



March 28, 2021

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Dear Ms. Deng,

Automotive Materials Stewardship (AMS) is pleased to submit its feedback to the Ministry of the Environment, Conservation and Parks (MECP) on the draft Hazardous or Special Products (HSP) regulation that was posted on the Environmental Registry of Ontario (ERO) on Feb. 11, 2021 (ERO number: 019-2836).

Established and financed by 165 members of the automotive industry, AMS is a non-profit industry stewardship organization responsible for the collection and recycling of oil filters, oil containers, antifreeze and empty antifreeze containers. In addition to ensuring that consumers and industry have access to convenient, environmentally sustainable ways to recycle, AMS is proud to foster a marketplace that maintains and encourages competition, achieves efficiencies and cost-effectiveness, and ensures a fair and equitable opportunity to participate in the provision of services.

To that end, in 2019, the program exceeded all its collection and recycling targets, supported by a vast network of more than 12,000 automotive service locations, stretching from Sarnia in the southwest to Kapuskasing and Thunder Bay in the north; 88 municipal depots; and 294 municipal collection events; and finally, 992 return-to-retail locations. This extensive network enabled AMS to collect 2,802 tonnes of anti-freeze, 3,788 tonnes of oil containers and 8,295 tonnes of oil filters in 2019. Review AMS's 2019 Annual Report for more about its most recent performance achievements.¹

The attached submission outlines the key revisions to the HSP regulation that we recommend are necessary to maintain the successful operation of AMS's recycling program while supporting the continued development of a circular economy in Ontario. These recommendations include:

1. **Fair Allocation of Management Responsibilities:** Establish an annual reporting requirement for producers and/or PROs to demonstrate how they have proportionately shared management performance and costs associated with collection sites and processing.
2. **Collection Site Requirements:** Remove the event collection requirement, adjust the population thresholds, and define "municipality" as an upper-tier municipality for the purposes of meeting collection requirements.
3. **Product Categories:** Create one category for automotive materials, separate from other HSP materials.

¹ <https://www.automotivematerialsstewardship.ca/annual-reports/>

4. **Management Targets:** Rely on collection site requirements for the management of oil filters in the same way as antifreeze and oil containers.
5. **Recycling Efficiency Rates:** Develop achievable recycling efficiency rates for antifreeze, oil containers and oil filters that allow for rejected loads and process loss.
6. **Definitions:** Clarify the definition of antifreeze to include bulk supplies and maintain the definitions of oil containers and oil filters as found in the MHSW Program Plan.
7. **Continuation of Existing Collection Sites:** Require producers/PROs to make reasonable efforts to continue the existing collection network and allow for collection sites to be signed up over an 18-month period.

We describe these seven recommendations in more detail in the following submission and have included an Appendix that identifies suggested technical amendments in appropriate sections of the draft regulation.

Again, we would like to thank the MECP for conducting an ongoing, constructive dialogue and providing the opportunity to submit our feedback on the draft HSP regulation. Please do not hesitate to contact AMS if you have any questions or would like to have a more detailed discussion.



Dave Fifield
AMS Chair



1. Fair Allocation of Management Responsibilities

Under the draft HSP regulation, producers must establish and service collection sites. The regulation makes clear that multiple producers and/or producer responsibility organizations (PROs) may rely on a single collection site. We agree this feature of the regulation is necessary to enable producers to meet the collection system requirements. However, without management targets, the regulation has no mechanism to require producers or their PROs to proportionately share the management costs associated with collection sites.

Some producers or PROs could sign up collection sites but rely on others to haul the materials and pay for processing. As a result, we believe the regulation requires a mechanism to prevent free riders in the system and to ensure that each PRO relying on a collection site pays its fair share of the management costs associated with that site.

- **Recommendation:** We recommend establishing an annual reporting requirement for producers and/or PROs to demonstrate how they have proportionately shared management costs associated with collection sites and processing.

2. Collection Site Requirements

Permanent Sites

After conducting a thorough analysis of the proposed collection requirements in the draft HSP regulation, we found that the current AMS collection network would meet the collection site requirements in 210 municipalities, or 77% of municipalities. In these municipalities, there are 5,549 excess collection sites over the requirements. For the 23% of municipalities where there are insufficient collection sites, an additional 361 sites in total are required.

