



**Final Revised (Phase 1 and 2) Waste  
Electrical and Electronic Equipment  
(WEEE) Program Plan**

***Report on Consultation***

**July 10, 2009**

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## **1.0 Introduction and Background**

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This *Report on Consultation to Support the Development of the Revised (Phase 1 and 2) Waste Electrical and Electronic Equipment Program Plan* (“Consultation Report”) describes the consultation activities undertaken by Ontario Electronic Stewardship (OES) during development of the *Revised (Phase 1 and 2) Waste Electrical and Electronic Equipment (WEEE) Program Plan* (“Revised Program Plan”).

This document includes a description of the consultation process, the participants, comments received, and how comments were addressed. It has been updated at milestones along the Plan development and consultation process up to May 7, 2009. The final version of the Consultation Report was submitted to the WDO on July 10, 2009.

### **1.1 Background to the WEEE Phase 1 and 2 Program Development**

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The *Ontario Waste Diversion Act, 2002* (WDA) empowers the Minister of the Environment to designate a material for which a waste diversion program is to be established. Once the Minister has designated a material through a regulation under the WDA, the Minister directs Waste Diversion Ontario (WDO) to develop a diversion program.

WDO, a non-crown corporation, was established under the *Act* to develop, implement and operate waste diversion programs for a wide range of materials. To date, the Minister has requested diversion programs for Blue Box Wastes, Used Tires, Used Oil Material, Municipal Hazardous or Special Waste (MHSW), and Waste Electrical and Electronic Equipment (WEEE).

WDO is required by the *Act* to develop the Waste Diversion Plan for the designated waste in co-operation with an Industry Funding Organization (IFO). WDO is further required by the *Act* to conduct public consultation on any matter referred to it by the Minister.

On December 20, 2004, the Minister filed a regulation under the WDA designating WEEE, and on June 11, 2007, the WDO Board of Directors received a Final Program Request Letter from the Minister of the Environment requesting a diversion program for WEEE. The Program Request Letter required the WDO to designate an IFO for WEEE. It also outlined program requirements and requested a Consultation Plan.

On September 20, 2007, Ontario Electronic Stewardship (OES) was incorporated, and on October 17, 2007 it was approved by WDO as the IFO for WEEE. OES is responsible for implementing this Consultation Plan and managing the development and implementation of the WEEE Diversion Program Plan, in co-operation with WDO.

The Addendum to the Minister’s Program Request Letter (dated June 11, 2007) prescribed obligated WEEE to be implemented in two phases, with reference to future phases of the program. Consultation and development of Phase 1 of the Program Plan began in the summer of 2007. On July 9, 2008, the Minister approved the WEEE Program Plan for Phase 1 materials, and implementation of this phase of the Plan began on April 1, 2009. The complete Phase 1 WEEE Program Plan and Consultation Report can be found on the OES and WDO websites.

The Minister’s Program Request Letter stated that the timing for Phase 2 of the Program Plan was to be 12 months after approval of Phase 1. Once accepted, the current Revised Program

Plan will **replace** the *Final Waste Electrical and Electronic Equipment (WEEE) Program Plan* (“Phase 1 Plan”) as published on March 31, 2008. The original Phase 1 Plan is being revised to:

- 1) Include the second phase of WEEE materials, as scheduled in the Minister’s Program Request Letter (dated June 11, 2007); and,
- 2) Reflect new information gathered since publication of the Phase 1 Plan.

For more information and background on the development process, please see the companion document *Final Revised (Phase 1 and 2) Waste Electrical and Electronic Equipment Program Plan* (published July 10, 2009).

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## **2.0 Objective and Scope of the Consultation Process**

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### **2.1 Objective**

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WDO has directed OES to develop and implement a consultation process that is thorough and ensures a beneficial exchange of information, ideas and opinions, among those who may be affected by the development and implementation of a diversion program for both Phase 1 and Phase 2 WEEE.

### **2.2 Scope**

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The Addendum to the Minister’s Program Request Letter (dated June 11, 2007) prescribed the obligated WEEE for Phase 1 and Phase 2, and made reference to future phases of the program. Stewards of obligated materials under Phase 1, Phase 2, and future phases, as well as stakeholders interested in these materials, were encouraged to participate in the consultation process for the development of a revised diversion program for Phase 1 and Phase 2 WEEE. Note that the Phase 1 and Phase 2 materials identified in the Minister’s Program Request Letter do not represent the full range of WEEE materials in Ontario Regulation 393/04. The Minister may direct WDO to include additional WEEE materials in future phases of a WEEE program.

**A number of parties were considered to be stakeholders in this process.** This included Stewards, defined as electrical and electronic equipment (EEE) brand owners; first importers and/or assemblers of non-branded products for sale and use in Ontario that result in WEEE; as well as the industry associations that support their work. Additional interested stakeholders included affected industries; municipalities; environmental and community groups with a particular interest in waste management, water quality and public health issues related to the life cycle of EEE; industrial, commercial and institutional generators of WEEE; professionals working in related fields (e.g. environmental consultants); and the general public.

While this Consultation Plan was being implemented, the Plan development process also included:

- Periodic review of information arising from the consultation process and related to WEEE Plan development by the OES Board and those WEEE Stewards directly involved with OES in Plan development;
- Periodic review of information arising from the consultation process and related to WEEE Plan development by the WDO Executive Director and WDO Board; and,
- Periodic meetings among WDO staff, OES representatives, and Ministry of the Environment staff and legal counsel.

## **3.0 Key Participants in Consultation**

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The consultation process targeted four key audiences: industry Stewards, affected industries, municipalities, and the general public. Details are described below.

### **3.1 Industry Stewards**

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#### **3.1.1 Stewards**

This group referred to EEE brand owners, first importers and/or assemblers of non-branded products supplied in Ontario that result in WEEE, who have registered with OES under Phase 1, or who will register with OES upon approval of the Revised Program Plan, or who will implement their own Industry Stewardship Plan as allowed under the *Act*.

#### **3.1.2 Industry and Trade Associations**

Industry and trade associations may assist in the identification and notification of individual company representatives, who are their members. These associations included but are not limited to:

- Association of Home Appliance Manufacturers
- Canadian Chinese Computer Association
- Canadian Council of Grocery Distributors (CCGD)
- Canadian Hardware and Housewares Manufacturers Association
- Canadian Standards Association
- Canadian Security Association
- Canadian Toy Association
- Canadian Welding Association
- Canadian Wireless Telecommunications Association
- Electro Federation Canada (EFC)
- Electronics Product Stewardship Canada (EPSC)
- Entertainment Software Association of Canada
- Heating, Refrigeration and Air Conditioning Institute of Canada
- Information Technology Association of Canada (ITAC)
- Medical Imaging and Information Systems Council (MIISC)
- National Association for Information Destruction (NAID) – Canada
- Product Care Association
- Retail Council of Canada (RCC)

### **3.2 Affected Industries**

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Representatives of other industries that might be affected by the development and implementation of a diversion program for Phase 1 and 2 WEEE included but were not limited to:

- Distributors of products that may result in WEEE
- Companies providing repair services for EEE
- Retailers of products that may result in WEEE
- Assemblers of EEE
- Generators of WEEE (as defined in Ontario Regulation 393/04)
- Private companies providing collection of WEEE
- Transporters of WEEE

- End markets for processed WEEE
- Reusers of WEEE
- Refurbishers, resellers and redistributors of WEEE
- Processors and recyclers of WEEE
- Operators of disposal facilities for WEEE
- Professionals working in related fields

Industry associations representing these affected industries were included in the consultation process. These associations included but were not limited to:

- Canadian Association of Recycling Industries
- Ontario Environmental Industries Association
- Ontario Waste Management Association
- Retail Council of Canada (RCC)

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### **3.3 Municipalities**

Some municipalities operate permanent WEEE depots or host special WEEE collection events, while other municipalities do not provide these services. Consultation with municipalities was important in developing an understanding of their role in the delivery of the WEEE Program. Municipalities or representatives of municipalities included but were not limited to:

- Association of Municipalities of Ontario (AMO)
- Association of Municipal Recycling Coordinators (AMRC)
- City of Toronto<sup>1</sup>
- Federation of Northern Ontario Municipalities (FNOM)
- Municipal Waste Integration Network (MWIN)
- Rural Ontario Municipal Association (ROMA)

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### **3.4 General Public**

Residents of Ontario are consumers of electrical and electronic equipment – either individually or through their place of business – and have a direct interest in the development of a diversion program to properly manage these products at the end of their useful life.

It was important to engage members of the public during the development of the Plan to ensure the effective and environmentally sound management of WEEE. Consulted groups included environmental and consumer groups, and these organizations included but were not limited to:

- Canadian Institute for Environmental Law and Policy (CIELAP)
- Canadian Security Association
- Citizen's Network on Waste Management
- Clean Air Foundation
- Consumers' Association of Canada
- EcoJustice
- The Ontario Environment Network
- Ontario Society for Environmental Education
- Pollution Probe

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<sup>1</sup> City of Toronto is not a member of AMO

- Recycling Council of Ontario (RCO)
- Sustainability Network
- Toronto Environmental Alliance

Government and out-of-province organizations were also consulted. The organizations included but were not limited to:

- Atlantic Canada Electronic Stewardship (ACES)
- Electronics Stewardship of British Columbia (ESBC)
- Industry Canada
- Ontario Ministry of the Environment
- Ontario Ministry of Economic Development and Trade
- Saskatchewan Waste Electronic Equipment Program (SWEEP)

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## **4.0 General Elements of Consultation**

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The consultation process contained the following general elements:

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### **4.1 WDO Website**

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The WDO website was used to outline the consultation process and schedule, post consultation documents for comment and receive comments from industry, municipalities and the general public. Please see [www.wdo.ca](http://www.wdo.ca)

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### **4.2 IFO Website**

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The Ontario Electronic Stewardship website has a specific section dedicated to the development of the Revised Phase 1 and 2 WEEE Program. The website was used to outline the consultation process and schedule, and post consultation documents for comment. Please see [www.ontarioelectronicstewardship.ca/consultation/consultation.html](http://www.ontarioelectronicstewardship.ca/consultation/consultation.html)

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### **4.3 Database of Identified Stakeholders**

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A regularly-updated inventory of identified stakeholders in database format was used to inform the Stewards and stakeholders of the consultation activities.

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### **4.4 Electronic Notice to Identified Stakeholders**

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Electronic notices outlining the consultation process, schedule and key dates for meetings and comments were distributed to stakeholders. An archive of these *Bits and Bytes* newsletters is available at [www.ontarioelectronicstewardship.ca/newsroom/newsroom.html](http://www.ontarioelectronicstewardship.ca/newsroom/newsroom.html)

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### **4.5 Consultation Workshops/Webcasts**

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Issues were presented to stakeholders at the first of two scheduled workshops / webcasts. Questions and comments were solicited from meeting and webcast participants during the event, as well as afterwards via an online survey tool. Information presented at workshops and

questions asked by participants were available via archived webcasts for a minimum of 90 days. The following described the topics discussed at the first workshop/webcast.

*Workshop/Webcast # 1 – February 4, 2009*

- Update on Phase 1 implementation
- Introduction to Phase 2 WEEE Options
- Baseline data
- Revisions to the WEEE Program Plan
- Q&A on all topics

The second workshop/webcast was on April 30, 2009 and discussed the Draft Preliminary Revised (Phase 1 and 2) WEEE Program Plan (posted on April 23, 2009)

*Workshop/Webcast # 2 – April 30, 2009*

- Program development and Program Planning background
- Key features of the draft Preliminary Revised WEEE Program Plan
- Next steps
- Q&A on all topics

The consultation process recognized the particular challenges of reaching stakeholders who reside in northern and remote communities, through the ability for participation in workshops via webcast. Archives of webcasts post-event can be found on the Ontario Electronic Stewardship's consultation homepage, at [www.ontarioelectronicstewardship.ca/consultation/consultation.html](http://www.ontarioelectronicstewardship.ca/consultation/consultation.html)

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#### **4.6 Online Survey Tool**

In order to provide additional opportunities for stakeholder feedback during the two workshop / webcasts, OES developed an online survey tool. Two unique iterations of the survey posed specific questions related to the consultation items. Stakeholders were also able to upload files and post general questions or comments about the Program Plan development.

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### **5.0 Consultations with Steward Groups**

In addition to the general elements listed in Section 4, there were a number of specific consultation activities.

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#### **5.1 Consultation with Industry Stewards**

During the consultation period, OES distributed regular electronic newsletters, advising of opportunities to attend consultation sessions and timetables for reviewing and commenting on draft Program Plan and other documents. The electronic newsletters were widely distributed to industry associations to provide information to their members on the consultation process and schedule (in accordance with the original WDO Consultation Plan).



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## 5.2 Consultation with Affected Industries

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Affected industries were encouraged to participate in the consultation process outlined in Section 4. Informal contact was made with industry representatives from the copier manufacturers and the wireless telecommunications industry to address specific issues that could not be covered through direct submissions. These included a review and discussion of definitions and program design.

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## 5.3 Consultation with Municipalities

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In addition to the general elements listed in Section 4, the consultation process with municipalities contained the following elements:

- AMO, AMRC, MWIN and RCO have been provided information to keep their members apprised of consultation stages. Materials have included contact details for further information.
- A representative from AMO is a permanent member of the Service Provider Committee
- Municipalities have been notified directly when materials are available via the websites.

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## 5.4 Consultation with General Public

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In addition to the general elements listed in Section 4, the consultation process with the general public contained the following elements:

- *Preparation of Background Information Paper:* A background paper containing information on the *Waste Diversion Act*, Waste Diversion Ontario, the Minister's letter requesting a diversion program for WEEE, the environmental benefits of designating WEEE, a description of the consultation process and contact information was prepared and posted on the OES and WDO websites. The information has been available in both print and electronic format. Print copies are provided by WDO and OES upon request.
- *Website Postings:* The availability of the background information package and details regarding the development of the Program Plan were posted on the WDO and OES websites.
- *Press Releases:* Press releases were issued to notify the public of the availability of the WEEE Program Plan on the websites and the opportunity to comment.
- *E-Newsletter:* over the period of the development of the Revised Program Plan, OES distributed regular electronic newsletters to a broad range of potential Stewards and stakeholders.
- *Online Survey Tool:* An online survey tool was available for participants of workshop/webcast #1 to provide comments on the posted consultation documents.
- *Notices to identified community interest groups:* Identified interest groups were notified directly that materials were available via the websites. These groups included:
  - Canadian Institute for Environmental Law and Policy
  - Citizen's Network on Waste Management
  - Clean Air Foundation
  - Consumers' Association of Canada
  - Environmental Educators of Ontario
  - Ontario Environment Network
  - Pollution Probe

- Recycling Council of Ontario
- Sierra Club of Canada
- Sustainability Network
- Toronto Environmental Alliance

### **Meeting with Non-Government Organizations (NGOs)**

On May 21, 2009 Waste Diversion Ontario met with representatives of a number of NGOs to discuss the Revised Program Plan development process. The invited participants were:

- Paul Bubelis, Sustainability Network
- Marlene Cashin, EcoJustice
- Maureen Carter-Whitney, Canadian Institute for Environmental Law and Policy (CIELAP)
- Teresa Di Felice, CAA Central Ontario
- Krista Friesen\*, Clean Air Foundation
- Mel Fruitman, Consumer's Association of Canada
- Kevin Gaudet, Canadian Taxpayers Federation
- Franz Hertzman, Toronto Environmental Alliance
- Elise Houghton, Environmental Educators of Ontario (EEON)
- John Jackson, Citizen's Network on Waste Management
- Elaine McDonald\*, EcoJustice
- Rod Muir, Sierra Club of Canada
- Jo-Anne St. Godard, Recycling Council of Ontario
- Phillip Penna, Ontario Environment Network
- Julie Sommerfreund\*, Pollution Probe
- Rebecca Spring, Pollution Probe
- Carolyn Webb\*, CIELAP

*\*Attended*

## **6.0 Plan Submission and Explanation of Results**

The Draft Final Revised Program Plan published July 10, 2009 incorporates responses to significant comments received during the consultation process. This consultation document includes a description of how the comments were considered in the preparation of the Revised Program Plan. A table indicating responses is included in Appendix 1 (comments received up to April 10, 2009) and Appendix 2 (comments received from April 11 to May 7, 2009).

### **6.1 Comments to WDO**

Affected stakeholders and members of the public may submit comments directly to WDO if they believe the Draft Final Revised Program Plan (July 10, 2009) does not adequately take into account comments submitted during the consultation process. WDO will consider any such comments when it is evaluating whether to approve the Plan and forward it to the Minister for final review and approval, or to request that Ontario Electronic Stewardship modify the Program Plan.

