

Schedule A to Waste Diversion Ontario's Program Agreement

Rules for Stewards with Respect to Payment of Fees respecting Consolidated Municipal Hazardous and Special Materials for the period July 1, 2010 to December 31, 2011

Table of Contents

1. Introduction
 2. Materials included in the consolidated Municipal Hazardous or Special Waste Program
 3. Designation of Stewards under the consolidated Municipal Hazardous or Special Waste Program
 4. Fees and Reporting
 5. General Program Rules
- Appendices A - I

1. Introduction

On December 11, 2006 the Ontario Minister of the Environment enacted Ontario Regulation 542/06 under the Waste Diversion Act designating certain materials as municipal hazardous or special waste, and designating Stewardship Ontario as the industry funding organization (IFO) to implement and operate a waste diversion program for that waste. The following Rules are made under the Waste Diversion Act to designate certain persons as stewards and requiring them to register and File reports and pay fees to Stewardship Ontario based on the amount of material Supplied into Ontario by them. On July 22, 2008 the Minister issued a Program Request Letter directing Stewardship Ontario to proceed to the consolidated phase of the MHSW program which is to commence on July 1, 2010. Stewards have the option of making an application to Waste Diversion Ontario to approve an industry stewardship plan (ISP) as an alternative to paying fees and reporting under these Rules.

The following rules relate to the MHSW program, and the definitions of capitalized words used in these Rules are contained in a glossary attached as Appendix I.

The following Rules do not revoke or amend any previously approved MHSM Rules for Stewards with Respect to Payment of Fees Respecting MHSM.

2. Materials included in the Consolidated Municipal Hazardous or Special Waste Program

The special and hazardous waste materials included in the consolidated MHSW program are identified in the Minister's Program Request letter dated December 12, 2006 (see Appendix G) and in the addendum to the Ministers Program Request Letter dated July 22, 2008 (see Appendix H).

For reporting and cost purposes, the designated materials, as defined by the Waste Diversion Act, 2002 – Ont. Reg. 542/06, are organized into 22 material categories as outlined in Appendix A.

3. Designation of Stewards under the Consolidated Municipal Hazardous or Special Waste Program

For the purpose of determining which person shall be designated as a steward for a particular category of MHSM the following provisions shall apply, in the order in which they are set out. If two or more persons are designated as a steward pursuant to the following provisions, then the earlier provision shall prevail.

- (1) A Brand Owner is designated as a steward with respect to all MHSM or Obsolete MHSW,
 - a. in the case of all MHSM, for which it is the Brand Owner and Supplied such MHSM during the Data Period, for which it has a Commercial Connection;
 - b. in the case of Obsolete MHSW, for which it is the Brand Owner and such Obsolete MHSW was collected by Stewardship Ontario during the Data Period.
- (2) A First Importer is designated as a steward with respect to all MHSM or Obsolete MHSW,
 - a. in the case of all MHSM, for which it is the First Importer and Supplied such MHSM during the Data Period;
 - b. in the case of Obsolete MHSW, for which it is the First Importer and such Obsolete MHSW was collected by Stewardship Ontario during the Data Period.
- (3) A Franchisor is designated as a steward with respect to all MHSM or Obsolete MHSW,
 - a. in the case of all MHSM, Supplied within the relevant Franchise System during the Data Period;
 - b. in the case of Obsolete MHSW, for which it is the Franchisor and such Obsolete MHSW was collected by Stewardship Ontario during the Data Period.
- (4) In the event there is more than one Brand Owner for the same MHSM, the Brand Owner more directly connected to the production of the MHSM shall be designated as the steward, but where the Brand Owner is a Franchisor who is Resident in Ontario (see definition below), the Franchisor shall be designated as the steward.
- (5) In the event there is no identifiable brand on a particular MHSM product or good and if the manufacturer of the MHSM is resident in Ontario, the manufacturer of such MHSM shall be designated as the steward for such MHSM, otherwise the First Importer shall be designated as the steward for such MHSM.

4. Fees and Reporting

4.1 Steward Reporting

- (1) Every steward shall File in accordance with the timetable in Appendix E a Quarterly MHSM Steward's Report following notification. A steward is notified:
 - (a) on the day the steward receives personal service via email of how to obtain a copy of these Rules, or
 - (b) three days following the sending by Stewardship Ontario by prepaid first class postage to the steward at its Published Address in Ontario, of a copy of these Rules or a written notice of how to obtain a copy of these Rules.
- (2) Every steward shall File subsequent Quarterly MHSM Steward Reports with Stewardship Ontario in accordance with the timetable in Appendix E.
- (3) Quarterly MHSM Stewards' Reports shall contain accurate data. If stewards identify any errors in any Quarterly MHSM Steward's Report after submission, they must notify Stewardship Ontario in writing via email to werecycle@stewardshipontario.ca with full particulars of the error.
- (4) Stewards' Quarterly MHSM Reports must include the following information (currently submitted on the Stewardship Ontario reporting portal)
 - (a) Name of steward; Mailing, and Billing addresses, date of Report
 - (b) Primary Contact Person, contact information for MHSM Steward's Report including email addresses
 - (c) Description of methodology and data used to prepare this Quarterly MHSM Steward's Report ;
 - (d) Date of report and associated data period;
 - (e) Description of any excluded waste deductions from this Quarterly MHSM Steward's Report;
 - (f) List of brands or trade marks covered in this Quarterly MHSM Steward's Report;
 - (g) List of franchisees included in this Quarterly MHSM Steward's Report; and
 - (h) Declaration of accuracy of contents of this Quarterly MHSM Steward's Report.
 - (i) Quantities of materials Supplied according to the reporting categories and units of measure as laid out in Appendix A

Failure to File a Steward's Report in accordance with these Rules is a violation of these Rules and may be subject to enforcement under the Waste Diversion Act (2002).

4.2 Steward Fees, Penalties and Interest

Stewards shall pay fees to Stewardship Ontario in accordance with the following:

- (1) the fees for all MHSM categories as set out in all applicable Quarterly MHSM Steward's Reports according with the timetable set out in Appendix E;
- (2) the fees set out in the Measured Return Share Steward's Report identified in Appendix C.
- (3) stewards, who fail to pay fees by the date specified in the timetable set out in Appendix E will be subject to interest on the unpaid fees. Interest on unpaid fees shall accrue

from such date at the prime rate established by CIBC as at the close of business on the first day of each month plus three (3) percent per annum;

- (4) stewards who fail to report by the date specified in Appendix E will be subject to a penalty calculated at 10% of fees due and payable;
- (5) in the event that the amounts reported in an MHSM Steward's Report are inaccurate, any deficiency in fees paid resulting from such inaccuracies will be subject to the same reporting penalties and payment interest outlined in (3) and (4) above;
- (6) all penalties and interest charges begin accruing on the business day immediately following the reporting and payment due dates identified in Appendix E;
- (7) where an error is identified by Stewardship Ontario on any Quarterly MHSM Steward's Report, as a result of an email sent under 4.1(3) or otherwise, Stewardship Ontario shall issue an invoice to the steward for the amount of fees owing on account of the error.

4.3 Relief from Requirements to Report and Pay Fees

If a steward Files a notice with Stewardship Ontario of their inclusion in a Waste Diversion Ontario or Minister approved industry stewardship plan (ISP) covering MHSM which that steward generates, that steward will be exempted from the per unit Service Cost accruing in respect of the period following the Effective Date of such industry stewardship plan. Any payment of Service Costs and/or fees made to Stewardship Ontario, attributable to the period after the Effective Date of the industry stewardship plan, shall be refunded to the steward. Notwithstanding such exemption, each such steward must remain a Steward In Good Standing as it will remain obligated to pay its share of the costs, outlined In Appendix F with respect to the period ending on the Effective Date of the industry stewardship plan.

Within 60 days of approval of an ISP, each exempted steward must File all outstanding Quarterly MHSM Steward's Reports and report all MHSM Supplied up to the Effective Date.