Collection Site Requirements

(Mapping existing network to draft requirements)

Meets the Requirements (Y/N)	Population Grouping	# of Municipalities	%	Excess / (Shortage)
Yes	1,000 – 500,000	205	75%	4,576
	> 500,000	5	2%	973
	Yes Total	210	77%	5,549
No	1,000 – 500,000	62	23%	(361)
	> 500,000	0	0%	(0)
	No Total	62	23%	(361)

We agree the regulation should establish robust collection system requirements to maintain widespread access to recycling services for Ontario residents and businesses. But those requirements must be practicably achievable. AMS provides the most robust collection network for any designated material under the Waste Free Ontario Act save for Packaging and Printed Paper, and we are regularly informed that we have complete coverage, meaning there are no service centres being excluded from participating in the program. In some cases, there are not enough potential collection sites in a lower tier or single tier municipality to meet the requirements in the draft regulation.

- **Recommendations:** With this context in mind, we recommend changing the population threshold to:
 - 1 collection site for every 1,500 population where the population is less than 500,000, and,
 - 333 collection sites plus 1 additional collection site per 3,000 population where the population is equal to or greater than 500,000.
- Provide a definition of municipalities that allows producers to rely on upper-tier municipalities for meeting their obligations (e.g., within Peel Region instead of within each of the lower-tier municipalities located in Peel Region).

Collection Events

The purpose of collection events has traditionally been to provide public access to recycle HSP where no year-round or seasonal depots exists. Today, AMS participates in collection events organized by municipalities. **None of the collection events are independently organized by AMS.** Despite participating in 213 municipal collection events in 2020, only 50 tonnes of automotive materials were collected for an average of 234 kg per event. **The collected quantity represents 0.3% of total collection across all channels.**

Collection Event Requirements

(Mapping existing network to draft requirements)

Meets the Requirements (Y/N)	Population Grouping	# of Municipalities	%	Excess / (Shortage)
Yes	>= 5,000 and < 500,000	33	16%	45
	> 500,000	1	0%	7
	Yes Total	34	16%	52
No	>= 5,000 and < 500,000	173	82%	(218)
	> 500,000	4	2%	(47)
	No Total	177	84%	(265)

It has been our experience that municipalities set the number and schedule of collection events based on a variety of factors, none of which can be controlled by producers or a PRO. Additionally, the quantity of materials managed through events do not provide the scale necessary to justify the incremental costs to run collection events outside of municipal channels. For example, the average cost of a household hazardous waste (HHW) event is about \$10,000, which includes the collection and management of multiple streams of HHW. Some events may cost municipalities as much as \$45,000, which is orders of magnitude higher than the average cost incurred by AMS of \$260 per event today.

The current collection network would meet the minimum number of events in just 16% of eligible municipalities, which in combination have 52 more events than required. Of the 84% of municipalities that do not meet the requirements, there is a combined deficiency of 265 events. The mobilization costs to establish these events could result in millions in extra costs for little utility.

- **Recommendation (Collection Events):** We recommend removing the requirement to hold a set number of collection events while allowing collection events to be counted towards the number of public access collection sites within a given municipality.

3. Product Categories

Unlike other HSP, the automotive materials designated under the draft regulation (oil containers, oil filters and antifreeze) are typically generated at the same locations, with 96.4% of collected quantities originating from service centres and other locations in the industrial, commercial, and institutional (IC&I) sector.

The remaining amount of automotive HSP returned to service centres by residents also tends to be managed together. For example, after completing an oil change, residents typically return both the oil filter and oil container. For simplicity, an automotive HSP category should be created to apply the same requirements for all automotive HSP.

- **Recommendation:** We recommend creating a single category in the draft regulation for oil filters, oil containers and antifreeze and its containers.

4. Management Targets

With 96.4% of automotive HSP being generated at service centres and IC&I locations, management targets are not required for the collection and recycling of these materials. The robust collection requirements in the regulation would ensure the continued proper end-of-life management of all automotive HSP.

