



22 January 2018

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Ministry of the Environment and Climate Change
Climate Change and Environmental Policy Division
Resource Recovery Policy Branch
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RE: EBR Registry # 013-1716: Used Tire Regulation under the *Resource Recovery and Circular Economy Act, 2016*

Recycling Council of Ontario (RCO) is a multi-stakeholder, not-for-profit organization committed to minimizing society's impact on the environment by eliminating waste. Members include municipalities, retailers, manufacturers, material management companies, brand owners, industry associations, schools, academics, and individuals. We are an independent organization that develops policy positions based on research, experience and unfettered discussion with stakeholders.

Policy positions are taken with a focus on environmental outcomes based on a hierarchy that prioritizes waste prevention, resource reutilization, and conservation. Our mission is to inform and educate all members of society about the generation of waste, the avoidance of waste, the more efficient use of resources, and the benefits and/or consequences of these activities.

This submission is intended to provide comment to the proposed draft regulation for used tires under the *Resource Recovery and Circular Economy Act (RRCEA)*, 2016. We thank you for the opportunity to provide feedback.

It is important to note that scrap tire collection and diversion from disposal in Ontario has experienced significant gains since introducing producer responsibility legislation. Tire collection and recycling infrastructure, in both public and private sectors, has grown substantially to support 100 million tires diverted through Ontario Tire Stewardship (OTS). As such, it is critical that the new regulation, works to expand and improve on these results.

The RRCEA sets out a list of provincial interests that aim to ensure that *Ontario has a system of resource recovery and waste reduction that aims to:*

- a. protect the natural environment and human health;*
- b. foster the continued growth and development of the circular economy;*
- d. minimize the generation of waste include waste from products and packaging;*
- i. minimize the environmental impacts that result from resource recovery activities and waste reduction activities include from waste disposal*
- k. increase the reuse and recycling of waste across all sectors of the economy*
- l. increase opportunities and markets for recovered resources*

Definition of the Management of Tires

In order to maximize the environmental and economic aims of the *Waste-Free Ontario Act* framework as stated in the provincial interests, regulations that guide producer responsibility and marketplace behaviours must include clarity on the allowable management applications for the targeted materials.

Consultation draft regulation 9.1.iii (pg. 10):

*Tires are processed by a tire processor registered under section 6 and used in the making of new **products**, packaging and **other things**. [emphasis added]*

In order to ensure that the regulation successfully incents marketplace behaviours that support the aims of various policy statements, ambiguous and interpretive language such as *products* and *other things* need to be replaced with exacting and precise language.

Without a clear definition of recycling and with vague terms, it is likely that the marketplace will support the least expensive but allowable end-markets. Consequently, markets that provide a value-added product that have higher end-uses, however, are costlier and will likely become uncompetitive.

In order to attract the processors/technologies that can drive the best economic and environmental results the regulation requires clarity on preferred management applications. Without guidance the marketplace will manage the materials to the lowest cost and lowest value.

Reporting, Auditing, and Record Keeping

In the absence of clear definitions, oversight and enforcement of the producer obligation will be left largely to interpretation, potentially exasperating marketplace disruption. In particular, 13.3.3 (pg. 11):

- (iii.) *The number and weight of tires for each tire type that were **processed** by a tire processor registered under section 6 and the weight of recovered materials by type from the processing. [emphasis added]*

- (iv.) *A list of types of products, packaging and other things that were made with recovered materials, and the weight of recovered materials used in the making of such products, packaging and other things.*

Combined with the definition of processing (pg. 2):

- a) *transforming a tire into constituent materials for resource recovery by shredding, chipping, grinding, cryogenic crushing and cutting,*

It appears that the definition of *processing* as drafted would allow a producer to claim diversion credits for all materials that are crumbed or shredded without any requirement or proof as to whether they were replacing virgin equivalents into new production.

In addition, products can be self-defined by the processor and or producer. To demonstrate the example, under these provision, chipped scrap tires could be used to daily cover on a landfill and counted toward producer performance targets. Clearly not the desired intent of the legislation.

While we understand it is difficult to describe in detail each preferred management option in the current or future market, RCO suggests the Ministry of Environment and Climate Change offer a more detailed description of what is not allowed or permitted toward a producer's target obligations. The definition should include, but may not be limited to:

Processed does not include tires or tire materials used in the following manner:

- *land application*
- *land disposal*
- *incineration or used as a fuel, fuel supplement, or replacement*

Thank you for your consideration, and we would be pleased to discuss the contents of this submission at your convenience.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Jo-Anne St Godard".

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