



November 25, 2004

Mr. Adam Ciulini
Team Leader
Waste Management Policy Branch
135 St. Clair Ave. W.
Toronto, Ontario, M4V 1P5

EBR Registry Number: RA04E0019

Dear Mr. Ciulini:

The Canadian Wireless Telecommunications Association ("the CWTA") is pleased to provide the attached response to the Ministry of the Environment public consultation on proposed draft regulations to designate certain electronic and electrical equipment as waste under the Waste Diversion Act, 2002.

We would like to thank you for allowing us to provide you with our comments regarding this important environmental issue.

We remain available to meet with you to discuss our views and concerns at your convenience.

Sincerely,

//electronic copy//
Charles Bergeron
Director, Government Affairs
Attachment

**Public consultation on draft Regulations
to designate certain electronic and electrical equipment as
waste under the Waste Diversion Act, 2002**

Response of the



**Submitted to the
Ministry of the Environment of Ontario**

November 25, 2004

Introduction:

1. The Canadian Wireless Telecommunications Association (“the CWTA”) is pleased to respond to the public consultation concerning proposed draft regulations (“the Regulations”) to designate certain electronic and electrical equipment as waste under the Waste Diversion Act, 2002 (“the Act”), released by the Ministry of the Environment (“the Ministry”).
2. The CWTA represents the wireless telecommunications industry in Canada. Our members include cellular, PCS, messaging, mobile radio, satellite and fixed wireless service providers from coast to coast as well as companies that develop and produce products and services for the industry. In the past twelve years alone, Canada’s wireless carriers have invested approximately \$12 billion in mobile phone communications, employing some 25, 000 Canadians and in all cases significantly in the Province of Ontario.
3. In just two decades, wireless products, services and networks have become integral to the lives and businesses of Ontarians and essential to the social and economic fabric of Ontario. The vast majority of Ontarians value wireless services, believing that wireless communications have improved their lives. Users cite convenience, ease-of-use and peace of mind as the major reasons why.
4. The services provided by wireless devices have contributed significantly to Ontario’s economic well being by enhancing the competitiveness of Ontario’s business sector making them more productive while mobile. Wireless services also contribute significantly to the public safety of Ontarians. For all of these reasons, Ontario has become a centre of excellence and innovation in wireless communications.
5. The CWTA and its members are committed to environmental stewardship and implementing best practices framework to protect our environment. It is common

knowledge that our members have developed various recycling and end of life programs for their consumer products.

Schedule

6. The CWTA is pleased to see that the Ministry is seeking comments on the proposed draft regulations which suggests a list of waste electronic and electrical equipment, and on the development of stewardship programs for these products to be developed by Waste Diversion Ontario (“WDO”).
7. The CWTA has reviewed Parts I through VII of the schedule of electronic and electrical equipment waste (e-waste) being considered for a provincial product stewardship program. In particular, we have spent a significant amount of time reviewing Part III, *Telecommunications Equipment*, and provide the following observations and commentary.
8. After careful review of the Part III list of the schedule, the CWTA notes that the proposed list contains both consumer level products (such as wireless phones, cordless phones, and pagers) as well as non-consumer level products (such as switching, transmission and other core network equipment). Concerning the latter category, the CWTA notes that many of our members already have in place environmental programs that recover or recycle equipment of this nature. Consequently, the CWTA would strongly recommend that the proposed list be carefully reviewed and discussed with stakeholders and should focus solely on consumer e-waste products.
9. The CWTA further notes that some of the products currently listed describe a subsidiary function of the primary function of a product, such as infrared wireless devices. We would also submit that several of the listed products in Part III are subsets of others, for example smoke detectors, fire detection and alarm systems. It is not clear why smoke detectors are part of this list. We also noted that several

products currently listed in Part III are “legacy” equipment or products that are no longer manufactured. We are unsure how these new Regulations would deal with such “legacy” products.

