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of the
Environment

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JUN 11 2007

Ms. Gemma Zecchini
Chair
Waste Diversion Ontario
45 Sheppard Ave. E., Suite 920
North York, ON M2N 5W9

Dear Ms. Zecchini:

I am pleased to write to the Board of Directors of Waste Diversion Ontario (WDO) to provide the final requirements for Ontario's Waste Electrical and Electronic Equipment Diversion Program (WEEE Program).

In a letter dated December 20, 2004, the former Minister of the Environment requested WDO to develop a WEEE Program, pursuant to subsection 23(1) of the *Waste Diversion Act, 2002* (WDA). The letter indicated that a final Minister's Program Request Letter would be provided at a later date. This letter, including the attached Addendum, constitutes the final Program Request Letter in respect to Phase One and Phase Two, sent pursuant to subsection 23(1) of the WDA and replaces the letter dated December 20, 2004.

Pursuant to clause 23(3) (b) of the WDA, I am requiring WDO to develop the WEEE Program in co-operation with a new Industry Funding Organization (IFO) incorporated by WDO under Part III of the *Corporations Act* for the purposes of the waste diversion program. WDO should include industry stewards directly affected by the WEEE Program on the IFO Board.

Ontario Regulation 393/04 prescribed seven categories of WEEE materials as a designated waste for the purposes of the WDA. However, after careful consideration of the *Waste Electronic and Electrical Equipment Study* results and WDO's recommendations, I have decided to require a phased-in approach to Program development that focuses initially on some of the items included in Schedule 2, Information Technology Equipment, of Ontario Regulation 393/04 (including desktop and portable computers, monitors, printers and peripherals), and Schedule 4, Audio-Visual Equipment, of Ontario Regulation 393/04 (including televisions). This initial focus will be referred to as Phase One of the WEEE Program. Similar to other program requests, an addendum to this letter has been attached, which highlights the full list of items for Phase One and additional areas to be addressed in the proposed Program submission.



I expect to receive a complete WEEE Program proposal, Phase One, from you by February 1, 2008.

At a minimum, the WEEE Program proposal shall include:

- Complete Program details on a diversion program addressing all Phase One products, including an implementation plan and performance measures;
- A set of vendor qualification requirements to ensure WEEE is processed in a safe and environmentally sound manner that satisfies local, provincial, national regulations and international obligations, including the *Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal*;
- An annual audit of the vendors qualified to process WEEE under the WEEE Program to establish the disposition of the material;
- Results of public consultation on Program proposal development; and
- An aggressive education and outreach strategy;

Within one year after my approval for Phase One of the Program, a proposal for Phase Two, as identified in the addendum attached, is to be submitted for my approval.

I recognize that there are existing programs currently managing this material and leadership has been shown by several companies that are taking responsibility for the waste from their electronics and electrical equipment. I would request that Program development take into consideration existing legitimate diversion activities, including, but not limited to, activities of reuse organizations that collect, refurbish and distribute used electronic products for community and charitable purposes, and take-back programs organized by electronic products manufacturers. I applaud these companies for their stewardship responsibilities and would like to confirm that the intent is that the WEEE Program build on these initiatives.

I am pleased to be moving ahead with this worthwhile initiative. Certainly your experience and efforts in Program design and development will be instrumental in developing a successful Program. I feel confident that together we will be able to meet this new challenge to the benefit of all people in Ontario.

I look forward to receiving your proposal and the resulting diversion of WEEE.

Yours truly,



Laurel C. Broten
Minister of the Environment

Addendum to the Minister's Request for a Waste Diversion Program for Waste Electrical and Electronic Equipment

1. Waste Diversion Ontario (WDO) shall develop a Waste Diversion Program (Program) for Waste Electrical and Electronic Equipment (WEEE) in accordance with the *Waste Diversion Act, 2002* (WDA).
2. In developing the Program, WDO shall consider the Canada-Wide Principles for Electronics Product Stewardship as issued by the Canadian Council of Ministers of the Environment to the extent that the principles are consistent with the WDA and the Program request letter.
3. WDO shall implement the Consultation Plan, which includes all affected parties and members of the public, submitted to the Minister on April 22, 2005, amended appropriately to reflect the product phasing schedule outlined in Item 14 below.
4. The Program shall provide for WEEE generated by residential and industrial, commercial and institutional (IC&I) sources.
5. Designated stewards shall be responsible for payment of all Program costs. At a minimum, Program costs shall include the costs incurred for the following activities:
 - a) Collecting, storing, transporting, processing and marketing all WEEE that is collected for diversion and actually diverted;
 - b) Collecting, storing, transporting, processing and disposing all WEEE that is collected for diversion but not diverted (residual waste material);
 - c) Research and development activities to support and increase the effectiveness and efficiency of WEEE collection and diversion;
 - d) Activities to develop and promote diversion of WEEE, generated from electrical and electronic equipment items identified under the Program, that is available for collection under the Program; and
 - e) Educational and public awareness activities to support the WEEE Program.
6. Funding Rules, for Phase One of the phase-in schedule:
 - a) Consistent with the WDA, the proposed funding rules should designate and define as stewards under the Program, brand owners, first importers, and/or assemblers of non-branded products for sale and use in Ontario that result in WEEE. Such products shall be referred to as "Electrical and Electronic Equipment";

