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Environmental Law
Association
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Environment
Hamilton



May 1, 2026

Krista Friesen
Resource Recovery Policy Branch
MECP

Sent via email: Krista.Friesen@ontario.ca

Dear Ms. Friesen:

Re: [ERO 026-0218](#) Proposed Amendments to Tires and Other Producer Responsibility Regulations

Thank you for the opportunity to comment on the proposed amendments to the regulations noted above. The following environmental organizations make the submission below:

Environmental Defence is an Ontario-based Canadian environmental advocacy organization that has engaged in policy on waste reduction and producer responsibility for more than a decade.

Founded in 1970, the Canadian Environmental Law Association (CELA) is a public interest law group that seeks to use and improve laws to protect the environment and human health. Operated as a specialty legal aid clinic, CELA represents low-income individuals and vulnerable communities in the courts and before tribunals in a wide variety of environmental matters.

The Toronto Environmental Alliance is a non-profit environmental organization that has worked to promote zero waste and a circular economy, including advocating for effective EPR and waste policy for nearly 40 years.

Environment Hamilton is a non-profit organization established in 2001 to help Hamiltonians develop knowledge and skills to enhance & protect the environment. Environment Hamilton and its members from across the city understand a healthy economy protects the health of the public.

Extended producer responsibility is intended to internalize the cost of the full lifecycle of a producer's product and drive improvements in design to reduce waste

and pollution. This outcome requires:

- High targets for collecting **and** managing materials in an environmentally-sound manner that delays products from reaching end of life and becoming waste
- Prioritizing reduction, reuse and repair ahead of recycling and disposal
- Significant penalties to deter producers from avoiding compliance as a cost of doing business.

We therefore **support** the following proposed amendments to the regulations:

1. Removing the cap on administrative penalties. This amendment is crucial to ensure producers can't profit from avoiding their obligations under EPR regulations by paying less in fines that it would have cost them to comply.
2. Expanding the "call-in" collection requirement for tire producers to any site that generates tires, with a guaranteed response time. This requirement is key to preventing dangerous tire stockpiles.
3. Requiring collected tires be managed within three months of collection and, would favour a shorter period between collection and processing. Again, this is an important requirement to prevent stockpiling of tires.

We **do not** support the following proposed amendments:

1. Delaying the management targets for oil and anti-freeze containers for one year. We are aware of no reason that producers can't meet the existing targets for 2027 and delaying the targets could serve to threaten the viability of existing recycling capacity for these materials in Canada.
2. Counting tires or any other EPR material processed in Ontario at a higher value (eg. two times actual weight) for the purposes of meeting the management requirement. We would support the idea of reducing credit for tires or any other material processed outside of Canada (eg. counting half the actual weight toward meeting the target).
3. Counting the burning of materials toward the meeting of management targets for tires or any other material under an EPR program.

Further, we respectfully **request further amendments** to the above-noted EPR regulations to ensure that products are managed in an environmentally-sound manner for their entire lifecycle:

1. Restore management targets for tires to 85 per cent for 2027. Include retreading activities in this count if it is performed in Canada.

2. Require that ALL tires collected be managed according to Section 12(3) of the existing regulation for tires, regardless of whether the management target has already been met.
3. Eliminate the loophole in the Hazardous and Special Products (HSP) regulation that allows material processed in a recycling facility to be burned as fuel and count as recycling. The measurement point for the management requirement should be inclusion in a new product that **excludes** fuel or waste to energy.
4. Add incentives for bulk refill of oil and anti-freeze to reduce single-use consumer packaging for automotive fluids.
5. Increase the target for recycling of solvents from 10 % to 40% within 5 years.

We understand that the province has heard from waste-burning facilities and petrochemical producers who wish to introduce the use of end-of-life materials as fuel or in waste-to-energy facilities as a recycling practice. This approach undermines the original purpose of the *Resource Recovery and Circular Economy Act* (RRCEA) and the top five aims to meet the provincial interests in the Act, namely to:

- (a) protect the natural environment and human health;
- (b) foster the continued growth and development of the circular economy;
- (c) minimize greenhouse gas emissions resulting from resource recovery activities and waste reduction activities;
- (d) minimize the generation of waste, including waste from products and packaging;
- (e) increase the durability, reusability and recyclability of products and packaging.

Burning materials at end of life generates greenhouse gas emissions and toxic air pollution that has negative impacts on communities and the environment in the airshed of the facility. It also destroys material for a one-time release of dirty energy and is therefore out of step with the principles of a circular economy.

Disposing of waste through landfill or incineration generates fewer jobs than reuse systems, repair and refurbishment, and recycling. Burning will displace higher-value activities (waste reduction, reuse, repair or recycling) that the RRCEA was intended to promote.

True extended producer responsibility does not allow for shortcuts or loopholes. Producers who are fully responsible for the lifecycle of their products and held to strong environmental performance will improve product design, reduce waste and create jobs in Ontario.

Please don't hesitate to contact us if you would like to discuss any of the foregoing.

Sincerely,

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