## 7.0 Consultation Milestones and Timeline

### PHASE 1

June 11/07	Final WEEE Program Request Letter from the Environment Minister to WDO
June 26/07	Consultation workshop/webcast #1
August 13/07	Clarification Letter on WEEE Diversion from the Ministry of the Environment to WDO
October 12/07	Consultation workshop/webcast #2
January 14/08	Posting of Draft Phase 1 Preliminary Program Plan
January 24/08	Consultation workshop/webcast #3
February 11/08	Posting of OES Program Plan Development Consultation Paper
March 31/08	Submission of Final WEEE Phase 1 Program Plan and Consultation Report to WDO
July 9/08	Approval of WEEE Phase 1 Program Plan by the Environment Minister
April 1/09	Phase 1 implementation

### REVISED PHASE 1 and 2

December/08	Survey distributed to industry members to assess current Phase 2 WEEE activities
January 21/09	Posting of Program Plan documents for workshop/webcast #1
February 4/09	Consultation workshop/webcast #1
April 23/09	Posting of draft Preliminary Revised (Phase 1 and 2) WEEE Program Plan for public comment
April 30/09	Consultation workshop/webcast #2
May 20/09	Posting of updated version of Preliminary Revised (Phase 1 and 2) WEEE Program Plan and Consultation Report to WDO for distribution to WDO board, and for public consultation by WDO
June 12/09	Delivery of Draft Final Revised Plan and Consultation Report to WDO for distribution to WDO board, and for public consultation by WDO
July 10/09	WDO submission of Final Revised (Phase 1 and 2) WEEE Program Plan and Consultation Report to the Minister of Environment

## 8.0 Web Links For More Information

Waste Diversion Ontario – Homepage

[www.wdo.ca](http://www.wdo.ca)

Ontario Electronic Stewardship – Homepage

[www.ontarioelectronicstewardship.ca](http://www.ontarioelectronicstewardship.ca)

Ontario Electronic Stewardship – Consultation Plan Homepage

[www.ontarioelectronicstewardship.ca/consult.html](http://www.ontarioelectronicstewardship.ca/consult.html)

Bits and Bytes e-Newsletter – Archive

[www.ontarioelectronicstewardship.ca/newsroom/newsroom.html](http://www.ontarioelectronicstewardship.ca/newsroom/newsroom.html)

Phase 1 – Archive

[www.ontarioelectronicstewardship.ca/consultation/phase1/plan\\_dev\\_phase1.html](http://www.ontarioelectronicstewardship.ca/consultation/phase1/plan_dev_phase1.html)

## 9.0 Attendance at Consultation Workshop/Webcast #1 (n=207)

February 4, 2009

Novotel, 45 The Esplanade, Toronto

2cg Inc., Mary Little	Brookecliff Technology Corporation, Christopher Coulter	City of Barrie, Tracy Quann-Strasser	Clean Air Foundation, Krista Friesen
ACES, ESABC and SWEEP, Jay Illingworth	Caesars Windsor, Liz Hulse	City of Clarence-Rockland, Denis Longpre	Collectors, Phil Davidson
AERCCR, Inc., Elizabeth Crowel	Cambium Environmental Inc., Dave Bucholtz	City of Greater Sudbury, Chantal Mathieu	Community Environment Alliance - Share It Program, Ranjana Mitra
Alberta Recycling, Brad Schultz	Canadian Association of Recycling Industries (CARI), She Kei Foo	City of Guelph, Philip Zigby	CompuCorps.org - TechReuse, Antonio Misaka
AMO, Milena Avramovic	Canadian Hardware and Housewares Manufacturers Association (CHHMA), Vaughn Crofford	City of Hamilton, Emil Prpic	CompuCorps.org - TechReuse, Bill Marvel
Amway Canada Corp, Karen Harrison	Canadian Tire Corporation, Delphine Lagourgue	City of Hamilton, Ruth Tawse	CompuCorps.org - TechReuse, Toe Kyi
Amway Global, Robin Bell	Canon Canada Inc., Angela Wilson	City of Kawartha Lakes, Angela Porteous	Costco Canada , Brigida Cabral
Apple Canada Inc., Marek Jurkiewicz	CAW-Canada, Ken Bondy	City of London, Laura Bechard	Costco Wholesale Cda Ltd., lucia rapone
Arlen Recycling Inc., Scott Gardiner	CDI Computer Dealers Inc., Kathy Pagenhardt	City of Orillia, Greg Preston	Costco Wholesale, Luc Lortie
Artex Environmental Corp., Ross Geiger	CFER Outaouais, Alain Breton	City of Peterborough, Melanie Kawalec	Costco Wholesale, Pascal Ponton
B.J.Giles and Associates Ltd., Brian Giles	Chatham-Kent, Rick Kucera	City of Peterborough, Virginia Swinson	County of Oxford, Dwayne West
Bennett Jones LLP, Hilary Stedwill	Christie Digital Systems Canada, Tracy Zhou	City of Sault Ste. Marie, Randall Roy	County of Peterborough, Catrina Switzer
Bluewater Recycling Association, Francis Veilleux	Cisco, Duncan McCann	City of St. Thomas, Michelle Shannon	County of Simcoe, Melissa Phillips
Brendar Environmental Inc., Torin Macpherson		City of Toronto, Dennis Lam	County of Wellington, Cathy Wiebe
		City of Toronto, Kevin Vibert	CSR, Cynthia Hyland
		City of Woodstock, David Creery	
		CK Recycling, Ken Lake	

CSR, Diana Carr

CWTA, Emmanuel Morin

Digitcom Canada Inc., Lynn Conlon

Dowling Environmental Group, Paul Dowling

Dynamex Canada, Victoria Macri

Ecojustice, Elaine MacDonald

eCycle Solutions Inc., Kelly McCaig

Electro-Federation Canada, John Bailie

Electro-Federation Canada, Sharon Borda

Environnement Québec, Marie Dussault

Eprom Inc., Alfred Dunn

Epson Canada Limited, Jim Innes

Ericsson Canada, Peter Minaki

EWSWA, Cameron Wright

FCM Recycling, Mitchell Rothstein

FujiFilm Canada Inc., Yasmeen Khan

GEEP Ecosys Inc., Mary Pirrolas

GEEP Inc., Dave Douglas

GEEP Inc., Lisa Buck

GEEP International, Greg McWatt

GEEP Michigan, Daniel Penn

GEEP, George Craine

Giant Tiger Stores Limited, Lenore Howarth

GL Associates, Grant Caven

Gowlings, Laura Zizzo

Greentec, Hugh Hinrichs

Halton Region, Sue Colclough

Happy Stan's Recycling, Jamie Kaminski

Hewlett-Packard, Bill Whelan

Hewlett-Packard, Donna Chau

Hewlett-Packard, Frances Edmonds

Home Depot, Dale Coville

Home Hardware Stores Limited, David Bois

Home Hardware Stores Limited, Tracey Jones

Hudson's Bay Company, Peter Skubna

IBM Canada Ltd., Bob Ferguson

IBM Canada Ltd., Philip Cromie

Imation Corp., Linda Daniels

iRecycle Computers, Laurent Ho

JVC Canada Inc., Ray Smith

Kelleher Environmental, Maria Kelleher

Kodak Canada, Rosemary Mandatori

L and G Computer Tech Centre, David LeSueur

LaCloche Manitoulin Business Assistance Corp, John Foster

Law Firm, John Beauchamp

Loblaw Inc., Daniel Moon

Loyalist Township, Edgar Adams

Mad Catz Inc., Michael Guerrero

MaSeR Corporation, Dana Wright

MaSeR Corporation, Patrick Hebert

Mattel Canada Inc., Don Strain

MDDEP, Dominique Mercier

Microsoft, Kimberly Braun

Mida RPM, Brian Love

Mida RPM, Michael Love

Mida RPM, Randy Canacevic

Miller Waste Systems, Derek Sawyer

Ministry of Economic Development, Jamie Mattina

Ministry of the Environment, Jennifer MacMillan

Ministry of the Environment, John Fox

Ministry of Transportation and Communication, David Barnes

Monarch Metal Recycling, David Chan

Motorola, Linda Guinane

Municipality of South Bruce, Sharon Chambers

Niagara Region, Andrew Winters

Niagara Region, Catherine Habermehl

Niagara Region, Leila Khan Cruikshank

North Renfrew Landfill Operations Board, James Leon

Ontario Citizen, Don McCallen

Ontario Environmental Network, David Hart Dyke

Ositech Communications, Inc., Cindy Beattie

Ottawa Valley Waste Recovery Centre, Sue Campbell

Oxford County, Pamela Antonio

P&F USA, Inc., Gregg Chason

Pack Pros Plus Ltd., Patrick Fenlon

PCfixr, James Blackburn

Philips Electronics Ltd., Mike Albani

Protek Corporation, Wendy Copeland	RSA Group, Shaun Moylan	Tech Heaven, Rick Zeller	TTX Canada, Kim Davidson
Quinte Waste Solutions, Tanya Delaney	Sears Canada, Karine Matthews	Technology Alliance Group for Kawartha Lakes, Lynda Rickard	Twenty-Two Electronics Recycling Inc., Randy Coulter
Raw Materials Company, Richard Unyi	Sears Canada, Lauren Lee	Telecom Computer, Jim Naysmith	Tyco Safety Products, May O'Brien
RDLong Computers Limited, Raymond Long	Share-It, Bev Falconer	TELUS, Wendyline Beaudoin	U-Box-It Inc., Agnes Haak
Region of Durham, Darren MacNeil	Shoppers Drug Mart, Lilian Relph	The Blue Mountains, Jeffery Fletcher	U-Box-It Inc., Dan Mammone
Region of Durham, David Metcalfe	Shoppers Drug Mart, Shabbir Beawerwala	The Working Centre, Michael Bernhard	U-Box-It Inc., Tony Mammone
Region of Peel, Mark Fox	Sims Recycling Solutions, Brandi Bell Tanninen	Toronto Recycling Inc., Hugh Chalifoux	Valu Shred, Jordan Grossman
Region of Waterloo, Jon Arsenault	Sims Recycling Solutions, Scott Hurren	Town of Espanola, Anna Frattini	Valu Shred, William Wright
Region of Waterloo, Shahin Virani	Sims Recycling Solutions, Sebastien Rosner	Township of Algonquin Highlands, Gayle Short	Vistek Ltd., Norma Markham
Relational Funding Canada Corp., Bob Steinmetz	Sims Recycling Solutions, Tony Campbell	Township of Armour, Karen Fraser	Waste Diversion Ontario, Bob Romberg
Relational Funding Canada Corp., Kati Catoire	Stakeholder, Christa Copeland	Township of Elizabethtown-Kitley, Ken Fader	Waste Diversion Ontario, Clíodhna McMullin
Research In Motion, John Smiciklas	Stakeholder, Don Beam	Township of North Frontenac, Jennifer Duhamel	Waste Diversion Ontario, Glenda Gies
Retail Council of Canada, Rachel Kagan	Stakeholder, Joe Lee	Township of Stone Mills, Sharon Haaksman	Xerox Canada, Eunice Yeboah
Ricoh Canada Inc., Alan Wheeler	Stakeholder, Scott and Jody McIntyre	Township of Strong, Violet Montpetit	Xerox Canada, Janet Townsend
Ricoh Canada Inc., Tony Sutcliffe	Steward, Kevin Bowman	Transporters/Consolidators, Tom Robinson	Xerox Canada, Tim Penny
RIM, Raj Nandakumar	Steward, Shayne Shour	TTE Technology Canada, Rose Guzzo	Xiris Automation Inc., Chris Thorne
Robert Wheatley Associates, Bob Wheatley	StewardEdge, Joseph Hall	TTX Canada, Bruce Ault	Yamaha Canada Music Ltd., Robert Barg
	Sunnking, Kimie Romeo		York Region, Nikki Vecchiola
	Target Recycling Services Inc., Paul VanWyck		
	Target Recycling Services Inc., Peter Barths		

## 10.0 Comments Received from Consultation Workshop/Webcast #1

February 4, 2009

Novotel, 45 The Esplanade, Toronto

### 10.1.1 Via Webcast

Amway Global, Robin Bell	Ericsson Canada, Peter Minaki	Municipality of West Nipissing, Jason Sullivan	Relational Funding Canada Corp., Kati Catoire
Cisco, Ashok Domadia	EWSWA, Cameron Wright		
City of Greater Sudbury, Chantal Mathieu	GEEP Inc., Dave Douglas	North Renfrew Landfill Operations Board, James Leon	Stakeholder, Don Beam
City of Orillia, Greg Preston	Greentec, Hugh Hinrichs	Ositech Communications, Inc., Cindy Beattie	The Blue Mountains, Jeffery Fletcher
City of Peterborough, Virginia Swinson	Halton Region, Sue Colclough	P&F USA, Inc., Gregg Chason	Township of North Frontenac, Jennifer Duhamel
Costco Wholesale, Luc Lortie	LaCloche Manitoulin Business Assistance Corp, John Foster	Protek Corporation, Wendy Copeland	Township of Strong, Violet Montpetit
County of Simcoe, Melissa Phillips	Mad Catz Inc., Michael Guerrero	Quinte Waste Solutions, Tanya Delaney	
Dynamex Canada, Victoria Macri	MaSeR Corporation, Dana Wright		
	MDDEP, Dominique Mercier		

### 10.1.2 Via Online Survey

Amway Canada Corp., Karen Harrison	Christie Digital Systems Canada, Inc., Tracy Zhou	Kodak Canada Inc, Rosemary Mandatori	Research in Motion, John Smicklas
Canadian Association of Recycling Industries, She Kei Foo	CompuCorps.org, William Marvel	Miller Waste Systems, Derek Sawyer	Ricoh Canada Inc., Alan Wheeler
Canadian Wireless Telecommunications Association, Emmanuel Morin	eCycle Solutions, Clayton Miller	Niagara Region, Leila Khan Cruikshank	Stakeholder, Patrick Hebert
	Eprom Inc., Alfred Dunn	Ositech Communications, Inc., Cindy Beattie	TTE Technology Canada, Rose Guzzo
	Ericsson Canada Inc., Peter Minaki		Xerox Canada, Janet Townsend

## 11.0 Attendance at Consultation Workshop/Webcast #2 (n=202)

April 30, 2009

Sheraton Centre Toronto Hotel, 123 Queen Street West, Toronto

1636212 Ontario Inc., Keith Wong	Bell Canada, Frank Muschalla	CITS Systems, Wayne Giddings	Costco Wholesale, Luc Lortie
1WEEE Services GmbH, Ofira Varga	Beveridge and Diamond, P.C., Karen Hu	City of Barrie, Tracy Quann-Strasser	Costco Wholesale, Lucia Rapone
3M Canada Company, Mike Mestancik	Binotech Software Inc., Chris Dale	City of Brantford, Betty Ramsay	Counsel Public Affairs, Bob Lopinski
ACES, ESABC and SWEEP, Jay Illingworth	BLUESTAR Canada, Serge Poutchigian	City of Greater Sudbury, Bernice Tario	County of Peterborough, Catrina Switzer
Adflow Networks Inc., Tami O'Leary	Bluewater Recycling Association, Francis Veilleux	City of Guelph, Phil Zigby	County of Wellington, Cathy Wiebe
ADP, Yujin Weng	Bose Limited, Rosaly Watts	City of Hamilton, Anne Winning	D&H Canada, Linda Guglielmo
Agilent Technologies, Guy Benjamin	Bridges, Cheryl DeRooy	City of Kawartha Lakes, Angela Porteous	D.F.A., Rickert Bischoff
AlteCon Data Communications Inc., Melanie Cherry	Canada Chinese Computer Association, Rose Lai	City of Orillia, Greg Preston	Dell, Elena Papakosta
Amsdell Inc., Beryl Sher	Canada Computers, Ahmar Akhtar	City of Peterborough, Virginia Swinson	Deltech Communications Group Inc., Julie Sit
Amsdell Inc., Emilia Kwan	Canada Computers, Mary Wong	City of Thunder Bay, Jason Sherband	Digital Friends Inc., Joe Black
Amway Global, Robin Bell	Canadian Tire Corporation, Limited, Sonia Laratta	City of Toronto, Kevin Vibert	Distributor, Donald Beam
Apple Canada Inc., Marek Jurkiewicz	Canalink Online Inc., John Man	CK Recycling, Ken Lake	Double Bee Enterprises, Ralf Braukmann
ASI Computer Technologies (Canada) Corp., Louis Tang	CANEX, Melissa Rooney	Clean Air Foundation, Krista Friesen	Dowling Environmental, Paul Dowling
AstraZeneca, Paul Magrath	Canon Canada, Andrea Bruce	Community of Chatham-Kent, Rick Kucera	DTM Systems, Victor Shiu
Basics Office Products Ltd., Cheryl Ritter	Carestream Health Canada Inc., Carolyn Viney	Community Outreach Canada, Valerie Alphonso	Durham Region, Peter Veiga
Basics Office Products Ltd., Susan Kohli	Carestream Health, Inc., Ellen Boettrich	Community Recycling Depot, Rob Stenta	EB Games, Stephanie Ivy
Bell Canada, Benoit Sicotte	Carlson Marketing, Griffen Reid	Cosmo Communications Canada Inc., Peter Schopfer	Ecycle, Kelly McCaig
	Casio Canada Ltd., Vincent Lui	Costco Wholesale, Brigida Cabral	Electro-Federation Canada, John Bailie
	Cisco Systems, Inc., Mary Shefeland		Emerson Electric Canada Limited, William(Bill) Gombos
			EPROM Inc., Alfred Dunn



EWSWA, Cameron Wright	Hewlett-Packard (Canada) Co., Frances Edmonds	Lim	North Grenville, Mark Tenbult
FCM Recycling, Mitchell Rothstein	Hewlett-Packard (Canada) Co., Melanie Hoots	Mad Catz, Inc., Michael Guerrero	Oasis Auto Complete Systems Ltd., Scott Savage
Fidelity Electronics Inc., Carl Abbatino	Home Hardware Stores Limited, David Bois	McMillan, Micheal Peterson	Ottawa Valley Waste Recovery Centre, Sue Campbell
FujiFilm Canada Inc., Yasmeen Khan	Home Hardware Stores Limited, Tracey Jones	MESCA, Elan Azar	P&F USA, Inc., Gregg Chason
Fujitech Technologies Inc., Joseph Liu	Honda Canada Inc., Eugene Dubecki	MicroAge Bracebridge, Connie Wood	Pack Pros Plus Ltd, Patrick Fenlon
GE Security, Dan Gulliford	Hruska and Associates, Joe Hruska	Microcomputer Science Centre Inc., Mary To	PARSONS Foto Source, David Parsons
GEEP Ecosys Inc., Mary Pirrolas	Hudson's Bay Company, Peter Skubna	MicroKool Computers, Afif Hamo	PC Xtra Computers Ltd., William Andreades
GEEP International, Greg McWatt	IBM Canada, Philip Cromie	Miller Waste Systems, Derek Sawyer	Pollution Probe, Julie Sommerfreund
GEEP, Chris Gariepy	Imation Canada Inc., Cameron Manning	Ministry of the Environment, John Fox	Post Plastics Canada Inc., Rachel Boyd
GEEP, Dave Douglas	Infonancial Software Inc., Carolyn Johns	Mitsubishi Electric Sales Canada Inc., Francis Chan	Primespec Inc., Phillip Panchaud
GEEP, George Craine	Innovated Solutions, Andrea McCandless	Modern Landfill Inc., Craig Warden	Public, Teresa Nicoletta
Gentek, Mitchel Freedman	International Ewaste Management, Don Leibold	Motorola Canada/EMB, Ibrahim El-Awad	Quinte Waste Solutions, Jeanne Vilneff
GJC Environmental, Grant Caven	IronGate Server Management and Consulting, Mark Jones	Motorola, Linda Guinane	Quinte Waste Solutions, Jennifer Salutari
Grand and Toy Limited, Lloyd Blades	iT Guy Technologies, Tim Mitra	MTC, David Barnes	RDLong Computers Limited, Raymond Long
Greentec, Hugh Hinrichs	Itex, Kevin Beyer	Municipality, Mike Higgins	Region of Halton, Brent Marissen
Haldimand County, Nicole Mundy	JVC Canada Inc., Lesley Wang	My Computer Service, Reg Laprise	Region of Peel, Trevor Barton
Halton Region, Sue Colclough	Konnected Tech, Bryan Harding	National Waste Services Inc., Chuck Kunc	Research In Motion, Peter Lenardon
Hamilton Area EcoNet, David HartDyke	Leeds and Grenville Computer Tech. Centre, David LeSueur	NEC, Patrick Summers	Reseller, Antonella Bertone
Hewlett Packard (Canada) Co., Donna Chau	Leon's Furniture Ltd., David Leon	Niagara Region, Leila KhanCruikshank	Retail Store, Gordon Chan
Hewlett-Packard (Canada) Co., Bill Whelan	Link Computer Canada, Abby	Nikon Canada Inc., Georg Steingarten	Reuse/Refurbisher and Clean North, Mark Boychuk
Hewlett-Packard (Canada) Co., Deanna Doyle		Norfolk County, Jennifer Wilson	

ReUse-GreenTEC, V. Watters  
Ricoh Canada Inc., Alan Wheeler  
Sears Canada Inc., Cindy Rohoman  
Sears Canada, Lauren Lee  
Shiva Exports Ltd, Krishna Anipindi  
Shoppers Drug Mart, Shabbir Beawerwala  
Sims Recycling Solutions, Scott Hurren  
SITA, George Wood  
SMART Technologies, Joe Lee  
Softwire Solutions Inc., Lily Volfson  
Soroc, Tammy Lem  
Stakeholder, Dan Muldoon  
Stakeholder, Greg Dorbeck  
Stakeholder, Heather Emslie  
Steward, Ron Burke

