



**Final Consolidated Municipal Hazardous
or Special Waste (MHSW) Program Plan**

Report on Consultation

July 30, 2009

Table of Contents

1.0	Introduction and Background	1
1.1	Background to the Consolidated MHSW Program Plan Development	1
2.0	Objective and Scope of the Consultation Process.....	2
2.1	Objective.....	2
2.2	Scope.....	2
3.0	Key Participants in Consultation	3
3.1	Industry Stewards	3
3.2	Affected Industries.....	4
3.3	Municipalities	4
3.4	General Public	4
4.0	General Elements of Consultation	5
4.1	WDO Website	5
4.2	IFO Website.....	5
4.3	Database of Identified Stakeholders.....	5
4.4	Electronic Notice to Identified Stakeholders.....	5
4.5	Steering Committee	5
4.6	Material-Specific Consultation	6
4.7	Public Consultation Meetings	9
4.8	Online Survey Tool	10
4.9	Ministry of the Environment	10
5.0	Consultations with Stakeholder Groups.....	11
5.1	Consultation with Industry Stewards	11
5.2	Consultation with Affected Industries	12
5.3	Consultation with Municipalities.....	12
5.4	Consultation with General Public.....	12
6.0	Plan Submission and Explanation of Results	13
6.1	Comments to WDO.....	13
7.0	Consultation Milestones and Timeline	13
8.0	Web Links For More Information.....	14
9.0	Consultation Meeting #1	15
9.1	Attendance.....	15
10.0	Consultation Meeting #2	17
10.1	Attendance.....	17
10.2	Comments Received	20
11.0	Consultation Meeting #3	21
11.1	Attendance.....	21
11.2	Comments Received	23
A.	Appendix 1 – Comments on Overall Plan	A-i
B.	Appendix 2 – Material Specific Comments	B-i
C.	Appendix 3 – Comments on Overall Program Plan (Received by WDO).....	C-i
D.	Appendix 4 – Material Specific Comments (Received by WDO).....	D-i

1.0 Introduction and Background

This Report on Consultation on the Development of a Consolidated Municipal Hazardous or Special Waste (MHSW) Program Plan (“Consultation Report”) describes the consultation activities undertaken by Stewardship Ontario (SO) during the development of the Consolidated Municipal Hazardous or Special Waste (MHSW) Program Plan (“Consolidated MHSW Plan”) and is intended as a companion piece to the two-volume Final Consolidated MHSW Program Plan (“Final Consolidated Plan”).

This document includes a description of the consultation process, the participants, all comments received and how these comments were addressed in the development of the Consolidated MHSW Plan. Following the format of the Final Consolidated Plan, the comments will be divided into those dealing primarily with overall program issues (i.e. Volume 1 of the Consolidated MHSW Plan) and those dealing primarily with material-specific issues (i.e. Volume 2 of the Consolidated MHSW Plan). They are included in the two sections appended to this Consultation Report.

1.1 Background to the Consolidated MHSW Program Plan Development

On June 27, 2002, the Province of Ontario passed the *Waste Diversion Act* (WDA), with the aim of promoting the reduction, reuse and recycling of waste generated in Ontario. Simultaneously, the *Act* established a non-crown corporation under the name of Waste Diversion Ontario (WDO), for the purpose of managing waste diversion programs in conjunction with industry funded organizations. To date, waste diversion programs have been requested for Blue Box Waste, Municipal Hazardous or Special Waste (MHSW), Used Tires, Used Oil Material, and Waste Electrical and Electronic Equipment (WEEE). All of these programs are coordinated under the auspices of WDO.

As stipulated by O. Reg. 273/02, amended by O. Reg. 255/06, Stewardship Ontario was designated as the Industry Funding Organization (IFO) for Blue Box Waste, which was the first waste diversion program requested by the Minister of the Environment.

On December 11, 2006, the Minister of the Environment filed O. Reg. 542/06 under the *Waste Diversion Act*, designating the specified waste materials as Municipal Hazardous or Special Waste.

On December 12, 2006, in a Program Request Letter (PRL) to the WDO Board of Directors, the Minister of the Environment directed WDO to develop a waste diversion program for MHSW and stipulated that Stewardship Ontario act as the IFO for the program. The initial PRL outlined a three phase approach to implementation of the program

The PRL required that the program provide for increased MHSW diversion by utilizing incentives, financial or otherwise, to encourage reuse, reduction and recycling of the designated Municipal Hazardous or Special Material (MHSM) supplied into Ontario. Further requirements included the expansion of collection infrastructure for all Phase 1 MHSW throughout Ontario.

The PRL defined program stewards as brand owners and/or first importers into Ontario of products that result in the generation of municipal hazardous or special waste.

The MHSW Program Plan for Phase 1 was submitted to the Minister of the Environment on December 6, 2007. On February 19, 2008, the Minister approved the program plan and the program commenced on July 1, 2008.

On July 22, 2008, in a Program Request Letter (PRL) to the WDO Board of Directors, the Minister provided further direction on the development of the subsequent phases of the MHSW program and requested the development of an amended MHSW program, to include all MHSW designated under Phase 2 and Phase 3, in addition to materials currently included in Phase 1.

In an addendum to the Minister's PRL, the following three key amendments to the initial plan were requested:

1. The program shall incorporate extended producer responsibility, under which the stewards will bear the full cost of management, inclusive of collection through to final diversion or disposal of MHSW. In the initial plan approved February 18, 2008, stewards were only responsible for post-collection costs.
2. The program shall include considerations of a range of collection options in order to increase access for consumers.
3. The program shall incorporate certain wastes from all industrial, commercial and institutional (IC&I) sources, as these wastes are generally indistinguishable from those produced from residential sources and are similarly not commonly diverted from disposal.

The Minister's PRL initially specified a date of March 2, 2009 for submission of the Phase 2 plan and August 31 for submission of the Phase 3 plan. At the request of WDO, however, the Minister subsequently agreed, in a letter dated January 14, 2009, to receive a single consolidated MHSW Program Plan to be submitted by July 31, 2009.

2.0 Objective and Scope of the Consultation Process

2.1 Objective

WDO has directed Stewardship Ontario to develop and implement a consultation process that is thorough and ensures that the Consolidated MHSW Plan reflects the information, ideas, and opinions contributed by those considered to be stakeholders in the development of a revised and consolidated MHSW diversion program.

WDO further requires that Stewardship Ontario report on the consultation activities undertaken during the development of the Consolidated MHSW Plan and summarize the results of the consultation process in a document that shall accompany the submission of the Consolidated MHSW Plan to the Minister of the Environment

2.2 Scope

O. Reg 542/06, filed by the Minister of the Environment designates all materials defined as Municipal or Hazardous Special Waste. In the Minister's initial Program Request Letter, a three-phased approach to plan development was envisioned. Stewards of obligated materials were

encouraged to participate in the consultation process supporting the development of all phases of the Program.

A number of parties were considered to be stakeholders in this enterprise. This designation includes: stewards, defined as the brand owners or first importers of products for use in Ontario that result in the generation of MHSW, as well as the industry associations that support their work; municipalities, as the main collectors of MHSW in Ontario; waste management companies that are responsible for the end-of-life management of MHSW; Industrial, Commercial and Institutional (IC&I) generators of MHSW; environmental and community groups interested in the safe management of MHSW; and the general public.

An MHSW Steering Committee, composed of affected stewards and their representatives, was established to oversee the Plan development process and decide on questions of policy arising from the consultation with stakeholders.

While this consultation process was ongoing, the plan development process also included:

- Periodic review of the information obtained and comments offered in the course and related to the Consolidated MHSW Plan development by the MHSW Steering Committee;
- Periodic review of the information obtained and comments offered in the course and related to the Consolidated MHSW Plan development by the WDO Executive Director and the WDO Board; and,
- Periodic meetings between WDO Executive Director, SO representatives and Ministry of the Environment staff and legal counsel.

3.0 Key Participants in Consultation

The consultation process targeted the following key audiences:

3.1 Industry Stewards

3.1.1 Stewards

MHSW Stewards are defined as brand owners and first importers of products designated as Municipal Hazardous or Special Materials (MHSM), use of which eventually results in the generation of MHSW. This group refers to companies or entities who have registered with SO under Phase 1, who will register with SO upon approval of the Consolidated MHSW Plan, or who are intending to submit their own Industry Stewardship Program (ISP) proposal upon approval of the Consolidated MHSW Plan, as provided for by the WDA.

3.1.2 Industry and Trade Associations

Industry and trade associations may assist in the identification and notification of individual company representatives, who are their members and may have represented their members during the consultation process. These associations included but were not limited to:

- Canadian Appliance Manufacturers' Association (CAMA)
- Canadian Association of Chain Drug Stores (CACDS)
- Canadian Consumer and Specialty Products Association (CCSPA)
- Canadian Council of Grocery Distributors (CGDG)
- Canadian Cosmetics, Toiletry and Fragrance Association (CCTFA)

- Canadian Institute of Plumbing & Heating (CIPH)
- Canadian Petroleum Products Institute (CPPI)
- Canadian Vehicle Manufacturers' Association (CVMA)
- Consumer Health Products Canada (CHPC)
- Direct Sellers Association (DSA)
- Electro Federation Canada (EFC)
- Heating, Refrigeration and Air Conditioning Institute of Canada (HRAI)
- Ontario Pharmacists' Association (OPA)
- Post-Consumer Pharmaceutical Stewardship Association (PCPSA)
- Rechargeable Battery Coalition (RBC)
- Rechargeable Battery Recycling Corporation of Canada (RBRCC)

3.2 Affected Industries

Representatives of other industries that might be affected by the development and implementation of a diversion program for Consolidated MHSW included but were not limited to:

- Distributors of products that may result in MHSW
- Retailers of products that might result in MHSW
- Private companies providing collection of MHSW
- Transporters of MHSW
- Processors and recyclers of MHSW
- End markets for recycled MHSW
- Professionals working in related fields

3.3 Municipalities

Most municipalities in Ontario either operate permanent depots at which residents may drop off MHSW or hold intermittent collection events at which residents may drop their MHSW. As the Minister's PRL requires that all costs involved in the collection and end-of-life management of MHSW be covered by stewards, it is important to consult with municipalities and develop an understanding of the costs they bear in MHSW collection and the role they will play in the delivery of the MHSW Program. Municipalities or representatives of municipalities included but were not limited to:

- Association of Municipalities of Ontario
- City of Toronto
- Municipal Waste Association (MWA) (Formerly known as the Association of Municipal Recycling Coordinators)

3.4 General Public

Residents of Ontario are consumers of Municipal Hazardous and Special Materials, and thus have a direct interest in the development of a program to properly manage these products at the end of their useful life.

4.0 General Elements of Consultation

Describes all the different tools and activities available to stakeholders and used by program development team to submit and receive comment on the planning process.

4.1 WDO Website

The WDO website was used to outline the consultation process and schedule, post consultation documents for comment and receive comments from industry, municipalities and the general public. Please see www.wdo.ca.

4.2 IFO Website

Information on the development of the Consolidated MHSW Program Plan is provided on the home page of the Stewardship Ontario website and maintains a section specifically dedicated to the consultation process and consultation issues in general. The website also contains an archive of all consultation documents throughout the development of the plan, as well as the slide deck and recordings for each of the public consultation meetings.

4.3 Database of Identified Stakeholders

A regularly-updated list of identified stakeholders in database format was used to inform stewards and stakeholders of the all consultation activities.

4.4 Electronic Notice to Identified Stakeholders

Electronic notices outlining the consultation process, schedule and key dates for meetings and comments were distributed to stakeholders. To date, thirteen notices have been sent out to stakeholders notifying them of various consultation activities thus far. An archive of these electronic notices is available at <http://www.stewardshipontario.ca/corporate/newsroom.html>.

4.5 Steering Committee

An MHSW Steering Committee, composed of representatives of affected industry associations, was established to oversee the Plan development process and decide on questions of policy arising from the consultation with stakeholders. The Steering Committee is composed of the following steward representatives:

Name	Affiliation
Jim Quick	Chair
Anne McConnell	Canadian Consumer and Specialty Products Association
Beta Montemayor	Canadian Cosmetic, Toiletries and Fragrances Association
Susan Peterson	Canadian Paint & Coatings Association
Wayne Edwards	Electro-Federation Canada
Clyde Graham	Canadian Fertilizers Institute
Ginette Vanasse	Post-consumer Pharmaceutical Stewardship Association
Vaughan Crawford	Canadian Hardware & Housewares Manufacturing

	Association
Carl Smith	Rechargeable Battery Recycling Corporation
Rachel Kagan	Retail Council of Canada
Kim McKinnon	Canadian Council of Grocery Distributors
John Bailie	Electro-Federation Canada

Four meetings of the Steering Committee have been held to date.

February 19, 2009

- Launch the MHSW Program Plan Steering Committee
- Review the plan development process
- Introduction to key policy issues which will require direction from Steering Committee
- Request direction on issues under dispute

March 13, 2009

- Update on Working Group progress
- Policy Issues
- Definitions and Exclusions
- Consultation Activities
- Meetings with MoE

April 15, 2009

- Status Report on Plan Development
- Fee-Setting Methodology
- Definitions and Exclusions
- Accessibility Strategy
- Plan Timelines

May 26, 2009

- Baseline Data
- Material-Specific Cost Models
- Cost-Recovery Model

Two remaining meetings are planned.

4.6 Material-Specific Consultation

4.6.1 Technical Working Groups

In order to facilitate the input and participation of affected stewards, Stewardship Ontario established thirteen (13) technical working groups. The purpose of the Working Groups was to:

- Provide input on definitions and recommending exclusions
- Provide, validate, and interpret data on product sales & quantities available for collection
- Identify any inconsistencies and gaps in the data
- Identify and involve technical resources from the industry for input, where required
- Identify existing diversion programs and options and their cost

- Provide input on targets (accessibility, diversion), material fee rates, and other key program elements

For every working group, at least two sessions were conducted (some WG held up to 4 sessions). These were conducted by teleconference. A list of the WGs and their members is provided in Table 4.1 below.

Table 4.1 Technical Working Groups

Material Working Groups	
Paints & Coatings	Fluorescents
Volkswagen Group Canada Inc., Devon Smalling	Retail Council of Canada, Rachel Kagan
Toyota Canada Inc, Olson Or	RCO, Joanne St. Godard
The Sherwin-Williams Company, Melissa Allgood	Philips, Tim Waterfield
Sterling Truck, Roger Garnaitis	philips electronics, Michael Albani
Retail Council of Canada, Rachel Kagan	Osram Sylvania Ltd., Patrick Hatzis
PPG Canada Inc., Jerry Monteiro	NRCan, Rob Sinclair
Laurentide Paints, Steve Blasiak	Home Hardware Stores Limited, David Bois
K-G Packaging, David Pocock	George Weston Limited, Raffaella Malfara
ICI paints, Susan Peterson	environment canada, Marie-Hélène Lacasse
Home Hardware Stores Limited, Terri Goulding	Electro-Federation Canada, John Bailie
Home Hardware Stores Limited, David Bois	EFC, Wayne Edward
GH INTERNATIONAL, Eugene Rogers	Clean Air Foundation, Krista Friesen
George Weston Limited, Raffaella Malfara	Clean Air Foundation, Fatima Dharsee
Canadian Tire , Sarah Webb	Canadian Tire , Sarah Webb
3M, Nick Demko	Aevitas, Dan Power
Pharmaceuticals	Pesticides
Usana Health Sciences, Tanya Quaestor	Sure-Gro Inc., David Watson
Rx&D, Rosemarie Childerhorse	Scotts Canada, Glenn Martin
Retail Council of Canada, Rachel Kagan	Scotts Canada Ltd., Valerie Bertrand
Procter & Gamble Inc., Susan Nieuwhof	S.C. Johnson and Son, Ltd., Stephen Rathlou
Post-Consumer Pharmaceutical, Ginette Vanasse	Retail Council of Canada, Rachel Kagan
Ontario Pharmacists' Association, Lenka Janecka	Recochem Inc., Angelo Macchia
Environmental Advisory Group, Lisa James	Home Hardware Stores Limited, David Bois
CCTFA, Beta Montemayor	CropLife Canada, Pierre Petelle
Automotive (Oil Filters, Oil Containers, Antifreeze)	Fertilizers
Volkswagen Group Canada Inc., Devon Smalling	Sure-gro, David Watson
Toyota Canada Inc, Olson Or	Sure-Gro Inc., David Watson
Retail Council of Canada, Rachel Kagan	Scotts Canada, Glenn Martin
Recochem Inc., Angelo Macchia	Scotts Canada Ltd., Valerie Bertrand
Lucas Oil Products Canada, Rosemarie Lee	Retail Council of Canada, Rachel Kagan
Laurentide Inc, Bob Martin	Ontario Agri Business Association, Paul Lefebvre
Imperial Oil, Michelle Keith	Nutrite, div. of Fertichem Inc., Ken Mcleod
Honeywell CPG, Sean Mcnear	Home Hardware Stores Limited, David Bois
Home Hardware Stores Limited, David Bois	CropLife Canada, Pierre Petelle
George Weston Limited, Raffaella Malfara	Canadian Tire , Sarah Webb
Canadian Tire , Sarah Webb	Canadian Fertilizer Institute, Clyde Graham
Aerosols	Mercury Switches & Measuring Devices
Volkswagen Group Canada Inc., Devon Smalling	Retail Council of Canada, Rachel Kagan

Toyota Canada Inc, Olson Or	Philips electronics, Michael Albani
The Sherwin-Williams Company, Melissa Allgood	NRCan, Rob Sinclair
S.C. Johnson and Son, Ltd., Stephen Rathlou	HRAI, Andrew Hall
Retail Council of Canada, Rachel Kagan	Honeywell, Dan O'Donnell
Kleen-Flo Tumbler Ind. ltd, Chetan Patel	George Weston Limited, Raffaella Malfara
K-G Packaging, David Pocock	Environment canada, Marie-Hélène Lacasse
Home Hardware Stores Limited, David Bois	EFC/CAMA, Richard Martel
George Weston Limited, Raffaella Malfara	EFC, Larry Moore
Empack, Hadeel Al Neddaff	Clean Air Foundation, Krista Friesen
CCTFA, Beta Montemayor	Canadian Tire , Sarah Webb
Canadian Tire , Sarah Webb	Canadian Institute of Plumbing and Heating , Kevin Wong
3M, Nick Demko	Aevitas, Dan Power
Flammables & Solvents	Corrosives
Canadian Tire , Sarah Webb	S.C. Johnson and Son, Ltd., Stephen Rathlou
GH INTERNATIONAL, Eugene Rogers	Retail Council of Canada, Rachel Kagan
Home Hardware Stores Limited, David Bois	Recochem Inc., Angelo Macchia
K-G Packaging, David Pocock	Procter & Gamble Inc., Karinne Chan
Kleen-Flo Tumbler Ind. ltd, Chetan Patel	Procter & Gamble Inc., John Hobbs
Laurentide Inc, Bob Martin	Laurentide Inc, Bob Martin
Recochem Inc., Angelo Macchia	Home Hardware Stores Limited, David Bois
Retail Council of Canada, Rachel Kagan	George Weston Limited, Raffaella Malfara
S.C. Johnson and Son, Ltd., Stephen Rathlou	Canadian Tire , Sarah Webb
Sterling Truck, Roger Garnaitis	3M, Nick Demko
The Sherwin-Williams Company, Melissa Allgood	Sharps
Toyota Canada Inc, Olson Or	Rx&D, Rosemarie Childerhorse
Fire Extinguishers & Pressurized Containers	Retail Council of Canada, Rachel Kagan
Worthington Cylinders, Mike Masse	GlaxoSmithKline, Nadia Moisseenko
Strike First Corp., Ian Shearer	Environmental Advisory Group, Lisa James
Sava Fire Equipment Inc., Fred Sava	Canadian Tire , Sarah Webb
Retail Council of Canada, Rachel Kagan	3M, Nick Demko
Praxair Canada Inc, Hassan Rahal	Toxics
Home Hardware Stores Limited, David Bois	Retail Council of Canada, Rachel Kagan
George Weston Limited, Raffaella Malfara	Laurentide Inc, Bob Martin
Flame Tamer Inc, Dave Dupuis	Home Hardware Stores Limited, David Bois
Canadian Tire , Sarah Webb	George Weston Limited, Raffaella Malfara
	3M, Nick Demko
Batteries	
Wiley Rein LLP, Saskia Mooney	George Weston Limited, Raffaella Malfara
Wiley Rein LLP, George Kerchner	Fiamm Technologies, William Beauchamp
Wiley Rein LLP, David Weinberg	Exide Technologies Canada , Nelson Rombeiro
Toyota Canada Inc, Olson Or	EnerSys Canada, Jim Arshad
Sure-Gro Inc., David Watson	Electro-Federation Canada, John Bailie
Saft America Inc., Chip Wildes	EFC, Wayne Edward
Retail Council of Canada, Rachel Kagan	Canadian Tire , Sarah Webb
RBRC, Carl Smith	Air Liquide Canada Inc., Anne Tardif
Procter & Gamble Inc., Susan Nieuwhof	Aevitas, Dan Power
philips electronics, Michael Albani	3M, Nick Demko
Home Hardware Stores Limited, David Bois	

4.6.2 Material-Specific Consultation Sessions

In addition, material specific consultations were held to receive input on material-specific issues as a complement to the third and final public consultation workshop (May 19). While the May 19th workshop focused on Volume 1 of the Consolidated MHSW Program Plan, the Material-Specific Consultations focused on Volume 2. While these consultations were attended mainly by Working Group participants, participation was broadened to all interested stakeholders. The material-specific consultations were held as follows:

May 21

- Solvents & Flammables
- Pressurized Containers
- Corrosives

May 22

- Fluorescent Lights
- Mercury Switches & Measuring Devices & Thermostats
- Batteries

May 25

- Pharmaceuticals & Sharps
- Fertilizers & Pesticides
- Aerosols

May 27

- Oil Containers & Oil Filters & Antifreeze
- Paints & Coatings

4.7 Public Consultation Meetings

Issues and updates concerning the early stages of the development of the Consolidated MHSW Plan were presented to stakeholders at the first of three scheduled public consultation meetings. After the presentation, which was made to participants in the room and listening via webcast, participants were given the opportunity to offer questions and comments to the planning team. The following topics were discussed at this meeting:

Consultation Meeting #1 – October 28, 2008

- Definition of obligated materials
- Definition of stewards
- Baseline data
- Key MHSW Plan elements
- Meeting MHSW stewardship obligations

The second consultation meeting was held on March 4th and focused on questions of definitions and key plan development issues.

Consultation Meeting #2 – March 4, 2009

- Definition of obligated materials
- Process for requesting product exclusions
- Baseline data
- Key MHSW Plan elements

The third consultation meeting was held on May 19th and discussed the Draft Preliminary Consolidated MHSW Plan posted a week earlier.

Consultation Meeting #3 – May 19, 2009

- Introduction and Background to Ontario's MHSW diversion program
- Program-Wide Goals & Objectives
- Accessibility & Overall Program Approaches
- Options for Discharging Stewardship Obligations
- Program Cost & Cost Recovery Strategy

In addition to the three public consultation meetings and as previously described in section 4.6.2, Stewardship Ontario also conducted a series of material-specific consultation sessions after the publication of the Draft Preliminary Consolidated MHSW Plan. These sessions were open to all interested participants and registration was available online through a link on Stewardship Ontario's website. Based on these consultation activities, the Draft Preliminary Consolidated MHSW Program Plan was re-posted on May 27 to take into account updated information.

4.8 Online Survey Tool

In order to provide additional opportunities for stakeholder feedback during the three consultation meetings, Stewardship Ontario utilized an online survey tool. Two unique iterations of the survey posed specific questions relating to material addressed at the second and third consultation meetings. Stakeholders were also able to upload files and post general questions or comments about program development, which were then tracked and have been made public in the two appendices accompanying this Consultation Report.

4.9 Ministry of the Environment

Throughout the development of the Consolidated Program Plan, the planning team held regular meetings with staff from the Ontario Ministry of the Environment (MoE). The planning team kept the MoE apprised of important developments in the process and of feedback from stakeholders. A list of meetings held and the topics discussed is provided below:

January 14th

- Re-launch the planning work for revising the MHSW Program Plan
- Provide overview of Stewardship Ontario plan development strategy
- Confirm the universe of obligated products
- Identify key plan development issues
- Agree schedule for on-going MOE/WDO/SO review meetings

February 20

- Governance
- Fee Setting
- Definitions
- IC&I small quantity generator issues
- Integrating existing programs into the plan
- Orphan products
- Target setting
- Commencement date

March 20

- Definitions – Requests for Exclusions
- Report on Consultation

April 22

- Final Definitions/exclusions
- Cost Model
- Accessibility Strategy
- Approach to targets
- Cost recovery strategy
- Table of contents

June 2

- Report on comments
- Program Funding Methodology
- Plan Development Cost Recovery
- Governance

Two more MOE meetings are planned for June 22nd and July 15th

5.0 Consultations with Stakeholder Groups

In addition to the general consultation elements specified in Section 4.0, the following specific consultation activities were undertaken during the plan development process:

5.1 Consultation with Industry Stewards

During the consultation period, Stewardship Ontario worked to ensure that stewards were continually engaged in the plan development process, providing valuable feedback on the shaping of the plan. Stewards were informed of consultation opportunities through regular electronic communication. Stewards participated in the technical material working groups, and, through their industry representatives, were represented on the MHSW Steering Committee. In addition to these elements, all outlined in Section 4 above, a steward-only meeting on Upcoming Changes to Municipal Hazardous or Special Waste Programs in Ontario was held on January 14th 2009. The meeting covered the following topics:

- The universe of obligated products under the new MHSW program.
- What the province will require under the new program.

- Key deliverables and milestone dates over the next 6 months.
- How Stewardship Ontario will engage with and communicate with stakeholders during the program plan development process.

5.2 Consultation with Affected Industries

Affected industries were encouraged to participate in the consultation process outlined in Section 4. Service providers were electronically notified of opportunities to participate, and representatives from service providers sat on the technical working groups.

5.3 Consultation with Municipalities

In addition to the general elements listed in Section 4, the consultation process with municipalities contained the following elements:

- AMO, AMRC, MWIN and RCO have been provided information to keep their members apprised of consultation stages. Materials have included contact details for further information.
- Municipalities have been notified directly when materials are available via the websites.

5.4 Consultation with General Public

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

- *Website Postings*: The availability of plan documents and details regarding the development of the Program Plan were posted on the WDO and SO websites.
- *E-Newsletter*: over the period of the development of the Consolidated Program Plan, SO distributed regular electronic newsletters to a broad range of potential stewards and stakeholders.
- *Online Survey Tool*: An online survey tool was available for participants of consultation sessions to provide comments on the posted consultation documents.
- *Notices to identified community interest groups*: Identified interest groups were notified directly that materials were available via the websites. These groups included:
 - 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

6.0 Plan Submission and Explanation of Results

The draft Preliminary Revised Program Plan published May 14, 2009 and revised May 27, 2009 incorporates responses to significant comments received during the consultation process. This consultation document includes a description of how the comments were considered in the preparation of the Preliminary Revised Program Plan. A table indicating responses is included in Appendix 1. All comments received from stakeholders up to June 2, 2009 were considered.

On June 17, 2009, Stewardship Ontario submitted the Preliminary Revised Consolidated MHSW Program Plan to WDO for review, post the Plan on its website, and provide notice to all stakeholders regarding the posting. The WDO will also post the Plan on its website.

6.1 Comments to WDO

Subsequent to Stewardship Ontario's submission of the Draft Final Consolidated MHSW Program Plan, stakeholders were given the opportunity to comment on the Draft Final Consolidated Plan. These comments are reflected in Appendices 3 and 4.

7.0 Consultation Milestones and Timeline

PHASE 1

12-Dec-06	Initial MHSW Program Request Letter from the Minister of the Environment to WDO
9-Jan-07	WDO workshop/webcast initiating the MHSW planning development process
12-Feb-07	Public consultation workshop #1
12-Apr-08	Submitted Draft Preliminary Program Plan to WDO
14-May-09	Submitted Draft Final Plan to WDO
31-May-09	WDO submitted Program Plan to Minister
30-Nov-09	Stewardship Ontario Board approved revised MHSW Program Plan
5-Dec-09	WDO Board approved revised MHSW Program Plan & submitted it to the Minister
19-Feb-08	Minister of Environment approved MHSW Program Plan
1-Jul-08	Phase 1 Implementation

REVISED & CONSOLIDATED PHASE 2 and 3

22-Jul-08	Minister's Program Request Letter outlining Phase 2 and 3 Development
28-Oct-08	Workshop/ Webcast #1
14-Jan-09	At WDO's request, Minister agrees to receive a consolidated MHSW Program Plan
14-Jan-09	Steward-Only consultation meeting to announce changes to the MHSW Program
2-Mar-09	MHSW Consultation Document posted to the Stewardship Ontario website for comment.
4-Mar-09	Workshop/ Webcast Consultation # 2
14-May-09	Draft Preliminary Consolidated MHSW program plan posted for consultation
19-May-08	Workshop/ Webcast Consultation # 3

17-Jun-09	Draft Preliminary Consolidated MHSW Program Plan submitted to SO Board
15-Jul-09	Draft Final Consolidated MHSW Program Plan approved by SO Board and submitted to WDO
22-Jul-09	Draft Final Consolidated MHSW Program Plan provisionally approved by WDO Board pending requested changes
31-Jul-09	Final Consolidated MHSW Program Plan with revisions submitted to WDO.

