

3. Discharging Your Obligations under the Waste Diversion Act

Brand owners and first importers of Blue Box wastes can discharge their legal obligations under the WDA either through membership in an Industry Funding Organization (IFO) designated by the WDO or by seeking approval from the WDO to implement an Industry Stewardship Plan (ISP).

3.1 Membership in Stewardship Ontario

Stewardship Ontario has been designated as the IFO for Blue Box wastes by the WDO. Companies that are designated as Stewards for Blue Box wastes can discharge their legal obligations under the WDA through membership in Stewardship Ontario. The requirements for membership in Stewardship Ontario are outlined in Section 9 of this document.

Stewardship Ontario must submit a Blue Box Program Plan for approval to the WDO and enter into a Program Agreement with the WDO for implementation of the proposed plan.

The WDO must then submit for approval, their approved Blue Box Program Plan to the Minister of Environment. Upon approval of the plan the Minister will implement a regulation that will empower Stewardship Ontario to implement the program as outlined in the plan.

Stewards that are members in good standing of Stewardship Ontario will be deemed to be in compliance with the WDA.

3.2 WDO Approved Industry Stewardship Plan

Upon approval of the Blue Box Program Plan and implementation of the regulation empowering Stewardship Ontario to implement the plan, all designated Stewards are required to either:

- Become members of Stewardship Ontario; or
- Submit an Industry Stewardship Plan (ISP) to the WDO for approval to implement a program to recover Blue Box wastes that they have introduced into the Ontario market as outlined in Section 34 of the WDA.

As noted in the Program Agreement (Section 10), it is expected that the WDO will require that proponents of an ISP meet, in large measure, the requirements set out in the WDA for the development and approval of a waste diversion program plan, and also the requirements set out in the Minister's Program Request Letter. These requirements are set out in more detail in a policy statement for the development and submission of an ISP that will be developed by the WDO. Furthermore, proponents of an ISP may also be required to comply with the requirements set out in Schedules C and D of the Operating Agreement being developed between the WDO and the Minister. If the WDO refuses to approve the plan, an applicant may submit for approval a plan directly to the Minister.

Upon approval of the Stewardship Ontario Blue Box Program Plan by the Minister, all designated Stewards will be required to pay fees to Stewardship Ontario as outlined in Section 9. If designated Blue Box wastes are subsequently included within a separate, approved ISP, these materials would be exempted from paying fees to Stewardship Ontario.

If the projected goals and objectives of the approved ISP plan are subsequently not met to the satisfaction of the WDO, or if the members of the ISP are subsequently deemed to have failed to comply with the WDA, they will be obligated to become members of Stewardship Ontario and will be accepted as members upon payment of fees, penalties and interest as outlined in Section 9.

As per Section 26 (2)(8) of the WDA, Stewardship Ontario is not aware of any expressions of interest in submitting plans for Blue Box wastes for approval under Section 34.