

BACKGROUND - End of Life Battery Management in Ontario

Since 2011, Stewardship Ontario has been the stewardship program managing consumer single-use batteries at their end of life on behalf of obligated producers for the province of Ontario. To fund the collection, transport, and recycling of those batteries from Ontario households, Stewardship Ontario collects fees from the companies that are either the brand owners or the first importers—known as “producers.”

What is changing?

On November 29, 2018, the Ontario Ministry of Environment, Conservation and Parks released its [Preserving and Protecting our Environment for Future Generations – A Made-in-Ontario Environment Plan](#), which includes the intent to “Make producers responsible for the waste generated from their products and packaging” by moving Ontario’s existing waste diversion programs to an Individual Producer Responsibility (IPR) model.

IPR—also referred to as Extended Producer Responsibility or EPR—creates an open market approach to product stewardship and places greater requirements and end-of-life product responsibility on producers, importers and brand owners so that the product waste is recovered and reused to produce a new product or packaging material.

Further to its environment plan, in May 2019 the province released draft regulation slated to take effect on July 1, 2020 that outlines IPR for end-of-life batteries. The Ministry has also released draft regulation for recycling of electrical and electronic equipment (EEE) which includes new categories of products, including power tools and small appliances, and redefines responsibility for the batteries sold with those products.

What is in the battery regulation?

Under the new battery regulation, the province will still have collections criteria and targets for household batteries, however each individual product producer can determine how they choose to meet those criteria and targets and they are responsible for reporting their performance in this regard to the province annually.

Ontario is the only regulated province to take this approach. Other regulated provinces (BC, MB, QC and PEI) have an approved stewardship provider, Call2Recycle, which collects end-of-life batteries on behalf of producers and reports its performance to the province against provincial collection targets.

While Call2Recycle focuses on the battery categories of the draft regulation, we encourage producers and obligated parties to review the accompanying electronics (WEE) regulation. Electronics categories have been expanded to include power tools, small appliances and other devices currently included in existing battery regulations. Producers may want to consider this change as the policy is inconsistent with other jurisdictions, disregards the life cycle of such products, and will likely increase consumer confusion and costs.

What does this mean for battery producers?

According to the draft regulation, the battery category will be expanded to include rechargeable batteries, large batteries including automotive, lead acid and EV batteries, as well as embedded batteries, except for those in electronics. Battery producers must identify how the regulation applies to their specific business and products, determine the system they will use to meet the province's requirements and targets, and have their processes in place by July 1, 2020.

What's next?

The new waste diversion program for batteries will be accomplished in two phases:

- Winding up the existing programs that operate under the Waste Diversion Transition Act, 2016 by June 30, 2020; and,
- Finalizing the regulation under the Resource Recovery and Circular Economy Act, 2016 (RRCEA) to make producers of batteries environmentally accountable and financially responsible for their products at end-of-life as of July 1, 2020.

The draft regulation for batteries was posted on the Environmental Registry of Ontario (ERO) for a 45-day consultation period (May 9 – June 23, 2019). During this period, the Ministry of Environment, Conservation and Parks is welcoming feedback from interested stakeholder regarding the proposed changes. The final regulation is anticipated in the fall of 2019.

What you Can Do?

If you manufacture, market or sell any of the products listed, these regulations will undoubtedly have a significant impact on you and your business. We encourage you to take the time to understand what's been announced and how this may affect your organization. See [here](#) for the battery and electronics regulations.

We also encourage producers to provide draft regulation feedback and concerns either directly or through your trade association by June 23, 2019 to the Ministry of the Environment, Conservation and Parks per the direction on their website located here: <https://ero.ontario.ca/user/login?action=comment&destination=/comment/reply/node/1654/comment>