

## CHANGE NOTICE—PROCESSOR INCENTIVE AGREEMENT

**TO:**

**FROM:** Ontario Electronic Stewardship (“OES”)

**RE:** Change Notice Pursuant to Processor Incentive Agreement

**DATE:** **September 22<sup>nd</sup>, 2014**

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This notices of amendments refers to the Processor Incentive Agreement between Processor and OES made as of 1 October 2012 (the “**Agreement**”) and the change notice issued March 7, 2013. All capitalised terms used in this notice which are not defined herein have the meanings given to such terms in the Agreement.

Please be advised that, in accordance with Section 11.2 of the Agreement, OES will amend the Agreement as described in this notice, which is a Change Notice as described in Section 11.2 of the Agreement. The amendments described in this Change Notice will take effect on Friday November 21, 2014, unless Processor gives a Rejection Notice to OES within the next 30 days, in which case the Agreement will be terminated on Friday November 21, 2014.

The amendments will be as follows:

1. Section 1.1(a) of the Agreement is deleted in its entirety and replaced by the following:

**1.1 (a) Acceptable WEEE”** means waste electrical and electronic equipment (WEEE) that has been designated by the Minister of the Environment for end-of-life management by OES. For greater clarity, only Ontario-Sourced material (per 1.1 s) originating in the province of Ontario and items identified by the Minister as eligible in Appendix A of the program plan is acceptable. Among other things, this continues to excludes any materials in the Floor Standing Printing Device or Floor-standing Copying Device or Floor Standing Multi-Function Device sub-categories within the Printing, Copying and Multifunction Devices category. Only WEEE proven by the Processor to be generated in Ontario and on the list of acceptable material may be processed under the OES program.

2. 3.2 (a) of the Agreement is deleted in its entirety and replaced by the following:

3.2(a) The Processor will ensure that the Generators from which it receives or intends to receive Claimed WEEE comply with all applicable provisions of the ERS as it relates to the operations of the Generator and with the Generator Standard included in Schedule A, and will verify this by regular reviews of the operations of each Generator. Processor will ensure

that OES is to inspect all Generators for compliance with the ERS and OES standards as OES deems appropriate, in its sole and absolute discretion. OES will provide notice of a forthcoming inspection prior to assessing areas that are not publicly accessible. For greater clarity and notwithstanding anything to the contrary in this Agreement or elsewhere, no notice is required, nor will any be provided, prior to inspecting publicly accessible areas at the Generator sites (including without limitation drop-off areas). OES reserves the right to inspect any source in the supply chain providing WEEE being claimed for reimbursement.

3. 3.2 (c) of the Agreement is deleted in its entirety and replaced by the following:

3.2 (c) Processors shall ensure that Generators do not divert or remarket Acceptable WEEE units or components thereof, collected from members of the public without first obtaining written consent to the diversion or remarketing from the member of the public from whom such Acceptable WEEE was collected

4. 3.2 (e) of the Agreement is deleted in its entirety and replaced by the following:

3.2 (e) Processors are required to obtain the written Declaration using the form in Schedule A of Generators to permit OES and/or OES agents or representatives upon one business day's notice to enter Generator premises to inspect areas not publicly accessible and not visible to the public. Inspection may include and is not limited to the review and copy documents such as bills of lading and receiving reports evidencing the use and source of the WEEE delivered to Processors and for the purpose of verifying compliance with the ERS and the requirements of this Agreement. Notwithstanding anything to the contrary, no consent is required, nor will any be provided, prior to OES to entering and to inspecting publicly accessible areas and/or areas visible to the public. In addition Processors must obtain a signed check list per Schedule A for Generators and provide same to OES.

5. 3.2 (f) of the Agreement is deleted in its entirety and replaced by the following:

3.2 (f) Processors are required to maintain a Generator site review protocol, and must provide evidence to OES, on request, that Generator sites have been reviewed for compliance against the protocol. All Generator site submissions made to OES must include the documents in Schedule A in an unaltered state. OES reserves the right to reject Incentive payment claims or to demand repayment of Incentives paid with respect to Claimed WEEE originating at Generator sites with non-compliant site conditions or for which supporting documentation is inadequate.

6. 3.2 (g) is a new addition to the Agreement:

3.2 (g) A Generator site that is found not to be in compliance with any applicable requirements, including failure to pass an inspection, will have a 24 hour cure period from the time that OES or its agent informs the Processor of the non-compliance, prior to re-inspection. For greater clarity, the re-inspection may occur any time after the above mentioned 24 hour period expires.

A second or any subsequent non-compliance at the same Generator site will not be subject to a cure period and will result in a 9 month suspension before being permitted to reapply to be a Generator site under the PIA. The requirements to requalify will include complying

with the generator standard, rectifying the identified non-compliances and any other requirement applicable to registering a new Generator site.

7. Schedule A Generator Standard is replaced with version below. There is no change to the Generator Site Checklist.

**ONTARIO ELECTRONIC STEWARDSHIP**

Per:

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Melanie Wilde  
Executive Director

**SCHEDULE A**  
**GENERATOR STANDARD.**

**Generator Site Checklist**



Date		Generator Name	
Gen #		Address	

This checklist is to be used in verifying compliance of public-facing generator sites with the OES generator standards.