Sun Technologies, Inc., Humberto Ramos  
Sunnking Electronic Recycling, Inc., Deanna Ingison  
Superior Audio and Video, Greg McFarlane  
Superior Sight and Sound, Glen Marchak  
Target Recycling Services Inc., Paul VanWyck  
Tech Data Canada Corporation, Daryl Rosien  
The Brick Warehouse LP, LJ Jones  
The Country Computer Store Inc., Susan Boneschansker  
Throne Computer Systems Inc., Josephine Tam  
Toronto Recycling Inc., Jason Lim

Toronto Recycling Inc., Patrick Collin  
Township of Armour, Karen Fraser  
Township of North Frontenac, Brenda Defosse  
Transporter, Lindsay Cross  
Trow Associates, John Smith  
TTE Technology Canada, Rose Guzzo  
TTX Canada, Bruce Ault  
Tyco Safety Products, Esther Gonzalez  
Tyco Safety Products, Renato Salinas  
U-Box-It Inc., Tony Mammone  
UBOXIT, Agnes Haak  
University of Toronto, Kathy Mahinpou

Upper Canada Asphalt, Kevin Guidolin  
Wal-Mart Canada Corp, Diane Gibson  
Waste Diversion Ontario, Glenda Gies  
Waste Management of Canada Corporation, Timothy Murphy  
WAV, Inc., Jim Day  
Wise Guy Computers Ltd., Karnik Comert  
Xerox Canada Ltd, Tim Penny  
Xerox Canada Ltd., Eunice Yeboah  
XPC, Paul Chow  
Yamais Canada, Cindy Coutts

## 12.0 Comments Received from Consultation Workshop/Webcast #2

April 30, 2009

Sheraton Centre Toronto Hotel, 123 Queen Street West, Toronto

### 12.1.1 Via Webcast

1WEEE Services GmbH, Ofira Varga	Costco Wholesale, Luc Lortie	Miller Waste Systems, Derek Sawyer	University of Toronto, Kathy Mahinpou
3M Canada Company, Mike Mestancik	Counsel Public Affairs, Bob Lopinski	Motorola Canada/EMB, Ibrahim El-Awad	Upper Canada Asphalt, Kevin Guidolin
Bell Canada, Benoit Sicotte	Digital Friends Inc., Joe Black	Sears Canada Inc., Cindy Rohoman	Xerox Canada Ltd, Tim Penny
Binotech Software Inc., Chris Dale	Fujitech Technologies Inc., Joseph Liu	Stakeholder, Dan Muldoon	Xerox Canada, Eunice Yeboah
BLUESTAR Canada, Serge Poutchigian	GE Security, Dan Gulliford	Tech Data Canada Corporation, Daryl Rosien	
Bluewater Recycling Association, Francis Veilleux	Grand and Toy Limited, Lloyd Blades	Toronto Recycling Inc., Patrick Collin	
Community Outreach Canada, Valerie Alphonso	Mad Catz, Inc., Michael Guerrero	Tyco Safety Products, Esther Gonzalez	
	Microcomputer Science Centre Inc., Mary To		

### 12.1.2 Via Survey

Absolute Sound, Mike Woodcock	City of Kawartha Lakes, Angela Porteous	eCycle Solutions Inc., Clayton Miller	Modern Landfill Inc, Craig Warden
BlueStar Canada, Jacques Lapierre	Clean Air Foundation, Krista Friesen	ERM, Michelle Gillen	Motorola, Matt Norton
C.I.T.S. Systems, Wayne Giddings	Costco Wholesale Canda Ltd, Brigida Cabral	GE Security, Dan Gulliford	Municipality of North Grenville, Mark Tenbult
Canada Chinese Computer Association, Rose Lai	County of Peterborough, Catrina Switzer	GEEP Inc., Dave Douglas	Pitney Bowes Canada Ltd., Doug MacDuff
Canada Computers, Mary Wong	Dell Canada, Cindy Coutts	HP, Frances Edmonds	PRBA - The Rechargeable Battery Association, George Kerchner
CANEX, Melissa Rooney	Double Bee Enterprises, Ralf Braukmann	Lenovo, Rob Taylor	Region of Peel, Elizabeth Baxter
City of Hamilton, Emil Prpic		LSK Printers, Wah Chow	
		M B Services, Mark Boychuk	
		MicroAge Bracebridge, Connie Wood	

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Region of Peel, Norman Lee

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Robert Soper Limited, Bien Luey

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Ryde Systems, Randal  
Jorgensen

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Sharp Electronics of Canada,  
Eddie Colacchio

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Sims Recycling Solutions  
Canada, Sebastien Rosner

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Sony Canada, Nick Aubry

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Toshiba of Canada Limited,  
Chantale Mantha

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Xerox Canada, Janet Townsend

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# APPENDIX 1: Issue-Specific Comments Received up to April 10, 2009

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Comment (Frequency)	OES Response
<b>Obligated Material Definitions (20)</b>	
In the definition of Modem, does this include PCMCIA modems? Are there size restrictions on the products covered under WEEE? (1)	PCMCIA modems were removable modems designed for laptops that have been largely phased out. These modems are included in the plan. There are no size restrictions on regulated materials unless specifically noted.
Why are some of the Phase I materials listed with Phase 2 materials within the materials definition table? Example: VoIP devices are excluded from Computer Peripherals yet included under Telephone and Telephone Devices. Cellular Phones are excluded under Telephone and Telephone Devices yet included under Cellular phones, PDA's and Pagers. It is a bit confusing to see an item excluded in one area to be included in another. (1)	Upon further review, OES will be presenting revised definitions in the Preliminary Revised Plan, for comment. Overlapping / unclear issues in previous documents will be clarified at that time.
The published definitions include cell phones, wireless routers, access points and bridges, but does not include a new class of wireless device called Femtocells. These are low-powered, fixed cellular base stations meant to be sold to residential users and businesses to provide better indoor coverage for their cell phones and wireless data devices. Will the new devices be excluded from Phase 2? (1)	Upon further review, the computer peripherals category has been revised, and femtocells do NOT meet the new definition, therefore are not included as obligated material.
Laptop and notebook computers should be classified and managed as a separate category. This is because of the greater potential for reuse and the need for power adaptors to be kept together with the unit. In addition, these products contain mercury and a large percentage of variable condition batteries by weight. By including laptops with desktop computers, all computers packaged together could more likely be regulated and need to be managed as hazardous materials. (1)	Noted. OES' recycling standards will require removal of batteries and mercury bulbs prior to processing.
Do speakers include the ones including wood? (1)	Yes, speakers with wood are included as designated products.
Are stereo headphones considered Phase 2 EEE? Do they fall under speakers? (3)	Upon review, headphones will NOT be considered designated under Phase 2 EEE.
There is no clear definition regarding mobile device accessories: chargers, USB cables, ear buds, hands free devices, blue tooth devices. (2)	This definition has been revised since the first consultation session. Now under the Plan, mobile device accessories are NOT obligated.

Comment (Frequency)	OES Response
Stakeholders need more detailed definitions for electronic peripherals. Many comments were made during meeting about whether a company's product is / is not included under Phase 2. (1)	Noted. A more detailed description of each obligated product will be included in the draft Preliminary Revised Program Plan.
We will need clarification on Commercial Digital Printing Devices vs. others. MPF's, Copiers and Printers are generally identified in segments 1 based on speed and monthly capacity. The legal definitions would help us determine where our machines fall. (1)	The definition has now been updated to reflect these comments.
I was under the impression that some Stewards were trying to use interpretation to avoid paying for management of specific categories of materials. It is important to expand the definitions and apply them more broadly, rather than narrowly as they currently are to each category to also include related accessories. For instance, "Audio Players" should also include related accessories such as "Audio Player AC Adapters". (1)	The OES is restricted in scope by language in the Minister's Program Request letter, and by Ontario Regulation 393/04
Would GPS units be included in an Aftermarket Vehicle item? (1)	OES is proposing that there would not be a fee on the EEE that is installed inside the vehicle. GPS' are excluded because they were not designated as part of Phase 1 or Phase 2 materials.
Our organization agrees with the proposed definitions for Phase 2 WEEE and foresees no problems ensuring secure and environmentally friendly processing of these WEEE materials. (1)	Noted.
The proposed definitions and the materials included in Phase 2 of the program are relatively comprehensible. In addition, our organization suggests that inclusion of obsolete electronic such as radios in the near future. Traditionally, the outdated products were manufactured with more harmful components i.e. the use of vacuum tubes in old audio amplification. (1)	All radios are included as a designated material under Phase 2, schedule 4 - audio-visual equipment.
I am concerned about the image audio and video, and why some products are not included in this category. (1)	OES will be revising the definitions and material profiles in the Revised Program Plan, and will provide opportunities to comment at consultation #2
Are projectors, as in the units which project a picture onto a wall or screen, included in Phase 1? (1)	Overhead and digital projectors are included in Phase 2 of the Program.

Comment (Frequency)	OES Response
<p>Regarding the material group of 'Image, Audio, and Video Players and Recorders', our organization has the following suggestions:</p> <p>1) In the column of 'Proposed Phase 2 Materials Definition, 3<sup>rd</sup> paragraph 'These include recording, image, audio and video': to be deleted. The wording is too specific, and will require frequent updating whenever new technologies (e.g. LED, Organic LED, optical fibre, laser, etc.) come up every 2-3 years (which is common in this industry). Suggest to only use the 1<sup>st</sup> paragraph general definition.</p> <p>2) In the column of 'Includes, Data projectors: this name is no more commonly used in this industry; 'Digital projectors' is more appropriate to define the projectors using digital signals, which can be in a multimedia format. Furthermore, since this column will affect future WEEE fee setting, please note that sizes of commercial digital projectors vary greatly, from less than 10kg to more than 200kg.</p> <p>3) In the column of 'Includes, Home theater audio and video equipment: this name naturally excludes 'professional theatre audio and video equipment. To clarify this possible indication, it would be a good idea to specify the professional equipment in the column of Excludes.</p> <p>4) In the column of 'Excludes, industrial/commercial quality amplifiers, speakers, and related equipment used for musical performances and/or public address: a more appropriate wording of the usage would be used for rental staging or other rental business applications, because there are many other forms of events besides musical performance and public address (e.g. conferences, sporting events, celebrations, etc.). Additionally, this exclusion should also include the video equipment used for the same purpose, assuming that the rationale behind this exclusion is that rental companies will remove the equipment from the facility after the event, and therefore no waste will be generated. (1)</p>	<p>These comments have been incorporated into the Revised Program Plan. The OES will provide clarification on issues of "professional" equipment and treatment under the Revised Program in the next posting and consultation.</p>
<p><b>Undesignated WEEE (2)</b></p>	



Comment (Frequency)	OES Response
<p>How should municipalities deal with material that falls under Phase 2 that they already collect in their current programs? (2)</p>	<p>OES has no authority over the collection and processing of Phase 2 materials until the Revised Plan is approved by the Minister of Environment. Therefore since OES will not be collecting fees on Phase 2 until the Plan is approved the cost to manage Phase 2 cannot be born by Phase 1 Stewards. OES realizes that management of Phase 2 is a challenge for municipalities and OES is discussing opportunities where materials of Phase 2 could be streamed and potentially sold to service providers. More research is required with municipalities in this regard.</p>
<b>Obsolete WEEE (1)</b>	
<p>How is the cost of recycling of materials produced long before this program started being covered? For instance my old TV which has been sitting for years. (1)</p>	<p>Costs of managing obsolete WEEE will be applied to the successive product technology under the Program. The concept of Successive Product Technology allows OES to apply the costs associated with the management of Obsolete WEEE collected under the WEEE Program to the Steward fees for the obligated EEE device that followed and/or replaced, totally or in part, the function or intended purpose of the Obsolete WEEE device, as specified in the Phase 1 and Phase 2 Material Definitions.</p>
<b>Exemptions (3)</b>	
<p>Can a Steward apply for exemption? (1)</p>	<p>Stewards who are obligated under the Program cannot be exempted.</p>
<p>Please clarify the exemption process. For example, some provinces require a certificate when a reseller/distributor purchases from a supplier for resale while other provinces ask to confirm the reseller is registered on their published list of registrants. This process, similar to provincial sales tax regimes, avoids duplication of the levy for the same subject good. (1)</p>	<p>Resellers and distributors are only obligated to pay a fee when the Brand Owner is not a resident in Ontario. The Remitter's Agreement will track alternative arrangements.</p>

Comment (Frequency)	OES Response
<p>As a commercial/professional digital projector manufacturer, we foresee a small product waste exposure in Ontario. Our products are designed to have a long lifetime of 10 years. We also offer a comprehensive service and refurbishing program, which means many old products are repaired and upgraded in our facility and then are reused by our customers. The waste generated in our facility is currently covered by a recycling program under our ISO14000 Environmental Management System. Meanwhile, our distributors and dealers are likely to have their own waste disposal programs at their facilities with their own local contractors to cover the other associated waste (packaging, consumable parts, hazardous chemicals, etc.). It would be more practical and cost-effective for commercial/professional parties to reach their own waste disposal agreements as a part of their contract, than to encourage users to dispose the products through the general municipal waste stream to sort, collect, and recycle among the consumer electronics. (1)</p>	<p>OES is addressing WEEE managed by Stewards in closed-loop systems, and will address this in the Preliminary Revised Program Plan. Participation in the Ontario WEEE program is not mandatory for anyone except Stewards, who are required to report and pay fees.</p>
<b>Industrial, Commercial and Institutional WEEE Generators (1)</b>	
<p>Is it anticipated by OES that there will be collection under the Program for the IC&amp;I sector? (1)</p>	<p>The Plan does not differentiate between IC&amp;I and residential WEEE generators. OES aims to make sure the Plan is flexible and accessible to all end users. At this point in time OES does not have a dedicated vehicle to do this. OES is trying to use the incentive options to stimulate the private sector to pick up IC&amp;I.</p>
<b>Targets (3)</b>	
<p>What criteria will be used to set targets for accessibility, collection, reduction, reuse and recycling of WEEE?</p>	<p>Criteria will be based on WEEE available for collection. Targets will be included in the Preliminary Revised Program Plan for stakeholder consultation.</p>

Comment (Frequency)	OES Response
<p>In Appendix 3 Clarification Letter on WEEE Diversion, on Page 2, the 2nd paragraph states: "it is expected that the WEEE Program Plan submitted by WDO will include targets for: Reduction, Re-use, Recycling": I did not find the specified target percentage rates in either the Revised Program or the Waste Diversion Act published at WDO website. However, these target rates, especially the recycling rates, are highly associated with the actual raw material types, such as alloys, painted metal sheets, plastics, chemicals, etc., which are used in products. There should be many references available from the recycling industry to help define the recycling rates for the common material types. Therefore, in my opinion, it would be more scientific to define the recycling rates for different raw material groups, and not for each product groups. (1)</p>	<p>Noted. The Preliminary Revised Program Plan will include targets for recycling and reuse, as well as performance targets for diversion and other measurables. However, these will be based on product categories and not specific material types.</p>
<p>There should be a specific minimum reuse percentage targets by category of product and by region in Ontario for the first year and every subsequent year. If this is not done prior to the start of Phase 1 the process does not reflect the Reduce, Reuse, Recycle objectives of the community and the Minister. (1)</p>	<p>The Phase 1 Plan has established reuse, recycling and collection targets, which have been updated for the Revised (Phase 1 and 2) Program Plan.</p>
<p><b>Data (6)</b></p>	
<p>On slide 50 or 51 on EEE supplied for use shows a decreasing weight, but Table 1 in handout 2 shows a flat to increasing weight. Which is correct? (1)</p>	<p>OES is revising data for consultation session #2, and will include this new data in the Revised Program Plan.</p>
<p>Re: market assumptions about aftermarket vehicle audio. The number of new vehicles supplied into Ontario by auto manufacturers and the discard model for automobiles can serve as a guide to estimate the number of vehicle audio systems that may be discarded. Auto salvage yards may end up using WEEE collectors rather than pay tipping fees for discarding non-saleable automotive radios. (1)</p>	<p>Thank you for your suggestion - OES will investigate this further.</p>

Comment (Frequency)	OES Response
<p>Do you have any data from other provinces that provides insight on the amount of e-waste that can be diverted from Ontario landfills through similar programs? What benefit to the environment can we expect and how will it be measured in Ontario? (1)</p>	<p>OES has an interest to see greater harmonization with other provinces. The Minister's Program Request Letter requires a Materials Tracking System (MTS), and a key part of the Program will involve the tracking of data from when it is introduced in the market, to when it is collected at end-of-life. The Revised Program Plan has both collection and recycling targets that OES will track performance against.</p>
<p>At the end of life, who will manage the OEM vehicle audio AC Delco stereo in your car when you buy it? You don't have much data on the after market of life. (1)</p>	<p>OES is gathering new data from additional sources that were unavailable at the time of consultation #1.</p>
<p>In our experience, data predictions are difficult to make as they are dependent on the quality and effectiveness of the communication strategy surrounding program role-out. With this in mind, however, we believe the predictions of product volume to be as accurate as could reasonably predicted. (1)</p>	<p>Noted.</p>
<p>I was wondering if you were able to get actual data on quantities of material supplied for use and quantities available for collection? For example, ARMA in Alberta has an history as far as their WEEE program goes. Do you have any other sources for real data regarding these quantities? If so, what are they? (1)</p>	<p>The Phase 1 WEEE Program Plan was based on best available information. OES has been in communication with other provinces in terms of data collection - for example Phase 1 target setting used ARMA and data from SWEEP- to model the OES targets. Phase 1 registration begins April 1, 2009, and after that time we will have real data. Phase 2 presents a challenge as the only Phase 2 program that has launched is in Nova Scotia, and that was launched in February of this year. Please note that the discard model is only a projection and given the current economic challenges it may be revised.</p>
<p><b>Material Flow (4)</b></p>	

Comment (Frequency)	OES Response
<p>Our organization supports:</p> <p>i) OES' recognition of the differences in use and application within a material grouping, for example, printing and imaging devices, and</p> <p>ii) OES' approach for harmonization in language and EEE inclusions/exclusions with other existing provincial electronics programs.</p> <p>We recommend that for the image, audio and video players/recorders grouping that One-Time Use (OTUC) or Single Use Cameras be exempt. This request is consistent with the principle of harmonization as well as the proven recycling/re-use legacy program of the OTUC. Please see the attached document for rationale. We also recommend that commercial and digital theatre imaging devices be exempt. This request is consistent with the approach applied to amplifiers, speakers and related equipment used for musical performances and public address. (1)</p>	<p>OES is introducing new options for Steward WEEE self-management systems currently operating. No exemptions have been granted at this time.</p>
<p>If OES allows product to go from Generator directly to Processor, in order to eliminate the consolidation site, where applicable, does the transporter have to be approved by OES? (1)</p>	<p>The option to ship directly from generation site to processor is still under review and may be implemented within the first year of implementation. Specific conditions for this arrangement, if allowed, will be communicated at a later date.</p>
<p>Will the OES Plan include a clause to recognize and accommodate "existing business relationships" whereby OEM's are presently directing material to an EOL processor, and bypass the requirement to forward material to a consolidation point for allocation to downstream? (1)</p>	<p>The Revised Plan will revisit the consolidation model outlined in the Phase 1 Plan. The OES Board advised that opportunities will be explored as long as they meet OES standards. OES will try to make sure bypassing consolidation is cost effective in terms of handling, as we don't want to force WEEE through consolidation if it doesn't have to. However, it must go through an approved primary processor. Please see the Revised Program Plan for further discussion on the direct-ship option.</p>
<p>Direct shipments for IC&amp;I generators to processors, in proportion to their allocation percentage would be welcomed, however, these volumes and relationships should be given more attention by OES to determine exact outcomes. (1)</p>	<p>Noted.</p>
<p><b>Collection (2)</b></p>	

