



Français

Resource Recovery and Circular Economy Act, 2016

ONTARIO REGULATION 449/21

HAZARDOUS AND SPECIAL PRODUCTS

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PART I INTERPRETATION

Definitions

1. (1) In this Regulation,

“antifreeze” means, subject to subsection (2), a product containing ethylene or propylene glycol that is used or intended for use as a vehicle engine coolant and includes,

- (a) the initial antifreeze supplied with a new vehicle, and
- (b) antifreeze that is premixed and concentrated; (“produit antigel”)

“architectural coating” means paint or coating intended for interior or exterior surfaces of residential, commercial, institutional or industrial structures, including any components of or attachments to those structures, such as driveways, indoor or outdoor furniture, appliances, floors, cabinets and doors; (“enduit bâtiment”)

“average weight of supply” means, when used in reference to a producer with respect to a type of HSP and a calendar year, the applicable number calculated in accordance with section 2; (“poids moyen de produit fourni”)

“barometer” means a barometer, intended for residential use, that contains mercury and may contain electronic components; (“baromètre”)

“Category A” means any of the following types of materials:

- 1. Non-refillable pressurized containers.
- 2. Oil filters; (“catégorie A”)

“Category B” means any of the following types of materials:

- 1. Antifreeze.
- 2. Oil containers.
- 3. Paints and coatings.
- 4. Pesticides.
- 5. Refillable pressurized containers.

- 6. Solvents; (“catégorie B”)

“Category C” means any of the following types of materials:

- 1. Barometers.
- 2. Thermometers.
- 3. Thermostats; (“catégorie C”)

“Category D” means any of the following types of materials:

- 1. Fertilizers; (“catégorie D”)

“Category E” means any of the following types of materials:

- 1. Refillable propane containers; (“catégorie E”)

“council of the band” has the same meaning as in the *Indian Act* (Canada); (“conseil de bande”)

“Far North” has the same meaning as in the *Far North Act, 2010*; (“Grand Nord”)

“fertilizer” means any substance or mixture of substances containing nitrogen, phosphorus, potassium or other plant food, manufactured, sold or represented for use as a plant nutrient and regulated under the *Fertilizers Act* (Canada), but does not include,

- (a) fertilizer that is used for commercial or agricultural purposes,
- (b) fertilizer that contains inoculants, coated seeds or uncoated seeds, or
- (c) fertilizer that is supplied in a container that has a capacity of greater than 30 litres or 30 kilograms; (“engrais”)

“hazardous and special product” or “HSP” means any material that is of a type listed in the definitions of Category A, Category B, Category C, Category D or Category E; (“produit dangereux et spécial”) or (“PDS”)

“HSP disposal facility” means a facility at which pesticides are disposed of; (“installation d’élimination des PDS”)

“HSP hauler” means a person who arranges for the transport of HSP that are used by consumers in Ontario and are destined for processing, reuse, refurbishing or disposal, but does not include a person who arranges for the transport of HSP initially generated by that person; (“transporteur de PDS”)

“HSP processor” means a person who processes, for the purpose of resource recovery, HSP used by consumers in Ontario; (“transformateur de PDS”)

“HSP Verification and Audit Procedure” means the document entitled “Hazardous and Special Products Verification and Audit Procedure” published by the Authority and dated May 19, 2021, as amended from time to time, and available on the Registry; (“Procédure de vérification des PDS”)

“land disposed” has the same meaning as “land disposal” in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the *Environmental Protection Act*; (“éliminé en milieu terrestre”)

“large producer” means, with respect to a type of HSP, a producer who is determined to be a large producer of that type of HSP under section 11; (“gros producteur”)

“lubricating oil” means petroleum-derived or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid or other oil or fluid used for lubricating machinery or equipment; (“huile de graissage”)

“management requirement” means the minimum amount of recovered resources from a type of HSP in Category A that a producer is required to account for under section 31; (“obligation de gestion”)

“non-refillable pressurized container” means a pressurized container that is used for the supply of a gas product, including propane, but cannot be refilled and does not include the following:

1. An aerosol container.
2. A fire extinguisher.
3. A cylinder that must be punctured for use, such as a small CO₂ cylinder.
4. A pressurized container that has a water capacity greater than 109 litres; (“contenant pressurisé non rechargeable”)

“oil container” means a container that is used for the supply of new lubricating oil and that has a capacity of 30 litres or less; (“contenant d’huile”)

“oil filter” means a fluid filter, other than a gasoline filter, and includes,

- (a) a spin-on style filter or element-style fluid filter that is sold separately or as part of a product, that is used in hydraulic, transmission or internal combustion engine applications,
- (b) a filter used for oil, diesel fuel, storage tank fuel, coolant, household furnace fuel, and
- (c) a sump type automatic transmission filter; (“filtre à huile”)

“paints and coatings” means, subject to subsection (2), latex, oil or solvent-based architectural coatings and includes paints and stains, whether tinted or untinted, non-pesticide marine paints and aerosol paints for automotive, craft and industrial applications, but does not include,

- (a) non-aerosol paints intended for automotive or industrial applications or crafts,
- (b) paints or wood preservatives that are registered as a pesticide under the *Pest Control Products Act* (Canada),

- (c) stuccos and spackling compounds,
- (d) polishes and waxes,
- (e) caulking and sealants, or
- (f) paints and coatings that are supplied in a container that has a capacity greater than 30 litres or 30 kilograms; (“peintures et revêtements”)

“permanent establishment”,

- (a) has the meaning assigned by subsection 400 (2) of the *Income Tax Regulations* (Canada) in the case of a corporation, and
- (b) has the meaning assigned by subsection 2600 (2) of the *Income Tax Regulations* (Canada) in the case of an individual; (“établissement stable”)

“pesticide” means, subject to subsection (2), a pesticide, fungicide, herbicide or insecticide that is registered under the *Pest Control Products Act* (Canada), that is designated as “DOMESTIC” class under the Pest Control Products Regulations (SOR/2006-124) and is required to bear the signal word “DANGER” or “WARNING” and the signal word “POISON” together with the related precautionary symbols set out in Schedule 3 of that Regulation, but does not include the following:

1. Insect repellents intended for personal use.
2. Sanitizers, disinfectants and antimicrobial products.
3. Pool chemicals.
4. Diatomaceous earth.
5. Pet products.
6. Ant traps.
7. Products regulated under the *Food and Drugs Act* (Canada).
8. Insecticidal soaps.
9. Commercial, agricultural and restricted classifications registered under the *Pest Control Products Act* (Canada).
10. Product supplied in a container that has a capacity greater than 30 litres or 30 kilograms; (“pesticide”)

“producer” means a person who is required to carry out responsibilities relating to HSP, as determined in accordance with section 4; (“producteur”)

“producer responsibility organization” means a person who has entered into an agreement with a producer for the purpose of carrying out one or more of the following producer responsibilities relating to HSP, but does not include an HSP processor retained solely for the purposes of processing HSP:

1. Arranging for the establishment or operation of a collection or management system.
2. Establishing or operating a collection or management system.
3. Implementing a promotion and education program.
4. Preparing and submitting reports; (“organisme assumant les responsabilités d'un producteur”)

“recreational area” means,

- (a) parks, campgrounds or other recreational areas that are operated by an organization, authority or entity established by the Government of Canada or the Province of Ontario, or
- (b) a private campground; (“aire récréative”)

“recycling efficiency rate” means the ratio of the weight of recovered resources from a type of HSP recovered at a facility by an HSP processor to the weight of that type of HSP received at that facility by that HSP processor; (“taux d'efficacité du recyclage”)

“refillable pressurized container” means a pressurized container that is used for the supply of a gas product and can be refilled, but does not include the following:

1. A fire extinguisher.
2. An aerosol container.

3. A reservoir tank intended for air compressors.
4. A cylinder that must be punctured for use, such as a small CO₂ cylinder.
5. A refillable propane container.
6. A pressurized container that has a water capacity greater than 109 litres; (“contenant pressurisé rechargeable”)