8.0 Web Links For More Information

Waste Diversion Ontario – Homepage

www.wdo.ca

Stewardship Ontario – Homepage

www.stewardshipontario.ca

Stewardship Ontario – Consultation Homepage

http://www.stewardshipontario.ca/mhsw/consultation/consultation_current.html

Electronic Communications to Stakeholders

<http://www.stewardshipontario.ca/corporate/newsroom.html>

Phase 1 – Archive

<http://www.stewardshipontario.ca/mhsw/plan/plan.html>

9.0 Consultation Meeting #1

October 27, 2008

Novotel, 45 The Esplanade, Toronto

Includes both in-person and webcast attendance

9.1 Attendance

3M Canada, Nick Demko	Canadian Cosmetic, Toiletry And Fragrance Association (Cctfa), Beta Montemayor	Clean Air Foundation, Ian Morton	Dial, Josephine Paolucci
Alcon Labs, Roy James	(Cctfa), Beta Montemayor	CNH, Brian Spencer	District Of Muskoka, Jamie Delaney
Amgen, Grant Gunn	Carpenter Canada Co., Farhad Delsouzi	Co Owner, Judy Semple	Dow Chemical, Theresa Binder
AMRC, Cynthia Hyland	CCSPA, Bruce Rebel	Cognis Canada, Liliana Cretu Enache	Dremel/Rotozip, Linda Bourdon
Ansul, Douglas Bailey	CCSPA, Anne McConnell	Cognis Canada Corporation, Thanh Vu	Electro-Federation Canada, Larry Moore
Apotex, Erin Harrigan Podgaiz	Chattem Canada, Lindsay Brooks	Colgate Palmolive Canada Inc., STEVE MALLEY	Elmer's Products Canada, Corp, Diane Callen
Apple Canada Inc, Marek Jurkiewicz	Church & Dwight Canada, Debbie Handley	Colgate-Palmolive Canada, Trevor Wilson	Energizer Canada, Shari Kirkconnell
Arbonne Canada, Donna Sweetnam	City Of Guelph, Bill Shields	Commercial Oil, Maria Pfeffer	Energizer Canada, Shari Kirkconnell
Bard Mfg. Co., Dick Hanna	City Of Kenora, Richard Perchuk	Conair Consumer Products Inc. , Mark Trollip	Energizer Canada, Shari Kirkconnell
Bioforce Canada, Monika Haeefe	City Of London, Jane Kittmer	Cooper Crouse-Hinds, Brian Keane	Energizer Canada, Shari Kirkconnell
Blount Canada Ltd., Les Kuczynski	City Of London, Wesley Abbott	Costco Wholesale, Pascal Ponton	Energizer Canada, Shari Kirkconnell
Bluewater Recycling Association, Francis Veilleux	City Of Orillia, Greg Preston	Costco Wholesale Cda Ltd, Lucia Rapone	Energizer Canada, Shari Kirkconnell
Boomerang Recycled Paint, Steve Blasiak	City Of Ottawa, Cameron Neale	County Of Northumberland, Adam McCue	Energizer Canada, Shari Kirkconnell
Bosch - Dremel/Rotozip, Linda Bourdon	City Of Ottawa, Jennifer Jackson	County Of Simcoe, Melissa Phillips	Energizer Canada, Shari Kirkconnell
Brooks Equipment Co., Chuck Kimball	City Of Ottawa, Marilyn Journeaux	CSPA, MAA, WAYNE ARNDT	Energizer Canada, Shari Kirkconnell
Canada Safeway Ltd, Jeff Lumley	City Of Peterborough, Virginia Swinson	CSR, Derek Stephenson	Energizer Canada, Shari Kirkconnell
Canadian Association For Pharmacy Distribution Management, Allan Reynolds	City Of Thunder Bay, Vanessa DeGiacomo	CSR, Jennifer Russell	Energizer Canada, Shari Kirkconnell
Canadian Association Of Chain Drug Stores, Heather Tyrrell	City Of Toronto, Dennis Lam	De\Longhi Canada, Ilona Gaspar	Energizer Canada, Shari Kirkconnell
	City Of Toronto, Paul Dos Santos	Dell Tech Laboratories Ltd., Stephen Chambers	Energizer Canada, Shari Kirkconnell
	Clean Air Foundation, Erica Pinto		Energizer Canada, Shari Kirkconnell

Glaxosmithkline, Douglas
Finan
Grand & Toy Limited, Lloyd
Blades
GRR Aerosols, Barry
Craddock
Haldimand County, Nicole
Mundy
Halton Region, Nicole
Frankcom
Halton Region, Sue
Colclough
Hbc, Peter Skubna
Henkel Corporation, Donna
Houston
Henry Company, Alexandra
Pavliuc
Herbalife Of Canada Ltd.,
Gisele Gauthier
Herbert Williams Fire
Equipment Limited, Rob
Anderson
Hewlett Packard, Donna
Chau
Hewlett-Packard (Canada)
Co., Deanna Doyle
Home Hardware, Darrin
Noble
Home Hardware, Tracey
Jones
Home Hardware Stores
Limited, David Bois
Home Hardware Stores
Limited, Terri Goulding
Honda Canada Inc, Eugene
Dubecki
Honda Canada Ltd., Akemi
Kitamura
Honeywell, Dan O'Donnell
Honeywell Asca Inc., Megan
Currie
Hotz Environmental Services
Inc., Pamela McAuley

Hydac, Diane McClelland
ICI Canada, Susan Peterson
IPEX Inc., Amy Slattery
JLR Canada, Geoff Ware
John Deere Limited, Pat
Winstanley
Johnson & Johnson, Angela
Prigione
Kao Brands Canada Inc,
Barry Wood
Kao Brands Canada Inc,
Melinda Tan
Katz Group, Dave l'Anson
Kidde Canada Inc., Greg
Price
Kleen Flo Tumbler Ind.Ltd.,
Bharrat Kwall
Kleen-Flo Tumbler Industries
Ltd., Chetan Patel
Kodak Canada, rosemary
mandatori
L.T. Coatings Inc., Harry
Laur
Lab Manager, Hadeel Al
Neddaff
Laurentide Inc, bob Martin
Lenovo, Mary Jacques
Makita Canada, Kimiko
Nakamoto
Manufacturer, Elizabeth
McKaye
Mary Kay Cosmetics, Krystle
Gonzalez
MFTA Canada, June Meade
Municipality Of Chatham-
Kent, Rick Kucera
Municipality Of Highlands
East, Brittany Ellis
Mwin, Maryanne Hill
Navistar Canada, Sarah Kerr
Navistar Corp, Canada Inc.,
Lucy Hall

Newalta Industrial Services,
Tom Baker
Niagara Region, Peter
Kryger
Norfolk County, Jennifer
Wilson
Ontario Auto Recyclers
Association, Steve Fletcher
Osram Sylvania, Patrick
Hatzis
Osram Sylvania Ltd., Charles
Coimbra
PCPSA, Ginette Vanasse
PCPSA, Robert White
PCPSA - GPMA side, Colin
Simpkin
Philips Electronics Ltd., Mike
Albani
PPG Canada Inc., Jerry
Monteiro
PRBA/BCI/RBRC, David
Weinberg
Procter & Gamble Inc., John
Hobbs
Product Care Association,
mannie cheung
Province Of Ontario,
Stephen Jones
PSG Controls, Inc., Patti
Cole
PSG Controls, Inc., Ross
Pearson
PSG Controls, Inc., Terence
McFadden
Radiator Specialty , Sheryl
Christensen
Radio Systems, Debbi Logan
Ranbaxy Pharmaceuticals,
Peter Phillips
Raw Materials Company,
Richard Unyi

Reckitt Benckiser (Canada)
Inc., Janice Reid
Recochem Inc., Angelo
Macchia
Recochem Inc., Marina
Kovrig
Region Of Waterloo, Jon
Arsenault
Retail Council Of Canada,
Rachel Kagan
Royal Specialty Sales, Karen
Davidson
S.C. Johnson And Son, Ltd.,
Stephen Rathlou
S.C. Johnson And Son Ltd.,
Kathy Makela
Sears Canada, Lauren, H.J.
Lee
Shaklee Canada Inc.,
Annabel Gills
Sharp Electronics, Eddie
Colacchio
Shoppers Drug Mart, Shabbir
Beawerwala
Shoppers Drug Mart,
Wallace Whalen
SISU Inc. (PCPSA), Mike
Marocchi
Sonsonate Consulting, John
Baillie
Standard Products,
Stephanie Santini
Steel Fire Equipment, Jason
Steel
Stewardship Ontario,
Barbara McConnell
Stewardship Ontario, Barry
Friesen
Stewardship Ontario, Debra
Conlon
Stewardship Ontario, Don
Tanner

Stewardship Ontario, Ginette Whitten-Day
Stewardship Ontario, Jennifer Barnes
Stewardship Ontario, Joyce Barretto
Stewardship Ontario, Margot Beverley
Stewardship Ontario, Mark Kurschner
Stewardship Ontario, Truong Le

Strike First Corporation, Ian Shearer
Suzuki Canada Inc., Lynn Lord
Theramed Corporation, Robert Taylor
Thermostat Recycling Corp, Mark Tibbetts
Thomas & Betts, OM Chopra
Town Of Carleton Place, Dan Varcoe
Town Of Deseronto, Tammy Lloyd

Town Of Fort Frances, Doug Brown
Township Of Champlain, Robert Lefebvre
Tyco Fire Suppression & Building Products, Joe Beranek
Unilever Canada, Alan MacDonald
Unknown, Heli Doggett
Unknown, John Purdy
UTC Fire & Security, Johnq Bonnemort

Volkswagen Group Canada Inc., Leanne Latoski
Wajax, Monique Neitz
Waste Diversion Ontario, Glenda Gies
Wolseley Canada, Karen plumber
York Region, Nikki Vecchiola

10.0 Consultation Meeting #2

March 4, 2009

Novotel, 45 The Esplanade, Toronto

Includes both in-person and webcast attendance

10.1 Attendance

3M Canada, Nicholas Demko
Affinia Canada, Bert Verriet
Air Liquide Canada Inc., Anne Tardif
Akzonobel, Susan Peterson
Allied Beauty Association, Marc Speir
Amway Global, robin bell
Apple Canada Inc., Marek Jurkiewicz
Ashland Canada Corp., Gerry Moss
Association of Municipalities of Ontario, Milena Avramovic
Auto-Camping Ltd., Lily Ho
Barjan LLC, Don Lang
Best Buy Canada Ltd, Christa Copeland

Blount Canada Ltd, Les Kuczynski
Bluewater Recycling Association, Francis Veilleux
Boomerang Recycled Paint, Steve Blasiak
Brendar Environmental Inc., Torin Macpherson
Bruce County Highways Dept. , Carolyn Thibaudeau
Buckham Transport Ltd., George Rankin
Buckham Transport Ltd., Jason Hedges
Caledon Propane Inc, Craig Goodwin
CAMA - ElectroFederation, Richard Martel

Canada East Equipment Dealers Association, Robert Lauder
Canadian Association for Pharmacy Distribution Management, Allan Reynolds
Canadian Association of Chain Drug Stores, Heather Tyrrell
Canadian Cosmetic, Toiletry and Fragrance Association (CCTFA), Beta Montemayor
Canadian Health Food Association, Betsy Hui
Canadian Tire Corporation Limited, Delphine Lagourgue
Castrol Industrial N.A., Thomas Miller

CCSPA, Anne McConnell
CDT Consulting, Don Tanner
Chatham-Kent, Rick Kucera
Church & Dwight Canada, Debbie Handley
City of Clarence-Rockland, Denis Longpre
City of Greater Sudbury, Chantal Mathieu
City of Guelph, Amy Spence
City of Guelph, Bill Shields
City of Hamilton, Emil Prpic
City of Kawartha Lakes, Angela Porteous
City of Kawartha Lakes, Angela Porteous
CITY OF KAWARTHA LAKES, ROBERTA PERDUE

City of Kingston, John Rhodes	Crown Battery of Canada, D'Arcy O'Neill	GH International (A division of IKO ltd), Neil Khuu	Hotz Environmental Services Inc., Pamela McAuley
City of North Bay, Al Tomek	CSR, Cynthia Hyland	GH International, Eugene Rogers	Hudson's Bay Company, Peter Skubna
City of Ottawa & MIPC-MHSW member, Jennifer Jackson	CSR, Dave Neilson	Giant Tiger Stores Limited, Lenore Howarth	Hydac Corporation, Walter Adams
City of Ottawa, Cameron Neale	CSR, Drew Berketo	GRR Aerosols, Barry Craddock	Industrial Leasd Acid Batteries, Jim Arshad
City of Owen Sound, Janis Cumin	CWQA, Kevin Wong	Haldimand County, Nicole Mundy	Jaguar Land Rover Canada, Geoff Ware
City of Peterborough, Virginia Swinson	Davis Fuels , Scott Kersey	Halton Region, Sue Colclough	Jempak GK Inc., Tom Carrothers
City of Sault Ste. Marie, Randall Roy	District Municipality of Muskoka, Jamie Delaney	Heating, Refrigeration and Air Conditioning Institute of Canada, Martin Luymes	Kelleher Environmental, Maria Kelleher
City of St. Thomas, Michelle Shannon	DSA/Usana Health Sciences, Tanya Quaestor	Henkel Canada Corporation, Donna Houston	Kleenfo Tumbler Ind. Ltd., Chetan Patel
City of Thunder Bay, Jason Sherband	E.I. du Pont Canada Company, Steve Benoit	Henkel Canada Corp, John Lobban	Kodak Canada Inc, Rosemary Mandatori
City of Toronto, Dennis Lam	East Penn Canada, Luc Theriault	Hewlett Packard, Donna Chau	L.T. Coatings Inc., Harry Laur
City of Woodstock, David Creery	Electro-Federation Canada, John Bailie	Hewlett-Packard (Canada) Co., Deanna Doyle	Laurentide, Bob Martin
Clean Air Foundation, Krista Friesen	Elmer's Products Canada, Corp, DIANE CALLEN	Home Depot Canada Inc., Laura Selanders	Love Environment, Geoff Love
Consumers' Association of Canada, Mel Fruitman	Energys Canada Inc., Bob Bryan	Home Depot, Dale Coville	Loyalist Township, Edgar Adams
Continuous Fund Improvement, Mike Birett	Enforce and manage waste management by-law, Mike Higgins	Home Hardware Stores Limited, David Bois	Mattel Canada Inc, Don Strain
Corp. Town of Kirkland Lake, Emile Boulley	Environmental Advisory Group, Lisa James	Home Hardware Stores Limited, Terri Goulding	Metro Ontario Inc., Stephen Cooper
County of Brant Public Works, Edward Sharp	EPI, Janet Congdon	Home Hardware Stores Limited, Tracey Jones	Mitsubishi Motor Sales of Canada, Inc., Brian Moroz
County of Dufferin, Melissa Kovacs Reid	EWSWA, Cameron Wright	Honeywell, Dan O'Donnell	MK Cosmetics, Krystle Gonzalez
County of Oxford, Dwayne West	Exide Technologies, Bob Twidle	Honeywell, Sean McNear	MOE, Andrew Mobberley
County of Peterborough, Catrina Switzer	Fielding Chemical Technologies Inc., Gillian Seagrave	Hotz Environmental Services Inc., Andrew Loughheed	Mr. Lube Canada, Roger Hercules
County of Wellington, Cathy Wiebe	Food & Consumer Products of Canada, Catherine Abel	Hotz Environmental Services Inc., John Williams	Municipality of McDougall, Bruce Calwell
	FujiFilm Canada Inc, Yasmeen Khan		Newalta, Tom Baker

Niagara Region, Bob Vanyo
 Ontario Pharmacists' Association, Lenka Janecka
 Ontario Waste Management Association, Michele Goulding
 OSRAM SYLVANIA, Patrick Hatzis
 Ottawa Valley Waste Recovery Centre, Sue Campbell
 Oxford County, Pamela Antonio
 PCPSA, Ginette Vanasse
 Petro-Canada, Heidi Berzins
 Philips Electronics Ltd., Mike Albani
 Philips Lighting, Tim Waterfield
 Pollution Probe, Rebecca Spring
 Praxair Canada Inc, Hassan Rahal
 Procter & Gamble Inc., Susan Nieuwhof
 Procter & Gamble, Karinne Chan
 Procter & Gamble Inc., Susan Nieuwhof
 Product Care Association, Barry Friesen
 Product Care, Mark Kurschner

PSTG, Aaron Williamson
 PSTG, Derek Patterson
 PSTG, Rick Findlay
 PSTG, Sylvia Tello
 QLO Management inc, Stuart Nicholls
 QLO Management Inc., Guy Schmidt
 QLO Management Inc., Suzanne Tilley
 Quinte Waste Solutions, Jeanne Vilneff
 Quinte Waste Solutions, Kevin Jackson
 Radiator Specialty Company of Canada, Sheryl Christensen
 Raw Materials Company, Richard Unyi
 RBRC of Canada, Susan Antler
 RBRC, Carl Smith
 RBRC, Dana Griffiths
 Recochem Inc., Angelo Macchia
 Recochem Inc., Brian Prendergast
 Region of Halton, Nicole Frankcom
 Region of Halton, Shavayah Jackson
 Region of Peel, Grace McKenzie

Region of Peel, Trevor Barton
 Region of Waterloo, Shahin Virani
 Rheem Mfg. Co., Charles Steffens
 Rheem, Stephen Brady
 S.C. Johnson and Son Ltd., Kathy Makela
 S.C. Johnson and Son, Ltd., Stephen Rathlou
 Saft America Inc., Chip Wildes
 Sault North Waste Management Council, Laura Godin
 Schrader Canada Limited, Scott Robertson
 Scotts Canada Ltd., Valerie Bertrand
 Scotts Canada, Glenn Martin
 Sears Canada Inc., Cindy Rohoman
 Shaklee Canada Inc., Annabel Gills
 Sharp Electronics of Canada, Eddie Colacchio
 Shoppers Drug Mart, Shabbir Beawerwala
 Stewardship Ontario, Barb McConnell
 Stewardship Ontario, Derek Stephenson

Stewardship Ontario, Isabelle Faucher
 Stewardship Ontario, Joseph Hall
 Stewardship Ontario, Margot Beverley
 Sure-Gro Inc. , David Watson
 The Blue Mountains, Jeffery Fletcher
 The Sherwin-Williams Company, Melissa Allgood
 Toromont, Alan Smith
 Toromont, Guido Casciato
 Total Lubricants Canada, Brian Wilson
 Total Power, Mary McDowell
 Town of Kirkland Lake, Mike Aldred
 Township of Algonquin Highlands, Gayle Short
 Township of Hilliard, Janet Gore
 Township of North Frontenac, Jennifer Duhamel
 Unilever Canada, Paul Hughes
 Veolia ES, Jim Smith
 Wal-Mart Canada Corp., Jen Barbazza
 Waste Diversion Ontario, Glenda Gies
 York Region, Laura Darnell

10.2 Comments Received

10.2.1 In Person

CACDS, Heather Tyrell
CCSPA, Anne McConnell
CCTFA, Beta Montemayor

Ontario Pharmacists'
Association, Lenka Janecka
PCPSA, Ginette Vanasse

Procter & Gamble Inc.,
Karinne Chan
S.C. Johnson & Sons,
Steven Rathlou

Sure Gro Inc., David Watson

10.2.2 Via Webcast

Air Liquide Canada, Anne
Tardif
Bruce County, Carolyn
Thibaudeau
Canadian Health Food
Association, Betsy Hui
CHHMA, Vaughan Crawford
City of Kingston, John
Rhodes

City of Owen Sound, Janis
Cumin
City of Peterborough,
Virginia Swinson
Food and Consumer
Products of Canada,
Catherine Abel
Giant Tiger Stores Ltd,
Lenore Howarth

Home Hardware, Terri
Goulding
Procter & Gamble Inc.,
Susan Nieuwhof
Recochem, Brian
Prendergast
Region of Peel, Grace
Mckenzie
Scotts Canada, Glenn Martin

Total Power Limited, Mary
McDowell

10.2.3 Via Survey

Rechargeable Battery
Coalition, David Weinberg

PCPSA, Ginette Vanasse
Recochem, Angelo Macchia

Raw Materials Company,
Richard Unyi

11.0 Consultation Meeting #3

May 19, 2009

Novotel, 45 The Esplanade, Toronto

11.1 Attendance

3M Canada Company, Nicholas Demko	Canadian Health Food Association, Betsy Hui	City of Orillia, Greg Preston	Electrofed - CAMA, Richard Martel
Advantage Waste Systems, Buster Battams	Canadian Paint & Coatings, Jim Quick	City of Ottawa, Cameron Neale	Electro-Federation Canada, John Bailie
Affinia Canada, Bert Verriet	Canadian Petroleum Products Institute, Eric Bristow	City of Owen Sound, Janis Cumin	Environmental Advisory Group, Lisa James
AMO, Milena Avramovic	Canadian Tire Corporation, Jacquelyn Desloges	City of Peterborough, Virginia Swinson	Food & Consumer Products of Canada, Catherine Abel
Apple Canada Inc., Marek Jurkiewicz	Canadian Tire Corporation, Limited, Sonia Laratta	City of Thunder Bay, Jason Sherband	Ford of Canada, Claire Pharand
AstraZeneca Canada Inc., Terry Yee	Canadian Tire Corporation, Sarah Webb	City of Toronto, Dennis Lam	GlaxoSmithKline Consumer Healthcare Inc, Nadejda Moisseenko
Bayer Inc., Jamie Davis	Canadian Tire Corporation, Sophia Reford	City of Toronto, Paul Dos Santos	Grant Fuels Inc. Petro- Canada Marketer, Douglas Levangie
Best Buy Canada Ltd, Christa Copeland	Carpenter Canada Co., Farhad Delsouzi	Clean Air Foundation, Krista Friesen	GRR Aerosols, Barry Craddock
Black & Decker, Linda Biagioni	CCSPA, Anne McConnell	Cognis Canada Corporation, Marie-Claude Beaudoin	Halton Region, Sue Colclough
Bluewater Recycling Association, Cathy Bragg	CDT Consulting, Don Tanner	Cognis Canada Corporation, Thanh Vu	Health Canada, Edith Gagnon
BMW Group Canada, Rob Van Shaik	Chatham-Kent, Rick Kucera	COGNIS Canada, Liliana Cretu	Henkel Canada Corporation, Donna Houston
Brendar Environmental Inc., Torin Macpherson	Church & Dwight Canada, Robert Loran	Colgate Palmolive Canada Inc., Steve Malley	Hewlett Packard, Donna Chau
C&D Technologies, Michael Graper	City of Barrie, Sandy Coulter	County of Wellington, Cathy Wiebe	Hewlett-Packard (Canada) Co., Deanna Doyle
CACDS, Heather Tyrrell	City of Clarence-Rockland, Denis Longpre	County of Wellington, Solid Waste Services, Linda Caston	Home Hardware Stores Limited, David Bois
Canadian Association for Pharmacy Distribution Management, Allan Reynolds	City of Hamilton, Emil Prpic	Dow Chemical, Theresa Binder	
Canadian General Filters Limited, Dave Chale	City of Kingston, John Rhodes	East Penn Canada, Luc Theriaux	
	City of Kingston, John Giles		
	City of London, Jane Kittmer		

Honda Canada Inc., Akemi Kitamura	Mitsubishi Motor Sales of Canada, Inc., Brian Moroz	Piston Ring Service, Jane Howe	Saft America Incorporated, Chip Wildes
Honeywell, Dan O'Donnell	Municipality of North Grenville, Jeff McEwen	Procter & Gamble Inc., Karinne Chan	Sava Fire Equipment Inc., Fred Sava
Honeywell, Sean McNear	Municipality, Mike Higgins	Procter & Gamble Inc., Susan Nieuwhof	Scotts Canada Ltd., Kip Eideberg
Hotz Environmental, Pamela McAuley	NDMAC, Robert White	Product Care, Mark Kurschner	Sears Canada Inc., Tamara Burns
Hotz Environmental, Andrew Longhead	Newalta Corp, Tom Baker	PSTG Consulting, Rick Findlay	Shaklee, Annabel Gills
Hotz Environmental, Anthony DiGiovanni	Niagara Region, Bob Vanyo	PSTG Consulting, Sylvia Tello	Shell Canada, Gerald Barr
Hotz Environmental, John Williams	Nutrite, Ken McLeod	Radiator Specialty Company of Canada, Sheryl Christensen	Shrader Canada Limited, Scott Robertson
IKEA Canada LP, Chloe Barnabe	Ontario AgriBusiness Association Turf & Garden Committee, Paul Lefebvre	Ranbaxy Pharmaceuticals, Peter Phillips	Soots Canada Ltd., Valerie Bertrand
IKO Industries Ltd., Nima Ebrahim	Ontario First Nations Technical Services Corporation, Stephanie Allen	Raw Materials Company, Richard Unyi	Steward, Greg Price
JemPak GK Inc., Tom Carrothers	Ontario Ministry of the Environment, Stephen Jones	RBRC, Carl Smith	StewardEdge, Barb McConnell
JVC Canada Inc., Lesley Wang	Ontario Pharmacists' Association, Lenka Janecka	Rechargeable Battery Coalition, Bob Lopinski	StewardEdge, Bryan Badali
JVC Canada Inc., Ray Smith	Ontario Waste Management Association, Michele Goulding	Reckitt Benckiser, Diana Goncalves	StewardEdge, Derek Stephenson
Kao Brands Canada Inc, Melinda Tan	OSRAM Sylvania, Charles Coimbra	Reckitt Benckiser, Jan Wengler	StewardEdge, Guy Perry
Kleen-Flo Tumbler Ind. Ltd., Bharrat Kawall	Ottawa Valley Waste Recovery Centre, Laurie Benjamin	Recochem Inc & CCSPA, Brian Prendergast	StewardEdge, Isabelle Faucher
Kleen-Flo Tumbler Ind. Ltd., Chetan Patel	Ottawa Valley Waste Recovery Centre, Sue Campbell	Recochem Inc., Angelo Macchia	StewardEdge, Jennifer Russell
Laurentide, Bob Martin	Parker Hannifin, Alan Scott	Region of Peel, Grace McKenzie	StewardEdge, Joseph Hall
Lenovo (Canada) Inc., Niraj Patel	PCPSA, Ginette Vanasse	Region of Peel, Trevor Barton	Stewardship Ontario, Gemma Zecchini
McMillian, Susanna Kam Member, Glenn Martin	Petro-Canada, Heidi Berzins	Region of Peel, Trevor Barton	Stewardship Ontario, Julie Wood
Metro Ontario Inc., Stephen Cooper	Philips Electronics Ltd, Mike Albani	Region of Waterloo, Shahin Virani	Stewardship Ontario, Kathleen Ryan
Ministry of the Environment (ONT), Andrew Mobberley	Philips Lighting, Tim Waterfield		Stewardship Ontario, Margot Beverley
Ministry of the Environment, Marc Peverini			Stewardship Ontario, Lyle Clarke
			Strike First Corp., Ian Shearer

Sun Products Corporation , Michelle Comas	Town of Fort Frances, Travis Rob	Unilever Canada, Alan MacDonald	Waste Diversion Ontario, Glenda Gies
Sure Gro Inc, David Watson	Town of Smiths Falls, Vanessa Bernicky	Unilever Canada, Paul Hughes	Wiley Rein LLP, David Weinberg
The Blue Mountains, Jeffery Fletcher	Township of Russell, Diane Ménard	Wal-Mart Canada Corp., Diane Gibson	William Day Construction Ltd., Blair Riutta
The County of Simcoe, Melissa Phillips	Township of Russell, Jacques Lortie	Wal-Mart Canada Corp., Jeffrey Cattanach	
The Home Depot, Dale Coville	Township of Southgate, Tamarisk McNalty	Wal-Mart Pharmacy, Douglas Thorsley	
Town of Carleton Place, Dan Varcoe			

11.2 Comments Received

11.2.1 In Person

Canadian Association of Chain Drug Stores, Heather Tyrell	Eric Bristow, Canadian petroleum Products Institute	Rechargeable Battery Recycling Corporation, Carl Smith	SureGro Inc., David Watson
CCSPA, Anne McConnell	Rechargeable Battery Coalition, David Weinberg	Recochem, Angelo Macchia	
Darren Noble, Home Hardware		Recochem, Brian Prendergast	

11.2.2 Via Webcast

CDT Consulting, Don Tanner	City of Orillia, Greg Preston	Sava Fire Equipment Inc., Fred Sava
CIPH, Kevin Wong	Honeywell, Sean McNear	Town of Whitby, Lisamaria Akeson
City of Kingston, John Rhodes	Regional Municipality of Peel, Trevor Barton	

11.2.3 Via Survey

AstraZeneca Canada, Terry Yee	City of Kingston, John Rhodes	K-G Packaging, David Pocock	Recochem, Brian Prendergast
Canadian Petroleum Products Institute, Eric Bristow	City of Owen Sound, Janis Cumin	Philips Lighting, Tim Waterfield	USANA Health Sciences, tanya Quaestor
Canadian Tire, Sarah Webb	Home Hardware Paint and Home Products, Darrin Noble	Raw Materials Company, Richard Unyi	
City of Kawartha Lakes, Roberta Perdue	Home Hardware Stores, David Bois	Rechargeable Battery Coalition, David Weinberg	
		Recochem, Angelo Macchia	

12.0 Comments Received During WDO Comment Period

Inglis Environmental, Brent Hamilton City of Saskatoon, Rolan Rusnell Recochem, Angelo Macchia City of Stratford Energy and Environment Committee, Anita Payne Organic Express Inc., Carol Rosinski SureGro Inc., David Watson Orgaworld Canada Inc., Henk Kaskens Loblaw Companies Ltd., Inge van den Berg	Recycling Resource Service, Lorraine Roulston CAMA, Larry Moore Webber Environmental, Mel Webber Miller Waste Systems, Mike Kopansky Mudugno-Hortibec Inc., Rene Modugno Post Carbon London, Shane O'Neill CCSPA, Shannon Coombs Composting Council of Canada, Tom Hennessey Agriculture Technology,	Steven Posthumus Agriculture and Agri-Food Canada, Tissa Kannangara PCPSA, Ginette Vanasse Peel Region, L.G. Conrad Metro Vancouver, Albert van Roodselaar Composting Council of Canada, Quinte Waste Solutions, Jeanne Vilneff BD Diabetes Care, Ed Langill BatteryCycle, Jon Lomow Scotts Canada, Karen Stephenson	Clean Air Foundation, Krista Friesen Canadian Appliance Manufacturers Association (CAMA), Larry Moore Agrium Advanced Technologies, Suzanne Beattie Canadian Vehicle Manufacturers' Association, Yasmin Tarmohamed
--	--	---	---

A. Appendix 1 – Comments on Overall Plan

<u>ISSUE.....</u>	<u>PAGE</u>
Accessibility (34)	A-1
Commencement Date (1).....	A-6
Confidentiality (3)	A-7
Consultation (36).....	A-7
Program Cost (22).....	A-13
Cost Recovery Methodology (44)	A-17
Data Sources (1)	A-27
Definitions (26).....	A-27
Fees (1).....	A-31
ISP/Existing Programs (6).....	A-31
Key Performance Indicators (1)	A-32
Municipal Agreements (1)	A-32
Overlapping Stewardship Programs (5).....	A-33
Program Scope & Objectives (14)	A-35
Promotion and Education (14)	A-37
Research and Development (4)	A-39
Role of the MoE (2).....	A-40
Targets (16).....	A-40
Terminology (1).....	A-43
Tracking (2).....	A-43
Vendor Standards (1).....	A-44
Comments for the MOE (4).....	A-44

Comment	Stewardship Ontario Response
Accessibility (34)	
<p>Concerned with amendments that mandate an increase in residential collection infrastructure without taking into account whether there is sufficient recycling infrastructure in place. For some MHSW, there is insufficient infrastructure to recycle collected materials, resulting in the costly secure landfilling of non-hazardous special waste</p>	<p>The Minister's Program Request Letter states that where limited recycling options are available, the Consolidated MHSW Program Plan shall encourage the establishment of facilities with sufficient recycling capacity to maximize management of MHSW. Activities to be implemented as part of the material-specific R&D budgets will strive to solve this issue.</p>
<p>It is mentioned that there is a minimal uptake of some materials at current fee levels. Is this really a function of the fees or is there simply not as much out there as predicted in the plan?</p>	<p>Stewardship Ontario is currently only at the point of analyzing that. There is a likelihood that companies are storing up for processing. This is only a snapshot in time.</p>
<p>Ministry is expecting the current municipal infrastructure to be maintained and expanded; as fast as groups pull out, that leaves fewer groups to support municipal costs</p>	<p>Ministry is just concerned with increased diversion. Municipal agreements are voluntary. But they do provide a comprehensive collection infrastructure. What everyone needs to be clear about is that the existence of a program does not exclude a company from the regulations. What's required is that the plan must address all requested materials. There is an exit method. can check procedures on WDO. Legislation makes it clear that ISPs cannot be applied for until plan is approved. May make sense to incorporate program into consolidate MHSW plan</p>
<p>Will the new template for recycling disposal tender document be prepared by SO prior to the new plan coming into effect so that municipalities can get their contracts in place</p>	<p>It will be updated as necessary, but we don't know when the program will go into effect. It will take some time.</p>
<p>How does this revised plan affect municipalities that undertake collection programs?</p>	<p>The program is moving to cover collection costs, and will be covering more wastes.</p>
<p>Despite the proposed ISPs, additional collection options should be developed in order to ensure convenience for the consumer. Recommend instituting incentives for primary battery collection</p>	<p>The accessibility target for consumer-type portable batteries estimates that in Year 1 there will be approximately 2,170 non-municipal battery collection sites. This includes RBRCC's 1,903 collection sites, as all RBRCC sites will be welcomed under the Program provided that they accept both single-use and rechargeable Consumer-Type Portable batteries.</p>

Comment	Stewardship Ontario Response
<p>The best method for increasing accessibility is the establishment of small collection points, from which the batteries can be transported directly to the processing facility in order to minimize logistical costs. Although the RBRC program ship to a consolidation point prior to processing, RMC offers a program that ships directly from generator to processor, thus minimizing transportation, consolidation costs, and paperwork burden</p>	<p>Comments noted. Stewardship Ontario has incorporated the concept of small commercial collection locations into its accessibility strategy for batteries.</p>
<p>What is the percentage of capture effectiveness from return to retail versus special collection programs?</p>	<p>We have not published an exhaustive example of this, but you can look at the charts in this document and it will be illustrative. In general, where you offer a one stop drop, you tend to get a higher volume of returned product.</p>
<p>In regards to Municipal and Private Sector MHSW Depot Collection Channel - Is there a proposed timeline for the per-hour negotiations with collection service providers?</p>	<p>Part of it depends on the timeline for the approval of the plan. We intend to begin discussions this summer with municipalities that are currently under contract with a transporter and for which SO is responsible for transportation costs about taking over the contracts with those transporters. At the same time, we will raise the issue of operation of municipal depots. So we're urging municipalities to look at their services.</p>
<p>The principles driving accessibility are sound. However, there is a concern, perhaps due to political motivations, that there is too much focus on sparsely populated rural and northern regions that produce relatively little waste. Such focus might not generate adequate returns for investment.</p>	<p>Comment noted. The Minister's Program Request Letter specifically directs Stewardship Ontario to focus on improving accessibility in underserved areas such as the ones mentioned.</p>
<p>Agree with the principles and approach to accessibility, as long as it is clear that the municipalities will not incur the burden of the effort and cost; If SO wants municipalities to expand services, it should allocate capital and operational funding to municipalities for this purpose.</p>	<p>Comment Noted.</p>
<p>Agree with the principles and approach to improving accessibility, especially the concept of cost effectiveness.</p>	<p>Comment Noted.</p>

Comment	Stewardship Ontario Response
<p>A cost benefit analysis should be conducted to determine whether it makes sense for all materials to be collected via "one stop for all" collection services; stewards should not have to bear added costs for seldom used collection channels.</p>	<p>Stewardship Ontario will be evaluating program performance on an ongoing basis as it expands services and introduces new innovations, in order to retain the best aspects of the existing system, identify the most effective new innovations, replicate these as appropriate throughout the province, and ensure that program performance improves continuously and cost-effectively.</p>
<p>The most user-friendly recycling methods, frequent availability and distance to the generator should all be benchmarks of an effective MHSW collection system. A variety of options for each community will likely be more effective than a single solution for all, given the size and variety of Ontario.</p>	<p>Comment Noted. Stewardship Ontario is committed to considering all options to provide effective accessibility in a cost-efficient manner.</p>
<p>An assessment of the most effective way to reach each community in Ontario should be made prior to program implementation. The plan should allow for flexibility in this area. (4)</p>	<p>Comment noted and taken into consideration. Once the Revised and Consolidated MHSW Program Plan is submitted to the Ministry of the Environment, Stewardship Ontario will begin working on a plan for implementation.</p>
<p>The goal to collect the widest possible range of MHSW products, with the minimum of distance from the generator and with a frequency reflective of product lifespan, is a benchmark of an effective and user-friendly system. A single solution does not exist, however, and accessibility should be tailored to the needs of each community. A plan to meet the needs of all Ontarians does not currently exist. Making the stewards fully responsible for program costs will necessitate a complete overhaul of the system to a more efficient model. (4)</p>	<p>Stewardship Ontario recognizes the importance of the specified criteria as benchmarks of program performance, and believes that these have been adequately incorporated into the program plan. Other comments noted.</p>
<p>We support the requirement to expand availability but not at all costs. We suggest that SO look for cost reductions in the area of collection consistent with program wide goals and the principle of cost effectiveness. We do not believe it reasonable or effective to have the same accessibility level across the province. Rather, other metrics such as striving for a percentage improvement in all regions would be more effective and more achievable. (2)</p>	<p>It is Stewardship Ontario's firm intention to consider all options that will deliver the most effective program performance at the lowest cost to stewards. However, Stewardship Ontario is mandated by the MoE to increase accessibility, particularly in those regions which are currently underserved.</p>

