

**2. STRATEGY FOR THE PROVINCIAL HAZARDOUS AND SPECIAL
PRODUCTS PROGRAM TRANSITION TO INDIVIDUAL PRODUCER
RESPONSIBILITY**

**STRATÉGIE POUR LA TRANSITION DU PROGRAMME PROVINCIAL DE
PRODUITS DANGEREUX ET SPÉCIAUX VERS UN MODÈLE DE
RESPONSABILITÉ INDIVIDUELLE DES PRODUCTEURS**

COMMITTEE RECOMMENDATION

That Council receive this report for information.

RECOMMANDATION DU COMITÉ

Que le Conseil de prenne connaissance de ce rapport.

DOCUMENTATION

1. Acting Director's Report, Solid Waste Services, Public Works and Environmental Services, dated 4 November 2021 (ACS2021-PWE-SWS-0008).

Rapport de la directrice par intérim, Services de déchets solides, Direction générale des travaux publics et de l'environnement, daté le 4 novembre 2021 (ACS2021-PWE-SWS-0008).

**STANDING COMMITTEE ON
ENVIRONMENTAL PROTECTION,
WATER AND WASTE MANAGEMENT**

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**COMITÉ PERMANENT DE LA
PROTECTION DE
L'ENVIRONNEMENT, DE L'EAU ET
DE LA GESTION DES DÉCHETS
RAPPORT 20
LE 24 NOVEMBRE 2021**

**REPORT 20
24 NOVEMBER 2021**

**Subject: Strategy for the Provincial Hazardous and Special Products Program
Transition to Individual Producer Responsibility**

File Number: ACS2021-PWE-SWS-0008

**Report to Standing Committee on Environmental Protection, Water and Waste
Management on 16 November 2021**

and Council 24 November 2021

**Submitted on November 4, 2021 by Shelley McDonald, Acting Director, Solid
Waste Services, Public Works and Environmental Services**

**Contact Person: Andrea Gay-Farley, Program Manager, Program Planning, Public
Works and Environmental Services**

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Ward: Citywide

**Objet : Stratégie pour la transition du programme provincial de produits
dangereux et spéciaux vers un modèle de responsabilité individuelle
des producteurs**

Dossier : ACS2021-PWE-SWS-0008

**Rapport au Comité permanent de la protection de l'environnement, de l'eau et de
la gestion des déchets**

le 16 novembre 2021

et au Conseil le 24 novembre 2021

**Soumis le 4 novembre 2021 par Shelley McDonald, directrice par intérim, Services
de déchets solides, Direction générale des travaux publics et de l'environnement**

**Personne ressource : Andrea Gay-Farley, Gestionnaire de programme,
Planification de programmes, Direction générale des travaux publics et de
l'environnement**

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the Standing Committee on Environmental Protection, Water and Waste Management recommend Council receive this report for information.

RECOMMANDATION(S) DU RAPPORT

Que le Comité permanent de la protection de l'environnement, de l'eau et de la gestion des déchets recommande au Conseil de prendre connaissance de ce rapport.

BACKGROUND

In June 2016, the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016* were enacted as part of an overall strategy put in place by the Provincial Government to ensure that all waste that can be used as a resource is diverted from landfills and harnessed for beneficial use. As a result of these enactments, all municipalities across the province of Ontario are moving away from the traditional waste management model and towards a circular economy model, where formerly discarded materials will be reused or recycled into new products and reintegrated into the market.

The Acts outline a clear objective to make the producers of products and packaging environmentally accountable and financially responsible for recovering resources and reducing waste associated with their products and packaging after consumers have finished using them – with many of these materials currently collected through municipal programs. As Council is aware, this concept is referred to as Individual Producer Responsibility (IPR). A total of five recycling programs are transitioning across the Province to IPR; used tires, batteries, and waste electrical and electronic equipment transitioned between January 2019 and January 2021, with the final two programs, Hazardous and Special Products, and the Blue Box Program, still to be fully transitioned.

On June 8, 2021, the Ministry of the Environment, Conservation and Parks (MECP) released the final regulation for the transition of the *Hazardous and Special Products regulation, 2021* ([Ontario Regulation 449/21](#)) to Individual Producer Responsibility. On August 31, 2021, City staff distributed a report ([ACS2021-PWE-SWS-0004](#)) to Council providing an update on the final Hazardous and Special Products (HSP) regulation, its potential impacts to the City of Ottawa's existing household hazardous waste collection program, and progress being made on the City's transition to IPR from October 1, 2021 to December 31, 2022.

