
- Options to reduce, reuse, transport, process and recycle Phase 3 MHSW
- Collection options to provide program accessibility
- Issues related to the addition of Phase 3
- Incentives to achieve plan objectives and targets
- Q&A on all topics

Comments will be requested on the data to support Phase 3 MHSW Program Plan development. Comments received following Workshop/Webcast # 3 will be considered when preparing the draft preliminary Phase 3 MHSW Program Plan.

Posting of Draft Preliminary Phase 3 MHSW Program Plan: Following Workshop/Webcast # 3, Stewardship Ontario will post its Draft Preliminary Phase 3 MHSW Program Plan on its website. Within 15 days of publication of the proposed plan, Stewardship Ontario will hold Workshop # 4 (with access via webcast) to explain its Draft Preliminary Phase 3 MHSW Program Plan and for interested stakeholders and members of the public to provide comment.

Workshop/Webcast # 4 – Draft Preliminary Phase 3 MHSW Program Plan

- Proposed Phase 3 MHSW Program Plan
- Issues raised during consultation and how they were addressed
- Budget and setting stewards' fees
- How to prepare to meet steward obligations
- Process to submit comments

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Comments will be requested on the draft preliminary plan within 10 days of Workshop/Webcast # 4.

Draft Preliminary Phase 3 MHSW Program Plan Submission: Stewardship Ontario will consider all comments received from stakeholders and will amend its Draft Preliminary Phase 3 MHSW Program Plan as appropriate based upon comments received. Stewardship Ontario will submit the Draft Preliminary Phase 3 MHSW Program Plan to WDO for review, post the draft preliminary documents on its website and provide notice to all stakeholders regarding the posting. The WDO will also post the draft documents on its website.

Comments to WDO: Once the Draft Preliminary Phase 3 MHSW Program Plan has been submitted to WDO, affected stakeholders and members of the public may submit comments directly to WDO if they believe that the plan does not adequately take into account comments submitted during the consultation process. WDO will consider any such comments when it is evaluating whether to request that Stewardship Ontario modify the program plan or to approve the plan and forward it to the Minister for review and approval.

5.0 Consultation with Industry Stewards

In addition to the general elements listed above, the consultation process with industry stewards will contain the following elements:

Press Release to Industry and Retailers Associations: A media release will be distributed to industry and retailers associations' newsletters to inform their members of the consultation process and schedule.

Press Release to Ontario and National Business Media: A media release outlining the consultation process and schedule, with a special focus on workshops and webcasts, will be distributed to appropriate communications opportunities so that the workshops will be listed in "Coming Events" and the web-casts will be listed in "New Websites" columns.

6.0 Consultation with Affected Industries

Affected industries will be encouraged to participate in the consultation process outlined in Section 4. In the event that the workshops provide inadequate time to deal with sectoral issues arising from the affected industries, additional working groups will be formed to address any specific issues that cannot be covered through direct submissions.

7.0 Consultation with Municipalities

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In addition to the general elements listed above, the consultation process with municipalities will contain the following elements.

Websites: AMRC, MWIN and AMO will be requested to post information on their websites. Materials will include contacts for further information.

Notices to Municipalities: Municipalities will be notified directly that materials are available via the websites.

Municipalities will be encouraged to participate in the consultation process outlined in Section 4. In the event that the workshops provide inadequate time to deal with municipal issues, a Municipal MHSW Task Group, comprised of municipal representatives, nominated by the Association of Municipalities and the City of Toronto, and Stewardship Ontario representatives, facilitated by WDO, will be utilized to address the municipal issues.

8.0 Consultation with General Public

In addition to the general elements listed above, the consultation process with the general public will contain the following elements:

Background Information Paper: Members of the public will likely require background information in preparation for informed participation in the consultation process. The paper will contain information on the Waste Diversion Act, Waste Diversion Ontario, the Minister's letter requesting a diversion program for MHSW, a description of the consultation process and contact information. The information will be available in both print and electronic format. Print copies will be provided by WDO and Stewardship Ontario upon request. An electronic copy will be posted on the WDO and Stewardship Ontario websites.

Websites: The availability of the background information package and details regarding the development of the program plan will be posted on the WDO and Stewardship Ontario websites.

Press Release: A press release will be issued to notify the public of the availability of the background information package via the websites.

Guest Columns: Draft guest columns will be provided to Ontario community newspapers in order to reach the general public with information on the MHSW program and opportunities to participate in the consultation process.

Notices to Identified Community Interest Groups: Identified interest groups will be notified directly that materials are available via the websites. These groups include:

- Canadian Institute for Environmental Law and Policy

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- Canadian Taxpayers Federation
- Citizen's Network on Waste Management
- Clean Air Foundation
- Consumers' Association of Canada
- Eco-Justice
- Environmental Educators of Ontario
- Ontario Environment Network
- Pollution Probe
- Recycling Council of Ontario
- Sierra Club of Canada
- Sustainability Network
- Toronto Environmental Alliance
- Waste Diversion Toronto

Community interest groups will be encouraged to participate in the consultation process outlined in Section 4. In the event that the workshop provides inadequate time to deal with their issues, a meeting will be convened by WDO to address the issues.