Comment	Stewardship Ontario Response
<p>Do not agree with the principles of and approach to improving accessibility. Toxic tax does not represent responsible and bearable cost. What is a toxic tax, how would it work, what would it cost, when would it get used?? It is "responsible" to address and answer these questions prior to writing this in a plan. Permanent municipal collection sites may not be a given under an new and effective program, in light of responsible cost requirements and especially under 100% EPR</p>	<p>A description of toxic tax is provided in section 4.1.1 under point c). The Minister's Program Request Letter requires the Consolidated MHSW Program Plan to consider a range of collection options, including toxic tax.</p> <p>Only two known MHSW collection programs of this nature are in operation in the province. Material collection rates are reported to be very low based upon the limited experience to date. Careful consideration will be given to the effectiveness of continuing with this service.</p> <p>Municipally-administered year-round and seasonal depots are the backbone of Ontario MHSW collection programs and it is anticipated that these depots will continue to play an important role in MHSW service delivery. Notwithstanding this, Stewardship Ontario also plans to contract with private waste management companies.</p>
<p>Agree with the principles and approach to improving accessibility, but where possible and economically feasible, should try to supply direct shipping from generator to processing facility with batteries being the main example.</p>	<p>Comment Noted. Stewardship Ontario will examine all possible methods to increase the efficiency of the management network in the lead-up to program implementation. As part of its system optimization strategy, Stewardship Ontario will determine whether it is more efficient to ship directly from a collection site to a processor or whether efficiency is enhanced by consolidating materials at a central location. Stewardship Ontario will investigate the use of regional consolidation centres, especially in the north and will assess whether these centres can be integrated with depots in major regional centres.</p>
<p>Municipalities that operate fully integrated waste systems support an MHSW program that maximizes the range of materials collected. Agree that the current level of service needs to be maintained and improved. As residents are accustomed to dispose of their MHSW at municipal depots, the implementation of return-to-retail programs may impact the cost-effectiveness of municipal programs. This needs to be monitored through the transition and beyond.</p>	<p>Comment noted.</p>

Comment	Stewardship Ontario Response
<p>The Draft Plan calls for compensation to be based on a per-hour rate and that such rates will be negotiated individually with each collection service provider. Municipalities support this as the best methodology to deal with the diverse situations encountered in various locations across the Province.</p>	<p>Comment Noted.</p>
<p>The Draft Plan contains numerous references to municipalities' key role in the MHSW collection system, particularly regarding depot-based programs. It is imperative for Stewardship Ontario to work closely with municipalities to be able to fully leverage the collection systems in place wherever possible and to design program logistics that complement these existing systems. Many of the depot locations have limited storage capacity and specific requirements for material movement. If, for instance, there is an expectation that municipalities will accept IC&I, consideration of municipal capacity and MoE approvals is necessary. This must be considered as the Plan becomes operational. (3)</p>	<p>Stewardship Ontario is aware of the challenges involved in expanding the municipal collection infrastructure.</p>
<p>We understand that compensation to municipalities who operate the program will include consideration of preferred hours, but will municipalities be compensated for operating outside of their current hours and how would any change in hours be compensated for other programs? How will municipalities be compensated for providing service to customers from outside the City boundary? Will processing fees be compensated?</p>	<p>Stewardship Ontario intends to encourage collection service providers to adjust operating hours to ensure that these facilities represent a more viable alternative for working families and others unfamiliar with or unaccustomed to travelling to waste facilities. Including a premium rate for "Preferred Accessibility Hours" in the compensation offer will be integral to this effort. The provision of these preferred accessibility hours would not be a requirement for collection service providers, rather a premium rate of compensation would be offered to those service providers that choose to provide such preferred accessibility hours.</p> <p>In preparation for this revised approach to collection service delivery, Stewardship Ontario will begin the process of transitioning to full program responsibility (including collection, transportation and processing costs) with those municipalities that have already entered into a shared responsibility agreement with Stewardship Ontario. The details surrounding this revised approach will be elaborated as part of the implementation plan to be developed once the Consolidated MHSW Program Plan has been submitted to the Minister.</p>

Comment	Stewardship Ontario Response
<p>Our municipality has invested a significant amount of money in its waste management facilities, which include MHSW depots. If their use for this purpose is to be continued, it is expected that municipalities will receive compensation to offset capital investment like this.</p>	<p>Stewardship Ontario will likely begin approaching selected municipalities in the summer of 2009 to discuss the transfer of transportation and processing services to Stewardship Ontario, and (pending approval by the Minister of the Consolidated MHSW Program Plan) will at this time explore potential terms for collection services.</p> <p>Stewardship Ontario encourages each municipality to review its unique circumstances – the accessibility and quality of current facilities and services, cost structure, resident behaviour and expectations – and consider the terms under which it would be open to providing collection services on behalf of Stewardship Ontario to residents and small quantity IC&I businesses in their population area.</p>
<p>The Draft Plan expresses plans for the development of a coordinated regional schedule of events. Many municipalities have established annual collection events and it is essential that municipalities have direct or significant involvement in this area to ensure that collection event services and locations be continued in areas in which they have historically been held. Municipalities want to ensure that future service standards do not diminish the standard of services already in place. Consequently, the delivery of an MHSW program must include a role for municipalities representing the public consumer. The municipalities are familiar with their territories and the unique nature of the communities within them and may be best able to respond to public questions and concerns.</p>	<p>Comment noted. Stewardship Ontario shares the view that effectively leveraging municipal programs currently in place is integral to the success of the program, and for this reason, is committed to working with municipalities.</p>
Commencement Date (1)	
<p>Is SO recommending a start date for the consolidated plan, and if so what is that date?</p>	<p>We will be starting on an implementation plan as soon as we submit this plan. That plan is being undertaken so that we can identify all the activities that need to be accomplished before the program becomes operational. All of the factors identified will contribute to any recommendation - which will be fact based - we make regarding a start date, although one has not been identified as of yet.</p>

Comment	Stewardship Ontario Response
Confidentiality (3)	
<p>Request a detailed description from SO regarding how it will protect confidential business information. As the release of such information could reasonably be expected to result in material financial loss, require assurance as to how data will be protected and disseminated. (3)</p>	<p>All members of the program planning team must sign confidentiality and non-disclosure agreements with Stewardship Ontario. In addition, all members of the team are covered by WDO's non-disclosure agreements. Data will only be disseminated in aggregate form, and then only if it is felt that the source is not identifiable.</p>
Consultation (36)	
<p>Request that SO and the MoE consult with other ministries about the economic effect of this program. Producer obligations will stress the viability of Canadian-based companies, and the effect on the economy of costs passed onto the consumers bears investigation (2)</p>	<p>Stewardship Ontario is required to follow the procedures for consultation established by the WDO. These procedures do not include SO initiated consultation with other provincial ministries although notification is provided and participation encouraged in all public consultation sessions. It is known that steward representatives and the Ministry of Environment have actively briefed other ministries on issues related to the development of the draft MHSW program plan. Furthermore, comment is encouraged in response to draft versions of the program posted throughout the plan development process and on the final program plan which will be posted for comment on the Environmental Registry before a final decision is rendered by the Minister of the Environment.</p>
<p>Support the request of an extension of program development as all parties are having trouble meeting deadlines for document review etc. The backlash to all parties if these programs fail would be significant, therefore it is best to ensure that the plan is developed in a timely manner.</p>	<p>The program planning team is in agreement with this comment.</p>
<p>Obvious from January 14th meeting that the Ontario Government only wants to appear as if it consulted with industry, and actually has no intention of doing so. Evident from the disappointment expressed by others who had dedicated time and expertise over the past year which had not been utilized. Evident that grass-roots input was not welcome, and that only representatives from the umbrella organizations were welcome.</p>	<p>Stewardship Ontario has been committed to engaging with all stakeholders and interested parties throughout the development of the Consolidated MHSW Program Plan. Three public consultation meetings were held, and industry representatives participated in Working Groups for each of the materials.</p>
<p>Please ensure that our organization is included in any stakeholder initiatives pertaining to the MHSW program</p>	<p>Comment noted and followed up on.</p>

Comment	Stewardship Ontario Response
Concerned that industry is being asked to fund services that are unspecified, and for which the benefit is unclear	Fees are levied on stewards to offset the management costs of materials obligated under the program, which materials are either manufactured or imported by these stewards. The Minister of the Environment designates waste materials for which a diversion program is to be developed and funded through the legal authority conferred by the Waste Diversion Act.
Requests a thorough discussion with SO on all material groupings relative to our organization's members, in preparation for which we will provide a comparison between Oct 28 and Jan 14 definitions	Issues pertaining to definitions were addressed at both the Steering Committee and Working Group levels.
Understand that SO has held consultation on its returns initiative. As our members will be directly affected, we are interested in becoming involved in the consultation process	Comment noted and followed up on.
Concerned about removal of MoE. Initially, understanding that definitions broad, and there would be ability to tighten up, as with Blue Box. MoE seems lately to be less flexible in terms of listening to rationales for exclusion. No idea what criteria for special waste is, so what is the rationale. Might need to discuss in person. Structure inserts numerous levels in between. Don't trust level of understanding of people in the chain. How do we get around fact of insulation of ministry from consultation process? What recourse for rejected exclusion request	No comment on MoE process. Simply following guidelines laid down by ministry. Point of this exercise is to prevent broken telephone; things will only go through in writing. Allow all the stakeholders to see what is going forward. Perhaps a greater standard of evidence is now required. Very demanding here, and we are attempting to reach out to stewards here.
Will the Steering Committee know and agree, and at least be aware of everything that goes forward to the ministry? Material from Jan 14 did not have the input of any stewards or the steering committee. Dozens of stewards involved last fall in providing data, but it is not represented here, and we hope that it represented going forward. Hope we will have an advocate in SO. SO advocated exclusion of food product aerosols without data, so where is the data?	Yes, they will. Nothing has gone forward as of yet. Each WG lead will keep a log of requests. Material from Jan 14 did go forward, but there was no steering committee then to approve. SO's role is not to be an advocate, but to design and provide programs. Exclusion requests are not advocacy or positions, but reasoned and clear data. Food product aerosols have not been exempted from the program; there has been no guidance.
An aspect of the membership of the Working Groups is providing data, but a lot of this data is very confidential, how is that being protected?	There are lots of confidentiality and non-disclosure agreements in place to protect against this. Data is always released in an aggregate form

Comment	Stewardship Ontario Response
Please clarify in terms of next steps and deliverables: document circulated today (Second consultation meeting) seems very similar to doc circulated in January, so worried that any future documents will not reflect steward input, but want assurance that doc will have significant changes in the future	Will discuss most appropriate way to transmit information as getting a sense that current method is not keeping people happy.
What was on slide today (Second consultation meeting) does not mesh with what was in the consultation document for pharmaceuticals. Asking that before distribution to delegates, correct slides. Suggest dating of documentation	Comment noted. Corrections were made.
Definition handout today (Second consultation meeting): confused as to what this document is; is this the current definition as of today? Is it a proposal going forward? When someone tries to present data, may not end up being fair to the product. Fertilizers are such a huge category, so wonder if there is actually an adequate level of understanding at the Ministry	This is the information that we are shaping going forward, knowing that it may be inconsistent with previous versions. Need to find a balance between always keeping people apprised and minimizing confusion
A message should be sent to those who submit comments acknowledging receipt and providing contact info.	Done.
Process for clarifying definitions: our members are overwhelmed and can't always be at Working Groups, so we have provided a thorough list of ten definitions	All submissions will be incorporated into the Working Group definitions in future.
Flow chart was different today than that used at Working Group levels; Please clarify what exactly the process is	MoE only provides guidance, does not approve specific parts of the plan
I would like to register for the Material Group Meeting on May 21. Have been to the SO website and Consultation area but can find no link after that for registration for this Group Meeting? Can you guide me.	It is being posted as we speak, so it will be on the website shortly.
What will be the process within the working groups, to support/defend the changes needed?	Arguments will need to be fact-based, but we're too late in the process to start at the beginning
We are very constrained by the brief period of time to look at these documents, and the plan as presented leaves a lot of questions. It's almost impossible reading Phase 1 or looking at Phase 2 to understand the genesis of the cost numbers. Are the cost recovery models available to the public, or how can we understand the assumptions used in generating these numbers.	They are not public, in part because they are still being revised. This is a cost projection of what service providers are likely to charge, so we think it is not appropriate to put into the marketplace what we expect service providers to charge us. MoE and WDO staff are being given full cell-by-cell access.

Comment	Stewardship Ontario Response
In preparation for these working groups, can you give us some idea of what would be covered in these consultations? There seems to be a need to at least partially understand what's driving these costs.	The point is clear, and we will consult and know before we come to that consultation. It will not be just a working group, because any stakeholder can come, so if we find that there are some newcomers, then we'll give an introduction, otherwise we'll go straight to Q&A
Scales and synergies for reducing costs have been mentioned. Are the working groups proper conduits to bring forward suggestions on this front?	We'll take it there, but it has to be now. If you can provide a good analysis of why your suggestion will lead to lower cost, then we'll take it, as we prefer lower costs.
To deal with the data packs, we're making assumptions and projections, but at no time have stewards ever been provided with sufficient data. In the working groups, we were only provided with data on one lab pack, which is nowhere near sufficient.	Right now, we're up to 100 labpacks, and we can get the breakdown to you separately. We have thousands of data points, including size of container, brand, and amount remaining, so we have a significant amount of data
Would like to thank SO for resolving the issue with the pharmaceuticals definition, despite the amount of time it took. On a related note, what are the roles of the steering committee and the working groups moving forward, and how can we ensure that our input on outstanding issues will be heard given the amount of time remaining.	The next steering committee is slated for all day, so you have lots of time to bring issues up there.
The lack of background explanation and the short time allowed for comment substantially limits the value of the public consultation process. These concerns have been brought up in several forums. Although the revisions in the May 27 draft are appreciated, a number of significant issues remain. Given the inability or reluctance to share the cost and volume analyses that drive the cost model and to explain how market share would be calculated, comments are of uncertain value.	<p>The timelines for development and submission of the Consolidated MHSW program plan were established by the Minister of the Environment and by the WDO. It should be noted that an extension to the program plan development timelines was approved by the Minister and the WDO during the plan development process. Considerable time was spent by steward representatives during the plan development process questioning the validity of the governing Regulation 542/06 (which is outside of the authority of SO or WDO modify) ; focusing on requesting exemptions from the program and some stewards proved reluctant to or were unable to provide planning data required for plan development.</p> <p>The plan includes information on the methodology that was used by the planning team to forecast program costs, including the key assumptions, and the sources of data and expertise that were used for the analysis. While the aggregated results of the analysis are included, specific details are confidential. This confidentiality is necessary to maintain the integrity of tendering and negotiation for future service contracts, and to ensure that Stewardship Ontario obtains full value for money from these contracts.</p>

Comment	Stewardship Ontario Response
<p>Appreciate the effort involved in the consultation process but feel that the past several weeks have been too rushed. As of June 2, the posted draft plan does not include the revision to the pharmaceuticals definition. The timelines for comment in this process are and have been insufficient: the plan was posted less than 4 business days prior to consultation and less than 14 business days were given to make comments. These challenges were compounded by poor communication to stakeholders of late revisions to the plan. (4)</p>	<p>The timelines for development and submission of the revised MHSW program plan were established by the Minister of the Environment and by the WDO. It should be noted that an extension to the program plan development timelines was approved by the Minister and the WDO during the plan development process. Considerable time was spent by steward representatives during the plan development process questioning the validity of the governing Regulation 542/06 (which is outside of the authority of SO or WDO modify) ; focusing on requesting exemptions from the program and some stewards proved reluctant to or were unable to provide planning data required for plan development.</p> <p>Stakeholders will have another opportunity to provide comments on the draft plan after its submission to Waste Diversion Ontario.</p>
<p>Throughout this process, left with the impression that the province is set on pursuing its strategy, priorities and timeframe with little consideration for the increased regulatory and cost burden being placed on Ontario's most challenged and vulnerable economic sectors. There is frustration with the rush to pursue costly and incomplete proposals for increased waste diversion and the increasing number, scope and magnitude of the material-specific plans are exerting a strain on affected stewards. Disappointed that only two weeks were given for submitting comments.</p>	<p>Your comments pertaining to the Ministry's intentions have been noted separately and will be forwarded to the MOE.</p> <p>In regards to the comment period, the timelines for development and submission of the Consolidated MHSW program plan were established by the Minister of the Environment and by the WDO. It should be noted that an extension to the program plan development timelines was approved by the Minister and the WDO during the plan development process. Considerable time was spent by steward representatives during the plan development process questioning the validity of the governing Regulation 542/06 (which is outside of the authority of SO or WDO modify) ; focusing on requesting exemptions from the program and some stewards proved reluctant to or were unable to provide planning data required for plan development.</p>

Comment	Stewardship Ontario Response
<p>The timeframe for plan development is unreasonable and risks creating a Program Plan that is unworkable for both SO and for industry. Recommend: 1) that the Stewardship Ontario Board communicate to the Minister and to WDO that extensive consultation on “what is in or out” is required before program request letters are issued, to save valuable time later in the process; and 2) that the Stewardship Ontario Board communicate to the Minister that an analysis of cost/benefit and of the cumulative economic impact of this initiative – along with other MOE initiatives that stewards have to manage – be undertaken.</p>	<p>This comment will be forwarded to the Stewardship Ontario Board of Directors for consideration.</p>
<p>More time needs to be allocated in the program development phase for meaningful dialogue. Concerned that after investing significant resources to develop systems and processes for Phase 1, significant changes are proposed that could require a complete overhaul. Not enough time has been allowed for Phase 1 to develop and mature. The full year's performance for Phase 1 should be assessed before expanding the program. SO should concentrate on either materials captured or the funding model, but not both. At the minimum, suggest that SO should not modify existing reporting and remitting requirements for existing Phase 1 materials for at least 2 more years. Recommend that SO seek no less than 6 months lead time prior to implementation.</p>	<p>The timelines for the development and submission of the Consolidated MHSW Program plan were established by the Minister of the Environment. Stewardship Ontario does not have the authority to modify these. The Minister of the Environment has final say in the Consolidated MHSW Program Plan's Commencement Date. The Draft Preliminary plan has proposed a January 1, 2011 commencement date.</p>
<p>Recommend that SO obtain correct data, reduce program costs, and conduct a meaningful consultation process, taking time to clear up errors and answer questions.</p>	<p>A corrected version of the Draft Preliminary Consolidated Program Plan was posted on May 27.</p> <p>The timelines for development and submission of the Consolidated MHSW program plan were established by the Minister of the Environment and by the WDO. It should be noted that an extension to the program plan development timelines was approved by the Minister and the WDO during the plan development process. Considerable time was spent by steward representatives during the plan development process questioning the validity of the governing Regulation 542/06 (which is outside of the authority of SO or WDO modify) ; focusing on requesting exemptions from the program and some stewards proved reluctant to or were unable to provide planning data required for plan development.</p>

Comment	Stewardship Ontario Response
Surprised to see issues presented and attributed to our organization on the SO slide deck to MoE. Because this deck was not shared with us in advance, it raised concerns about SO's usage of our organization's name. Furthermore, the slides contained material errors that misconstrued our information	Comment noted
Transparency and communication – recommend adoption of measures committed to at March 4th public consultation meeting to improve transparency and credibility	Comment noted.
Program Cost (22)	
My company imports from the U.S. for distribution across Canada. These fees amount to a provincial import tax, the costs of which will ultimately be borne by the customer, who will in turn blame industry	<p>The Waste Diversion Act defines a steward as a brand owner or first importer.</p> <p>How individual stewards chose to recover the fees levied by Stewardship Ontario is a business decision that concerns the steward only.</p>
It is imperative that the MHSW program run in a cost-efficient manner. Recommend the development of an accountability mechanism. Effective and responsible messaging will also contribute to controlling costs, but thus far, the program message has not been properly conveyed.	Comment noted.
Concerned with the escalating costs associated with the MHSW Program Plan.	Comment Noted.
Who pays for the enhanced analytics for performance? Producers?	Answer: yes. Producer responsibility means all of these costs are built into program costs and billed to stewards.
We have a question about Depot in a Box collection. Has the purchase of one of these depots been approved already? And is there a cost?	No, the document's barely been written. Would not recommend purchase until program approval. Do have design specs and cost from a European manufacturer, but would like to take that to a North American manufacturer to compare cost efficiency.
Tthere was a discussion about amortizing some of the development costs of phase I. Is that included and if so, what proportion is spread across Phase?	It's in the shortfall or the deficit. The projected deficit is 6 to 12 million, depending on sales and program performance, so the 4 million is based on material-specific deficits, but the plan development costs for the whole plan are rolled into that.

Comment	Stewardship Ontario Response
There are WDO plan development costs of over half a million dollars. Those are WDO and not SO. What's in those and why do stewards have to pay?	The WDA makes specific provision for WDO to recover its costs from stewards of the various programs it oversees. So those are costs for the time spent monitoring the program, participating in the program. That's a bill that SO gets from WDO; it is the WDO's estimates given to SO, not one that SO calculates.
On the total common cost of 12.5 million, to what extent have those numbers been diligently scrutinized? It's more than double Phase I and I would have thought there would be economies of scale.	It has been diligently examined, but it is still a planning estimate. But the infrastructure to manage and implement a program of this complexity requires a significant degree of investment. One of the lessons of Phase I was that the program was significantly lacking in resources for implementation.
I'd like to clarify what 100% EPR means in a practical context. Does that mean that producers are paying for the cost and space charged by a retailer in association with collecting a product?	Retailer participation is voluntary. The focus of SO is to make an offer, and so far the uptake has been pretty good - in fact, almost too good, in the sense of too much is coming back too quickly. So one of the key standards addressed in this plan is about capacity for storing quantity. A retailer has to have enough capacity to store a week's worth of expected returns. To this point, there have been no retailer requests for payment.
If we use fact-based costs and determine that the least effective and most successful method for returns is a return to retailer program, are the stewards going to be responsible for paying for the other methods that they determine are less effective and more costly?	If a municipality receives a material, there is a cost and that cost has to be paid by SO. So the answer to your question is yes.
There is a concern that cost efficiency will overshadow program effectiveness, as increasing accessibility, particularly in low density areas, adds cost. Since cost is recovered on the sale of products, all industry is treated equally. Therefore, cost, though important, should not be the driving force	Comment Noted.
The significant increase in common costs for the consolidated program needs to be well-justified. Stewards should not have to pay the planning costs incurred by WDO, which adds little value to plan development and is a redundant service.	Comment Noted. The Waste Diversion Act provides for WDO to recover its costs for monitoring the program planning and operation activities from the stewards of the various programs under its administration.

Comment	Stewardship Ontario Response
<p>Successful recycling plans weigh both effectiveness in collecting and efficiency in cost. The plan seems to focus more on the former than the latter. For instance, Do not believe that it is realistic or cost-effective to project 2400 retailers to participate in this program by 2010. RBRC already has 1300 and the extra retailers, if achieved, are not likely to collect enough to be cost-effective.</p>	<p>Stewardship Ontario has modified its original Year 1 accessibility target of 2,400 down to 2,170 as of June 11, 2009. Please note that this target includes all non-municipal collection activities. As such that includes, in addition to retail locations, industrial, institutional, commercial and specialty collection sites. Accessibility targets for Years 1 -5 incorporate RBRC's existing sites, as these collection sites would be welcomed under the Consolidated MHSW Program Plan provided that they collect both single-use and rechargeable consumer-type portable batteries.</p>
<p>The cost estimates summarized in Table 7.8 of the revised Volume 1 (page 68) cannot be replicated from data presented and are questionable. R&D and P&E expenditures are murky and unexplained. These are prone to abuse and must be rigorously justified.</p>	<p>The plan includes information on the methodology that was used by the planning team to forecast program costs, including the key assumptions, and the sources of data and expertise that were used for the analysis. While the aggregated results of the analysis are included, specific details are confidential. This confidentiality is necessary to maintain the integrity of tendering and negotiation for future service contracts, and to ensure that Stewardship Ontario obtains full value for money from these contracts.</p> <p>Material-specific R&D and P&E amounts are explained in further detail in Volume 2 of the Consolidated MHSW Program Plan.</p>
<p>The program costs at the corporate level and for material specific R&D and P&E seem excessive and without detail to support these numbers. Material management costs have increased considerably from the original version of the Plan (from \$275,000 to \$480,000). We would look for an explanation for this change.</p>	<p>Material-specific R&D and P&E amounts are explained in further detail in Volume 2 of the Consolidated MHSW Program Plan.</p> <p>In the case of fluorescents, material management costs have increased from the May 14th version to the May 27 version of the plan due to the addition of fluorescents embedded in electronic products.</p>
<p>With the cost of the program expanding to \$67M, and the identification by SO of a number of risks that could significantly affect costs, there are serious concerns regarding both projected overall costs and the lack of satisfactory cost control mechanisms. It is not yet apparent what portion of this cost stewards might be asked to bear. The option of an ISP bears exploration.</p>	<p>Comment Noted.</p>

Comment	Stewardship Ontario Response
<p>We recognize there are some key drivers for the increased costs versus the Phase 1 program. However, it is important to recognize that all sectors of the economy are being required to find cost reductions particularly during this time of economic stress. Encourage SO to undertake an analysis across the Draft Program Plan on the impacts of a 10% cost cut, to review this at the SO Board, and to include this analysis prior to forwarding the Draft Program Plan to the WDO for review. Also encourage SO to work with affected stewards to look for material-specific cost savings opportunities, prior to forwarding the Plan to the WDO for review.</p>	<p>The Board of Stewardship Ontario must review and approve the draft MHSW program plan before it is submitted to the WDO for consideration. The Board must also review and approve revisions to the program and to steward fee rates on an ongoing basis and any revisions that affect fee rates must also be reviewed and approved by the WDO.</p>
<p>Appendix 1 of Volume 1 contains many inconsistencies: Many products are included in various categories, such as pesticides. Under this system the onus of correctly sorting is at the time of collection, but labpack data demonstrates that there is little consistency in current practices. It is not fair to charge collection staff with the responsibility of deciding what category a product fits into, especially given that there is specific legislation for pesticides and fertilizers. (3)</p>	<p>Stewardship Ontario is aware that several designated MHSW fall under more than one category. As part of the work that will be done on preparing the implementation of the Consolidated MHSW Program Plan, Stewardship Ontario will use the results of the lab pack study it recently completed to identify current lab pack practices in the industry and developing collection standards that ensure maximum collection and downstream processing efficiencies.</p>
<p>Any stewardship plan must look at both its effectiveness (amount collected) and its efficiency (cost per kilo collected). We suggest that the Plan consider using some of the performance measures contemplated in the Performance Measurement and Reporting for Extended Producer Responsibility Programs Reporting Guidance Document prepared for Environment Canada in 2007 and the Extended Producer Responsibility (EPR) Program Measurement and Tracking Final Report prepared for Canadian Council of Ministers of the Environment (CCME).</p>	<p>Comment Noted</p>

Comment	Stewardship Ontario Response
<p>The plan should look across product categories to leverage synergies where possible. This includes container collection/ plastics processing. Solvents and oil containers, some paints and other groups could leverage the same processing technology. Hence cost distribution in this regard would assist in reducing overall program costs</p>	<p>It is recognized that simply assuming responsibility for the current collection system, and adding materials and/or additional collection and processing systems will not produce a successful, comprehensive and efficient MHSW program. One of the lessons learned from the Phase 1 deployment is that end-of-life management practices for individual materials were perhaps too isolated. To that end, all possible synergies, both within the MHSW program itself, and between other waste diversion programs, such as WEEE and BB, will be considered, and where effective, utilized. As it is, all tenders for plastics R&D will require that submissions consider and integrate completed or ongoing R&D undertaken on behalf of the BB program.</p>
Cost Recovery Methodology (44)	
<p>Orphan wastes: in blue box, there is the principle that one material would never fund another. Is that still the case here? Contingency fund: Might this be used for situations like this, in which case there is still the possibility that stewards are charged for products for which they are not a steward.</p>	<p>There would not be cross-subsidization of materials; the answer is a very tentative one as we are just beginning to bring up the issue. In some cases, it's relatively easy to identify steward, and cost can still be assigned to steward even if obsolete. Could also consider successor technology. Orphan: cannot identify steward. If it's not a material amount of money, it could be shared among other stewards in that grouping. Ultimately the plan is reviewed by constitutional lawyers.</p> <p><i>Note: the response above was given on March 4th. The position taken in the current version of the Consolidated MHSW Program Plan is that Stewardship Ontario cannot attribute costs for orphaned products (products which no longer are supplied for use in Ontario and for which there is no identified steward). Accordingly, Stewardship Ontario will not accept responsibility for these costs and will instruct its service providers that they must not accept these products, as Stewardship Ontario has no source of revenue from which to reimburse these associated costs.</i></p>
<p>Please confirm that there is a possibility that a steward will pay twice for some products due to product overlap</p>	<p>There will not be two fees on a product in the program</p>

Comment	Stewardship Ontario Response
<p>Since (i) there is currently a significant reporting lag from municipalities for their MHSW material volumes and costs and (ii) these volumes/costs are now, and will continue to be in the future, a significant percentage of the total for the program as a whole, my question is: How does SO intend to accurately calculate material specific costs on a monthly basis and charge these back to stewards (unless the municipal costs will be lagged by several months)?</p>	<p>One of the lessons learned from Phase I is the need to include reporting timeline requirements in municipal agreements. This is currently being addressed. Notwithstanding this, given Stewardship Ontario's decision to revert to a fee-based cost recovery model, material-specific costs will not need to be calculated on a monthly basis, but rather on a yearly basis.</p>
<p>Based on a market share and monthly invoicing model (the complexity of which is worrying), can I be assured that all costs in the program will be placed against all stewards, i.e. that some stewards will not be paying for others? Will there be an audit process in place to ensure that all brands are being captured?</p>	<p>This model definitely requires that there are no free-riders. The audit process will be robust. There is also the possibility for adjustment if stewards are registered after the initial implementation of the program to ensure that they pay their share. Even going into the sixth year of the Blue Box program, we continue to find new stewards. Under the law, however, those stewards are obligated for their costs back to the beginning of the program, and so one of the reasons that BB has built some surpluses is that it has spread the fees from these lagging stewards over all other stewards. The organization would value recommendations on reporting frequency.</p>
<p>Is there a de minimis threshold for products where the administrative costs for dealing with a product are not warranted.</p>	<p>While it seems non-sensical, we need to look at what is coming back. While there is no de minimis, now, it is something that should be examined and we would welcome your recommendations.</p>
<p>The new billing approach sounds like it's got some good things going for it. The question is whether you're going to be auditing the numerator as well as the denominator? If 0 coffee filters come back but there are lots of sales, will those stewards pay anything?</p>	<p>Every steward will have some cost associated with the program, and these are the common costs: plan development, administration, reporting, common P&E etc. if the material specific cost is 0, however, then 0 is what they will be charged.</p>
<p>Market share can be determined in many ways. It will have to be defined and supported by stewards. Perhaps preferable to base market share on gross sales of the product as this is the revenue stream to pay for waste management</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>

Comment	Stewardship Ontario Response
<p>Monthly invoicing seems onerous and less cost-efficient, but it may be necessary as information needs to be current and fees collected continuously</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p> <p>Your comment regarding the requirement to retain record for five years has been noted.</p>
<p>Do not agree with the new cost recovery model, which has one major flaw: assumes that all potential stewards are registered with SO. As this is likely incorrect, stewards who do come forward subsidize those who don't, undertaking a heavier cost burden which reduces their competitive position in the marketplace</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>Agree with the cost recovery model provided there is some sort of bond to ensure that stewards cannot default on payments, given the current economic climate</p>	<p>Comment noted.</p>
<p>Bonuses, or rebates, should be awarded to companies who find ways to reduce or re-use waste. Under the current system, there is no incentive to address end of life solutions, packaging reduction, etc</p>	<p>Comment noted.</p>

Comment	Stewardship Ontario Response
<p>Do not support monthly invoicing, as it is costly and onerous (8). If quarterly reporting is provided, then it may make more sense for quarterly payments to be made (5). As many companies budget in advance of the coming year it is also important that there is a mechanism to estimate the following year's cost. The requirement to retain records for five years is very burdensome to small businesses. Will SO really audit small businesses? A shorter period should be considered for small stewards at least.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p> <p>The reporting period under the retained fee-setting methodology is on a quarterly basis.</p>
<p>There is no information on how companies currently involved in the BB program can avoid being billed twice for packaging that comes back through both BB and MHSW. Hopefully, existing programs in other jurisdictions were examined and learned from.</p>	<p>The costs associated with managing MHSW containers within the municipal Blue Box system have not been included in the Consolidated MHSW Program Plan. These costs will be recovered from MHSW stewards through the Blue Box Stewards' fees for Year 1, while data is collected to determine the quantities of MHSW containers vs. Blue Box materials. In subsequent years, those costs will be included within MHSW stewards' fees.</p>

Comment	Stewardship Ontario Response
<p>Have difficulty agreeing to this cost recovery methodology when we are not able to see the calculation methodology.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p> <p>The plan includes information on the methodology that was used by the planning team to forecast program costs, including the key assumptions, and the sources of data and expertise that were used for the analysis. While the aggregated results of the analysis are included, specific details are confidential. This confidentiality is necessary to maintain the integrity of tendering and negotiation for future service contracts, and to ensure that Stewardship Ontario obtains full value for money from these contracts.</p>
<p>The lack of a de minimis provision will adversely affect stewards and negatively effect the plan's efficiency in two ways: 1) Companies with minimal sales to report incur non-value added administrative costs, which hurts the credibility of the program; 2) Independent sales contractors who qualify as first importers are micro businesses - the administrative and financial burden would put many in the industry out of business and act as a barrier to business start-up. As such, request the institution of a de minimis and request a face-to-face meeting to discuss. (6)</p>	<p>A de minimis provision can be included in the program Rules to be submitted with the program plan or can be introduced later when more operational experience is gained. This issue will be reviewed with the SO Board prior to plan submission to the WDO.</p>

Comment	Stewardship Ontario Response
<p>The current cost recovery strategy that allows for deficits and variances to occur is not an effective way to run a program, but the changes suggested in this plan also have flaws. With the fees calculated on recovered products, budgeting for these costs becomes very difficult initially. Building in a variance - until reliable data is gathered - may be the only method for preventing deficits while allowing some predictability in fees. (3)</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>The proposed cost recovery model is inaccurate and potentially unworkable. Industry requires some level of cost certainty to operate these programs. If the variable cost model is based on market share for a given time period, industry will have difficulty ensuring that revenue is sufficient to match operational costs. Additionally, companies will incur added financial and administrative burden in recreating systems to track the EHC.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>Recognize the need for a revamped funding model, and have discussed with SO the possibility of building contingencies into the fee structure and adjusting fees more frequently, but would need to see the specifics of any proposal before commenting more specifically. Any funding model must have a reconciliation that ensures that SO recovers actual costs from stewards, on a yearly basis.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>