- b) The proposed funding rules will clearly identify Electrical and Electronic Equipment included under the Program for which potential fees are payable;
 - c) Potential fees payable in respect of Electrical and Electronic Equipment under the Program shall be applicable to Electrical and Electronic Equipment produced in Ontario or arriving into the province, for sale to and use by the consumer in Ontario, regardless of the selling technique used, including internet sales;
 - d) Potential fees collected during Phase One of the Program shall be used to pay for Program activities.
 - e) In addition potential fees collected during Phase One of the Program shall also consider capital costs to meet Phase One Program accessibility targets;
 - f) The Program shall consider options with respect to internalizing Program costs based on the results of the *Waste Electronic and Electrical Equipment Study* and determine which option is most appropriate for Ontario as part of the Program; and
 - g) Potential fees shall be used to maximize the management of WEEE through reduction, reuse and recycling and not to fund the burning, landfilling or land application of WEEE unless the 3R options are not available or technically feasible.
7. WDO shall develop and adopt a set of vendor qualification requirements to ensure WEEE is processed in a safe and environmentally sound manner that satisfies local, provincial, and national regulations and international obligations, including the *Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal*. The set of vendor qualification requirements should form part of the WEEE Program submission.
8. The Program submission shall identify a tracking and auditing mechanism for WEEE from the point of collection through to its final destination, including verification of processing, in accordance with Phase One of the phase-in schedule.
9. At a minimum, the Program submission shall describe and include an assessment of the following elements in accordance with Phase One of the phase-in schedule:
- a) A breakdown of the quantity of electronic equipment items sold;
 - b) An estimate of the quantity of each WEEE generated under the Program, that is available for collection;
 - c) The anticipated collection and diversion targets for each WEEE item for the first five years of the Program, taking into account reduction of the quantity of WEEE available for collection as a result of the Program;

- d) Program accessibility targets to ensure that the Program is convenient and accessible to all Ontarians, including, but not limited to: high-density urban areas, rural communities and northern Ontario, and the proposed methodology for defining the appropriate accessibility targets;
 - e) The methodology for expanding and improving the existing collection and diversion infrastructure for WEEE to meet the capture and accessibility targets;
 - f) A description of any WEEE diversion and recovery infrastructure in place;
 - g) Descriptions of markets for all recovered WEEE items;
 - h) A list of benchmarks and performance measures used to encourage 3 R's, promote best practices and encourage the development of innovative diversion techniques;
 - i) A detailed breakdown of financial payments including,
 - i. specific incentives directed to collecting, transporting, processing, marketing, disposing and capital to improve the existing collection and diversion infrastructure;
 - ii. criteria to be applied to determine incentive eligibility; and
 - iii. the procedure for eligible parties to request and receive incentives.
 - j) A tracking and audit mechanism to ensure overall Program compliance.
10. The Program shall consider incentives encouraging stewards to initiate measures designed to reduce waste resulting from their products, increase recyclability of products and increase use of recycled content of products.
11. Where limited re-use and recycling options are available, the WEEE diversion Program should encourage sufficient re-use and recycling capacity to maximize management of WEEE.
12. The WEEE Program shall also include provisions to establish and/or expand the availability of WEEE collection programs and sites to make it convenient and accessible to all Ontarians, including, but not limited to: high-density urban areas, rural communities and northern Ontario.
13. The Program shall include provisions for stewards to report both residential and Industrial, Commercial and Institutional (IC&I) sales beginning upon commencement of Phase 1 of the Program.
14. Of the waste prescribed in Ontario Regulation 393/04 the Program shall include the following:

Phase-In Schedule:

- a) Phase One of the Program shall include:

Schedule 2

Information Technology Equipment

- 5. CD-ROM drive
- 6. Computer disk drive
- 7. Computer keyboard
- 8. Computer mouse
- 9. Computer terminals
- 13. Microcomputer
- 14. Minicomputer
- 15. Monitor (CRT)
- 16. Monitor (LCD)
- 17. Monitor (Plasma)
- 18. Personal computer (Desktop)
- 20. Personal computer (Laptop)
- 21. Personal computer (Notebook)
- 22. Personal computer (Notepad)
- 25. Printer

Schedule 3

Telecommunications Equipment

- 6. Fax machine

Schedule 4

Audio-Visual Equipment

- 15. Television (CRT)
- 16. Television (LCD)
- 17. Television (Plasma)
- 18. Television (Rear Projection)

- b) Phase Two of the Program shall include all items listed in Phase One of the Program, along with:

Schedule 2

Information Technology Equipment

- 10. Copier
- 19. Personal computer (Handheld)
- 23. Personal digital assistant (PDA)
- 27. Computer flatbed scanner
- 28. Typewriter

Schedule 3

Telecommunications Equipment

- 11. Modem
- 12. Pager
- 16. Telephone (Cellular)
- 17. Telephone (Cordless)
- 18. Telephone (Wire line)
- 19. Telephone answering machine

Schedule 4

Audio-Visual Equipment

- 1. Amplifier
 - 2. Audio player (tape, disk, digital)
 - 3. Audio recorder (tape, disk, digital)
 - 4. Camera (film, tape, disk, digital)
 - 5. Equalizer
 - 10. Preamplifier
 - 12. Radio
 - 13. Receiver
 - 14. Speaker
 - 19. Tuner
 - 20. Turntable
 - 21. Video player or projector (tape, disk, digital)
 - 22. Video recorder (tape, disk, digital)
15. The remaining items listed from all seven (7) categories of Ontario Regulation 393/04 are to be phased-in, in accordance with future request letters. WDO is encouraged to submit their recommendations on the remaining items.