



CANADIAN INSTITUTE FOR
ENVIRONMENTAL LAW AND POLICY

L'INSTITUT CANADIEN DU
DROIT ET DE LA POLITIQUE
DE L'ENVIRONNEMENT

130 Spadina Avenue Suite 305
Toronto, Ontario M5V 2L4

Tel: (416)923-3529
Fax: (416)923-5949
www.cielap.org
cielap@cielap.org

May 7, 2008

Lisa Mychajluk
Senior Policy Advisor
Ministry of the Environment
Integrated Environmental Planning Division
Waste Management Policy Branch
135 St Clair Avenue West, Floor 7
Toronto Ontario M4V 1P5

Dear Ms. Mychajluk,

Re: Waste Electrical and Electronic Equipment Program, EBR Registry #010-3125

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the Waste Electrical and Electronic Equipment Program. 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.

The following comments are very similar to those that we submitted to Ontario Electronics Stewardship (OES) with reference to the draft Program Plan on February 4, 2008. We hope that these comments will be considered as the Program is reviewed and improved upon in the future.

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 has a number of recommendations. 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 waste diversion could be achieved according to an appropriate waste diversion hierarchy, where at all feasible, that would prioritize better design, followed by waste reduction, reuse, then recycling in order to maximize these options. The following comments are given within the context of the need for prioritizing diversion activities according to such a framework.

Advancing the Environmental Agenda

We encourage OES to further develop incentives to promote waste 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.

If the province is to deal with this waste stream in a sustainable manner, it must develop ambitious targets. 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 and of the Council of 27 January 2003 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. This 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 the Minister's attention to CIELAP's recently 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 Waste Electrical and Electronic Equipment Program. 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

Cc: Gord Miller, Environmental Commissioner of Ontario
The Honourable John Gerretsen, Minister of the Environment