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ENVIRONMENTAL LAW AND POLICY

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Customer Service
Ontario Electronic Stewardship
c/o Suite 601
26 Wellington St., East
Toronto, Ontario, M5E 1S2

To the Board of Ontario Electronic Stewardship,

Re: Draft Preliminary WEEE Program Plan

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on OES' Draft Preliminary WEEE Program Plan. 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 would first like to congratulate OES for the development of this extensive plan and for clearly striving to meet the challenging requirements set out in the Minister's 2004 and 2007 Program Request Letters. We commend the plan for a number of measures. The plan will put in place vendor qualification standards and processes for full downstream auditing to ensure that WEEE is processed in a manner that meets health and safety, environmental, and other requirements. The plan will help ensure that WEEE is not sent to non-OECD countries for disposal, holding Ontario accountable for dealing with its own waste and helping us better meet our commitments under the Basel Convention. The plan will also place a strong emphasis on education and outreach, as well as the development of better collection infrastructure, which will strengthen the program's ability to collect WEEE and divert it from disposal.

CIELAP recommends, however, that OES sets out stronger collection targets for Phase 1 materials than those currently proposed in the draft plan of January 14, 2008. The plan states that current collection rates are 27.1% and sets in place collection targets of 48.4% after Year 1 that will rise to 64.9% by the end of Year 5. If the province is to deal with this waste stream in a sustainable manner, more ambitious targets than 65% by the end of Year 5 are needed.

The Minister's 2007 Program Request Letter states that "[p]otential fees shall be used to maximize the management of WEEE through reduction, reuse, and recycling." OES should consider how other approaches to waste diversion could be used to prioritize and maximize, where feasible, better design, followed by waste reduction, reuse, then recycling. The following comments are given within the context of the need to prioritize diversion activities according to an appropriate waste diversion framework.

We encourage OES to further develop incentives to promote reduction and design for environment (DfE) although we acknowledge that promoting these activities is a significant challenge. CIELAP supports OES' suggestion to include product weight in the formula for stewards' fees as this would provide incentives for stewards to decrease the amount of materials used in production. We also encourage OES to take into consideration a number of other factors, once suitable data has been collected, when stewards' fees are refined in the future. These factors include the ease of disassembly and recycling, the capacity for product reuse and refurbishment, and the presence of toxic substances.

CIELAP is pleased that OES is putting in place reuse and recycling targets. Recycling targets, in addition to collection targets, will ensure that materials are, in fact, being diverted from disposal after they are collected. Targets to ensure reuse and refurbishment are also critical as reuse activities occur higher in the waste hierarchy and should be maximized before recycling takes place. The need to prioritize reuse is also identified in Directive 2002/96/EC of the European Parliament on waste electrical and electronic equipment (WEEE). Item 18 of the directive states that "[w]here appropriate, priority should be given to the reuse of WEEE and its components, subassemblies and consumables. Where reuse is not preferable, all WEEE collected separately should be sent for recovery, in the course of which a high level of recycling and recovery should be achieved. In addition, producers should be encouraged to integrate recycled material in new equipment." We encourage OES to follow the lead of the European Parliament by prioritizing the reuse of WEEE and its components before recycling takes place.

CIELAP appreciates the many challenges involved in setting reuse and refurbishment targets, including the need to determine what activities make up reuse activities and how to set targets for reuse when a market for this reuse may not exist. Making reuse a priority will likely involve supporting the existing reuse and refurbishment infrastructure as much as possible and setting ambitious reuse targets separately for WEEE categories that have a known market for reused and refurbished products.

We would also like to draw OES' attention to CIELAP's newly released report entitled *Waste Bytes! Diverting Waste Electrical and Electronic Equipment in Ontario* – available at <http://cielap.org/pdf/EwasteOntario.pdf>. The report concludes with 16 recommendations for the province of Ontario and for OES' proposed WEEE diversion Program.

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

Yours sincerely,



Anne Mitchell
Executive Director