

Consultation Plan to Support Development of a Used Tires 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), Waste Electrical and Electronic Equipment (WEEE) and Used Tires. 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 Phase 1 MHSW Program was approved by the Minister on February 19, 2008 and commenced on July 1, 2008. The Phase 1 WEEE Program was approved by the Minister on July 9, 2008 and will commence on April 1, 2009. The Minister has also requested that WDO develop a Phase 2 MHSW Program and a Phase WEEE Program.

Used Tires were designated by Ontario Regulation 84/03 under the WDA. The Scrap Tire Diversion Program Plan, submitted to the Minister in September 2005, was deferred. On August 14, 2008, the WDO Board of Directors received a letter from the Minister of the Environment requesting a diversion program for Used Tires.

The Program Request Letter required that Waste Diversion Ontario either develop the program in co-operation with an existing Industry Funding Organization (IFO) or incorporate an IFO as described in section 24 of the WDA.

Under a Memorandum of Agreement dated September 17, 2008 WDO has agreed that Ontario Tire Stewardship (OTS) will act as the IFO for Used Tires. OTS will be responsible for implementing this consultation plan and managing the development of the Used Tires Program Plan in co-operation with WDO.

This Consultation Plan addresses the requirement under the WDA to consult on the development of program plans.

2.0 Objectives and Scope

Waste Diversion Ontario, in co-operation with Ontario Tire Stewardship, 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 Used Tires.

The Program Request Letter stipulated that all motor vehicle tires including 'off the road' (OTR) tires, industry and farm vehicle tires that are supplied into the Ontario market be included in the Program.

A number of parties are considered to be stakeholders in this process, including the brand owners and first importers of tires 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 and public health issues related to the life cycle of tires; industrial, commercial and institutional generators of tires to be managed under the Program; professionals working in related fields (e.g. environmental consultants); and the general public.

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 Used Tire plan development by the Ontario Tire Stewardship Board of Directors;
- Periodic review of information arising from the consultation process and related to Used Tires plan development by the WDO Executive Director and WDO Board; and
- Periodic meetings among WDO staff, Ontario Tire Stewardship 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 tires supplied into Ontario who will be registering with Ontario Tire Stewardship (or implementing their own Industry Stewardship Plan as allowed under the Act and as approved by WDO).

Industry and Trade Associations

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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
- Association of International Automobile Manufacturers of Canada
- Canadian Bus Association
- Canadian Vehicle Manufacturers Association
- Japanese Automobile Manufacturers Association of Canada
- Motorcycle and Moped Association
- Ontario Automobile Dealers Association
- Ontario Cycling Association
- Ontario Recreational Vehicle Dealers Association
- Ontario Tire Dealers Association
- Ontario Trucking Association
- Retail Council of Canada
- Rubber Association of Canada

Affected Industries

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

- distributors of tires
- retailers of tires
- large industrial and commercial users of tires
- companies providing collection of used tires
- transporters of used tires
- processors of used tires
- end markets for processed used tires
- 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
- Canadian Federation of Agriculture, Ontario Federation of Agriculture and other organizations representing the farming community
- Canadian Federation of Independent Businesses
- Ontario Tire Collectors Association
- Ontario Tire Dealers Association
- Ontario Trucking Association
- Ontario Waste Management Association
- Ontario Environmental Industries Association
- Retail Council of Canada

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Municipalities

Some municipalities accept used tires at depots, transfer stations or disposal facilities 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 a diversion program for Used Tires.

Municipalities or representatives of municipalities include:

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 waste 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 tires 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 management of Used Tires 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 Used Tires.

It is important to involve the engaged members of the public in the process of designing a plan for effective management of Used Tires. 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 used tires 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 Used Tires 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.

Ontario Tire Stewardship Website: The Ontario Tire Stewardship 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 Document: Stakeholder consultations will be anchored in a consultation document that is regularly updated during the consultation process to reflect comments received, responses to comments and how the comments have been reflected in the Used Tires Program Plan. The consultation paper will be available on the websites.

Consultation Workshop/Webcast: A Draft Preliminary Used Tires Program Plan will be presented to stakeholders at a workshop that will be simultaneously webcast. Questions and comments will be solicited from meeting and webcast participants during the event and a comment period following the workshop. Information presented at the workshop and questions asked by participants will be available via an archived webcast for 180 days.

Ontario Tire Stewardship Ontario will post the Draft Preliminary Used Tires Program Plan on its website a minimum of 7 business days prior to the date of the workshop. Waste Diversion Ontario will also post the Draft Preliminary Used Tires Program Plan on its website.

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The workshop will provide information on:

- Proposed Used Tires Program Plan including
 - Definition of Used Tires for the purposes of plan development
 - Definition of Used Tires obligated stewards for purposes of levying fees
 - Accessibility and diversion targets
 - Budget and stewards' fees
- How to prepare to meet steward obligations under the plan
- How to prepare to provide services under the plan
- Q&A on all topics
- Process to submit comments

Comments will be requested on the Draft Preliminary Used Tires Program Plan within 10 days of the workshop/webcast. Comments received will be considered as Ontario Tire Stewardship revises the Draft Preliminary Used Tires Program Plan in preparation for submission to the WDO Board.

Draft Preliminary Used Tires Program Plan Submission: Ontario Tire Stewardship will consider all comments received from stakeholders and will amend its Draft Preliminary Used Tires Program Plan as appropriate based upon comments received. Ontario Tire Stewardship will submit the revised Draft Preliminary Used Tires Program Plan and the Consultation Document to WDO for review, post the documents on its website and provide notice to all stakeholders regarding the posting. The WDO will also post the documents on its website.

Comments to WDO: Once the Draft Preliminary Used Tires 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 Ontario Tire Stewardship 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.

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Press Release to Ontario and National Business Media: A media release outlining the consultation process and schedule, with a special focus on the workshop/webcast, will be distributed to appropriate communications opportunities so that the workshops will be listed in Coming Events and the webcast 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 workshop provides inadequate time to deal with sectoral issues arising from the affected industries, 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 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 workshop provides inadequate time to deal with municipal issues, a Municipal Industry Program Committee for Used Tires, comprised of municipal representatives, nominated by the Association of Municipalities and the City of Toronto, and Ontario Tire Stewardship 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 Used Tires, a description of the consultation process and contact information. The information will be available in both print and electronic format. Print copies

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will be provided by WDO and Ontario Tire Stewardship upon request. An electronic copy will be posted on the WDO and Ontario Tire Stewardship 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 Ontario Tire Stewardship 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 Used Tires 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 Automobile Association
- Canadian Institute for Environmental Law and Policy
- 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.