



CANADIAN INSTITUTE FOR
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Cindy Buckingham
Senior Policy Advisor
Ministry of the Environment
Non-Hazardous Waste Policy Section
135 St. Clair Avenue West, 7th
Toronto Ontario
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Via Facsimile: (416) 325-4233

Dear Ms. Buckingham,

Re: Municipal Hazardous or Special Waste Program Plan, EBR Registry Number 010-0558

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the Ministry's consultation on the first phase of the Municipal Hazardous or Special Waste (MHSW) program plan from Waste Diversion Ontario (WDO). CIELAP was founded in 1970, with the mission to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability. CIELAP has been involved in research and policy development on both solid and hazardous waste management since the 1980s.

CIELAP fully supports the creation of waste diversion programs for municipal hazardous waste and special waste and commends the Ontario government for moving forward with WDO to achieve this. The guiding principle in designing these programs should be that of Extended Producer Responsibility (EPR) over the entire lifecycle of products for environmental impacts and the take-back and recycling or disposal of the product. True EPR would require that a producer be accountable for the full cost of its product. Ideally, when producers must take full responsibility for their products, they will be encouraged to redesign those products to have less of an impact on the environment.

In general, CIELAP supports the components of MHSW Program Plan that will be common to all Phase I materials. CIELAP is strongly supportive of the development of a Promotion and Education Strategic Plan to promote the objectives of the MHSW Program Plan related to public awareness and motivation, and to provide information that will help Ontario residents change their management and diversion behaviour in relation to these products.

One element of the proposed Promotion and Education Strategic Plan involves the establishment of a Municipal Advisory Committee to discuss promotion and education issues, and an Industry Advisory

Committee to discuss promotion and education activities. While these are excellent initiatives, CIELAP recommends that these committees include representation of environmental non-governmental organizations (ENGO) and other interested community groups that will have experience with and input about promotion and education of environment-related initiatives, or that an ENGO Advisory Committee is also formally established in the MHSW program plan.

In CIELAP's July 2006 comments on MOE's proposal to Designation of Municipal Hazardous or Special Waste under the *Waste Diversion Act, 2002*, we addressed the issue of accessibility and recommended that the Ministry of the Environment consider the role of retailers in designing a diversion program for municipal hazardous and special wastes. A diversion program will be most effective if it is convenient and accessible for the public. There are currently few depots for the return of household hazardous waste and they are open very limited hours. A program that allows consumers to take back hazardous and special wastes to the retailers who sell the products has the greatest likelihood of success and will encourage greater extended producer responsibility.

CIELAP is supportive of the steps will be taken to increase accessibility during the first year of the program, including: development of a promotion and education plan for Phase 1 material to increase awareness; encouragement that municipalities already voluntarily providing hazardous waste collection events double the number of events, and that programs without existing services to provide two such events per year; citing of these events to augment access provided by existing depots and a municipality's regularly scheduled events; encouragement and support so that municipalities with existing depots will make arrangements to extend their hours of operation where feasible; and encouragement for industry to implement or expand take-back programs through private operators. CIELAP recognizes that these first-year steps are part of a multi-year plan to upgrade and improve the existing collection and diversion infrastructure system. We caution, however, that measures stronger than encouragement may be necessary to ensure that this system is improved over the early years of plan implementation.

CIELAP supports the intention expressed in the program plan to ensure proper tracking mechanisms, and performance benchmarks and measures.

As noted in the program plan, the first phase addresses only certain household hazardous and special wastes, including: paints and coatings, and their containers; solvent, and its containers; oil filters, after they have been used for their intended purpose; containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil; single use dry cell batteries; antifreeze, and its containers; pressurized containers such as propane tanks and cylinders; fertilizers, fungicides, herbicides, insecticides, or pesticides and their containers. A number of significant household hazardous wastes of concern have been left for the second phase: batteries other than single use dry cell); aerosol containers; portable fire extinguishers; fluorescent light bulbs and tubes; pharmaceuticals; sharps, including syringes; switches that contain mercury; and thermostats, thermometers, barometers, or other measuring devices containing mercury.

CIELAP understands the scope of this program planning exercise and the need to proceed in two phases. However, CIELAP does encourage the Ministry and WDO to move quickly in implementing the first phase of the MHSW program plan and turning their attention to the hazardous and special wastes left to the second phase. In particular, a plan, as well as facilities, for the safe disposal of compact fluorescent light bulbs is urgently needed in Ontario given the provincial government's recent announcement that it will ban the sale of old, inefficient incandescent light bulbs in Ontario by 2012 and promote the sale of more efficient lighting, such as CFLs. CIELAP also recommends that the

Ontario government move quickly with the development of a province-wide product stewardship programs for the return of unused pharmaceuticals.

Although CIELAP fully supports the MHSW diversion initiative, we would like to repeat that it should be part of a broader, comprehensive waste management policy for the province of Ontario. CIELAP strongly urges the Ministry of the Environment to work with stakeholders and the public to develop a comprehensive waste management policy that will ensure maximum diversion of waste in Ontario.

Thank you for the opportunity to provide input on this proposal. Please contact me, or Maureen Carter-Whitney, CIELAP's Research Director, if you wish to discuss any of these comments further.

Yours sincerely,

A handwritten signature in black ink that reads "Anne Mitchell". The signature is written in a cursive, flowing style.

Anne Mitchell
Executive Director

Cc: Hon. Laurel Broten, Minister of the Environment
Gord Miller, Environmental Commissioner of Ontario