Comment	Stewardship Ontario Response
<p>The cost recovery methodology (section 8.2, starting at p. 71 of revised Volume 1) proposed is administratively burdensome since unit fees would have to be calculated by stewards and retailers and would potentially fluctuate monthly requiring frequent changes to retailers' POS systems. Unit fees would likely vary among retailers and could confuse consumers. We understand that a fee-based model, like the Phase 1 model, but with provisions to protect SO solvency is being considered. We look forward to seeing such an alternative in the revised Plan.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>The introduction of a new fee setting methodology is a significant concern, given the short amount of time for stakeholder comment and the prospect of uncertainty it introduces into business planning. As stewards cannot be aware in advance of what market share SO will attribute to them, it is not possible to adequately budget for fees incurred. This model requires substantive consultation going forward.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>We are concerned about instances of cross-subsidization in the consolidated program, both in respect to deficit recovery of Phase 1 and addressing orphaned or legacy products. The current model appears to allocate a deficient recovery amount to all product categories, including those newly introduced into the program. This unfairly imposes additional levies on those products that either did not contribute to the deficit in Phase 1, or were not involved in Phase 1 and could not have possibly contributed to the deficit. This cross-subsidization of one product by another product is also very likely cross-subsidization of one steward by another and is inherently unfair. Similarly, imposing added costs on all stewards for orphaned or legacy products is not appropriate and constitutes cross-subsidization. Why make improvements in your own business when others will be required to help pay the costs? How would the cost for categories in which no products have been identified be recovered, as there are no stewards and cross-subsidization is not appropriate? Categories with no identified materials should have no costs.</p>	<p>Given that the Consolidated MHSW Program Plan builds on the previous planning and implementation work completed under the Phase 1 program, Phase 1 MHSW Program Plan development costs and start-up costs (both deficit in revenue for first 18 months and portion of costs for next 12 months) have been redistributed to all materials according the 85/15 formula described in section 7 of volume 1 of the Consolidated MHSW Program Plan (after accounting for those costs already recovered from Phase 1 materials).</p> <p>Stewardship Ontario will not accept responsibility for the orphaned MHSW and their related costs under the program given that a commercial connection cannot be established between the costs incurred and stewards designated under the Consolidated MHSW Program Plan and required to pay fees.</p>

Comment	Stewardship Ontario Response
<p>Do not support the cost recovery strategy requiring monthly reporting. There must be predictability for companies to budget and fees therefore must be set for a 12 month period. Systems, resources and budget forecasting cannot manage changing fees monthly.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p> <p>The reporting period under the retained fee-setting methodology is on a quarterly basis.</p>
<p>Monthly invoicing will prove impossible to reconcile for stewards and retailers. The concept of avoiding a deficit or surplus that drives this proposal is an impossible aspiration. The best resolution is the incorporation of a "slush fund" to make up the difference. If a surplus exists at the end of year or approved period, we can apply the additional funds to offset future periods. Only after we work through a few years will be establish a balanced period for which we can better estimate future period costs and subsequent fees.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p> <p>The reporting period under the retained fee-setting methodology is on a quarterly basis.</p>

Comment	Stewardship Ontario Response
<p>The proposed cost recovery model is not acceptable for the following reasons: it does not establish a consistent fee for a material category, which would lead to inconsistent fees to consumers, thus negatively affecting competitiveness; it would shift budgeting uncertainty from SO to stewards; it would vary from well-established models used across provinces. Convergence is better than divergence; it does not lend itself to remitter agreements; the approach is inconsistent with the pro-business program the Ontario government is currently promoting. Recommend that SO retain the current fee structure, adjusting the per unit fees on an annual basis as necessary and aim for greater consistency with the approach of other provinces.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>Do not support the cost recovery model. The market share model is OK but the collection methodology should include a shared cost by municipality and must be predictable to stewards. It cannot change every month based on program actual costs. It must be blended and the costs must be transparent and justifiable to best practice program costs already established in Canada. Must be sure all stewards are included, not just those of us who help by registering and participating. Must not double count blue box.</p>	<p>The Minister's Program Request Letter states that funding for the program shall become the full responsibility of the stewards and shall address all costs inclusive of collection through to final diversion or disposal of MHSW.</p> <p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>

Comment	Stewardship Ontario Response
<p>Do not see any basis in law for any stewards operating an ISP to pay costs incurred in developing SO's plan.</p>	<p>Upon Plan approval, the proposed Consolidated MHSW Program Plan Rules specify that all stewards are obligated for:</p> <ul style="list-style-type: none"> - an appropriate share of program plan development costs for the Consolidated MHSW Program Plan as well as an appropriate share of the unrecovered Phase 1 MHSW Program Plan development costs - an appropriate share of the Phase 1 deficit if they participated in the Phase 1 program - an appropriate share of Consolidated MHSW Program Plan Start-up costs incurred to the date of exemption both for the Consolidated MHSW Program Plan as well as an appropriate share of the unrecovered Phase 1 MHSW Program Plan start-up costs <p>To the extent that a steward is exempted from the program by Waste Diversion Ontario or by the Minister of the Environment, such steward will be exempted from the per unit service cost as of the date of the exemption. However, within 60 days of exemption each exempted steward must file all outstanding Quarterly MHSM Steward's Reports and report all MHSM supplied for use up to and including the date of exemption and to pay appropriate fees.</p>
<p>Do not agree with the requirement for steward reporting. Eliminating a defined fee structure leaves the decision as to what fee to charge customers up to each steward. This will lead to chaos. Moreover, stewards cannot go back to customers to cover the gap between the eco fee they charged and the fee that was assessed by SO. As many companies already work on slim profit margins, they cannot afford further erosion of these margins. The plan should provide for annual adjustments to a predetermined fee structure to ensure a level relationship between manufacturers and retailers. SO has the responsibility of setting consistent fees to all involved parties (3)</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>

Comment	Stewardship Ontario Response
Data Sources (1)	
<p>Concerned that the Draft Program Plan is based on data with significant uncertainties and which may significantly overestimate fees and raise nexus concerns. Given the absence of robust and complete data, undue credence is being accorded periodic lab pack analysis. Product that is not correctly classified in the lab packs is then being charged to stewards. This is not equitable. The working groups can and have provided better input, which needs to be taken into consideration. It should be confirmed at the Board level that this has happened.</p>	<p>In those cases where Working Groups have provided data, this data has been incorporated into the Consolidated MHSW Program Plan. To clarify, lab pack analysis results inform plan development in the following ways:</p> <ul style="list-style-type: none"> - Cross-check assumptions about “available for collection” (i.e. level of residual) for consumable products - Understanding range of wastes to be managed - Identifying current lab pack practices in the industry and developing collection standards that ensure maximum collection and downstream processing efficiencies.
Definitions (26)	
<p>Definitions presented on October 28th had broad support. Commend SO for developing Phases 2 and 3 simultaneously, but concerned with the changes in definitions presented January 14th. These definitions capture many products that pose no challenge to waste management, and are commonly completely consumed and they renege on promises made with the MoE during previous definitional discussions during development of Phase 1 and Phase 2. Several exclusions were identified as based on subjective SO judgment, particularly the exclusion of aerosol containers of food products. Why these products and not others? This exclusion has no scientific basis. The indication is that these definitions are final, but much work needs to be done in order to make them useful environmentally and economically.</p>	<p>Definitions were developed in accordance with O Reg 542. Issues pertaining to definitions were addressed at both the Steering Committee and Working Group levels. The initial exclusion of aerosol containers containing food was removed.</p>
<p>Disappointed that the Jan 14th definitions do not reflect the time and expertise contributed by our members. Expert input is needed to develop definitions that accurately reflect the hazardous and special waste categories</p>	<p>Definitions were developed in accordance with O Reg 542. Issues pertaining to definitions were addressed at both the Steering Committee and Working Group levels.</p>
<p>What is the definition of the word 'special'; what is the criteria/rationale for considering a material special. It makes it very difficult to understand the intention of the MoE and the rationale behind it. Only asking SO to get information about what drives the definition of 'special' from the MoE</p>	<p>We are not responsible for those rules. The planning team starts with the instructions from the minister and the regulations in effect. Can't change the regulations, can only argue for exclusions under the program. Will pass on that request, and will discuss with mgmt the effort to expend on that request.</p>

Comment	Stewardship Ontario Response
Do brand owners have to have a permanent establishment in Ontario to be considered stewards?	Economic presence in the province; if not, who in the province is first importer. Can take advantage of remitter agreements
My organization handles the medication returns program. Not sure about the key issues presented for the pharmaceutical industry. There is a conflict between our knowledge and what is identified. Have transmitted my concerns about key issues previously, but this is not reflected in the slide.	The purpose of today is not clarify definitions, but to outline the process. Definitional issues are worked out at the Working Group level.
In order to draw conclusion based on data, you need to know what definition of category you are trying to analyze. The consultation document presented fails to do this and the slides consequently present a skewed message.	Comment noted.
At March 13 Steering Committee, it was discussed that the opportunity remains to exclude materials from the MHSW program where it does not make sense to include them, despite the clarity of O. Reg 542/06. This means that products for which there is no economic or environmental benefit to regulating them, or where there may even be economic or environmental costs to regulating them should be excluded from the program. Regulators should ensure that mandated programs provide value and are not interpreted as capricious. They must supply a benefit. Moving forward: Recommend that SO work with WG experts to recommend exclusions that lead to cost effective environmental solutions; Request that sales data only be gathered by SO for products where an economic or environmental rationale has been provided for their inclusion.	Definitions were developed in accordance with O Reg 542. Issues pertaining to definitions were addressed at both the Steering Committee and Working Group levels.

Comment	Stewardship Ontario Response
<p>There are concerns that products are included for which there are no targets for collection, no hazard profile, or no benefit provided despite higher fees. Should apply nexus test to all included products. A particular concern is the transfer of containers from the Blue Box Program to the MHSW Program. There is an effective collection process in place, so request MoE's rationale behind moving regulation to MHSW, but leaving collection process in Blue Box. (3)</p>	<p>Please note that while certain products are designated under the MHSW program and stewards of those products obligated to report under the MHSW program, they may continue to be managed under the Blue Box program.</p> <p>The costs associated with managing MHSW containers within the municipal Blue Box system have not been included in the Consolidated MHSW Program Plan. These costs will be recovered from MHSW stewards through the Blue Box Stewards' fees for Year 1, while data is collected to determine the quantities of MHSW containers vs Blue Box materials. In subsequent years, those costs will be included within MHSW stewards' fees.</p>
<p>Have provided comments and feedback which are not included on the current list of exclusions and inclusions (Second Consultation Meeting)</p>	<p>The document referred to was a snapshot of plan development at that point. Any comments and feedback have since been incorporated where applicable</p>
<p>Although it is understood that the inclusion of pharmaceuticals as special waste is a regulatory issue beyond the scope of the program planning, it is difficult to present valid rationales for exclusions when the criteria for classifying pharmaceuticals as special waste is not clarified</p>	<p>Noted. Legal advice has been sought with regards to the pharmaceutical definition. The current definition reflects this legal opinion.</p>
<p>Please clarify what constitutes 'a requirement for special handling' for the purposes of the program</p>	<p>O Reg. 542 does not define the term "Special Waste" but rather designates those MHSW identified as "special waste".</p>
<p>Concerned that the program planning team is moving forward with data collection activities given that there is still broad disagreement over inclusions and exclusions. Suggest that these definitions be resolved before time and money is wasted on procuring data for materials that might ultimately be excluded from the program (2)</p>	<p>Issues pertaining to definitions were addressed at both the Steering Committee and Working Group levels.</p>
<p>My municipality is a lower tier municipality that does not have waste transfer facilities. This is done by a larger municipality. We do collect MHSW from roadsides that have been illegally dumped and this material is brought back to our operations facility. Do we qualify for this program and if so what are we required to do?</p>	<p>If it is a Phase I material - if you bring it to a program that has an agreement and it is diverted those costs go to Stewardship Ontario</p>

Comment	Stewardship Ontario Response
What's included in flammables?	At the back of the plan, there is a definition of what's a flammable in this program. There are material-specific working groups handling this. The flammables have been broken down on the basis of similarity of these products, and we can go over these details in more depth during the material-specific working groups.
This concern relates to including products for which there is no economic or environmental benefit to being included in the MHSW Program or for which higher fees are imposed on business where there is no identified benefit. This also applies to containers currently managed by Blue Box. Why would SO require these brand owners to incur the administrative costs to generate and submit quarterly sales data for SO, and why would SO require these brand owners to further pay into the MHSW Program to cover IFO overhead for other products that are actually being collected under MHSW? It should be clear that there is no duplication of fees between Blue Box and MHSW. Recommend that the SO board ensure that all included materials pass the Nexus test.	The costs associated with managing MHSW containers within the municipal Blue Box system have not been included in the Consolidated MHSW Program Plan. These costs will be recovered from MHSW stewards through the Blue Box Stewards' fees for Year 1, while data is collected to determine the quantities of MHSW containers vs Blue Box materials. In subsequent years, those costs will be included within MHSW stewards' fees.
Is the sale of antifreeze included in the program if it's use is for other than automotive	Answer is yes; it can be caught under the program. It would not be captured under the antifreeze category, which refers to automotive engine antifreeze only, but would likely be caught under one of the other categories, such as toxics or flammables.
Still looking for clarification regarding fertilizers? How many are included?	Will be undertaking more labpack analysis to determine this. (This response was given at the Second Consultation Meeting. The list of included and excluded fertilizers is provided in the appendix to Volume 1 of the Consolidated Plan)
Will there be any changes to the Phase I definitions? 75% of the fertilizers received by municipalities are beneath the standards for FA registration	No there will be no change to Phase I definitions; but in the program plan we are looking at a revised definition
If we redefine what pesticides and fertilizers are, then we have changed the phase I definitions. Are we changing or not changing the definitions?	Whatever goes forward in the Consolidated MHSW Program Plan has to be approved; what's written in the approved Phase 1 plan now must stay the way it is until a new plan goes into effect
Are syringes generated by health units eligible for reimbursement, since they are for human health ends?	Special waste is defined as from residential generators only. This is stipulated in the minister's PRL

Comment	Stewardship Ontario Response
<p>There is no basis to assess against stewards of non consumer batteries not excluded as "lead acid batteries used in vehicle" the costs SO has incurred to date. It is widely understood that all these batteries are recycled. Urge SO not to waste further resources on confirming this fact.</p>	<p>The Ministry of the Environment requires proof, backed up by data, that a product receives sufficient end-of-life management, before it will grant that any obligated materials warrant exclusions.</p>
Fees (1)	
<p>As manufacturers and retailers deal in units, not weight or volume, all fees and measurements should reflect this</p>	<p>Recommendation on fee units have been sought at the working group and material-specific consultation level, and have been incorporated in the Program Plan.</p>
ISP/Existing Programs (6)	
<p>MHSW and ISP collection programs could keep each other in check and contribute to larger collection volumes through a vast range of collection locations. Through improved service provider / ISP programs, efficiencies are identifiable and achievable to ensure that economic and environmental performance is achieved.</p>	<p>Comment noted.</p>
<p>It is difficult to comment on the fairness of the fee assessment for program development costs charged to those stewards who are granted approval to run an ISP. Charging a flat fee for development may pose a problem as stewards in the thermostat material stream have widely differing shares of the market. May recommend that the fee should be imposed on the ISP service provider or passed onto stewards on the basis of market share. (2)</p>	<p>Comment noted.</p>
<p>The draft plan insufficiently recognizes SO's responsibilities to describe what it will do in its program and to establish objectives for approval of individual ISPs. As the WDA anticipates that ISPs will relate to a single designated waste, the objectives listed in volume 1, pp 10-11, of the plan are not consistent with the WDA.</p>	<p>The objectives related to specific waste categories can be found in Volume 2 of the Consolidated MHSW Program Plan. These include the accessibility strategy and targets, and the collection and recycling targets.</p>

Comment	Stewardship Ontario Response
Existing stewardship plans should only be incorporated into the MHSW program if both programs are intended to manage the same products. Otherwise, they will not fit together	Stewardship Ontario is aware of the existence of a number of self-managed programs for specific MHSW materials. Those involved in operating these programs have gained considerable expertise in the management of these materials, and as with municipally operated depot services, Stewardship Ontario considers these operators to be preferred suppliers of materials management services. Accordingly, Stewardship Ontario will be contacting the operators of these programs to determine if they would be interested in altering their existing business model to offer services on mutually attractive terms that will help Stewardship Ontario achieve or surpass its performance targets.
Incorporating existing collection programs has both pros, which include established collection infrastructure and cons, which include limited available data and reporting practices. The advantage of industry vs. government governance needs to be taken into consideration	Comment Noted.
Key Performance Indicators (1)	
There is no commitment in any drafts to judge the draft plan according to the key performance indicators, such as dollars spent per Kg of material captured, as described by in EC, February 2009. Nor is there any consideration of emissions impact of collection strategies. The document would be considerably improved if evaluation of the plan against these metrics was provided.	Noted. The EC, 2009 reference will be considered. Stewardship Ontario will continue to use the Phase 1 Program Plan methodology in its year to year comparative analysis to monitor the overall progress compared to targets set out in the plan. Data on the diversion performance of events, depots and return-to-retail locations and quantities recovered through these systems will be reviewed annually when reconsidering accessibility targets for subsequent years of the program.
Municipal Agreements (1)	
The draft plan, similar to the Phase I plan, is very short on details for municipalities, who are the main service providers. Many elements of the relationship between SO and municipalities were only introduced during the implementation without any mention in the plan. Similar surprises and extension of control over municipal programs is expected	Comment Noted.

Comment	Stewardship Ontario Response
Overlapping Stewardship Programs (5)	
<p>Ontario seems to be taking a unique approach to waste diversion programs inconsistent with other management programs operated throughout the country. A parallel structure will not necessarily result in better environmental stewardship. The duplication and complexity actually imposes extra costs which inhibit the environmental objectives the MoE is trying to achieve.</p>	<p>Comment Noted.</p>
<p>What is the relationship Of phase 2 and 3 to WEEE. How will tracking, assessment, waste management, etc be managed between the two programs, particularly with regard to batteries?</p>	<p>The Phase 2 WEEE plan has been posted, so that program is under review. Those arrangements are between the two IFOs but it does not seem appropriate to begin this discussion until after approval. We have inquired to the Ministry and their legal advisors whether battery management could be transferred to WEEE. The answer was no, that the two IFOs had to work out this issue. One of the reasons why we'll see a good performance number is that OES has amended vendor requirements to require the removal of batteries</p>
<p>With regard to the relationship between SO's MHSW program and the WEEE program, what is the answer? At what point is the question of how the batteries that are in WEEE equipment and are charged under MHSW going to be resolved? Everyone seems to say that's tomorrow's problem.</p>	<p>Right now, OES is responsible for that electronic equipment caught under the regulation. They set their fees on Phase 1 on the basis of the current conditions, which are that rechargeable batteries are not covered under any program in the province. If the MHSW program is approved, this changes things: at that point the legal responsibility for managing those materials falls to SO. Once that cost is transferred, it is a material factor for the next fee-setting cycle of WEEE to adjust for that.</p>

Comment	Stewardship Ontario Response
<p>Overall, the draft Plans suffer from lack of clarity on significant issues. The proposed relationship between SO and the WEEE program (p. 27 in revised Volume 1) needs further development. This substantially affects both fee assessment and collection processes. The addition in the revised version of Volume 2 of a “specialty collection” channel (section 6.2, pp 68) is a step in the right direction, but an explanation of the basis for the estimate that 16 tonnes of used lamps is to be collected through this channel is needed.</p>	<p>OES is the Industry Funding Organization (IFO) established to design, implement and manage the WDO approved program for Waste Electronic & Electrical Equipment (WEEE). SO is the IFO established to design, implement and manage WDO programs for Blue Box Wastes and for MHSW. They are independent organizations established by regulation under the WDA (2002). It should be noted that while some designated MHSW materials are included in WEEE products (i.e. batteries, fluorescent tubes), under the WDA the end-of-life management responsibility for these materials rests with Stewardship Ontario.</p> <p>An explanation on the addition of 16 tonnes of fluorescents in the Specialty Channel - fluorescents embedded in electronic products - has been included in the Program Plan.</p>
<p>Concerned that the proposed MHSW program plan will introduce overlaps with existing voluntary and regulated programs including other programs managed by Stewardship Ontario and the WDO. This would result in unnecessary duplicative administrative burdens on stewards and further costs for no environmental gain. Examples are fluorescent bulbs, many of which are managed in products designated under Ontario's WEEE program and windshield fluid bottles, already managed under the Blue Box Program.</p>	<p>While some designated MHSW materials are included in WEEE products (i.e. batteries, fluorescent tubes), under the WDA the end-of-life management responsibility for these materials rests with Stewardship Ontario. The same is true of those products designated under MHSW but currently managed under the Blue Box Program Plan.</p> <p>In the case of the former, Stewardship Ontario will be exploring opportunities for establishing a reciprocal agreement with Ontario Electronic Stewardship (the IFO responsible for WEEE) to ensure that the cost of managing materials included under both programs (such as fluorescents) are appropriately allocated and that there is no double charging to stewards. In the case of the later, the costs associated with managing MHSW containers within the municipal Blue Box system have not been included in the Consolidated MHSW Program Plan. These costs will be recovered from MHSW stewards through the Blue Box Stewards' fees for Year 1, while data is collected to determine the quantities of MHSW containers vs Blue Box materials. In subsequent years, those costs will be included within MHSW stewards' fees.</p>

Comment	Stewardship Ontario Response
Program Scope & Objectives (14)	
<p>Retain the cost-sharing framework of phase I. Since municipalities are deriving benefit, they should share the cost. Therefore, request that SO challenge 100% EPR and advocate for Shared Responsibility programs instead. EPR would set an unfortunate precedent for all waste diversion programs in Ontario, as EPR removes the onus on all parties to reduce, reuse and recycle in a cost effective and cost accountable manner. The flaws of EPR are not mitigated by visible consumer fees or extended industry control of the programs, nor is EPR an incentive to reduce environmental impact, as consumers will end up bearing the cost. Thus it is best to educate and engage all stakeholders to participate. (3)</p>	<p>It is not Stewardship Ontario's role to challenge the direction provided by the Minister of the Environment. The Minister's Program Request Letter states that funding for the program shall become the full responsibility of the stewards and shall address all costs inclusive of collection through to final diversion or disposal of MHSW.</p>
<p>Need to express continuing concern of the pace and scale of this program given the complexity and financial effect. Looking at paints, this could cost a manufacturer a million dollars in incremental costs. Costs need to be apportioned responsibly and the time frame to implement them given the scale of the project. On top of that we're looking at products entering the program that appear to be captured, but strike us as questionable in needing an end-of-life management system.</p>	<p>Comment noted.</p>
<p>In the final stages of plan development, the team must ensure that the plan makes economic sense, lest there should be a revolt by industry and at the Ministry of Industry. In this case, there is a very real chance the program will be killed by the premier's office, which would be a shame.</p>	<p>Comment noted.</p>
<p>The program is taking on too much too soon. Key stakeholders lack the time, manpower and financial resources to effectively plan for all these materials. Urge, therefore, that the program be scaled back to focus on the 8-12 most environmentally hazardous products in the short term. The lessons of dealing with these products can then be applied to expand the program to cover all special waste in time</p>	<p>Stewardship Ontario is legally obligated to develop the program plan requested by the Minister of the Environment in his Program Request Letter dated July 22 2008. That PRL specified which material streams were obligated in the Consolidated MHSW Program and the date by which a program plan must be submitted to the Ministry of the Environment.</p>

Comment	Stewardship Ontario Response
<p>Do not agree with the program goals and objectives. There are serious questions about overall program costs and cost accountability, as costs should be shared by industry and municipality. There is confusion on material inclusions and double counting across phases 1, 2, 3, a situation probably caused by the inadequate timeframes allowed throughout the process. This was compounded by: the one-way approach of the MOE via the issue of the ministers PRL; a lack of steward consultation prior to the letter; the Zero Waste program goals; and the prescriptive end of 2008 consultations that then transpired.</p>	<p>The Minister's Program Request Letter states that funding for the program shall become the full responsibility of the stewards and shall address all costs inclusive of collection through to final diversion or disposal of MHSW.</p>
<p>The 10 objectives identified in section 2 of Volume 1 are not being followed by the plan: Stewards have identified modes to build scale and synergize as per objective 1; however, these suggestions are not being followed. Specifically Solvents and Flammables can be amalgamated from a collection and diversion aspect thus resulting in an appropriate fee assignment to these materials. The proposed plan has not adopted this measure, resulting in an inappropriately high fee assigned to solvents. We should use the example of the BC program and treat the handling, collection and diversion of these materials similarly. Other synergies have been identified.</p>	<p>Impacts noted. Solvents remain a separate category for year 1 while different plan development and start-up costs are recovered. Merging of solvents and flammables categories may be considered in future years</p>

Comment	Stewardship Ontario Response
<p>In the absence of specifically defined details, such as units of measurement, and a reasonable period for examination of the draft plan, industry's ability to comment is limited. Believe that SO had an obligation to defer the planning of Phase 2 and 3 until Phase 1 had been fully assessed and corrected. The provincial stewardship initiatives seem to have been pursued in isolation from similar federal initiatives. Have requested several times that the Ministry and WDO reconsider the pace and scope of these initiatives in light of the challenging economy. Rather than increasing the regulatory burden on the industrial sector, should not the government be working to reduce red-tape reporting and other cost burdens in order to stimulate the economy?</p>	<p>Fee units have been specified in the current version of the Consolidated MHSW Program Plan.</p> <p>Your comments pertaining to the Ministry's intentions have been noted separately and will be forwarded to the MOE.</p> <p>In regards to the comment period, the timelines for development and submission of the Consolidated MHSW program plan were established by the Minister of the Environment and by the WDO. It should be noted that an extension to the program plan development timelines was approved by the Minister and the WDO during the plan development process. Considerable time was spent by steward representatives during the plan development process questioning the validity of the governing Regulation 542/06 (which is outside of the authority of SO or WDO modify) ; focusing on requesting exemptions from the program and some stewards proved reluctant to or were unable to provide planning data required for plan development.</p>
<p>The overall objectives are a good framework upon which to build the program, but allocating all costs to stewards removes the impetus for other parties to responsibly lessen the environmental impact of the product and to participate in the program in a cost-efficient manner. If costs escalate sufficiently, it will be a major burden to industry and will stifle innovation and business development. (4)</p>	<p>The Minister's Program Request Letter states that funding for the program shall become the full responsibility of the stewards and shall address all costs inclusive of collection through to final diversion or disposal of MHSW.</p>
Promotion and Education (14)	
<p>The word "Target" should be changed to "Goal", as it is better to strive for a goal. The goal of the program of the program is to protect the environment rather than divert a set percentage of waste. When goals are reached they should be celebrated, as the MHSW program is supposed to be a good thing for the environment and people of Ontario.</p>	<p>Comment noted.</p>
<p>Difficult to assess effectiveness of P&E approach and effort given the lack of budget details; the methods seem extensive, but their success is unknown. Municipalities are currently publicizing the program better than SO</p>	<p>Comment noted.</p>

Comment	Stewardship Ontario Response
There was very little P&E info provided to municipalities via SO during Phase I, with the exception of the DoWhatYouCan website, which took some time to perform correctly (2)	Comment noted.
Agree with the approach to promotion and education efforts, as promotion and education will be the key to successful recovery of materials.	Comment noted.
Municipalities have comprehensive promotional and educational tools, often based on themes, logos and/or characters that residents have come to recognize, If these services are to continue would a portion of the cost of municipal promotional and educational material cost be compensated? Similarly, many municipalities run central one-stop customer service sources. If these are to continue, it is expected that municipalities will receive compensation.	Under the Draft Consolidated MHSW Program Plan, Stewardship Ontario will be responsible for full program operation and associated costs. One aspect of that will be promotion and education (P&E). Stewardship Ontario recognizes that this transition will require careful consideration to ensure that MHSW programs and collection locations are brought to the attention of all Ontarians. Stewardship Ontario will be discussing this transition individually with municipalities in the lead up to the launch of the plan. While municipalities are considered preferred providers of collection services, Stewardship Ontario intends to assume direct responsibility for program promotion and education throughout the province. Accordingly, Stewardship Ontario does not plan to compensate municipalities for promotional initiatives that it did not specifically request that a municipality undertake on its behalf.
P&E is essential for the success of the program. Consumers need to be made responsible for the final disposition of the waste and need to be educated to have a personal stake in the outcome. Continuous improvement, assessed subsequent to implementation, is critical. The approach as laid out is generous and comprehensive. (3)	Comment noted.
We suggest that SO look for cost reductions in the area of promotion while remaining consistent with program-wide goals and the principle of cost effectiveness	Comment noted.
The goals and budget of the overall P&E program seem excessive given the diversity of products in this Plan. We believe that targeted effort is necessary, not broad brand awareness campaign that SO contemplates. (2)	Comment noted. Stewardship Ontario believes that its approach to Promotion and Education, combining both general program branding and material-specific education efforts, will effectively promote the success of the program.

Comment	Stewardship Ontario Response
<p>Support the approach to P&E, but note that the launch of phase 1 did not include a successful P&E component as the work was very late. Also, the very expensive research study appears to have been little utilized. It clarifies that consumer behaviour is the key driver to collection rate increases, yet the P&E does not strongly target the key offenders - those in multi dwelling and men in general.</p>	<p>Though the launch of the Phase 1 MHSW program was implemented within a tight timeframe, care was exercised to ensure that the development of the launch event and the paid and earned media met the objectives of building awareness of the program and provided information about how to respond to the "call to action." The launch event itself succeeded in drawing the attention of a very large number of media outlets and in tandem with the news release, information package and B-roll video (which showcased the take-back of unwanted paint and recycling of single-use batteries), garnered more than 16 million media exposures in the province. The paid campaign placed in about 30 municipalities throughout Ontario utilized a mix of newspapers, transit shelters, magazines and electronic media to reach Ontarians. The benchmark research informed the strategic targeting of the campaign to reach key audiences for specific materials. For example, ads to encourage paint recycling placed in newspapers and consumer magazines were targeted to women who, according to the research, make many of the decisions in the home about when and where to dispose of certain types of MHSW. Ads placed in auto trader magazines targeted "do it yourselfers" who change their own automobile oil and antifreeze. The research will provide added value as tracking and evaluation of the MHSW program continues. One draw-back of the campaign was the inability to sustain a presence in the marketplace because P&E was underfunded in Phase 1. Steps have been taken to address that in the Draft Consolidated Program.</p>
<p>Accessibility approach should consider co-branding or co-advertising with all interested parties from all areas including service providers, retail collections chains etc.</p>	<p>Comment noted and taken into consideration. Once the Revised and Consolidated MHSW Program Plan is submitted to the Ministry of the Environment, Stewardship Ontario will begin working on a plan for implementation.</p>
<p>Research and Development (4)</p>	
<p>In the antifreeze and oil filter programs, how did you determine the R&D cost of \$300,000? Was there input from the industry and how were the issues determined?</p>	<p>This was the budget that was set in the original R&D, in the Phase I plan, that was done at the direction of the stewards. But a lot of that work has not been done, so it's carry-over, and we will review that. We welcome recommendations on that in the working groups.</p>

Comment	Stewardship Ontario Response
<p>If you take a look at the categories in the consolidated plan, one of the common elements across categories is plastic, which has been a big problem in the Blue Box program. For a number of good reasons, we've developed this plan on the basis of separate waste streams. The containers aren't recyclable because of contamination. How can we merge the thinking and R&D spending on plastics and moving it a step further, link that in with Blue Box. Program ignores the opportunities for grouping similarly managed materials (as in plastics) and ignores the work already done and money already spent on a Blue Box study of plastics recycling. By including all of this in the plan, the diversion rate could be increased in a cost-effective manner (3)</p>	<p>One of the lessons from Phase I was that it was too material-specific. There are opportunities for strategic R&D of just this kind. You are exactly right with regard to the isolation. Stewardship Ontario wants to bridge that gap and that has been built into this plan. If it was not sufficiently emphasized, then we will take care to do so in future.</p>
Role of the MoE (2)	
<p>Requested clarification on the MoE's role in the program planning process: as MoE is a silent partner, confirm that it is up to SO and WDO to produce a program that effectively balances the need of all stakeholders.</p>	<p>In developing MHSW definitions, Stewardship Ontario is bound by the terms of the Minister's Program Request Letter and the regulations cited therein. Furthermore, the plan must be approved by WDO and the MoE.</p>
<p>Please confirm that it is up to SO and the WDO, not the MoE, to come up with functional definitions for the purposes of the program and that these definitions will include only those products that meet the criteria of hazardous or require special handling from a waste management perspective.</p>	<p>In developing MHSW definitions, Stewardship Ontario is bound by the terms of the Minister's Program Request Letter and the regulations cited therein. Furthermore, the plan must be approved by WDO and the MoE.</p>
Targets (16)	
<p>How do you propose to set both reduction target and a diversion target for materials that are designed to be used up?</p>	<p>For some materials, it is not necessarily worthwhile to set a recycling target. Will be a case-by-case basis.</p>
<p>Other options for increased accessibility include toxic taxis, retail collections, HHW event days, as well as take back programs on behalf of stewards (e.g. The IKEA program). Another option is developing government drop-off points at a variety of government locations, similar to the program at Ontario Provincial Parks which collects small pressurized propane tanks</p>	<p>Comment noted.</p>

Comment	Stewardship Ontario Response
In table 4.7, there is a discussion of collection and diversion rates, and then in 5.7, a discussion on recycling rates. Please clarify the definitions for each of these terms.	At the bottom of Table 4.7, there is a paragraph noting the difficulty of evaluating the data against theoretical collection availability, but WDO requires that data. Speaking personally, I have a low level of confidence in such rates; they are imprecise calculations, but there are requirements
In table 5.7, is that the amount which SO is hoping to collect in weight?	The way this model works is that we now have some operational experience in some materials, we are now getting estimates of what will come back through all channels. The way these numbers are driven is by starting with accessibility and then applying the assessment of what will come back by accessible site.
Where are the targets in Table 5.7 coming from?	This is a material-specific question that can be dealt with in the material-specific consultation, where we'll go through price assumptions, etc.
Targets are not achievable, as they are essentially double recent experience. As these targets rely heavily on municipal infrastructure, which cannot be quickly expanded, it is questionable whether most targets, especially those for materials that are not collected at retail, can be met	Year 1 targets have been established on the basis of the detailed accessibility targets set out in the Consolidated MHSW Program Plan, existing performance results from similar programs already in operation in Ontario and by drawing on experience from other jurisdictions considered to be transferrable to Ontario. Stewardship Ontario will establish future year targets on the basis of the results of the preceding program year and submit these to WDO on an annual basis.
The material-specific plans are a good start and well constructed, but there is much to learn. If targets are not met, the first reaction should not be to assess higher fees, but to reconsider the validity of availability estimates	noted.