“refillable propane container” means a pressurized container that can be refilled, has a water capacity of 109 litres or less and is used only for propane; (“contenant de propane rechargeable”)

“reserve” means a reserve as defined in the *Indian Act* (Canada); (“réserve”)

“resident in Canada” means a person having a permanent establishment in Canada; (“résident du Canada”)

“resident in Ontario” means a person having a permanent establishment in Ontario; (“résident de l’Ontario”)

“small producer” means, with respect to a type of HSP, a producer who is determined to be a small producer of that type of HSP under section 11; (“petit producteur”)

“solvent” means, subject to subsection (2), a product that is a liquid intended to be used to dissolve or thin a compatible substance, is supplied in a container that has a capacity of 30 litres or 30 kilograms or less, and that meets one or both of the following criteria:

1. It is comprised of 10 per cent or more of water-immiscible liquid hydrocarbons, including halogen-substituted liquid hydrocarbons.
2. It is flammable and is as described in Clause 4.2 and as defined in Clause 7.2 of CSA Standard Z752-03, “Definition of Household Hazardous Waste”, published in September 2003 by Canadian Standards Association; (“solvant”)

“territorial district” means a geographic area, other than a municipality, named and described in Schedule 2 to Ontario Regulation 180/03 (Division of Ontario into Geographic Areas) made under the *Territorial Division Act, 2002*; (“district territorial”)

“thermometer” means a thermometer that is intended for residential use to measure body or air temperature and that contains mercury and may contain electronic components; (“thermomètre”)

“thermostat” means a thermostat that contains mercury and may contain electronic components; (“thermostat”)

“volunteer organization” means a person who owns a brand that is used in respect of a type of HSP and is not resident in Canada; (“organisme bénévole”)

(2) Subject to subsection (3), for the purposes of this Regulation, any reference to “antifreeze”, “paints and coatings”, “pesticide” or “solvent” includes the product’s primary packaging, except for primary packaging that has a capacity of greater than 30 litres or 30 kilograms.

(3) For the purposes of this Regulation, “primary packaging” does not include the following:

1. Corrugated and boxboard boxes.
2. Plastic film.
3. Shrink wrap.
4. Printed materials.

Average weight of supply

2. A producer’s average weight of supply in respect of a type of HSP and in respect of a calendar year is determined using the following formula:

$$(Y1 + Y2 + Y3)/3$$

in which,

“Y1” is the weight of the producer’s HSP of that type that was supplied to consumers in Ontario in the previous calendar year,

“Y2” is the weight of the producer’s HSP of that type that was supplied to consumers in Ontario two calendar years prior, and

“Y3” is the weight of the producer’s HSP of that type that was supplied to consumers in Ontario three calendar years prior.

PART II
GENERAL

Designated class

3. For the purposes of section 60 of the Act, HSP are a designated class of material.

Producers

4. (1) For the purposes of the definition of “producer” in section 1,

(a) with respect to a type of HSP in Category A, Category B or Category E marketed to consumers in Ontario, the producer of the HSP is,

- (i) subject to subsections (2) and (3), if the brand holder of the HSP is resident in Canada, the brand holder,
- (ii) if there is no person described in subclause (i) and the HSP is imported into Ontario by a person resident in Ontario, the importer,
- (iii) if there is no person described in subclause (i) or (ii) and the HSP is marketed by a person resident in Ontario, the first person who marketed the HSP, or
- (iv) if there is no person described in subclause (i), (ii) or (iii) and the HSP is marketed by a person not resident in Ontario, the person who marketed the HSP; and

(b) subject to subsections (4) and (5), with respect to a type of HSP in Category C, the producer of the HSP is,

- (i) if any brand holders of that type of HSP are resident in Canada, all of those brand holders, or
- (ii) if there is no person described in subclause (i) and there is one or more brand holder resident in Canada of a product marketed to consumers in Ontario that is similar to that type of HSP, but does not contain mercury, all of those brand holders; and

(c) subject to subsections (2) and (3), with respect to a type of HSP in Category D that is marketed to consumers in Ontario, if the brand holder of the HSP is resident in Canada, the brand holder is the producer of the HSP.

(2) For the purposes of subclause (1) (a) (i) and clause (1) (c), if there are two or more brand holders described in the applicable provision, the producer is the brand holder most directly connected to the production of the HSP.

(3) For the purposes of subclause (1) (a) (i) and clause (1) (c), if two or more items of a type of HSP produced by different brand holders are marketed as a single package, the producer is the brand holder who is more directly connected to the primary product in the package.

(4) A person referred to in subclause (1) (b) (i) satisfies the prescribed criteria for the purposes of clause 61 (6) (c) of the Act.

(5) A person referred to in subclause (1) (b) (ii),

(a) meets the prescribed conditions for the purposes of paragraph 2 of subsection 61 (2) of the Act; and

(b) satisfies the prescribed criteria for the purposes of clause 61 (6) (c) of the Act.

Producer responsibility organizations

5. A producer responsibility organization that has entered into an agreement with a producer of HSP,

(a) meets the prescribed conditions in respect of that HSP for the purposes of paragraph 2 of subsection 61 (2) of the Act; and

(b) satisfies the prescribed criteria to carry out responsibilities under Part IV of the Act in respect of that HSP for the purposes of clause 61 (6) (c) of the Act.

Exemptions, Category A and Category B

6. A producer of a type of HSP in Category A or Category B set out in Column 1 of the Table to this section is exempt from Parts IV, VI and VII in a calendar year in respect of that type of HSP if the producer’s average weight of supply, as calculated under section 2 in respect of that type of HSP in respect of the previous calendar year, is not greater than the weight set out opposite that type of HSP in Column 2 of the Table.

Item	Column 1 Type of HSP	Column 2 Average weight of supply in respect of the previous calendar year (tonnes)
1.	Antifreeze	20
2.	Non-refillable pressurized containers	3
3.	Oil Containers	2
4.	Oil filters	3.5
5.	Paints and coatings	10
6.	Pesticides	1
7.	Refillable pressurized containers	8
8.	Solvents	3

**PART III
TRANSITIONAL COLLECTION REQUIREMENTS**

Transitional period

7. (1) A producer of a type of HSP in Category A or Category B who is required to register in respect of that type of HSP under clause 38 (1) (a) shall comply with this Part in respect of that type of HSP from October 1, 2021 to December 31, 2022.

(2) The producer shall establish and operate a collection system for the type of HSP referred to in subsection (1) that satisfies the following requirements:

1. The producer shall establish and operate at least as many collection sites for that type of HSP in each local municipality, territorial district or reserve as the number of sites that were operated on September 30, 2021 for the collection of products of that type under the *Waste Diversion Transition Act, 2016*.
2. The producer shall make reasonable efforts to hold at least as many collection events for that type of HSP in each local municipality, territorial district or reserve as the number of events that were held in the 2020 calendar year for the collection of products of that type under the *Waste Diversion Transition Act, 2016*.

(3) Sections 10, 44 and 55 apply to the producer in respect of that type of HSP, and any reference to an HSP collection event or HSP collection site in those sections is deemed to be a reference to a collection event or collection site for the purposes of this Part.

(4) Every producer responsibility organization that has entered into an agreement with a producer referred to in subsection (1) to provide collection services under this Part for a type of HSP is required to satisfy the requirements set out in this Part that apply to that producer with respect to each type of HSP covered in that agreement.

(5) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (4) applies.

Call-in collection

8. (1) Subject to subsection (2), if a large producer of a type of HSP in Category A or Category B, as determined under section 11, is notified by a representative of one of the following entities or operations that 100 kilograms or more of that type of HSP has been collected, the producer shall collect all of that type of HSP from the entity or operation within three months of being notified:

1. A council of the band.
2. A municipality that is not located in the Far North.
3. A territorial district that is not located in the Far North.
4. A depot where HSP is collected that is owned or operated by the Crown in right of Ontario and that is not located in the Far North.