Comment (Frequency)	OES Response
<p>Are there any guidelines or requirements for the storage of both Phase 1 and 2 materials? We run Municipal Landfills and are applying as a collector. For example, can materials be stored outside, or will infrastructure investments be needed? (1)</p>	<p>Sites are allowed to tarp the storage containers, if necessary, in order to comply with storage regulations.</p>
<p>As Phase 2 involves more complex electronic products, the disposed waste can be of heavy weight (especially commercial products), and the waste may contain hazardous substances (industrial batteries, high-pressure lamps, etc.). Therefore, we recommend that OES set up additional packaging specifications for the associated waste collection and transportation. (1)</p>	<p>OES is introducing a requirement to remove hazardous components (e.g. bulbs, batteries, ink and toner cartridges) prior to processing. The Preliminary Revised Program Plan will address opportunities for Steward self-management programs.</p>
Collection incentive (2)	
<p>What has been the consideration regarding the collection incentive of \$165/tonne in Phase 1? For Phase 2, is it expected to increase, decrease or remain the same? I understand that extensive research has been done in setting the fee using existing provincial programs etc. However the proposed packaging requirements (pallets and wrap) have additional labour requirements, as well the security requirements and monitoring and tracking specifications have added overhead costs. Has the current collection incentive been an issue for other potential collectors? (1)</p>	<p>OES will be revising the amount of the collection incentive as part of the planning process for the Revised Plan. We encourage you to submit a suggestion on what you think is the appropriate amount.</p>
<p>As of April 1, 2009 we have been told the price is set at \$165 per tonne- we know now that this number will be inadequate. Current prices for disposing of TV's in south-western Ontario are over 21 cents per pound. How do we address this problem going into Phase 2? (1)</p>	<p>OES will be revising the amount of the collection incentive as part of the planning process for the Revised Plan. We encourage you to submit a suggestion on what you think is the appropriate amount.</p>
Processors (4)	

Comment (Frequency)	OES Response
<p>Of most interest to us as a processor is the additional incentive for improved environmental performance and the contract terms; both should be increased. In these difficult economic times, when Canadians are looking for valuable employment and governments and programs are preaching a shift from manufacturing to green jobs, OES and the Stewardship program can take a lead in this movement. This program has the ability to create new, sustainable jobs in Ontario and across Canada. OES should encourage domestic processing of all materials coming through the program. (1)</p>	<p>Noted.</p>
<p>A minimum scoring system is critical to ensure program integrity. The minimum contract length should be extended to a minimum 3 year term and preferably 5 years. The current 18 month term is not sufficient for most businesses to justify the necessary capital investments required in order to ensure adequate capacity and the lowest possible prices for the WEEE material expected under the program. Also, we encourage the development of a system in which materials can be shipped directly from collector to processor in quantities which correspond to a processors allocated share of the volumes. If managed properly, we believe that considerable program efficiencies and cost savings will be achieved. Finally, a vendor or record system is a good idea so long as the number of vendors on record is capped to ensure adequate volume of material to ensure a viable business. Having too many vendors on record will destroy sustainability for all vendors by splitting the pie into too many pieces. Prior to moving forward with this type of initiative we would recommend close consultation with key recyclers. (1)</p>	<p>Noted.</p>
<p>What are the possible amendments of audit requirements? Could you please describe these amendments, and please advise if this influences the disclosure of information from downstream process to primary processors. (1)</p>	<p>The OES Recycling Standard is the same as in other provinces. There is a working group of the OES Board where this process will be discussed. This is an area that we need to explore with the auditors and the working group. OES wants to ensure that those relationships, from an audit standpoint, are doing what they are supposed to.</p>

Comment (Frequency)	OES Response
<p>In regards to the treatment of materials, OES should be aware that processor costs are increasing while market prices for outputs have been decimated. When considering the management of items such as Hg bulbs and batteries, OES should know that these items can be very hazardous to remove, manage and process. Costs related to this are very high. (1)</p>	<p>Noted.</p>
<p><b>Data Security (5)</b></p>	
<p>Based on the size and volume of our demanufacturing programs it is both impractical and creates an element of risk to ship to a consolidation site. Most manufacturers and large resellers have situations whereby we are removing equipment from sites where confidential information will be stored on the hard drives of the MFP or Printer. At this time we receive a certificate of destruction from Sims that is acceptable by our clients. Under the Consolidation Center model, we would never know where the final demanufacturing would be completed or how. Another aspect of our program is the need for detailed breakdown of the components when demanufactured. This would not be available if our loads were split or joined with others. We include a sample of a report. In short, we have a requirement to ship direct to a preferred recycler as we do in the other Provinces. We are most concerned with the "reuse" portion of the program as it is absolutely essential that none of the electronic components of the operating systems of our products be reused, as they may contain confidential information of the users to whom they were contracted. We would require a level of comfort that our products would never be directed to a "remanufacturer" or reclaimer. (1)</p>	<p>Comment noted. New options for Stewards' self-managing of EOL WEEE will be presented for comment in the Preliminary Revised Program Plan and are planned for discussion at consultation #2.</p>



Comment (Frequency)	OES Response
<p>Regarding the Revised (Phase 1&amp;2) Waste Electrical and Electronic Equipment (WEEE) Program document dated Jan 21, 2009 (below refers to as the Revised Program), I have the following general comments. 1) On Page 25, in Section 4.8 Other Possible Amendments, the last bullet reads: Data security / privacy policy and OES liability. Please note that in order to facilitate quick disassembly and safety in recycling products, manufacturers may need to provide certain sensitive information to OES and/or its contracted recycling facilities regarding their product sales data, unique structures, material compositions and components, which may become required as more complex products are added in Phase 2 compared to the ones included in Phase 1. These data may be business secrets, or can be used to reverse-engineer a similar product. Therefore, I would like to see strictly-controlled usage defined for any database used for data-sharing purposes. (1)</p>	<p>Noted.</p>
<p>Our products must be shipped direct to the end recycler to provide both the confidentiality and certificates of destruction along with detailed breakdown of the materials recycled. We cannot let our products get reused or resold in any form. (1)</p>	<p>Noted.</p>
<p>The Program should have in place protection policies to manage data on products being processed. To request that each company or individual have the right to decide how their data and hence computer would be processed based on security policies is impractical and does not display the leadership responsibilities of OES in this area. The program should authorize and certify reuse and refurbishment centres to wipe hard drives with military standards in order to reduce the amount of computers which become end-of-life without hard drives and therefore unavailable for reuse. (1)</p>	<p>OES is developing a Privacy Protection Policy. The Privacy Protection Policy will address liabilities and risk mitigation efforts by OES. The onus is on the WEEE generator to remove personal information from their products prior to EOL management. OES will be providing some educational information to assist generators in cleaning their own hard drives.</p>
<p>In the WEEE Re-Use and Refurbishment Standard, I don't see a requirement for refurbishers to remove brand logos, SN# from equipment? What safeguards or assurances are in place to prevent re-introduction of a product that has been refurbished as not being sold as original branded product? (1)</p>	<p>Noted.</p>
<p><b>Harmonization (6)</b></p>	

Comment (Frequency)	OES Response
<p>Fees should be similar to other provinces. Stewards should be able to transfer the collection of fees to retailers as in other provinces. (4)</p>	<p>A Remitter's Agreement option exists in Ontario. All efforts have been made to harmonize with other provinces, where possible.</p>
<p>We suggest OES strive for harmonization and efficiency amongst MHSW and WEEE programs with respect to collection, processing of materials that belong to one program but collected via another program as part of the product, for example batteries, in order to keep costs and fees to a minimum. We also suggest harmonizing promotion and education strategies for materials managed under multiple programs. OES should post on OES website all registered EEE Stewards, approved WEEE service providers. (1)</p>	<p>Noted. Attempts are being made to harmonize the MHSW and WEEE programs.</p>
<p>Currently, British Columbia, Alberta, Saskatchewan, and Nova Scotia all have a mandatory electronics recycling fee. It was uniform across all four participant provinces, even though they did not begin imposing the tax at the same time. It was easy to manage for computer and electronics resellers. The complexity of the breakdown system that is being imposed in Ontario places the onus on resellers to properly collect, account for, and remit these taxes to the province, thereby forcing us to have two separate tax calculation systems in place, making internal manageability a nightmare. People and companies in the Canadian private sector are already overtaxed and overworked. (1)</p>	<p>Noted. OES made every effort to harmonize with other provinces. However, due to Ontario-specific program requirements, full harmonization is not possible.</p>
<p><b>Research and Development (2)</b></p>	
<p>Any investment put at the early stage of product design towards environmentally-friendly direction will massively reduce the amount of waste later on, and increase the recyclability of the affected products. The electronics industry is usually sensitive to and likely to welcome such an encouragement in the form of financial assistance or tax credit from the government to make its eco-design R&amp;D work more economically worthwhile. (1)</p>	<p>Noted.</p>

Comment (Frequency)	OES Response
<p>Our organization has been collecting and compiling comments and feedback from members who process electronics. With respect to all phases of the program, the program is solely focused on the recycling and the collection rather than product redesign by the manufacturer. Additionally, there are no specific incentives for the producers to allocate funding for new R&amp;D of products. We believe that any Stewardship program should motivate producers to continuous environmentally sound improvements, facilitate incentives in resource management and inspire innovative technological advancements. (1)</p>	<p>Noted.</p>
<p><b>Promotion and Education (6)</b></p>	
<p>Will Stewards be expected to provide consumers with information about the environmental impact of EEE, the meaning of the WEEE markings, the benefits of separate collection of WEEE, and the opportunities supported by the distributor for customers to dispose of their WEEE for environmentally sound treatment and recycling? (1)</p>	<p>Stewards are not obligated to provide this kind of information. Communication about the program will be coordinated through the OES. For more details, please see the chapter on Promotion and Education in the Revised Program Plan.</p>
<p>In European WEEE requirements, the UK guidance document requires distributors of EEE to place the consumer information on product packaging like in the user guide or owner's manuals. The Europeans require this in addition to placing the crossed out wheelee bin on the product. (1)</p>	<p>OES cannot address labeling requirements, as this falls under the jurisdiction of the federal government.</p>
<p>Are there any projected dates for the launch of the Online Exchange Network and Searchable Database and will you be asking for consultation from Collectors/Transporter/Processors on how best to design those mediums? (1)</p>	<p>The Online Exchange Network will be a development objective of the Revised Plan once approved. OES will engage stakeholders if possible at that time.</p>
<p>Media stories about the requirement of Ontario businesses to register should be planted and suggested so that more retailers come forward proactively as Stewards. A method of discerning and intercepting reusable equipment at the collection point needs to be developed. (1)</p>	<p>Noted.</p>

Comment (Frequency)	OES Response
Public awareness and participation must be improved. This includes but is not limited to providing companies with information on how to educate their customer base. Consideration and incentives to remove hazardous substances from product at time of mfg should be an aspect of WEEE. Removal of hazardous substances will be safer for those involved in the recycle and / or handling of WEEE. (1)	Noted. OES' recycling standards will require removal of batteries and mercury bulbs prior to processing.
<b>Designing For Environment (3)</b>	
Are there any incentives included for reduction or elimination of wastes upfront at the design stage, in keeping with 3Rs principle? (1)	Although OES does not have the authority to compel individual Stewards to undertake DfE activities, the OES Program will examples and analysis of reduction activities and the anticipated future impact in Ontario of these initiatives. OES will publish this information in its annual report to the WDO.
Is there incentive for producers to create 100% recyclable materials? (1)	Design-for-Environment (DfE) is a reduction element that the WEEE Program cannot directly address. Efforts by OEMs and Stewards in DfE are not mandated by the Program.
While OES has the authority to set fees based on material recovery and recyclability, incorporating /dictating such fees as part of the methodology limits innovation and could interfere with safety related features required by the product. Providing incentives that promote reduction and Design for Environment by means of credit to EEE Stewards is a more positive approach. (1)	Noted.
<b>Reduction and Reuse (2)</b>	
More emphasis should be given to reduction if OES and stakeholders continue to push the '3Rs'. More discussion with all parties on the reuse issue is encouraged. (1)	Noted.
A method of discerning and intercepting potentially reusable equipment at the collection point needs to be developed. Potentially reusable equipment could be consolidated and sold to reuse organizations to create an additional revenue stream for OES funding. (1)	Only WEEE collected at OES-approved reuse and refurbishment sites may be reused/refurbished under this plan. The onus is on the WEEE generator to properly dispose of the product. Promotion and education will play an important role in encouraging proper management of WEEE.
<b>Steward Obligations (3)</b>	

Comment (Frequency)	OES Response
<p>As a computer integrator we sometimes have product shipped to our location for setup and then it is shipped on to our clients, sometimes in other provinces. If we have already remitted the fee to our distributors because it was shipped to our location first (In Ontario) - what do we do about our obligation to the province we are shipping to for e.g. BC? This could create a duplicate fee situation. (1)</p>	<p>If you are an assembler and you supply products into Ontario you are considered a Steward. You must remit only on the items that are supplied into Ontario. If the product is shipped out of Ontario it is not obligated. If the product is shipped to Ontario it is supplied and therefore obligated. If mis-reporting occurs, there are mechanisms to adjust the report and receive a credit.</p>
<p>If a vendor has a global take back WEEE program for their products, do they still need to register with OES or WDO ? (1)</p>	<p>All Stewards must register, report, and pay fees to the OES. Additional options for self management systems will be presented in the Preliminary Revised Program Plan.</p>
<p>The importer has to pay Stewards Fees on materials imported and sold to Ontario ONLY. A non-importer located at Ontario must pay Stewards fees when it buys from an importer even though the goods are eventually shipped out of the province. This creates a non level playing field for importer and non-importer which try selling to same out-of-Ontario customers unless there is way for the non-importer to recoup Stewards fees already paid to importer for goods subsequently resold out of the province. (1)</p>	<p>Fees must be paid on EEE supplied for use in Ontario. If mis-reporting occurs, there are mechanisms to adjust the report and receive a credit.</p>
<b>Fee-Setting Methodology (5)</b>	
<p>In the fee setting methodology, Stewards who collect end of lease EEE and then re-sell outside of Ontario should be eligible for a credit against their fees paid to OES. Assignment of cost to manage a particular obsolete EEE or technology within a material grouping should be weighted proportionately. The cost to manage other WEEE within that same material grouping with otherwise good recovery should not be disproportionately affected. (1)</p>	<p>Fees are only paid on the number of units supplied into Ontario. Stewards reselling for reuse outside of Ontario will need to work with those jurisdictions. Fees are not paid on reuse or refurbished item sales in Ontario. If mis-reporting occurs, there are mechanisms to adjust the report and receive a credit.</p>

Comment (Frequency)	OES Response
<p>There is inequality in the manner in which charges are levied for the future disposal of televisions. At the standard rate of \$10.07 for each television sold for use in Ontario the television could be a 32" CRT set that weighs a couple of hundred pounds or the television we manufacture which is a 10" LCD television that weighs just twelve pounds. There an obvious difference in the costs associated with disposal of these vastly different products that I feel should be recognized in the charges levied. (1)</p>	<p>See the Phase 1 WEEE Program Plan, section 6.0, which illustrates the fee setting methodology. Also, in section 7.2.4 the Year 1 WEEE Program Budget identifies that Year 1 cost estimates are based on the best information available during Program development. Note that differentiated fees within a product category will be included in the Preliminary Program Plan for stakeholder consultation.</p>
<p>If fee setting is based on market share and sales, I am assuming there is a component of historical data. How does it affect a company like ours where our markets is increasing but has a low footprint in terms of historical data? (1)</p>	<p>Fee-setting methodology is based on data forecasts of EEE markets, and reflects expected growth or decline in its projections, as well as the anticipated WEEE available for collection.</p>
<p>In the fee structures are there any considerations for Restriction of Hazardous Substances (RoHS) compliant WEEE? (Removal of Lead, Cadmium, Mercury, etc...). (1)</p>	<p>RoHS compliance is under a European Union Directive beyond OES' authority and therefore compliance with ROHS in Ontario is left to the decision of Stewards. OES does not have jurisdiction over these elements and can therefore not offer any fee rebates for compliance.</p>
<p>Fee-setting for commercial/professional products (Phase 2) should consider using a different methodology. It would be better to bill the collection and recycling costs to the manufacturer for each unit actually collected and recycled, instead of charging all of the equipment manufacturers a flat rate or fees based on sales data. Our European WEEE program is using the approach of tracking costs based on the actual units recycled, as part of the Business-to-business product producer's obligation under the EU WEEE Directive. More information on this business-to-business WEEE program is available upon OES' request. (1)</p>	<p>OES will assess fees on units supplied for use in Ontario, in accordance with the approved Phase 1 WEEE Program.</p>
<p><b>Steward Fees (8)</b></p>	
<p>Rather than have a Remitter's agreement for all retailers - we should switch to an agreement for retailers who are NOT willing to collect fees. There would be less of these. (1)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
<p>We are a reseller and computer integrator and I have registered with OES as a remitter but I am wondering if I could just pay the EHF directly to our distributors. (1)</p>	<p>A Remitter means a Person, who may or may not be a Steward, who has executed a Remitter's Agreement with a Steward and OES respecting EEE. As a remitter you enter into a Remitter's Agreement with OES, a Remitter (you) and a Person designated under these Rules as an EEE Steward. The Remitter will file a Remitter's Report and pay Steward Fees to OES on behalf of a Steward for such EEE that was Supplied in Ontario by the Remitter and will inform such Steward of the amount of Steward Fees paid to OES. The situation you described would not qualify under the Remitter Agreement. If you resell items supplied by your Ontario distributors who are first importers (and under the OES Rules are Stewards), those distributors may charge you back. The WEEE Program does not tell the companies that are obligated to pay fees how to manage these costs. It is up to the individual companies and their retail customers to make their own decisions. Some companies will internalize the cost, while others may charge consumers an environmental handling fee at the point of purchase.</p>
<p>Are EEE Steward fees are going to be GST or PST applicable? (1)</p>	<p>OES is waiting on a GST ruling from Canada Revenue Agency (CRA) with respect to its WEEE program. Until such time as this ruling is received, OES will be charging GST on fees to Stewards obligated for EEE under the WEEE program upon the start of the program. Stewards will be advised of the WEEE GST status as soon as a ruling is received. PST does not apply.</p>
<p>Some provinces don't require a remittance on replacement/warranty printers provided a no charge. Is this the same in Ontario? (1)</p>	<p>Stewards are not obligated to report or pay fees on warranty or replacement WEEE.</p>
<p>If our organization remains responsible for collection, transportation and disposal of the WEEE, what will the fees collected under the WEEE Program Plan be used for? There appears to be no purpose for the fees collected. (1)</p>	<p>OES is investigating opportunities for differentiated fees for Stewards approved for self-management under the Program.</p>

