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October 15, 2021

Robert Poirier  
Chair  
Resource Productivity and Recovery Authority  
Email: [chair@rpra.ca](mailto:chair@rpra.ca)

Dear Robert Poirier:

Thank you for your ongoing work as Chair of the Board for Ontario's Resource Productivity and Recovery Authority. To further enhance the transparency of the Resource Productivity and Recovery Authority (the Authority), I am directing the Authority to take action in the following three areas: 1) Expanding the Authority's Public Complaints Policy; 2) Establishing a Service Provider Advisory Council (SPAC); and 3) Publishing Board Meeting Minutes promptly on its Registry.

### **Action 1: Expanding the Authority's Public Complaints Policy**

Pursuant to section 29 of the *Resource Recovery and Circular Economy Act, 2016* (RRCEA), I am directing the Authority to clarify and expand the scope of its existing "Public Complaints Policy", which is dated June 2018 and currently posted on the Authority's website. In addition to the scope of the existing policy which includes complaints about service standards and staff conduct, the revised policy would include a new section that would explain how the Authority would respond to requests for clarification on matters relating to the Authority's carrying out of its objectives, with the exceptions noted below.

This new section should address how it will deal with requests for clarification, and how the Authority's informal or routine responses to stakeholder questions can be escalated to a request for a formal response under the expanded policy. The scope of the new section should include requests for clarification on publications issued by the Authority including guidance documents, the Authority's policies and compliance bulletins.

This new section should not apply to requests for clarification about compliance orders or other compliance or enforcement decisions which may be appealed to the Ontario Land Tribunal. Further, the section should not apply to complaints or inquiries about matters that were part of a consultation process.

The Policy would apply to clarification requests from anyone including the general public, regardless of whether they are regulated under the RRCEA or the *Waste Diversion Transition Act, 2016* (WDTA).

### ***Contents of the updated Public Complaints Policy***

The updates to the Policy should not reduce the standards or procedures set out in the existing Public Complaints Policy.

The new section of the Policy should include a process for how a member of the public can request clarification on matters and what they can expect in response from the Authority prior to initiating a formal request for a written response.

To increase transparency, at minimum a summary of the formal request and response should be made public on the Authority's Registry. If a formal request addresses the same subject matter that the Authority has previously received and provided a public response to, the Authority can direct the person to the previous response on the Registry.

This direction to update the Policy should not be interpreted as a requirement for the Authority to make a change to a policy or decision that is subject to a formal request if the Authority does not feel a change is appropriate.

### ***Privacy***

The Authority should ensure that no personal information, sensitive business information or other information protected under the Authority's Access and Privacy Code is disclosed as part of these transparency measures.

### ***Timelines***

A draft of the updated Public Complaints Policy must be shared with the Minister for review and comment at least 30 days prior to being submitted to the Authority's Board for final approval. The updated Public Complaints Policy should be made available on the Authority's Registry within 120 days of receiving this letter. Notice should be given to the stakeholder community once it is released.

### **Action 2: Establish a Service Provider Advisory Council**

Pursuant to section 30 of the RRCEA, I am directing the Authority to establish a Service Provider Advisory Council (SPAC), which can provide advice to the Authority on matters related to carrying out its objects.

### ***Advice from the Council***

The Council shall provide advice to the Authority but will not make decisions about the Authority's operations, including its finances. I may specify topics related to the Authority's objects, such as its strategic priorities as they relate to the business planning process and fee-setting, on which the Council should provide advice.

## ***Meetings***

I expect that you, as chair of the Authority's Board, along with the chair of the Council and at least one service provider representative from the Council will meet with me at least once a year to discuss the work of the Council. I will provide additional details about the timing and content of those meetings to the Council.

## ***Terms of Reference***

The Authority must draft the Council's Terms of Reference (TOR), which shall include, but not be restricted to, the following elements:

- Membership: There will be, at maximum, 11 members from the waste management sector representing a cross-section of the service provider community, which could include municipal representation. At minimum, there should be one member representing the interests of service providers under each regulation made under Part IV of the RRCEA and for each existing Waste Diversion Transition Act (WDTA) program. The Authority will determine membership in consultation with industry and the ministry.
- Governance structure of the Council: The appointments of chair, vice chair and/or co-chairs will be determined by the Authority in consultation with industry representatives and the ministry.
- The Authority's Board: The Authority's chair or his/her designate shall attend any Council meetings. In addition, representatives of the Council shall meet directly with the Authority's Board on at least an annual basis.
- Number of meetings a year: The Council will hold a minimum of two meetings per year, which should occur in a timeframe that allows the Council to provide input into the Authority's business planning process and for the Authority to consider any industry proposals about the planning process and other issues with stakeholders.
- Role and purpose: The Council is to provide advice during the Authority's business planning process prior to the Board's approval of the annual business plan and provide feedback on matters the Authority is consulting on and other matters as determined by the Council. The Council will not make decisions pertaining to the operations and finances of the Authority.
- Ministry participation: A ministry observer shall attend any Council meetings.
- Transparency measures: These will outline how relevant documents such as the TOR, Council meeting minutes and other documents shall be posted on the Authority's Registry.

### ***Timelines***

The draft TOR must be shared with the Minister 30 days prior to being submitted to the Authority's Board for final approval. The Authority shall also consult with service providers in the waste management community on the TOR prior to their posting. The TOR must be made available on the Authority's Registry within 90 days of receiving this letter. Notice should be given to the stakeholder community once it is released. The initial members of the SPAC shall be appointed by the Authority by the end of January 2022.

### ***Expenditures***

Any expenses associated with running the Council will be paid by the Authority and minimized, taking into consideration the Government of Ontario's Travel, Meal and Hospitality Expenses Directive, 2020. The members of the Council will not receive any remuneration for their participation.

I trust the Authority will continue to work cooperatively with stakeholders to develop and finalize the TOR as well as establish an effective governance structure for the Council.

### **Action 3: Publish Meeting Minutes Promptly**

Pursuant to section 29 of the RRCEA, I am directing that the Authority publish all Board meeting minutes on its website (i.e. Registry) within one week of them being adopted by the Board at the subsequent Board meeting. Any portion of the minutes that contain any personal information, commercially sensitive information or other information protected under the Authority's Access and Privacy Code should not be disclosed.

Creating a formal requirement to post meeting minutes will ensure transparency for stakeholders on key business decisions made by the Board that impact Ontario's resource recovery and waste reduction sectors.

The Authority should update any by-laws or related policies to comply with this requirement within 60 days of receiving this letter.

Lastly, the Authority shall make publicly available on the Authority's website this policy direction letter.

Sincerely,



David Piccini  
Minister of Environment, Conservation and Parks

C: Serge Imbrogno Deputy Minister  
Ministry of the Environment, Conservation and Parks  
Frank Denton, Chief Executive Officer  
Resource Productivity and Recovery Authority