(2) A producer who is notified under subsection (1) by a representative of a council of the band regarding HSP located on a reserve in the Far North shall make reasonable efforts to collect the HSP within one year of being notified.

**PART IV
COLLECTION OF HSP IN CATEGORY A AND CATEGORY B**

GENERAL

Producer requirements

9. (1) Every producer of a type of HSP in Category A or Category B shall establish and operate a collection system for that type of HSP in accordance with this Part,

- (a) starting on January 1, 2023, in the case of a producer who is required to register under clause 38 (1) (a); or
- (b) starting on January 1 of the calendar year immediately following the calendar year in which the registration was required, in the case of a producer who is required to register under clause 38 (1) (b).

(2) Every producer responsibility organization that has entered into an agreement with a producer referred to in subsection (1) to provide collection services under this Part for a type of HSP is required to satisfy the requirements set out in this Part that apply to that producer with respect to each type of HSP covered in that agreement.

(3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

HSP collection sites and events, multiple producers and types of HSP permitted

10. For the purposes of complying with this Part, an HSP collection site or HSP collection event,

- (a) may be operated by or on behalf of one or more producers and may be relied on by each of those producers to satisfy the requirements set out in this Part; and
- (b) may be part of a collection system for more than one type of HSP.

Determination of whether producer is large or small

11. A producer is a large producer or a small producer of a type of HSP in a calendar year if the producer's average weight of supply in respect of that type of HSP in respect of the previous calendar year, calculated in accordance with section 2, is as follows:

Item	Type of HSP	Large producer's average weight of supply (tonnes)	Small producer's average weight of supply (tonnes)
1.	Antifreeze	300 or more	Greater than 20 and less than 300
2.	Non-refillable pressurized containers	100 or more	Greater than 3 and less than 100
3.	Oil Containers	55 or more	Greater than 2 and less than 55
4.	Oil filters	100 or more	Greater than 3.5 and less than 100
5.	Paints and coatings	1,000 or more	Greater than 10 and less than 1,000
6.	Pesticides	9 or more	Greater than 1 and less than 9
7.	Refillable pressurized containers	100 or more	Greater than 8 and less than 100
8.	Solvents	70 or more	Greater than 3 and less than 70

Population

12. A reference in this Part to the population of a municipality or territorial district is a reference to the population as reported by Statistics Canada in the most recent official census published prior to the calendar year in which the collection obligation applies.

DISTRIBUTION OF HSP COLLECTION SITES

Large producers: antifreeze, oil containers and oil filters

13. (1) In every calendar year, large producers of any of the following types of HSP shall establish and operate a collection system for that type of HSP in accordance with the requirements set out in subsection (2):

1. Antifreeze.
2. Oil containers.
3. Oil filters.

(2) A large producer of a type of HSP referred to in subsection (1) shall ensure the requirements in either paragraph 1 or 2 are satisfied with respect to the collection system:

1. The producer shall ensure the following:

- i. In each local municipality with one or more retail locations that supplied the producer's HSP of that type to consumers in the previous calendar year, as many HSP collection sites as are equal to or greater than 75 per cent of the number of those retail locations, rounding up to the nearest whole number, are established and operated.
- ii. In each local municipality with a population of 1,000 or more, but without a retail location that supplied the producer's HSP of that type to consumers in the previous calendar year, at least one HSP collection site is established and operated.
- iii. In each territorial district with one or more retail locations that supplied the producer's HSP of that type to consumers in the previous calendar year, at least one HSP collection site is established and operated within 30 kilometres of each of those retail locations.
- iv. In each territorial district with a population of 1,000 or more, but without a retail location that supplied the producer's HSP of that type to consumers in the previous calendar year, at least one HSP collection site is established and operated.

2. The producer shall ensure the following:

- i. In each local municipality with a population of 1,000 to 500,000, at least one HSP collection site for every 1,000 people or portion thereof is established and operated.
- ii. In each local municipality with a population of more than 500,000, at least 500 HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 2,000 people or portion thereof for the portion that surpasses 500,000, are established and operated.
- iii. In each territorial district with a population of 1,000 or more, at least one HSP collection site is established and operated.

Large producers: paints and coatings

14. In every calendar year, large producers of paints and coatings shall ensure the following requirements are satisfied with respect to the establishment and operation of a collection system for paints and coatings:

1. In each local municipality with a population of 5,000 to 500,000, at least one HSP collection site for every 40,000 people or portion thereof is established and operated.
2. In each local municipality with a population of more than 500,000, at least 13 HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 150,000 people or portion thereof for the portion that surpasses 500,000, are established and operated.
3. In each territorial district with a population of 1,000 or more, at least one HSP collection site is established and operated.

Large producers: non-refillable pressurized containers, pesticides and solvents

15. (1) In every calendar year, large producers of any of the following types of HSP shall establish and operate a collection system for that type of HSP in accordance with the requirements set out in subsection (2):

1. Non-refillable pressurized containers.
2. Pesticides.
3. Solvents.

(2) A large producer of a type of HSP referred to in subsection (1) shall ensure the following requirements are satisfied with respect to the collection system:

1. In each local municipality with a population of 10,000 to 500,000, at least one HSP collection site for every 250,000 people or portion thereof is established and operated.
2. In each local municipality with a population of more than 500,000, at least two HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 300,000 people or portion thereof for the portion that surpasses 500,000, are established and operated.
3. In each territorial district with a population of 1,000 or more, at least one HSP collection site is established and operated.

(3) In addition to the requirements set out under subsection (2), large producers of non-refillable pressurized containers shall,

(a) ensure that a depot for the collection of non-refillable pressurized containers is established and operated at a recreational area if requested by a representative or employee of the recreational area;

(b) at a depot established and operated under clause (a), provide,

- (i) a sufficient number of storage containers for staff of the recreational area to store the spent non-refillable pressurized containers prior to those containers being collected, and
- (ii) a sufficient number of appropriately labelled collection receptacles in which visitors and patrons may place spent non-refillable pressurized containers for collection; and

(c) at a depot established and operated under clause (a),

- (i) agree to a collection schedule for the depot with a representative or employee of the recreational area and collect the non-refillable pressurized containers from the depot in accordance with that schedule, or,
- (ii) collect the non-refillable pressurized containers from the depot within 21 days of receiving a request from a representative or employee of the recreational area.

Small producers: antifreeze, oil containers and oil filters

16. (1) In every calendar year, small producers of any of the following types of HSP shall establish and operate a collection system for that type of HSP in accordance with the requirements set out in subsection (2):

1. Antifreeze.
2. Oil containers.
3. Oil filters.

(2) A small producer of a type of HSP referred to in subsection (1) shall ensure the requirements in either paragraph 1 or 2 are satisfied with respect to the collection system:

1. In each local municipality or territorial district with one or more retail locations that supplied the producer's HSP of that type to consumers in the previous calendar year, as many HSP collection sites as are equal to or greater than 75 per cent of the number of those retail locations, rounding up to the nearest whole number, are established and operated.
2. The producer shall ensure the following:
 - i. In each local municipality with a population of 10,000 to 500,000, at least one HSP collection site for every 22,500 people or portion thereof is established and operated.

- ii. In each local municipality with a population of more than 500,000, at least 23 HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 200,000 people or portion thereof for the portion that surpasses 500,000, are established and operated.
- iii. In each territorial district with a population of 1,000 or more, at least one HSP collection site is established and operated.