Comment	Stewardship Ontario Response
<p>Year one targets seem arbitrary, as there is very little data on most materials and labpacks only address random samples of what people bring to MURFs. Given this, there should be no penalties assessed to stewards for missed targets in the first three years. Broad targets adjusted on the basis of empirical evidence are preferable. If targets are not met, the first reaction should not be to assess higher fees, but to reconsider the validity of availability estimates</p>	<p>Year 1 targets have been established on the basis of the detailed accessibility targets set out in the Consolidated MHSW Program Plan, existing performance results from similar programs already in operation in Ontario and by drawing on experience from other jurisdictions considered to be transferrable to Ontario. Stewardship Ontario will establish future year targets on the basis of the results of the preceding program year and submit these to WDO on an annual basis.</p> <p>There are no penalties included in the draft program plan for failure to meet targets and there are no WDO policies in place that penalize stewards for failure to meet program plan targets. It should be noted, however, that if targets are not met, WDO will expect to have information provided as to why targets were not met and what actions can be taken to overcome barriers to meeting targets in subsequent program years.</p>
<p>In order to ensure that the program achieves its intended goals (including collection targets, diversion rates, and budgetary requirements), the targets and baselines must be appropriate and realistic for each material. Strong rationale and justification should be provided in the draft program for the selection of target rates and baselines should be established in a transparent manner.</p>	<p>Comment noted</p>
<p>Collection targets for year 1 appear random and are not always supported by the math. Sources are often limited. Suggest that industry be consulted. (3)</p>	<p>Year 1 targets have been established on the basis of the detailed accessibility targets set out in the Consolidated MHSW Program Plan, existing performance results from similar programs already in operation in Ontario and by drawing on experience from other jurisdictions considered to be transferrable to Ontario. Stewardship Ontario will establish future year targets on the basis of the results of the preceding program year and submit these to WDO on an annual basis.</p>
<p>The Year 1 target seems reasonable but we would expect that future years would need to show substantial increase. We look forward to seeing plans and costs to achieve higher levels before we agree to the operation of this Plan.</p>	<p>Stewardship Ontario will establish future year targets on the basis of the results of the preceding program year and submit these to WDO on an annual basis.</p>

Comment	Stewardship Ontario Response
Do not believe that Year 1 targets are achievable. Cannot trust data that was revised downward by a factor of three over a period of two weeks. Do not believe the data is credible and hence doubt program costs. Consumer behaviour is the key driver.	Year 1 targets have been established on the basis of the detailed accessibility targets set out in the Consolidated MHSW Program Plan, existing performance results from similar programs already in operation in Ontario and by drawing on experience from other jurisdictions considered to be transferrable to Ontario. Stewardship Ontario will establish future year targets on the basis of the results of the preceding program year and submit these to WDO on an annual basis.
Do not agree with the Year 1 collection targets. The recycling Rate in Table 5.8 in Volume 1 should increase based on projected collection targets.	Year 1 targets have been established on the basis of the detailed accessibility targets set out in the Consolidated MHSW Program Plan, existing performance results from similar programs already in operation in Ontario and by drawing on experience from other jurisdictions considered to be transferrable to Ontario. Stewardship Ontario will establish future year targets on the basis of the results of the preceding program year and submit these to WDO on an annual basis.
No data exists to support the unused product volumes (read: available for collection volumes) which drive the collection targets for many of these products including those that are partially deemed durable. Both consumables and some durables are essentially arbitrary guesses as many factors will influence the unused volumes.	Quantities available for collection for consumable products were derived from quantities collected as reported in 2007 Datacall and input from Working Group members, and are based on best available data. These estimates will be reviewed against actual information gathered from program implementation.
Terminology (1)	
The meaning of the terms "collection rate", "diversion rate" and "recycling rate", as used in Tables 4.7 and 5.8 in Volume 1 are confusing. It is unclear whether percentages refer to number of units, weight of material in units, or some other characteristic.	These terms have been defined in the Glossary section of the Program Plan.
Tracking (2)	
I believe Stewardship Ontario's Bill of Lading (BOL) system is unnecessary and duplicates the existing requirement to complete a manifest (as they basically contain the same information). Will the proposed Enterprise Information System (EIS) rely on the manifest rather than a separate BOL?	Note that not all materials are required to be placed on a manifest. With regard to the EIS, we will look to replace the duplication of effort and to increase automation as much as possible, so that may increase the use of manifests. Part of what we're trying to achieve is to automate processes that are done by paper. In the medium term we would see a phase out of as much paper processing as possible.
Would like to see the labpack data, and we're quite sure that there are some categories where the numerator is miniscule comparable to the denominator.	The preliminary results of the lap pack study that was undertaken in April 2009 were shared at the May Steering Committee Meeting.

Comment	Stewardship Ontario Response
Vendor Standards (1)	
The vendor qualification standards should be re-examined and made industry specific	Comment noted. A Vendor Standard section has been added to the current version of the Program Plan.
Comments for the MOE (4)	
Throughout this process, left with the impression that the province is set on pursuing its strategy, priorities and timeframe with little consideration for the increased regulatory and cost burden being placed on Ontario's most challenged and vulnerable economic sectors. There is frustration with the rush to pursue costly and incomplete proposals for increased waste diversion and the increasing number, scope and magnitude of the material-specific plans are exerting a strain on affected stewards.	
Disappointed with the standards of communication employed by the Ministry. In particular, stipulating that a document is only in draft form, while at the same time maintaining that the Minister will not permit changes to it is duplicitous.	
There are concerns that products are included for which there are no targets for collection, no hazard profile, or no benefit provided despite higher fees. Should apply nexus test to all included products. A particular concern is the transfer of containers from the Blue Box Program to the MHSW Program. There is an effective collection process in place, so request MoE's rationale behind moving regulation to MHSW, but leaving collection process in Blue Box. (3)	
The provincial stewardship initiatives seem to have been pursued in isolation from similar federal initiatives. Have requested several times that the Ministry and WDO reconsider the pace and scope of these initiatives in light of the challenging economy. Rather than increasing the regulatory burden on the industrial sector, should not the government be working to reduce red-tape reporting and other cost burdens in order to stimulate the economy?	

B. Appendix 2 – Material Specific Comments

<u>MATERIAL</u>	<u>PAGE</u>
Aerosols (9).....	B-1
Antifreeze (4).....	B-2
Batteries (31).....	B-3
Corrosives (12).....	B-11
Fertilizers (30).....	B-14
Fire Extinguishers (1).....	B-16
Flammables (8).....	B-16
Fluorescents (6).....	B-18
Leachate Toxics (1).....	B-19
Mercury Switches & Measuring Devices (16).....	B-19
Paint and Coatings (2).....	B-25
Pesticides (10).....	B-25
Pharmaceuticals (38).....	B-28
Pressurized Containers (2).....	B-35
Reactives (1).....	B-35
Sharps/Syringes (9).....	B-35
Solvents (5).....	B-37
Thermostats (8).....	B-38
Toxics (3).....	B-39

Comment	Stewardship Ontario Response
Aerosols (9)	
<p>Largely support the material-specific analysis of aerosols presented under Volume 2 of the draft program plan, with the following observations:1) recommend the addition of semicolons to the list of features an aerosol for clarity; 2) although IC&I generators are included, estimates, targets and costs seem to focus on residential generators. Suggest that further consideration of IC&I is warranted under sections 7.0, 8.0 and 9.0 of the aerosols plan; 3) request that the statement that aerosols used outside of the kitchen are less likely to be recycled through Blue Box be cited or attributed, as it may be simply anecdotal. The onus on greater recycling efforts for personal care and cosmetic products is not supported</p>	<p>Clarifications added.</p>
<p>It is not cost effective to capture ALL aerosols, including those that have been effectively emptied in use. Especially since these are currently being managed in many communities via the Blue Box. Adding all aerosols simply adds to the cost of the program and doesn't positively affect the environment.</p>	<p>The Blue Box program remains a mechanism for collecting MHSW and efforts will be made to collect as many aerosol containers through this channel.</p>
<p>The quantity of aerosols available for collection is proposed to increase significantly between the baseline and year 5. Is this because aerosols will be removed from the BB program? This needs to be addressed between the two programs. What would the common costs be?</p>	<p>The growth rate (which was initially tied to projected growth in the number of Ontario household), has been reduced to reflect several years of no growth reported by the Stewards. Overall total growth is now estimated at 3%</p>
<p>Don't understand the exclusion of aerosol containers which contain food products. The nature of the container, not the content, is the operative criterion in its classification as special waste. Don't understand the distinction between these containers and any other containers. Similarly on empty containers versus half-full containers. All these questions were addressed last year and a consensus on adequate treatment of all these concerns was reached.</p>	<p>Food product aerosols are not excluded.</p>

Comment	Stewardship Ontario Response
<p>The proposed definition of aerosol containers should be revised. Recommend the following definition: “An aerosol container is one which contains a pressured product in a non-refillable container that can be dispensed under pressure by a liquefied gas, and the product meets the Canadian Standards Association Z752-03, Definition of HHW [sic]”. Excluded from this definition should be “pressurized product containers managed by the BB program, including all empty containers”. Most aerosol containers are safely recovered via the Blue Box program; we should not invent a new complex and costly management solution for them.</p>	<p>Material collected under the BB program is not excluded. The BB program will continue to be a valuable collection mechanism for the MHSW program.</p>
<p>Many aerosol containers are already safely managed by the Blue Box program. As they are not hazardous or special, there is no need to encumber their collection with a more costly and complex system. Therefore, the definition needs to exclude aerosol containers already managed by the Blue Box program</p>	<p>Material collected under the BB program is not excluded. The BB program will continue to be a valuable collection mechanism for the MHSW program.</p>
<p>Given that 88% of aerosols are managed by Blue Box, question the validity of the target of a 50% increase in depot collection in table 10.2</p>	<p>The 354 tonnes reported through the MHSW system in 2007 (section 7) did not reflect aerosols that were disposed in landfill. The 496 tonnes identified in the revised table 10.2 include an estimate for diverting scrapped aerosols from landfill - this estimate was derived using waste audit data from 2007.</p>
<p>Are the costs for aerosols strictly for the MHSW program? If so, the cost per container is almost triple that of any other program in Canada. The numbers make more sense if these costs are for both programs. If so, should display these as such and not as strictly MHSW costs</p>	<p>Note added to document</p>
<p>Aerosols - How will aerosols collected in the BBPP be calculated for municipalities that do not track them?</p>	<p>This will likely be based on estimates based on product audits from sample MRFs as currently done for Blue Box program.</p>
Antifreeze (4)	
<p>The difficulty of collecting antifreeze containers i.e. storing the containers for collection requires space, containers, etc. Who will pay if capital upgrades are required? What if sites are limited in their ability to store materials?</p>	<p>Antifreeze containers are collected, transported and processes under an incentive based system which has accounted for the various costs of the diversion system including capital.</p>

Comment	Stewardship Ontario Response
The accessibility data for antifreeze is underreported: many service stations accept used antifreeze	Service providers that collect antifreeze from service centres through Stewardship Ontario's incentive program report through the MTS reporting system. The accessibility data is based on the service centres reporting.
The target volume for antifreeze collection has been reduced based on Phase I results, yet program costs have doubled. Why?	Cost is driven by multiple components, material management is just one part of the overall cost. Other components include contingency, material specific R&D, common cost, and deficit recovery.
Antifreeze and containers – Currently the containers have to be landfilled because contractors require a shipping method that is not feasible. A new shipping method should be instituted at no cost to municipalities	Antifreeze containers are collected, transported and processed under an incentive based system which is designed to increase diversion from the current rate. The majority of antifreeze containers currently being collected and diverted are collected in large plastic bags, inserted in 360 litre totes, with the full bags being removed, tied off and shipped by box truck to a bulking facility, and ultimately, to a processor. Innovations in collection methods are anticipated to come from cooperative efforts between collectors and transporters and the sharing of the available incentive. Alternatively, the plan provides for research and development activities which can be used to address situations where increased diversion is not being realized.
Batteries (31)	
More detailed battery collection, chemistry and manufacturer identification can be achieved to ensure that non recognized stewards are captured through additional monitoring of collections at end destination facilities that receive, sort and process the batteries.	Comment Noted.
With regard to investigating options to use slag from battery recycling processes as economic input: The first point to be addressed is what is the intention? To put post consumer portable primary batteries into a furnace and recover slag? Is the slag in this case the recycling option for waste to slag? Slag is a byproduct of metal manufacturing and smelting, therefore melting a battery in a furnace to convert a portion of the waste to slag is not a viable recycling option through pyrometallurgical processes.	Slag is currently not considered a viable recycling activity in Ontario. However, as the recycling of both single-use and rechargeable batteries often involves the generation of slag, Stewardship Ontario will investigate options to use slag as an economic input

Comment	Stewardship Ontario Response
There is concern that end of life cannot always be tracked for stationary batteries. Might these come back to municipalities?	It is currently understood that Industrial Stationary and Non-Lead Acid Motive batteries will not end up in the municipal stream. In the event that a municipality receives a waste Industrial Stationary or Non-Lead Acid Motive battery for EOL management the municipality should inform Stewardship Ontario for tracking and measurement purposes.
Is consideration being given to increasing the RBRC's involvement?	RBRC has been engaged, and has contributed to the development of the Consolidated MHSW Program Plan. RBRC collection sites will be welcomed under Stewardship Ontario's battery program should the Consolidated MHSW Program Plan be approved by the Minister.
Recommend a study for data acquisition purposes of end-treatment facilities that collect and recycle spent sealed and wet-cell batteries. Such a study would provide information on end-of-life practices, brand names and owners. The benefit of such a study is that it might acquire data on batteries from all sources, not just single-cell batteries. Such a study could also be coordinated with the OES.	Comment noted. Stewardship Ontario will examine any and all synergies that might contribute to the success and efficiency of the program.
the definition is so broad that it will capture advanced battery technology that should be exempt from the program. These batteries are not a consumable commodity, have long lifetimes and are covered by extended warranties from the original equipment manufacturer (OEM). Because of the value of these batteries, many OEMs already have established management programs in place, the disruption of which would be costly and impede lifecycle management of these materials.	Comments Noted. Please note that the Minister's Program Request Letter requires Stewardship Ontario to address all batteries, excluding lead-acid batteries from vehicles.
Stationary batteries should be excluded, since they are already well managed. Even by the rationale of including what is "intended to be discarded in its original form", stationary batteries ought not to be included, as they are never intended to be discarded (2)	Comments Noted. Please note that the Minister's Program Request Letter requires Stewardship Ontario to address all batteries, excluding lead-acid batteries from vehicles.
Agree with the proposed definitions from the battery working group	Comment Noted.
Definition is overbroad, and, by failing to focus on residential type batteries and corresponding in use by IC & I risks involving stewards and products whose involvement will provide little environmental benefit, but significant economic detriment	Comments Noted. Please note that the Minister's Program Request Letter requires Stewardship Ontario to address all batteries, excluding lead-acid batteries from vehicles.

Comment	Stewardship Ontario Response
<p>There has been a lot of experience with battery recycling that uses definitions for collection rate, diversion rate, etc, that are different from that used in your proposal. It would be very helpful in evaluating the numbers used in your report if you used the same language. While it may be necessary to use specific definitions for complying with provincial law, for purposes of comparing your targets with other regional targets, it is important that you compare apples to apples. The targets for year one are higher than any reached in Europe within at least the first fifteen years of the program. The decisions on policy are up to SO and the MoE, but your proposal must make it easy to allow comparisons.</p>	<p>The whole issue of standardized performance measures has come up and Lyle Clarke of SO and Glenda Gies of WDO have started discussing this, so that we are able to comparisons against other regions. But it is unlikely that we will get there in the next few weeks.</p>
<p>The consultation document contains a number of inconsistencies in its data. It is difficult to determine what data is included in the figures presented in the consultation document, as there are no comprehensive source references. Data of collected batteries in Q3 2008 suggests that half of collected batteries are rechargeable, but this is not consistent with the experience and knowledge of RBC members of recycling activities and capacities in North America.</p>	<p>Comment Noted</p>
<p>Almost all consumer type portable batteries are recyclable and the lack of consumer education and knowledge is a minor issue in the battery recycling industry. Both the RBRC and RMC programs promote the collection and recycling of specific types of batteries. According to the quantities outlined for the RBRC in section 6.1.2, of the 129 tonnes of batteries collected, 125 were rechargeable, so once the RBRC or RMC and others collect various types as they have committed to, non-identification of batteries should not be an issue.</p>	<p>Comment Noted.</p>
<p>Do not believe that it is realistic or cost-effective to project 2400 retailers to participate in this program by 2010. RBRC already has 1300 and the extra retailers, if achieved, are not likely to collect enough to be cost-effective. Urge that this target be reconsidered</p>	<p>The accessibility targets have been modified since the May 27, 2009 posting. Please note that accessibility targets include the 1,903 existing RBRCC collection sites.</p>

Comment	Stewardship Ontario Response
<p>The number of batteries available for collection is not the number of batteries sold in the prior year. SO's work relies on 2009 updates to a previous report done on behalf of EC. This initial report was heavily criticized, and, as the updates have not been made available despite repeated requests, it is impossible to tell whether any of those criticisms have led to corrections. It also appears that SO has ignored data provided on actual rates of disposal of batteries in Ontario landfills.</p>	<p>Stewardship Ontario has based estimates for Consumer-Type Portable batteries upon best available information. Please note that reference to the study on disposal of batteries into landfill has since been included in the Volume 2 of the Consolidated MHSW Program Plan.</p>
<p>The projected volumes of rechargeable consumer-type batteries list the same amounts for both the 5 year and the 15 year hoarding scenarios. This is doubtful, as lithium ion and lithium polymer batteries were not widely used 15 years ago.</p>	<p>Comment Noted. Stewardship Ontario has based estimates for Consumer-Type Portable batteries upon best available information.</p>
<p>Material management costs contribute the majority to overall plan costs. However, the stated target of 38% for batteries, which drives the potential costs is presented without evidence for how it will be achieved and is not realistic based on the rates reported by other programs worldwide, none of which have reached that rate within ten years of program implementation. As RBRCC's ISP will be compared against SO's plan, it is reckless to propose this unrealistic target</p>	<p>Collection targets have been modified since the May 27, 2009 posting, due to revised data.</p>
<p>Assumptions behind the model for determining the available amount of batteries for collection is essential to evaluating the credibility of the targets proposed. We request this information from SO</p>	<p>Comment Noted. Stewardship Ontario has based estimates for Consumer-Type Portable batteries upon best available information.</p>
<p>Projected consumer-type battery collection volumes are far higher than experienced anywhere else in the world.</p>	<p>Collection targets have been modified since the May 27, 2009 posting, due to revised data.</p>
<p>The categories on the basis of which SO proposes to allocate overall program costs are too broad in the case of batteries, as it would be unfair to charge stewards of rechargeable batteries for R&D carried out for non-rechargeable batteries.</p>	<p>The Year 1 R&D budget has been revised to allocate resources specifically to Consumer-Type Portable batteries and specifically to Industrial Stationary and Non-Lead Acid Motive batteries. R&D activities undertaken by Stewardship Ontario will address the R&D needs of the whole battery category, which for the Consumer-Type Portable batteries includes both single-use and rechargeable units.</p>

Comment	Stewardship Ontario Response
<p>The cost recovery model does not make sense for batteries, as the range of batteries to be covered is not clearly defined and there is no single market for "batteries". Allocation should be based on volumes of materials collected, not on the value of that material.</p>	<p>Comment Noted. Stewardship Ontario has revised its approach to cost recovery. Stewards of Consumer-Type Portable batteries will be assessed a per-unit fee rate calculated to cover projected costs for Consumer-Type Portable batteries. Stewards of Industrial Stationary and Non-Lead Acid Motive batteries will be assessed a per-Steward fee to cover the projected costs for Industrial Stationary and Non-Lead Acid Motive batteries.</p>
<p>In section 2.2 it is identified that Stewards have indicated that most industrial stationary batteries are managed via a closed loop system. Many industrial cells are generated in Ontario and limited consumer education flows down to the actual replacement technicians or persons replacing these battery banks therefore allowing these batteries to flow out onto the open market. There they are sometimes improperly identified and improperly labeled or shipped in accordance with TDGA.</p>	<p>Comment Noted. Stewardship Ontario will pursue more complete data and information on the current EOL management of Industrial Stationary and Non-Lead Acid Motive batteries through various R&D activities in Year 1.</p>
<p>The disposal of batteries via secure landfill does not provide the lowest environmental and economic footprint, as it fails to consider the capture of valuable resources for reuse in manufacturing. This preserves landfill resources and natural resources, while avoiding the cost of mining those resources. Batteries should be branded on the basis of chemistry, a more uniform approach that would allow the segregation according to battery type, thus reducing transportation and packaging costs, associated with battery processing.</p>	<p>Comments Noted.</p>
<p>In reviewing the section on batteries in Volume 2 of the draft plan, I note on page 18, last paragraph, there is a reference to Table 1-3, which is missing.</p>	<p>Comment Noted. This has been revised since the May 27, 2009 posting.</p>

Comment	Stewardship Ontario Response
<p>The target-setting and benchmark performance sections exhibit several deficiencies despite the importance of these objectives. It is also requested that future documentation be explicit about the objectives against which SO's plan and competing ISPs are to be judged. The document gives no attention to the following issues: 1) Whether the implementation of the MHSW program will terminate existing collection programs and the effect of this on the cost to be borne by stewards and the collection infrastructure for consumers. If RBRCC's application for an ISP is rejected, it is likely that its program will cease to exist in Ontario at the very least. Considering its success, the message this sends has the potential of discouraging future voluntary industry stewardship programs. 2) The insight that examining the current collection infrastructure might provide as to how to address different types of batteries in the appropriate way to maximize collection. The relationship between the MHSW and WEEE programs, both of which cover batteries is also never discussed. 3) The criteria for evaluating the success of material tracking systems. SO does not seem to have made use of the pertinent information that RBRCC has on successfully tracking materials. 4) The document does not address how the MHSW program will fill the void left by previously existing ISPs if those ISPs are not approved, nor how it will coordinate with those ISPs if they are.</p>	<p>Comments noted. Stewardship Ontario has been tasked with developing a Consolidated MHSW Program Plan and is doing so assuming the inclusion of all materials designated in Regulation 542 and the Minister's Program Request Letter, and assuming that existing voluntary programs would become its responsibility.</p> <p>Any relationship between the MHSW and WEEE Programs in Ontario must be discussed between Stewardship Ontario and Ontario Electronic Stewardship. This Plan merely identifies the potential for synergies. Stewardship Ontario will address the issue of Material Tracking in greater detail during preparation for commencement of the Consolidated MSHW program.</p>

Comment	Stewardship Ontario Response
<p>The target-setting and benchmark performance sections exhibit several deficiencies despite the importance of these objectives. It is also requested that future documentation be explicit about the objectives against which SO's plan and competing ISPs are to be judged. The document gives no attention to the following issues: 1) Whether the implementation of the MHSW program will terminate existing collection programs and the effect of this on the cost to be borne by stewards and the collection infrastructure for consumers. If RBRCC's application for an ISP is rejected, it is likely that it's program will cease to exist in Ontario at the very least. Considering its success, the message this sends has the potential of discouraging future voluntary industry stewardship programs. 2) The insight that examining the current collection infrastructure might provide as to how to address different types of batteries in the appropriate way to maximize collection. The relationship between the MHSW and WEEE programs, both of which cover batteries is also never discussed. 3) The criteria for evaluating the success of material tracking systems. SO does not seem to have made use of the pertinent information that RBRCC has on successfully tracking materials. 4) The document does not address how the MHSW program will fill the void left by previously existing ISPs if those ISPs are not approved, nor how it will coordinate with those ISPs if they are.</p>	<p>Comments noted. Stewardship Ontario is not addressing the issue of ISPs. Any relationship between the MHSW and WEEE Programs in Ontario must be discussed between Stewardship Ontario and Ontario Electronic Stewardship. This Plan merely identifies the potential for synergies. Stewardship Ontario will address the issue of Material Tracking in greater detail during preparation for the commencement of the Consolidated MHSW Program Plan.</p>
<p>The discussion of a relationship between the WEEE program and the MHSW program needs much more development, as between 70% to 85% of batteries reach the Ontario marketplace as components of products, and remains so as waste. The addition to Volume 2 of a possible 'specialty collection' channel is a step in the right direction, but estimates for collection from that channel need more explanation.</p>	<p>Comments Noted. Estimates of collected Consumer-Type Portable battery tonnage from the Specialty Channel, which includes WEEE at the point of processing, were developed with consideration of WEEE collection targets from the Draft Revised (Phase 1 & 2) WEEE Program Plan.</p>
<p>With regard to the statement that SO intends to "investigate current capacity and opportunities to increase the number of OES approved battery processors": Is there a difference between OES and MHSW approved processors?</p>	<p>Ontario Electronic Stewardship (OES) is the IFO for waste electronics in Ontario; Stewardship Ontario is the IFO for municipal hazardous and special waste in Ontario. The responsibility for approving processors lies independently with each IFO for their specific Program. Given that OES-approved processors handle large quantities of batteries, Stewardship Ontario and OES will look for synergies between the WEEE Program and MHSW Program to collect batteries wherever possible.</p>

Comment	Stewardship Ontario Response
<p>Ericsson Canada is a steward (first importer) for telecommunications network equipment, but in the past, have been a reseller of Canadian and US manufactured large storage batteries, both vented lead acid and sealed lead acid. Our only customers are large public operators, e.g. Rogers Wireless, who have their own end-of-life program for batteries. Ericsson does not stock for sale or market batteries as they are not part of our core business. We do, however, resell batteries, when asked to quote in a competitive process, but those are outside of our master agreement for network equipment which we have with our customers. As Ericsson Canada is neither a first importer or manufacturer of large storage batteries, wish to confirm that we have no obligations under the Ontario MHSW regulations</p>	<p>Any company that meets the definition of a Brand Owner, First Importer, Franchisor, or the Designation of Stewards as outlined in section 2) of the Program Plan Rules for Stewards, is obligated under the Ontario Waste Diversion Act, and must discharge their obligations accordingly.</p>
<p>There is a consistent failure throughout the plan to identify what type of batteries is being discussed. This information makes a huge difference in evaluating collection estimates and proper use of metrics.</p>	<p>Comments Noted. Clarification has been made, wherever possible, since the May 27, 2009 posting. Please note that only estimates for accessibility, collection and recycling for the Consumer-Type Portable batteries category have been included.</p>
<p>The SO plan is based on the assumption that it will be able to continue running existing programs for consumer batteries. This is not certain, as it is possible an ISP on behalf of some battery stewards may be approved. The plan does not address this scenario, but should encourage it, not frustrate it.</p>	<p>Comments noted. Stewardship Ontario welcomes the inclusion of battery collection sites from existing programs for consumer batteries under the Consolidated MHSW Program Plan, provided that those collection sites accept both single-use and rechargeable consumer-type batteries.</p>
<p>The SO plan is based on the assumption that it will be able to continue running existing programs for consumer batteries. This is not certain, as it is possible an ISP on behalf of some battery stewards may be approved. The plan does not address this scenario, but should encourage it, not frustrate it.</p>	<p>Comments noted. Stewardship Ontario welcomes the inclusion of battery collection sites from existing programs for consumer batteries under the Consolidated MHSW Program Plan, provided that those collection sites accept both single-use and rechargeable consumer-type portable batteries.</p>

Comment	Stewardship Ontario Response
Corrosives (12)	
<p>SO needs to generate accurate corrosive shipment and available for collection data. In particular, data are needed for all the corrosive categories identified in the lab pack, which presumably do show up in material quantities at depots, and that carry the corrosive bony hand symbol. The list of 16 categories identified in the Draft Program Plan is simply not a reasonable or representative sampling of this category. As such, The list of products on pages 34-35 should be replaced with an accurate description of the corrosive category and the Bony hand symbol should be utilized as an effective MHSW signal to facilitate administration of the MHSW program. Corrosives, the products in Column A and many other product categories from the depot data, carry the bony hand symbol.</p>	<p>Stewardship Ontario is aware that a study is required to fully identify all the products captured by the corrosive definition. This will be undertaken as part of the waste audit program as well as the Corrosive R&D activities in Year 1 of the Consolidated MHSW Program Plan.</p>
<p>Similar to the pharmaceuticals category, the definition of 'corrosives' as presented under Volumes 1 and 2 of this draft program plan does not include cosmetic-like drugs, topical NHPs and products regulated under the Food and Drug Act (F&DA), on the basis that these products are excluded from consideration under CCCR, 2001. Therefore, similarly, we have no further comment with regard to this category, again on the basis that corresponding categories of products of interest to the cosmetic and personal care industry will not be taken into account under this plan.</p>	<p>Under the corrosive definition cosmetic-like drugs, topical NHPs and products regulated under the Food and Drug Act (F&DA) are not captured.</p>
<p>Will the reuse of corrosives be explored in more depth?</p>	<p>As part of the Corrosive R&D work plan, opportunities to increase the diversion of this material, including reuse opportunities, will be examined.</p>
<p>Section 7.0 of the corrosives plan states that in the first year (2008) a study should be undertaken to identify all product groups and stewards. Was this completed? Are there results that can be shared?</p>	<p>Year 1 of the Consolidated MHSW Program Plan are the twelve months following plan commencement.</p>

Comment	Stewardship Ontario Response
<p>The definition of corrosives, toxics, flammables and pharmaceuticals are not consistent with cited regulations and further work is required to appropriately determine how, and if, they should be managed within the scope of the MHSW Program</p>	<p>The materials to be managed under the Consolidated MHSW Program Plan are defined by Ont Reg 542/06. Regulation 542 references two Regulations and one Standard to define municipal hazardous waste, which includes the first three categories listed in the question (corrosives, toxics, flammables). In the case of pharmaceutical, given that no reference was provided by Regulation 542, legal advice was sought to develop a definition for this material category.</p>
<p>In documents sent to the Corrosives WG, references to the tables in the CCCR were reversed for flammables and corrosives. Concern that there is a critical lack of conversancy on these matters, which is affecting the ability of SO to clarify the definitions properly.</p>	<p>this oversight has been corrected</p>
<p>Appreciated receiving the 9 page regulatory analysis behind corrosives. Have identified where the confusion is and are confident that all parties will be able to agree that irritants do not qualify as corrosive under any regulation. Corrosive and very corrosive product definitions can be simplified down to those products carrying the bony hand symbol Moving forward: 1) Would be pleased to meet with SO and the MoE to discuss the relevant issues and revisions to corrosives definitions necessary. 2) Request that SO correct the definition of corrosive materials to exclude irritants 3) Request that sales data only be gathered on Corrosive and very corrosive products, not irritants.</p>	<p>The intent of the MHSW Program is to manage the safe disposal of those products captured by Ont Reg 542/06. Products that meet the CCCR definition and whose sale is permitted only if the container displays the required labeling are captured by the MHSW program.</p>
<p>The definition should include corrosives carrying a boney symbol only and not irritants as labeled according to the CCCR, which do not warrant classification as hazardous, and will therefore only add to the cost of management without any discernible benefit</p>	<p>For the purpose of the Consolidated MHSW Program Plan, Corrosives and Irritants have been separated. Each sub category has been defined separately and a distinct fee rate has been established for each.</p>

Comment	Stewardship Ontario Response
<p>There is an expectation that the regulation and administration of irritants will incur administrative costs which will be charged to stewards. This seems like a money grab, which is doubly burdensome when inclusion paints these products as hazardous. Given that many of these products are labeled as irritants voluntarily despite not meeting the definition for pH levels in the CCCR and cannot be distinguished by sight, this might force companies to change their labeling, thus potentially reducing valuable information given to the consumer.</p>	<p>The intent of the MHSW Program is to manage the safe disposal of those products captured by Ont Reg 542/06. Products that meet the CCCR definition whose sale is permitted only if the container displays the required labeling are captured by the MHSW program.</p>
<p>There are several inaccuracies in the definition of the corrosive class of products: 1) Irritants are incorrectly mentioned in relation with Reg 347 and CSA Standard as neither have a class of products called 'irritants'; 2) The reference to Food and Drugs Act regulated products is irrelevant as the F&DA is not referred to in Ont. Reg 542/06</p>	<p>Corrosives are defined as per Ont Reg 542/06, which in turn references the Consumer Chemicals and Containers Regulations, 2001 made under the Hazardous Products Act (Canada); Clause 4 of CSA Standard Z752-03, "Definition of Household Hazardous Waste" ; and Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Environmental Protection Act.</p>
<p>Regulation 542/06 did not intend to capture everyday household products; the fact that irritants are captured is a result of citing a federal regulation out of context within provincial waste management plans. These products produce little waste, with little burden on any level of government. Containers are already managed through BB. The Regulation should be corrected, but until then, recommend an administrative policy solution, such as exemption, to accommodate this problem. Although SO committed to working on this problem, it seems the inclusion of these products is being entrenched. Inclusion will unnecessary administrative expenses and increase the financial burden on stewards. (7). Recommend the following working definition for corrosives: Corrosives include those products that meet the corrosive material definition in Ont. Reg 542/06 Excluding: - the sub-category of products defined or classified as an "irritant" in the CCCR regulations (2)</p>	<p>Corrosives and Irritants have been separated out as two sub-categories. For each sub-category, a separate fee rate has been set.</p>
<p>Captured under CCCR, however the 'corrosive' category in those regulations. also contains 'irritants'. Products of this type are not truly corrosive (hand dishwashing liquid etc.) and should not be captured in the program.</p>	<p>The intent of the MHSW Program is to manage the safe disposal of those products captured by Ont Reg 542/06. Products that meet the CCCR definition and whose sale is permitted only if the container displays the required labeling are captured by the MHSW program.</p>