Site Approval	Y/N	Assessment Notes
<b>Accessibility</b>		
1. Area for loading WEEE directly onto trucks		
2. Adequate access for a tractor trailer / straight truck / roll-off		
<b>Site Configuration</b>		
3. Indoor Storage/Shelter for WEEE		
4. Sufficient area for preparing and storage of WEEE		
5. Handling equipment to move WEEE		
6. Collection method Bulk / Palletized		
<b>Safety, Security &amp; Ops Procedures</b>		
7. Safe for all users to enter & drop-off material.		
8. Dedicated public drop-off		
9. Adequate security to protect from tampering/alternate use		
10. Privacy protection signage/disclaimer		
<b>Trainer</b>		
11. Evidence of adequate PPE & material handling training		
12. Protocol to ensure eligibility of material		
<b>Documentation</b>		
13. Documentation from Site Owner (if different than Operator)		
14. General liability coverage inclusive of accepted WEEE		
15. RYE information (hours, restrictions, etc)		

Site Approval Comments (Include item #)

\_\_\_\_\_  
Processor Representative

\_\_\_\_\_  
Generator Site Representative

COPY 1: Generator Site Representative    COPY 2: Processor    COPY 3: OES

## **Generator Standard**

### **Requirements for Generator Sites Collecting Acceptable WEEE Materials under the Processor Incentive Program**

All Generator sites that intend to collect or receive Acceptable WEEE materials under the Processor Incentive Program (“PI Program”), in preparation for final disposal at an approved processor’s facility must meet the requirements outlined in this document.

Eligible Generator sites must be registered with OES. Prior to registration with OES, a Generator Site Checklist must be completed and provided to OES. Material collected prior to registration with OES as a Generator, or material collected while a Generator site is suspended, is not eligible under the PI Program. Once approved, a generator will be issued an OES Generator ID number.

Site operators must confirm that each location which is registered with OES as a generator site meets the requirements set out below.

The Processor will ensure that the Generators from which it receives or intends to receive Claimed WEEE comply with all applicable provisions of the ERS as it relates to the operations of the Generator and with the Generator Standard included in Schedule A, and will verify this by regular reviews of the operations of each Generator. Processor will ensure that OES is to inspect all Generators for compliance with the ERS and OES standards as OES deems appropriate, in its sole and absolute discretion. OES will provide notice of a forthcoming inspection prior to assessing areas that are not publicly accessible. For greater clarity and notwithstanding anything to the contrary in this Agreement or elsewhere, no notice is required, nor will any be provided, prior to inspecting publicly accessible areas at the Generator sites (including without limitation drop-off areas). OES reserves the right to inspect any source in the supply chain providing WEEE being claimed for reimbursement. OES shall determine in its absolute and sole discretion whether Generator site requirements have been met.

### **Acceptable WEEE Material**

Acceptable WEEE material is defined as electrical and electronic equipment which are supplied in Ontario that result in the generation of WEEE, being all goods and products set out in the relevant Table of Appendix A of the Program Plan, with the exception of floor-standing copiers, printers and multifunction devices. The list of acceptable material can be found here, in Appendix A of the current version of the Rules: <http://www.ontarioelectronicstewardship.ca/program-history/program-rules>

Materials collected must be whole units and have no evidence of tampering, dismantling or recovery of high value materials. All material collected at the site must be reported under the PI Program and provided to the processor. No materials may be resold, re-used or refurbished. Sites that undertake commercial refurbishing, re-use or re-sale of electronics must provide evidence of policies and procedures that ensure all material collected under the PI Program is segregated and controlled.

Material must be received at no charge to the public.

## **Site Requirements**

- Site has adequate infrastructure to shelter material in inclement weather.
- Site has sufficient space to receive, sort, store and prepare pallets and/or gaylord boxes and/or bulk bags for shipment.
- Site has a work area to prepare the containers or pallets in accordance with OES collection standards.
- Site has adequate vehicle room for a tractor trailer or straight truck.
- Site has sufficient dock space or equivalent area for loading WEEE onto trucks

## **Safety, Security and Operating Procedures**

- Site meets Ministry of Labour and Ministry of Environment requirements as well as general health and safety regulations required by governing jurisdictions
- Material drop off area is located so that users are not endangered by site equipment or other traffic.
- Site has adequate security measures in place to protect material from being tampered with by anyone at the site or using the collection facility as agreed to during the site assessment.
- Site is equipped with signage to advise users to wipe/remove confidential information from their computers before drop-off (signage to include visible disclaimer).

## **Training**

- Staff will receive training from their affiliated processor to ensure proper material handling procedures are in place

## **Documentation**

- General Liability Coverage (insurance) is in place for site operations to a minimum value of \$1,000,000 and the provisions are inclusive of Acceptable WEEE materials.
- Site operator has written permission from the site owner (if different from the operator) to collect WEEE at the site.
- Site operator agrees to provide copies of documentation evidencing required business licences upon request.

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**Declaration**

**TO: ONTARIO ELECTRONIC STEWARDSHIP**

**AND TO: [PROCESSOR]**

I, name of signatory have the appropriate signing authority to bind name of organisation (the "Generator").

The Generator accepts and agrees to the standards set out under the above Generator Standard. The Generator agrees to allow OES or its agents or representatives access to the Generator's premises and locations for the purposes of approval and assessment as required.

The Generator hereby confirms that it conducts and that it will conduct its operations in full compliance with applicable national, federal, provincial, regional and municipal laws, by-laws, regulations, ordinances and other similar provisions, including without limitation all environmental laws, standards, policies or codes of practice of government which apply to any aspect of the handling of WEEE, and in accordance with such policies and/or rules OES or the RQO may reasonably establish from time to time in accordance with industry standards, including the Plan.

The Generator agrees to indemnify and hold harmless OES, its directors, officers and employees from and against all costs, expenses, claims, demands, actions, or any loss suffered or incurred by OES arising out of the performance or non-performance by the Generator of its obligations.

*Signature* \_\_\_\_\_

*Print name* \_\_\_\_\_

*Date* \_\_\_\_\_