Small producers: paints and coatings

17. In every calendar year, small producers of paints and coatings shall ensure the requirements in either paragraph 1 or 2 are satisfied with respect to the establishment and operation of a collection system for paints and coatings:

1. In each local municipality or territorial district with one or more retail locations that supplied the producer's paints and coatings in the previous calendar year, as many HSP collection sites as are equal to or greater than 75 per cent of the number of those retail locations, rounding up to the nearest whole number, are established and operated.
2. The producer shall ensure the following:
 - i. In each local municipality with a population of 13,000 to 500,000, at least one HSP collection site for every 40,000 people or portion thereof is established and operated.
 - ii. In each local municipality with a population of more than 500,000, at least 13 HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 150,000 people or portion thereof for the portion that surpasses 500,000, are established and operated.
 - iii. In each territorial district with a population of 1,000 or more, at least one HSP collection site is established and operated.

Small producers: non-refillable pressurized containers, pesticides and solvents

18. (1) In every calendar year, small producers of any of the following types of HSP shall establish and operate a collection system for that type of HSP in accordance with the requirements set out in subsection (2):

1. Non-refillable pressurized containers.
2. Pesticides.
3. Solvents.

(2) A small producer of a type of HSP referred to in subsection (1) shall ensure the requirements in either paragraph 1 or 2 are satisfied with respect to the collection system:

1. In each local municipality or territorial district with one or more retail locations that supplied the producer's HSP of that type to consumers in the previous calendar year, as many HSP collection sites as are equal to or greater than 75 per cent of the number of those retail locations, rounding up to the nearest whole number, are established and operated.
2. The producer shall ensure the following:
 - i. In each local municipality with a population of 15,000 to 500,000, at least one HSP collection site for every 250,000 people or a portion thereof is established and operated.
 - ii. In each local municipality with a population of more than 500,000, at least two HSP collection sites for the first 500,000 people, and at least one HSP collection site for every 300,000 people or portion thereof for the portion that surpasses 500,000, are established and operated.
 - iii. In each territorial district with a population of 1,000 or more, at least one HSP collection site is established and operated.

Reduction in HSP collection sites

19. (1) The number of HSP collection sites required in a calendar year under sections 13 to 18 in a local municipality or territorial district for a type of HSP is reduced by, rounding up to the nearest whole number, the percentage of residences, including multi-unit residential buildings, in that local municipality or territorial district, for which the producer provides,

- (a) curbside collection services, for that type of HSP, at least four times during the calendar year; and
- (b) containers, where appropriate, at no charge, for the curbside collection of that type of HSP.

(2) The number of HSP collection sites required in a calendar year under sections 13 to 18 in a local municipality or territorial district for a type of HSP in a calendar year is reduced by 25 per cent, rounding to the nearest whole number, if,

- (a) the producer provides an accessible mechanism for residents of that local municipality or territorial district to notify the producer that they have that type of HSP with a total volume of 10 to 50 litres or a total weight of 10 to 50 kilograms; and
- (b) the producer provides curbside pick up to any residence, including multi-unit residential buildings, in that local municipality or territorial district, for that type of HSP when the producer has received a notification under clause (a).

(3) Subject to subsection (4), the number of HSP collection sites required with respect to a producer under sections 13 to 18 in a local municipality or territorial district for a type of HSP in a calendar year may be reduced by the number of HSP collection events the producer provides for that type of HSP in the local municipality or territorial district in the calendar year.

(4) The reduction in the total number of HSP collection sites in Ontario under subsection (3) may not exceed 25 per cent, rounding up to the nearest whole number, of the total number of HSP collection sites required under sections 13 to 18, regardless of any reduction under subsection (1) or (2).

(5) For greater certainty, a producer may combine the reduction in the number of HSP collection sites under subsections (1), (2) and (3) for a type of HSP.

Alternative locations of HSP collection sites

20. (1) Despite the requirements in sections 13 to 18 and subject to subsections (2) and (3), a producer may establish and operate HSP collection sites required under this Part in alternative locations within the upper-tier municipality in which they are required.

(2) The total number of HSP collection sites for a type of HSP that are established and operated in alternative locations, other than HSP collection sites for paints and coatings, shall not exceed five per cent of the HSP collection sites for that type of HSP that the producer is required to establish and operate under this Part, rounded up to the nearest whole number.

(3) The total number of HSP collection sites for paints and coatings that are established and operated in alternative locations shall not exceed 17 per cent of the HSP collection sites for paints and coatings that the producer is required to establish and operate under this Part, rounded up to the nearest whole number.

Minimum of one HSP collection site or event

21. Despite sections 19 and 20, a producer shall operate at least one HSP collection site or HSP collection event for a type of HSP in each local municipality or territorial district in a calendar year if there is a retail location in that local municipality or territorial district, as the case may be, that supplies the producer's HSP of that type.

OPERATION OF HSP COLLECTION SITES AND EVENTS AND CALL-IN COLLECTION**HSP collection sites**

22. (1) With respect to each HSP collection site that must be established and operated under this Part, the producer shall ensure the following requirements are satisfied:

- 1. If an HSP collection site for a type of HSP is operated by a municipality or territorial district, the collection site must accept, at a minimum, all types of HSP that are in the same category as that type of HSP.
- 2. Subject to subsection (2), the HSP collection site must be readily accessible to the public and must accept the HSP during normal business hours throughout the calendar year.

3. The HSP collection site must accept from a person, at a minimum, up to 25 kilograms per day of each type of HSP accepted at the site.
4. If an HSP collection site is not part of a retail location and accepts more than 50 kilograms of a type of HSP from a person on a single day, the operator of the site shall make reasonable efforts to record the person's name, contact information, any unique identifier assigned by the Registrar and the weight of HSP accepted.

(2) If a producer is required to establish and operate HSP collection sites for antifreeze, oil containers or oil filters, the producer shall ensure that in each local municipality that satisfies the following conditions at least four per cent of those sites, rounding up to the nearest whole number, are readily accessible to the public:

1. The local municipality has a population of 5,000 or more.
2. At least one retail location in the local municipality supplies the producer's antifreeze, oil containers or oil filters.

(3) For greater certainty, the following locations are not HSP collection sites for the purposes of this Part:

1. A depot referred to in subsection 15 (3) for the collection of non-refillable pressurized containers at a recreational area.
2. A location of an entity or operation referred to in section 24.

HSP collection events

23. Every producer who establishes and operates an HSP collection event for a type of HSP in Category A or Category B shall ensure that the following requirements are satisfied:

1. For the purposes of subsection 19 (3), the HSP collection event must be held in the local municipality or territorial district in which the HSP collection site that would otherwise be required would have been located.
2. The HSP collection event must be readily accessible to the public.
3. If the HSP collection event is for antifreeze, oil containers or oil filters, the event must accept antifreeze, oil containers and oil filters.
4. The HSP collection event must operate for a minimum of four consecutive hours.
5. If the HSP collection event operates consecutively for more than one day, it must be considered a single HSP collection event.

Call-in collection

24. (1) Subject to subsection (2), if a large producer of a type of HSP in Category A or Category B is notified by a representative of one of the following entities or operations that 100 kilograms or more of that type of HSP has been collected, the producer shall collect all of that type of HSP from the entity or operation within three months of being notified:

1. A council of the band.
2. A municipality that is not located in the Far North.
3. A territorial district that is not located in the Far North.
4. A depot where HSP is collected that is owned or operated by the Crown in right of Ontario and that is not located in the Far North.

(2) A producer who is notified under subsection (1) by a representative of a council of the band regarding HSP located on a reserve in the Far North shall make reasonable efforts to collect the HSP within one year of being notified.

PART V COLLECTION OF HSP IN CATEGORY C AND CATEGORY E

Producer requirements

25. (1) On and after October 1, 2021, every producer of a type of HSP in Category C or Category E shall establish and operate a collection system for that type of HSP in accordance with this Part.

(2) Every producer responsibility organization that has entered into an agreement with a producer referred to in subsection (1) to provide collection services under this Part is required to satisfy the requirements set out in this Part that apply to that producer with respect to each type of HSP covered in that agreement.