DISCUSSION

The purpose of this report is to provide members of Council with a progress update on the Provincial Hazardous and Special Products (HSP) Program, including clarification on regulatory requirements, the status of initiatives undertaken to enable a successful transition, and an understanding of next steps.

As noted in the August 31, 2021 report to Council, the final regulation is not comprehensive enough to cover the variety of household hazardous waste materials that are currently accepted at the City's hazardous waste collection events and Council will have to make key decisions in the future on how to manage and fund the collection of the un-designated, yet still environmentally harmful products that are not included as part of the provincial regulation. Additionally, there continues to be uncertainty in the roll-out of the Hazardous and Special Products (HSP) regulation across the province including how producers will choose to meet their requirements and how this will impact residents.

The Provincial HSP Program has the shortest timeline of all the programs transitioning to Individual Producer Responsibility (IPR), with the transition beginning less than four months following the release of the final regulation. Though the transition began on October 1, 2021, many questions remain on how producers of HSP will organize themselves to meet the requirements of the regulation, and how service providers, processors and municipalities will be able to accommodate the changes to ensure household hazardous waste continues to be managed responsibly for residents. Progress on key considerations and deliverables for the successful transition to the HSP Program for the City of Ottawa are described below.

Request for Information

To assist in evaluating options for the collection of HSP under the new regulation, City staff ran a Request for Information (RFI) in August 2021 in order to evaluate possible scenarios and cost options for the collection of household hazardous waste from Ottawa residents under the new Provincial HSP Program. Unfortunately, no vendor responses were received through this process, giving strong indication that there remains continued uncertainty in the market on how to collect HSP under the regulation. As a result, staff have developed a strategy for the transition period which runs from October 1, 2021 to December 31, 2022 in order to provide residents service for the disposal of HSP that they have come to rely on from the City. It is expected that over the next several months, producers will begin preparations to comply with the regulation and at that point, staff will be able to more fully assess the implications of the provincial requirement for producers to be responsible for the collection and disposal of HSP and make informed recommendations to Council for the path forward for HSP collection in the City under the fully transitioned program starting on January 1, 2023.

Transition strategy

As Council is aware, not all household hazardous waste products will be managed or funded under the final Provincial HSP regulation. A product that is designated under the HSP regulation must be managed by producers; however undesignated products that remain in circulation and used by residents, under this Provincial HSP Program, become the responsibility of the City to decide whether to collect and dispose of to help ensure diversion from the City's Trail Waste Facility Landfill, or from having them end up in waterways and natural areas. The following table outlines the collection event requirements of designated hazardous materials under the HSP regulation and funding status:

Materials	Transition Period Requirements (October 1, 2021 – December 31, 2022)	Post Transition Requirements (as of January 1, 2023)
Automotive Materials (oil filters, oil containers and antifreeze) <i>-Partially funded</i>	Make best efforts to hold the same number of events in each community as in 2020	Different collection requirements for small and large producers
Solvents, paints and coatings <i>-Partially funded</i>	Make best efforts to hold the same number of events in each community as in 2020	Different collection requirements for small and large producers
Fertilizers <i>-No longer funded</i>	No collection requirements. Producers must educate residents about how to share or use excess materials.	
Pesticides <i>-Partially funded</i>	Make best efforts to hold the same number of events in each community as in 2020	Different collection requirements for small and large producers
Non-refillable pressurized containers <i>-Partially funded</i>	Make best efforts to hold the same number of events in each community as in 2020	Different collection requirements for small and large producers
Refillable pressurized containers <i>-Partially funded</i>	Make best efforts to hold the same number of events in each community as in 2020	Different collection requirements for small and large producers
Refillable propane containers	Call-in service for producer to collect from municipalities within 3 months of notification	

Materials	Transition Period Requirements (October 1, 2021 – December 31, 2022)	Post Transition Requirements (as of January 1, 2023)
-Not funded		
Mercury-containing devices (barometers, thermometers and thermostats) -Not funded	Call-in service for producer to collect from municipalities within 3 months of notification	

In addition to the above designated materials collected at the City of Ottawa hazardous waste collection events, residents have relied on these collection events to recycle or dispose of additional hazardous waste products with no funding options, such as:

- organic acids and bases;
- oxidizers;
- bulk fuel and oil;
- pathological wastes;
- pharmaceuticals; and,
- fire extinguishers.