Upon approval of an industry stewardship plan (ISP), each steward that is participating in the ISP will be responsible to pay the following costs to Stewardship Ontario to the Effective Date:

- (1) Its share of the full amount of outstanding Plan Development Costs identified in Appendix F to the Effective Date;
- (2) Its share of Plan Implementation Costs to the Effective Date excluding Deficit (Surplus) Costs identified in Appendix F;
- (3) The full amount of any and all outstanding Deficit (Surplus) Costs relating to Phase 1 and Consolidated MHSW Program Plan implementation to the Effective Date;
- (4) Obsolete MHSW Costs to the Effective Date;
- (5) Fees as outlined in the Measured Return Share Steward's Report to the Effective Date.
- (6) Any outstanding fees, previously owing.

These costs will be allocated on the basis of dividing the Steward's reported MHSM by material category with the total MHSM reported by all stewards for each material category. If such data are not available, these costs will be divided equally among all stewards who have reported data for that material category or may be based upon a Measured Return Share for materials defined in Appendix C to pay on this basis.

Stewardship Ontario shall send to Stewards an invoice for each steward claiming exemption under an ISP, setting out their respective share of the above mentioned costs.

5) General Program Rules

5.1 Record Provision and Retention

- (1) Stewards shall promptly provide data including calculation methodology, product and packaging data, audit reports, list of brands reported and list of brands excluded from report, and allocation percentages, used by stewards in the preparation of any Quarterly MHSM Steward's Report upon request from Stewardship Ontario.
- (2) Stewards shall retain records to substantiate and verify the amount set out in their Quarterly MHSM Steward's Report for a period of not less than five years from the date of the Quarterly MHSM Steward's Report to which they relate. A steward shall grant access to Stewardship Ontario upon its request to examine its books and records to enable Stewardship Ontario to audit and inspect such records respecting any Quarterly MHSM Steward's Report up to five years after the date of receipt of such Quarterly MHSM Steward's Report by Stewardship Ontario.

5.2 Dispute Resolution

If any dispute arises between a steward and Stewardship Ontario as to the amount of MHSM that is required to be included in a MHSM Steward's Report or Measured Return Share Steward's Report:

- (1) The parties shall attempt to resolve the dispute through designated representatives from each of Stewardship Ontario and the steward within thirty (30) days of the date upon which written notice of the dispute was first given, or as otherwise agreed upon;
- (2) If the parties are unable to resolve the dispute within the above period, the steward and Stewardship Ontario shall, within thirty (30) days thereafter, jointly select an arbitrator to arbitrate the dispute and failing agreement as to the arbitrator within such time frame, Waste Diversion Ontario shall appoint the arbitrator on behalf of the parties;
- (3) The arbitrator shall render a decision on the dispute and the award arising there from, in accordance to the Arbitration Act, 1991, as amended from time to time;
- (4) Non-payment of fees or failing to File a Quarterly MHSM Steward's Report by a steward shall not be items subject to arbitration;
- (5) The decision of the arbitrator shall be final and binding on the parties and shall not be subject to appeal on any grounds whatsoever, and shall be enforceable against Stewardship Ontario and the steward, as the case may be, immediately on the issue of the decision to the parties to the dispute.

5.3 Interpretive Memoranda

Stewardship Ontario may publish from time to time on its website interpretive memoranda describing its interpretations of these Rules and how it proposes to administer them.

5.4 Publishing of Company Names

Stewardship Ontario may post from time to time any of the following:

- (1) The names of stewards Filing MHSM Steward's Reports with Stewardship Ontario;

- (2) The names of any stewards named in any Measured Return Share Steward's Report;
- (3) A list of Stewards in Good Standing;
- (4) The registry of all brands reported in Quarterly MHSM Steward's Reports;
- (5) The names of any person that may appear to be a steward Resident in Ontario, but which it has determined upon investigation is not Resident in Ontario.

Appendix A – Consolidated Municipal Hazardous or Special Materials Definitions

The following tables contain definitions for all the materials included in the Consolidated Municipal Hazardous or Special Waste (MHSW) program.

If a material or product falls within more than one of the definitions outlined, stewards will report that material under the category that reflects how the material is managed at its end of life under the program.. Please refer to Appendix B, which outlines the steps for identifying the correct reporting category.

Please note that exclusion from a definition does not necessarily mean exclusion from the program. A product listed under exclusions for a particular material may be captured under a different category. A material is only exempt from the program if it is not included in any of the other material definitions.

The following materials are defined by one or more of the following Acts, Standards, and/or Regulations:

- *Waste Diversion Act, 2002 (Ontario)*
- *Environmental Protection Act (Ontario)*
- *Fertilizers Act (Canada)*
- *Food and Drugs Act (Canada)*
- *Hazardous Products Act (Canada)*
- *Pest Control Products Act (Canada)*
- *Controlled Drug and Substances Act (Canada)*
- *SOR/2001-269 – Canadian Standards Association Standard Z752-03*
- *Waste Diversion Act, 2002, Ontario Regulation Section 542/06*
- *Waste Diversion Act, 2002, Ontario Regulation Section 393/04*
- *Environmental Protection Act, Ontario Regulation 347*
- *Environmental Protection Act, Ontario Regulation 189/94*
- *Consumer Chemical & Container Regulations, 2001 (Canada)*
- *Fertilizers Regulations (Canada)*
- *Natural Health Products Regulations (Canada)*
- *Food and Drug Regulations (Canada)*
- *Narcotic Control Regulations (Canada)*

Key for using Appendix A:

Material Definitions	Provides the name and a definition for each of the 22 material categories designated under the consolidated MHSW.
Notes	Indicates if the material is categorized as special or hazardous waste and includes any other general comments on the material.
Sector(s) into which MHSM is supplied	Identifies the sector (s) into which materials must be supplied to be included in the consolidated MHSW program: - The residential sector; and/or - All industrial-commercial-institutional (IC&I) sectors; and/or - Designated IC&I businesses (e.g., small quantity generator—a business that generates MHSW and is not required to submit a generator registration report as per subsection 18(1) of Regulation 347 under the Environmental Protection Act and that does not return more than 100 kg per month of MHSW through the program).
Examples	Contains a list of product examples. <i>Note: This is not intended to be an exhaustive list.</i>
Exclusions	Identifies product exemptions for each material category. <i>Note: This does not mean that these products are necessarily excluded from the program. A material is only exempt from the program if it is not included in any of the other material definitions.</i>
Reporting Category	Indicates all sub categories for each material, as it appears on the steward reporting site.
Unit of Measure	Contains the unit of measure that stewards will be required to report. <i>Note: “Measured Return Share” (MRS) applies to materials where sufficient data was not available or to obsolete products where it was not possible to set fees. MRS applies to Reactives and Leachates, Mercury Switches & Measuring Devices. Research and analysis will be conducted throughout the year to determine quantities of materials collected under the consolidated MHSW program and costs will be allocated to the appropriate steward(s).</i>
Fee Rate	Indicates the fee per unit of measure. *Please note that the fee rates for material categories with an asterisk include a deficit recovery charge (i.e., Batteries –Single Use Dry Cell; Fertilizers – “Synthetically Derived”; Paints and Coatings; Pressurized Containers)

Aerosol Containers

Aerosol container means any non-refillable means of containment that:

- (a) contains a substance under pressure; and
- (b) is fitted with a self-closing device allowing the contents to be ejected:
 - (i) as solid or liquid particles in suspension in a gas,
 - (ii) as a foam, paste or powder, or
 - (iii) as a liquid or a gas.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special waste <i>Includes products that contain propellants in gaseous form</i>	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	Spray paints and lacquers; furniture spray; cleaning products; hairspray; air freshener; shaving cream; stain remover; sun block; pain relief sprays; Do-It-Yourself (DIY) products; food products e.g. whipped cream; cheese; cooking spray etc.	Excluded from the program <ul style="list-style-type: none"> • Products supplied in containers greater than 30 litres; and/or • Products supplied to large quantity IC&I generators • Products that do not contain propellants in gaseous form e.g. perfume atomiser 	Paint in Aerosols	Number of Units Supplied	\$0.06/unit
				Solvents in Aerosols	Number of Units Supplied	\$0.06/unit
				Other Aerosols	Number of Units Supplied	\$0.06/unit

Antifreeze and its containers

Antifreeze used or intended for use as a vehicle engine coolant.