(3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

Application of Part

26. A producer of a type of HSP in Category C or Category E who is required to register in respect of that type of HSP under section 38 shall comply with this Part as follows:

1. If the producer is required to register in respect of that type of HSP under clause 38 (2) (a) or (3) (a), the producer shall comply with the requirements in this Part in respect of that type of HSP starting on October 1, 2021.
2. If the producer is required to register in respect of that type of HSP under clause 38 (2) (b) or (3) (b), the producer shall comply with the requirements in this Part in respect of that type of HSP starting on January 1 of the calendar year immediately following the calendar year in which the registration was required.

Call-in collection

27. (1) Subject to subsection (2), if a producer of a type of HSP in Category C or Category E is notified by a representative of one of the following entities or operations that type of HSP has been collected, the producer shall collect all of that type of HSP from the entity or operation within three months of being notified:

1. A council of the band.
2. A municipality that is not located in the Far North.
3. A territorial district that is not located in the Far North.
4. A depot where HSP is collected that is owned or operated by the Crown in right of Ontario and that is not located in the Far North.

(2) A producer who is notified under subsection (1) by a representative of a council of the band regarding HSP located on a reserve in the Far North shall make reasonable efforts to collect the HSP within one year of being notified.

PART VI MANAGEMENT OF HSP

Producer responsibilities

28. (1) On and after October 1, 2021, every producer of a type of HSP in Category A, Category B, Category C or Category E shall establish and operate a system for managing that type of HSP in accordance with this Part.

(2) Every producer responsibility organization that has entered into an agreement with a producer referred to in subsection (1) to provide management services under section 30 for a type of HSP is required to satisfy the requirements set out in section 30 that apply to that producer with respect to that type of HSP.

(3) In section 30, a reference to a producer includes a producer responsibility organization to which subsection (2) applies.

Weight of recovered resources

29. (1) The rules set out under subsection (2) apply when determining what may be counted as part of the weight of recovered resources for the purposes of,

- (a) the calculation of a recycling efficiency rate under subsection 30 (3), section 50 and paragraph 8 of subsection 51 (2); and
- (b) the determination of whether a management requirement has been satisfied under section 31.

(2) The rules referred to in subsection (1) for what may be counted as part of the weight of recovered resources are the following:

1. The weight of recovered resources that may be counted with respect to a type of HSP must be from HSP of the same type.

2. For the purposes of determining whether the management requirement has been satisfied under section 31, the weight of recovered resources that may be counted must be from HSP that was supplied to a consumer in Ontario.
3. The weight of recovered resources that may be counted must be from recovered resources that are,
 - i. used or destined to be used by a person for the making of new products or packaging, or
 - ii. reused by a person.
4. The weight of the recovered resources may only be counted one time by a producer and must not be counted by another producer.
5. The following must not be counted as recovered resources:
 - i. The weight of materials that are land disposed.
 - ii. The weight of materials that are incinerated.
 - iii. The weight of materials that are used as a fuel or a fuel supplement.
 - iv. The weight of materials that are stored, stockpiled or used as daily landfill cover or otherwise deposited on land unless they are deposited on land in a manner set out in paragraph 6.
6. With respect to the weight of recovered resources from paints and coatings, up to 15 per cent of the weight that may be counted as recovered resources for paints and coatings may be with respect to concrete and landscaping applications.
7. With respect to the weight of recovered resources from oil filters, the following must not be counted:
 - i. Any oil residue contained in the used oil filter.
 - ii. Any oil which is captured, recaptured, extracted, collected or diverted during processing.

Processing, disposal

30. (1) Subject to subsection (2), every producer of a type of HSP in Category A, Category B, Category C or Category E shall ensure that, no later than three months after the day that type of HSP is collected by the producer under Part III, IV or V, the HSP is processed by an HSP processor who is registered under section 42.

(2) Every producer of pesticides shall ensure that, no later than three months after the day the pesticides are collected by the producer under Part III or IV, the pesticides are disposed of at an HSP disposal facility registered under section 42.

(3) On and after January 1, 2023, if a producer collected a type of HSP listed in Column 1 of the Table to this subsection through a collection system the producer operated under Part IV or V, the producer shall ensure that the HSP is processed by an HSP processor at a facility in respect of which the HSP processor reported an average recycling efficiency rate for that type of HSP that is at least the percentage set out in Column 2 of the Table to this subsection opposite the type of HSP, calculated in accordance with the HSP Verification and Audit Procedure.

TABLE

Item	Column 1 Type of HSP	Column 2 Average recycling efficiency rate (percentage)_
1.	Antifreeze	90
2.	Barometers, Thermometers and Thermostats	90
3.	Non-refillable pressurized containers	95
4.	Oil containers	95
5.	Oil filters	95
6.	Paints and coatings	75

7.	Refillable pressurized containers	95
8.	Solvents	10

Management requirement, Category A

31. (1) In every calendar year starting in 2022, every producer of a type of HSP in Category A who is required to register in respect of that type of HSP under clause 38 (1) (a) shall account for a weight of recovered resources from that type of HSP that meets or exceeds the producer's management requirement for that type of HSP with respect to that calendar year, as determined under subsection (3).

(2) Every producer of a type of HSP in Category A who is required to register in respect of that type of HSP under clause 38 (1) (b) in a calendar year shall, in the calendar year immediately following and in every subsequent year, account for a weight of recovered resources from that type of HSP that meets or exceeds the producer's management requirement for that type of HSP with respect to that calendar year, as determined under subsection (3).

(3) The producer's management requirement for a calendar year in respect of a type of HSP shall be determined by multiplying the producer's average weight of supply in respect of the previous calendar year by the percentage set out in the Table to this subsection for the calendar year and the type of HSP.

TABLE

Type of HSP	Percentage for 2022	Percentage for 2023 and 2024	Percentage for 2025 and every subsequent year
Oil filters	85	85	85
Non-refillable pressurized containers	20	25	30

(4) For the purposes of accounting for a weight of recovered resources from a type of HSP with respect to 2022, a producer may count the weight of recovered resources from that type of HSP from October 1, 2021 to December 31, 2022.

PART VII PROMOTION AND EDUCATION

Application

32. (1) A producer of a type of HSP in Category A, Category B, Category C or Category D who is required to register in respect of that type of HSP under section 38 shall comply with this Part as follows:

1. If the producer is required to register in respect of that type of HSP under clause 38 (1) (a), (2) (a) or (3) (a), the producer shall comply with the requirements in this Part in respect of that type of HSP starting in the 2022 calendar year.
2. If the producer is required to register in respect of that type of HSP under clause 38 (1) (b), (2) (b) or (3) (b), the producer shall comply with the requirements in this Part in respect of that type of HSP starting in the calendar year immediately following the calendar year in which the registration was required.

(2) In this Part, the 2022 calendar year is deemed to be October 1, 2021 to December 31, 2022.

Promotion and education

33. (1) Every producer of HSP described in section 32, other than producers of refillable pressurized containers in Category B, shall establish and operate a promotion and education program in accordance with this Part. O. Reg. 449/21, s. 33 (1).

(2) Every producer responsibility organization that has entered into an agreement with a producer to provide promotion and education services under this Part for a type of HSP in a calendar year is required to satisfy the requirements set out in this Part that apply to that producer with respect to that type of HSP in that calendar year. O. Reg. 449/21, s. 33 (2); O. Reg. 45/23, s. 1.

(3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (2) applies. O. Reg. 449/21, s. 33 (3).

