

Extended Producer Responsibility in Ontario: Pressurized Containers

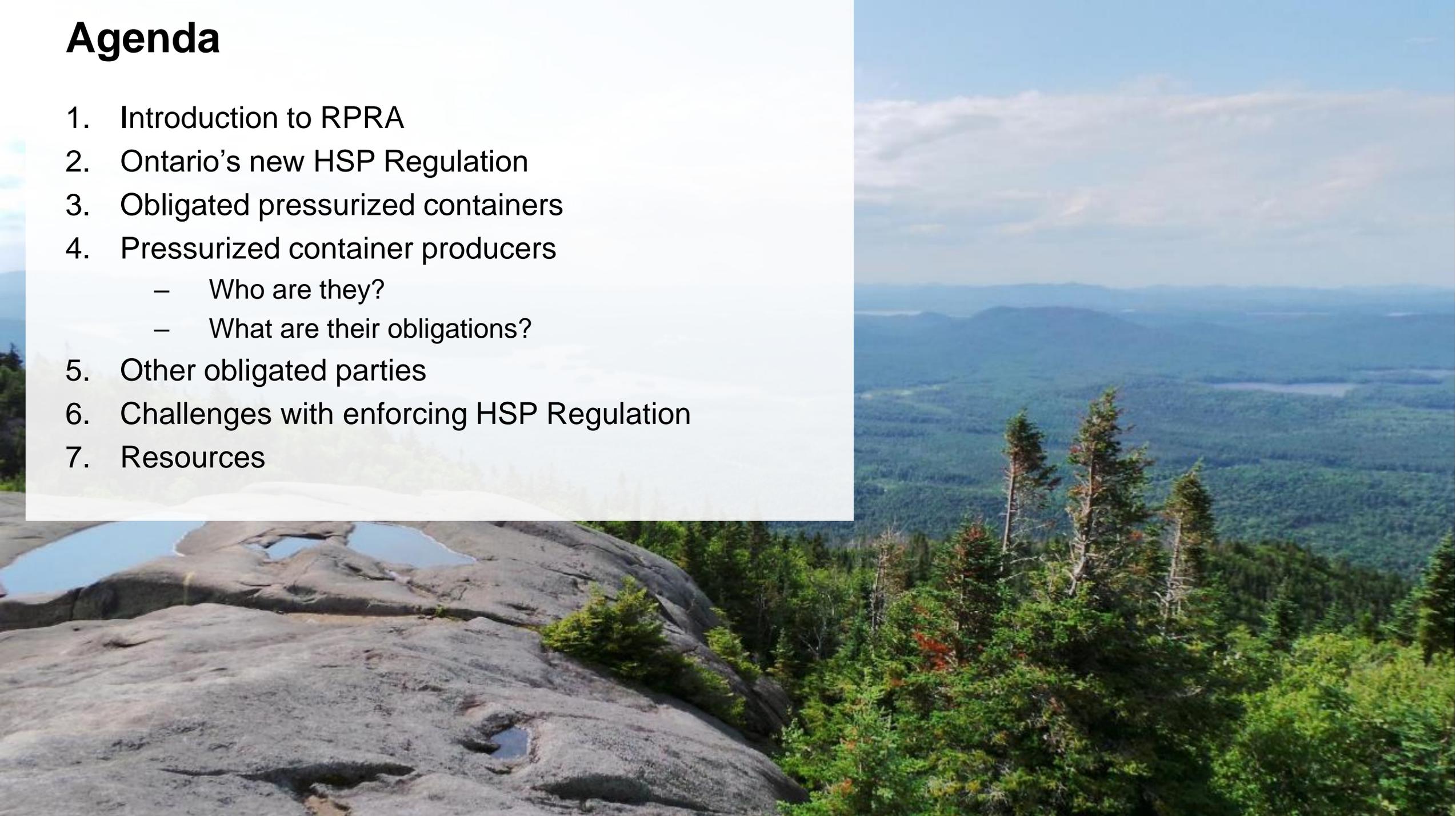
Northeast Waste Management Officials' Association
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Agenda

1. Introduction to RPRA
2. Ontario's new HSP Regulation
3. Obligated pressurized containers
4. Pressurized container producers
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 - What are their obligations?
5. Other obligated parties
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Introduction to RPRA



Who is RPRA?

The Resource Productivity and Recovery Authority (RPRA or the Authority) is the regulatory body created by the Government of Ontario to administer the *Resource Recovery and Circular Economy Act, 2016 (RRCEA)* and the *Waste Diversion Transition Act, 2016 (WDTA)*, and their associated regulations, including the new [Hazardous and Special Products \(HSP\) Regulation](#).

- The WDTA outlines the legislative framework for winding up and transitioning legacy waste diversion programs.
- The RRCEA provides for a new producer responsibility regulatory framework for waste diversion and resource recovery where producers are individually accountable and financially responsible for their products and packaging once consumers dispose of them.

