

Consultation Plan to Support the Development of a Diversion Program for Waste Electronic and Electrical Equipment

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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 cause an Industry Funding Organization to be established and a waste diversion plan for the designated waste to be developed. 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 Electronic and Electrical 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 Scrap Tire Diversion Program Plan, submitted to the Minister in September 2005, was deferred. The MHSW Plan was submitted in May 2007 and is awaiting a decision by the Minister.

On December 14, 2004, the Minister filed a regulation under the WDA designating WEEE. On December 20, 2004, the WDO Board of Directors received a letter from the Minister of the Environment requesting a diversion program for Waste Electronic and Electrical Equipment. The Minister's letter outlined preliminary program requirements and requested a study of WEEE management in Ontario and a consultation plan. The Minister indicated that further program requirements will be provided following completion of the WEEE study.

The WEEE Study was submitted to the Minister in July 2005 and is available via WDO's website at www.wdo.ca.

On June 12, 2007, WDO received a Final Program Request Letter from the Minister, outlining WEEE diversion program plan requirements. The June 12 correspondence from the Minister replaces the December 20, 2004 correspondence.

The Final Program Request Letter requires that the Consultation Plan submitted to the Minister in 2005 be revised to reflect the requirements of the Final Program Request Letter including product phasing. This Consultation Plan has therefore

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been revised to reflect the Final Program Request Letter and lessons learned from implementation of previous consultation plans.

2.0 Objectives and Scope

Waste Diversion Ontario will develop and implement a consultation process that will result in thorough, informed consultation with those who may be affected by the development and implementation of a diversion program for WEEE.

A number of parties are considered to be stakeholders in this process, including the stewards and the industry associations that support their work. Additional interested sectors include affected industries; municipalities; environmental and community groups with a particular interest in waste management, energy and public health issues related to the life cycle of electronic and electrical equipment; and the general public.

The consultation will concentrate on the Phase 1 WEEE materials as outlined in the Minister's June 12, 2007 correspondence. The Final Program Request Letter indicated that a program for Phase 2 materials is to be developed within twelve months following approval of the Phase 1 program. The Final Program Request Letter outlined the materials in Phase 1 and Phase 2:

Phase 1	Phase 2
<ul style="list-style-type: none"> • Information Technology Equipment: <ul style="list-style-type: none"> – CD-ROM drive – Computer disk drive, keyboard, mouse, terminals – Microcomputer & minicomputer – Monitors (CRT, LCD, plasma) – Personal computers (desktop, laptop, notebook, notepad) – Printer • Telecommunications Equipment: <ul style="list-style-type: none"> – Fax machine • Audio-Visual Equipment: <ul style="list-style-type: none"> – Televisions (CRT, LCD, plasma, rear projection) 	<ul style="list-style-type: none"> • Information Technology Equipment: <ul style="list-style-type: none"> – Copier & PDA – Handheld personal computer – Computer flatbed scanner – Typewriter • Telecommunications Equipment: <ul style="list-style-type: none"> – Modem & pager – Telephone (cellular, cordless, wire line) – Telephone answering machine • Audio-Visual Equipment: <ul style="list-style-type: none"> – Amplifier, equalizer, preamplifier, radio, receiver, speaker, turntable – Audio player & recorder (tape, disk, digital) – Camera (film, tape, disk, digital) – Video player, projector, recorder (tape, disk, digital)

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The regulation designating WEEE under the WDA also included additional WEEE categories - Toys, Leisure and Sports Equipment, Electrical and Electronic Tools and Navigational, Measuring, Medical and Control Instruments. It is anticipated that the Minister will request that these materials be included in the diversion program at a future date.

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 materials.

As requested by the Minister, WDO will cause an Industry Funding Organization (IFO) to be established. When incorporated, the IFO will be responsible for implementing the consultation plan and managing the development and implementation of the WEEE diversion plan, in co-operation with WDO.

The Consultation Plan, developed in 2005 to support WEEE program plan development, was prepared by WDO in consultation with WDO's WEEE Working Group, with representation from the four priority WEEE categories, consumers, municipalities, environmental non-government organizations and retailers. A WEEE Recyclers Task Group was also established to provide opportunity for input. The plan was subsequently revised following receipt of the Minister's Final Program Request Letter.

