

Consultation Plan to Support the Development of a Diversion Program for Municipal Hazardous or Special Waste

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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. To date, the Minister has requested diversion programs for Blue Box Wastes, Used Tires, Used Oil Material, Waste Electronic and Electrical Equipment (WEEE) and Municipal Hazardous or Special Waste (MHSW).

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 directs WDO to develop a diversion program. WDO is required by the Act to develop a waste diversion plan for the designated waste in co-operation with an Industry Funding Organization. Waste Diversion Ontario is further required by the Act to conduct public consultation on any matter referred to it by the Minister.

On December 11, 2006, the Minister filed a regulation under the WDA designating MHSW. On December 12, 2006, the WDO Board of Directors received a letter from the Minister of the Environment requesting a diversion program for MHSW. The Minister's letter outlined program requirements and requested a consultation plan.

2.0 Objectives and Scope

Waste Diversion Ontario will develop and implement a consultation process that will result in 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 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; small quantity industrial, commercial and institutional generators of MHSW; professionals working in related fields (e.g. environmental consultants; and the general public.

The Addendum to the Minister's Program Request Letter listed MHSW to be included in Phase 1 and Phase 2 and made reference to future phases of the program. Stewards of materials in Phase 1, Phase 2 and future phases and stakeholders interested in these materials will be encouraged to participate in the consultation process for the development of a diversion program for Phase 1

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materials. The Minister will, at a future date, notify WDO when the Phase 2 materials are to be included in the MHSW program.

The Phase 1 and Phase 2 materials identified in the Minister's Program Request Letter do not represent the full range of MHSW materials in Ontario Regulation 542/06. The Minister may direct WDO to include additional MHSW materials in future phases of an MHSW program.

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.

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;
- 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 the IFO (or implementing their own Industry Stewardship Plan as allowed under the Act and as approved by WDO). As outlined in Clause 5 a) of the Addendum to the Minister's Program Request Letter, these products shall be 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

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- 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

Affected Industries

Representatives of other industries that may be affected by the development and implementation of a diversion program for MHSW include:

- distributors of products that may result in MHSW
- retailers of products that may result in MHSW
- generators of small quantities of MHSW (as defined in Ontario Regulation 347)
- 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 Independent Grocers
- Ontario Waste Management Association
- Ontario Environmental Industries Association
- Retail Council of Canada

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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 MHSW program.

Municipalities or representatives of municipalities include:

Municipal associations including

- *Association of Municipalities of Ontario (AMO)*

City of Toronto¹

Association of Municipal Recycling Co-ordinators (AMRC)

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.

¹ City of Toronto is not a member of AMO.

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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 for participation 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.

IFO Website: It is anticipated that the existing Stewardship Ontario website will be modified to include a section dedicated to MHSW. The 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 are best 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 90 days.

Workshop/Webcast # 1 – Introduction to the MHSW Plan Development Process

- Waste Diversion Act
- Waste Diversion Ontario
- Regulation Designating MHSW
- Program Request Letter

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- Draft Consultation Plan
- Stewardship Ontario governance proposal
- Q&A on all topics
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Comments will be requested on the draft consultation plan and the governance proposal. Comments received following Workshop/Webcast # 1 will be considered when finalizing the consultation plan and during Stewardship Ontario deliberations on governance.

Workshop/Webcast # 2 – Baseline Data and MHSW Plan Options

- Baseline data including existing municipal services for MHSW
- Definition of obligated materials
- Definition of obligated stewards
- Addressing small quantity IC&I generators
- Managing MHSW containers
- Options to reduce, reuse, transport, process, recycle and dispose of MHSW
- Advantages, disadvantages and economic implications of options
- Defining program accessibility
- Issues related to phasing of MHSW program design and implementation
- Municipal/IFO interface and transition issues related to IFO assuming responsibility for transfer, processing, recycling and disposal of MHSW
- Incentives to achieve plan objectives and targets
- Plan budget
- Setting stewards' fees
- How to prepare to meet obligations
- Q&A on all topics

Comments will be requested on the baseline data and plan options. Comments received following Workshop/Webcast # 2 will be considered when preparing the draft preliminary program plan.