Oil filters have a typical lifespan of three to six months or more, although intervals vary by make and model, and the type of oil used. Generally, the interval has doubled in distance/time because of improvements to engines and oil formulations. Economic disruptions and/or changes to driving behaviour, such as the pandemic and the subsequent lockdowns, can have significant impacts on kilometres driven and consequently the number of oil changes. Each of these scenarios means fewer filters are supplied each year. ***As a result, a target that is based on sales quantities several years prior cannot mathematically be achieved, given the changes in the number of oil filters supplied year to year and also considering the changing composition of oil filters that impacts the average supplied weight.***

We are seeing the effects of this downward trend. In 2020, AMS collected 11% fewer oil filters than in 2019, as compared to a 10% decline in the supplied quantity. For a management target to be achieved,

an available for collection factor (AFC) would need to be established. The quantity of filters available for collection in any given year is closely correlated to the number of filters supplied in *the same year*.

- **Recommendation:** Given this complexity, we recommend eliminating the target for oil filters and relying on the comprehensive collection requirements for end-of-life management.
 - In the alternative, if a target were to remain in the regulation, we recommend the target be based on the most recent supply period only and be set at 90% to account for declines in supplied-to-market quantities between the sales period and the performance period. If using the average of a three-year supply period, we recommend that the target be set at 85% of the supplied quantity. In both cases, the point of measurement is important. We recommend measuring the weight of oil filters after they have been drained but before they are sent for metal recovery, where the oily paper and plastic labels are burned off.

5. Recycling Efficiency Rate

The 100% recycling efficiency rate (RER) is a carry forward from the MHSW Program Plan and the AMS Industry Stewardship Plan (ISP); however, the RER would be applied differently under the draft HSP regulation. Under the ISP (and the MHSW Program before it), 100% of the material collected must be delivered to a qualified processor for the hauler to be eligible for payment. AMS assigns a 100% RER to the quantity received by the processor, not to the output of the processing.

Today, contaminated and/or rejected loads that cannot be delivered to a qualified processor are not eligible for payment by AMS and are therefore excluded from the program performance. This outcome may occur, for example, because antifreeze is too diluted or has been contaminated with other liquids. The processor needs to be able to reject these loads to protect their processes, and producers need to have confidence that they are not paying for watered-down loads. Additionally, there are emerging types of oil containers that cannot be recycled today, including pouches and bag-in-box applications. These are pulled off the sort lines and destined for energy recovery or disposal.

The RER in the regulation must make allowances for safe disposal of rejected loads and loads with high levels of contamination, as well as process loss. For example, it is estimated that 5% – 20% of the biproduct of used antifreeze distillation is something other than water or glycol, including a sludge/slurry that must be treated as hazardous waste and disposed of at a hazardous waste facility, most likely by incineration. Without these changes, processing facilities will be unable to meet the performance thresholds, restricting their ability to register, leaving collected materials stranded and producers out of compliance. The RER in the regulation must make allowances for safe disposal of rejected loads and loads with high levels of contamination, as well as process loss.

- **Recommendation:** We recommend developing an achievable recycling efficiency rate for antifreeze, oil containers and oil filters that allows for rejected loads and process loss.

6. Definitions

We appreciate that the draft regulation designates factory-fill antifreeze, but we recommend some additional revisions. The definition of “antifreeze,” as currently worded, excludes antifreeze supplied in bulk. That would result in a reduction in service from the current MHSW Program, which requires the management of antifreeze whether it is supplied in bulk or in containers.

“Oil containers” are defined in the draft regulation as containers that are “intended to be used for the storage of lubricating oil.” This definition could result in the unintended consequence of designating shop containers used for oil changes.

Except for adding initial factory-fill antifreeze, we suggest that the intent of the definitions should not differ from the current definitions in AMS’s ISP.