Comment (Frequency)	OES Response
<p>I think it is wrong for retailers to charge the Steward fee to the consumer, and to make it visible on their receipt as they leave the store. Companies should be paying this fee, not consumers. The Waste Diversion Act does not specify that the consumer or end-user has to pay these fees. If fees are supposed to be paid 100% by brand owners, first importers or manufacturers, then how can a consumer legally foot the bill? (1)</p>	<p>Stewards are the legally obligated to pay and remit the fees to OES. How they choose to pass the fees on down their supply chains are beyond the scope of this Program and that is their individual business decision to do so. OES cannot advise further on such practices.</p>
<p>Where is the accountability in making sure that retailers don't charge the fee to consumers on a product that the Steward has already remitted fees on? Who is in charge of enforcing this? (1)</p>	<p>The decision to charge a fee at retail is beyond OES' authority as OES charges fees to stewards. Comments received by the public are often forwarded to the retailer to keep them informed of comments from their customers.</p>
<p>In Ontario, the shelf price is the price you pay at the cash register. If the shelf price is different than the price you're charged at the register, then that is against the Retail Scanning Code of Practice (which is a law). (1)</p>	<p>Noted.</p>
Reporting (8)	
<p>In the Phase 2 materials is the intent that Stewards will need to report at Material Grouping Level or Subgrouping or at the specific material level - e.g. today we are required to break peripherals into each product but Desktops at a group level. (1)</p>	<p>Stewards will be required to report at the product level for Computer Peripherals. Specific reporting requirements for Stewards are specified in the Rules for Stewards, not in the Material Profiles and Definitions. The material grouping level and sub-grouping level outlines the categories by which fees will be assessed, not necessarily the format of the Steward's Report.</p>
<p>As a reseller if we sell a system that comes with keyboard, mouse etc. straight from the manufacturer. Are we obligated to report these peripherals separately? (1)</p>	<p>You are only obligated to report on Phase 1 EEE for which you are the Steward. This means that if you purchase a PC from a resident in Ontario brand owner who is the Steward and you are adding peripherals of another resident in Ontario brand owner - you would not be considered a Steward and therefore you do not need to report on these items as it is the responsibility of the Steward is to remit on these items. If you are an assembler of any Phase 1 EEE for example you assemble a PC you are obligated for that PC and considered a Steward, if you attach peripherals whose brand owner is resident in Ontario you would not remit on the peripherals as a brand owner exists.</p>



Comment (Frequency)	OES Response
<p>Our organization would prefer an annual or at least a quarterly reporting scheme rather than a monthly scheme which is onerous to maintain and manage without redesigning and costly staffing. All our reporting tools and processes and staffing levels are structured for annual and quarterly reporting. Will the fee schedule be amended to allow for annual or quarterly reporting? (1)</p>	<p>Noted.</p>
<p>Will the existing peripherals still require reporting by the number of each items (e.g. # mice, # keyboards) or will this change to be at Group / Subgroup level when Phase 2 is launched. (1)</p>	<p>The Revised Plan and the Rules will outline the reporting intention of Phase 2 EEE. It is proposed that printing Imaging EEE may be reported at a sub group level similar to the audio category - which may reflect a fee variation. More information will be provided upon draft Plan presentation.</p>
<p>The documentation process is far too extensive and repetitive especially for the downstream (secondary) recyclers. The OES should consider establishing a data bank and disclosed a list of preapproved downstream recyclers and collectors on its website; if not publically, at least one internally. This can eliminate the auditing of a previously approved downstream recyclers. In addition, the disclosure of information may make the program more transparent. (1)</p>	<p>Noted.</p>
<p>Disclosure/exchange of information between downstream and Primary processors is an issue. Requirement for commercial reusers to pay for audit may limit entrants to the program. (1)</p>	<p>Noted.</p>
<p>It is unclear if a qualified mechanism exists at OES to undertake a balanced assessment of which practices are best suited to self declaration of compliance and which are not. In some cases industry may seek to have certain best practices recognized/validated by means of a reduced levy structure or other means, as an incentive for industry leading waste management practices. In any case, as governance is an enabler for sound decision making and program integrity (public and private sector) these issues should be addressed or at least discussed with appropriate stakeholders sooner rather than later. (1)</p>	<p>Compliance with reporting and paying fees is a requirement of the WDA. OES is investigating opportunities to incorporate existing practices into the Preliminary Revised Program Plan.</p>
<p>What is the reporting mechanism for RoHS compliance? (2)</p>	<p>The OES program does not require organizations to report on RoHS compliance.</p>

Comment (Frequency)	OES Response
<b>Cost of Program (3)</b>	
This is another complex Government program to hurt Ontario business. (1)	Noted.
It is fees like this that is driving large companies out of Ontario and forcing them to locate their companies in foreign countries. (1)	Noted.
Under the proposed Electronic Materials Exchange Network as a Re-use Initiative, what happens to the money retrieved by generators who sell their unwanted electronic for which Steward has remitted fees? By using this network, is there a cost savings from the transportation, collection side? To maximize environmental outcome in an economic, efficient manner, OES should continue to investigate alternatives to consolidate-by region, by material groupings, as well as, looking for opportunities to incorporate direct shipments in the model. (1)	Regardless of how many times and item is reused, refurbished and/or resold, it will eventually be disposed of and incur collection and transportation costs. The fee is designed to cover these costs. OES is incorporating alternative models into the Preliminary Revised Program Plan.
<b>Governance (3)</b>	
OES should consider a role for representatives of the recycling community in the governance model. We prefer to see ourselves, in addition to contractors, as partners in the Stewardship programs. (1)	Noted.
Regional/municipal interests should be represented on the OES Board of Directors (either as members or observers) since this program impacts them as well as the product Stewards. (1)	Noted.
Upon qualification of Primary Recyclers and program commencement, the addition of a representative of the recycling industry to the OES board of directors would make a lot of sense. (1)	Noted.

Comment (Frequency)	OES Response
<p>It is important to ensure that Governance framework is deemed to be sound from the perspective of key stakeholders: citizens, customers, environmental Stewards, industry etc. As a private industry led, self-governing Industry funded Organization (IFO) there may be issues to address with respect to the potential appearance of conflict in the strategic level decision making process given that the OES Board membership consists exclusively of representatives from private sector firms and no non-governmental organizations, academic, public sector or scientific community representation. This might be interpreted as a narrowly construed governance structure. From a decision making standpoint, it is unclear how/if policy issues arising from industry consultations between OES and affected industry Stewards are to be conveyed to the Government of Ontario. (1)</p>	<p>Noted.</p>
<p>What criteria will determine recovery performance? From a Governance perspective, the composition of OES' board of directors should be an appropriate balance of Phase 1 and 2 obligated Stewards, and a better balance of Ontario-based business entity representing Business to Business (business-to-business) applications. Observers to the process, where possible, should not have direct affiliation the same association(s) that is/are elected to make the appointments to the board. (1)</p>	<p>Noted. Composition of the OES Board of Directors is being updated to include Phase 2 Stewards.</p>
<p><b>Consultation (4)</b></p>	
<p>The key to success with regards to Phase 2 program development is in open communication and consultation with all stakeholders, the primary processors in particular. Ensuring adequate time is allotted for said consultation and for adjustments to capacity and overall business procedures will ensure program success. While more materials are added to the program OES should consult more with processors on these costs when considering appropriate fees both for budgeting purposes and when considering RFP responses. OES must make it reasonable in order to prevent the possibility of mismanagement of these types of hazards and other materials. (1)</p>	<p>Noted.</p>

Comment (Frequency)	OES Response
There has been during the Phase 1 process an under representation of program input from NGO's and charities and in relation to their current and changed activities after April 1 2009 involved with reuse and refurbishment. (1)	Noted.
The consultation process does not allow equal opportunity for the participation of the volunteer sector due to the time and days chosen to have public consultation meetings. We would appreciate some evening and/or weekend sessions. (1)	Unfortunately, it is difficult to schedule a workshop time that works for everyone. Each of our consultation sessions are webcast and archived, to ensure maximum accessibility. Questions and comments are accepted anytime via email or phone.
Scheduling a workshop for the last day of the month (i.e. Apr 30) is difficult for many people who are responsible for administering the WEEE program for their companies, at least for the smaller retail companies, are accounting/admin people. The last business day of the month tends to be a busy day for them. (1)	Noted. This will be taken into consideration for future consultation sessions.
<b>Implementation (5)</b>	
When will Phase 2 be implemented? (4)	The date of implementation of the Revised Program Plan is under the jurisdiction of the Minister of the Environment, and thus we cannot comment on the timing of when this Plan will come into effect. OES is planning to submit the Revised (Phase 1 and 2) Program Plan to Waste Diversion Ontario for approval on May 13, 2009, but has no control over what date the Program will be approved (and subsequently implemented).
If there were a lack of collectors, could a transporter also become a collector? (1)	Yes this is possible, but it would need to be discussed with a representative of the Phase 1 implementation team.
<b>Phase 1 (15)</b>	
We have a charity affiliation who is interested in doing a collection event this May - Phase 1. We are interested to know how we can become a round up service provider, as well as if there will be restrictions on the public for drop off? (1)	OES encourages all interested parties to register and apply as collectors. Should the charity or service provider be interested in providing special events services, there will be an REOI and RFP process. Table 5.1 in the Phase 1 Plan presents a number of collection scenarios. The OES does not limit the end user to a threshold of material they are able to drop off at OES locations. However, collection sites can identify which subset of Phase 1 materials they wish to take back.

Comment (Frequency)	OES Response
<p>Most municipalities do not have storage capacity to separate WEEE materials by category. Keeping materials covered and dry also presents challenges for many municipal collection sites. Many regional sites collect WEEE materials in roll-offs and do not have on-site ability to shrink wrap pallets. When materials are collected from collection sites, how are tonnages recorded and subsequently allocated for payment? (1)</p>	<p>The collection incentive is only available to those sites who comply with OES packaging requirements. Materials will be tracked and managed using OES' material tracking system.</p>
<p>As a equipment technology leasing firm located in Ontario, in what circumstances would we, as a lessor, be obligated to act as a collector/remitter of these fees? (1)</p>	<p>If you supply any of the Phase 1 EEE and your company is the brand owner, first importer, franchisor or assembler within a given data period you would be obligated as a Steward. If your company is the lessor of the EEE and an Ontario Steward exists (that means a brand owner resident in Ontario, or an assembler, or a first importer into Ontario) your company would not be an obligated Steward. If you first import the EEE from another province or country where an Ontario Steward does not exist you would be considered a Steward.</p>
<p>Will an RFP need to be circulated (as in the MHSW program) from OES approved pickup companies? (1)</p>	<p>This was completed in early April, 2009.</p>
<p>What volumes can the public/companies/ take to collection sites at one time? For example, if a company does an e-scrap drive and has 200 monitors can they drop those off at a collection site? (1)</p>	<p>There is no volume restriction for Phase 1.</p>
<p>Are collection sites required not to charge collection fees for WEEE items? (1)</p>	<p>The WEEE Program Plan does not tell collection sites whether they can or cannot charge fees to end users.</p>
<p>From a collection standpoint has any further consideration been given to the utilization of a standard reusable transport packaging (ex: File 1 and 2 attached) from the start of Phase I as opposed to non-reusable packaging that is being proposed? The labour involved with palletizing and wrapping specific items could prove to be cumbersome for some collectors. One standard reuseable collection container may facilitate the collection process, reducing labour requirements, storage issues with different container types and sizes, elimination of improperly wrapped pallets resulting in transportation and safety issues and the elimination of transport related waste. (1)</p>	<p>Noted. Reusable containers are under consideration.</p>

Comment (Frequency)	OES Response
<p>We are a Brand Owner. We understand we need to register. However, if our Distributors are resident in Ontario and are registered with OES, are we obligated to pay fees? (1)</p>	<p>In the situation you describe, your company may be able to enter into a Remitter's Agreement with your Distributors (who would then be a Remitter). The Remitter would file a Remitter's Report and pay Steward Fees to OES on behalf of your company for such EEE that was supplied in Ontario. Please contact OES customer service to discuss the specific details of your situation, to determine if you would qualify.</p>
<p>How should collection sites handle televisions or computer monitors that come in from residents with broken screens? (1)</p>	<p>Broken display devices may be considered dangerous goods and will require special handling. A contingency has been added into the estimated transportation costs for the increased transportation and handling of broken display devices and spill kits have been provided to collection sites.</p>
<p>Is there a waste amount/threshold for a collection site to be exempt or classified as a "waste generator" by the MOE? How many batteries does it take to become a generator requiring health and safety measures, reporting...etc?</p>	<p>There is no threshold for collection sites to be exempted from the Program. Any collection site acting as a collection site for batteries under the MHSW Program must meet the collection requirements and standards outlined in the MHSW Program Plan.</p>
<p>Our carrier prefers to use gaylord boxes for packaging much of the WEEE rather than wrap. He said the gaylord packaging would be more stable and easier to load, transport and unload. Where does OES stand on this suggestion? (1)</p>	<p>Collectors are now able to use gaylord boxes for packaging WEEE, with some restrictions.</p>
<p>How much moisture is acceptable for collection sites that operate outside? Are there Cora requirements for haulers and/or collection sites? What level of contamination is acceptable? (1)</p>	<p>OES requires that WEEE be protected from rain and snow. WEEE destined for recycling does not require site or system C of A, however, for a site operating under a C of A that adds WEEE collection, the existing C of A must be amended to reflect the operational change.</p>

Comment (Frequency)	OES Response
<p>1. Do municipalities have to register for this program? Are there any implications to the municipality if they do not register with OES? Can municipalities ship directly to an OES-Approved processor and still be eligible for the funding, even if the municipality itself is not registered with OES?</p> <p>2. Once the registration form has been submitted, can the municipality make changes to its sites/events/materials collected? Can the municipality withdraw from the program? Are there any penalties associated with any of these changes?</p> <p>3. Whether or not a municipality is registered with OES, can the municipality charge: tipping fees for Phase 1 materials that are self-hauled to a depot? A service fee for curbside collection?</p> <p>4. How will pick up of materials from municipal depots take place? What equipment will be used by OES approved transporters to pick up the pallets or gaylords? Does the municipality have to provide any equipment? Does OES provide the gaylords and skids?</p> <p>5. Do municipalities have to collect all Phase 1 materials? (1)</p>	<p>1. Under the Program, only Stewards are obligated to participate. Therefore, municipalities do not have to register as a collection site. However, if they do not register, they are not eligible to receive collection incentives (such as \$165/tonne) nor would they receive financial assistance with transportation to OES-Approved processors.</p> <p>2. Once a municipality has registered, they will be able to make changes to their registration, and/or withdraw from the Program without penalty.</p> <p>3. Even if a municipality is registered with OES, OES has no authority over whether they choose to charge fees for their collection services (or not).</p> <p>4. Provision of supplies and pick up of collected materials will be provided as part of the Program. Individual site arrangements will be done in consultation with a member of the OES operations team. Please call OES customer service to be put in contact with the appropriate team member.</p> <p>5. Collection sites (including municipalities) can chose to collect all or a sub-set of Phase 1 materials.</p>
<p>Our organization recommends that the Remitter's agreement process be simple and not administratively a burden to execute. What mechanism is in place on part of the Remitter to notify the Steward of any change in status? Is there a timeframe/expiry on the Remitter's agreement or renewal process? (1)</p>	<p>If there is a change in status of the Remitter, an email will be sent to OES, the Remitter and the Steward indicating that one of the parties has chosen to terminate the Remitter's Agreement. There is no expiry on a Remitter's Agreement. It will be valid until a party decides to terminate it.</p>

## APPENDIX 2: Issue-Specific Comments Received from April 11 to May 7, 2009

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Comment (Frequency)	OES Response
<b>General Plan (10)</b>	
<p>Our company supports many of the proposals put forward in the Revised WEEE Program Plan such as: 1. The Direct Ship and Steward Self Management Channels 2. The new ERS</p> <p>Our company opposes the following: 1. The merging of the TV/monitor categories 2. The merging of the desktop/laptop categories 3. Waiting for 3 years to resolve funding overages or underages. (1)</p>	<p>Comments noted.</p>
<p>Our company applauds OES for taking an active and aggressive position on the implementation of Phase II products. We are always available for further comment and clarification and look forward to continuing to work with OES to ensure a smooth and orderly program expansion. (1)</p>	<p>Comments noted.</p>
<p>Plans of this size and complexity automatically discourage general review. All efforts should be made to show where changes have been made by a track changes version or at least highlighting the sections where no changes were made. This should also be the case for the final plan where modifications are made further to comments received. (1)</p>	<p>OES has included a Preamble to the Preliminary Revised Program Plan to address these concerns.</p>
<p>We understand that Electronic equipment as a category is extremely difficult categorize considering the distinct markets and proliferation of technology and appreciate OES consideration of these aspects and the degree of environmental impact in the phase development. (1)</p>	<p>Comments noted.</p>
<p>The only definitions that still don't fit well are the ones explaining what you are in the program. Our business falls into every category and then that confuses what was necessary to enter into agreements. (1)</p>	<p>Entities can have more than one role under the WEEE Program, but must register and apply to be approved by OES for each of these roles.</p>
<p>The term generator was used during the webcast, I think it would be useful to add it to the list of definitions. During the webcast they stated that, "generators will be reimbursed for processing costs if approved y OES". It would be beneficial for everyone to understand exactly what generator can consist of. (1)</p>	<p>This suggestion has been incorporated.</p>

Comment (Frequency)	OES Response
<p>It is far from certain that the Public policy objectives associated with the WDA and related Ministerial direction to WDO will be achieved in the context of the current proposal. More evidence based analysis is required in order to mitigate financial, social and environmental risks associated with the proposed program framework. We are happy to continue dialogue with the appropriate provincial authorities: MOE, WDO, OES in order to ensure that our mutually held goal of encouraging sustainable production/development in Ontario is supported by an effective, efficient and harmonized provincial WEEE program that deliberately takes current best practices into consideration. (1)</p>	<p>Comments noted.</p>
<p>There are some excellent suggestions in the proposed plan- specifically the direct ship, the steward self managed proposal and the changes to the WEEE allocation methodology. (1)</p>	<p>Comments noted.</p>
<p>It may be acceptable to make a package that is aimed at small communities and municipalities in order to keep a simple outline on WEEE. We do not have outstanding amounts of WEEE, but all these small communities combined will produce large quantities. If there was a plan designed for municipalities I think it would encourage the WEEE program to be used. Currently the plan is long and does not apply directly to small communities which may turn some away. (1)</p>	<p>OES has introduced special collection event options in Section 4.5.5.</p>
<p>There are some positive changes introduced into the Draft Preliminary Revised (Phase 1&amp;2) WEEE Program Plan (Revised Plan): 1. Addition of direct ship and steward self management channels 2. Revised Allocation method - elimination of geographic and material specific allocation and the addition of 36 month contracts 3. Strengthening the ERS (1)</p>	<p>Comments noted.</p>
<p><b>Definitions (32)</b></p>	
<p>Are speakers, headphones, iPod-type earbuds are now no longer considered Computer Peripherals for Phase #2? (1)</p>	<p>The Revised Program Plan definitions excluded headphones and earbuds, but speakers are obligated within the Image, Audio and Video Devices category.</p>
<p>Should I understand from the HTB definition that the Satellite receiver as listed item 14 of the Telecom industry of the schedule 3 of the WEEE regulations are not part of the phase 2? Could it be confirmed in the exclude section? (1)</p>	<p>Noted. Satellite receivers are now listed as excluded under the Images, Audio, and Video Devices category.</p>

Comment (Frequency)	OES Response
Why are original computer component not included and how can we tell the difference between warranty and non warranty parts? (1)	See the Interpretive Memorandum from Phase 1.
Why are satellite and cable receivers excluded? (1)	Satellite and cable receivers are not designated in the Minister's Program Request Letter as Phase 1 or 2 WEEE, therefore they are not obligated under the Revised Program.
Are rented products (example Internet Modem) covered by the program? (1)	Modems are obligated under the Program. However, rented units that are managed by the Steward may qualify as materials that are eligible for management under the Steward Self-Management channel.
How can we get help in identifying if our products fall under any of these categories? (1)	Contact customerservice@ontarioelectronicstewardship.ca
Are servers part of phase 2? (1)	Desktop computers acting as servers are included within the Revised (Phase 1 and 2) WEEE Program Plan, however stand alone servers are still excluded.
The definition of floor standing vs. Desktop printers opens up a lot of ambiguity. Many printers can reside on a desktop, but are large enough to go on an optional stand. This may create a lot of challenges in the tracking and management of these definitions within the printer category. (1)	"Floor-standing" refers only to those printers that can only stand on the floor (i.e. printers with an <i>optional</i> floor-standing device are not included in the floor-standing sub-category). The Preliminary Revised Program Plan includes this clarification now.
The boundaries between floor standing printers and floor standing copiers are not clear enough and there may be some misuse of category definitions. (2)	Modified sub-categories and definitions have been included in the Preliminary Revised Program Plan.
Following the logic of OES' description of convergent technology, why is there a new category of Copiers and Multifunction devices when the trend is that printers are heading toward to multifunctional units? For most desktop printers, they can print and copy. Such arbitrary separation will create unnecessary difficulties. To use PPM to decide whether a printer falls between desktop and floor-standing is also arbitrary. (1)	OES has modified the sub-categories and definitions, and these are reflected in the Preliminary Revised Program Plan.
The desktop printer and copier category should be consolidated (1)	Desktop printers and copiers are now consolidated into one material category.