Grouped into the following sub-categories for reporting purposes:

Packaged Antifreeze

Bulk Antifreeze

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special waste <i>Includes containers in which they were contained</i>	<ul style="list-style-type: none"> ✓ Residential ✓ All IC&I generators 	<p>Includes Packaged Anti-Freeze (i.e. any antifreeze supplied in containers 30 litres or less) and Bulk Antifreeze (i.e. any supplied antifreeze packaged or supplied in containers greater than 30 litres (e.g. delivered using a tanker trailer).</p> <p>Includes ethylene and propylene glycol used or intended for use as a vehicle engine coolant. Also used for Heating, Ventilation and Air Conditioning (HVAC) systems.</p>	<p>Reported under Flammables – vehicle windshield washer fluid; plumbing antifreeze; airbrake and fuel (gasoline & diesel) antifreeze; lock de-icer; product marketed as industrial heat transfer fluid</p> <p>Excluded from the program</p> <ul style="list-style-type: none"> • Initial “factory fill” product 	Packaged Antifreeze	Volume in Litres	\$0.12/L
				Bulk Antifreeze	Volume in Litres	\$0.11/L

Batteries – Consumer Type Portable

All batteries that weigh equal to, or less than 5kg. Typically used in consumer household and IC&I applications. Includes all battery chemistries.

Divided into the following categories for reporting purposes:

Batteries - Single Use Dry Cell**Batteries - Rechargeable**

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Batteries – Single Use Dry Cell						
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ All IC&I generators 	All chemistries, including alkaline, lithium, small sealed lead acid batteries, zinc carbon, and silver oxide button cells. Includes batteries used for flashlights, toys, smoke detectors, radios, phones, emergency kits, and outdoor lighting. As well as those batteries embedded in other products such as remote controls, watches, calculators, and greeting cards.	None	Alkaline Manganese (AlMn) - Alkaline (Al) - Silver Oxide (Ag2O)	Weight in Kilograms	\$0.76/Kg*
				Zinc Carbon(ZnC) - ZincAir (ZnAir)	Weight in Kilograms	\$0.76/Kg*
				Lithium Metal (Li)	Weight in Kilograms	\$0.79/Kg*
Batteries – Rechargeable						
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ All IC&I generators 	All chemistries, including alkaline, lithium, small sealed lead acid batteries for flashlights, toys, smoke detectors, radios, phones, emergency kits, outdoor lighting as well as those embedded in other products, e.g., portable computers, cordless power tools, and cellular phones.	None	Lithium Ion (Li-Ion) - Lithium Polymer (Li Polymer)	Weight in Kilograms	\$0.78/Kg
				Nickel-Metal Hydride (NiMH)	Weight in Kilograms	\$0.78/Kg
				Nickel Cadmium (NiCd)	Weight in Kilograms	\$0.78/Kg
				Small Sealed Lead Acid (SSLA / Pb)	Weight in Kilograms	\$0.33/Kg

Batteries – Industrial Stationary and Non-Lead Acid Motive

All **stationary batteries** weighing greater than 5kg. Typically used in industrial applications including uninterrupted power supply and load levelling, telecommunications, emergency lighting and fire protection, control switching, and other similar applications. Includes all battery chemistries.

All **non-lead acid batteries for motive application**, weighing greater than 5kg. Used in motive-power applications, including automobile, life-truck, marine, railway, and aircraft. Includes all battery chemistries, excluding lead-acid.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ All IC&I generators 	<p><u>Industrial stationary batteries</u> All chemistries, including nickel cadmium, lithium ion, lead acid used to power emergency back up systems, emergency lighting, fire protection, alternative energy systems (solar or wind), starters for jet aircraft and turbines, telecommunications transmission, and switching systems.</p> <p><u>Non-lead acid motive batteries</u> All chemistries including lithium ion, lithium phosphate, nickel cadmium, and nickel-metal hydride in batteries used to power electric and hybrid vehicles, golf carts, forklifts, wheelchairs, and to accessories, e.g., headlights, lighting, and heating for other motive applications such as in the aircraft, marine and rail industries.</p>	<p>Excluded from the program</p> <ul style="list-style-type: none"> • Lead acid batteries from vehicles 	Industrial Stationary and Non-Lead Acid Motive	Weight in Kilograms	\$0.39/Kg

Corrosive Materials and their containers (includes sub-category "Irritants")

Corrosives: includes products that meet the definition of "corrosive products" in the CCCR, 2001 and which can only be sold if their containers display information prescribed in the CCCR, 2001. Defined by one or more of the following: CCCR; or C.S.A. Standard z752-03; or Ontario Regulation 347.

Irritants: the sub-category of products defined or classified as an "irritant" in the CCCR regulations

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Hazardous waste <i>Includes containers in which they were contained</i> If a product meets one or more of the definitions in the CCCR, the C.S.A, and/or Regulation 347, the product is obligated regardless of how it is regulated.	✓ Residential ✓ IC&I small quantity generator	<p>Corrosives: <u>Acids</u> (e.g., muriatic, sulphuric), acidic cleaning products, de-scalers, drain openers, pool and spa chemicals, rust removers, wallpaper strippers, metal cleaners. <u>Bases</u> (e.g. sodium hydroxide), jewellery cleaners, bathroom cleaners, bleaches, toilet bowl cleaners, drain cleaners/openers, paint remover, masonry products (cement powders), auto-body filler, and tire cleaners. Irritants: Mild acids or bases primarily used for cleaning purposes, e.g., air care, bathroom cleaners, cleaning solvents, laundry detergent, spot removers, dishwashing products, and glass cleaners.</p>	<p>Reported under Pesticides – Pool chemicals that are not corrosive and that are registered domestic pesticides Excluded from the program • Products supplied in containers greater than 30 litres; and/or • Products supplied to large quantity IC&I generators</p>	Corrosives	Volume in Litres or Weight in Kilograms	\$0.13/L or Kg
				Irritants	Volume in Litres or Weight in Kilograms	\$0.20/100L or 100Kg

Fertilizers and their containers

“Fertilizer” means any substance or mixture of substances defined as a fertilizer in the *Fertilizers Act* (Canada) and *Fertilizers Regulations* (Canada) and which is regulated under the *Fertilizer Regulations*. This includes any substance manufactured, sold or represented as a plant nutrient.

Grouped into the following two sub-categories for reporting purposes:

Products marketed as compost, soil, manure, and composted manure that make a nutrient claim i.e., “Naturally-derived”.

All remaining products that meet the fertilizer definition not captured above i.e., “Synthetically Derived”.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special waste <i>Includes containers in which they were contained</i>	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	Fertilizers, supplements and micro-nutrients; registration exempt fertilizers as outlined in Schedule II of the <i>Regulations</i> ; specialty fertilizers, other than those referred to in paragraph (b) of the definition “specialty fertilizers” in the <i>Fertilizer Regulations</i> ; potting soils which contain fertilizers; manure; composted manure; and any product making a nutrient claim, e.g., shrub and tree food, lawn fertilizer, rose fertilizer, and multipurpose fertilizer.	<p>Excluded from the program</p> <ul style="list-style-type: none"> • Unregistered supplements, including composts for use only in improving the physical condition of the soil and where no nutrient claim is made • Fibrous organic materials, including peat, peat moss, sphagnum moss, tree bark and other materials used only in improving the physical condition of the soil and where no nutrient claim is made • Animal/vegetable manures sold in natural condition exempt from <i>Fertilizer Act</i> and as outlined in <i>Regulations</i>, section 3 (1) (a) (refers to unaltered, unpackaged manures sold only by the farmer directly to the end-user, which was produced by the farm’s herd) • Any substance not meeting the definition of Fertilizer or Supplement in the <i>Fertilizers Act and Regulations</i> • Fertilizers and Supplements packaged in containers greater than 30 kgs or 30 L; and/or • Products supplied to large quantity IC&I generators 	Naturally-derived	Volume in Litres or Weight in Kilograms	\$0.01/L or Kg
				Synthetically-derived	Volume in Litres or Weight in Kilograms	\$0.02/L or Kg*