Posting of Draft Preliminary Program Plan: Following Workshop/Webcast # 2, Stewardship Ontario will post a draft preliminary MHSW diversion program plan on its website. Within 15 days of publication of the proposed plan, Stewardship Ontario will hold Workshop # 3 (with access via webcast) to explain its proposed program plan to stakeholders and for interested stakeholders and members of the public to provide comment.

Workshop/Webcast # 3 – Draft Preliminary Program Plan

- Draft diversion program plan for MHSW
- Issues raised during consultation and how they were addressed in the diversion program plan

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- Process to submit comments on the draft plan

Comments will be requested on the draft preliminary plan within 10 days of Workshop/Webcast # 3. Comments received will be considered when preparing the draft final program plan.

Plan Submission and Explanation of Results: Stewardship Ontario will consider all comments received from stakeholders and will amend its draft preliminary MHSW program plan as appropriate based upon the comments. The draft preliminary plan will include responses to significant comments received during the consultation process, regardless of whether the comments were incorporated into the draft preliminary program plan. Stewardship Ontario will submit the draft preliminary program plan to WDO for review, post the draft preliminary program plan on its website and provide notice to all stakeholders regarding the posting. The WDO will also post the draft preliminary program plan on its website.

Comments to WDO: Once the draft preliminary program plan has been submitted to WDO, affected stakeholders and members of the public may submit comments on the draft preliminary plan 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 final 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 Associations: A media release will be distributed to industry 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 webcasts 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 three workshops provide inadequate time to deal with sectoral issues arising from the affected industries, additional

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working groups will be formed to address any specific issues that cannot be covered through direct submissions.

7.0 Consultation with Municipalities

In addition to the general elements listed in Section 4, the consultation process with municipalities will contain the following elements.

Websites: AMO, AMRC, mwin and RCO will be requested to post information on their websites. Materials will include contact persons for further information.

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

Municipal issues raised during the workshops/webcasts will be addressed through discussions with representatives from affected municipalities and/or with representatives from the Association of Municipalities, City of Toronto (which is no longer a member of AMO), Rural Ontario Municipal Association and Federation of Northern Ontario Municipalities.

8.0 Consultation with General Public

In addition to the general elements listed in Section 4, the consultation process with the general public will contain the following elements:

Preparation of 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, the environmental benefits of designating 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 partnering websites.

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

Media Kit: A media information kit will be prepared for publishers, broadcasters and environmental columnists that outlines the benefits of an MHSW program.

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Guest Columns: Draft guest columns and open letters to the editors 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
- Citizen's Network on Waste Management
- Clean Air Foundation
- Consumers' Association of Canada
- Environmental Educators of Ontario
- Ontario Environment Network
- Pollution Probe
- Recycling Council of Ontario
- Sierra Club of Canada
- Sustainability Network
- Toronto Environmental Alliance

**Consultation Plan to Support the Development of a
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Summary of Consultation Workshop and Webcast Topics**

	Industry Stewards	Affected Industries	Municipalities	General Public	ENGOS
Workshop/ Webcast # 1 Topics	Waste Diversion Act Waste Diversion Ontario Regulation Designating MHSW Program Request Letter Key issues Frequently asked questions Consultation process Q&A on all topics				
Workshop/ Webcast # 2 Topics	Baseline data including existing municipal services for MHSW Definitions of obligated materials and stewards Addressing small quantity IC&I generators Managing MHSW containers Options to reduce, reuse, transport, process, recycle and dispose of MHSW Advantages, disadvantages and economic implications of options Defining program accessibility Issues related to phasing of MHSW program design and implementation Municipal/IFO interface issues related to IFO assuming responsibility for transfer, processing, recycling and disposal of MHSW Incentives to achieve plan objectives and targets Plan budget Setting stewards' fees How to prepare to meet obligations Q&A on all topics				
Workshop/ Webcast # 3 Topics	Draft diversion program plan for MHSW Issues raised during consultation and how they are addressed in the diversion program plan Process to submit comments on the draft plan				