Should Council wish to continue collecting undesignated items, it is likely the City will need to continue absorbing the cost to dispose or recycle, as well as hosting hazardous waste collection events or find alternative solution(s) for the collection of hazardous items, given the presence of undesignated materials currently in circulation.

Continuation of Household Hazardous Waste Events

Given the uncertainty in the private sector on how to manage HSP under the new Provincial program, staff have developed an interim strategy for the transition period

that will maintain status quo for residents with continued temporary collection events for household hazardous waste. This will allow staff to evaluate how producers meet their responsibilities under the regulation and make informed recommendations to Council on the future of HSP collection for the City of Ottawa under the Provincial program.

The City hosts Household Hazardous Waste (HHW) events to ensure hazardous waste is safely collected, appropriately disposed of, and transported in compliance with applicable federal and provincial legislation respecting the handling, transport, and disposal of hazardous waste. Trained and certified waste management professionals plan, manage and execute these events to ensure compliance with all existing legislation. HHW events are only permitted to accept hazardous waste from single households. If hazardous waste is collected from multiple households, the collector is considered a transporter of hazardous waste. As a transporter, the collector is required by federal law to have taken Transportation of Dangerous Goods (TDG) training.

Drain-All Ltd. has been contracted to collect, sort, pack and ship all materials collected at the City of Ottawa's HHW events. These events, and the management of the materials collected, must comply with all associated federal and provincial regulations, including all Occupational Health and Safety and WSIB requirements. The City's contractor must also carry all required Environmental, Motor Vehicle, and General Liability insurance, and assumes liability in the management of these materials. To perform the services required, the contractor must have:

- Staff trained and certified in the proper chemical sorting and handling, manifesting, and transportation of the materials, and HAZMAT response;
- A transportation fleet with an Environmental Compliance Approval (ECA) to move these types of materials;
- A mobile ECA to operate a temporary collection site;
- Traffic control signage and cones; and
- Equipment including, but not limited to:
 - UN approved shipping containers;

- Sorting stations;
- Bulking stations;
- First aid area with eyewash and shower station;
- Minimum six (6) transport trailers; and
- A vacuum truck.

The current contract for the collection of municipal household hazardous waste with Drain-All Ltd. will expire on December 31, 2021. Based on the requirements necessary for the mobilization of the collection events organized for residents, Ottawa has no other vendor options capable of providing this service that have the required resources and Environmental Compliance Approvals. Based on this, staff will collaborate with the City's Procurement team to reach a one-year sole-source agreement with Drain-All Ltd. to provide services for 2022, as per the provision within the Non-Competitive Purchases described in the Procurement By-law No. 50 of 2000 under subsection 22(1)(d).

Throughout 2022, staff will engage with potential service providers to determine collection opportunities for household hazardous waste materials for the post-transition period beginning January 1, 2023 based on how the PROs will meet collection requirements under the new regulation. This will also include informing longer term policy directions and program opportunities being considered as part of the City's new Solid Waste Master Plan and continued consultation with external stakeholders such as the Association of Municipalities of Ontario (AMO), the Municipal Resource Recovery and Research Collaborative (M3RC) and other municipalities in order to fully understand the impacts the HSP Program will have on the City of Ottawa's household hazardous waste collection policies and programs. Further consultation will be undertaken with producers or their delegated Producer Responsibility Organizations (PROs) to understand how they will organize themselves to meet collection requirements under the HSP regulation, which focuses on collection points, such as events or depot locations, and not on collection volumes which will shift how residents dispose of certain materials. It is important to note that there is no requirement from the province for HSP producers to meet collection targets under the final regulations; and it

is staff's belief that this creates less incentive to ensure hazardous products are collected from Ottawa residents and ultimately diverted from the Trail Waste Facility Landfill. The proposed strategy for 2023 and onwards will need to include measures for monitoring collection and diversion rates for residential household hazardous waste and a report mechanism to RPRA who is the Authority for the regulation's requirements and enforcement.