Fire Extinguishers - Portable

Portable fire extinguisher means a portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generators 	Includes rechargeable and non-rechargeable fire extinguishers. ABC extinguishers, halon extinguishers, carbon dioxide extinguishers; extinguishers for electrical, combustible, flammable and/or combustible and laboratory fires.	Excluded from the program <ul style="list-style-type: none"> • Products supplied to large quantity IC&I generators 	Units 2.5 pounds and less	Number of Units Supplied	\$2.22/unit
				Units greater than 2.5 pounds and less than or equal to 5.5 pounds	Number of Units Supplied	\$4.44/unit
				Units greater than 5.5 pounds	Number of Units Supplied	\$6.66/unit

Flammable Materials and their containers (includes sub-category “Solvents”)

Assorted Flammables: include materials that are flammable and combustible liquids, solids, and gases as defined by *CCCR, Ont. Reg. 347*, and *CSA Std Z752-03* and that are not part of other material categories / sub-categories

Automotive Additives: include the range of products that are added to automobile engines or fuel lines and that are flammable and combustible liquids, solids, and gases as defined by *CCCR, Ont. Reg. 347*, and *CSA Std Z752-03*

Windshield Washer Fluid: include the range of windshield cleaning products that are flammable and combustible liquids, solids, and gases as defined by *CCCR, Ont. Reg. 347*, and *CSA Std Z752-03*

Gasoline: includes the range of automotive fuels that are flammable and combustible liquids, solids, and gases as defined by *CCCR, Ont. Reg. 347*, and *CSA Std Z752-03*

Solvents and their containers: means liquid products that are intended to be used to dissolve or thin a compatible substance and,

1. are comprised of 10% or more of water-immiscible liquid hydrocarbons, including halogen-substituted liquid hydrocarbons; or,
2. are flammable as described in part (c) of “municipal hazardous waste” in *Ontario Reg. 542*

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Hazardous waste <i>Includes containers in which they were contained</i> If a product meets one or more of the definitions in the <i>CCCR</i> , the <i>C.S.A.</i> , and/or <i>Regulation 347</i> , the product is obligated regardless of how it is regulated	✓ Residential ✓ IC&I small quantity generators	<u>Assorted flammables</u> : Camping fuel; solid fuels; propane; butane; kerosene; adhesives; cleaners; caulking; filler; grout; fibreglass resins; thinners; sealers; strippers; undercoating; patches; driveway sealers; waxes; polishes; wood preservatives; acetylene; solid fuels; lighters; acetylene; calcium hypochlorite; MEK peroxide; sodium peroxydisulfate. <u>Automotive additives</u> : Fuel enhancers; lock de-icer; gas-line antifreeze. <u>Windshield washer fluids</u> <u>Gasoline</u> : Gasoline, diesel, and all automotive fuels.	Report under Aerosols – Solvents contained in Aerosols Reported under Toxic – Automotive additives that are not flammable Excluded from the program <ul style="list-style-type: none"> • Beverages • Products supplied in containers greater than 30 litres; and/or • Products supplied to large quantity IC&I generators 	Assorted Flammables	Volume in Litres	\$0.02/L
				Automotive Additives	Volume in Litres	\$0.02/L
				Windshield Washer Fluid	Volume in Litres	\$0.02/L
				Gasoline	Location* * means any retail outlet in Ontario that sells or distributes fuel to consumers	\$26.42/Location/per year

Flammables (includes Solvents) CONTINUED BELOW...

Flammables (includes Solvents) CONTINUED...

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
<p>Special waste</p> <p><i>Includes containers in which they were contained</i></p> <p>If a product meets the solvent definition above the product is obligated regardless of how it is regulated.</p>	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generators 	<p>Solvents: Products containing but not limited to turpentine, alcohols (methanol, isopropanol, ethanol), ketones (acetone, methyl ethyl ketone), xylene, toluene, mineral spirits, naphtha, linseed oil, methylene chloride, e.g., paint thinners, lacquer thinners, automotive body resin solvents, contact cement thinners, paint strippers and degreasers, wood preservatives, ABS solvent, liquid sandpaper solvent, brush cleaner, and cleaner for PVC.</p>		Solvents	Volume in Litres	\$0.02/L

Fluorescents - Light Bulbs and Tubes

Means a fluorescent lamp that is a low pressure mercury electric-discharge source in which a fluorescing coating transforms ultraviolet energy generated by the mercury discharge into visible light. Includes both fluorescents meant to be removed by the user and fluorescents embedded in electronics products.

Divided into the following categories for reporting purposes:

Fluorescents - User Removed

Fluorescents – Embedded in designated EEE

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Fluorescents – User Removed						
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generators (generating 5kg or less per month) 	Compact fluorescent light bulbs and fluorescent tubes for indoor and outdoor lighting fixtures and appliances.	Excluded from the program <ul style="list-style-type: none"> • Non-fluorescent light bulbs, such as incandescent, gas discharge, halogen or LED • Products supplied for use to large quantity IC&I generators 	Tubes 2 feet or less	Number of Units Supplied	\$0.22/unit
				Tubes greater than 2 feet and less than or equal to 4 feet	Number of Units Supplied	\$0.45/unit
				Tubes greater than 4 feet	Number of Units Supplied	\$0.90/unit
				Compact Fluorescent (CFL)	Number of Units Supplied	\$0.14/unit
Fluorescents – Embedded in designated EEE						
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generators (generating 5kg or less per month) 	Cold-cathode fluorescents lamps (CCFLs) used for backlighting in liquid crystal displays (LCDs) (e.g., monitors, portable computers, display devices, printing, copying, and multi-function devices.)	Stewardship Ontario has reached an agreement with the operators of the WEEE program for the management of fluorescent tubes embedded in electronics, which avoids the need for stewards to report or pay fees on this material to Stewardship Ontario.	Display devices less than or equal to 29 inches		
				Display devices greater than 29 inches		
				Portable computers		
				Printing, copying & multi function devices		

Leachate Toxics (Leachates)Materials that upon extraction produce an extract containing a toxic substance in a quantity greater than the limit identified in *Ont. Reg. 347*.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Hazardous waste	✓ Residential ✓ IC&I small quantity generator	Lighting ballasts, equipment required to control the starting and operating voltages of electrical gas discharge lights, e.g., fluorescent and neon lights and high-intensity discharge (HID) lamps <i>(Additional products to be identified in Year 1 of the program).</i>	Excluded from the program <ul style="list-style-type: none">• Materials that do not exceed the limit set out in the Regulation• Products supplied in containers greater than 30 litres; and/or• Products supplied for use to large quantity IC&I generators	Leachates	Measured Return Share	MRS

Mercury Devices

Grouped into the following sub-categories for reporting purposes:

Measuring Devices containing Mercury:

- **Thermometer** means an instrument for measuring temperature, having a graduated glass tube with a bulb containing mercury that expands and rises in the tube as the temperature increases.
- **Barometer** means an instrument containing mercury used for measuring atmospheric pressure.

Mercury Switches: means products or devices that open or close an electrical circuit or a liquid or gas valve (sub-categories: Automotive; White Goods; Other)

Thermostats means a product that uses a mercury switch to sense and control room temperature through communication with heating, ventilation and air conditioning equipment.

Notes	Sector(s) into which MHSW is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p>Measuring Devices: Thermometers (both fever and non-fever), barometers, manometers, hydrometers.</p>	None	Measuring Devices	Measured Return Share	MRS
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p>Mercury Switches – Automotive: Switches containing mercury in vehicles that open or close an electrical circuit. Tilt switches actuated by a change in the switch position.</p>	None	Mercury Switches - Automotive	Measured Return Share	MRS
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p>Mercury Switches – White Goods: Switches containing mercury in appliances (e.g., chest freezers and gas ranges) that open or close an electrical circuit or a liquid or gas valve activated by temperature, pressure or liquid level etc.; temperature switches and flame sensors actuated by a change in temperature.</p>	None	Mercury Switches - White Goods	Measured Return Share	MRS

Mercury Devices CONTINUED BELOW...

Mercury Devices CONTINUED...