- **Recommendation:** Maintain the intention of the existing MHSW Program Plan definitions of “oil container” and “oil filter,” and refine the antifreeze definition to include antifreeze supplied in bulk. The proposed definitions are:
 - *“antifreeze” means a product containing ethylene or propylene glycol that is used or intended for use as a vehicle engine coolant, including factory fill initial charge vehicle engine antifreeze and includes containers of packaged antifreeze if they have a volume equal to or less than 30 litres.*
 - *“oil container” means a container that is manufactured and used for the supply of lubricating oil, but does not include a container that has a capacity greater than 30 litres.*
 - *“oil filter” means:*
 - a) *spin-on-style or element-style fluid filters that are used in hydraulic, transmission or internal combustion engine applications, and*
 - b) *oil, diesel fuel, storage tank fuel, coolant and household furnace oil filters, but does not include gasoline, air or household furnace air filters.*

7. Continuation of Existing Collection Sites

We appreciate that the MECP is considering amendments to Reg. 347 that would provide certain exemptions for automotive HSP collection sites. It should be noted that, in the absence of such amendments, producers could not meet the requirements in the draft HSP regulation to continue operating existing collection sites that accept materials from the public.

In the current MHSW system, Stewardship Ontario holds a province-wide certificate of approval (COA), which allows automotive service centres that have entered into commercial agreements with Stewardship Ontario to collect oil filters, oil containers, antifreeze and antifreeze containers from residents. The collection network for these materials consists of roughly 1,000 different sites, which provide the public with exceptional accessibility.

Under the draft HSP regulation, the Stewardship Ontario COA, which AMS relies on for its collection sites, would no longer apply. The prospect of this change is creating uncertainty for the operation of our program. A requirement to enter into new agreements with about 1,000 service centres cannot be met between the date the regulation is filed and the implementation date of July 1.

- **Recommendations:** To ensure a seamless transition from the current ISP to the new producer-responsibility regulation, we recommend the following:
 - Require that producers only make reasonable efforts to maintain existing sites, and,
 - Restrict this requirement to the first performance period under the regulation (18 months) by specifying December 31, 2022 as the date section 41 is revoke.

Appendix – Additional Comments

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
1.	General comment	Additional definitions	Consider if definitions for processor and resource recovery are required.
	General comment	Addition of new HSP materials.	We support the MECP’s proposed criteria for adding new materials to the regulation as described in July 2020. AMS looks forward to working with the MECP to determine appropriate Phase 2 materials that will both promote improved environmental performance and a level playing field.
	Definitions - Obligated materials	The term ‘marketed’ is used extensively; however, it is not defined in the regulation.	Suggest adding the definition from Section 59 of the RRCEA into the regulation: “market” in respect of a product, includes: <ol style="list-style-type: none"> 1. to offer the product for sale, expose it for sale or possess it for sale, 2. to distribute the product, whether for consideration or not, and 3. to lease the product, offer it for lease, expose it for lease or have it in possession for lease.
	Procedures	HSP Collection, Processing and Disposal Procedure and HSP Verification and Audit Procedure.	In the absence of the procedure documents, it is difficult to fully evaluate the draft regulation. Based on the final procedures we suggest the MECP be open to making regulatory amendments (e.g. where in the value chain management is measured will inform the reasonability of the targets)

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
	Definitions - Obligated materials	“lubricating oil” [.....] does not include lubricating oil that is supplied in a container that has a capacity greater than 30 litres or 30 kilograms;	The definition of lubricating oil does not need a container size restriction because the Oil Container definition already includes the size limit.
PART II – GENERAL			
3. (3)	Blue Box materials	Despite subsection (2), empty containers that no longer contain Category B Products and that are also blue box materials, as defined in subsection 2 (1) of the proposed Blue Box regulation, except for empty oil containers and refillable pressurized containers, may be collected and managed under either this Regulation or the proposed Blue Box regulation.	Ontario should consider aligning with other provinces regarding the treatment of empty containers from Antifreeze and other MHSW materials. I.e. these containers should only be managed under the Regulation that designates them as legally obligated material. With respect to national harmonization for BB program material scope, Ontario is the outlier on requiring these containers to be reported under the BB program. Recommendation is to harmonize with the rest of Canada.
5. (1) (a)	Producer Definition	There is no definition of brand holder in the regulation.	For clarity, we suggest the definition of Brand Holder from s. 59 of the RRCEA be added: “brand holder” means a person who owns or licenses a brand or who otherwise has rights to market a product under the brand
5. (1) (b)	Producer Definition	There is no definition of importer here or in the RRCEA.	We suggested a definition of a first importer be added (as per MHSW Rules). “first importer” means a person resident in Ontario who imports hazardous or special products into Ontario or is the first to take possession or control of hazardous or special products in Ontario for which a brand owner resident in Canada does not exist.