Further complications that will need to be considered in the development of the future 2023 collection strategy for household hazardous waste are the political uncertainties that lie in the outcome of the upcoming 2022 elections, both at the provincial and municipal level. Any future recommended strategy developed by staff will need to consider risks that could occur if there are changes in provincial mandates and help to inform newly elected members of Council who may not be familiar with the needs of Ottawa residents and how they fit into the requirements of the applicable HSP regulation, as well as possible financial implications to maintain a certain level of service. The strategy for 2022 will remain similar to recent years with the City of Ottawa hosting temporary hazardous waste collection events throughout the year. The 2022 hazardous waste collection budget of \$1.4 million will partly fund events, with commitments from PROs for funding of designated materials, similar to that received under the previous Municipal Hazardous and Special Waste (MHSW) program. Though there is some risk that this strategy could result in additional collection costs above the initially proposed budget given revised funding eligibility under the new regulation, the potential additional costs incurred for 2022 collection events will allow staff time to consult with external stakeholders to develop a more informed strategy to proceed with HSP collection for 2023. This strategy will allow the City and service providers to gain a better understanding of the impacts resulting from the Provincial regulation; and provide producers and their delegated PROs additional time to determine how they will collect eligible HSP.

Funding Agreements with PROs

Under the previous regulation, the City received funding for certain items collected during Ottawa-hosted hazardous waste collection events from Stewardship Ontario (for refillable and non-refillable propane containers), as well as from Automotive Materials Services (AMS) for automotive hazardous wastes (i.e., antifreeze, oil containers and oil

filters), and from Product Care Recycling for other hazardous wastes (i.e., paints, pesticides, solvents, and fertilizers). All previously funding agreements expired on September 30, 2021, when the previous Municipal Hazardous and Special Waste (MHSW) Program was replaced with the new HSP Program effective October 1, 2021.

In order to ensure continuity of the City's final collection event of 2021 on October 24, 2021, as well as events hosted by the City in 2022, agreements between the City and PROs were required. Given the short period of time to sign into an agreement, staff negotiated agreements with PROs that had previously provided funding under the former MHSW Program: AMS and Product Care Recycling.

Both agreements will automatically renew after December 31, 2022, though both contracts provide for early termination upon a 90-day written notice should the City decide to enter into negotiations with other PROs. These agreements allow for continued funding for the collection event on October 24, 2021 and any future events held in 2022 and will assist the City in providing the same level of service that residents had in 2021.

This continuation of existing collection events and the new agreements will allow staff to review future collection options and ensure that household hazardous wastes continue to be diverted from the city-owned Trail Waste Facility Landfill.

NEXT STEPS

Staff will continue to review the implications of the final Provincial Hazardous and Special Products Program and will develop, for Council's consideration, potential scenarios for the management of household hazardous waste materials for Ottawa residents. A one-year, sole-source agreement will be negotiated with the City's existing service provider (Drain-All Ltd.) for collection events in 2022, allowing for collection events to continue during the transition period. Staff will work with the service provider and partners in an effort to schedule nine, single day, City-wide events at sites which meet operational and safety requirements.

Once PROs determine how they will meet their producer obligations for the collection of HSP and staff have consulted with service providers, a final, more informed strategy will be presented to Council for consideration in late 2022. The strategy will be developed

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while keeping in mind potential risks from changes in mandate at the provincial level following the June 2022 election, as well as working with members of Council to ensure an understanding of the regulation and its impacts, following the municipal election in October 2022.

Having a clear understanding of how HSP will be managed across the city under the province's producer responsibility model will also play an important role in informing longer term policy directions and program opportunities being considered as part of the City's new Solid Waste Master Plan, including what the City's future role may be in managing HSP under the Provincial HSP Program.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Funding of \$1.4 million exists in the Draft 2022 Solid Waste Services Operating Budget for the Hazardous & Special Products Program.

LEGAL IMPLICATIONS

There are no legal impediments to Committee and Council's receipt of this report for information.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

ADVISORY COMMITTEE(S) COMMENTS

There are no advisory committee comments for this report.

ACCESSIBILITY IMPACTS

Staff will ensure all applicable accessibility standards are adhered to during the execution of the initiatives and activities identified in this report.

RISK MANAGEMENT IMPLICATIONS

The risks have been identified and explained in the report and are being managed by the appropriate staff.

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RURAL IMPLICATIONS

There are no rural implications with this report.

TERM OF COUNCIL PRIORITIES

This report aligns with the Term of Council priority: Environmental Stewardship, and the outcome: The City is a leader in energy management and in conserving, recycling and reusing resources.

DISPOSITION

Upon Council's receipt of this report, staff will continue working with internal and external stakeholders to adapt to the ongoing Provincial transition of the Hazardous and Special Products program to Individual Producer Responsibility.