Comment	Stewardship Ontario Response
Fertilizers (31)	
<p>Noticed a change to definition of fertilizers at the Jan 14th meeting that would effectively capture any compost that decides to make a growth (N-P-K) claim or that contains animal manure. Is this change deliberate? If so, please communicate the rationale behind it</p>	<p>Yes. Given that there are no clear distinctions in the Fertilizer Regulations between composts, manures and fertilizers where nutrient claims are made, a decision was made to include these in the program. There is, however, a legal basis for the exclusion of manures and composts “sold in their natural condition”, this is why these have been excluded from the Consolidated MHSW Program Plan.</p>
<p>Strongly support the retention of existing phase I definitions. Current phase I definitions are backed by scientific reasoning; Conforming the definition to ministry expectations will capture unintended products such as manures and soils. Unnecessary management of a product will contribute to the cost, both financial and environmental while providing no benefit. Unlike pesticides, there is no distinction between domestic fertilizers and farm fertilizers which are often sold at the same store. If unnecessary products are captured, consumers will buy more farm fertilizer and this will cause the manufacturers of consumer fertilizers to bear an undue share of the burden. (2)</p>	<p>The materials to be managed under the Consolidated MHSW Program Plan are defined by Ont Reg 542/06 and the Program Request Letter.</p>
<p>The sales volume for fertilizers does not include non-registered fertilizers and the projected sales volumes of registered fertilizers are overstated due to the elimination of product through the pesticide ban. A figure of 10% of total sales available for collection is incorrect; estimates of availability must be based on knowledge of which products are included. (3)</p>	<p>Sales volumes were based on best available data. We will be working to refine these numbers through reporting and analysis in Year 1 of the Consolidated MHSW Program Plan.</p>

Comment	Stewardship Ontario Response
<p>The fee assessment requiring monthly billing is problematic. How can remitter's agreements be handled in this system? Remitter's agreements did not force MHSW fees to be built into the cost of the product, which will increase prices for consumers, especially with the introduction of Harmonized Sales tax. If remitters' agreements are eliminated, the steward's right to choose how fees are collected is violated. It will also lead to arbitrary fees being built into the product cost, possible allowing stakeholders to over-bill and pocket the excess. Fees assessed on the basis of the existing categories, especially for fertilizers, are too broad, as more of one type of fertilizer might be returned than another. These fees need to be based on the type of fertilizer, but with monthly billing, a differentiated rate scale will not be possible as difference in anticipated returns cannot be accounted for. Finally given the staggered sales patterns, year -end reconciliations are needed, or else monthly billings will not be fair. (3)</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p>
<p>The allocation of costs and market share is skewed due to lack of data. The reported collection of fertilizers was very high in relation to total product sold into market. Thus assumptions about future success are overstated. The stated rationale for collection rates exceeding 100%, in table 4.7, Volume 1, is incorrect: original product volume estimates were based on a full year, not 6 months and the pesticides ban was never anticipated. (3)</p>	<p>Better tracking of collection and further reporting will improve the quality of these numbers.</p>
<p>The amount of fertilizer and pesticide collected according to the 2007 WDO Datacall is reported differently in Section 6.0 of the respective material-specific plans in Volume 2 and Table 4.6 in Volume 1. Respectfully question the accuracy of these numbers. (3)</p>	<p>These inconsistencies arose based on the accidental referencing of numbers adjusted for greater accessibility versus numbers based on actual collection. These inconsistencies have been corrected.</p>
<p>The industry does not yet have clarity on which fertilizers are to be included, despite the fact that the quantity of obligated product will have a significant effect on the cost. It is not equitable to exclude one type of product, such as compost, while at the same time providing management for the excluded product at the expense of the stewards. (3)</p>	<p>All fertilizers making a nutrient claim (NPK) are obligated under the program, including compost products that carry such claims. Supplements used only for the physical improvement of the soil are not obligated under the program.</p>

Comment	Stewardship Ontario Response
The inclusions and exclusions listed for fertilizers are inconsistent with one another. All the exclusions are packaged and regulated according to the Fertilizer Act and Regulation. Suggest an amended definition increasing the maximum size of bag to 100 kg from 30 kg. (3)	The Fertilizer definition has been revised
The labpack analysis is inconsistent, as there are large groups of products that are collected as fertilizers or pesticides that are not obligated. Stewards are therefore being assessed costs unfairly. Clear and specific categories need to be instituted to ensure that all collected materials are dealt with appropriately. The labpack data provided calls into question the ability of collection sites to properly collect, pack and categorize returned materials. The lack of reliable data leads to inequitable charges. (3)	<p>A lab pack study was conducted in the Spring 2008. The results of this study led to the development of lab pack factors calculated for each waste class and used to assess phase 1 post collection costs paid to municipal programs.</p> <p>Stewardship Ontario recently completed another lab pack study. The results of this study will be used to identify current lab pack practices in the industry and developing collection standards that ensure maximum collection and downstream processing efficiencies.</p>
The consumer education website "Do What You Can" has erroneously outlined the materials that can be returned for both pesticides and fertilizers. These errors persist despite industry attempts to assist correction. The result is that consumers return more material than should be included in the program, thus overstating the collected material. (3)	This issue has been raised with the team responsible for maintaining the website and has been addressed.
Fire Extinguishers (1)	
Section 10.2 - The year one collection target for fire extinguishers of 20 tonnes seems low considering the weight of fire extinguishers	The estimated quantity for collection has been derived from the amounts collected by municipalities as reported in the 2007 Datacall.
Flammables (8)	
Section 1.0 - Antifreeze is also defined as a flammable. Does this include all other antifreeze that is not included in the antifreeze category	Antifreeze and pesticides have been removed from this list as they are captured under their own respective material category.
The plan fails to provide information about the transpiration of gasoline for disposal in proper containers i.e. gerry cans	Comment added to section 8.0 Promotion & Education

Comment	Stewardship Ontario Response
<p>The definition of corrosives, toxics, flammables and pharmaceuticals are not consistent with cited regulations and further work is required to appropriately determine how, and if, they should be managed within the scope of the MHSW Program</p>	<p>The materials to be managed under the Consolidated MHSW Program Plan are defined by Ont Reg 542/06. Regulation 542 references two Regulations and one Standard to define municipal hazardous waste, which includes the first three categories listed in the question (corrosives, toxics, flammables). In the case of pharmaceutical, given that no reference was provided by Regulation 542, legal advice was sought to develop a definition for this material category.</p>
<p>Concerned that there may be confusion in understanding terminology in these definitions: eg. Flashpoints do not lead to flammability. All products that are flammable bear the CCCR flammable symbol. Given this fact, although SO states that our proposal narrows the scope of products to those that bear the flammable symbol, this proposal reasonably captures all products that are combustible. If non-combustible products are to be included, request that the definition be applied consistently and include all ignitable liquor products.</p>	<p>The definition of flammables is provided by Ontario Regulation 542/06, which in turn references two regulations and one standard.</p>
<p>The definition should include flammables only, not combustibles. Proposed a definition that would capture all fuels and products able to support a fire. Products not caught by this definition that should be in the program are captured by other material groups, so a rejection of this definition on that basis indicates a failure to approach definitions with a holistic grasp of the program.</p>	<p>The definition of flammables is provided by Ontario Regulation 542/06, which in turn references two regulations and one standard.</p>
<p>The available for collection rates for flammables are too high. A 2% return rate is not based in any fact. A more appropriate guess is <0.1%.</p>	<p>Based on the feedback from the Technical Working Group, the quantity of assorted flammables "available for collection" has been reduced to 1%</p>

Comment	Stewardship Ontario Response
<p>The estimated gasoline available for collection is miniscule compared to the amount sold into market. Actual collected may be less than estimated for the following reasons: projections based on BC experience may overstate collected quantities, as BC collects gasoline containers that might contain materials other than gasoline. Therefore, recommend that SO exclude gasoline from the program on the basis of a de minimis level, and for the reason that the administrative costs might outweigh the recycling benefits. If it is included, request that: the fees assessed on gasoline stewards only relate to gasoline, not other flammables; obtain actual data on return volumes before implementation; SO consult gasoline stewards upon the development of an appropriate cost recovery approach</p>	<p>A de minimis provision can be included in the program Rules to be submitted with the program plan or can be introduced later when more operational experience is gained. This issue will be reviewed with the SO Board prior to plan submission to the WDO.</p> <p>Gasoline has not been exempted from the definition of flammables, but it has been identified as a separate sub-category has been defined. The projected cost of material returned has been spread over Ontario retail locations, and stewards will be required to report their number of locations and pay the corresponding fees determined by multiplying the per-location fee rate and the number of locations.</p>
<p>Flammables – Given the wide array of products sold under this category, don't understand how fees and processing costs will be assessed. Windshield wash has no shelf life and is designed to be used up with a container easily captured under Blue Box. The availability for collection should be much lower than 2% of amount sold</p>	<p>Based on the feedback from the Flammables Working Group, the quantity "available for collection" has been reduced to 1%.</p>
Fluorescents (6)	
<p>In the latest revision of Stewardship Ontario's plan, the cost of recycling fluorescents went up significantly. This appears to come primarily from the addition of lamps from electronic devices. From a simple analysis, it appears that recycling lamps from electronics is substantially more expensive than lamps from household fixtures. This has raised considerable concern within our organization. The primary reasons are: 1) Our organization does not manufacture the lamp in electronic devices 2) Electronics companies are the stewards of these materials 3) Most lamps in electronics are not even sold in Canada 4) any extra costs should be spread across the electronics sector, not across the fluorescent category 5) sales and recycling estimates would have to come from electronics stewards 6) electronics already have their own management program</p>	<p>The Fluorescent category has been split into two sub-categories: fluorescents meant to be removed by the user and fluorescents embedded in electronic products. Each category will have a distinct fee rate</p>

Comment	Stewardship Ontario Response
Section 5.0 - Could Aevitas set up a transportation program rather than couriering the bulbs/lamps considering that they manage the vast majority of bulbs from retail and municipal channels?	Aevitas has indicated that "shipping from the store" is currently the most common method used by retailers offering fluorescent collection program, mainly because of the convenience that it offers. Stewardship Ontario will consider the coordination of a regional transportation system for different waste types as part of its implementation efforts.
Section 5.2.1 - The quantity of bulbs collected by retailers seems to be low - average number of units is 348/year/store. Is this due to advertising or lack thereof?	The retail fluorescents collection numbers were obtained from the processor at the time of plan development. The processor has indicated that numbers are expected to grow as the programs mature and more awareness is created.
Given that the range of products covered in the fluorescent category is not totally defined and there are several different markets included, costs will need to be allocated to specific segments of this category. The category should be broken down between lamps that are purchased and replaced by the consumer and those that are intended for disposition with the electronics that it comes in. (2). The basic process defined in Volume 1, Section 7 seems reasonable but will need to be done at a more detailed level for this category of material. Stewards need to have an opportunity to review and agree on the specifics of the costs that they are incurring	The Fluorescent category has been split into two sub-categories: fluorescents meant to be removed by the user and fluorescents embedded in electronic products. Each category has a distinct fee rate.
Fluorescents – Recommend inclusion of other types of bulbs, as many contain hazardous materials and consumers want the option to dispose of them properly.	The Minister's Program Request Letter and Regulation 542 designate fluorescent bulbs and tubes only. Stewardship Ontario does not have the authority to modify the list of designated materials
Leachate Toxics (1)	
Leachate Toxics - Most municipalities cannot collect ballasts with PCBs due to the stringent handling requirements for PCBs. A centrally operated SO facility for this type of material and radioactive smoke detectors would be useful	This will be noted for this material group.
Mercury Switches & Measuring Devices (16)	
Section 7.0 - In Section 6.0 it states that the primary method of handling mercury is to have it returned for proper disposal is through "consumer awareness". Due to the hazardous nature of mercury, should not a more intensive and material specific promotion and education can be developed?	As part of the material-specific promotion and education efforts, a budget of \$150,000 has been allocated for an awareness program for mercury in consumer products. This is in addition to the broad P&E campaign.

Comment	Stewardship Ontario Response
<p>The infrastructure for recycling major appliances is already in place and involves a number of key players. Suggest that the recycling of mercury switches be incorporated as a mandatory requirement, and the related cost folded into the operational cost</p>	<p>Stewardship Ontario does not have any enforcement powers. Stewardship Ontario can only impose requirements through contractual obligations with service providers. Finally, the costs associated with the removal, transportation, and processing of mercury switches must be covered through the Consolidated MHSW Program Plan.</p>
<p>There is currently no rigorous and standardized manner for reporting the amount of mercury removed from an appliance. Therefore suggest using the number of switches removed as a measure of quantity</p>	<p>As part of the elaboration of vendor standards for service providers, Stewardship Ontario will specify the reporting requirements for every material. The suggestion presented here will be incorporated in the development of these standards.</p> <p>Moreover, in implementing the Phase 1 MHSW program, Stewardship Ontario was required to create a tracking system for MHSW from collection through to final destination. Work will continue to enhance and refine these processes, procedures and documents as the program matures. When needed, additional requirements and guidelines will be added to ensure proper program management.</p>
<p>Municipalities collect an estimated 20% of major appliances. However many of them do not decommission the product. Adding new points of decommission at the municipal level will break the existing material flow and unnecessarily increase the cost of the system</p>	<p>The accessibility strategy for mercury switches in white goods will target those municipal programs that are already removing mercury switches from appliance as part of their appliance collection program. The strategy also includes the establishment of agreements with private white good dismantlers.</p>

Comment	Stewardship Ontario Response
<p>Believe that mercury switches are still being sold today and that an effort should be made to find stewards for these materials</p>	<p>Noted. In late 2006 Environment Canada published a Risk Management Strategy for Mercury-containing products. The strategy outlines options available to Environment Canada to prohibit or limit the use of mercury in products. This prohibition is expected to include all products containing mercury, with the exception of fluorescent lights and dental amalgams, and is expected to come into force in 2012 . Notwithstanding this, the vast majority of manufacturers have already discontinued the use of mercury in their products, due both to legislation restricting the use of mercury passed in the United States, and to overall health concerns associated with this substance. For this reason, the planning team has assumed that all products designated under the Consolidated MHSW Program Plan have been rendered obsolete by the introduction of replacement products that do not contain mercury, and, as such, are no longer supplied or sold for consumer use in Ontario. Efforts will be made to confirm this assumption.</p>
<p>The consolidated plan does not adequately elaborate on the audit and tracking process to ensure stewards will be legitimately accounted for. Once mercury switches are removed, it is virtually impossible to trace them back to the steward. Adding to the complexity is the fact that the market has experienced considerable consolidation and flux, with some key players exiting the market, and others entering, with the result that as many as 50% of mercury switches in white goods may be classified as orphaned products. How will stewards be legally designated as financially responsible for products they have not built or marketed? (2)</p>	<p>Stewardship Ontario will require service providers to record brand name and/or manufacturer information for obsolete MHSW categories at the point of collection. The cost incurred for management of obsolete products will be determined each quarter and the return share will be determined for each identifiable steward for that quarter.</p> <p>A waste will be considered "orphan" if it is not possible to identify the brand owner or first importer of the product because the company is no longer in business, does not have an economic presence in Ontario, or the steward can simply not be identified (i.e. waste product does not bear any information on brand owner or first importer). Stewardship Ontario cannot attribute costs for orphaned products (products which no longer are supplied for use in Ontario and for which there is no identified steward). Accordingly, Stewardship Ontario will not accept responsibility for these costs and will instruct its service providers that they must not accept these products, as Stewardship Ontario has no source of revenue from which to reimburse these associated costs.</p>

Comment	Stewardship Ontario Response
<p>Understand the objective to share the overall cost using a common formula, but disagree with it in the case of mercury switches, which comprise a mere 0.03 tonnes of 39,387 total tonnes. Mercury switches generate little waste and require significantly less management. The program common costs allocated to mercury switches are almost triple those of material management costs. This pushes the total cost per recovery of switch to over \$50. This economic rationale requires reconsideration.</p>	<p>The cost to manage mercury switches in white goods has been revised to \$7.20 per appliance.</p> <p>Common Costs are allocated on the basis of 85/15 cost share formula: 85% in proportion to the direct cost of managing each material; and 15% shared equally across all material categories. A commonly accepted approach to allocating common costs is to use a combination of direct costs and some equal sharing among materials to reflect the fact there is a certain level of effort and cost required for a waste material regardless of the volume of material for which it is responsible. The choice of 85% and 15% by the plan development team was considered to be the optimum balance to ensure that material categories where very little quantities is expected to be managed are not assigned a disproportionate share of the common cost.</p>
<p>The 'national' Switch out program operated by the Clean Air foundation applies only to a small subset of car manufacturers. Several manufacturers have long since eliminated mercury switches and should not be expected to subsidize the cost of SO's plan development process.</p>	<p>Stewardship Ontario is aware that mercury switches were phased out from automotive applications at different times by different automakers, and that they were used by certain companied up to 2003.</p> <p>As with other obsolete products under the Consolidated MHSW Program Plan, Stewardship Ontario will require service providers to record brand name and/or manufacturer information for mercury switches at the point of collection. Stewardship fees will only be charged to those automakers from which switches are managed under the program.</p>

Comment	Stewardship Ontario Response
<p>It is difficult to baseline the current collection rate for mercury switches. Current methodology does not represent the actual amount of mercury recovered. Therefore request the implementation of a rigorous process that will collect and provide detailed data regarding the quantity and the type of appliances being collected and decommissioned, the brand name and the number of mercury devices removed and processed for disposal.</p>	<p>As part of the elaboration of vendor standards for service providers, Stewardship Ontario will specify the reporting requirements for every material. The suggestion presented here will be incorporated in the development of these standards.</p> <p>Moreover, in implementing the Phase 1 MHSW program, Stewardship Ontario was required to create a tracking system for MHSW from collection through to final destination. Work will continue to enhance and refine these processes, procedures and documents as the program matures. When needed, additional requirements and guidelines will be added to ensure proper program management.</p>
<p>The recycling of major appliances is currently highly successful in a market-driven environment, with an approximate 97% of end-of-life units are collected and 85% of collected mass is diverted from landfill. As this recycling involves the processing of refrigerant for CFC recuperation, the removal of mercury switches could be done at the same time with little or no additional cost. Indeed, it is estimated that few white goods returned actually contain mercury switches. There is therefore little need to introduce new monetary incentives. The focus should be on increasing awareness.</p>	<p>Your suggestion regarding the removal of mercury switches in conjunction with the handling of CFC has been noted.</p> <p>The cost estimates for the removal of mercury switches from white goods were derived from the 2002 Niagara pilot project study, and include both capital cost per location (tools, personal protection equipment, mercury spill kit, collection pail, and training on mercury spill procedure) and an operating cost per mercury appliance (includes the cost per hour to remove switches from chest freezers & gas ranges and the transportation and recycling costs). An annual inflation rate of 2% was applied to estimate the current cost. The estimated cost also includes that fraction of the OPA's Great Refrigerator Roundup Program associated with the transportation and disposal of mercury switches collected through this Program.</p> <p>Finally, awareness surrounding mercury switches in white goods will be created through Stewardship Ontario's generic Promotion & Education campaign and specific P&E activities geared to dismantlers.</p>

Comment	Stewardship Ontario Response
<p>Automotive mercury containing switches should not be included under the MHSW program as they are already being managed through an established program which includes a national infrastructure, that Ontario is a part of, for collecting, transporting, and managing switches with specific targets and timelines. We are concerned with the inclusion of the information provided in the draft plan which is not correct and should be removed or modified. It is not appropriate to identify specific targets and capture rates for Ontario as the switch program is based on an aggregate total national estimated number and a factor cannot be simply applied. A duplicative program should not be required under Stewardship Ontario in Ontario and fees should not be applied in this regard.</p>	<p>Mercury Switches are designated under Reg. 542. Stewardship Ontario does not have the authority to exempt materials, even though a national program for the management of automotive mercury switches is already in place at the national level. In the absence of more accurate information, the quantities of switches available for collection were calculated by applying a population ratio for Ontario to the national data provided by CVMA on behalf of automakers under the federal program. The planning team would welcome any suggestion CVMA may have on the use of more accurate data.</p>
<p>Confirm that no chest freezers sold into Ontario market contain a mercury lid light switch. Therefore understanding that application of program fee to chest freezers w/o mercury switches is contrary to WDA. Use discontinued more than 8 years ago. Prior to discontinuance, only an estimated 4000 units sold in Ontario.</p>	<p>According to the information supplied by CAMA, mercury switches were used in chest freezers until the year 2000. Fees will be levied only on those stewards of chest freezers whose appliance contains a mercury switch. CAMA has provided information on estimates of chest freezers containing mercury switches expected to reach end-of-life over the time of the Consolidated MHSW Program Plan 5-year period.</p>
<p>Manufacturers ceased using mercury diostats in gas pilot-light ranges in 2007; few if any are sold in Ontario today. Gas ranges, moreover, are an insignificant majority of gas ranges sold; overwhelming majority are electric. Again, understand that application of program fee to products currently sold w/o mercury is contrary to WDA</p>	<p>According to the information supplied by CAMA, mercury switches were used in gas ranges until the year 2008. Fees will be levied only on those stewards of gas ranges whose appliance contains a mercury switch. CAMA has provided information on estimates of gas ranges containing mercury switches expected to reach end-of-life over the time of the Consolidated MHSW Program Plan 5-year period.</p>

Comment	Stewardship Ontario Response
<p>These products are also included in the designating regulation for the WEEE program. Believe that these products are better dealt with under the auspices of the WEEE designating regulation</p>	<p>Large appliances such as freezers and gas ranges are not yet included under the WEEE program plan. Regarding the potential for mercury switches to be operationally managed under both the WEEE and MHSW programs, Stewardship Ontario is aware that certain materials are currently designated under one WDO program but that they are also likely to be collected under another program. Stewardship Ontario will be exploring opportunities for establishing a reciprocal agreement with Ontario Electronic Stewardship (the IFO responsible for WEEE) to ensure that the cost of managing materials included under both programs (such as batteries) are appropriately allocated and that there is no double charging to stewards. Should appliances be designated under the WEEE program at some future date, similar arrangements for appropriately allocating the costs of managing mercury switches should also be investigated.</p>
<p>Concerned with the lack of specificity in the designation of Phase II MHSW which leads to the inclusion of mercury switches previously used in vehicles. Given that these switches are already being managed in all provinces due to requirements of CEPA, mercury switches should be exempted from the program. Steel and auto companies have jointly implemented a plan operated by the Clean Air Foundation to recover, collect and manage switches nationally. Thus the inclusion provides no added benefits and merely duplicates ongoing management efforts.</p>	<p>Stewardship Ontario is aware of the existence of the Switch Out Program operated by the Clean Air Foundation on behalf of CVMA and its members. Stewardship Ontario does not have the authority to exempt materials from the Consolidated MHSW Program Plan.</p>
Paint and Coatings (2)	
<p>Aerosols should be excluded from the Paints definition and the program. IC&I should be excluded as these products are dealt with commercially. The MHSW program does not want to have to handle these volatile materials.</p>	<p>Paint contained in an aerosol container will be managed with other aerosol containers. Stewards of this product will therefore be required to report in an aerosol category (as opposed to the paint category).</p> <p>The Minister's Program Letter explicitly requests the inclusion of waste from IC&I generators for the majority of waste materials captured under the Consolidated MHSW Program Plan.</p>
<p>Will empty paint cans still be acceptable in the Blue Box Program?</p>	<p>Yes, the Blue Box program will continue to collect empty paint cans where municipalities accept them.</p>
Pesticides (10)	

Comment	Stewardship Ontario Response
<p>Pesticide ban comes into effect April 22, not April 1st</p> <p>The scope of the definition of pesticides should be limited to products classified as domestic only; it should not cover small IC&I sources. Several programs already exist to manage returns from this source, so including them in the MHSW program would be redundant and inefficient. Recommended Changes: Table 2.1 should be revised to say "Residential generators only"; Table 2.3's definition should include the domestic classification.</p>	<p>Comment noted</p> <p>The definition has been updated to reflect the fact that the Consolidated MHSW Program Plan will manage Domestic pesticides only.</p>
<p>Do not expand definition from Phase I. the definition should include the requirement that the product bear a hazard label. (3) The current markings are based on scientific definitions and encourage appropriate consumer action by eliminating complexities. Capturing products that do not actually require special handling will increase carbon footprint of management. Expanding the definition will overlap with and undermine other stewardship programs, thus increasing costs and reducing efficiency of both programs. Newly obligated products will create handling challenges for municipal depots that are not equipped to handle agricultural and industrial products. Data on products collected to date have not been provided, despite being promised. This prevents an assessment of progress, success, inefficiencies, etc. and may undermine the ultimate success of the program.</p>	<p>The materials to be managed under the Consolidated MHSW Program Plan are defined by Ont Reg 542/06 and the Program Request Letter.</p> <p>A great majority of pesticides currently excluded under the Phase 1 definition would have been caught under one of the other material categories in the Consolidated MHSW Program Plan (e.g. toxics, leachate toxic)</p> <p>Partial results of the lap pack study carried out in 2008 were shared with the pesticides and fertilizer working groups. Partial results of the lab pack study carried out in 2009 were shared with the MHSW Steering Committee.</p>

Comment	Stewardship Ontario Response
<p>Section 6.0 - The plan states that CropLife Canada was in Ontario in 2005 to collect obsolete pesticides. Why is this done every 4 years? How will orphan pesticides be dealt without stewards as a result of pesticide legislation?</p>	<p>CropLife asserts that, based on their research, because of the nature of commercial users of pesticides, more frequent collection does not improve returns significantly. The Ministry has instructed consumers to return pesticides through the MHSW program.</p> <p>Costs for obsolete products (products which no longer are supplied for use in Ontario and for which there is an identifiable steward) will be allocated in proportion to the relative quantities of materials returned for management (return share) and billed quarterly. Stewardship Ontario cannot attribute costs for orphaned products (products which no longer are supplied for use in Ontario and for which there is no identified steward). Accordingly, Stewardship Ontario will not accept responsibility for these costs and will instruct its service providers that they must not accept these products, as Stewardship Ontario has no source of revenue from which to reimburse these associated costs.</p>
<p>The current pesticide definitions are not very clear and could be construed to include farm and manufacturing concentrates which are not intended to be included in this program. Suggest an amended definition:</p> <p>Inclusions: Pesticides include fungicides, herbicides insecticides and certain repellents registered under the Pest Control Products Act (Canada) bearing the “DOMESTIC” classification. By definition, commercial, agricultural and restricted classifications are excluded.</p> <p>Examples: Examples include lawn, garden and household pest control products registered under the PCP Act.</p> <p>Exclusions: Exclusions would include: Personal insect repellents.</p> <p>(3)</p>	<p>The current pesticide definition refers to products identified for <i>domestic use</i> required to display on the label the Pest Control Product Regulation Registration Number.</p>

Comment	Stewardship Ontario Response
<p>The pesticide ban has created an unprecedented situation where a significant amount of product that is intended to be fully used up, must be returned due to the ban. The mandate that these banned pesticides should be returned through the MHSW program causes an undue burden on stewards and a misappropriation of the program's mandate in order to fund unrelated government policy. It is not appropriate that the stewards' program be used to manage - without compensation - waste not generated through a normal consumer cycle. (4)</p>	<p>Costs for obsolete products (products which no longer are supplied for use in Ontario and for which there is an identifiable steward) will be allocated in proportion to the relative quantities of materials returned for management (return share) and billed quarterly. Stewardship Ontario cannot attribute costs for orphaned products (products which no longer are supplied for use in Ontario and for which there is no identified steward). Accordingly, Stewardship Ontario will not accept responsibility for these costs and will instruct its service providers that they must not accept these products, as Stewardship Ontario has no source of revenue from which to reimburse these associated costs.</p>
Pharmaceuticals (38)	
<p>It is important that the appropriate method of destruction of pharmaceuticals is used. Recommend incineration. With limited pharmaceutical waste service providers, it is important to ensure that processing fees are competitive, even if this necessitates going outside the province.</p>	<p>Noted.</p>
<p>The return to retail recovery of pharmaceuticals (approximately 90% recovery) may be an ideal model on which to improve the collection of a number of the other waste classes so that they are collected more effectively e.g. batteries.</p>	<p>Return to retail is being considered as an option for a number of material categories.</p>
<p>The definition of corrosives, toxics, flammables and pharmaceuticals are not consistent with cited regulations and further work is required to appropriately determine how, and if, they should be managed within the scope of the MHSW Program</p>	<p>The materials to be managed under the Consolidated MHSW Program Plan are defined by Ont Reg 542/06. Regulation 542 references two Regulations and one Standard to define municipal hazardous waste, which includes the first three categories listed in the question) corrosives, toxics, flammables). In the case of pharmaceutical, given that no reference was provided by Regulation 542, legal advice was sought to develop a definition for this material category.</p>
<p>The definition captures products that do not pose any risk to humans or to the environment. Prior to the Jan 14th meeting, these products were excluded during Phase 2 discussion. Expertise from the pharmaceutical industry is required to work through this definition</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>

Comment	Stewardship Ontario Response
Disinfectants and sanitizers regulated under the FDA by Health Canada but not for human use should not be captured. Similarly for veterinary drugs unless dispensed from a pharmacy for a companion animal	This has been addressed.
Food and beverage products regulated under the Natural Health Products Regulation, which are generally completely consumed, should not be captured. The containers are already managed by the BB Program	This has been addressed.
Suggest the reinstatement of October 28 inclusions and exclusions.	The pharmaceutical definition has now been updated and ratified.
Recommendation: Change exclusion wording from “Not intended to include food products unless regulated by Health Canada.” to “Not intended to include products in food format regulated by Health Canada under the Food & Drugs Act and the Natural Health Products Regulations” in order to ensure that food products of any form are excluded.	The pharmaceutical definition has now been updated and ratified.