Key players in Ontario's producer responsibility framework



Ontario Government

Develops, approves and makes amendments to legislation (e.g., acts, regulations)

Issues Minister's directions



RPRA

Implements and enforces regulations

Primary enforcement approach is effective communication

Has power to do:

- Inspections and audits
- Investigations
- Compliance orders
- Administrative penalty orders
- Prosecutions



Producers

Responsible for establishing collection and management systems to ensure their products and packaging are properly managed and recycled after consumers have finished using them

Producers have the choice to operate their own system or work with a PRO(s) to meet those requirements on their behalf



PROs and Service Providers

Provide collection and management services for producers

Includes:

- PROs (producer responsibility organizations)
- Haulers/Transporters
- Reuse/Refurbishers
- Processors
- Disposal Facilities

Ontario's new HSP Regulation



Materials under the HSP Regulation

Starting **October 1, 2021**, HSP producers are individually accountable and financially responsible for requirements set out under the [Hazardous and Special Products Regulation](#).

Materials included in the regulation:

- Automotive materials
 - Oil filters
 - Oil containers
 - Antifreeze
- **Pressurized containers**
 - Non-refillable pressurized containers
 - Refillable pressurized containers
 - Refillable propane containers
- Solvents, paints and coatings
- Pesticides
- Fertilizers
- Mercury-containing devices
 - Barometers
 - Thermometers
 - Thermostats

Obligated pressurized containers



Examples of pressurized containers under the HSP Regulation: Non-refillable pressurized containers

Definition	Included	Excluded
A non-refillable pressurized container is defined as a pressurized container used for the supply of a gas product, including propane, that cannot be refilled.	<ul style="list-style-type: none">• Acetylene• Helium• Nitrogen• Refrigerant• Other compressed gases	<ul style="list-style-type: none">• Aerosol containers• Cylinders that must be punctured for use, such as a small CO₂ cylinder• Cylinders that use gas only as a propellant for another product• Pressurized containers with a water capacity greater than 109 litres• Fire extinguishers

Note: this is not an exhaustive list of examples.



Examples of pressurized containers under the HSP Regulation: Refillable pressurized containers

Definition	Included	Excluded
A refillable pressurized container is defined as a pressurized container used for the supply of a gas product and can be refilled.	<ul style="list-style-type: none">• Beverage CO2 cylinders• CO2 welding gas cylinders• Medical gas cylinders• Paintball CO2 cylinders• Scuba diving oxygen tanks	<ul style="list-style-type: none">• Aerosol containers• Cylinders that must be punctured for use, such as a small CO2 cylinder• Pressurized containers with a water capacity greater than 109 litres• Fire extinguishers• Refillable propane containers• Reservoir tanks intended for air compressors

Note: this is not an exhaustive list of examples.



Examples of pressurized containers under the HSP Regulation: Refillable propane containers

Definition	Included	Excluded
A refillable propane container is defined as a pressurized container that is used only for propane and can be refilled.	<ul style="list-style-type: none">• BBQ propane tanks• Cylinders for propane appliances• Refillable camping cylinders	<ul style="list-style-type: none">• Cylinders used for other gases• Propane containers that cannot be refilled• Propane containers with a water capacity of greater than 109 litres

Note: this is not an exhaustive list of examples.