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
5. (1) (c)	Producer Definition	If there is no person described in clause (a) or (b) and the HSP is marketed by a person resident in Ontario, the first person who marketed the HSP;	<p>The regulation uses the word market, but it is not defined in the regulation. The definition of “market” is in the RRCEA s. 59</p> <p>We suggest adding the RRCEA Definition into the regulation: “market” in respect of a product, includes:</p> <ol style="list-style-type: none"> 1. to offer the product for sale, expose it for sale or possess it for sale, 2. to distribute the product, whether for consideration or not, and 3. to lease the product, offer it for lease, expose it for lease or have it in possession for lease. <p>We note the growth of ecommerce sales. Both the regulation and the underlying enforcement activities by RPRA should ensure a level playing field for producers in all channels.</p>
8.	Exemptions	If the weight of the following Category A Products, Category B Products or Category C Products, as the case may be, that is supplied by the producer in Ontario in the previous calendar year is not more than the following, the producer is exempt from the application of Parts III and IV and sections 26, 29, 30, 31 and 38 with respect to that particular product for that performance period: [...]	Harmonizing requirements with other jurisdictions across Canada should be a guiding principle as the MECP finalizes the HSP regulation. Because other provinces do not use a de minimis for the management of MHSW materials, we would recommend not including one in the draft regulation. We believe all producers should pay their fair share to recycle and safely dispose of HSP as has been the case since 2008 with the launch of the MHSW Program.
PART III – COLLECTION OF HSP			
9. (3)	General comments	Producers of Category B Products shall, for the purposes of paragraph 2 of subsection 10 (1) and paragraph 2 of subsection 12 (1), determine the average weight of each applicable hazardous and special product supplied in Ontario in a calendar year using the following formula: $(Y1 + Y2 + Y3)/3$	We note that the historical period will include 2020, a year in which supplied quantities were greatly impacted by the effects of COVID-19.

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
10. (2) 1.	Accessibility	In local municipalities with one or more retail locations that supplied the applicable hazardous and special product to consumers in the previous calendar year, the producer shall establish and operate as many HSP collection sites in the subsequent calendar year as are equal to or greater than 75 per cent of the number of retail locations in the municipality, rounding up to the nearest whole number, that were operating in the previous calendar year and had supplied more than 500 kilograms of calculated weight in that year	The requirements of this section will be challenging to implement as tracking the number of retail locations in a municipality and the number of kilograms each supplied would be very cumbersome. We have not attempted to assess the reasonableness of the requirements.
10. (2) 3. i.	Accessibility	In each local municipality with 10 or more retail locations, the producer shall establish and operate the number of HSP return to retail collection sites that is equivalent to 10 per cent of the HSP collection sites,	<p>The meaning of “return to retail” and “retail” is unclear. Given we believe this to mean sites that the public can return items to, we suggest using the term “Public Collection Site”.</p> <p>Further, we suggest that within any given municipality 5 percent of the minimum number of collection sites be required to accept automotive HSP from the public. This change in requirements is best accomplished by grouping automotive HSP into a single category on its own.</p>
11. (1)	Call-in collection	Every producer who is required to establish or operate one or more collection sites under section 10 in a municipality or territorial district, and every producer who establishes or operates one or more collection sites on a reserve, shall collect, or retain a producer responsibility organization registered under section 27 to collect, if contacted by the municipality, territorial district or reserve, the hazardous and special products from the collection site within three months of the producer having been contacted	Producers or a Producer’s PRO should only be obligated to collect the HSP that is of the same type as that supplied by the producer or managed by the PRO, not all HSP at the site.