Comment	Stewardship Ontario Response
<p>SO's definition of pharmaceuticals does not accurately reflect the definition of "pharmaceutical" under Canadian regulation or under generally accepted uses of the word. Asked by SO to review definition of "Pharmaceutical Drugs"; noted that this definition is taken directly from the Food and Drug Act Regulations, but this term is not found in these regulations or in current federal legislation. Do not believe the term "pharmaceutical" is interchangeable with the term "drug". Many of the products wrongly captured are safe products that the general public does not think of as drugs. Moving forward: 1) Request that SO correct the definition to reflect pharmaceuticals, not drugs. 2) Request that sales data only be gathered for pharmaceutical products, not drug products.</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>
<p>Provided a list of exclusions for the pharmaceutical category primarily based on the rationale that the products listed are generally entirely consumed, safe for human use and not dangerous to the environment</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>
<p>Confirm that the pharmaceuticals definitions provided at the March 13th Steering Committee are <i>working definitions</i> only</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>
<p>Although we acknowledge that consideration of waste prescription products may be warranted, expanding the definition to include all products with DINs/NPNs will entail significant education efforts with little benefit. Understanding that the intention of further consideration is to enhance 'take-back program' at pharmacies. Question whether consumers will grasp that toothpaste, sunscreen, etc, require special waste management.</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>
<p>The term 'pharmaceutical' generally refers to prescription medication, and the environmental concern is with these products</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>

Comment	Stewardship Ontario Response
<p>Definition should exclude packaging managed by Blue Box already, in addition to food and beverages, oral care products, most topical personal care products and cleaning products. Reasons: § Tend to be fully used up or safely disposed of by the consumer § Present no environmental risk § Are already managed by the Blue Box program Ø Should not invent a costly new solution for managing these products.</p>	<p>The pharmaceutical definition has now been updated and ratified.</p>
<p>70 Pharmacies accept returned pharmaceuticals; number came from earlier conversation; not a representation of how many accept used pharmaceuticals; don't have specific numbers</p>	<p>Data was carried over from Fall. Will correct information; aware that there were problems with data</p>
<p>The most appropriate channel for the return to of pharmaceuticals is through a pharmacy return-to-retail model. This approach will take advantage of the existing collection infrastructure, which includes the majority of pharmacies in Ontario (2)</p>	<p>Return to retail will be an important part of the return program, but consumers will not be limited to only that channel; events, depots, depots in a box, and toxic taxi will be set up to accept any waste designated as a part of the MHSW program.</p>
<p>Do not believe that the year 1 material collection targets are achievable. Further request clarification on the discrepancy between the growth targets in tables 10.1 and 10.2 in the pharmaceuticals section of Volume 2 (shows 54 tonnes and 63 tonnes respectively). This clarification was also requested at the Pharmaceuticals-specific consultation.</p>	<p>Tables 10.1 and 10.2 contained numbers from two sources - numbers adjusted for increased access versus those not adjusted; the discrepancy has been corrected.</p>

Comment	Stewardship Ontario Response
<p>The cost recovery model based on allocation by market share is appropriate, but in the case of pharmaceuticals, overall cost calculation must take into account the quantity and classifications returned before factoring in market share. These classifications (such as brand-name v generic v consumer health; or prescription v non-prescription) are essential to setting fees and determining recovery rates. Suggest the possibility of utilizing periodic audits to determine breakdown of returns. Once this is analyzed and the appropriate costs for each group determined, then allocation can be determined on the basis of market share. (3)</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits.</p> <p>Due to a lack of information, it is not presently possible to set different fee rates for pharmaceutical sub-categories (e.g. prescription vs. non-prescription). As part of the waste audit program to be carried out in Year 1, Stewardship Ontario will consider gathering such information.</p>
<p>In the Pharmaceuticals-specific consultation, there was confusion about the source of the information presented. The primary service provider could not confirm the data, nor could the consultant confirm their source's contact. There were also concerns that the percentage of pharmacies participating in take-back programs is overstated. This should be followed up to ensure that targets are realistic.</p>	<p>The service provider has restated its quantities, and has commented that the individual who had released the original figures was not the designated contact for requests. Further talks will be pursued with service providers to ensure greater clarity.</p>
<p>Many stakeholders were not aware of the change to include Natural Health Products (NHPs) in the definition of pharmaceuticals, making it difficult to comment on. Do not support this inclusion. The definition of pharmaceutical is only found in the Food and Drug Regulations, but these do not apply to NHPs. The Natural Health Product Regulations were introduced precisely to distinguish between these two types of product, at the request of consumers. Inconsistently applying these definitions will likely result in future misapplication of their intended meanings with respect to federal and provincial law. Consumers are easily able to identify between pharmaceuticals and NHPs due to the differential labeling, as NHPs have a NPN and Pharmaceuticals have a DIN. (6)</p>	<p>The Food and Drug regulations do not define "pharmaceuticals". DINs apply to "drugs"; pharmaceuticals are not directly outlined in the Regulations. For this reason, legal advice was sought to adequately define pharmaceuticals for the purpose of the plan.</p>

Comment	Stewardship Ontario Response
<p>Do not believe that Natural Health Products (NHPs) should be included in the definition of pharmaceuticals. Consumers can distinguish between pharmaceuticals and NHPs. Brand owners and first importers of NHPs should not assume the cost for collection and disposal in the MHSW program when only a very minimal quantity of natural health products may be returned at pharmacies. As the exact total of NHPs as a percentage of returns is not known, the steward fees should, at a minimum, be adjusted appropriately to reflect the actual percentage of NHPs return at the collection sites. In order to decide whether NHP brand owners and first importers should be stewards, SO should monitor the first several years of the program.</p>	<p>Agree that there should be a sub categorization within the Pharmaceutical category to accurately track quantities returned and cost to manage; this will be considered as part of the waste audit program in Year 1.</p>
<p>With the recently revised definition of 'pharmaceuticals' as presented under Volumes 1 and 2 of this draft program plan, we are most pleased that cosmetic-like drugs and topical natural health products (NHPs) would be exempt from inclusion under this program. These products either in content or in related packaging should certainly not be considered to be 'special' waste and we strongly support the definition as currently outlined in this preliminary plan. To this end, we have no further comment with regard to this category on the basis that corresponding categories of products of interest to the cosmetic and personal care industry will not be taken into account under this plan.</p>	<p>The revised and finalized definition of pharmaceuticals includes orally ingested Natural Health Products, but excludes Natural Health Products in food format, including probiotics sold in food format, that are primarily sold and marketed as a food and Natural Health Product drops, lozenges and chewing gum, such as for coughs, sore throats or halitosis.</p> <p>It was ultimately decided to include NHPs as both prescription drugs and NPH are used to treat similar health conditions and make similar health claims. While NHPs are not expected to come back at the same levels than prescription drugs, the experience in British Columbia, where a similar program is in place, demonstrates that they do come back.</p>
<p>The Pharmaceutical Working Group worked through a lengthy process to come up with definition outlined in Volume 2 of the Program Plan. It seems that this definition is in constant state of change. CACDS would like the final definition to be approved by the Working Group without the possibility of it being changed by outside groups.</p>	<p>The definition for this category has been finalized.</p>

Comment	Stewardship Ontario Response
<p>OPA is pleased that only pharmaceutical waste from residential generators is included, and with the definition of pharmaceuticals outlined in Volume 2. However, it is recognized that since then, the draft definition has been revised to include orally ingested Natural Health Products. OPA understands the rationale, but are concerned that the revision has not been submitted to stakeholder comment. The possibility of further modifications to the definition without the knowledge of the WG is problematic</p>	<p>The definition for this category has been finalized, and will not be altered without consulting the work group.</p>
<p>Support the inclusion of NHPs in the definition for pharmaceuticals. Both NHPs and non-prescription medicines are taken in tablet form and the distinction (pharmaceuticals have an eight-digit DIN, while NHPs have an eight-digit NPN, on the front label) is not sufficient for consumers to distinguish properly. Many non-prescription medicines were re-classified as NHPs with no change in characteristic and both are intended for the same purposes (2)</p>	<p>noted</p>
<p>Recommend that the term "physician" in the pharmaceuticals plan be replaced by the term "practitioner" when referring to a healthcare provider who prescribes medication, as the practice of prescribing drugs is not confined to physicians, but extends to other healthcare providers such as dentists, veterinarians, and nurse practitioners (2)</p>	<p>This change has been incorporated into the program plan.</p>
<p>The draft plan, includes language suggesting that medications need to be taken to completion; however, medications are sometimes changed to avoid unwanted side effects. Therefore recommend that section 10.1 read: Reduction targets for pharmaceuticals are not applicable, as prescribed medicines are purchased in quantities suggested by prescribers, and OTC medicines are generally purchased according to need. (2)</p>	<p>This change has been incorporated into the program plan.</p>

Comment	Stewardship Ontario Response
Pressurized Containers (2)	
<p>Section 3.0 - What should be done with oversized tanks that are clearly from an ICI source? Should they be returned to the company e.g. BOC Gases?</p>	<p>In order to be eligible under the program, the referenced oversized tanks must meet the definition of pressurized containers and come from either residential or IC&I small quantity generators that are not required to submit a generator registration report with respect to waste under subsection 18(1) of Regulation 347 under the EPA. Pressurized containers that are not included in the program but are received by a collection site will not be covered by Stewardship Ontario and it is recommended that an appropriate waste management company be retained for safe removal.</p>
<p>10.1 - The Plan mentions a reduction strategy - what are the details around this strategy? There may be an opportunity to implement a return to retail for the small camping type Coleman containers</p>	<p>In the case of durable products such as pressurized containers, reduction would only apply in the context of favouring refillable containers over non refillable, thus reducing the generation of pressurized container waste. In order to collect small camping style Coleman containers, retailers would have to obtain appropriate Ministry of the Environment approvals. However, given the characteristics of this waste stream, it is not expected that Stewardship Ontario will pursue an exemption of pressurized containers from Ministry Approvals. Stewardship Ontario instead intends to work with Ontario Parks for the establishment of a pressurized container collection program.</p>
Reactives (1)	
<p>This is a key material which requires more attention and a plan of action due to the hazardous nature of reactives.</p>	<p>Noted.</p>
Sharps/Syringes (9)	

Comment	Stewardship Ontario Response
<p>Will Phase 2/3 provide collection infrastructure for syringes returned to pharmacies? If so, then IC&I sources will be funded. If not, then a significant number of syringes, generated residentially but returned to pharmacies or doctors' offices, will not be funded. The case for funding syringes generated by health units and street drug clinics will become stronger if the plan does provide for collection from doctors' offices and pharmacies, since technically these are IC&I sources. The MHSW program already funds wastes generated from IC & I sources, as municipal HHW depots become generators of the waste as soon as they accept it. Not sure, though, if the law differentiates between generators whose waste is primarily self-generated, and those whose waste is primarily third-party generated.</p>	<p>The Consolidated MHSW Program Plan will provide collection infrastructure for syringes returned to pharmacies by residents.</p> <p>As per the Minister's Program Request Letter, the program plan does not include sharps generated by health units and street drug clinics.</p>
<p>Pleased that the Minister's PRL specifically limits the collection of sharps and syringes to waste from residential generators.</p>	<p>noted.</p>
<p>Sharps/Syringes – The collection of this stream should be left o medical professionals and not handled by the municipalities, as consumers do not package them correctly, thus posing a risk to municipal staff</p>	<p>The Consolidated MHSW Program Plan proposes that the main collection channel for sharps and syringes be the return to retailer channel (pharmacies). P&E will promote the disposal of sharps at pharmacies. It is anticipated that a small portion of sharps will be collected through depots, events, depot in a box and toxic taxi.</p>
<p>GREAT idea to pursue proper disposal of sharps/needles and old prescriptions from the home! Pharmacists have a terrible time trying to properly dispose of these items returned to them, and probably only get a small fraction of what's out there (with many likely going in regular garbage.) Way to go!</p>	<p>noted</p>
<p>A potential barrier to increased collection of sharps and syringes is restricted consumer access to appropriate disposal containers due to cost or availability. As consumers in this position might dispose of sharps improperly (i.e. the garbage) or might return them to pharmacies improperly packaged, thus creating a potentially unsafe situation, recommend that a critical element of diversion should be the provision of proper containers at little or no cost to consumers. (2)</p>	<p>The management cost for sharps and syringes includes the estimated cost of collection containers. As part of the material-specific R&D budget, research will also be carried out on the most optimal container type.</p>

Comment	Stewardship Ontario Response
<p>Similarly to pharmaceuticals, the most appropriate model for return of sharps and syringes, presuming they are properly packaged, is a pharmacy return-to-retail program, thereby taking advantage of existing infrastructure, which includes the many pharmacies in Ontario. (2)</p>	<p>Return to Retail has been identified as the may return channel for sharps and syringes.</p>
<p>Concur that people with diabetes are likely consumers of sharps and syringes, but the draft plan focuses on use by patients with Type I diabetes. Suggest that the planning team research the use of sharps by patients with Type II diabetes, who comprise 90% of cases; although these patients do not use insulin, they do frequently check their blood sugar using a lancet. This may reveal that the volume of lancets available for collection is more significant than currently presented. (2)</p>	<p>The estimates of quantities of sharps and syringes supplied for use have been revised using stewards' sales data and extrapolating to account for market share. In addition the data has been adjusted to account for sharps used for pet care sold at veterinary offices.</p>
Solvents (5)	
<p>According to the consolidated draft plan, solvents would experience a fee increase of 290% over phase 1 plan with a fee approaching 40% of a product's retail price; an unacceptable change to all parties involved.</p>	<p>noted</p>
<p>Section 5.0 - Why is it anticipated that the amount of solvent available for collection will increase by nearly 70% from the baseline to year 5.</p>	<p>This section has been revised.</p>
<p>Solvents – Volume targets have remained close to original Phase I estimates, but program costs have tripled. Why? This would increase the fee per jug to almost 50% of retail price, which would cripple the industry. The cost in BC is 0.38 a jug. Urge that the product categories of flammables and solvents be merged, thus eliminating duplicate overhead costs and spreading the management cost across a greater spread of materials</p>	<p>Impacts noted. Solvents remain a separate category for year 1 while different plan development and start-up costs are recovered. Merging of solvents and flammables categories may be considered in future years.</p>
<p>Do not support the inclusion of windshield washer fluid and its containers in the solvents category. Windshield wiper fluid is fully used and any remaining at the end of a vehicle's life is managed. Thus, the rationale for including this fluid in the program is unclear. The assumption that 2% of the fluid sold into the market is available for collection needs to be substantiated; we believe that it is incorrect and that the number should be lower. The fluid should not be included in the program as it is required by motorists for safety reasons.</p>	<p>Windshield washer fluid meets the definition of Flammables under O Reg 542 and is therefore captured under the Consolidated MHSW Plan.</p> <p>Based on the input from the Flammables Working Group, the quantity of windshield washer fluid "available for collection" has been reduced to 1%.</p>

Comment	Stewardship Ontario Response
<p>Solvents should be rolled into Flammables to leverage shared collection and diversion aspects. As it is known that solvents and flammables are impossible to distinguish at the collection level, why should we build a plan that continues to treat them as separate materials? Municipal collection points have an impossible time distinguishing flammables from solvents, resulting in flammables being collected in phase 1 and inappropriately being assigned as solvents, inflating the collected volume and material specific cost thus driving the material specific costs proposed. Even the definition in the appendix is confused since under the flammables definition in the exclusion list we continue to identify "solvents & thinners" when they are a separate group under phase 1.</p>	<p>Impacts noted. Solvents remain a separate category for year 1 while different plan development and start-up costs are recovered. Merging of solvents and flammables categories may be considered in future years.</p>
Thermostats (8)	
<p>A more comprehensive plan for approaching the Do-It-Yourself segment of the market needs to be articulated (2)</p>	<p>Details surrounding a potential pilot project to capture the Do-It-Yourself segment will be developed once the Consolidated MHSW Program Plan has been approved, and as part of the planning work surrounding implementation.</p>
<p>Understand that SO's intention is to allocate some common costs to stewards for the mercury thermostat program. These costs are excessive and will raise the cost per thermostat from \$9.45 to \$21. (2)</p>	<p>The Common Costs have been allocated on the basis of 85/15: 85% in proportion to the direct cost of managing each material; and 15% shared equally across all material categories. A commonly accepted approach to allocating common costs is to use a combination of direct costs and some equal sharing among materials to reflect the fact there is a certain level of effort and cost required for a waste material regardless of the volume of material for which it is responsible. The choice of 85% and 15% by the plan development team was considered to be the optimum balance to ensure that material categories where very little quantities is expected to be managed are not assigned a disproportionate share of the common cost.</p> <p>While the material-specific cost to manage thermostats has been estimated for the purposes of the Consolidated MHSW Program Plan, the actual management cost will be charged to stewards of these product categories, as well as a share of the budgeted common costs and deficit recovery.</p>

Comment	Stewardship Ontario Response
<p>Concern that the initial target number of thermostats - a 29% increase over the baseline - is unrealistic and based on faulty assumptions. Seems to be based on the assumption that an additional 400 contractors will join the program, which is not supported for the following reasons: 1) It is uncertain how many contractors are in position to replace old thermostats; 2) It is expected that funding will soon be withdrawn from Switch the Stat, and, while many residential contractors will likely remain with the program, it is possible there may be some reduction in numbers participating (2)</p>	<p>The accessibility target for thermostats collected through the "Switch the Stat" Specialty Channel has been revised to 100 additional participants per year and the collection target for Year 1 has been set at 12,548 thermostats (1,430 kg).</p>
<p>Do support the setting of targets for the number of contractors and other collection agents participating in the program, as covering all collection channels would allow the program to collect close to 100% of all thermostats. Recommend that the thermostat recovery targets for Year 1 be the same as the number for 2008-2009 and that the target for participation rate be the same as 2009-2010, with a commitment to grow the number by 100 per year for three years. (2)</p>	<p>Given that both the number of participants and the number of thermostats collected has increased year over year since the launch of the Switch the Stat program, the accessibility target for thermostats collected through the "Switch the Stat" Specialty Channel has been revised to 100 additional participants per year and the collection target for Year 1 has been revised to 12,548 thermostats (1,430 kg).</p>
Toxics (3)	
<p>The definition of corrosives, toxics, flammables and pharmaceuticals are not consistent with cited regulations and further work is required to appropriately determine how, and if, they should be managed within the scope of the MHSW Program</p>	<p>The materials to be managed under the Consolidated MHSW Program Plan are defined by Ont Reg 542/06. Regulation 542 references two Regulations and one Standard to define municipal hazardous waste, which includes the first three categories listed in the question (corrosives, toxics, flammables). In the case of pharmaceutical, given that no reference was provided by Regulation 542, legal advice was sought to develop a definition for this material category.</p>
<p>Slide shared by SO with MoE has inaccuracies: stated that an impact on CCSPA's proposal is that it "excludes products that are toxic and harmful under CCCR (LD50<200mg/m3)". This appears to be a misquote of oral toxicity standard of 200mg/kg.</p>	<p>Noted.</p>

Comment	Stewardship Ontario Response
<p>Toxic and Flammables WG members did not receive any summary response of rationale for rejection of proposed definitions. No regulatory analysis was provided. Recommend that a regulatory analysis be provided, similar to corrosives WG</p>	<p>noted.</p>

C. Appendix 3 – Comments on Overall Program Plan (Received by WDO)

<u>ISSUE</u>	<u>PAGE</u>
Accessibility (2)	C-1
Confidentiality (5)	C-1
Consultation (2).....	C-2
Cost Recovery Methodology (13)	C-3
Definitions (4)	C-7
Industry Stewardship Programs (ISPs) (4)	C-9
Material Tracking (1)	C-10
Program Cost (3).....	C-10
Program Governance (1)	C-11
Program Operations (1)	C-12
Program Scope and Objectives (5).....	C-12

Comment	Stewardship Ontario Response
Accessibility (2)	
<p>The plan states that SO will work with municipalities to determine the nature and type of services that are appropriate to the local marketplace and settling on a compensation package that is financially attractive to both parties. What criteria will be used to determine what type of services are appropriate and what type of compensation will be considered beyond hours of service.</p>	<p>These decisions have not yet been made. These issues will be decided upon in the development of the implementation plan.</p>
<p>The plan considers offering a premium rate to municipalities for preferred accessibility hours. This approach must take into account: the seasonality of many municipal populations and MHSW programs; lack of access to utilities for lighting requirements; and other factors (eg. Landfill site operating hours) that might affect operating days/hours. Some municipal programs might be unfairly ineligible for the premium rate and yet offer a very good collection service. The premium rate should not be considered until further in depth studies can be conducted in each municipality to determine what the “preferred” service level is in that community/municipality.</p>	<p>The Plan currently states that Stewardship Ontario will attempt to come to an agreement with individual municipalities on services at a rate that is financially attractive to both parties. To as great an extent as possible, Stewardship Ontario will attempt to base preferred accessibility hours on local conditions to provide for the utmost convenience as possible.</p>
Confidentiality (5)	
<p>Without guarantees from SO management on how confidential data will be treated, businesses are not willing to provide confidential information such as sales data. Since some categories have a relatively small number of suppliers, the release of any information could be expected to result in financial loss, or competitive disadvantage. (3)</p>	<p>All members of the program planning team must sign confidentiality and non-disclosure agreements with Stewardship Ontario. In addition, all members of the team are covered by WDO's non-disclosure agreements. Data will only be disseminated in aggregate form, and then only if it is felt that the source is not identifiable. The latter condition might apply in the case where a category has a relatively small number of suppliers</p>

Comment	Stewardship Ontario Response
<p>During the SO Board consultation on June 23, 2009, it was stated that SO management has a policy in place that addresses concerns about confidential business information. This policy is in need of significant improvement, as it needs to pass legal scrutiny, and ensure the protection of confidentiality and competitiveness. Among other things, it should: 1) should guarantee that any information collected by SO will not be shared with anyone for any purpose. Existing statements are too vague; 2) The document should outline, in no uncertain terms, exactly what information SO intends to collect as part of its work. The document should focus on protecting all areas of concern, not just financial data, so there must be explicit guarantees that all information will be protected; 3) The language needs to be tightened to ensure that there are no loopholes. For example, how would SO deal with Freedom of Information requests made by the public (we know such requests are filed on a regular basis). (2)</p>	<p>Comment noted.</p>
<p>Consultation (2)</p>	
<p>Concerned with the time allowed for a review of the overall MHSW consolidated plan that was communicated mid day on Friday June 19th with a deadline for a response by noon June 23rd. This unreasonable timeline did not allow for an appropriate review of the documentation</p>	<p>The timelines for development and submission of the Consolidated MHSW program plan were established by the Minister of the Environment and by the WDO. It should be noted that an extension to the program plan development timelines was approved by the Minister and the WDO during the plan development process. Considerable time was spent by steward representatives during the plan development process questioning the validity of the governing Regulation 542/06 (which is outside of the authority of SO or WDO modify) ; focusing on requesting exemptions from the program and some stewards proved reluctant to or were unable to provide planning data required for plan development</p>

Comment	Stewardship Ontario Response
<p>Concerned that the companion document "Report on Consultation implies that there was effective consultation. In reality, there has been insufficient time, as reflected in many of the comments included in that document. The SO Board had two working days to review 384 pages of documentation, which is not enough time to understand the implications, let alone consult with affected member organizations. The Steering Committee did not function as described in the Report, having little oversight on plan development policy. Similarly the Working Groups did not function as described; consultants moved forward unilaterally and decisions and new content involving pharmaceuticals, solvents/flammables and corrosives/irritants were developed without input from or information to working group members.</p>	<p>Stewardship Ontario conducted a robust consultation effort in order to engage industry representatives. Since the release of the initial version of the draft preliminary consolidated MHSW Plan, Stewardship Ontario has released several subsequent versions of the draft plan with updates and corrections based on industry comments and suggestions. Note that Stewardship Ontario is subject to the timelines set by the Minister of the Environment.</p>
<p>Cost Recovery Methodology (13)</p>	
<p>The proposed fee schedule is still not clear after reading the 384 page plan. While Phase 1 was arguably too long at 18 months, the last round of consultation led us to believe that SO was planning a monthly cost/fee reconciliation – a concept that would be difficult and expensive to monitor and would render any kind of pricing stability to the consumer impossible. Confusion and uncertainty remain about what is being proposed, and how it may affect such things as retail relationships.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits. Moreover, a quarterly reporting frequency has been retained.</p> <p>The proposed fee rates under the Final Consolidated MHSW Program Plan are presented on p. 89-91</p>
<p>In order to establish market share accurately, SO has to determine how many stakeholders are involved in the product category as well as determining market share. This requires a thorough audit instead of reliance on the few voluntary stakeholders.</p>	<p>As in the case of the Blue Box program and Phase 1 of the MHSW Program, Stewardship Ontario will actively work to identify all obligated stewards. This effort will continue throughout the duration of the program, and all stewards will be obligated for the full period of the program.</p>

Comment	Stewardship Ontario Response
<p>The Research and Development budget allocation for mercury switches is set at \$25,000 when the plan openly acknowledges, by virtue of stating that 100% of switches collected will be recycled, that established recycling markets already exist. An R&D budget for an historical waste like this which has well developed recycling markets simply isn't necessary. The R&D funding has only been allocated because of an inflexible SO funding model that requires every material to absorb an R&D cost allocation based on an arbitrary "85/15" common cost allocation formula whether it needs it or not. In short, this money is simply being spent because it has been allocated not because it is necessary. The process for arriving at the budget is to assign the budget and then figure out how to spend it, not to first figure out if the activity is necessary and build an appropriate budget.</p>	<p>Material-specific R&D budget are allocated directly to individual materials. They are not part of the Common Costs and are not allocated based on the 85/15 cost allocation formula. Regarding the need for R&D funding for mercury switches in white goods, Research and Development activities are required in the first year of the program to compile information on how mercury switches in white goods are currently being handled (i.e. who are the main dismantlers, how do they operate, and where are they located).</p>
<p>The SO cost allocation formula allocates \$37,500 to P&E, an amount that exceeds the \$33,300 cost of collecting and recycling switches. The plan says a portion of this money will be allocated to a "generic campaign" for all MHSW that will be targeted to the general public even though mercury switches are embedded in white goods and the program plan acknowledges switches must be removed by a trained dismantler. The public will therefore have no role whatsoever in removing or returning mercury switches. P&E efforts for switches are therefore not economical.</p> <p>The plan also says that a portion of this money will be allocated to "direct education" to dismantlers. On the surface this would appear to make some sense; however, the Year-One effort primarily targets dismantlers/collectors who are already removing mercury switches. These entities, responsible for 94% of projected mercury switches collected in Year One, already know how to remove mercury switches. Because of an arbitrary SO cost allocation formula P&E budget dollars (costs) are being allocated to certain materials whether it is needed or not.</p>	<p>Two levels of promotion and education investments are planned under the Consolidated MHSW Program Plan: the province-wide "Do What You Can" campaign and the material-specific P&E. The later is included in the Common Costs and the allocation of costs to individual materials follows the 85/15 methodology. The former relates directly to individual materials. In the case of mercury switches in white goods, a P&E budget of \$37,500 has been allocated. These funds are intended to appliance dismantlers. In Year 1 of the Consolidated MHSW Program Plan, the accessibility strategy consists of targeting those 9 municipal programs already removing mercury switches, as well as servicing an additional 1,000,000 households through 18 private dismantler locations corresponding to the top 5 waste management companies in the province. Also please note that from the June 17th to the July 8th version of the Plan, Stewardship Ontario has streamlined the number of categories/ sub-categories to ensure fairness in common cost allocation and avoid undue burden on smaller categories, such as mercury switches. As a result, all mercury products now constitute a single category with five sub-categories.</p>

Comment	Stewardship Ontario Response
<p>The proposed budget includes a contingency for “material management” (i.e. switch collection and recycling) that is equal to 17.5% of the total material management budget. A contingency of 17.5% is significant and suggests that SO does not have a grasp of the true costs of operating what should be a very basic process driven program.</p>	<p>Because revenues are only peripherally and indirectly related to costs, variances may occur in different directions (e.g. lower sales and higher material returns). Consequently, an estimate for the size and likelihood of cost variance for each material has been calculated for the purpose of setting fees. In the case of obsolete categories such as mercury switches in white goods however, while the material-specific cost to manage this group of products has been estimated using a certain level of contingency, “measured return share” means that the actual management cost will be charged to stewards of these product categories, as well as a share of the budgeted common costs and deficit recover.</p>
<p>The proposed budget includes an unspecified cost allocation to mercury switches for “capital costs” to cover tools and equipment for the collection locations targeted for year-one. But the plan almost exclusively targets collection locations that are already removing switches (i.e. 9 municipalities and the Great Refrigerator Roundup). In fact, the GRR, which has been operating for approximately two years, represents over 82% of what the SO plan targets for collection in year one. The logic of spending money on providing collectors who already have equipment to remove mercury switches with the same equipment is completely lost on us.</p>	<p>The cost to manage mercury switches in white goods in Year 1 of the program does not include capital costs for the GRR. The only GGR costs covered in the year 1 budget are for processing. In regards to the capital costs, Stewardship Ontario cannot assume that all municipalities already removing mercury switches are properly equipped and that none of this equipment will require replacement in Year 1 of the program. Moreover, Stewardship Ontario needs to factor in that the 18 private dismantlers expected to come on board will require such equipments.</p>
<p>The draft final program plan proposes to allocate the deficit from Phase 1 materials to Phase 2 materials. In our view this cost allocation fails the “Nexus test” in that costs incurred by Phase 1 materials are openly and arbitrarily being allocated to Phase 2 materials that had no role in generating the costs. (2)</p>	<p>Any deficits arising from Phase 1 have been attributed only to Phase 1 materials only.</p>
<p>The draft final program plan also proposes that the cost of collecting and recycling all orphaned mercury switches will be allocated amongst brand owners of identifiable switches on a return share basis in year one. If the percentage of orphaned mercury switches recovered in year one is found to be “material” the plan then states that the cost will not be allocated to brand owners in subsequent years as such an allocation would fail the Nexus test. Notwithstanding the fact that the plan fails to define a threshold for “material”, it is legally inconsistent for SO to state that the cost of orphaned waste can’t legally be charged to brand owners if the amount is material and then proceed to charge brand owners for a material amount of orphaned waste in year one.</p>	<p>In order to determine whether orphan return rates are significant enough to warrant rejection from the program, Stewardship Ontario must compile information about return share in Year One of the program. That requires engaging service providers to collect the material, at which point it becomes a cost to the program that must be borne by stewards of that material category. Should Year One orphan returns turn out to be significant, then Stewardship Ontario will instruct service providers to reject the collection of these products in future years of the program.</p>

Comment	Stewardship Ontario Response
<p>Basing steward fees on sales of product rather than what gets returned punishes successful business for growing their markets, one of the basic tenets of business. While there could be a correlation between what gets sold and what gets returned as waste, the actual fee should be only proportionate to what gets returned. We should reward large sale business where there is a drop in MHSW because consumers consume rather than dispose of products they choose to buy. In fact, targeting increased volumes year over year contradicts stated P&E objectives. One might infer from this approach that Stewardship Ontario is anticipating its P&E campaign to be ineffective, in which case stewards are being asked to pay millions of dollars to achieve no results. This is a fiscally irresponsible approach in our opinion. (2)</p>	<p>Due to the overwhelming negative feedback received by Stewardship Ontario on its proposed cost recovery model based on return share (Draft Preliminary MHSW Program Plan - May 27th), Stewardship Ontario has reverted to a fee based model. The fee based model is based on the expected quantity of material to be managed. The fee rate reflects the direct management cost associated with a given material. For a material that in returned in very little quantity and therefore attracts very little cost.</p>
<p>The current monthly billings process is problematic and does not adequately capture sales and market shares. 1) Remitter's agreements allow flexibility in the collection and remittance of fees without requiring the fees to be built into the cost of the product; how will monthly billing work with remitter's agreements? 2) Without a stipulated fee rate, the fee charged to consumers will appear arbitrary, and as if the steward decided on the fee. How will differences between billing and cost be reconciled? There is the possibility that stewards will be able to overcharge and pocket the excess. 3) There is no way to account for market share, which varies throughout the year. As it has been communicated that year-end reconciliation has not been considered, there will be large inequities between companies. 4) The lack of a set fee rate will make it impossible to collect fees at retail.</p>	<p>In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits. Moreover, a quarterly reporting frequency has been retained.</p>

Comment	Stewardship Ontario Response
<p>There is uncertainty about which products are included in the category of fertilizers. Fertilizers cover a broad range of products; representatives from the industry were told all were to be included, but that those requiring a greater amount of end-of-life management would be assessed a higher fee. Therefore, a scale showing different fees needs to be developed. These fees need to be based on the type of fertilizer, which will allow for higher returns for garden fertilizers over other fertilizers. However, the monthly billing process will not accommodate a differentiated fee scale, as different anticipated return rates cannot be predicted, and the monthly charges cannot be easily reconciled with actual return rates. Monthly billings will require that all stewards are charged at one flat rate.</p>	<p>In response to concerns raised by the fertilizer industry, the definition of fertilizers has been revised. The fertilizer category has also been split into the following sub-categories:</p> <ol style="list-style-type: none"> 1) Synthetically derived fertilizers 2) Naturally derived fertilizers <p>The addition of these sub-categories will support separate tracking and may allow, in future fee setting processes, differential fees to reflect the actual costs to manage each type of fertilizer sub-category. In response to comments submitted by stakeholders, and in recognition of the difficulties posed to stewards by the cost recovery model proposed in the Draft Preliminary Consolidated MHSW Program Plan, Stewardship Ontario has decided to retain the fee-setting methodology currently in use in Phase 1 of the MHSW Program, which assesses a projected fee per unit on stewards for the year ahead. However, in deference to the difficulties experienced with that model thus far, the methodology will build in a provision to protect against deficits. Moreover, a quarterly reporting frequency has been retained.</p>
Definitions (4)	

Comment	Stewardship Ontario Response
<p>The plan needs clarification on how it will classify wastes that could be put in more than one category. For example, clarification is required for how an aerosol pesticide, toxic solvent, flammable corrosive, or corrosive aerosol will be handled. Clarification and reassurance is also needed concerning how there will be no duplication between MHSW and BBPP fees.</p>	<p>In the case where a material may fall within more than one of the definitions outlined in Appendix 1, stewards will report their material under the category that reflects how the material is managed at its end of life under the program. For example, a steward of a product that could be considered both a flammable and an aerosol will be required to register and report as steward of an aerosol if that is how the material is managed at the end of life stage under the program. Further detail will be provided in the final version of the Rules</p> <p>With the exception of aerosols, the costs associated with managing empty MHSW containers within the municipal Blue Box system have not been included. These costs will be recovered from MHSW stewards through the Blue Box Stewards' fees for Year 1, while data are collected to determine the quantities of MHSW containers vs Blue Box materials. Stewardship Ontario will consider and consult on the reporting of Blue Box packaging units in addition to weight, allowing identification and reconciliation of fees between the Blue Box and MHSW programs (and the appropriate payments to municipalities). It is likely that this transition would be implemented over one or more years to allow for reliable data collection and system changes to be made. In the meantime, Blue Box stewards of aerosols could apply for a rebate for Blue Box fees paid for containers on which MHSW fees have been paid (as was done for oil containers in Phase 1).</p>
<p>Many products are included in more than one category. There have been many explanations given suggesting that products should be classified according to their condition at end of life, or at time of collection, but there is still confusion and exceptions are present. Under the proposed classification, the onus of correctly sorting is at time of collection, but the labpack data suggests there is little consistency in this classification. An example is pesticides, which are regulated under specific government regulation. These are therefore pesticides and not flammables; classification should not be based on subjective opinion.</p>	<p>As part of the work leading to the implementation of the Consolidated MHSW Program Plan, Stewardship Ontario will develop collection standards that will address the issue of handling materials that fall into more than one category.</p> <p>To clarify, a pesticide product that is also a flammable would be reported and managed in the pesticide category. "Pesticides" has been removed from the list of examples in the flammables definition to avoid any confusion.</p>

Comment	Stewardship Ontario Response
<p>Definitions for fertilizer should remain consistent with Phase I of MSHW until such time that fees are calculated on a basis that is consistent with material disposal rather than material sales. As currently defined, the definition of fertilizers still captures many products that do not enter the municipal waste stream or in other cases, double charges the steward for waste management. Expanding that definition further overburdens stewards who do not significantly contribute to the municipal waste stream.</p>	<p>Comment noted.</p>
<p>Justification for subdividing natural and synthetic fertilizer needs to be provided clearly indicating where the subdivision is justified and how such segregation at the waste management level could be achieved. Until that time the purpose of such a division is unclear.</p>	<p>Comment noted.</p>
<p>Industry Stewardship Programs (ISPs) (4)</p>	
<p>The current MHSW program operates on the model of “you’re in until you’re out” meaning that the collective program is the automatic default, rather than encouraging stewards to develop a program model that best suits their product category. In the case of mercury-containing vehicle switches and thermostats, the collection channels are very specific audiences that would be better served by tailored programs rather than SO’s generic “Do What You Can” campaign that is Clean Air Foundation primarily focused at the general public or consumer level. In addition, the existing MHSW program operates as a monopoly that makes it onerous for individual stewards to develop their own programs and does nothing to encourage manufacturers to look for creative solutions for waste management, such as design for environment.</p>	<p>Stewardship Ontario developed the MHSW program plan in accordance with the principles stated in the Minister’s Program Request Letter of July 22, 2008. This PRL requests a waste diversion program for all materials and products designated as MHSW, regardless of existing programs. According to the Waste Diversion Act, ISPs may only be submitted upon approval of a waste diversion plan by the Minister, and approval rests with WDO. As such, Stewardship Ontario has no information on which materials and products will ultimately be withdrawn from the program, and therefore must plan for the scenario in which all requested materials are included.</p>