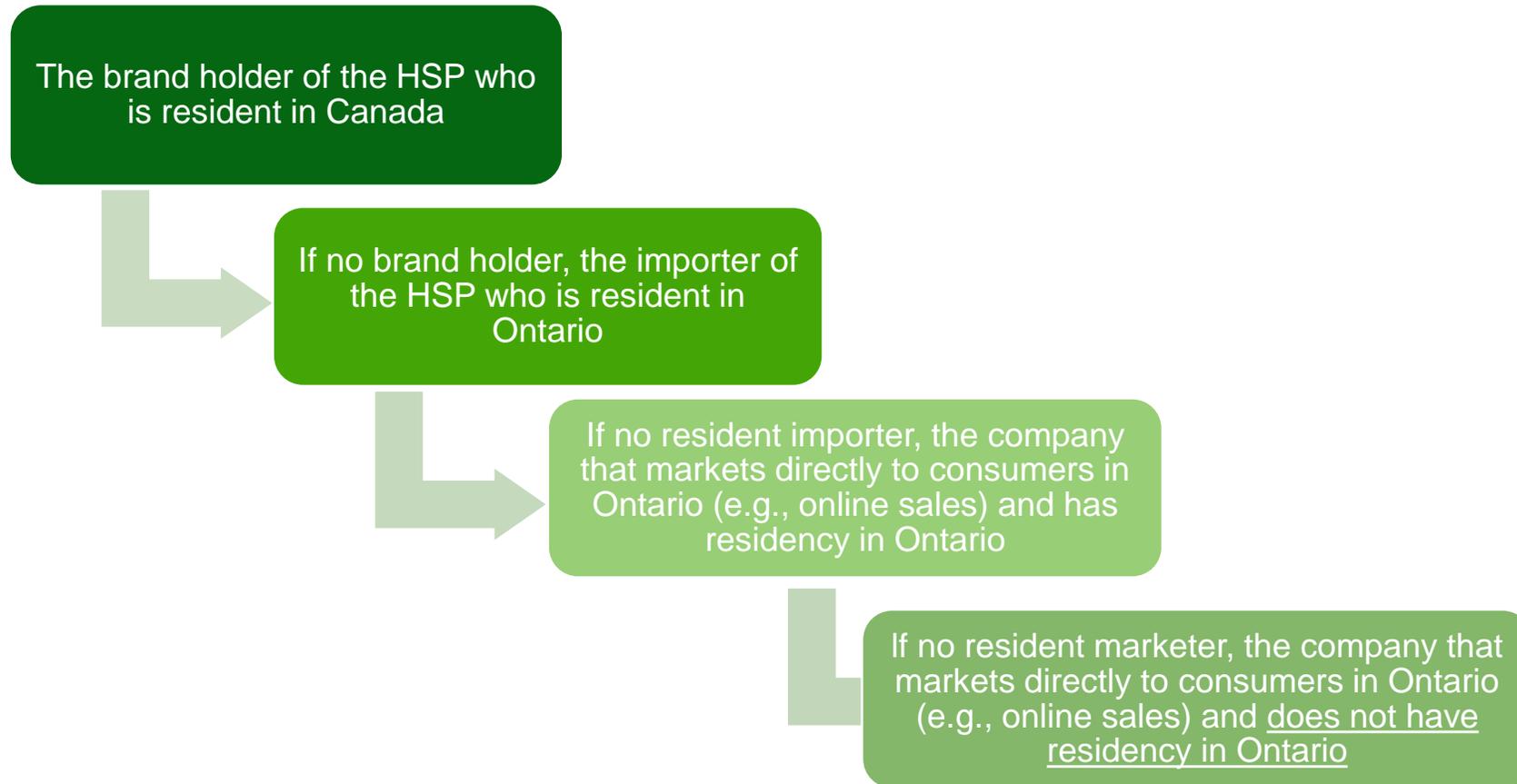
Pressurized container producers



Producer hierarchies

refillable propane containers, refillable and non-refillable pressurized containers

To date, there are 25 pressurized container producers registered with RPRA.



Producer requirements under the HSP Regulation

The HSP Regulation includes the following **requirements for producers**:

1. Collection:
 - Number of collection sites, events and call-in services to ensure residents across the province (except the Far North) can drop off their materials
2. Management:
 - Weights of recovered materials
 - Processing and disposal
3. Promotion and Education:
 - Provide information about collection and management services
 - Material-specific information to be provided to consumers
4. Registration
5. Supply Data Reporting
6. Auditing and Record Keeping

These requirements vary based on material type and amount of material the producer supplies. E.g., propane containers have less requirements due to them already having an established collection network.



Other obligated parties



Haulers, Processors, Disposal Facilities

The HSP Regulation provides the following definitions of service providers:

- A **hauler** is 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
- A **processor** is a person who processes, for the purpose of resource recovery, HSP used by consumers in Ontario
- A **disposal facility** means a facility at which pesticides are disposed of

Hauler, processor and disposal facility requirements:

1. Register with the Authority
2. Recycling Efficiency Rate (RER) Reporting for processors (excluding refillable propane containers)
3. Annual Performance Reporting
4. Record Keeping

Producer Responsibility Organizations (PROs)

- A producer responsibility organization, or PRO, is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations under the HSP Regulation, including:
 - Arranging, establishing or operating a collection or management system
 - Arranging, establishing or operating a promotion and education system
 - Preparing and submitting reports
- To date, there are 9 PROs registered with RPRA. Producers can choose which ones they want to work with.

Challenges with enforcing the HSP Regulation



Key challenges to date

RPRA's Compliance and Registry Team has experienced the following challenges when enforcing the HSP Regulation:

All pressurized containers:

- Tight timelines for obligated parties to understand and meet their requirements in the regulation (e.g., producers needing to confirm their producer status, understand the changes from the Municipal Hazardous or Special Waste (MHSW) Regulation to the HSP Regulation, register with RPRA)
- The Compliance Team invests additional time researching newly obligated producers since the Industrial, Commercial, and Institutional (IC&I) sector is now obligated under the regulation

Refillable and non-refillable pressurized containers:

- Definition of refillable and non-refillable container under the HSP Regulation is broader than the definition from the MHSW Regulation and captures products that were not regulated before
- The Compliance Team has completed two thorough inspections to determine the obligated producer
- Producers and PROs have had challenges establishing a compliant collection network

Refillable propane containers:

- Propane sector in disagreement with the new regulation because there is already an established collection network and a stable market for the cylinders

Resources



Resources to support learning more about EPR in Ontario



Website

Visit [our website](#) to learn more about RPRA.

Visit our [Hazardous and Special Products webpage](#) for more information on the regulation and pressurized containers producers.



Newsletter

Subscribe to our [monthly newsletter](#) to receive the latest news from RPRA.

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