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
13. (1) 1.	Collection Site Requirements	<p>(1) Every producer who establishes and operates an HSP collection site shall ensure that, with respect to each HSP collection site that is part of the producer's collection system, the following requirements are satisfied:</p> <p>1. If the HSP collection site is not part of a retail location, the site must accept all Category A Products or Category B Products, as the case may be.</p>	<p>We appreciate the clarity provided by the MECP during the consultation period that the intention is that only municipal HHW depots that are collecting HSP must collect all Category A Product or Category B Products. This is appropriate, in particular as certain types of HSP could be quite dangerous if mixed together (e.g. solvents).</p> <p>The regulation should be updated to provide this clarity. It would not be appropriate to require an automotive service centres, fleet management site, mining operation or other non-retail collection point that generates automotive HSP to accept other Category A and Category B materials. This is true even if the site were operated by a municipality and was not an HHW depot.</p>
13. (1) 2.	Collection Site Requirements	<p>2. If the HSP collection site is part of a retail location, the site must accept, at a minimum, all Category A Products or Category B Products, as the case may be,</p>	<p>Per our suggestion under 10. (2) 3. i. we suggest the requirement to collect automotive HSP at retail locations be removed and replaced by a requirement to collect automotive HSP at 5 percent of the minimum number of collection sites within each municipality. This is consistent with the average current Do-it-Yourself accessibility across all municipalities, with some above and some below.</p> <p>Our experience shows that many service centres are able to accept some automotive HSP materials from the public, but not all. Most common would be the inability to accept used antifreeze at locations that only perform oil changes. The requirement should be eliminated or on a reasonable efforts basis. Further, a site collecting automotive HSP should not be required to collection all Category A Products or Category B Products.</p>

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
13. (1) 3.	Collection Site Requirements	3. The HSP collection site must accept containers that contained HSP, regardless of whether they are empty or still contain HSP.	<p>There are safety concerns for sites accepting unknown liquids in opaque containers. Municipal HHW depots may be equipped to handle this, but not automotive service centres.</p> <p>The containers referenced here should be limited to those that were supplied with the product.</p> <p>Oil containers are unique under the HSP Regulation in that they are the only material where the container is designated but not the product supplied in the container. Producers and collection sites should not be required to accept containers full of used oil as it is not a designated material and producers will not be setting up a supply chain to manage it.</p>
13. (1) 4.	Collection Site Requirements	4. The HSP collection site must be readily accessible to the public and must be operated to accept the applicable hazardous and special products during normal business hours throughout the performance period.	<p>Not all collection sites will be open to the public. We have recommended that 5 percent of the minimum number of collection sites for HSP materials in each municipality be open to the public, in which case this section would apply.</p> <p>Suggested text: "An HSP collection site that accepts HSP from the public must be readily accessible..."</p>

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
13. (1) 5.	Collection Site Requirements	5. The HSP collection site must accept, at a minimum, up to 25 kilograms of the applicable hazardous and special product per day from any person.	<p>A collection site should not have an obligation to accept material from other businesses (e.g. one service centre should not have to accept and manage these materials on behalf of a competitor)</p> <p>We note that 25 kilograms of certain materials could take up a very significant footprint at a collection site whereas other materials take up much less (e.g. empty oil containers vs. used antifreeze). To ensure that there are strong processes for managing large quantities so that item 6 can persist, we suggest the following sentence be included because we cannot confirm all automotive HSP collection sites have this capacity and we do not think it appropriate to risk excluding small collection sites to avoid non-compliance with this requirement.</p> <p><i>“ Where the HSP collection site has capacity to accept up to 25 kilograms of the applicable hazardous and special product from any person and is not part of a retail location, “</i></p>
13. (3)	Collection Site Requirements	(3) Subject to subsection (4), if the operator of one of the following sites collects more than 100 kilograms of Category A Products or Category B Products, as the case may be, and notifies a large producer of HSP that falls into the same category collected at the site , or a producer responsibility organization retained by that producer with respect to that category of HSP, the producer or producer responsibility organization shall collect all of the HSP of which they were notified from the site within three months from the day they were notified:	Producers should not have an obligation to collection and manage HSP types they don't supply, just because they supply HSP in the same category. One way to modify this requirement would be the creation of a separate automotive HSP category as suggested in the main body of this submission and limiting the requirements under this section of the regulation to collecting all the automotive HSO from the site within three months of notification.

