

Ontario MHSW (ORANGE DROP) Program

Vermont House Natural Resources, Fish and Wildlife

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ONTARIO REGULATION 542/06

Waste Diversion Transition Act, 2016

- December 2006, Minister of the Environment designated Municipal Hazardous or Special Waste (MHSW) under the Waste Diversion Act ([WDA](#)) which was replaced by the Waste Diversion Transition Act ([WDTA](#)) November 2016.
- The Minister of the Environment directed **Waste Diversion Ontario** (WDO) now the **Resource Recovery and Productivity Authority** (RPRA) to develop a diversion program for MHSW and stipulated that **Stewardship Ontario** act as the Industry Funding Organization ([IFO](#)) for the MHSW Program.

* **Waste Diversion Ontario**: The non-crown corporation created under the *Waste Diversion Act, 2002*, to develop, implement and operate waste diversion programs now Resource Productivity and Recovery Authority (RPRA) created under the *Waste Free Ontario Act, November 2016*.

* **Stewardship Ontario**: A not-for-profit corporation incorporated under the Ontario Corporations Act and continued under the Waste Diversion Act. O. Reg. 542/06, as amended by O.Reg. 28/08. Stewardship Ontario is designated as the IFO for the Municipal Hazardous or Special Waste now O. Reg. 387/16: MUNICIPAL HAZARDOUS OR SPECIAL WASTE. Stewardship Ontario is also the IFO for Blue Box Waste.

MHSW Program a.k.a Orange Drop Program

- The MHSW Program Plan for Phase 1 was submitted to the Resource Productivity and Recovery Authority and approved in February 2008. The program commenced on July 1, 2008.
- Stewardship Ontario has been operating the MHSW program for the nine Phase 1 MHSW materials since July 1, 2008. In 2010 the program was expanded to 22 product categories but was quickly retracted after public outrage over visible fees. Stewardship Ontario has since implemented the expanded program without fees at retail.
- Small quantity Industrial Commercial and Institutional (ICI) is included.

Product Scope

- Aerosols
- Antifreeze
- Batteries – consumer type
- Batteries – industrial stationary and non-lead acid motive
- Corrosives
- Corrosive irritants
- Fertilizers
- Fire Extinguishers (portable)
- Flammables and Solvents
- Fluorescent Bulbs and Tubes
- Leachate Toxics
- Mercury Devices
- Oil Containers
- Oil Filters
- Paints and Coatings
- Pesticides
- Pressurized Containers
- Reactives
- Sharps and Syringes
- Mercury Switches
- Mercury Thermostats
- Toxics

Hierarchy/Relationship of Entities Involved

Ministry of the Environment and Climate Change (regulations)



Resource Recovery and Productivity Authority (Reg Oversight)



Stewardship Ontario (IFO)



Product Care



Collection Sites, Processors, Transporter, Producers Sales Data

How the Producers are Charged

- [Ontario Regulation 11/12](#) now [Reg 387-16 MHSW](#)
- requires stewards to pay quarterly invoices based on actual costs for the quarter. Unlike static fee schedules, these costs are expected to fluctuate from quarter to quarter based on volume and seasonality of materials collected. Each steward receives a quarterly invoice from Stewardship Ontario that sets out their share of costs for that quarter, which is calculated on the basis of their company's individual share of the total quantities reported to Stewardship Ontario by Product Care.

How the Collection Programs are Paid

- Producers report sales to Product Care (quarterly). Fee to producer determined by category and cost to manage the material divided by sales into the market the previous year.
- Producers Pay IFO. Program is run by Product Care.
- Product Care negotiates with collection sites (444 municipalities 2226 waste programs). There is a rough standard everyone is paid based on accessibility (hours) and not so much by tonnage. Audits are done to determine the ratio of covered vs. non-covered products collected.