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p><u>Mercury Switches – Others:</u> Switches containing mercury in other products (e.g., bilge pumps) that open or close an electrical circuit or a liquid or gas valve activated by temperature pressure or liquid level e.g., pressure switches, actuated by a change in pressure; float switches, actuated by rising or falling liquid levels.</p>	None	Mercury Switches - Other	Measured Return Share	MRS
<i>Special waste</i>	<ul style="list-style-type: none"> ✓ <i>Residential</i> ✓ <i>IC&I small quantity generator</i> 	<p><u>Thermostats:</u> <i>Products that use a mercury switch to sense and control room temperature through communication with heating, ventilation and air conditioning equipment.</i></p>	<p><i>Thermostats are being managed under an Industry Stewardship Plan (ISP). Contact WDO for details (www.wdo.ca).</i></p>			

Oil Containers (containing Lubricating Oil)

Oil containers with a volume of 30 litres or less, which are used for the containment of lubricating oil products including:

- Petroleum-derived or synthetic
- Crankcase, engine and gear oils, and hydraulic, transmission and heat transfer fluids; and
- Fluids used for lubricating purposes in machinery or equipment.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p>Includes containers that contained petroleum derived or synthetic oils. Synthetic crankcase or engine oil; hydraulic fluid, transmission fluids and heat transfer fluids; polyester fluids; circulating oil or turbine oil; paper machine oil; hydraulic jack oil; gear oil; power steering fluid; polyglycol synthetic compressor oil; marine cylinder oil; natural gas compressor oil; vegetable oil for lubrication and, re-refined oil.</p>	<p>Reported under Antifreeze – Containers containing ethylene glycol heat transfer fluid; propylene glycol heat transfer fluid Reported under Flammables – Containers containing kerosene Reported under Aerosols – any oils contained in an aerosol container Excluded from program</p> <ul style="list-style-type: none"> • Containers containing cooking oil • Products supplied in containers greater than 30 litres; and/or • Products supplied for use to large quantity IC&I generators 	Oil Containers	Volume in Litres	\$0.05/L

Oil Filters

Means filters produced and/or arriving into the province, and which are for sale, directly or as part of a product, in Ontario.

Notes	Sector(s) into which MHSW is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	Includes filters for sale, or used, directly or as part of a product or piece of equipment. Spin-on or element style filter used in hydraulic, transmission or internal combustion engine applications, e.g., diesel fuel filters; household furnace fuel filters; coolant filters; storage tank diesel fuel filters; sump-type automatic transmission filters; plastic or paper element style filters; diesel fuel filters used at retail and commercial pump islands.	Excluded from program <ul style="list-style-type: none"> • Gasoline fuel filters, air filters, household furnace air filters, sock-type filters • Products supplied to large quantity IC&I generators 	Filters measuring less than or equal to 8"	Number of Units Supplied	\$0.50/unit
				Filters measuring more than 8"	Number of Units Supplied	\$1.00/unit

Paints and Coatings and their containers

Means latex, oil and solvent-based architectural, consumer automotive and consumer marine coatings, including paints and stains sold as MHSM consumer products or designated IC&I business products, whether tinted or untinted.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
<p>Special waste</p> <p><i>Includes containers in which they were contained</i></p> <p>Architectural paints and coatings are those that can be applied to any stationary object e.g., interior and exterior buildings, pottery, paintings, curbs, and cabinets.</p>	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p>Alkyd (oil) paints; latex paints; solvent-based stains and coatings; water-based stains and coatings; primer; basecoat.</p>	<p>Reported under Aerosols – paint contained in aerosols</p> <p>Reported under Pesticides – paints and coatings containing pesticides that are registered under the <i>PCP Act</i> under the domestic classification</p> <p>Reported under Flammables – Bitumen-based driveway and roof sealers</p> <p>Excluded from program</p> <ul style="list-style-type: none"> • Products supplied in containers greater than 30 litres; and/or • Products supplied to large quantity IC&I generators 	Containers with volume less than or equal to 250 ml	Number of Units Supplied	\$0.05/unit*
				Containers with volume greater than 250 ml but less than or equal to 1L	Number of Units Supplied	\$0.20/unit*
				Containers with volume greater than 1L but less than or equal to 5L	Number of Units Supplied	\$0.81/unit*
				Containers with volume greater than 5L	Number of Units Supplied	\$4.03/unit*

Pesticides, Fungicides and/or Herbicides and their containers

Pesticides include fungicides, herbicides, insecticides and certain repellents registered under the *Pest Control Products Act* (Canada) bearing the “DOMESTIC” classification. By definition, commercial, agricultural and restricted classifications are excluded.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste <i>Includes containers in which they were contained</i>	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	Insect repellents; flea/tick collars for pets; weed killers; pest control products; sanitizers and disinfectants containing fungicides; pool chemicals containing herbicides, pesticides, fungicides, e.g., algae removers.	<p>Reported under Aerosols – any products packaged in aerosols</p> <p>Excluded from program</p> <ul style="list-style-type: none"> • Commercial, agricultural and restricted classification products • Products supplied in containers greater than 30 litres; and/or • Products supplied to large quantity IC&I generators 	Pesticides, fungicides &/or herbicides	Volume in Litres or Weight in Kilograms	\$0.23/L or Kg

Pharmaceuticals

Means all drugs, as defined in section 2 of the *Food and Drugs Act (Canada)*, without regard to paragraph (c) of that definition and “Natural Health Products”, as defined in section 1 of the *Natural Health Products Regulations(Canada)*, and, for greater certainty, includes:

- (a) Drugs used or intended for use in both human and animals;
- (b) Prescription drugs as set out in Schedule F or the Food and Drug Regulations (Canada)
- (c) Biological drugs and radiopharmaceuticals as set out in Schedules C and D of the Food and Drugs Act (Canada);
- (d) Controlled substances, as defined in section 2 to the Controlled Drugs and Substances Act (Canada) and controlled and restricted drugs as defined in Schedules G and J of the Food and Drug Regulations (Canada);
- (e) Narcotics, as defined in section 2 to the Narcotic Control Regulations (Canada);
- (f) Non-prescription orally ingested drugs and orally ingested Natural Health Products; and
- (g) Non-prescription topical antibiotic and anti-fungal creams

Grouped into three sub-categories for reporting purposes:

Prescription; Non-prescription/Over-the-Counter; Natural Health Products

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste <i>Stewards have two options to report pills: 1) report number of pills sold; or 2) report by weight (in the appropriate “Solids by weight” sub-category and include total weight of creams, powders and pills).</i>	✓ Residential only	<u>Prescription Medications</u> for humans and pets, including pills, capsules, liquids preparations and creams, e.g., analgesics, cough medicines, anti-depressants, anti-nauseates, and stimulants.	Excluded from program <ul style="list-style-type: none"> • Products supplied to all IC&I generators • Pharmaceuticals supplied for use to doctors’ offices and dental clinics, where the pharmaceuticals will be primarily used on site and will not make it into the residential sector 	Prescription - Pills	Number of Pills	\$0.12/1000 pills
				Prescription - Solids by Weight	Weight in Kilograms	\$0.52/Kg
				Prescription - Liquids	Volume in Litres	\$0.06/L
				Prescription - Aerosol Inhalers	Number of Units Supplied	\$7.76/1000 units

Pharmaceuticals CONTINUED BELOW...

Pharmaceuticals CONTINUED...