Comment (Frequency)	OES Response
By charging separate fees for a keyboard and mouse inside a computer system makes the reporting and reconciliation very complicated. It is not consistent with how home theatres in a box are treated, where the fee is bundled together. (1)	The Home Theatre in a Box (HTB) category does not include display devices, and as such all components of HTB's get reported into the Non-Portable/ Home Image, Audio and Video Devices category. Reporting for computer systems is specified in the approved Phase 1 WEEE Program Plan.
Portable and desktop computers should not be combined under the same EEE material category. (5)	Notebook and desktop computers are now two separate categories.
TVs and monitors should not be combined under the same EEE material category. (5)	Comment noted.
TVs and monitors should be combined under the same EEE material category. (3)	Comment noted.
I'm having a problem with the category of Computer Peripherals. I don't see where items like Motherboards, Video Cards, Processors, Hard Drives, Memory, Network Cards and Power Supply's are included. These items are sold on a individual bases and are also included in a complete ready to go out of the box system. It does say "Replacement computer component and standalone product that are sold to the end user" so are the above mentioned items included? The way it reads to me is items in a computer can't be part of this program unless they are part of a whole unit. But some items that are part of a whole unit you have a designation for and they are "CD-ROM, DVD, HD-DVD, BluRay drives and Floppy-disk drives". (1)	EEE devices that meeting the definition of Computer Peripherals under the Revised Plan, and that are sold as replacement parts to consumers, are obligated under the Program. Computer peripherals that are supplied as replacement parts through a warranty or service-repair arrangement <u>are not</u> obligated.
In all the material definition of computer peripherals, the inclusions and exclusions seem arbitrary. Why are routers and network hubs excluded but modems are included? (1)	Modems were designated as Phase 2 EEE in the Minister's Program Request Letter (PRL). Routers and network hubs were not included in the WEEE PRL.
There is a disconnect between the 8 categories of EEE established for fee setting and the 4 groups of WEEE established for processing. (2)	Comment noted.

Comment (Frequency)	OES Response
<p>The Minister of the Environment in her Program Request Letter directed OES to develop a plan that would incorporate in Phase 2 Personal computers (Handheld), Personal Digital Assistants (PDA's), Telephones (Cellular) and Pagers. Consistent with the Minister's phased approach, the Draft Plan should place like products in the same category and not inadvertently sweep in unrelated (typically low-volume) products that have not been identified for inclusion in this phase. The Proposed Material Categories and Definitions should be revised: 1. To place handheld personal computers and PDA's with cellular phones and pagers. In the Draft Plan, they were split between "Cellular Devices and Pagers" and "Image, Audio and Video Devices". This was achieved by adding "transmit" to the definition of "Image, Audio and Video Devices". (Continued from A2-5) This is a distortion of the "Audio-Visual Equipment" category which includes devices that passively receive, not transmit, signals. Moreover, the trend of technology is toward equipping these devices with communication capabilities. Thus, they properly belong together in the same category as cellular phones and pagers. 2. To respect the Minister's intention to focus on cellular phones and pagers by: (a) avoiding an expansive definition of cellular devices; (b) maintaining the exclusion for devices used in an industrial, commercial, medical or governmental setting; and (c) adding an express exclusion for devices operating on public safety or private networks in place of the exclusion for walkie-talkies. The essence of a cellular phone is the duplex (i.e. the simultaneous two-way) transmission of voice between two individuals. The essence of a pager is the simplex transmission of text. The proposed definition expands this to the transmission of voice and data. Thus a far wider range of products would be captured -- many of which are sold in small volumes to industrial, commercial, medical or governmental customers who already have, often in conjunction with manufacturers, established and responsible recycling programs. To avoid that result, the definition of cellular devices should reflect their characteristics and the exclusion for devices used in an industrial, commercial, medical or governmental setting should be maintained. Our concerns in this area were amplified by the suggestion that "cellular networks" would include both public and private networks. That would mark a significant deviation from the Minister's express direction and the</p>	<p>These suggestions have been incorporated, where appropriate, into the revised definitions.</p>

Comment (Frequency)	OES Response
<p>(Continued from page A2-6) WEEE Study. Cellular networks are a distinct category of networks that are licensed by Industry Canada. See Industry Canada's A Brief History of Cellular and PCS Licensing in Canada, available at <a href="http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08251.html">www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08251.html</a>. To avoid confusion, there should be an express exclusion for devices operating on public safety or private networks in place of the admittedly vague exclusion for walkie-talkies. (1)</p>	
<p>There is a monitor with a built in computer arriving at the end of the month. What fee shall I charge, as there is no separate "desktop". Soon TV's will have computers built in. Do we need another category? (1)</p>	<p>The definitions have now been updated to reflect that these all-in-one (AIO) products - monitors with built-in computers - are included in the Display Devices category.</p>
<p><b>Data (13)</b></p>	
<p>What is the estimated capture rate for WEEE using this depot strategy? And what is the chance that households will not just dump WEEE into garbage stream? (1)</p>	<p>For the estimated collection rate, please see Section 3.0 of the Revised Program Plan. OES is attempting to minimize illegal dumping by working to increase accessibility to free recycling options for all Ontarians.</p>
<p>Data assumptions need to be made when initiating a plan, and these assumptions seem reasonable. We suggest that these assumptions be revisited in April 2010, given that Phase I of the Ontario WEEE Plan will have been operational for 12 months and we should have some clearer data regarding the validity of the assumptions. (1)</p>	<p>Comment noted.</p>
<p>Data for the unit breakdown activity in Ontario is suspect in that OES has the ratio of copier to printer variance of floor models at 1 to 1. Our experience is that this ratio is at least 10:1 (1)</p>	<p>Comment noted.</p>
<p>Not sure if you have looked at home much WEE might be coming from out of province into the system. Wasn't clear if this has not been permitted. For example, if a large company manages their own WEE with direct ship, do they only include WEE collected in Ontario. How would this be monitored or controlled? If allowed, is it fair for Ontario Stewards to pay for disposal of WEE from other jurisdictions. (1)</p>	<p>The OES WEEE Program will only cover the costs to manage WEEE generated within Ontario. OES will work with service providers to monitor and track WEEE in the system to mitigate the risk of out-of-province WEEE entering the system.</p>

Comment (Frequency)	OES Response
<p>The supplied data is the most current and include applicable Canadian WEEE stewardship data, so we believe it is very robust. Available for collection is a theoretical number based on several assumptions, so caution should be used when basing program parameters and targets on these numbers. They should be for reference only, similar to other Canadian WEEE programs. (1)</p>	<p>Comment noted.</p>
<p>While we do not feel there is adequate support for merging the categories at this time, mainly due to the inability to validate if the assumptions were correct once the merging of categories proceeds, the methodology used in the Intergroup report is more up to date than the phase 1 plan and very thorough. In the spirit of harmonization it is a good idea to leverage their well thought out methodology while validating this against real data over the coming years to minimize the number of assumptions necessary to budget for and run a large WEEE program. (1)</p>	<p>Comment noted.</p>
<p>Without having an accurate number of stewards and remitters we are not confident of these estimates. We understand that OES may have accurate municipal numbers for collection but are not clear how the numbers are derived from the private sector. (1)</p>	<p>Data is based on industry reports prepared by commercial entities, as well as actual data from operating provincial programs. Collection estimates will be refined once the Revised Program is operational</p>
<p>In any such complex program, assumptions regarding data need to be made in order to start the program. The challenge in this particular situation is that OES is revising data assumptions based on very little reliable new data. Ontario Phase 1 has been in operation only one month, so can provide no meaningful data. Data from other provinces, while interesting, does not directly relate to Ontario's situation with the largest population base in the country, combined with the largest concentration of IC&amp;I organizations. (3)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
<p>Ontario is the largest provincial program to launch a WEEE Program. We recommend waiting until we have at minimum a full year of data collected from the Ontario program to analyze prior to collapsing the TV/monitor categories to minimize the risk of cross subsidization. While we have no issue with the math proposed for the fee setting methodology assuming the proposed merged product categories, we highlight that this methodology combined with the category merging could have significant cross category potential given the unavailability of clear data. (3)</p>	<p>Comment noted.</p>
<b>Targets (7)</b>	
<p>Will downstream processing via smelters be considered diversion? (Section 4.8.2) (1)</p>	<p>The OES ERS (Appendix 7a) outlines the acceptable downstream processing for different types of WEEE components.</p>
<p>It has been our experience that the introduction of a new diversion program, particularly as seen in the MHSW program, we see great initial participation however it levels off after a period of time. (1)</p>	<p>Comment noted.</p>
<p>Per capita is the only reasonable measure as it is not based on theoretical modeling like other measures are. (1)</p>	<p>Comment noted.</p>
<p>Reuse target are too high particularly as the current plan exclude some commercial reuse activities that take place outside of the province. Reuse is not measured anywhere else in the world - there is insufficient data to even predict what the reuse rates will be. Reuse is also difficult to drive if there is not a market for it. In addition the reuse targets are over and above the collected volumes for recycling. A far better way to approach this would be to not set targets until it is seen what can be achieved and then set goals to increase. Per capita measurements are one way of comparing provincial results but should not be the only way. Again targets are not appropriate for new programs. Real data is necessary to benchmark where the program is at. (1)</p>	<p>Comments noted. The Minister's WEEE Program Request Letter requires OES to include targets for reuse under the Revised Program Plan.</p>
<p>We do not understand how the total collected WEEE estimates have been reduced, yet the reuse targets have increased? (2)</p>	<p>OES has addressed this inconsistency in the Preliminary Revised Program Plan.</p>



Comment (Frequency)	OES Response
<p>The reuse targets proposed in Phase I are particularly challenging, especially regarding refurbishment activities that go on in the US by Stewards that will not qualify for reporting purposes. Can you please clarify the rationale for raising the reuse targets? (1)</p>	<p>Comments Noted. The Minister's WEEE Program Request Letter requires OES to include targets for reuse under the Revised Program Plan.</p>
<p><b>Material Flow (4)</b></p>	
<p>A large part of our existing business consists of demanufacturing of computers and servers. The resulting commodity materials -- the whole parts within a computer such as a power supply or a stick of memory is then sold for processing. Where does the described activity fit in the OES program? (1)</p>	<p>Your business activity would be classified as a processor under the OES Program. Please see Section 4.8.</p>
<p>Consolidation centers add unnecessary cost to the program, and should be eliminated. (3)</p> <ul style="list-style-type: none"> <li>• Consolidation adds unnecessary cost, time and security risks to the program. If the purpose of the consolidation is truly to act as a check and balance in the program, we feel there are more efficient ways to achieve this check and balance such as having an OES representative onsite at the primary processors. The net result would ensure policing of the program at a more reasonable cost and eliminate transportation and overhead burdens.</li> <li>• Shipping from a generator site, to a consolidation site, then to an approved processor seems cumbersome, expensive and carbon footprint heavy. We propose that OES ship directly from the generator to the processor. Our company would suggest an OES representative be present at the primary processor sites. Ultimately, this ensures compliance with the OES program and provides the necessary checks and balances at a much more reasonable cost.</li> </ul>	<p>Comments noted.</p>
<p><b>New Collection Channels (9)</b></p>	
<p>As a processor we have concerns about maintaining the confidentiality of the terms and conditions between our company and a direct shipper or a self managing steward. (1)</p>	<p>Comments noted.</p>

Comment (Frequency)	OES Response
<p>Given that the direct ship volume is assumed to be outside of the collected volume, the main impact of the assumption here will be to pay for just the processing (still a significant part of the total bill). It is necessary to assume a number and given that many IC&amp;I generators will likely use this I would give a conservative estimate of 15% of the total PC monitor notebook and printer categories. (1)</p>	<p>Comments noted.</p>
<p>Our organization supports the Direct Ship and Steward Self Management Plans. We have many customers who for various reasons (security, financial, environmental or the requirement for additional services such as data capture, or unique certificates of destruction) do not want to use the OES process. We currently operate a very effect WEEE collection process, particularly for business-to-business customers who have these concerns, and will definitely participate in either a direct ship or steward self management program in order to meet the needs of both the customers and Ontario's regulatory requirements. We supports not only the direct ship option, but the broadening of this option to not only IC&amp;I generators, but any generator who prefers (for the reasons above) to ship directly to an approved processor. We believe that in some cases participation in the OES program will increase due to the availability of these options. We would like some more details regarding the Compliance Fee that would be charged for Steward Self Management Programs. (1)</p>	<p>Comment noted. The Program Compliance Fee will vary by Steward depending on the number of stewards in the program. For planning purposes, OES projects that Compliance Fee will range between \$4,000 per to \$7,000 per Steward, and will apply to those Stewards approved by OES to self-manage their WEEE.</p>
<p>Direct Ship channel could cover 35% of WEEE. (1)</p>	<p>Comment noted.</p>
<p>Our organization has information about our volumes of Phase 2 materials that flow though our business-to-business WEEE return program. Due to security, financial and environmental reasons, we would like to continue our program through either the steward self management plan or through the direct ship plan. We will be happy to share these estimates with OES when we submit our proposals under these two program options. (1)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
<p>Our organization fully supports the addition of these two channels. For a variety of reasons some generators are not comfortable using the OES process: security, financial, environmental or the requirement for additional services such as data capture, or unique certificates of destruction. We support not only the direct ship option, but the broadening of this option to not only IC&amp;I generators, but any generator who prefers (for the reasons above) to ship directly to an approved processor. Similarly, we support the steward self management channel particularly where the steward has unique additional requirements to those of the OES program. For both options, we raise a concern about the confidentiality of the agreement between either the direct shipper or the steward self managing. We suggest that to keep the arrangements between the parties confidential, OES pays the processor directly for the OES processing fee, and then the processor would charge the direct shipper or the steward over and above the OES fee if applicable. In this way, the terms and conditions between the generator/steward and the processor remain confidential. We do not support processors billing the steward/generator, who then resubmits this invoice to OES for reimbursement as the confidential business terms between the processor and the generator/steward would be compromised. (1)</p>	<p>Comments noted.</p>
<p>These two channels allow greater flexibility in meeting market needs and will greatly strengthen the program. This should be a model for other WEEE programs to follow. (1)</p>	<p>Comment noted.</p>
<p>We would anticipate 80-90% through self management with the remainder being take back or direct ship. We plan on participating in the self management channel. (1)</p>	<p>Comment noted.</p>
<p>By allowing these alternate channels, more WEEE will flow through the OES program to help achieve the Ontario targets. (1)</p>	<p>Comment noted.</p>
<p><b>Direct Ship (3)</b></p>	
<p>Direct ship is an essential requirement for business to business recycling of IT equipment where data security is paramount. (1)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
<p>If we understand the proposal correctly, under the proposed plan, generators will be able to ship material to approved processors and these quantities will not be accounted for as part of the OES allocation of material. Generators using this option will be paid by OES, up to the rate OES and the processor in question have negotiated previously. Concurrently, generators are able to negotiate the best possible rate with the processor, creating a gap between what OES has paid the generator and what the generator has paid the processor. As an example: a. The generator can work with a processor whose OES rate is \$1000, b. The generator can charge OES \$1000 but only pay the processor \$800 thereby earning revenue of \$200 per tonne. c. In addition, the generator will most likely expect the processor to pay for transportation since under the OES program they would have been conditioned to expect transportation costs to be covered.</p> <p>In the long term, we believe this approach will reduce competition: a. Since the generator doesn't pay the bill, the processor has no incentive to offer a competitive price and can structure their deals to ensure wide margins of profit without having to worry about losing a client. Related to the above, the proposed system encourages processors to charge the highest possible rate to OES: a. An example may be that a processor seeks approved status under the program and bids their rate at \$1,500 a metric tonne. They will lose on the allocation of OES material but will be able to seek supply from generators and offer a "recycling" service that includes all the things a generators would want – such as drive wiping, SN capture, tracking, recycling, etc, etc. This would be an all in one price billed at \$1,500 mt, which the generator would have no problems paying because they would be reimbursed by OES. Because the service of recycling has now been lumped in with all other services, OES is now paying for services which don't relate to recycling. b. In short, the proposed plan could create an incentive for processors to raise processing rates charged to OES rather than lower them. Potentially, the (Continued from page A2-13) plan creates a tax-payer funded revenue stream to generators: a. If the generator and processor devise a scheme whereby a higher recycling rate can be charged to OES, funds could be kicked back to the generator in exchange for the business. In such a</p>	<p>OES will take these comments into consideration when addressing the potential process structure of a direct ship option for the Final Revised WEEE Program Plan.</p>

