

ADDENDUM

Addendum to the Minister's Direction Letter to Wind Up the Waste Diversion Program for Waste Electrical and Electronic Equipment (WEEE) and Ontario Electronic Stewardship (OES)

OES is directed to develop a plan to wind up the waste diversion program for WEEE and for winding itself up that includes the following:

- A description of the designated wastes that are covered by the WEEE program.
- A description of how the program will be operated while the plan is being implemented and until the program has ceased operation.
- A proposed timeline according to which key aspects of the plan will be implemented.
- A description of and a proposal for dealing with the assets, liabilities, rights and obligations of OES in relation to the waste diversion program for WEEE, including:
 - All monies held in trust by OES pursuant to Section 35 of the WDTA.
 - Any other assets of OES, including, and without limitation, any intellectual property, physical assets, or real property.
 - Any liabilities incurred by OES during the development and implementation of the waste diversion program for WEEE and anticipated to be incurred during the development and implementation of the wind-up plan.
 - A detailed account of anticipated costs to operate and wind up both the waste diversion program for WEEE and OES during the development and implementation of the wind-up plan, and a detailed account of how OES will finance these costs.
 - A detailed account of how OES proposes to equitably apportion its assets, liabilities, rights and obligations among stewards of electrical and electronic equipment (EEE) categories.
- A description of and a proposal for dealing with any program surpluses or deficits associated with any of the EEE categories, including:
 - An approach to limit program expenditures necessary to maintain or exceed current program performance for both collection and processing until the program ceases operation.
 - Proposed rules governing steward fees that are in accordance with the principles set out in Section 33 of the WDTA.
 - Where possible, the rules would eliminate fees for EEE categories in order to minimize any remaining surplus funds, including any reserves, when the program ceases operations on June 30, 2020. If there is a fee elimination proposed, the fee will be eliminated as soon as it is feasible subject to the approval of the Authority, and the fee elimination will be in effect until the waste diversion program for WEEE ceases operation.

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- Any fee elimination will be determined in a manner that would provide for sufficient funds to cover the costs set out in subsection 33 (5) of the WDTA, including costs of operating the program, costs incurred to wind up the waste diversion program for WEEE and OES, as well as costs incurred by the Authority under clauses 33 (5) (iv), (v) and (vi).
- A description of all data and information that is within OES' custody or control and that relates to the operation of the waste diversion program for WEEE since the Minister's program request letter (June 11, 2007), and a proposal for transferring all data and information to the Authority including:
 - The process for transferring all data and information to the Authority within any timeframes specified by the Authority.
 - The data and information that is to be transferred to the Authority, including, but not limited to:
 - A list of all registered stewards, including their business addresses and contact information, the nature of each steward's designation under the WDTA (e.g., whether designated because the steward is a brand holder, a first importer, or other person with a commercial connection to EEE); the classes of WEEE for which the steward is designated; the number of classes of WEEE for which the steward is designated; the number of materials in each class supplied by the steward into the Ontario marketplace;
 - Data and information relating to the collection and management of WEEE, including a list of collectors, haulers, processors and recycled product manufacturers, their business address, business contact information and past program performance data and information; and
 - Other additional data and information requested by the Authority.
 - Data and information related to the WEEE program that is in OES' custody or control shall not be for sale.
- A proposal for identifying confidential or personal data and information related to the waste diversion program for WEEE and indicating how such data and information will be supplied in confidence when transferring it to the Authority, which will assist the Authority in determining its treatment of such data and information based on applicable law and policies.
- The procedures that OES is putting in place to ensure there is no real, potential or apparent conflict of interest in respect of the plan's development, contents or implementation. Without limiting the scope of these procedures, the plan should address:
 - Any real, potential or apparent conflict of interest in respect of OES' relationship with the Electronic Products Recycling Association (EPRA).
 - Any necessary steps to ensure that EPRA does not receive preferential treatment as a result of its role in providing services to OES over other potential market participants in respect of WEEE resource recovery markets that may be created under the *Resource Recovery and Circular Economy Act, 2016*.

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- An approach that outlines how OES will deal with any information technology systems related to the waste diversion program for WEEE to ensure fair and equitable access to all users, as an alternative to disposing of these assets for fair market value.
- A description of changes to the program that are anticipated to be necessary to implement the wind-up plan.

I am further directing that the plan to wind up the waste diversion program for WEEE and OES include the following:

- A detailed report of OES' communications with affected stakeholders and the public during the development of the wind-up plan.
- A detailed proposal for a communications plan for affected stakeholders and the public during the implementation of the wind-up plan, if approved. The proposed communications plan must set out the process by which OES will provide information to affected stakeholders and the public on a regular basis. The communications plan must include a description of the key steps that will be taken by OES to wind up the waste diversion program for WEEE and OES, and show how affected stakeholders and the public will be affected by the windup.
- A detailed report of how OES has met the consultation requirements of subsection 14 (13) of the WDTA during the development of the wind-up plan including:
 - A list of the stewards, municipalities, service providers and other affected stakeholders that were consulted during the development of the plan.
 - A summary of the communications directed by OES through its outreach channels and analytics on responses.
 - A summary of the comments received by OES from affected stakeholders. A report of how the comments from affected stakeholders were considered by OES in the development of the wind-up plan.