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Material Category	Unit of Measure	Fee rate
Special waste	✓ Residential only	<u>Non-prescription/Over-The-Counter Medications</u> for humans and pets limited to: <ul style="list-style-type: none"> Orally ingested medications, e.g., cough and cold remedies, stomach remedies. Topical antibiotic and anti-fungal creams e.g., acne preparations. 	Excluded from program <ul style="list-style-type: none"> Food products that are primarily sold and marketed as a food and are in a food format Products such as lozenges for cough, sore throats or halitosis and/or chewing gum Non-prescription/OTC topical creams, except those listed in paragraph (g) above Products supplied to all IC&I generators Pharmaceuticals supplied for use to doctors' offices and dental clinics, where the pharmaceuticals will be primarily used on site and will not make it into the residential sector 	Non-Prescription /Over-the-Counter - Pills	Number of Pills	\$0.02/1000 pills
				Non-Prescription /Over-the-Counter - Solids by Weight	Weight in Kilograms	\$0.07/Kg
				Non-Prescription /Over-the-Counter - Liquids	Volume in Litres	\$0.01/L
Special waste	✓ Residential only	<u>Natural Health Products</u> for humans and pets that are orally ingested, e.g., vitamins, cough and cold remedies.	Excluded from program <ul style="list-style-type: none"> Food products that are primarily sold and marketed as a food and are in a food format including probiotics sold in food format Products such as lozenges for cough, sore throats or halitosis and/or chewing gum Products supplied to all IC&I generators Pharmaceuticals supplied for use to doctors' offices and dental clinics, where the pharmaceuticals will be primarily used on site and will not make it into the residential sector 	Natural Health Products - Pills	Number of Pills	\$0.05/1000 pills
				Natural Health Products - Solids by Weight	Weight in Kilograms	\$0.19/Kg
				Natural Health Products - Liquids	Volume in Litres	\$0.02/L

Pressurized Containers

All refillable and non-refillable pressurized containers that are identified with the following Transport Canada approval markings:

- Seamless Cylinders and Tubes: TC-3AAM, TC-3AAXM, TC-3ALM, TC-3AM, TC-3ANM, TC-3ASM, TC-3AXM, TC-3EM, and TC-3HTM.
- Welded Cylinders and Spheres: TC-4AAM-33, TC-4BM, TC-4BM17ET, TC-4BAM, TC-4BWM, TC-4DM, TC-4DAM, TC-4DSM and TC-4EM.
- Non-refillable Containers: TC-39M
- Composite Cylinders: TC-3FCM and TC-3HWM.
- Insulated Cylinders: TC-4LM
- Cylinders for Acetylene Service: TC-8WM, TC-8WAM.

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	Seamless cylinders and tubes; welded cylinders and spheres; composite cylinders; insulated cylinders previously containing material such as, acetylene, propane, Freon, isocyanate resins, helium, nitrogen, oxygen, and all other compressed gases.	<p>Reported under Aerosols – any aerosol containers</p> <p>Reported under flammable – butane lighters</p> <p>Excluded from program</p> <ul style="list-style-type: none"> • Pressurized containers supplied to large quantity IC&I generators • Pressurized containers that are a part of an inspection or lifecycle management program • Containers for refrigerants regulated under <i>Ontario Environmental Protection Regulation 189/94</i> • Reservoir tanks intended for use with an air compressor • Cylinders over 100 kilograms • Cylinders that must be punctured for use (e.g., small CO₂) 	Non-refillable	Number of Units Supplied	\$0.51/unit*
				Refillable	Number of Units Supplied	\$0.44/unit*

Reactive Materials (Reactives)						
Materials that react with air and/or water producing a gas. Materials that explode. Defined by <i>Ont. Reg. 347</i>						
Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Hazardous waste	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	Cream hardeners used in auto body repair; metal powders.	<p>Reported under Aerosols – Isocyanate foam insulation in aerosol containers</p> <p>Excluded from program</p> <ul style="list-style-type: none"> • Products supplied in containers greater than 30 litres and/or; • Products supplied to large quantity IC&I generators 	Reactives	Measured Return Share	MRS

Sharps including Syringes						
Waste sharps are materials consisting of needles, syringes and lancets in the administration of healthcare for humans and companion animals (i.e. pets).						
Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Special waste	<ul style="list-style-type: none"> ✓ Residential only 	All needles, syringes, lancets and pens used for humans and pets.	<p>Excluded from program</p> <ul style="list-style-type: none"> • Products from all IC&I generators • Sharps and syringes supplied for use to doctors' offices and dental clinics, where the sharps and syringes will be primarily used on site and will not make it into the residential sector 	Sharps and Syringes	Number of Units Supplied	\$0.69/ 100 units

Toxic Materials and their containers (Toxics)

Toxic and harmful liquids, solids, pastes, gels, and gases, as defined by *CCCR*, and/or *CSA Std Z752-03*

Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
<p>Hazardous waste</p> <p><i>Includes containers in which they were contained</i></p> <p>If a product meets one or more of the definitions in the <i>CCCR</i>, the <i>C.S.A.</i>, and/or <i>Regulation 347</i>, the product is obligated regardless of how it is regulated.</p>	<ul style="list-style-type: none"> ✓ Residential ✓ IC&I small quantity generator 	<p>Some adhesives (contact cements, glues, epoxies); some auto additives.</p>	<p>Reported under Paints and Coatings – any paints or coatings that are defined as toxic</p> <p>Reported under Flammable – auto additives that are toxic and flammable</p> <p>Excluded from program</p> <ul style="list-style-type: none"> • Products supplied in containers greater than 30 litres and/or; • Products supplied to large quantity IC&I generators 	<p>Toxics</p>	<p>Volume in Litres or Weight in Kilograms</p>	<p>\$0.13/L or Kg</p>

Appendix B

Decision Process for MHSW Materials with Multiple Properties

Follow the steps below to identify the correct reporting category for products that fall under one or more of the 22 designated material categories. **Please note that this decision process is based on the principle that the material is reported according to how it is managed at the end of its life.**

Section 1:

- When you have a product that is contained in an aerosol, you report the product under AEROSOL regardless of what material (for example, a flammable, pesticide, or corrosive) is contained in the aerosol. The only exception is when a pharmaceutical ingredient is contained in an aerosol.
- If you have an aerosol that contains a prescription medication, you report the aerosol under PHARMACEUTICALS sub-category – medical inhaler.
- If you have an aerosol that does not contain one of the 22 materials (for example, the product contains water), you report the product under AEROSOL.

If you have questions about the correct reporting category for aerosol products, please review the table below and ask yourself the following questions:

Questions about Products in Aerosol Containers	If Yes, Report Under
Does it contain paint and/or coatings?	AEROSOLS Sub-category - paint in aerosol
Does it contain reactive materials? 1. Icosyanate foam insulation in an Aerosol 2. Icosyanate paint in an Aerosol 3. Icosyanate paint NOT in an Aerosol	1. AEROSOLS Sub-category - all other aerosols 2. AEROSOLS Sub-category - paint in aerosol 3. PAINT AND COATINGS - report under the appropriate sub-category of the material definition for PAINTS AND COATINGS
Does it contain solvents (e.g. lubricating solvents, DIY-products)?	AEROSOLS Sub-category - solvents in aerosols
Is it an aerosol medical inhaler?	PHARMACEUTICALS Sub-category - medical inhalers
Does the product contain a pesticide?	AEROSOL Sub-category - all other aerosol
Is it an aerosol containing products with any other material property (e.g. flammable or irritant etc.)?	AEROSOLS - report under the appropriate sub-category of the material definition for AEROSOLS

Section 2:

When you have a product that is not contained in an aerosol container but that meets more than one hazardous material definition, please report the material based on the following order of precedence (i.e., flammables have the highest precedence):

**FLAMMABLE
CORROSIVE
TOXIC
IRRITANT
LEACHATE & REACTIVES**

If you are a steward of products that have a combination of properties, please refer to the table below for examples:

Material Properties	Reporting Category
Leachate toxic with other material properties (e.g. flammable and corrosive)	Report according to other material property in order of precedence (i.e., FLAMMABLE, then CORROSIVE, then TOXIC)
Reactive with other material properties (e.g. corrosive and flammable)	Report according to other material property in order of precedence (i.e., FLAMMABLE, then CORROSIVE, then REACTIVE)
Combination of toxic and irritant	TOXIC
Combination of corrosive with one or more properties: toxic and/or irritant	CORROSIVE
Combination of flammable with one or more properties: toxic and/or irritant but not a corrosive	FLAMMABLE
Products containing pesticides that are suspended in a solvent that is flammable	FLAMMABLE
A product that contains a pesticide in a solvent suspension	PESTICIDE

Section 3:

For products that are a combination of a product type (e.g., pesticide) and a property (e.g., corrosive), please refer to the table below for examples:

Material Properties	Reporting Category
Products clearly named as either fungicides, herbicides, insecticides or pesticides (any – cide)	PESTICIDES
Products, such as pool chemicals, that are corrosive and that are also clearly named as either a fungicides, herbicides, insecticides or pesticides (any – cide)	CORROSIVES
Products, such as wood preservatives, that are registered under the <i>PCP Act</i> under the domestic classification	PESTICIDES
Wood preservatives with no PCP number	PAINTS AND COATINGS
Pesticides that are toxic	PESTICIDES

Appendix C Form of Measured Return Share Steward's Report

Stewardship Ontario will prepare a report on behalf of all obligated stewards for Obsolete MHSW or for other MHSW for which fees are to be paid on a Measured Return Share basis. Stewardship Ontario will calculate the Service Costs in a manner similar to how costs are charged by service providers to Stewardship Ontario, attributable to each such MHSW. The Service Cost will then be allocated to each identified obligated steward in proportion to the relative quantities of material attributable to those stewards that are returned for management (return share). Fees set out in this report are payable to Stewardship Ontario by the steward within 30 days of the sending of each report by Stewardship Ontario.