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
14.3.	Collection Events	3. If the HSP collection event is held in respect of a hazardous and special product in a municipality, it must be held at least 30 days after the last day of the previous HSP collection event that was held in that municipality in respect of that hazardous and special product.	As proposed in the main body of this submission, we have suggested the removal of the requirement for events. In municipalities where events are run, the requirement to hold them 30 days apart should be removed as producers generally do not have any say over when events are run. Municipalities organize these in conjunction with other activities and producers pay to participate. The decision rights remain with the municipalities.
14.5.	Collection Events	5. At the HSP collection event, the producer must accept containers that have a capacity of less than 30 litres and that contain or contained HSP, regardless of whether they are empty or still contain HSP.	See comment for 13. (1) 3.
PART IV MANAGEMENT OF HSP			
17.(3)(b)	Calculation of Management Requirement	Ensure that [...] the data is also verified in accordance with the HSP Verification and Audit Procedure, beginning with respect to data relating to the 2018 calendar year and with respect to each subsequent calendar year.	Producers will require clarification how they can have data for 2018 calendar year based on procedures that come into effect 2021. This is particularly problematic where conversion factors are needed, particularly if those conversions are not needed under the WDTA programs and were not maintained annually to reflect changes in the material (e.g. Oil Filter weights).
20.(1)	Management of Category B Products	If a producer of Category B Products collects Category B Products, the producer shall ensure that the weight of recovered resources from the collected HSP has been, by the end of the calendar year in which the HSP was collected, <ul style="list-style-type: none"> (a) managed in accordance with the HSP Collection, Processing and Disposal Procedure; and (b) processed in accordance with the HSP Collection, Processing and Disposal Procedure by a processor, 	The requirement that antifreeze and oil containers be processed “by the end of the calendar year in which the HSP was collected” is not feasible. If the item was collected on Dec 30, this leaves 1 day to manage the material in order to be compliant. We suggest a more practical timeline could be ‘within three months’ as measured by aggregate flow of material movement.

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
PART VII – REPORTING, AUDITING AND RECORD KEEPING			
29. (1)	Initial Report	29. (1) Subject to subsection (3), on or before May 31, 2021, every producer of HSP who is required to register under clause 26 (1) (a) shall submit a report to the Authority, through the Registry, that complies with subsection (2).	Need clarification how producers can do this by May 31, 2021 We suggest that producers that must register by May 31, 2021 be provided until September 30, 2021 to provide a report under section 29(2)
29. (1)	Initial Report	If the producer has a collection system, the location of each HSP collection site that is part of the producer’s collection system and the name and contact information of the operator of the site.	It is not clear whether these collection sites must be registered or just reported with RPRA. We suggest that each site be reported only, or that a PRO may complete the collection site registration process on behalf of the collector.
31. (1)	Annual report	31. (1) Subject to subsection (4), on or before April 1, 2023 and on or before January 1 in each subsequent year, every producer of HSP who is required to register under subsection 26 (1) shall submit a report to the Authority, through the Registry, that complies with subsection (2) of this section.	Time is needed to complete the annual year-end activities and prepare the annual report. We suggest that annual reports be due on April 1 of each subsequent year.

Sec.	Issue	Draft HSP Regulation Text	AMS Comments
37. (1)	HSP Collection Site records	<p>Every operator of an HSP collection site at which Category A Products or Category B Products are collected shall keep the following records with respect to each applicable category of HSP collected at each site, if there is more than one, in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation.</p> <ol style="list-style-type: none"> <li data-bbox="520 524 1087 626">1. The weight of each type of HSP within each applicable category of HSP that was collected. <li data-bbox="520 672 1087 774">2. The weight of each type of HSP referred to in paragraph 1 that the operator provided for reuse or sent for processing or disposal. <li data-bbox="520 820 1087 1036">3. For each HSP hauler to whom the operator provided HSP referred to in paragraph 1, the weight of each type of HSP provided and the HSP hauler's name, contact information and any unique identifier assigned by the Registrar. <li data-bbox="520 1081 1087 1183">5. If any of the HSP referred to in paragraph 1 was collected from outside of Ontario, the weight of each type of HSP 	<p>Much of this information is not known by the Collection sites. They may know the number of bags removed on each day, but they don't receive actual weights.</p> <p>The hauler or the producer/PRO should be able to maintain this information for the collection sites.</p>