Comment	Stewardship Ontario Response
<p>In early 2009, Clean Air Foundation, the Heating, Refrigeration and Air Conditioning Institute of Canada (HRAI) and a number of thermostat manufacturers and distributors discussed the opportunities and value in using the existing Switch the 'Stat infrastructure as the basis for an ISP to meet the obligations of the Ontario MHSW program (as well as expanding it to a national program). On April 7, 2009, HRAI submitted a letter to Waste Diversion Ontario (WDO) expressing their intent to file an ISP on behalf of thermostat manufacturers and distributors. This ISP is currently being developed by Clean Air Foundation, and will be submitted to the WDO board for review in the near future.</p>	<p>Comment Noted.</p>
<p>The draft final plan includes, both in the plan document and in the proposed rules for stewards, a requirement that any steward exempted through the approval of an Industry Stewardship Plan (ISP) must pay to SO a portion of SO's program development costs. It is our understanding that there is no legal basis, even in the WDA, for SO to demand such a payment. Such a requirement appears aimed to discourage and financially punish ISP applicants.</p> <p>The inclusion of such a requirement in the proposed MHSW plan is especially surprising in light of the Ministry of Environment's recent statements in its Waste Diversion Act Review Discussion Paper supporting more flexibility for stewards to discharge their existing or future stewardship obligations. The WDO and the MoE should remove this requirement from the MHSW plan until completion of the WDA Review. Permitting this clause in the steward rules, which become law upon approval by the MoE, would prejudice the outcome of the WDA Review. (2)</p>	<p>Stewards or groups of Stewards which are approved to establish an ISP are required to pay Stewardship Ontario fees for the appropriate share of Consolidated MHSW Program Plan development and implementation costs up to the exemption date for the steward. Stewardship Ontario will pass this comment along to the Ministry of the Environment for review.</p>
Material Tracking (1)	
<p>In vendor standards (Section 5.7 of Volume 1), the plan requires the vendor to record the address of each reuse customer. I question this requirement to record detailed address information (house and street number) from Reuse Program participants. Some people will be reluctant to provide this level of detail and I question the value. I believe the municipality and perhaps the postal code would be sufficient tracking information</p>	<p>Comment noted.</p>
Program Cost (3)	

Comment	Stewardship Ontario Response
<p>Request that the Minister or his designated representatives undertake an analysis of the impact of a minimum 10% cost cut across all elements of the program plan. This exercise should determine whether mandatory program objectives can be achieved with less cost to stewards. An example of a possible area of analysis is P&E. Given the cost of increasing rural accessibility, perhaps this element of the plan could be scaled back in the initial years, as rural depots collect relatively little material with a high cost-to-service ratio. Incentives for the various channels, as well as the enormous costs for development and startup, should also be scrutinized. This type of analysis is expected in the current economic conditions. Believe that the minister should consider whether the original objectives remain appropriate in the current economic climate.</p>	<p>Comment Noted. Stewardship Ontario will communicate this recommendation to the Ministry of the Environment</p>
<p>In response to the June 17 Draft Consolidated Plan, we requested an economic analysis to address the high costs of the program, especially with regard to the extreme effect of high material-specific fees on the viability of companies in those industries. The analysis should: address the \$4 million increase between the original draft and the final draft of the plan; provide a cost/benefit analysis of the envisioned program infrastructure (which we feel is unnecessary and undermines the goal of encouraging consumers to reduce waste).</p>	<p>Throughout the program planning process, Stewardship Ontario has endeavoured to develop a program that effectively reduces and diverts waste from the designated materials at the lowest possible cost to stewards. New data supplied after various drafts of the program plan has effected the calculation of program costs, both common and material-specific. The program infrastructure was expanded at the request of the Minister, who stated in his Program Request Letter that the plan was to provide convenient access to all Ontarians, including those in rural, Northern and high-density areas.</p>
<p>The economy of Ontario has been dramatically impacted by the economic downturn since the Minister issued his Program Request Letter in July 2008. It is only prudent of the government to request cost savings measures to assist the consumers and businesses of this province. All business, government and non-governmental organizations are undertaking such exercises: Stewardship Ontario should not be exempt. An attitude of scarcity and do more with less is required. We are convinced a more-than-adequate MHSW program will still be delivered, with a minimum 10% cost cut. This would also be a credible and fiscally responsible step.</p>	<p>Comment noted. Stewardship Ontario will pass this comment along to the Ministry of the Environment for review.</p>
<p>Program Governance (1)</p>	

Comment	Stewardship Ontario Response
<p>The governance model for the ever expanding SO organization is such that stewards affected by small program components like mercury switches in appliances will never be provided an adequate and appropriate amount of control over major issues of program design, operation and cost. Under the SO model all of these key business elements are effectively dictated to us by an organization with no knowledge of or connection to our business</p>	<p>The major issues of program design, operation and cost are determined by the Minister's program request letter and are guided by the broad policy direction that the consolidated plan should increase accessibility to consumers in all areas of the province and maximize the number of opportunities consumers have for "one stop drop" collection. Notwithstanding this direction from government, stewards have a number of avenues to provide input to Stewardship Ontario, namely:</p> <ol style="list-style-type: none"> 1. Material-specific R&D initiatives and working groups 2. Annual consultations on program fees and costs 3. Direct participation in board governance by nominating qualified directors to be considered for board election <p>Stewardship Ontario does not purport or aspire to specialize in the business of municipal hazardous or special waste materials (MHSM), but rather, in the collection, transportation, processing/recycling of wastes and activities related to optimizing program performance e.g. logistics, consumer education & promotion.</p>
Program Operations (1)	
<p>The revised plan does not detail the proposed process for tendering sharps disposal containers, collection services or promotional program services related to this program. As a key stakeholder, we would like to ensure that a fair and open process for any services related to the proposed program will be utilized.</p>	<p>Upon approval of the Plan by the Minister of the Environment, Stewardship Ontario will begin working on an implementation plan that will clearly identify program operational procedures; included in these procedures will be the guidelines both for submitting and reviewing tenders for service provision.</p>
Program Scope and Objectives (5)	
<p>Request the Minister of the Environment conduct an economic impact analysis of the proposed plan prior to approval. The PRL was issued prior to the onset of the economic recession and did not identify economic sustainability as a Program Objective. Believe that the Government of Ontario is concerned with the economic welfare of business. The Minister's own Statement of Environmental Values states that economic considerations will be taken into account when contemplating environmental action. Based on this, it is essential that an analysis be conducted and released to the public prior to a decision on approval. (2)</p>	<p>Comment Noted. Stewardship Ontario will communicate this recommendation to the Ministry of the Environment</p>

Comment	Stewardship Ontario Response
<p>Urge that SO reconsider the staggering cost of this program, and its enormous impact on industry, and the fact that it is not based on accurate collection and sales data. The lack of data has resulted in critical projections which we believe to be seriously flawed, especially in the case of pesticides and fertilizers.</p>	<p>Stewardship Ontario is obligated to develop its program in accordance with the Minister's Program Request letter and any addendums therein. However, Stewardship Ontario is committed to accomplishing the goals of the program at minimum cost to stakeholders. Data were compiled from several sources and reviewed with members of the material-specific working groups. Projections, estimates and cost have all been updated and corrected from version to version to reflect the input provided by industry representatives.</p>
<p>The announcement of the Ministry that banned pesticides should be returned through the MHSW Program represents a misappropriation of the program's mandate; whereas the program was set in place to have brand owners assume responsibility for the disposal of post consumer residuals, it is being used as a funding mechanism for unrelated government policy. As such, it is inappropriate that the stewards' program be used - without compensation - as an instrument for disposing of waste generated not as part of the intended post consumer cycle, but from a separate government initiative. This is perceived as a doubly punitive approach which is without precedent in its severity and speed of implementation. (2)</p>	<p>Stewardship Ontario is obligated to develop its program in accordance with the Minister's Program Request Letter and any addendums therein. Stewardship Ontario will forward this comment on to the Ministry of the Environment for review.</p>

D. Appendix 4 – Material Specific Comments (Received by WDO)

<u>MATERIAL</u>	<u>PAGE</u>
Batteries (1).....	D-1
Corrosives (1).....	D-1
Corrosives / Irritants (2).....	D-1
Fertilizers (10)	D-2
Flammables (1)	D-7
Irritants (2).....	D-7
Mercury Switches (8)	D-8
Pesticides (6)	D-11
Pesticides/Fertilizers (4).....	D-13
Pharmaceuticals (2)	D-14
Sharps (3).....	D-14
Solvents/Flammables (2)	D-15
Toxics (1).....	D-15

Comment	Stewardship Ontario Response
Batteries (1)	
<p>Our company runs a very successful battery return program in the Ottawa area by partnering with local schools to collect batteries in UN-approved 5L pails. In the first month of the program, collection, both in weight and in units, and participation exceeded targets. This sort of approach is integral to a successful battery collection program. In Europe, where battery collection rates are significantly higher than in Canada, strong promotion and education drives, in partnership with local schools, are important components of this success, accounting for 20 to 45% of the budget. The Draft Consolidated Plan allocates just 3% of funding to promotion and education. Although the plan cited possible safety concerns about collection in schools, a formally administered program is safer than the alternative. In order to attain the targets collected in Europe, the Plan needs to allocate more funding for promotion and education, investigate stronger partnership with Ontario schools, and release funding to appropriate communities, rather than attempting to control it centrally.</p>	<p>Comment noted.</p>
Corrosives (1)	
<p>Dismayed that the cost to manage corrosive products has skyrocketed from about 1 cent to 15.5 cents per unit between the May and June Program Plans. This fifteen-fold cost increase warrants explanation and discussion. It was never raised or discussed at either the material-specific working group or at the Steering Committee.</p>	<p>The increase in fee is due to the separation of corrosives and irritants. The quantity of corrosives supplied into the market in the June version is lower than the May version due to the separation of corrosives and irritants. While in the May version, the fee rate for corrosives was set using actual collections and market share information, in the June version it was set using estimates of quantities into the market, available for collection, and collection targets. The fee increase is due to the separation of irritants and corrosives and therefore the decrease of the quantities of corrosives into the market.</p>
Corrosives / Irritants (2)	

Comment	Stewardship Ontario Response
<p>Recommend that the Minister of the Environment approve the Plan with a statement that the sub-category "Irritants" should be removed. The continued inclusion of irritants defined in the federal CCCR 2001 regulation is a dogmatic adherence to the letter - not the spirit - of the Minister's PRL, which was clearly written without regard for existing federal regulations. Many of these products are designed for safe contact with hands, and the packaging is managed through the Blue Box program. Believe that Reg. 542/06 was not written with the intent to capture these products. SO management recognized that their inclusion did not pass the common sense test and committed to working to correct the situation. Appreciate that there is a regulatory amendment required to fix the situation, but the Minister could request that the "irritant" class be removed from the Program Plan. A precedent to this is the removal of LCBO bottles from the Blue Box plan via a ministerial statement with the intended amendment of the regulation. In the interim, recommend an administrative policy solution. The suggested wording (supported by a legal opinion) proposed to Stewardship Ontario by CCSPA is as follows: <i>Corrosives include those products that meet the corrosive material definition in Ont. Reg. 542/06 excluding: the sub-category of products defined or classified as an "irritant" in the CCCR regulations</i></p>	<p>The intent of the MHSW Program is to manage the safe disposal of those products captured by Ont. Reg. 542/06. Products that meet the CCCR definition and if the sale of the product is permitted only if the container displays the required labeling are captured by the MHSW program.</p> <p>Corrosive has been divided into two subcategories; corrosives and irritants. The definition of corrosives excludes irritants as defined in the CCCR. The definition stated in the June 17 plan has the same meaning as the CCSPA suggested definition.</p>
<p>The Program Plan wrongly lists many products and categories that are generally not irritants. The same problem is present with corrosives. This list is a complete misuse of the information provided by our organization to SO on June 2. Errors in translation have been made by the consultants. As well, the many other irritant products identified by SO's own lab pack data are not even mentioned. These lists erroneously paint products into this program and must be corrected. There is no possible listing of irritant products – if it were that easy, the cited CCCR regulations would include them. The boney hand symbol should be used to identify corrosives.</p>	<p>A table has been added to section 6.4 to explicitly outline the percentages of each category that meet the CCCR irritant definition. A table has been added to section 5.4 to explicitly outline the percentages of each category that meet the definition of corrosive. In both cases, the percentages provided by CCSPA were used. This clarification does not change the estimates of quantities supplied into the market. The quantities reflected in the June 17 plan already accounted for the percentages provided by CCSPA. Additional language was added to caveat that this is not an extensive list.</p>
Fertilizers (10)	

Comment	Stewardship Ontario Response
<p>Not convinced that SO has accurately captured the share of fertilizers in relation to the overall program. The data and methods used to date have been wholly unscientific, and the current share therefore erroneously inflated. As previously communicated via several channels, including at the Working Group, the lab pack data has been misused for this category. Overall, there appear to be many unresolved issues. With fertilizers there are questions about product inclusion/definition and nexus for fully consumed products. We urge SO to re-engage and listen to the industry experts to resolve these issues. During the SO Board consultation on June 23, 2009, the SO management believes that this issue has been addressed. If there has been agreement on the federal definition of fertilizer, for example, that needs to be communicated to Working Group members and to stewards.</p>	<p>A definition has been crafted in conjunction with members of the working group which more accurately conveys the guidelines set out in federal definitions. More comprehensive data will be collected as a part of the program.</p>
<p>Product inclusions and volumes for fertilizers in Volume 2 are unclear and appear to contain very material errors: 1) The industry does not currently have clarity on which fertilizers are included, yet the volume of obligated product will greatly affect the cost accruing to this category. The program must not handle and incur costs for products that are not obligated or are specifically excluded, as brand owners of these products are not assessed fees. Composted manures or any compost making a nutrient claim are legally considered fertilizers and need to be included as such. Failing to do so implies that the criteria for inclusion are subjective and not legally based; 2) Projected product sales only include registered fertilizers and supplements. These sales in turn are grossly overstated as the Ontario pesticides ban has banned most of these products as they are weed and feed fertilizers; 3) There are several inconsistencies of how much fertilizer was collected; 4) There are also several inconsistencies in how much pesticide was collected. These figures were never reviewed in the working groups and we question the accuracy of these figures, especially as the labpack data are questionable.</p>	<p>A more comprehensive definition reflecting federal standards has been developed in conjunction with the working group, which should provide clarity on obligated materials. Numbers in the plan are based on best available data.</p>

Comment	Stewardship Ontario Response
<p>The current definitions for fertilizer are unclear: the inclusions and exclusions conflict with one another. All the products listed in exclusions are packaged under the Fertilizer Act and Regulations. With the expanded definition, the upper size limit of 30 kg is no longer sufficient, as many products are packaged in excess of 30 kg. It would be more appropriate to expand the upper limit to 100 kg, thus preventing stewards from simply increasing the size of the bag to avoid being obligated.</p>	<p>A more comprehensive definition reflecting federal standards has been developed in conjunction with the working group, which should provide clarity on obligated materials. Your suggestion to increase the upper limit to 100 kg has been noted.</p>
<p>The fertilizer fee has increased from \$0.023 to \$0.411 per kg, an increase of 1,800 % from Phase 1. For many retail packages of newly included fertilizers this fee exceeds the retail cost of the product. These fees are at the level where there is a significant impact on businesses and the sustainability of product lines.</p>	<p>Because of the lack of information on the quantity of fertilizer supplied into the market, and the uncertainty in the quantity of waste fertilizer to be managed in Year 1, Stewardship Ontario has decided to recover the costs associated with the management of waste fertilizers based on a return share model.</p>

Comment	Stewardship Ontario Response
<p>The projected product sales volumes for fertilizers found in Volume 2 – Material Specific Plans include registered fertilizers and supplements and do not include the other non-registered products. Furthermore, these registered fertilizer sales estimates are grossly overstated since the Ontario Cosmetic Pesticides Ban Act has banned most of these products since they are weed & feed fertilizers.</p>	<p>Comment noted. Stewardship Ontario has very little confidence in the estimates of quantity of fertilizers supplied for use in Ontario. As per the response above, the costs associated with management waste fertilizers will be recovered on a return share basis.</p>
<p>Volume 2, Fertilizers Section 7.6 paragraph 1, page 46 states that the 2007 WDO data call collected 450 tonnes of fertilizer (Phase 1 and non-Phase1) yet the figures that are reported in Table 4.6 of Volume 1 is only 186 tonnes.</p>	<p>The number reported in Volume 2 (450 tonnes) refers to the quantity of all fertilizers reported collected by municipalities in the 2007 datacall. The number reported in table 4.6 in Volume 1 refers to the estimated quantity of Phase 1 fertilizers only collected by municipalities in 2007.</p>

Comment	Stewardship Ontario Response
<p>The fertilizer definition should be brought back in line with the Phase 1 Definition: “All N-P-K fertilizers, micronutrients, supplements that are registered under the Fertilizers Act (Canada), and therefore would bear a Fertilizers Act Registration Number and are packaged in 30 kilogram quantities or less”. Fertilizer subcategories in the draft Program Plan should reflect no difference between naturally and synthetically derived fertilizers. There is no scientific, economic or regulatory basis for making such a distinction. In addition, there is no sustainable means of differentiating between natural and synthetic fertilizers, and efforts such as extensive testing would only serve to drive costs up further.</p>	<p>Comment noted.</p>
<p>Fees need to be assessed based on what is captured in the waste stream not based on sales. Most commercial applicators of fertilizers, for instance, manage and pay for their own waste disposal programs already. Basing fees on sales rather than use undermines the message that consumers should purchase only what they need. If that messaging is consistent, then fees should be based on the ration of sales to disposal, a system that rewards industry for promoting waste reduction. As consumers benefit from a reduced product price, they have an interest in reducing waste management costs as well.</p>	<p>Because of the lack of information on the quantity of fertilizer supplied into the market, and the uncertainty in the quantity of waste fertilizer to be managed in Year 1, Stewardship Ontario has decided to recover the costs associated with the management of waste fertilizers based on a return share model.</p>

Comment	Stewardship Ontario Response
<p>The fertilizer fee has increased from \$0.023 to \$0.411 per kg, an increase of 1,800 % from Phase 1. For many retail packages of newly included fertilizers this fee exceeds the retail cost of the product. These fees are at the level where there is a significant impact on businesses and the sustainability of product lines. (2)</p>	<p>Because of the lack of information on the quantity of fertilizer supplied into the market, and the uncertainty in the quantity of waste fertilizer to be managed in Year 1, Stewardship Ontario has decided to recover the costs associated with the management of waste fertilizers based on a return share model.</p>
Flammables (1)	
<p>In Volume 2 page 55 section 9.3, it says that Flammables labeled as WHMIS are exempt from the Program Plan. It has been suggested to combine Solvent and Flammable categories. It is unclear what logic is behind exclusion of WHMIS labeled Flammables but inclusion of WHMIS labeled Solvents.</p>	<p>In response to requests by the solvents and flammable industry, these two categories have been combined into a single Flammables & Solvents category.</p> <p>In order to avoid any confusion, the language has been changed to the following: <i>The quantity of flammable and solvents waste generated by the IC&I generators is of unknown magnitude, though, as IC&I generators should only be utilizing products that are labeled in conformance to WHMIS regulations, these materials should not be collected in the MHSW waste stream. However, it is recognized that quantities do (and will) appear in the municipal stream, and this is reflected in the quantities and estimates collected for this plan, (i.e., it has been assumed that IC&I material has been reflected in the base year data).</i> This would apply to both flammables and solvents.</p>
Irritants (2)	

Comment	Stewardship Ontario Response
<p>Although the SO Board was informed that the intention is to remove irritants following the first year when it bears out that no substantial quantities are collected, there is no mention of this in the Program Plan, instead there are five year stated targets. There were also suggestions that these products could be removed by class. Both suggestions are not proactive and do not address the premise of the products being inappropriately captured. These products are simply not a “waste” that municipalities or provinces have to manage – there is no burden on any level of government. These products are fully used up by the consumer who repurchases them frequently and does not throw them away. The available for collection for the vast majority of these products is “zero”. Given this, the program plan should not include fees for irritants. That it does raises a Nexus concern.</p>	<p>In order to adjust the available for collection quantities, supporting data will be required. This is what Stewardship Ontario intends to collect during the first year of the program.</p>
<p>The Program Plan does not communicate any means to deal with the fact that there is no way for the consumer to differentiate regulated irritants from other products (for example, the 99% unregulated fabric softeners from the 1% regulated). The Program Plan needs to clearly put forward a solution for this. We are also not confident that the sales data for irritants reflects only the “regulated” products.</p>	<p>Comment noted.</p>
Mercury Switches (8)	
<p>The \$7.20 cost per appliance to manage mercury switches in white goods includes only the direct material costs. Program common costs, escalated to \$199,600 in the latest version of the plan, drive the true cost per switch, according to our calculations, \$57 a switch. Failure to achieve targets will drive this unacceptable estimate even higher. This \$7.20 cost is not representative of the true cost of the program.</p>	<p>All the mercury products (automotive switches, white good switches, other switches, measuring devices, and thermostats) have been grouped into a single “Mercury Device” category. As a result, the portion of common costs allocated to each sub-category has been reduced.</p> <p>Moreover, due to the correction of a calculation mistake related to the quantities of switches collected under the Great Refrigerator Roundup Program, the direct management cost per switch has been reduced to \$2.07.</p>

Comment	Stewardship Ontario Response
<p>The material cost of handling mercury switches is partially driven by the total weight of the waste being transported. Recovered material often includes scrap metal associated with mercury switches. The presence of this scrap metal, often considered to be part of the mercury switch, grossly overstates the weight of material recovered. Diligence is required to ensure that the cost to stewards will reflect the true handling of mercury switches.</p>	<p>Comment noted.</p>
<p>The ratio of overhead costs (administration, P&E, R&D, etc.) to direct program costs (i.e. costs associated with collecting, transporting and recycling mercury switches) is completely distorted. Of the proposed \$142,500 year-one budget an astonishing 77% (\$109,200) is dedicated to overhead and only 23% (\$33,300) relates to the collection and recycling of switches. For every \$1 spent on recycling mercury switches \$3 are spent on overhead and administration.</p>	<p>Comment noted.</p>
<p>White goods recycling is unique compared to most other products in that the component materials of which white goods are made (primarily ferrous and non-ferrous metals) have significant financial value in the open market – a value sufficient to support a robust, flexible and highly developed market-driven recycling system consistently achieves both collection and diversion results that surpass virtually every other waste diversion program presently in operation. A recent study on the Ontario white goods recycling system completed for us in 2008 found the current white goods collection rate in Ontario is 97% with a diversion rate is 86%. In light of this success and our concerns about the proposed program plan, it is our intent to file in the immediate future an Industry Stewardship Plan application with the WDO. We look forward to your timely consideration of this proposal.</p>	<p>Comment noted.</p>
<p>In the plan prepared by Stewardship Ontario (SO) there is reference to the United States' National Vehicle Mercury Switch Recovery Programs and a summary of lessons learned. This summary states the following four factors associated with the top performing US programs — 1) switch program longevity, 2) communications and outreach program, 3) state legal framework, and 4) switch payment. While our program has accomplished the first two factors, it does not currently utilize the third and fourth.</p>	<p>Comment noted.</p>

Comment	Stewardship Ontario Response
<p>From the experience in running Switch Out for the past eight years, we have found that education and training are the most effective tools to increase the collection rate. When recyclers are given clear instructions, along with free shipping, the majority see the value in participating.</p>	<p>Comment noted.</p>
<p>We fully supports the inclusion of enforcement for the Switch Out program and sees this as a very useful tool to increase participation. Currently, the Ontario Automotive Recyclers Association (OARA), which is a voluntary industry association, makes it mandatory for their members to pull switches and sees a very high level of compliance. As well, the Canadian steel producers have recently started to promote and enforce that they will only buy mercury-free scrap from their suppliers. This campaign has been very effective in getting new companies to register and participate in Switch Out. A final level of enforcement that is currently missing for Switch Out should come from the provincial government implementing a code of practice or licensing the automotive recycling industry to weed out poor performers who don't undertake good environmental practices.</p>	<p>Stewardship Ontario will communicate your input to the Ministry of the Environment.</p>

Comment	Stewardship Ontario Response
<p>In terms of including a financial incentive in the Switch Out program, we do not believe that this tool will result in the increase in collection that SO has predicted will happen. In fact, Clean Air Foundation has heard from participating recyclers that a financial bounty or \$3 per switch (as proposed by SO) would not be relevant to most participants, given that they will be asked to do more work to earn the bounty (i.e., they would need to record and submit the VIN information so that the bounty could be allocated back to the appropriate manufacturer). Individual recyclers, as well as the industry associations, have indicated that the most effective way to increase collection results is to implement licensing that makes it mandatory for the industry to collect and return switches through a free, easy to use program, such as Switch Out.</p> <p>We have reason to believe that an individual program for Ontario that includes a bounty will undermine the national efforts and messaging of the Switch Out program. As we have learned through delivering Switch Out for the past eight years, it is very important to have consistent program messaging and infrastructure across the country to create a level playing field.</p>	<p>Comment noted. Stewardship Ontario was directed to include a bounty for automotive mercury switches by WDO.</p>
Pesticides (6)	
<p>Not convinced that SO has accurately captured the share of pesticides in relation to the overall program. The data and methods used to date have been wholly unscientific, and the current share therefore erroneously inflated. As previously communicated via several channels, including at the Working Group, the lab pack data has been misused for this category. Overall, there appear to be many unresolved issues. With pesticides, there are questions about return of banned products, why the available for collection matches sales data, and on allocation of costs and market share.</p>	<p>Working group members have expressed that they are unable to predict precisely what sales will be in the wake of the pesticide ban. Ultimately, more comprehensive data will only be available from monitoring within the program itself.</p>
<p>The current pesticide definition is not very clear and could be construed to include farm and manufacturing concentrates which are not intended to be included in this program.</p>	<p>The current definition refers to products identified for domestic use only as being included in this program.</p>

Comment	Stewardship Ontario Response
<p>The allocation of costs and market share for pesticides are skewed due to lack of data: 1) Collected materials are very high as a ratio of product sold. These data were based on labpack analysis which is unreliable and overstates collection; 2) The rationale for why collection rates exceed 100% of available for collection (Note 4, p.26 Table 4.7 of Volume 1) is incorrect. The chief reason is that original product volume estimates were based on a full year, not 6 months (the base time line of July '08 to March '09 is too short) and, furthermore, the Ontario Cosmetic Pesticides Ban was never anticipated. There are significant increases in sales in January through to May, but many retailers held off on orders due to lack of clarity about the ban. Thus the estimate of sales in the Phase 1 Program Plan did not materialize. It is therefore incorrect to conclude that the collections are higher due to the success of the MHSW program, underestimated sales volumes or a combination of both. It is the industry's belief that using such faulty data will be inequitable to stewards in this category.</p>	<p>In the absence of more specific data from industry sources, the figures in the plan represent the best estimation of rates. Ultimately, reporting and data collection as a part of the next phase of the plan will furnish more reliable data going forward.</p>
<p>The pesticides fee rate now sits at \$1.74/L, the highest of all material categories. We request an explanation for this dramatic increase as well as the ever-escalating material-specific costs (\$629,000 in May version to \$903,000 in July version). These fees are at the level where there is a significant impact on businesses and the sustainability of product lines. These seem contradictory to the anticipated outcomes of the pesticide ban. With the pesticide ban there are fewer products for customers to use, so we expect both sales volumes and MHSW to go down and the fees to be paid are, as a result, over inflated. Collection targets of 5x 2007 are overstated. Since banned products will be dealt with through measured return share, they are irrelevant to the fee calculation.</p>	<p>Because of the lack of information on the quantity of pesticide supplied into the market, and the uncertainty in the quantity of waste pesticide to be managed in Year 1, Stewardship Ontario has decided to recover the costs associated with the management of waste pesticides based on a return share model.</p>
<p>Similarly for pesticides, Volume II Section 16.6 suggests that 417 tonnes were collected in the 2007 WDO data call, yet only 53 tonnes appear to be collected according to Table 4.6 of Volume I.</p>	<p>The number reported in Volume 2 (450 tonnes) refers to the quantity of all pesticides reported collected by municipalities in the 2007 data call. The number reported in table 4.6 in Volume 1 refers to the estimated quantity of Phase 1 pesticides only collected by municipalities in 2007.</p>

Comment	Stewardship Ontario Response
<p>Pesticides should not be referenced in any other category such as flammable or corrosive. Pesticides in the Domestic category are easily distinguishable from other products. Similarly, no other products should be captured in this material category</p>	<p>Comment noted. Any reference to pesticides in other categories such as toxic and corrosive have been removed</p>
Pesticides/Fertilizers (4)	
<p>Note 4 of Volume 1, on page 26, Table 4.7 of the Consolidated Plan makes certain assumptions about why collection rates exceed 100%. While the stated rationale may be true for some categories, it is not correct for fertilizers and pesticides. In these cases, it wrongly assumes that the collections of fertilizer and pesticides are very high for the wrong reasons. The chief reason is that original product volume estimates were based on a full year, not 6 months (your base time line of July '08 to March '09 is too short) and furthermore, the Ontario Cosmetic Pesticides Ban was never anticipated. Sales in 2008 2009 did not materialize. It is our industries' belief that using such faulty data will be inequitable to stewards in these categories.</p>	<p>The collection rates for pesticides and fertilizers were calculated using the assumptions outlined in the Phase 1 plan, not the actual yearly quantities estimated to be available on a yearly basis. In the case of pesticides, this corresponds to 1.75% of sales, in the case of pesticides this corresponds to 25% of sales. These assumptions were applied to the sales information provided by stewards from July 2008-March 2009.</p>
<p>Based on preliminary information, the collected pesticides are very high with respect to the total product sold into the market. Collection data was based on pack analysis and we know that it is unreliable. Therefore the assumptions about collection success and future targets are overstated. These collection numbers and proposed targets were not reviewed in the Product Working Groups and we respectfully question the accuracy of these figures, especially in light of the fact that the lab pack analysis data is unreliable. These are material errors for both fertilizers and pesticides lead to grossly inflated targets and resulting costs for both categories.</p>	<p>Comment noted.</p>

Comment	Stewardship Ontario Response
<p>The labpack analysis is inconsistent: 1) there are large groups of products being collected as pesticides or fertilizer that are either not obligated or are specifically excluded. Obligated stewards are therefore being unfairly assessed extra cost. Examples are pool chemicals, grass seed, soils, etc. The volumes of these must be determined and the fees adjusted accordingly, as the owners of these products are not paying into the program; 2) Clear and specific categories are needed for each of these group (i.e. pesticides and fertilizers-only groups), lest products be incorrectly included and charged as part of these categories. Separating out these categories from other products currently collected with them will increase collection and diversion as well as ease of tracking; 3) The analysis calls into question the ability of collection sites to accurately collect, pack and categorize the collected materials. As a result, any charges do not reflect reality and are inequitable. (2)</p>	<p>More accurate tracking of materials will be an absolute requirement of the program going forward, with material specific tracking a priority.</p> <p>Under the Phase 1 program, a labpack study was conducted to determine Lab pack factors which were used to assess phase 1 post collection costs paid to municipal programs. According to this study, it was determined that 27% of the contents of the oxidizer category met the Phase 1 fertilizer definition. Similarly, it was determined that only 22% of the pesticide drum contents met the Phase 1 definition.</p>
Pharmaceuticals (2)	
<p>The plan estimates the weight of pharmaceutical containers at 15 grams/unit and the medication at 12 grams per unit. Ontario pharmacies do not collect the container, except in the case of liquid or gel medication. Municipal collection activity will also take back the container, but the plan does not provide for any recycling activity for that container. Thus the collection target in Table 17.4 (Volume 2) is misleading as it could include more packaging than medications. When feasible, municipalities should separate the container from the medications.</p>	<p>Municipalities will be instructed to separate containers where feasible. Containers can then be recycled separately.</p>
<p>Support the definition of pharmaceuticals presented in the latest version of the plan, including the obvious distinction between prescriptions drugs and nonprescription pharmaceuticals covering both over-the-counter drugs and natural health products. This distinction should be applied throughout each section of the plan. But continue to be concerned regarding the data presented and its relevance to “real world” activities</p>	<p>Comment noted.</p>
Sharps (3)	

Comment	Stewardship Ontario Response
<p>The tonnage estimates for sharps outlined in the plan appear very high. The total estimated market tonnage in the revised plan is 230. Our estimate for the total home use market is 113 tonnes. As changes to this number would likely have a significant impact on the program costs and proposed fee structure, this variance needs to be investigated.</p>	<p>Stewardship Ontario was provided with conflicting information on the part of the current service provider for end of life sharps and syringes management on the one hand and the major sharp steward on the other. The numbers provided in the plan attempt to provide a compromise between both parties.</p>
<p>In the Draft Final Plan, it states that the weight and tonnage estimates for sharps still require verification. That being the case, how is it possible to calculate a per unit fee of \$.012 cents per unit, when the weight and tonnage estimates are not yet validated?</p>	<p>Comment noted</p>
<p>The inclusion of syringe volume from the needle exchange program does not seem to be in line with the scope of this project as outlined by the Minister in section 20.3. Products from this program may not fall under the definition of home use and are often distributed outside of the retail pharmacy channel. In addition there is currently an estimated 98% re-capture rate for the NEP.</p>	<p>This reference has been removed in the Final Consolidated MHSW Program Plan</p>
Solvents/Flammables (2)	
<p>Strongly recommend that solvents and flammables groups be merged from a collection, processing, P&E and funding perspective. These materials, as the plan indicates, are indistinguishable from each other and there is no practical practice to segregate them at the point of collection, nor do they differ in ultimate diversion options identified within the plan. The continued ideological segregation of these materials in the draft plan results in a solvent fee of \$0.70/ L whereas the compositionally similar flammables group carries a fee of \$0.01/L. The proposed solvent fee represents a 250% increase over the original phase 1 rate and would represent 55% of the typical retail price for a solvent product. Even by discounting the deficient recovery component the fee rate for solvents is disproportionately high compared to all other product groups. (2)</p> <p>Any plan that proposes a fee rate tantamount to a trade restriction tariff is obviously deficient and requires further change prior to approval.</p>	<p>Solvents and flammables have been combined into a single material category. The fee rates for the various sub-categories have been adjusted accordingly.</p>
Toxics (1)	

Comment	Stewardship Ontario Response
Remove all brand names from the document, including the brand name (Lysol) on page 76. It is our understanding that this brand does not contain Cresol. In any case, it is not appropriate to list brand names anywhere in the Program Plan.	Comment Noted. Stewardship Ontario has corrected this error.