Comment (Frequency)	OES Response
<p>(continued from A2-13) scenario, the tax-payer is paying for the multinational company to be paid to dispose of their equipment. This plan favours established relationships to the detriment of new entrants to the marketplace, whereas the program was designed to spur recycling competition. We believe this structure reduces it.</p> <p>It should also be noted that this approach is not consistent with programs being run in other programs. Our company would like to see all programs harmonized as much as possible.</p> <p>Our Recommendation: 1. we support the approach of allowing generators the option of shipping to a preferred processor providing that the processor receives no more net business than provided for within their OES allocation. 2. we support OES setting the allocation and processing rates as proposed. 3. we do not support any arrangement where the processing fees are paid directly to generators. 4. we do not support any expansion of the definition of generator. (1)</p>	
<p>Why does OES not cover transportation costs from a Generation Site to OES Approved Processor (Direct Ship). Funding is provided from OES approved collection site to consolidator. Generator appears to have financial incentive to direct to closest Collection Site – this will drive OES costs up. (Section 4.4) Does OES provide pallets, gaylords, shrink wrap etc... to generators for this? (1)</p>	<p>OES will be re-evaluating whether to include the cost of transportation from approved generation sites, together with processing costs as part of the overall incentive package. Transportation cost coverage is limited to basic transport costs and excludes the cost of value-added services. OES may also offer to coordinate transportation on behalf of the generator.</p>
<b>Steward Self-Management Channel (5)</b>	
<p>I'm surprised that for a Steward that is running a self management program at their own expenses, they will have to spend additional resources (\$\$) to have their program approved by OES, provide diversion report to EOS again at their own expense, and will STILL have to pay an additional fee to OES called 'compliance fee'. I think this system does not really encourage existing self management programs. (1)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
<p>Due in part to the sensitive information contained in our security systems, we track and recover computer equipment, returning it to the US for secure disposal. However, the low volume involved do not support the effort and overhead of Steward Self-management channel. (1)</p>	<p>Comment noted.</p>
<p>Steward self managed programs make sense, however the rules associated with them need to be clearer.- e.g. who validates what they claim for a recovery rate? (1)</p>	<p>Comment noted.</p>
<p>Our company has operated its own WEEE program for many years. We are interested to see the proposal for the Compliance fees and are concerned that the compliance fees are not prohibitive. We have financially developed our own WEEE program that meets and exceeds the OES requirements at our cost. We don't believe we should be required to pay for the start up costs of a new program when we have already financed our own program. Furthermore, we have very few phase I products so don't believe the phase 1 program start up costs should be allocated to our company. (1)</p>	<p>There are no exclusions from the Revised Program for Phase 1 and/or Phase 2 Stewards. Stewards who apply and are approved to operate a WEEE self-management program are still required to report to OES and to pay the Program Compliance Fee. The Program Compliance Fee will vary by Steward depending on the number of stewards in the program. OES anticipates that the Program Compliance Fee will range between \$4,000 per Steward and \$7,000 per Steward for those approved to use the self-management option.</p> <p>Some of the costs associated with Phase 1 plan development have streamlined the Plan development for the Revised Phase 1 and 2 Program Plan. That is the rationale for sharing the Plan development costs.</p>

Comment (Frequency)	OES Response
<p>We have concerns related to the WEEE self management channel. As above, this option removes material from the OES allocation process. This has the following impact on processors: 1. Reduces the amount of material available from OES which, in turn, may cause processor rates to OES to rise. 2. Creates a second market and pricing structure for electronics waste where self management stewards will bid their EOLE to the processor who can beat the OES price by the greatest amount. 3. Introduces the option of allowing stewards to engage auditors to complete a form of self certification to the RVQP standard which may remove some of the oversight and integrity inherent in an independent OES audit process. Our Recommendation: 1) our company does not support the introduction of a self management channel as described in the proposal. 2) We suggest that stewards who chose not to utilize the OES program be permitted to do so providing they meet the requirements of an ISP as allowed by the WDO and MOE process. (1)</p>	<p>There are no exclusions from the Revised Program for Phase 1 and/or Phase 2 Stewards. Stewards who wish to establish an Industry Stewardship Plan under the WDA will be required to make application to WDO for approval to implement and operate their program. WDO may approve an ISP if WDO is satisfied that the plan will achieve objectives that are similar to or better than the objectives of the Revised WEEE Program Plan.</p>
<p><b>Steward Self-Management Channel – Fees (10)</b></p>	
<p>Our company understands that assumptions need to be made when starting up such a program. We are looking forward to pursuing the Steward Self Management Option and understanding the compliance fees since we currently operate an efficient WEEE collection and processing program across Ontario and Canada. As we pursue this option, we will be able to provide OES estimates of WEEE volumes and reuse volumes. (1)</p>	<p>Comments noted.</p>

Comment (Frequency)	OES Response
<p>Although the OES has identified a new provision for self management, it is unclear what the cost concession would be in terms of discounted stewardship fees. It is also unclear which specific processors and handlers OES believes are currently worthy of program approval, nor is it clear that OES has undertaken sufficient harmonization considerations as evidenced by the stewardship fees which in some cases are 4-5 times those of other provincial counterparts. If accepted these fees would make Ontario uniquely situated as one of the single most expensive provinces within which to conduct IT business which is a counterintuitive message to send during a recession. There should be a deliberate focus on those companies that have demonstrated a willingness and capacity to manage their own WEEE supply chain, particularly if those companies are currently already compliant with regimes in other provinces such as the Province of Alberta which has had an effective WEEE program in place for several years. The high degree of uncertainty in terms of the variables mentioned above puts industry in a high risk situation in terms of trying to orient current practices and financial administration around a framework that despite best efforts by OES, still lacks clarity in key strategic and operational areas. Better to optimize, encourage and reward best practices in the first instance rather than attempting to re-invent all-together. (1)</p>	<p>Noted. The Program Compliance Fee will vary by Steward depending on the number of stewards in the program. OES anticipates that the Program Compliance Fee will range between \$4,000 and \$7,000 per Steward, for those Stewards who are approved for the Steward self-management option.</p>
<p>Our company has managed its own WEEE across Canada for 15 years. We have a very effective program since the majority of our product is business-to-business leased product and we have full control of the distribution and return channels. Our program meets/exceeds the requirements of the OES program and we currently use approved OES processors in our program. For security, environmental, and efficiency performance reasons we desire to control WEEE ourselves through the Steward Self-Management Channel proposal. We would like some further granularity regarding the Compliance Fee, as we are concerned that we would be required to pay a fee disproportionate to our share of OES costs, since we wouldn't be using OES services. We also recommend that OES include a financial incentive (such as a reduced compliance fee) to reward those Stewards who exceed the collection and recycling targets set in the OES plan by operating a Steward Self Management Plan. (1)</p>	<p>Noted. The Program Compliance Fee will vary by Steward depending on the number of stewards in the program. OES anticipates that the Program Compliance Fee will range between \$4,000 and \$7,000 per Steward, for those Stewards who are approved for the Steward self-management option.</p> <p>Performance-based fees may be considered in the future, however data is not sufficient at this time to allow for this level of fee-setting.</p>



Comment (Frequency)	OES Response
<p>There needs to be adequate auditing of the self-management process and the stewards need to pay for their own auditing. Penalties for non compliance need to be considered. If a steward is not using an approved recycler under the program how will this be approached? (1)</p>	<p>Stewards opting for the self-management option must apply and be approved by OES. OES will only approve those self-management programs that utilize OES-approved processors, which are in compliance with the ERS.</p>
<p>The self management channel option removes material from the OES allocation process. This has the following impact on processors: 1. Reduces the amount of material available from OES which, in turn, may cause processor rates to OES to rise. 2. Creates a second market and pricing structure for electronics waste where self management stewards will bid their EOLE to the processor who can beat the OES price by the greatest amount. 3. Introduces the option of allowing stewards to engage auditors to complete a form of self certification to the RVQP standard which may remove some of the oversight and integrity inherent in an independent OES audit process. Our Recommendation: 1. We do not support the introduction of a self management channel as described in the proposal. 2. We suggest that stewards who chose not to utilize the OES program be permitted to do so providing they meet the requirements of an ISP as allowed by the WDO and MOE process. (1)</p>	<p>Comment noted.</p>
<p>Yes, but should be HIGHER, as this is an exception model. This complicates the program. What percentage of units recycled are expected to be through self-management? (1)</p>	<p>The assumptions for recycling targets are outlined in Section 5.1 of the Preliminary Revised Program Plan.</p>
<p>I support the self-management channel option, provided the process is closed loop and their products do not impose a cost on the collective system. (1)</p>	<p>Comment noted.</p>
<p>We would like more details regarding the compliance fees to ensure they would be proportional to OES services used. We would also recommend that a financial incentive be included to reward Steward Self Management programs that exceed the collection and recycling targets. (3)</p>	<p>The Program Compliance Fee will vary by Steward depending on the number of stewards in the program. OES anticipates that the Program Compliance Fee will range between \$4,000 and \$7,000 per Steward, for those Stewards who are approved for the Steward self-management option.</p>
<p><b>Collection – General (2)</b></p>	

Comment (Frequency)	OES Response
Regarding collection sites that have outside operation and the requirement to cover the materials from the elements. Will OES cover the cost of approved covers? (1)	The OES ERS requires material stored outside to be covered to protect it from the elements. OES will not cover the cost required to ensure compliance: that is the responsibility of the collection site.
We note that Special Collection Sites and Events are encouraged, but that special collection events seem to be limited to Retailers. To encourage higher collection yields that these events be opened up to entities other than retailers. (1)	Section 4.5.5 outlines three options for special collection sites and events, including one specific to retailers.
<b>Collection Incentive (3)</b>	
Is there a limit to the amount of WEEE that a single Collector can accept per year and receive payment on? (1)	No, there is no limit.
I was confused about the processing charges, for example as a municipality do we pay \$165/tonne for WEEE or are we going to be charged unit fees for each unit we send for processing? Also is transportation from collector to processing included in these prices, or can we deliver WEEE with our own service? (1)	Collection sites that register and are approved by OES will receive \$165/ tonne payment from OES to help cover handling and collection costs. If WEEE is managed by OES, all costs, including transportation and processing are covered. If a generation site opts to use the direct-shipment channel OES only covers the transportation and processing costs, as outlined in Section 4.5.1.
The \$165 / tonne collection is low. (1)	Comment noted.
<b>Processing (2)</b>	
OES is only proposing 4 WEEE groups for packaging. Group 3 “other Phase1&2 WEEE” is a very broad category and contains many different types of WEEE with different associated processing costs. One tonne of pagers or wireless mice (containing individual batteries which must be removed) is much more costly to process than one tonne of copiers. There needs to be an opportunity to submit processing bids based on a breakdown of Group 3. (1)	Comment noted.
We have concerns about the processing cost differences within the “Group 3” WEEE. (1)	Comments noted.
<b>WEEE Allocation to Approved Processors (11)</b>	

Comment (Frequency)	OES Response
Would it be not possible to do the allocation of the processor prior the shipment (e.g. a municipality would ask OES to which processor they should transport the WEEE to) (1)	Consolidation is necessary to ensure transportation efficiencies and tracking. As such, consolidation is required prior to allocation of WEEE to a processor.
We would like to see better description of the 'innovation' factor. (2)	Noted.
Regarding Slide 37, the extension of processor contracts being extended from 18 to 36 months, Will OES invite new bidding or reassess the existing responses with a new rating system? (1)	The original allocation methodology from Phase 1 will not change for the 18 month period (April 2009 to September 2010). OES will apply the revised methodology for existing and new processors that have been approved under the OES ERS prior September 2010 (18 months after the start of the program). OES anticipates completing the assessments for the 36 month period starting October 2010 at least 3 months to allow time for approved processors to be prepared.
Our organization agrees with the opportunities for new processing entrants and the process documented. However, it is not clear that although a new entrant can be approved mid contract (36 month contract), they will not have access to material prior to the contracts coming due after 36 months and successfully competing in the RFP process. Please confirm that this is the case. Otherwise, if a new entrant can enter into the market and be allocated volume mid contract, thus reducing the volumes allocated to processors allocated volumes in the previous RFP, processors will never have any certainty as to volumes and will be unable to access capital to expand capacity or invest in new technology. (1)	Noted. Certainty about the percentage approved processors can plan for is one reason why OES is proposing extending the contracting period under the revised plan. Not entrants will only be able to bid for material at the end first 18 month window.
Our organization supports most of the changes in the WEEE Allocation methodology. We support the elimination of the requirements based on geographic regions and specific material streams. We support the extension of the contract length from 18 months to 36 months to allow processors significant enough contract certainty to have access to capital for capacity and technology improvements. Although the exact start date for the revised plan has not been set, our organization expects that OES will honour its initial 18 month contracts prior to renegotiating the new 36 month contracts. (1)	The allocation methodology in the approved Phase 1 Program Plan will be utilized for the 18 month period (April 2009 to September 2010). OES will apply the allocation methodology outlined in the Revised (Phase 1 and Phase 2) Program Plan for all processors that have been approved under the OES ERS up to September 2010 (18 months after the start of the program). OES anticipates completing the bid and evaluation process for the 36 month period starting October 2010 at least 3 months in advance (June 2010) to allow time for approved processors to be prepared.

Comment (Frequency)	OES Response
<p>The hold back for R&amp;D should be reduced from 20% to 10%. 10% of the proposed volumes in Year one is still 18 million pounds, which is a significant volume for both R&amp;D and start up testing. If the hold back is kept at 36 million pounds (20% of Year One), this is a significant volume of material that either may not find a processing home, or may create enough uncertainty in the market place to impact investment in new capacity, technology or access to capital. (2)</p>	<p>Comments noted.</p>
<p>Re: the innovation category- a company's innovation needs to be proven technology at full scale operation, not a pilot. This change should enable the industry to secure the necessary capitol investment needed to keep up with the increased volumes, diversion rates and expected innovation. (1)</p>	<p>Comments noted.</p>
<p>While encouraging new processing entrants is supported, our company is concerned that if a new processor is approved mid contract (36 months), the new approved processor still must wait for the next RFP cycle to be awarded (if successful) volumes. 5. Downstream sub vendor changes that require an audit and the change benefits OES should be funded by OES. (1)</p>	<p>Comments noted.</p>
<p>Will there be any provisions for a reuse/rebuilt facility to get items direct from a collector only in the same community? Especially for ones so far from the consolidation place. (1)</p>	<p>WEEE collected by OES-approved collection sites must go to consolidation. Reuse organizations can register and apply to be approved collection sites.</p>
<p><b>Updates to the Electronics Recycling Standard (16)</b></p>	
<p>Any downstream sub vendor changes that require an audit, and the change benefits OES, should be funded by OES. (2)</p>	<p>Comments noted.</p>
<p>Improvements to the standard to increase environmental controls are always a good idea. These changes bring the standard closer to our own company's hardware recycling standard. (1)</p>	<p>Comment noted.</p>
<p>Our company supports strong environmental recycling standards, and operates its own vendor management program including auditing which not only meets but exceeds the ERA. We believe that the environmental outcome of a diversion program must meet best practices and strive for the highest recycling rates possible. (1)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
Regarding third party auditing, there should be enhanced communication channels between applicant, auditor, OES official(s) and downstream processors to minimize delays and concerns. Applicants should have more direct interaction with auditors to ensure proper interpretation of data. It is extremely important that OES and associated auditors thoroughly understand individual company's processing technology as they do vary between company's given different proprietary equipment. Additional attention should be given towards this prior to Phase 2 implementation. (1)	Comment noted.
While some components of WEEE may be governed by the MSHW program and that those materials (such as batteries) may then be handled by the MSHW program at its cost, OES needs to be sure that the processors of the MSHW meet the ERS and the strict standards of the WEEE primary processors. This needs to be added to the revised plan. (1)	Processors of MHSW approved by Stewardship Ontario are required to meet comparable processing standards, as established by Stewardship Ontario and assessed by OES.
Our company supports the revised ERS and the goal to "obtain the highest environmental benefit in an economically efficient manner". We congratulate OES for its emphasis on recycling rates and EH&S performance. We do not anticipate any difficulty in meeting the revised ERS. We fully support the auditing process associated with approving processors and hope that this process also takes on increased rigor. (1)	Comment noted.
The new standard clarifies some ambiguities in the existing standard and will ensure responsible recycling is taking place. We are very supportive of the new version. (1)	Comment noted.
The final plan should reference OES' policy moving forward to provide continual improvement and validation that the recycling vendors are meeting the new standard. (1)	Noted. Measurements on the performance of recycling vendors will be included in the OES annual report. OES has committed to performance measures and tracking as outlined in Section 5.3 of the Preliminary Revised Program Plan.
We support the new OES revised ERS as it mirrors the revised EPSC RVQP. We support the requirement to ensure strong environmental performance for the WEEE diversion program and we also support harmonization with other provincial programs, where possible. (3)	Comments noted.
The Plan should include an audit and updating protocol for the ERS, that mirrors the EPSC updating process (4)	Comment noted.

Comment (Frequency)	OES Response
<b>Updates to the Reuse and Refurbishment Standard (4)</b>	
<p>Changes that improve environmental health and safety requirements are supported by our organization. We are concerned that the added section is vague in that the intention to ensure no illegal exporting (with probable environmental health and safety implications) is good however the execution of this is unclear. The standard should be more specific about how this can be proved (section 4.2). In addition as the reuse standard is very Ontario centric (1.2 and 1.3) this can be a problem if OES is encouraged to promote and track reuse if this is done outside of the province, as is the case for a number of multinationals, this standard will likely need to be modified. In the recycling standard the requirement for workers compensation insurance allows for private insurance. Why doesn't the reuse standard allow the same flexibility? (1)</p>	<p>Comments noted. Ontario is currently the only provincial WEEE program that has a Reuse and Refurbishment Standard.</p>
<p>Our company operates its own well established refurbishment centers in the United States. Certain products are returned to us. in Ontario, then shipped to the US for refurbishment and reintroduction into the market place. We are concerned that the Reuse and Refurbishment Standard has been established for entities operating independently in Ontario only (for example, the requirement to conform to Ontario Regulation 347 in not relevant for our facility operating in the United States). Our refurbishment program is very successful and prolongs the life of WEEE well beyond a first life only. We would like to be able to include our reuse performance in our Steward Self Management Program. (1)</p>	<p>Comments noted.</p>
<p>We are a Steward, and our company performs the re-use or refurbishment function (not a third party) and complies with all applicable legislative requirements as well as the higher requirements demanded by the marketplace. We are uncertain of the value that the OES re-use and refurbishment standard adds. (1)</p>	<p>Comments noted.</p>

Comment (Frequency)	OES Response
<p>The reuse standard seems to suggest that any steward who has a reuse center outside of Ontario may not qualify as an official OES reuse center as the reuse standard requires very Ontario specific conformance (such as adherence to Ontario Reg. 347). Assuming that a reuse center in the US would not be able, or willing to meet these requirements, all reuse undertaken outside of Ontario cannot be counted in the revised plan targets. Our company would suggest including a way to be able to count Ontario WEEE sent to a legitimate reuse center outside of Ontario. (1)</p>	<p>Comments noted. Ontario has no jurisdiction to enforce standards upon reuse centres outside of Ontario. As no other provincial WEEE Programs currently have a Reuse and Refurbishment Standard, OES must incorporate these limitations to ensure the highest environmental standard is achieved.</p>
<b>Reuse (3)</b>	
<p>While reuse of some materials makes sense, you will find that a lot of computer equipment is being discarded not because it doesn't work but because technology has change dramatically. (1)</p>	<p>Comments noted.</p>
<p>Our company inherently supports reuse, however, in our opinion, the reuse industry is a viable and self-supporting market with a business model that does not fit in a program designed to ensure regulated and transparent recycling of EOL material. We believe the support OES wishes to provide to the reuse industry should be in the form of a general support of the 3-R hierarchy but not in the form of financial subsidy. From garage sales to E-Bay, reuse is a legitimate part of the solution for reducing all types of waste in landfill but unlike recycling, the reuse industry does not require subsidy in order to remain viable because the products they handle still have value. EOLE, however, does not. That is why it is deposited for recycling and that is why processors require subsidy to ensure it doesn't end up in landfill sites. If it had value, we would not be paid to take it because someone would have already taken it. (1)</p>	<p>Comments noted.</p>