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 WEEE plan development by the WEEE IFO Board;
- Periodic review of information arising from the consultation process and related to WEEE plan development by the WDO Executive Director and WDO Board; and
- Periodic meetings among WDO staff, WEEE IFO 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, assemblers in the case of non-branded equipment and first importers of electronic and electrical

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equipment for sale in Ontario who will be registering with the IFO (or implementing their own Industry Stewardship Plan as allowed under the Act).

Industry and Trade Associations

Industry and trade associations may assist in the identification and notification of individual company representatives (their members) to encourage participation in the consultation process. These associations include but are not limited to:

- Canadian Council of Grocery Distributors (CCGD)
- Electro Federation Canada (EFC)
- Electronics Product Stewardship Canada (EPSC)
- Information Technology Association of Canada (ITAC)
- Retail Council of Canada (RCC)

Affected Industries

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

- distributors of electronic and electrical equipment
- retailers of electronic and electrical equipment
- companies providing repair services for electronic and electrical equipment
- private companies providing collection of WEEE
- transporters of WEEE
- charitable and non-profit organizations that receive WEEE
- refurbishers and resellers of WEEE
- processors and recyclers of WEEE
- end markets for processed WEEE
- professionals working in related fields

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

- Canadian Association of Recycling Industries
- Ontario Waste Management Association
- Ontario Environmental Industries Association

Municipalities

Some municipalities currently provide WEEE collection services 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 the municipalities in the delivery of a WEEE program.

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Municipalities or representatives of municipalities include:

Municipal associations including

- *Association of Municipalities of Ontario (AMO)*
- *Rural Ontario Municipal Association (ROMA)*
- *Federation of Northern Ontario Municipalities (FNOM)*

*City of Toronto*¹

Association of Municipal Recycling Co-ordinators

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

Municipal Integrated Waste 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 electronic and electrical equipment, either individually or through their place of business, and have a direct interest in the development of a diversion program for these products.

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

It is important to involve the engaged members of society in the process of designing a plan for effective management of WEEE. 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 electronic and electrical equipment, energy and environmental policy.

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

¹ City of Toronto is not a member of AMO.

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The consultation process will recognize the particular challenges of reaching members of the public who reside in northern and remote communities by providing opportunity for participation in workshops by 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 a website will be launched by the WEEE IFO. The IFO 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.

List of Identified Stakeholders: An inventory of identified stakeholders will be created 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 Document: A report of consultation workshops will be prepared and posted on the WDO and IFO websites. The document will summarize comments by subject and include responses to each subject raised. The document will be updated after each workshop and will be submitted with the Draft Preliminary and Draft Final Plans to the WDO.

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.

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

- Waste Diversion Act
- Waste Diversion Ontario
- Regulation Designating WEEE
- Final Program Request Letter
- Revisions to Consultation Plan
- Q&A on all topics

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

- Baseline data including existing municipal services for WEEE
- Definition of obligated materials
- Definition of obligated stewards
- Options to reduce, reuse, transport, process, recycle and dispose of WEEE
- Advantages, disadvantages and economic implications of options
- Defining program accessibility
- Issues related to phasing of WEEE program design and implementation
- Municipal/IFO interface and transition issues related to IFO assuming responsibility for management of WEEE
- Incentives to achieve plan objectives and targets
- 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, the WEEE IFO will post a draft preliminary WEEE diversion program plan on its website. Within 15 days of publication of the proposed plan, the WEEE IFO 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 WEEE
- Issues raised during consultation and how they were addressed in the diversion program plan
- Process to submit comments on the draft preliminary plan
- Plan budget
- Setting stewards' fees
- How to prepare to meet obligations

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: The IFO will consider all comments received from stakeholders and will amend its draft preliminary WEEE program plan as appropriate based upon such comments. The IFO will submit the draft preliminary program plan to WDO for review, post the draft preliminary program

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plan on its website and provide notice to all stakeholders regarding the posting. The WDO will also post the draft preliminary diversion 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 the IFO 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 three 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

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 contact persons for further information.

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

Municipal issues identified during program plan development and raised at the workshops/webcasts will be addressed through discussions with the Municipal WEEE Task Group, comprised of representatives nominated by the Association of Municipalities and the City of Toronto.

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 WEEE, 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 the IFO upon request. An electronic copy will be posted on the WDO and IFO 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 IFO 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 WEEE 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

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- Recycling Council of Ontario
- Sierra Club of Canada
- Sustainability Network
- Toronto Environmental Alliance