10. Our experience is that products continue to evolve and primary and secondary functions of the product change and expand to provide new services and applications. Therefore, it is important that producers proposing programs be able to define a product’s scope in appropriate industry terms and not be limited to the terms used in the draft regulation.
11. Consequently, the CWTA respectfully submits that the Ministry may wish to consult stakeholders, sector by sector, and carefully refine all of the seven lists. In this regard, we are confident that it is not the Ministry’s intention to needlessly increase the industry’s cost structure, costs which are ultimately passed on to consumers in pricing, through needless duplication of programs already in-place.

Product Stewardship Programs

12. To ensure a successful product stewardship program or programs, CWTA believes that the following key principles must be adhered to.
13. First, the wireless industry needs the ability to manage the recycling or proper disposal of its products. We believe that a successful product stewardship program for the wireless industry requires the industry to completely control the management process to dispose or recycle the products it sells and offers. This would include continued innovations in product design, manufacturing, distribution and marketing to consumers while minimizing environmental impacts. Such examples would be the reduction of the amount of material required for a product’s design, using environmentally friendly materials and using less packaging. This would promote the recyclability of products and packaging.

14. The CWTA also believes that incorporating end of life programs for its products, such as refurbishment of handsets, in sales and marketing programs will improve overall program effectiveness. Consequently, the CWTA respectfully submits that the draft Regulations and schedule should not be "one-size-fits-all".

15. The CWTA also believes that there needs to be uniformity of all stewardship programs across Canada for a given product. Managing multiple programs for specific products will add costs to manufacturers of electronic equipment, such as handset manufacturers, wireless carriers and consumers. The CWTA suggests that such stewardship programs should be done in coordination with other provincial/federal government programs to accomplish the same objective. While some of our members' products may be sold by national wireless carriers provincially based in Ontario, it is often difficult to segment costs and logistics for these products by province.

16. Another important principle CWTA members believe should be considered when developing a stewardship program is the flexibility within the scope and manufacturing of a product. Many of the elements that determine an effective stewardship program, such as the number and origin of suppliers, distribution model, size and type of market (industrial vs. consumer), vary considerably by product.

17. When designing an awareness program, we must be able to take all of these above mentioned elements into consideration. Informing customers of ways in which they can help ensure the environmentally sound disposition of used wireless devices is a core element to ensure a successful stewardship program. For example, the fundamentals of the wireless industry allows consumer awareness and education programs to drive voluntary product returns at far superior levels than an incentive based program may provide in another industry. Therefore, the recycling of a handset diverges from any existing e-waste program.

18. Furthermore, CWTA members believe that a successful product stewardship program needs to allocate and establish an appropriate period of time to allow consumer education. Suppliers of telecommunication products and services already have a considerable investment in environmental stewardship initiatives.
19. However, institutionalizing this process in conjunction with WDO will take considerable amounts of time and effort that will bring substantial costs.
20. Concerning any future Industry Funding Organization, the CWTA members are of the view that if they were subject to an e-waste stewardship program under the proposed regulations, their contribution to such an organization should be:
1. limited to the cost of the management of the waste products sold under their specific brand name;
 2. that the adopted fee structure take into consideration and reflect the volume of the waste products collected through existing corporate recovery programs.
20. CWTA suggests that two sub-principles are therefore required:
1. *start with a limited number of products;*
 2. *start with attainable goals*
21. Another key principle CWTA members deem significant to keep in mind when developing a stewardship program is the importance to regulate for reduced costs to implement such stewardship programs. A cost competitive Ontario requires both good environmental stewardship and access to productivity tools such as telecommunications at the lowest cost possible. Less than optimum regulation reduces the standard of living for everyone.

22. While the CWTA is concerned about the significant increase in cost that the proposed draft Regulations could impose on wireless carriers and manufacturers, all of which will ultimately be passed on to consumers through price increases, it is equally concerned that the proposed draft Regulations could handicap wireless carriers in their efforts to deliver advanced and emerging wireless products and services to Ontarians.

23. The CWTA appreciates opportunity to provide the Ministry with our observations and concerns about the proposed draft Regulations.