Costs associated with such MHSW for which there is no identifiable steward will be allocated to all stewards identified for that sub-category of MHSW, in proportion to the return share allocation calculated above.

Stewardship Ontario will determine the form of each report.
Below is a list of materials/MHSW to be included in this Report:

Material Category	Reporting Category	Fee
Leachates	Leachates	Measured return share
Mercury Devices	Measuring Devices	Measured return share
	Mercury Switches - Automotive	Measure return share
	Mercury Switches - White Goods	Measured return share
	Mercury Switches Other	Measured return share
Reactives	Reactives	Measured return share

Appendix D – Resident in Ontario

Resident in Ontario, with respect to a corporation, means a corporation that has a permanent establishment in Ontario, where:

- (a) “**permanent establishment**” includes branches, mines, oil wells, farms, timberlands, factories, workshops, warehouses, offices, agencies and other fixed places of business and
- (b) the following rules apply;

Contracting Employees or Inventory Sufficient

Where a corporation carries on business through an employee or agent who has general authority to contract for the corporation or who has a stock of merchandise owned by the corporation from which the employee or agent regularly fills orders which the employee or agent receives, such employee or agent shall be deemed to operate a permanent establishment of the corporation.

Commission Agent not Sufficient

The fact that a corporation has business dealings through a commission agent, broker or other independent agent shall not of itself be deemed to mean that the corporation has a permanent establishment.

Parent of Subsidiary not Sufficient

The fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in a trade or business in a place shall not of itself be deemed to mean that the first-mentioned corporation is operating a permanent establishment in that place.

Licensed Insurance Company Sufficient

An insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered or licensed to do business.

Purchasing Office not Sufficient

The fact that a corporation maintains an office solely for the purchase of merchandise shall not of itself be deemed to mean that the corporation has a permanent establishment in that office.

Ownership of Land Sufficient

Where a corporation, otherwise having a permanent establishment in Canada, owns land in a province or territory of Canada, such land is a permanent establishment.

Production Packing and other Activities Sufficient

The fact that a non-resident corporation in a year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada, whether or not the corporation exported that thing without selling it prior to exportation, shall of itself, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the taxation year.

Machinery or Equipment Sufficient

The use of substantial machinery or equipment in a particular place at any time in a year of a corporation constitutes a permanent establishment of such corporation in that place for such a year.

Principal Place of Business Sufficient

Where a corporation has no fixed place of business, it has a permanent establishment in the principal place in which the corporation's business is conducted.

Charter or By Laws designating Head or Registered Office Sufficient

Where a corporation does not otherwise have a permanent establishment in Canada, it has a permanent establishment in the place designated in its charter or by-laws as being its head office or registered office.

Appendix E - Payment and Reporting Timetables

Commencing July 1, 2010, all Stewards of the MHSW program are legally obligated under the Ontario Waste Diversion Act, 2002 (WDA) to register as a steward of the MHSW program, and to File MHSM Steward Quarterly Reports of the quantities of MHSM sold or distributed in Ontario, and to pay fees on these materials.

Stewards become obligated to report and pay fees for the quarter that begins immediately following notification (within the meaning of section 4 (1) of the Rules).

The following table identifies the quarters covered under these Rules:

Notification Received	Obligation Begins	Collect Data from Data Period	Obligation Period	Report & Payment Due Date
Q2 – 2010 April 1, 2010 - June 30, 2010	Q3– 2010 July 1, 2010	Q2– 2010	Q3 2010	July 31, 2010
Q3– 2010 July 1, 2010 – Sept. 30, 2010	Q4 – 2010 October 1, 2010	Q3 – 2010	Q4 2010	October 31, 2010
Q4 – 2010 October 1, 2010 – Dec. 31, 2010	Q1 – 2011 January 1, 2011	Q4 – 2010	Q1 2011	January 31, 2011
Q1 – 2011 January 1, 2011- March 31, 2011	Q2 – 2011 April 1, 2011	Q1 – 2011	Q2 2011	April 30, 2011
Q2 – 2011 April 1, 2011 -June 30, 2011	Q3– 2011 July 1, 2011	Q2– 2011	Q3 2011	July 31, 2011
Q3 – 2011 July 1, 2011 –Sept. 30, 2011	Q4– 2011 October 1, 2011	Q3– 2011	Q4 - 2011	October 31, 2011

Stewardship Ontario will make all reasonable efforts to notify stewards in a timely and appropriate manner.

Appendix F – Cost Components

Plan Development Cost Components

Plan Development Costs are the costs that have been incurred during plan development for the following activities relating to both Phase 1 and consolidated MHSW Plans:

1. Consulting with stakeholders, including stewards, service providers, municipalities, the public and WDO and the MOE
2. Research and purchase of data to establish baselines e.g. lab pack analysis, sales into market data, etc.
3. Legal opinions on definitions and exemptions
4. Legal drafting of program rules
5. Consulting fees paid to various professionals for the purpose of:
 - i. Determining the definition of obligated materials;
 - ii. Compiling baseline data on the quantities of Municipal Hazardous or Special Material (MHSM) Supplied that will be available for collection as MHSW, collected, diverted and disposed;
 - iii. Defining program metrics for accessibility, collection and diversion and for design of a program to meet those targets;
 - iv. Developing, refining and testing of cost models and fee rates.
 - v. Drafting the Consolidated MHSW Program Plan.

Plan Implementation Cost Components

Plan Implementation Costs are the following costs, relating to both Phase 1 and Consolidated MHSW Plans:

1. Stewardship Ontario's Consolidated MHSW Plan start up costs;
2. WDO Consolidated MHSW Plan start up Costs;
3. Stewardship Ontario's Phase 1 Start-up Cost Recovery
4. Deficit in Stewardship Ontario's Phase 1 start-up cost recovery for the first eighteen months
5. Deficit in Waste Diversion Ontario's Phase 1 start-up cost recovery for first eighteen months
6. Steward Registration & Compliance Management
7. Material & Supplier Management
 - i. Field Operations
 - ii. Vendor Audits
 - iii. Vendor Standards
7. Program management costs
 - i. Industry Funding Organization Administration
 - ii. Performance Tracking Systems
 - iii. Material Tracking Systems
 - iv. Waste Diversion Ontario Administration
8. Shared Promotion and Education
9. MHSM material specific Promotion and Education costs
10. MHSM material specific Research and Development
11. MHSM Service Costs

Appendix G – Extract from the Minister’s Program Request Letter to Waste Diversion Ontario for Phase 1 of the Waste Diversion Program for Municipal Hazardous or Special Waste

Phase 1 of the program must be capable of addressing diversion of the following wastes: paint and coatings, and containers in which they are contained; solvents, and containers in which they are contained; oil filters, after they have been used for their intended purpose; containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil; single use dry cell batteries; antifreeze, and containers in which they are contained; pressurized containers; and fertilizers, fungicides, herbicides, insecticides or pesticides and containers in which they are contained...

...The Municipal Hazardous or Special Waste program shall target residential waste and small quantity waste from IC&I businesses.