Producers, Category A and Category B

34. Every producer of a type of HSP in Category A or Category B, other than refillable pressurized containers, shall satisfy the following requirements with respect to each type of the producer's HSP in those categories:

1. The producer shall promote their collection and management services with respect to that type of HSP.
2. The producer shall provide the following information on a website with respect to that type of HSP:
 - i. The location of each HSP collection site established or operated by the producer that is readily accessible to the public and the types of HSP accepted at each site.
 - ii. The location and date of each HSP collection event held by the producer and the types of HSP accepted at each event.
 - iii. A description of the collection services provided by the producer under this Regulation, other than HSP collection sites and HSP collection events.
 - iv. A description of how the producer manages that type of HSP after it is collected under this Regulation.
3. The producer shall create promotional and educational materials with respect to that type of HSP that include the following:
 - i. The address of the website referred to in paragraph 2.
 - ii. A description of how that type of HSP is collected and managed.
4. The producer shall make the promotional and educational materials referred to in paragraph 3 available to retailers that supply that type of HSP, municipal governments and Indigenous communities, and shall solicit and consider feedback from those retailers, municipal governments and Indigenous communities on how the promotional and educational materials can be improved.
5. The producer shall promote each HSP collection event for that type of HSP in the local municipality or territorial district where it will be held for at least one week prior to the date of the event using a combination of two or more forms of media, including but not limited to,
 - i. local print publications,
 - ii. local print media,
 - iii. local radio,
 - iv. local signage, or
 - v. social media.

Producers, Category C

35. Every producer of a type of HSP in Category C shall satisfy the following requirements with respect to each type of the producer's HSP in Category C:

1. The producer shall promote their collection and management services with respect to that type of HSP.
2. The producer shall provide the following information on a website with respect to that type of HSP:
 - i. The presence of mercury in that type of HSP.
 - ii. How to distinguish that type of HSP from similar products that do not contain mercury.
 - iii. The hazards to human health and the environment related to mercury.

- iv. How consumers can properly dispose of that type of HSP.
 - v. A description of the collection services provided by the producer under this Regulation for that type of HSP.
 - vi. A description of how the producer manages that type of HSP after it is collected under this Regulation.
3. The producer shall create promotional and educational materials with respect to that type of HSP that include the following:
- i. The address of the website referred to in paragraph 2.
 - ii. A description of how that type of HSP is collected and managed.
4. The producer shall make the promotional and educational materials referred to in paragraph 3 available to retailers that supply that type of HSP or similar products that do not contain mercury, municipal governments and Indigenous communities, and shall solicit and consider feedback from those retailers, municipal governments and Indigenous communities on how the promotional and educational materials can be improved.

Producers, Category D

36. Every producer of a type of HSP in Category D shall satisfy the following requirements:

1. The producer shall provide the following information on a website with respect to that type of HSP:
 - i. How consumers can use, share and properly dispose of that type of HSP in accordance with local requirements.
2. The producer shall create promotional and educational materials with respect to that type of HSP that include the following:
 - i. The address of the website referred to in paragraph 1.
 - ii. A description of how that type of HSP can be used, shared or properly disposed of in accordance with local requirements.
3. The producer shall make the promotional and educational materials referred to in paragraph 2 available to retailers that supply that type of HSP, municipal governments and Indigenous communities, and shall solicit and consider feedback from those retailers, municipal governments and Indigenous communities on how the promotional and educational materials can be improved.
4. The producer shall make information available to municipalities regarding innovative end-use options for that type of HSP as an alternative to disposal.

37. REVOKED: O. Reg. 45/23, s. 2.

**PART VIII
REGISTRATION****Producers, requirement to register**

38. (1) Every producer of a type of HSP in Category A or Category B shall register with the Authority with respect to that type of HSP,

- (a) on or before October 31, 2021, if the producer's average weight of supply, as calculated under section 2 for that type of HSP in respect of 2021, exceeds the applicable weight set out in the Table to section 6; or
 - (b) if clause (a) does not apply, on or before July 31 in the first calendar year in which the producer's average weight of supply, as calculated under section 2 for that type of HSP, exceeds the applicable weight set out in the Table to section 6.
- (2) Every producer of a type of HSP in Category C shall register with the Authority with respect to that type of HSP,
- (a) on or before October 31, 2021, if the person is a producer of a type of HSP in Category C on or before October 31, 2021; or
 - (b) within 30 days of becoming a producer of a type of HSP in Category C.

- (3) Every producer of a type of HSP in Category D or Category E shall register with the Authority with respect to that type of HSP,
- (a) on or before October 31, 2021, if the producer's HSP of that type is supplied in Ontario between January 1, 2018 and October 31, 2021; or
 - (b) if clause (a) does not apply, within 30 days of the producer's HSP of that type being supplied in Ontario.

Information required as part of registration

39. (1) A producer who is required to register under section 38 shall submit the following information to the Authority, through the Registry, as part of the registration:

1. The producer's name, contact information and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organization retained by the producer.
3. The name and contact information of an employee of the producer who has authority to bind the corporation or entity and who is responsible for having the registration complete and up to date.
4. For each type of HSP the producer is registering in respect of,
 - i. the type of HSP and the category to which it belongs,
 - ii. if the type of HSP is in Category A or Category B, the total weight of the producer's HSP of that type that was supplied to consumers in Ontario in each of the years used to calculate the average weight of supply referred to in clause 38 (1) (a) or (b), as the case may be, and
 - iii. if the type of HSP is in Category D or Category E and the producer is required to register under clause 38 (3) (b), the date on which the producer's HSP of that type was first supplied to consumers in Ontario.

(2) The producer shall submit updated information within 15 days after any change to the information required under subsection (1).

Submission of registration information by volunteer organization

40. (1) A producer of a type of HSP in Category A, Category B or Category E who is not the brand holder of the HSP may enter into a written agreement that authorizes a volunteer organization that owns a brand used in respect of that type of HSP to submit information set out under section 39 on behalf of the producer.

(2) A volunteer organization that enters into an agreement referred to in subsection (1) shall submit the information set out under section 39 on behalf of the producer at least 15 days before the producer is required to register under that section and shall also submit the following information:

1. The volunteer organization's name, contact information and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organization retained by the volunteer organization.
3. The name and contact information of an employee of the volunteer organization who has authority to bind the corporation or entity and who is responsible for ensuring the registration is complete and up to date.
4. The brand and types of HSP in respect of which the volunteer organization is a brand holder who owns the brand and in respect of which the registration relates.

(3) The volunteer organization shall submit updated information within 15 days after any change to the information required under subsection (2) or 39 (1).

Producer responsibility organizations

41. (1) Every producer responsibility organization shall, within 30 days of being retained by a producer, register with the Authority through the Registry by submitting the following information:

1. The producer responsibility organization's name, contact information and any unique identifier assigned by the Registrar.

2. The types of HSP, and their categories, in respect of which the producer responsibility organization is retained.
3. With respect to each producer who has retained the producer responsibility organization,
 - i. the name, contact information and any unique identifier assigned by the Registrar,
 - ii. whether the producer responsibility organization is providing any collection services on behalf of the producer under Part III, IV or V and, if so, the types of HSP for which producer responsibility organization is providing services,
 - iii. whether the producer responsibility organization is providing any management services on behalf of the producer under section 30 and, if so, the types of HSP for which the producer responsibility organization is providing services,
 - iv. whether the producer responsibility organization is providing any promotion and education services on behalf of the producer under Part VII and, if so, the types of HSP for which the producer responsibility organization is providing services, and
 - v. a description of any other responsibilities under this Regulation relating to HSP that the producer responsibility organization has been retained to carry out on behalf of the producer.
4. The name and contact information of an employee of the producer responsibility organization who has authority to bind the corporation or entity and who is responsible for ensuring the registration is complete and up to date.

(2) The producer responsibility organization shall submit updated information within 15 days of any change to the information required under subsection (1).

HSP haulers, HSP processors and HSP disposal facilities

42. (1) Every HSP hauler who arranges for the transport of HSP in Category A, Category B, Category C or Category E shall register with the Authority, through the Registry, by submitting the applicable information set out under subsection (4),

- (a) on or before July 31, 2021, if the HSP hauler arranges for the transport of the HSP on or before that date; or
- (b) within 30 days of the HSP hauler arranging for the transport of the HSP, if the HSP hauler only does so after July 31, 2021.

