



CANADIAN INSTITUTE FOR
ENVIRONMENTAL LAW AND POLICY

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May 5, 2010

Ms. Carol Hochu MBA
Executive Director
Ontario Electronic Stewardship
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North York, Ontario
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Re: Review of WEEE Material Flow Arrangements Discussion Documents

Dear Ms. Hochu,

I apologize for this submission being made after the deadline of April 30th, 2010; however, the matter just recently came to my attention and I hope that you will consider these comments along with those that were submitted prior to the April deadline.

CIELAP welcomes the opportunity to comment on the OES' Material Flow Arrangements Discussion Documents. CIELAP was founded in 1970, and has the mission to inform legislative, policy and regulatory outcomes for Sustainability at the national and provincial/territorial levels of government in Canada. CIELAP produces balanced, evidence-based research, and works to bring together a diverse range of stakeholders for constructive dialogue on sustainability issues.

CIELAP has significant research expertise in both solid and hazardous waste management, dating back to the 1980s. Our recent reports include a *Discussion Paper on the Sustainable International Management of Waste Electrical & Electronic Equipment* (July 2009), *An Options Paper on Ontario's Review of the Waste Diversion Act* (February 2009), *Waste Bytes! Diverting Waste Electrical and Electronic Equipment in Ontario* (January 2008), *Hazardous Waste in Ontario: Progress and Challenges* (September 2007), and *Ontario's Waste Management Challenge – Is Incineration an Option?* (March 2007). All of our reports are available at www.cielap.org.

After considering the options put forward by OES regarding WEEE material flow arrangements we would like to contribute our perspective that competitive elements within a framework of sound and enforceable environmental regulations and standards would advance an effective electronic waste diversion and recycling program in Ontario. We believe that Option 3 of the Material Flow Arrangements Discussion Documents, while certainly not perfect, would be the most effective of the available options at increasing the amount of e-waste recycled in Ontario in a sustainable manner.

We are concerned that the OES program has only met 38 per cent of its target and that 80 percent of Ontario's e-waste continues to be managed and disposed of outside of the program. One challenge appears to be that, under the existing program, there is little incentive for processors to take the initiative

to drive the collection of materials since consolidation and quotas are controlled by OES. This limitation appears to hinder the ability of the OES to meet its diversion target. OES' control over the transactions between collectors and processors is also likely limit the flexibility in how these businesses advance WEEE recycling quantities.

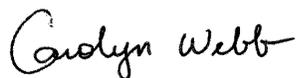
While it appears that a competitive approach would ensure that processors are able to drive greater material volumes to their businesses and, ultimately, reuse or recycle more of Ontario's e-waste, this approach will not achieve environmental outcomes on its own. It is essential to ensure: that a system is in place to audit and verify compliance with strong environmental standards; that auditors are knowledgeable and independent and thoroughly understand the standards and regulations; and that standards are uniform and enforced consistently across the province. If compliance with such standards is not enforced in such a manner, processors that do not meet these standards will have a competitive advantage to the detriment of responsible processors and the environment.

Other considerations would also help increase the effectiveness of the program. A tracking and verification system for e-waste would enhance the ability of municipalities to adopt the OES program. Financial incentives would also encourage relevant parties to collect and process e-waste.

Generally, it is our perspective that a program that encourages processors to compete and drive materials to their facilities, with the requirement that they meet strong environmental standards and that enforcement and auditing mechanisms are in place, will help to increase the amount of e-waste diverted and recycled in Ontario.

Thank you for the opportunity to provide input on OES' Review of WEEE Material Flow Arrangements Discussion Documents. Please contact me if you wish to discuss any of these comments further.

Yours sincerely,

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

Carolyn Webb
CIELAP Programmes Manager

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