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An Overview of Current *WDA* Programs And Designated Materials

A background paper on the review of the *Waste Diversion Act*

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An Overview of Current WDA Programs and Designated Materials

This background paper is intended to provide readers with a brief overview of the materials and programs that have been designated and established under the *WDA*.

Additional background materials can be downloaded from www.cielap.org.

The Blue Box Program

Blue Box Wastes (i.e. glass, metal, paper, plastic and textiles) became the first waste material to be designated under the *WDA* on September 23, 2002. Stewardship Ontario was created as the IFO for the Blue Box Program. The program required industry stewards to contribute 50 percent of the program fees, supplementing existing municipal costs. The Blue Box Program Plan was approved by the Minister on December 22, 2003 and put into operation on February 1, 2004. The program was well-received insofar as it meant that the funding needed to maintain the Blue Box program was secured. It was criticized, however, for exempting waste materials that could not be recycled in the blue box and creating a financial incentive to shift to non-recyclable packaging.

In October 2008, the Minister of the Environment requested that Waste Diversion Ontario conduct a review of the Blue Box Program within a framework of incorporating principles of extended producer responsibility into the program.

Used Oil Material

Used Oil Material was designated in a regulation under the Act on March 23, 2003 and the Ontario Used Oil Management Association (OUOMA) was established as the responsible IFO. In April 2006 the Minister of the Environment announced that further development of the Used Oil program was going to be set aside because the government had decided to include used oil containers and filters in its new program for Municipal Hazardous and Special Waste. The Minister also argued that the existing used oil collection rate was already at about 78 percent and thus energies and efforts should be focused elsewhere.

Stakeholders have suggested that the program plan was rejected because its financial incentives encouraged the burning of used oil material. This would be in direct violation of the *WDA*, which prohibits programs from promoting the burning of designated wastes.

Used Tires

Used Tires were designated under the Act on March 23, 2003 and Ontario Tire Stewardship (OST) was established as the program's IFO. WDO approved the Scrap Tire Diversion Program on September 15, 2004 and it was sent to the Minister for approval. Industry criticized the need for a program, claiming that the existing free-market based tire collection system they had created was efficient enough as it diverted 95 percent of the 12 million or so scrap tires currently generated in the province each year. Other stakeholders were concerned that the program plan would allow the industry to legally impose a portion of the program costs on consumers through handling fees, thus escaping their stewardship responsibilities, and that some of money being collected would eventually be used to subsidize tire burning. The Minister never made a decision on the program plan. On August 14, 2008 the Minister submitted a PRL to the WDO to request the development of a new program plan that met specific requirements and with some changes to

the 2003 letter. OTS is now in the process of developing a program plan for used tires that is due to the Minister on December 31, 2008.

Waste Electronic and Electrical Equipment (WEEE)

WEEE, such as computers and household appliances, was designated by a regulation under the *WDA* in 2004. Ontario Electronic Stewardship (OES), the responsible IFO, presented a program plan for the Minister's consideration at the end of March 2008. The plan was approved by the Minister on July 10, 2008. The WEEE program will commence on April 1, 2009.

As required by the Minister's PRL, OES' program is fully funded by industry. The program includes vendor qualification requirements to ensure that WEEE management meets safety and environmental standards and that the waste is not shipped overseas for disposal, as well as a tracking and auditing mechanism for the waste materials. Steward fees are to be put towards collection, transportation, consolidation, processing, administration, public education, research and development, and continuous improvements in technology and program implementation. Phase 2 of the WEEE program plan is due on July 10, 2009.

The WEEE program plan has been commended for its focus on ensuring that WEEE management is done responsibly and in such a way that it is not hazardous to human health and the environment. Stakeholders have criticized the plan, stating that it does not support, and may in fact deter, reuse activities and organizations; that it distorts the market, such as only allowing a limited number of approved processors to receive waste materials; and that it creates few incentives for better design, reduction and reuse – diversion methods that are higher up the waste hierarchy.

Municipal Hazardous or Special Waste (MHSW)

MHSW was designated by a regulation under the *WDA* on December 11, 2006 and Stewardship Ontario became the IFO responsible for the program. The program is to be implemented in phases. The plan for Phase 1 received approval in February 2008. It was the second program plan officially approved by the MOE after the Blue Box Program. Beginning July 1, 2008, stewards for products such as paint, solvents, oil filters, single use batteries, antifreeze, propane tanks, fertilizers and pesticides are responsible to contribute approximately 80 percent of the costs of end-of-life management of these waste materials, with the remainder to be financed by municipalities. Stewardship fees will be used to expand and modify the existing system of collection points throughout Ontario and to establish a program for promotion and education to encourage consumer participation. On July 22, 2008 the Minister submitted a PRL to request WDO to add Phase 2 and Phase 3 materials (including pharmaceuticals, fluorescent light bulbs, switches that contain mercury, and aerosol containers) to the MHSW program plan and to require that funding for the amended program will be the full responsibility of industry stewards.

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