

Canadian Association of Physicians for the Environment | Canadian Environmental Law Association | Citizens' Network on Waste Management | David Suzuki Foundation | Environmental Defence Canada | Greenpeace Canada | Local Enhancement and Appreciation of Forests (LEAF) | Registered Nurses Association of Ontario | Toronto Environmental Alliance

January 20, 2014

Waste Diversion Ontario Board
4711 Yonge Street, Suite 1102
Toronto ON M2N 6K8

Dear Board Members,

Re: Comments on Call2Recycle Battery Industry Stewardship Plan (ISP) proposal

We, the undersigned environmental and health organizations, have serious concerns with the Battery Industry Stewardship Plan (ISP) proposed to Waste Diversion Ontario (WDO) by Call2Recycle. We urge you to reject the proposed ISP on the grounds that it weakens recycling requirements for batteries in Ontario, is detrimental to the environment, and is contrary to Ontario's commitment for greening the economy.

Battery Incentive Program

Ontario's current Battery Incentive Program, operated by Stewardship Ontario, has the highest battery collection rate in Canada. While there is room and a public expectation for a tremendous amount of improvement in battery recycling in Ontario, over 1,000,000 kgs of single-use batteries were collected last year across the province of which 85% by weight was recovered through high-value 'functional' recycling by an Ontario-based processor.¹

We are concerned with Call2Recycle's proposal because it does not meet the fundamental criteria for approval of an ISP, which is that the environmental performance meet or exceed the performance of the existing program.

Definition of Recycling Efficiency Rate

Most significantly, the Call2Recycle ISP adopts a definition of recycling that is inconsistent with requirements under the Waste Diversion Act, and is environmentally harmful. The proposed definition will significantly weaken the recycling provisions applicable to batteries.

Call2Recycle states that the Recycling Efficiency Rate for the ISP will be calculated using the methodology from Directive 2006/66/EC of the European Parliament.² This methodology

¹ Michael McMillan, Raw Materials Company, 2014.

² Call2Recycle - Industry Stewardship Plan for Consumer Batteries - September 2013.

allows for the inclusion of 'slag' byproducts from smelters in the calculation of recycled material. The consideration of slag will increase toxic pollutants contents in the recyclable material.

However, the existing Minister-approved Battery Incentive Program specifically excludes the weight of slag in the recycling efficiency calculations, and still achieves the targeted Recycling Efficiency Rate.³

By adopting a regressive definition of recycling efficiency, Call2Recycle's plan will effectively be achieving a lower rate of recycling.

Definition of Recycling

Within the concept of recycling, there must be recognition that some forms of recycling are more beneficial, and thus must be promoted, over other forms of recycling. For example, 'functional' recycling or up-cycling is a term used to describe recycling a waste into raw materials that replace the use of virgin materials.

Stewardship Ontario defines two types of recycling with regard to Battery Recycling Effectiveness⁴:

- a. "Up-cycling: The practice of recycling a material in such a way that it retains its original high-quality in a closed-loop industrial cycle." This involves "...reusing those materials in high-value applications in order to displace the use of equivalent virgin materials in a like or other application (e.g., recovered Manganese used to produce new batteries or other manufactured products etc.)"
- b. "Down-cycling: The practice of recycling a material in such a way that much of its inherent value is lost and cannot be recovered following its next use (for example, use of battery derived smelter slag in construction and/or aggregate for concrete)."

The proposed Call2Recycle ISP methodology would include 'down-cycling' in the overall calculation of recycling efficiency, whereas the existing battery stewardship program does not.

It is crucial that stewardship programs mandated by and regulated by the Province require the highest and best standards for recycling processes and efficiency.

Battery Processors

Call2Recycle's primary battery processing for its existing voluntary programs and provincial (BC and Manitoba) stewardship programs currently uses smelting technology to extract the

³ Stewardship Ontario - Consolidated MHSW Processor Standards - 2013. Table 3.1

⁴ Stewardship Ontario – Battery Recycling Effectiveness Rate Measurement Protocol, Feb. 1, 2011

valuable components of some battery types while incinerating the rest of the material into slag or baghouse dust (non-functional recycling, or 'down-cycling').

This issue is especially relevant in Ontario, as local battery recycling capacity exists that achieves high levels of functional recycling (or up-cycling') by recycling nearly all of the battery back into secondary feedstock sold to manufacturers that use it as a direct replacement virgin substitutes.

Reject the Call2Recycle ISP

We call on Waste Diversion Ontario to reject the Call2Recycle ISP proposal immediately because it fails to meet the environmental performance of the existing program and in the process weaken Ontario's efforts to improve its waste reduction programs.

In addition, the undersigned believe that the WDO should cease any decisions to approve this ISP, and should undertake to commission an independent review of recycling efficiencies of the various recycling technologies being offered. Such a review will provide the desperately needed scientific evidence to identify the most effective and efficient forms of recycling.

Respectfully yours,

Toronto Environmental Alliance (Emily Alfred, Waste Campaigner; 416-596-0660)
Canadian Environmental Law Association (Fe de Leon, Researcher; 416-960-2284)

Canadian Association of Physicians for the Environment (Gideon Forman, Executive Director)
Citizens' Network on Waste Management (John Jackson, Coordinator)
David Suzuki Foundation (Faisal Moola, Director General, Ontario and Northern Canada)
Environmental Defence Canada (Keith Brooks, Program Manager, Blue Green Canada)
Greenpeace Canada (Joanna Kerr, Executive Director)
Local Enhancement and Appreciation of Forests (LEAF) (Janet McKay, Executive Director)
Registered Nurses Association of Ontario (Doris Grinspun, Chief Executive Officer)

Cc:

Minister Jim Bradley, Minister of the Environment
Gord Miller, Environmental Commissioner of Ontario
John Armiento, Manager, Waste Diversion Unit, Ministry of Environment
Jodi Tomchyshyn London, Manager of Policy & Planning, Waste Diversion Ontario