(2) Every HSP processor who processes HSP in Category A, Category B, Category C or Category E shall register with the Authority, through the Registry, by submitting the applicable information set out under subsection (4),

- (a) on or before July 31, 2021, if the HSP processor processes the HSP on or before that date; or
- (b) within 30 days of the HSP processor processing the HSP, if the HSP processor only does so after July 31, 2021.

(3) Every HSP disposal facility that disposes of pesticides shall register with the Authority, through the Registry, by submitting the applicable information set out under subsection (4),

- (a) on or before July 31, 2021, if the HSP disposal facility disposes of pesticides on or before that date; or
- (b) within 30 days of the HSP disposal facility disposing of pesticides, if the HSP disposal facility only does so after July 31, 2021.

(4) The information referred to in subsections (1), (2) and (3) is the following:

1. The name, contact information and any unique identifier assigned by the Registrar of the HSP hauler, HSP processor or HSP disposal facility, as the case may be.
2. The name and contact information of an employee of the HSP hauler, HSP processor or HSP disposal facility, as the case may be, who has authority to bind the corporation or entity and who is responsible for ensuring the registration is complete and up to date.
3. If the person is an HSP hauler, each type of HSP for which the person arranges transport.

4. If the person is an HSP processor, each type of HSP the person processes, the location of each facility where the person receives and processes each type of HSP and the kinds of recovered resources that result from the processing of each type of HSP.
5. With respect to an HSP disposal facility, the location of each facility that receives and disposes of pesticides.

(5) The HSP hauler, HSP processor or HSP disposal facility, as the case may be, shall submit updated information within 15 days of any change to the information required under subsection (4).

Information submitted as part of registration

43. Any person required to submit information under this Part to the Authority with respect to the weight of a type of HSP shall ensure that the information is verified in accordance with any requirements set out in the HSP Verification and Audit Procedure.

PART IX REPORTING, AUDITING AND RECORD KEEPING

Interim 2022 report, producers of Categories A, B and C

Collection and management

44. (1) On or before January 31, 2022, every producer of a type of HSP in Category A, Category B or Category C who is required to register under clause 38 (1) (a) or 38 (2) (a) shall submit a report to the Authority, through the Registry, that complies with subsection (2).

(2) The report referred to in subsection (1) must contain a description of how the producer is fulfilling or plans to fulfil their responsibilities under this Regulation relating to each applicable type of HSP, including the following, with respect to producers that have a collection or management system:

1. A list of all collection services that will be provided, including HSP collection sites, HSP collection events, call-in collection services and any collection services referred to in section 19, including the name and contact information of the person who owns, operates or provides the service.
2. The name, contact information and any unique identifier assigned by the Registrar of each HSP hauler, each HSP processor and each HSP disposal facility that is part of the producer's collection or management system for each type of HSP, as the case may be.

First supply report, producers of Categories A and B

45. On or before July 31 in the calendar year immediately following the year a producer of a type of HSP in Category A or Category B is required to register in respect of that type of HSP under subsection 38 (1), the producer shall submit a report to the Authority, through the Registry, that contains the total weight of that type of HSP supplied to consumers in Ontario in the year in which the registration was required.

Annual report, producers of Categories A, B, C and D

46. (1) Starting in the calendar year two years after the year in which a producer of a type of HSP in Category A, Category B, Category C or Category D is required to register in respect of that type of HSP under section 38 the producer shall, on or before July 31 in each calendar year, submit a report to the Authority, through the Registry, that complies with this section.

(2) A separate report must be submitted in respect of each type of HSP.

(3) A report submitted in 2023 shall, in addition to including information required under this section with respect to the previous calendar year, include the same information with respect to the months of October, November and December 2021.

(4) The report must contain the following information in respect of the previous calendar year:

1. If the type of HSP is in Category A or Category B, the weight of that type of the producer's HSP that was supplied to consumers in Ontario.

2. If the type of HSP is in Category A, Category B or Category C, a description of the actions taken by the producer to fulfil any responsibilities relating to the requirements set out in Parts III, IV, V and VI with respect to that type of HSP, including the following:
 - i. A list of all collection services provided, including HSP collection sites, HSP collection events, call-in collection services and any collection services referred to in section 19.
 - ii. The weight of recovered resources from that type of HSP.
 - iii. If the type of HSP is in Category A, the weight of recovered resources accounted for by the producer for that type of HSP for the purposes of satisfying the management requirement in section 31.
 - iv. The name and contact information of each HSP processor or HSP disposal facility that processed or disposed of that type of HSP.
 - v. The weight of materials processed from that type of HSP that were,
 - A. land disposed,
 - B. incinerated,
 - C. used as a fuel or a fuel supplement, or
 - D. stored, stockpiled, used as daily landfill cover or otherwise deposited on land.
3. A description of the activities undertaken by the producer to comply with the promotion and education requirements under Part VII with respect to that type of HSP.
4. If the type of HSP is in Category C, the weight of mercury recovered from that type of HSP.

Submission of reports by third parties

47. (1) A producer may enter into a written agreement that authorizes a third party, including a volunteer organization, to submit a report under this Part on behalf of the producer.

(2) If the third party that submits a report under subsection (1) is a volunteer organization, the volunteer organization shall submit the report on behalf of the producer at least 15 days before the producer is required to submit the report.

Annual report, producer responsibility organizations

48. (1) On or before July 31 in each calendar year immediately following the year in which the producer responsibility organization was required to register under section 41, starting in 2023, every producer responsibility organization who is retained by a producer of any type of HSP in the previous calendar year shall submit a report to the Authority, through the Registry, that complies with the following requirements:

1. The report must contain all of the applicable information required under subsection 46 (4) in respect of the previous calendar year, other than the information required under paragraph 1 of that subsection relating to the services that the producer responsibility organization provided to the producer with respect to the type of HSP.
2. If the report is submitted in 2023, the report must contain the same information required under paragraph 1 with respect to the months of October, November and December 2021.

(2) A separate report must be submitted in respect of each type of HSP for which the producer responsibility organization provided services and must contain separate information in respect of each producer for which the producer responsibility organization provided services.

Annual report, HSP haulers, Categories A, B, C and E

49. (1) On or before July 31 in each calendar year immediately following the year in which an HSP hauler is required to register under section 42, starting in 2023, every HSP hauler who is retained by a producer to arrange for the transport of HSP in Category A, Category B, Category C or Category E in the previous calendar year shall submit a report to the Authority, through the Registry, that contains the information set out in subsection (2).

(2) The report must contain the following information in respect to the previous calendar year:

1. The weight of that type of HSP picked up and delivered to an HSP processor or HSP disposal facility.
2. The weight of that type of HSP picked up and delivered to an HSP processor or HSP disposal facility from a collection service in Ontario under Part III, IV or V.
3. The name and contact information of the person who operated the collection service referred to in paragraph 2.
4. For each HSP processor or HSP disposal facility to whom the HSP hauler provided HSP, the weight of that type of HSP provided and the HSP processor's or the HSP disposal facility's name, contact information and any unique identifier assigned by the Registrar.
5. If the HSP hauler is part of a producer's collection system, the name, contact information and any unique identifier assigned by the Registrar of the producer or of the producer responsibility organization retained by the producer.
6. If the report is submitted in 2023, the report must contain the same information required under paragraphs 1 to 5 with respect to the months of October, November and December 2021.

(3) A separate report must be submitted in respect of each type of HSP.

Interim 2022 report, HSP processors, Categories A, B and C

50. On or before July 31, 2022, every HSP processor who is required to register under section 42 in the 2021 calendar year and who processed the type of HSP identified in the Table to subsection 30 (3) in 2021 shall submit a report to the Authority, through the Registry, that contains the recycling efficiency rate, calculated in accordance with the HSP Verification and Audit Procedure, in respect of that type of HSP at each facility of the HSP processor.