Comment (Frequency)	OES Response
<p>I'm a small one-man operation right now and have been reusing and rebuilding computers in my city for over 10 years. My biggest problem is lack of local reuse potential and my concern is not alone on this. It's been brought to many in our community's attention that things under the program right now is that things get shipped out and if we want rebuilt computers they have to be shipped back in. I'm also a member of a local environmental group. For many years we ran a annually at first then a bi annually weekend round up of computers and parts. We called this event B.O.Y.D. (Bring Out Your Dead). During this event we able to get some items reused in the community. Many we donated through other charities to needy organizations or individuals. I obtained many reusable and rebuild able parts from this and got rid of what I could not repair that was collected. We stopped this program after a local group in town started up a year round collection site which was funded from the city until they became part of this program a official collection site. Prior to April 1 I volunteered with them helping fix up some computers to put back out in the community and was able to get some reusable and rebuild able parts for my small operation at the same time. Now that is no more and I'm finding it hard to find parts I need and now have to have shipped in more to supply local needs. I'm now in the process of seeing if I can turn what I do into a approved reuse/rebuild center. I'm not sure if I can make it work and I hope that the system for communities like mine will see that keeping as much as possible items for reuse rather than just shipping it all away. (1)</p>	<p>Reuse organizations are eligible to apply to be OES-approved collection sites. If approved, the site would be included on the "Do-What-You-Can" website database that allows WEEE generators to search for local and appropriate disposal options.</p>
<b>Data Security (2)</b>	
<p>Our organization recommends that literature about safe destruction of data be provided at all vendor locations. We recommend that final users sign a waiver that would a) state that they understand it is their responsibility to cleanse equipment of all personal information, including information that may have been stored on the device before it came into their possession, b) state that they understand they will be putting themselves and others at risk of identity theft if information has not been safely destroyed, and c) absolving OES and its venders of any responsibility pertaining to potential data security breaches and their implications. (1)</p>	<p>The OES privacy policy has been updated. Please see Section 4.2.1.</p>



Comment (Frequency)	OES Response
I still am not completely sure the safety of information has been addressed. (1)	The OES privacy policy has been updated. Please see Section 4.2.1.
<b>Fee-Setting Methodology (11)</b>	
Will there be some type of allocation model that will be applied to the collection of overall program shortfalls that will reflect the amount of EEE that a Steward introduces into the Market Place? For example, for stewards that introduce a small amount of EEE into the marketplace should not be subject to a substantial fee to rationalize an overall program short fall. (1)	Surpluses or shortfalls will be applied to material category fees, not to individual Stewards. Any increase or decrease in fees to account for surpluses or shortfalls will be proportionate to the material categories
A better idea would be to charge fees based on weight and size per product. (1)	Comment noted.
Our company does not support the merging of the TV/monitor categories, nor the merging of the notebook/desktop categories, primarily due to the risk of possible cross category subsidization. This risk is exacerbated by the lack of clear data, as evidenced by the reduction of WEEE estimated to be available for collection by 25% only one year after the original estimate was made (at a cost of \$1 million). There is not significant new data to support such as large swing since the Ontario Phase I program has just begun. (1)	Comment noted.
The proposal to allocate the shortfall/windfalls based on a material by material category is a concern to our company. Given the merging of categories, it will be impossible to determine whether a shortfall within the new merged TV/monitor category is due to a TV or monitor issue. (1)	OES has addressed this concern by including an R&D pallet sampling study specific to display devices. Please refer to Section 6.0.
Waiting for 3 years to make adjustments is too long (2)	Comment noted.
Harmonization with the other programs is essential; however baseline data for all fee setting needs to be public information to ensure transparency moving forward. In particular surplus/deficit amounts by product category need to be made public and their disbursement/recovery also disclosed. (1)	Comment noted.
It appears that the current methodology uses an average per unit based model to determine per unit fees. If volume targets are not met, this methodology could lead to dramatic surpluses or deficits. Instead we suggest a detailed analysis of processing each unit by the various participants of the supply chain. (1)	OES has committed to detailed audits of WEEE collected under the Program, as well as activity-based costing activities during Year 1. These are outlined in Section 6.0.

Comment (Frequency)	OES Response
<p>There needs to be a de minimus threshold, with fixed fee applying below this threshold. (3)</p> <ul style="list-style-type: none"> <li>• My company imports perhaps a handful of PC's per year into Ontario. Our internal costs of compliance with OES reg. will far exceed any remittances. Has a "de minimis" level, (with a fixed fee) ever been considered to generate higher remittances and lower Stewards internal costs?</li> <li>• My company would prefer a fixed annual fee regimen for equipment counts below a reasonable threshold (e.g. 100 units per annum?). This would be preferable even if the fixed fee were substantially higher than the remittances that we expect to pay based on the current fee schedules.</li> </ul>	<p>There is no 'de minimus' threshold in the WEEE Program.</p>
<b>Fees (15)</b>	
<p>How will the fee be affected for the desktop and portable units - the original fee was 13.44 versus 2.14? (1)</p>	<p>Please see proposed fees in Section 9.0 of the Revised Plan.</p>
<p>Fees for printing and multi-functional devices would be detrimental to our business, especially in these tough economic times. Alberta charges \$8. I would like to know why the floor standing printer, multi-functional devices, and floor standing copier rate is so outrageous when we recycle or dispose of most of these products that we manufacture. (1)</p>	<p>The Printing, Copying and Multi-Function Devices categories have been revised to address these concerns.</p>
<p>By changing these fees - how do we recover the difference? For example for April I have billed peripherals at 0.32 but now you are saying the fee to pay is 0.46? Who funds that difference? (1)</p>	<p>Fee rates under the Revised Program will not come into effect until the Minister approves the Program Plan, and the Program commences.</p>
<p>How has the draft plan addressed rechargeable batteries that are components in the products here but also covered in MSHW phase II to avoid stewards having to pay twice? (1)</p>	<p>In the Revised Plan under the updated Electronics Recycling Standard, there is a requirement to remove batteries before processing. The responsibility to manage the cost of battery recycling remains with Stewardship Ontario and will be addressed between Stewardship Ontario and OES.</p>
<p>Why does WEEE program not work like Ontario PST collection where the final user has to pay the fees? This would make it more administratively simple to remit payments. (1)</p>	<p>OES is an Industry Funding Organization and only has authority to assess fees to Stewards. These fees are not taxes.</p>

Comment (Frequency)	OES Response
<p>A side effect of this Program is the additional paperwork and another government agency to send money to. Didn't Ontario just opt to streamline this with the HST? Another disturbing fact is that this tax, disguised as a fee, is deemed GST taxable – a tax on a tax! Why not increase the GST by 1%, keep 10% of the proceeds thereof at the federal level and for state of the art R&amp;D to recycle all manner of waste. Redistribute the rest on a per capita basis to all the provinces and territories to fund recycling and recovery programs. That way buying in Manitoba or Ontario earns you the same additional charges. (1)</p>	<p>OES is an Industry Funding Organization and only has authority to assess fees to Stewards. These fees are not taxes.</p>
<p>I believe the fee based system to be highly flawed. (1)</p>	<p>Please provide OES with more details about your concerns.</p>
<p>If the Steward is performing or funding all the functions except for the OES program management, OES should break down the total end-to-end disposal levy fee (i.e. \$66/unit) into the component parts. For example, of the \$66 for a floor model printer, \$15 is for OES program management, \$10 is for Stewardship management, \$10 is for the consolidation function, \$15 is for the transport function and \$16 is for the Recycler function (numbers made up just for example). This will provide the framework to know how to adjust the levy if a manufacturer has taken on some of these functions themselves. For example, if our company is performing or paying for all the functions but the OES program management for the equipment that we are stewards for, then the levy should be \$15 (OES program management). Likewise, if we pay to have a competitor's gear recycled, which we are not the steward for, we should be eligible to be paid \$10 for consolidation + \$15 for transport + \$16 for recycling as this is a cost that we have relieved the OES from having to perform. (1)</p>	<p>Comment noted.</p>
<p>In today's economic times it is essential to look for all opportunities to leverage and reduce costs. The costs to plan for and operationalize the Ontario plan are excessive for many reasons. The WDA review should help to minimize these costs but OES and the MOE/WDO need to be mindful of these issues. (1)</p>	<p>Comment noted.</p>
<p>We would prefer that fees were round numbers, but understand the reasoning why they are not. We believe the fee setting should allow for greater operating contingencies by product grouping. (1)</p>	<p>Comment noted.</p>

Comment (Frequency)	OES Response
Revisit costs periodically for adjustment, in the first two years. (1)	OES will revisit the actual program costs and fee-calculations after Year 1 of the Revised Program.
<p>This program is designed to divert electronic waste away from landfill sites and will not allow recycling of recovered articles by other than G7 nations. It is a good and noble initiative. We do have a responsibility to clean up our environment. However, having had to deal with the process, I find that someone is over-thinking the process. I have a feeling that this is simply a jumping of the bandwagon with BC and Nova Scotia and less a workable, long term solution. In a matter of fact, the presenters at a recent event (30 April 2009) in Toronto seemed more concerned with collecting somewhere in the neighborhood of \$68,000,000 than with streamlining the process or even keeping fees somewhat more equitable. In detail, OES is proposing to change fees. Okay but they are playing with categories. These categories do not make good sense to start with and will get more and more fragmented as time goes on. The idea to have a fee as a percentage of price was rejected, mainly because that could impact the amount collected for the program. Most worrying was a drop in prices. (1)</p>	Comment noted.
Why are special events \$680/ tonne? (1)	The budget planning estimate for volumes handling through OES special collection events was increased based on operational experience and to take into account other costs associated with the event.
Your cost expectations per unit do not align with our experience to date. (1)	Noted. OES would encourage you to submit data that supports this claim.
OES should reduce fees to those OES Stewards who participate and pay fees to the proposed ISP (if accepted) for rechargeable batteries under the MHSW Plan. If the ISP is accepted, our organization proposes to accept batteries originating from Stewards who do not pay fees to our ISP, and then bill OES for the costs of processing these batteries. (1)	Comment noted.
<b>Remitters (1)</b>	

Comment (Frequency)	OES Response
<p>The requirement to have steward, remitter and sub-remitter to go through the registration and entering of remitter agreements appears to be a smart idea but it fails to realize the dynamics of the industry. Companies keep on getting new products and dropping product lines/brands, companies keep on developing new relationship with companies, but at the same time, parting relationships. The requirement to have stewards and companies to keep maintaining and updating on brands is almost an impossible task. (1)</p>	<p>Comments noted.</p>
<p><b>Promotion and Education (5)</b></p>	
<p>This Program appears to be significantly focused on households. Why are enterprise technology disposals and recycling not being focused on? (1)</p>	<p>The Revised WEEE Program addresses all sources of WEEE, including IC&amp;I generation. Non-household generated WEEE is being specifically targeted with the introduction of new collection channels.</p>
<p>If 24 new items are added, will an updated pamphlet be made available for retailers to advice customers? (1)</p>	<p>Yes, upon implementation of the Revised Program, updated pamphlets and other P&amp;E materials will be made available to retailers.</p>
<p>I had a disappointing experience at the Battleford Community Recycling Centre in Mississauga. Went to the centre with 9 desktop laser printers and was told there is a fee and the disposing of the printers are no different than the other waste then do at the centre. I mention the DWYC WEEE project about reusing the printers and they said they didn't participate in it and charges remain the same. Why list it as participating when they are not even trying to recycle? There needs to be a specific area in the centre to take care of the WEEE. (1)</p>	<p>OES appreciates your patience as the Phase 1 Program gets implemented. Your comments have been forwarded to ensure that these inconsistencies are addressed on the DWYC website, and with approved collection sites. Please note that there is no requirement for collection sites to offer collection services free of charge.</p>
<p>Greater clarity is needed on how ICI generators arrange for shipments. For example, consumers have DWYC but ICI generators do not have something similar for their large quantities. (1)</p>	<p>OES will address this during Program planning and preparation for Program commencement, if approved by the Minister.</p>

Comment (Frequency)	OES Response
<p>Our general feedback on the program is that it has been horribly confusing and poorly implemented. Gaining access to help has been spotty. We have been misdirected several times. We are still uncertain as to how to enter into the required relationships with some of our suppliers as they have been given different suggested steps than we have. The fees themselves have been generally accepted by our customers. Resistance has largely been felt by customers looking to purchase desktop models or customers who have begun to research where they can turn in products in Muskoka and have found few options in Bracebridge and Gravenhurst. The public was no well informed and we are currently dealing with backlash in that area as well. We have tried to inform our customers and certainly have the brochures available. The program would have benefitted from plain steps, earlier help and intervention, and better planning. (1)</p>	<p>Comment noted.</p>
<b>Research and Development (5)</b>	
<p>OES should undertake an R&amp;D study to sample WEEE returns and sort them into the EEE categories to obtain actual data to cross check against assumptions. (1)</p>	<p>OES has included audits of collected WEEE as part of its R&amp;D activities under the Revised Program Plan. Please see Section 6.0.</p>
<p>R&amp;D programs identified are reasonable however I am concerned that these activities need to be coordinated with the other provincial programs to minimize costs to customers across the country and make these programs efficient. (1)</p>	<p>Comment noted. OES will need to ensure that Ontario-specific considerations and conditions are included.</p>
<p>We recommend that specific R&amp;D projects be initiated by OES to ensure that enough data is collected regarding not only the EEE categories, but the WEEE being returned into the program. There are only 4 WEEE sorting categories proposed (and therefore that will be tracked). Sampling needs to occur to establish the breakdown of display devices into TVs and monitors, computers into desktop and portable, and Other phase 1&amp;2 into distinct categories to prove assumptions. Without this data, OES will never be able to prove compliance with the “no cross subsidization” guiding principle. (3)</p>	<p>OES has included audits of collected WEEE as part of its R&amp;D activities under the Revised Program Plan. Please see Section 6.0.</p>

Comment (Frequency)	OES Response
<b>Monitoring (2)</b>	
How does OES monitor flow control to ensure that material is not crossing Provincial or International borders and being dropped off at designated collection locations? (1)	OES will work with service providers to monitor and track WEEE in the system to mitigate the risk of out-of-province WEEE entering the system.
In the spirit of transparency the plan should include a list of statistics (with the type of data) that OES intends to make publicly available on a routine basis. Suggested items are: tonnages of collected materials by product type, proposed budgets, approved processors, average recycling fee (for the direct ship generators) the OES transparency and privacy policies (1)	OES has committed to performance measures and tracking as outlined in Section 5.3 of the Preliminary Revised Program Plan.
<b>Program Rules and Governance (3)</b>	
The rules should allow for voluntary stewards to simplify remittance agreements. (1)	Comments noted. A revised version of the Rules is included in the Preliminary Revised Program Plan.
How are policy issues arising from industry consultations between OES and affected industry “stewards” to be conveyed to the Government of Ontario? On this point the relationship between WDO, OES and the Government of Ontario/MoE in terms of accountability, transparency and balanced reporting with respect to stakeholder y engagement may require additional governance guidance in order to ensure that the program plan development process and the outcomes are deemed credible in the eyes of key stakeholders. (1)	OES is required to submit a document containing all comments and questions received during the consultation process to WDO with the draft Preliminary Revised Program Plan on May 20, and again with the draft Final Revised Program Plan on July 10, 2009.
<p>The relationship between the industry funded OES organization, WDO and MOE remains curious from a governance standpoint. It is important to ensure that Governance framework is deemed to be sound from the perspective of key stakeholders: citizens, customers, environmental stewards, industry etc. As a private industry led, self-governing Industry funded Organization (IFO) there may be issues to address with respect to the potential appearance of conflict in the strategic level decision making process given that the OES Board membership consists exclusively of representatives from private sector firms and no non-governmental organizations, academic, public sector or scientific community representation. This might be interpreted as a narrowly construed governance structure.</p> <ul style="list-style-type: none"> <li>• It is unclear if a qualified mechanism exists at OES to undertake a</li> </ul>	Comments noted.

Comment (Frequency)	OES Response
<p>balanced assessment of which practices are best suited to self declaration of compliance and which are not. In some cases industry may seek to have certain best practices recognized/validated by means of a reduced levy structure or other means, as an incentive for industry leading waste management practices. In any case, as governance is an enabler for sound decision making and program integrity (public and private sector) these issues should be addressed or at least discussed with appropriate stakeholders sooner rather than later. (1)</p>	
<b>Harmonization (3)</b>	
<p>Generally, the Ontario program has been the most difficult. Our company belongs to the other four provincial programs, and dealing with their program is extremely simple compared to OES. (1)</p>	<p>Comment noted.</p>
<p>For companies operating in multiple jurisdictions across Canada and around the world it is clear that the practices of industry stewards vary with respect to such things as cradle to grave life-cycle management approaches etc. There are provincial practices in Canada and international practices (e.g. EU) that should be taken into consideration in order to mitigate the risk of counterproductive standalone requirements creating market distortion and financial distress for stewards. (1)</p>	<p>Comment noted.</p>
<p>Not sure if this would be in the area of control or influence of OES, but for Stewards of WEE and other current or coming Stewardship programs, attempts should be made to use similar reporting systems to minimize the burden on these stewards. (1)</p>	<p>OES is attempting to harmonize with other provincial programs (including the reporting requirements of other provinces) as much as possible.</p>
<b>Implementation (3)</b>	
<p>Is April 01, 2009 the Implementation date for both phase 1 and 2 or phase 2 has another implementation date? No mention is made of phase 2 in the material. (1)</p>	<p>The OES is planning to submit the draft Final Revised (Phase 1 and 2) Program Plan to Waste Diversion Ontario for approval on July 10, 2009, but has no control over what date the Program will be approved. A commencement date for the Program has not yet been determined.</p>
<p>When will the changes in categories take effect? (1)</p>	<p>The OES is planning to submit the draft Final Revised (Phase 1 and 2) Program Plan to Waste Diversion Ontario for approval on July 10, 2009, but has no control over what date the Program will be approved. A commencement date for the Program has not yet been determined.</p>



Comment (Frequency)	OES Response
If the new proposed integrated phase 1 and 2 products is approved and fee schedule, when will implementation take place? (1)	Implementation will take place following Program approval by the Minister. No commencement date has been set.
<b>Phase 1 (3)</b>	
How are the fees going to be collected considering if we have stocks of peripherals in warehouse which had come in before the OES went into effect compared with the same items which had come in after the OES system went online on 1st Apr.? (1)	Fees on products are to be reported to OES in the month after the product is supplied for use in Ontario.
After the 18 Month transportation contract is over, will there be a chance for new transportation companies to get involved, or will the existing contract just be extended? (1)	Transportation contracts under Phase 1 are not for 18 months. Only primary processing contracts in Phase 1 were for 18 months.
<p>1. In the April 30th webcast it was mentioned that it was not expected the municipalities would receive large quantities for the new category 4- we receive large numbers of these on an annual basis.</p> <p>2. There is still no costs to reflect setup/other capital costs from the municipality end.</p> <p>3. So far phase 1 is very labour intensive. The removal of batteries, mercury bulbs, ink toner and cartridges will add to this. Is there no additional compensation for this? Can the removal of these materials be put forward to the public or not accepted for collection.</p> <p>4. To date, under phase 1, the collection, sorting, packing and shipping have resulted in the addition of hours for one full time staff position (with no additional salary to hire). (1)</p>	<p>OES welcomes any data you may have regarding the collection of WEEE management Group 4 (Floor-standing Printing, Copying and Multi-Function Devices).</p> <p>To point #3, the requirement to remove batteries, mercury bulbs, toner and cartridges is for primary processors and not at the point of collection.</p>