

Product Care Association Ontario Transporter/Hauler Standards

Updated Date: January 1, 2023

Background:

Product Care Association (PCA) is registered with Resource Productivity and Recovery Authority (RPRA) as a Producer Responsibility Organization (PRO) under the Ontario Hazardous and Special Products (HSP) Regulation and the Electronic and Electrical Equipment (EEE) Regulation and thereby manages certain HSP and EEE material ("Program Materials") on behalf of Producers to ensure these materials are collected and recycled or otherwise safely disposed of in an environmentally appropriate way.

Please note Transporter and Hauler are used interchangeably throughout this document.

Hazardous and Special Products Definitions:

Paint and Coatings:

- Latex, oil, solvent based architectural coatings, paints and stains tinted or non-tinted, non-pesticide marine paints and aerosol paints for automotive, craft and industrial applications

Pesticide:

- A pesticide, fungicide, herbicide, or insecticide that is registered under the Pest Control Act (Canada), that is designated as "DOMESTIC" class under the Pest Control Products Regulations (SOR)/2006-124) and is required to bear the signal word "DANGER" or "WARNING" and the signal word "POISON" together with the related precautionary symbols set out in the Schedule 3 of that Regulation

Non-Refillable Pressurized Container:

- A pressurized container that is used for the supply of a gas product, including propane, but cannot be refilled and has a water capacity of 109 litres or less

Refillable Pressurized Container - Propane:

- A pressurized container that can be refilled, has a water capacity of 109 litres or less and is used only for propane

Solvent:

- A product that is a liquid intended to be used to dissolve or thin a compatible substance, is supplied in a container that has a capacity of 30 litres or 30 kilograms or less, and that meets one or both of the following criteria:
 - It is comprised of 10% or more of water-immiscible liquid hydrocarbons, including halogen substituted liquid hydrocarbons
 - It is flammable and is as described in Clause 4.2 and as defined in Clause 7.2 of CSA Standard Z752-03 "Definition of Household Hazardous Waste)

The HSP Regulation and product material definitions can all be viewed on the O. Reg. 449/21: HAZARDOUS AND SPECIAL PRODUCTS (Ontario.ca):
<https://www.ontario.ca/laws/regulation/r21449>

Lighting Definition:

- Light bulbs, tubes, and lamps of all lamp types with the primary purpose of producing light including incandescent, halogen, LED, fluorescent, and HID. Lighting does not include light bulbs, tubes or lamps that are provided with another product or fixture.

For further details on the definition of lighting and other inclusions and exemptions, please view the EEE regulation: O. Reg. 522/20. Electrical and Electrical Equipment:
<https://www.ontario.ca/laws/regulation/r20522> (ontario.ca)

Purpose:

These standards define the minimum operating requirements to be approved as a Transporter for one or more PCA programs.

These standards do not absolve Transporters from any federal, provincial and/or municipal legislation, regulations or bylaws applicable to their operation. It is the Transporters' responsibility to be aware of and abide by all such legislation and regulations.

PCA reserves the right to review and revise these standards on an ongoing basis. The most current version will be posted on the PCA Website here: [Product Care Ontario Program Operational Standards - Product Care Recycling](#).

PCA will, as a courtesy, provide notification of changes to approved Transporters for which it has current email addresses; however, it is the approved Transporter's responsibility to regularly check the PCA Website link above for revisions.

Application of the Transporter/Hauler Standards:

For the purposes of these standards, a Hauler means any person or firm duly registered as a "hauler" with RPRA and is contracted with PCA for the transportation of Program Material.

Enforcement of the Transporter/Hauler Standards:

All Transporters shall:

- Provide PCA with all reasonable information relating to these standards or any matter that relates to the management of Program Material by PCA
- Acknowledge that PCA has a right of access to any and all such information during normal business hours and on 48 hour notice.

Moreover, PCA may verify compliance information provided by any Service Provider, either directly or through a third party acting on its behalf. Please note that all parties acting on behalf of PCA are bound by strict confidentiality agreements.

Requirements of all Transporters to PCA:

All Transporters shall:

- 1.1 Possess a valid business license.
- 1.2 Possess and maintain comprehensive or commercial general liability insurance, including coverage for bodily injury, property damage, complete operations and contractual liability with combined single limits of not less than \$5,000,000 per occurrence, \$5,000,000 general aggregate.
- 1.3 Possess and maintain environmental liability insurance of not less than \$2,000,000.
- 1.4 Possess and maintain Business Automobile Liability Insurance covering all vehicles used in connection with the work and covering bodily injury and property damage with a minimum limit equal to \$5,000,000 per accident.
- 1.5 Name Product Care Association of Canada listed on the required insurance policies as an additional insured party.
- 1.6 Identify, comply with and maintain required documents for all applicable local bylaws, provincial and federal regulations or legislations, including but not limited to:
 - Ministry of the Environment and Climate Change, Environmental Compliance of Approval (Certificates of Approval);
 - Ontario *Environmental Protection Act*, 1990 (including R.R.O. 1990, O. Reg. 347, General – Waste Management);
 - Ontario Hazardous and Special Products Regulation (O. Reg. 449/21)
 - Ontario Electronic and Electrical Equipment Regulation (O. Reg. 522/20)
 - Federal *Transportation of Dangerous Goods Act* (TDGA);
 - Provincial *Dangerous Goods Transportation Act*, R.S.O. 1990, c. D.1;
 - *The Highway Traffic Act*, R.S.O. 1990, c. H.8;
 - *Canadian Environmental Protection Act*, 1999 - Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations (EIHWHRMR);
 - *Public Vehicles Act*,
 - *Motor Vehicle Transport Act*,
 - *Compulsory Automobile Insurance Act*,
 - *Fuel Tax Act*.
 - *Occupational health and safety regulations*
- 1.7 Be in compliance with Ontario's Commercial Vehicle Operator's Registration (CVOR) system and the Carrier Safety Rating (CSR) program and provide proof of such compliance to Product Care Association upon execution of a Transportation Service Agreement with PCA and within five business days upon request.
- 1.8 Where applicable or as required, implement Environment and Climate Change Canada

Code of Practice for the Environmentally Sound Management of End-of-life Lamps
Containing Mercury (February 2017)

- 1.9 Have a written policy approved by senior management outlining corporate commitment to environmental management and continuous improvement.
- 1.10 Implement and maintain an emergency response plan to prepare for and respond to emergency situations, including fires, spills and medical events.
- 1.11 Provide notice of any incidents that required the assistance of first responders within 24 hours of occurrence. Provide notice of any regulatory orders or fines within 48 hours of receiving such orders or fines.
- 1.12 Maintain all records for a minimum of two years or longer as required by law, including waste manifests and bills of lading and training records.
- 1.13 Provide notice of any relevant fines or regulatory orders in the previous five years upon execution of a Transportation Service Agreement with PCA.

Additional Requirements of all Transporter to PCA:

- 2.1 Identify and comply with all applicable health and safety regulations, including but not limited to:
 - *Employment Standards Act;*
 - *Occupational Health and Safety Act;*
 - *Workplace Safety and Insurance Act;*
 - *Canada Labour Code.*
- 2.2 Possess workers' compensation coverage through either a provincial/state program or a private insurance policy.
- 2.3 Be compliant with the Workplace Hazardous Materials Information System (WHMIS), including training requirements.
- 2.4 Maintain an occupational health program that includes processes to safeguard the health and safety of employees by:
 - Providing regular documented health and safety training;
 - Providing and enforcing the use of personal protection equipment;
 - Safeguarding hazardous mechanical process
- 2.5 Register as and maintain status as a "hauler" with RPRA
- 2.6 Complete all regulatory reporting requirements to RPRA

Staff Training Requirements:

All Transporters shall:

- 3.1 Ensure that drivers and staff are trained for their specific duties and are certified as per TDGA requirements and adhere to all applicable regulations.
- 3.2 Ensure drivers and staff have the appropriate vehicle licencing training and certification.
- 3.3 Ensure that drivers and staff are trained in the requirements of PCA Programs, including but not limited to:
 - PCA Program Standards (including Transporter/Hauler, Packaging, Weighing etc.)
 - Potential hazards and risks associated with handling of Program Materials
 - Proper and safe handling of Program Materials
 - Ways to reduce risk
 - Safety and emergency procedures
 - Emergency response plan
- 3.4 Ensure drivers and staff are trained on their Emergency Response Plan
- 3.5 Ensure drivers and staff package and label all Program Materials in compliance with TDGA requirements.
- 3.6 Ensure drivers and staff are capable of safely packaging, loading, securing and transporting Program Materials.
- 3.7 Ensure drivers and staff are trained in the completion of proper shipping documentation including manifested shipments if required by provincial regulations, and bills of lading.
- 3.8 Ensure drivers and staff are trained in spill or breakage cleanup procedures and management.
- 3.9 Maintain documents and records relating to staff and driver training.

Transportation Specific Requirements:

- 4.1 All Program Material, where applicable, must be transported in an approved UN container¹ or equivalent, as supplied by the Transporter or a Service Provider to the Transporter. If using a non-UN approved container, the Transport Canada Equivalency Certificate must be presented to PCA.
- 4.2 All vehicles used to transport Program Materials must have an enclosed cargo area unless otherwise approved by PCA.
- 4.3 All Program Materials transported must comply with all requirements in accordance with TDGA requirements.

¹ UN container refers to containers that meet the requirements established by the United Nations Committee of Experts on the Transportation of Dangerous Goods; these requirements provide a uniform international system for identifying and packaging Class 3, 4, 5, 6.1, 8 and 9 dangerous goods for transport.