Annual report, HSP processors, Categories A, B, C and E

51. (1) On or before July 31 in each calendar year immediately following the year an HSP processor is required to register under section 42, starting in 2023, every HSP processor who is retained by a producer to process HSP in Category A, Category B, Category C or Category E in the previous calendar year shall submit a report to the Authority, through the Registry, that contains the information set out in subsection (2).

(2) The report must contain the following information in respect to the previous calendar year:

1. The weight of that type of HSP received from an HSP hauler and the HSP hauler's name, contact information and any unique identifier assigned by the Registrar.
2. The weight of that type of HSP received from a person other than an HSP hauler and that person's name, contact information and any unique identifier assigned by the Registrar.
3. The weight of recovered resources from that type of HSP that the HSP processor recovered.
4. A list of the types of resources recovered from that type of HSP.
5. The weight of materials processed from that type of HSP that were,
 - i. land disposed,
 - ii. incinerated,
 - iii. used as a fuel or a fuel supplement, or
 - iv. stored, stockpiled, used as daily landfill cover or otherwise deposited on land.

6. The weight of any HSP from that type that was sent by the HSP processor to another person for the purpose of making recovered resources from that type of HSP and any types of products that were made by the other person from that type of HSP.
 7. If any of the HSP referred to in paragraph 1 or 2 were received from outside of Ontario, the weight of that HSP.
 8. If the HSP processor processes the type of HSP identified in the Table to subsection 30 (3), the recycling efficiency rate, calculated in accordance with the HSP Verification and Audit Procedure, in respect of that type of HSP at each facility of the HSP processor.
 9. If the HSP processor is part of a producer's or producer responsibility organization's management system, the name, contact information and any unique identifier assigned by the Registrar of the producer or of the producer responsibility organization.
 10. If the report is submitted in 2023, the report must contain the same information required under paragraphs 1 to 9 with respect to the months of October, November and December 2021.
- (3) A separate report must be submitted in respect of each type of HSP.

Annual report, HSP disposal facilities, pesticides

52. (1) On or before July 31 in each calendar year immediately following the year in which an HSP disposal facility is required to register under section 42, starting in 2023, every HSP disposal facility that disposed of pesticides in the previous calendar year shall submit a report to the Authority, through the Registry, that contains the information set out in subsection (2).

(2) The report must contain the following information in respect to the previous calendar year:

1. The weight of pesticides received from an HSP hauler and the HSP hauler's name, contact information and any unique identifier assigned by the Registrar.
2. The weight of pesticides received from a person other than an HSP hauler and that person's name, contact information and any unique identifier assigned by the Registrar.
3. A description of how the pesticides were disposed of.
4. If any of the pesticides referred to in paragraph 1 or 2 were received from outside of Ontario, the weight of those pesticides.
5. If the report is submitted in 2023, the report must contain the same information required under paragraphs 1 to 4 with respect to the months of October, November and December 2021.

Information submitted as part of a report

53. Any person required to submit information under this Part to the Authority with respect to the weight of HSP or a recycling efficiency rate shall ensure that the information is verified in accordance with any requirements set out in the HSP Verification and Audit Procedure.

Records

54. Every producer, producer responsibility organization, HSP hauler, HSP processor, HSP disposal facility and volunteer organization shall keep the following applicable records in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of the record being created:

1. Records related to arranging for the establishment or operation of a collection or management system for the purpose of fulfilling their responsibilities relating to HSP.
2. Records related to establishing or operating a collection or management system for the purposes of fulfilling their responsibilities relating to HSP.
3. Records related to information required to be submitted to the Authority, through the Registry.
4. Records related to implementing a promotion and education program required under this Regulation.
5. Records related to the weight of each type of HSP within each applicable category of HSP supplied to consumers in Ontario, regardless of whether information about the weight was required to be submitted to the Authority.
6. Any agreements that relate to paragraph 1, 2, 3, 4 or 5.

Records, HSP collection sites

55. (1) Every operator of an HSP collection site for one or more types of HSP in Category A or Category B under Part III or IV shall create and keep the following records with respect to each type of HSP collected at each site in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of the record being created:

1. The weight of each type of HSP that was collected.
 2. The weight of each type of HSP referred to in paragraph 1 that the operator provided to an HSP hauler and the HSP hauler's name, contact information and any unique identifier assigned by the Registrar.
 3. The weight of each type of HSP referred to in paragraph 1 that the operator provided for reuse.
 4. If the HSP collection site is not part of a retail location and collects more than 50 kilograms of a type of HSP from a person on a single day, the following information:
 - i. The person's name, contact information and any unique identifier assigned by the Registrar.
 - ii. The weight of that type of HSP collected on that day from that person.
 5. If any of the HSP referred to in paragraph 1 was collected from outside of Ontario, the weight of that HSP, by type.
- (2) For greater certainty, the following locations are not HSP collection sites for the purposes of this section:

1. A depot referred to in subsection 15 (3) for the collection of non-refillable pressurized containers at a recreational area.
2. A location of an entity or operation referred to in section 8 or 24.

Records, HSP processor

56. If an HSP processor accepts more than 50 kilograms of a type of HSP from a person who is not an HSP hauler on a single day, the HSP processor shall create and keep the following records in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of the record being created:

1. The person's name, contact information and any unique identifier assigned by the Registrar.
2. The weight of that type of HSP accepted on that day from that person.

Audit**Category A, Category B and Category C**

57. (1) Every producer of a type of HSP in Category A, Category B or Category C shall cause an audit to be undertaken of the practices and procedures the producer implemented in order to comply with Part VI in respect of each type of their HSP,

- (a) on or before July 31, 2023, if the producer had responsibilities under Part VI between October 1, 2021 and December 31, 2022; and
- (b) on or before July 31, 2026, and on or before July 31 in every third calendar year after that, if the producer had responsibilities under Part VI during any of the three immediately preceding calendar years.

(2) On or before July 31 in any year in which an audit is required under subsection (1), the producer shall prepare and submit a copy of a report on the audit to the Authority, through the Registry, that includes the following information, as applicable:

1. The weight of recovered resources from each type of HSP in Category A accounted for by the producer for the purposes of satisfying the management requirement in section 31.
2. The weight of recovered resources from each type of HSP in Category B or Category C.
3. With respect to a weight of recovered resources under paragraph 1 or 2,
 - i. the weight, if any, that was used or destined to be used by a person for the making of new products or packaging,
 - ii. the weight, if any, that was reused by a person, and
 - iii. in the case of paints and coatings, the weight, if any, that was used with respect to concrete or landscaping applications.

4. The weight of mercury recovered from each type of HSP in Category C.
5. A list of the types of resources recovered from each type of HSP in Category A, Category B or Category C.
6. The weight of materials processed from each type of HSP in Category A, Category B or Category C that was,
 - i. land disposed,
 - ii. incinerated,
 - iii. used as a fuel or a fuel supplement, or
 - iv. stored, stockpiled, used as daily landfill cover or otherwise deposited on land.
7. For producers of HSP in Category A, a statement confirming whether the producer satisfied their management requirement in section 31 for each type of HSP in that category.

(3) The audit referred to in subsection (1) must be conducted by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004* and in accordance with the procedures set out in the HSP Verification and Audit Procedure.

Access to information and privacy

58. (1) Subject to subsection (2), information and data submitted under this Regulation to the Authority through the Registry shall not be posted on the Registry unless it is posted in a manner that is consistent with the "Access and Privacy Code" published by the Authority and dated December 14, 2017, as amended from time to time, and available on the website of the Registry.

(2) For greater certainty, the Authority shall not post information, including data, that is,

- (a) provided by or on behalf of a producer and that relates to the producer's supply of, or management of, each type of HSP; or
- (b) classified as "commercially sensitive information", "confidential information" or "personal information", as those terms are defined in the "Access and Privacy Code" referred to in subsection (1), as amended from time to time.

59. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

[Français](#)