Appendix H– Extract from the Addendum to the Minister’s Program Request Letter to Waste Diversion Ontario for an amended Waste Diversion Program for Municipal Hazardous or Special Waste

1. Waste Diversion Ontario (WDO) shall develop an amended Waste Diversion Program for MHSW (the “Program”) incorporating Phase 2 and 3 wastes as specified below, in accordance with all legislative requirements of the *Waste Diversion Act, 2002* (the “Act”):

(a) The amended Program shall include the addition of the following wastes (“Phase 2”):

From residential and all IC&I generators:

i. all batteries, excluding lead acid batteries from vehicles;

From residential generators and IC&I small quantity generators:

ii. aerosol containers, such as hair spray containers;

iii. portable fire extinguishers;

iv. fluorescent light bulbs and tubes, limited to generators of no more than 5kg/month. The collection system, including convenient collection locations, the actions of generators and collection site operators, and the transportation system should ensure that the fluorescent bulbs and tubes remain whole and unbroken (refer to section 7(k) below);

v. switches that contain mercury;

vi. thermostats, thermometers, barometers or other measuring devices, if the thermostats, thermometers, barometers, or other measuring devices contain mercury;

vii. pharmaceuticals (from residential generators only); and

viii. sharps including syringes (from residential generators only).

(b) The final phase of the amended Program will include the addition of all other remaining materials (“Phase 3”) that meet the definition of “municipal or hazardous waste” in O. Reg. 542/06; and

(c) “IC&I small quantity generators” is defined as a business that is not required to submit a generator registration report with respect to the waste under subsection 18(1) of Regulation 347 under the EPA.

Unless specified otherwise, these IC&I businesses are limited to delivering no more than 100 kg/month of MHSW to a MHSW depot. Municipal or retail MHSW depots require appropriate ministry approval to receive MHSW from IC&I generators. In addition, small IC&I generators require appropriate ministry approval to transport MHSW materials.

Appendix I – Glossary of Key Terms in these Rules

Interpretation in these Rules:

Brand Owner, with respect to a specific product or good, that is MHSM or Obsolete MHSW, where such product or good, or its packaging bears a trademark means during any time in any Data Period;

- (a) a person Resident in Ontario who is the holder of the registered trademark, or
- (b) a person Resident in Ontario who is the licensee, in respect of the registered trademark, or
- (c) a person Resident in Ontario, who owns the intellectual property rights to the unregistered trademark; or
- (d) a person Resident in Ontario, who is the licensee, in respect of the intellectual property rights of the unregistered trademark;

where “licensee” includes a person who packages goods and the products or goods are MHSM or MHSM Packaging, and bear a trademark, other than a packer, producer or filler of Private Label Goods, and includes any person whose corporate name or business name registration contains the trademark;

Commencement Date means the date upon which the Minister has approved the Consolidated MHSW Program Plan and made a regulation with respect to the revised composition of the board of directors of Stewardship Ontario;

Commercial Connection, a person has a commercial connection with MHSM if it derives an economic benefit when such MHSM is Supplied;

MHSW Program Plan means the waste diversion program required to be developed by the Minister in the Minister’s Program Request Letter;

Data Period means the 3 month periods ending June 30, 2010; September 30, 2010; December 31, 2010; March 31, 2011; June 30, 2011 and September 30, 2011 ;

Deficit (Surplus) Cost means the deficit (surplus) cost associated with each material type from services provided under all MSHM Rules. These costs are related to activities undertaken in the development, implementation and management of the MHSW Program Plan (Phase 1) and Consolidated MHSW Program Plan;

Designated IC&I Business means (i) an industrial, commercial or institutional business that generates Phase 1 MHSW or MHSW of the type referred to in clause 1 a) i) of the Appendix H; or (ii) an industrial, commercial or institutional business that generates MHSW of the types described in clauses 1 a) ii) through 1 a) vi) of the Appendix H that is not required to submit a Generator Registration Report with respect to municipal hazardous or special waste under subsection 18 (1) of Ontario Regulation 347, made under the Environmental Protection Act, as amended from time to time .

Effective Date means the date upon which the approval of the Industry Stewardship Plan becomes effective in accordance with its terms.

Electrical & Electronic Equipment (EEE) are products that result in the generation of Waste Electrical & Electronic Equipment as defined in O. Reg. 393/04 as amended.

Filed means electronically submitted by a steward to Stewardship Ontario through the interactive website, stipulated by Stewardship Ontario. Filed in the case of a steward that has previously filed a MHSM Steward's Report, means sent to the steward in accordance with the contact information set out in such report. Filed when effected by Stewardship Ontario with respect to a steward that has not previously filed a MHSM Steward's Report, means notified as defined in paragraph 4(1) of these Rules.

First Importer means a person Resident in Ontario, who imports into Ontario, a specific product or good that is MSHM, for which a Brand Owner does not exist in Ontario and includes a person Resident in Ontario who is the first to take title to such product or good, upon or after arrival in Ontario from elsewhere during the Data Period;

Franchisor, Franchisee and Franchise System have the meaning ascribed thereto under the Arthur Wishart Act (Franchise Disclosure), 2000, as amended from time to time;

Measured Return Share means a share of the costs of collecting, consolidating, transporting, recycling and/or disposing of Obsolete MHSW or MHSW that are Leachates, Mercury Devices, Mercury Switches – Automotive, Mercury Switches - Other, or Reactives as defined in Appendix A of these Rules;

Measured Return Share Steward's Report means a report prepared by Stewardship Ontario on a quarterly basis which contains the information in accordance with Appendix C;

MHSM Packaging means materials that are used for the containment, protection, handling, delivery and presentation of MHSM Supplied;

Minister means Minister of the Environment, Province of Ontario;

Municipal Hazardous or Special Materials (MHSM) means those goods and products set out in Appendix A which are Supplied and that result in the generation of MHSW;

Municipal Hazardous or Special Waste (MHSW) has the meaning as defined in O.Reg. 542/06;

Obligation Date means the first day stewards are obligated for Service Costs related to MHSM in these Rules starting July 1, 2010;

Obsolete MHSW Cost means the cost associated with the collecting, consolidating, transporting, recycling and/or disposing of Obsolete MSHW;

Obsolete MHSW means MHSW for which there is no MHSM Supplied by any steward, in the Data Period;

Phase 1 MHSW means any of MHSW included in the Municipal Hazardous or Special Waste Program Plan approved by the Minister in a letter dated February 19, 2008;

Plan Development Costs means the cost of those items listed in Appendix F under the heading Plan Development Cost Components;

Plan Implementation Costs means the cost of those items listed Appendix F under the heading Plan Implementation Cost Components;

Private Label Goods means goods that carry the brand or trademark of a Brand Owner that were manufactured by a third party on its behalf;

Program Request Letter means the letter from the Minister to Waste Diversion Ontario dated July 22, 2008 requiring Waste Diversion Ontario to develop a waste diversion program in respect of certain categories of Municipal Hazardous or Special Waste in addition to Phase 1 MHSW;

Published Address means an address in Ontario appearing in a current telephone directory or a recognized current published business directory;

Quarterly MHSM Steward's Report means a report prepared by a steward describing the aggregate amount of MHSM, that was Supplied in the Data Period by the steward or his Franchisees containing the information in accordance with Section 4.1 (4) and filed with Stewardship Ontario in the timeframe set out in Appendix E;

Resident in Ontario, with respect to a corporation, means a corporation that has a permanent establishment in Ontario, in accordance with the provisions of Appendix D, at any time in the Data Period;

Rules mean these Rules;

Service Cost is the cost to manage, collect, transport, consolidate, process, dispose of, or any other waste management cost of MHSW;

Start up Costs means any unrecovered costs incurred by Stewardship Ontario and WDO related to the Phase 1 Program Plan up to July 1, 2008, excluding Plan Development Costs, and all costs incurred by Stewardship Ontario and WDO related to the Consolidated MHSW Program Plan up to the Obligation Date, excluding Plan Development Costs;

Steward in Good Standing means a steward who is current with its financial and reporting obligations to Stewardship Ontario including:

- (1) Plan Development Costs
- (2) Plan Implementation Costs
- (3) Deficit (Surplus) Costs
- (4) Obsolete MHSW Costs
- (5) Fees as outlined in the Measured Return Share Steward's Report

Supplied means sold, leased, donated, disposed of, used, transferred the possession or title of, or otherwise made available or distributed for use in the Province of Ontario. Supply and Supplies have similar meanings.