

Organizational Structure

All product stewardship organizations reviewed for this paper were not-for-profit corporations. However, the organizational structure for product stewardship systems in Canada varies dramatically among provinces and, within some provinces, among product programs. The most notable variable is the degree of government control over a program. Government control can be exercised in a number of ways, including:

- Authority to name members, including the chair, to the board of directors
- Authority to approve or to set fees
- Authority to require a particular collection infrastructure be used
- Membership in the not-for-profit limited to the government

In some provinces, for example, Alberta, the product stewardship organization is a non-profit organization that reports to the provincial Environment Minister. In other provinces, including Québec and New Brunswick, a non-profit reporting to the provincial Environment Minister operates some programs, while industry-controlled PSOs operate others.

In Ontario, Waste Diversion Ontario is a non-profit that reports to the Environment Minister, which has the authority to establish industry funded PSOs for specific materials. In British Columbia, industry-operated PSOs report to the Environment Minister.

A PSO may contract with another organization to operate, and in some cases, develop the program.

Stewardship Plans

British Columbia, Manitoba, New Brunswick (for used paint), Nova Scotia (for used paint and electronics), Ontario, Québec (for used oil materials and paint), and Saskatchewan all require either producers or product stewardship organizations working on the producers' behalf to submit product stewardship plans for approval by the provincial Environment Minister.

In British Columbia, Manitoba, and Ontario, requirements for all product stewardship plans are the same, regardless of material. In Ontario, requirements are listed in legislation, the Waste Diversion Act. In British Columbia, requirements are listed in one regulation, the Recycling Regulation. In Manitoba, requirements are listed in separate, material-specific regulations.

In New Brunswick, Nova Scotia, Québec, and Saskatchewan, requirements for stewardship plans are found in regulation and vary by material.

Required components of a product stewardship plan may include:

- Product identification and market territory (QB)
- Stakeholder Consultation (BC, MB, ON)
 - Description of stakeholder consultation undertaken in development of plan, as well as results. Description of how stakeholders will have opportunity for continued input once program is implemented.
- Management Structure
 - Proposal for the composition and appointment of the Board of Directors of the product stewardship organization (ON).
 - Details provided for the creation and role of an Advisory Board, along with description of how various provincial interests will be represented (SK, paint and electronics).
- Financing Structure
 - Description of financing structure.
- Estimated Budget (ON)
 - Estimated costs of developing, implementing and operating the program, including a detailed breakdown of those costs and who will incur them.

- Service Level (BC, MB, NB, SK)

Description of how the program will provide reasonable, free, province-wide collection services for consumers. (Saskatchewan's regulation for used oil materials is more prescriptive on this point.)
- Consumer Education (BC, MB, NB, QB, SK- paint and electronics)

Description of consumer education strategy regarding the program, including, specifically, the location of return locations (BC, NB) and how to manage products in a safe manner (BC).
- Performance Measures (BC, NB, ON)

British Columbia and New Brunswick require a description of the program's plan to meet a specific target. In British Columbia, this is a 75 percent recovery rate or higher rate established by government. Plans must also include any other performance requirements or targets set by government or the PSO. In the New Brunswick Designated Materials Regulation language for paint, the target is a 70 percent reuse rate. In Ontario, plans must include the objectives of the program and the methods that will be used to measure whether the objectives are met.
- Quality Control and Program Evaluation (BC, NB, SK- paint and electronics)

The Electronics Stewardship Association of British Columbia, for example, reported on where recovered materials were sent and recycling process by commodity type.
- Market Development for Recycled Products (QB)

Description of efforts planned to develop markets or techniques of reclamation for reclaimed products.
- Dispute Resolution (BC)

Description of a dispute resolution procedure for disputes that arise between a producer and a person providing services related to the collection and management of the product during implementation of the plan or operation of the product stewardship program.
- Other information required by the Environment Minister (MB, ON, SK- tires)

Producer registration

Two basic models were identified for registering businesses covered under product stewardship requirements.

In the first model, regulation requires businesses subject to product stewardship requirements to register with a quasi-government product stewardship organization. This model is used in Alberta, where businesses covered under the Designated Material Recycling and Management Regulation are required to register with Alberta Recycling.

A second model requires that businesses either develop their own product stewardship programs or join an organization that will fulfill product stewardship obligations on their behalf. Organizations are required to be approved by the Ministry of Environment or equivalent or by a designated quasi-government body. This model is used in Québec, where businesses subject to the requirements of the *Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters* must either develop their own oil recovery program or become a member of an organization certified by Recyc Québec to develop and operate such a program. Only one organization has been certified by Recyc Québec for this purpose, the Société de gestion des huiles usages (SOGHU). In practice, all covered businesses have chosen to join SOGHU rather than develop their own program.

Financing Structure

Financing structure varies widely over the programs reviewed. Fees to fund the programs are generally based on current sales of the product or, in the case of paper and packaging, the weight of the product distributed over a given period of time.

The amount charged may be set by government, with a maximum amount set in regulation, as in Alberta. The amount may be negotiated between industry groups and government, as in the curbside recycling municipal reimbursement programs in Ontario and Québec. The amount may also be determined by industry, as in the British Columbia programs.

Funds may be collected by retailers and remitted to government, as in Nova Scotia's used tire management program.

Funds may also be paid by industry members to an industry-operated product stewardship organization, as in British Columbia's consumer paint program operated by Product Care. When funds are paid in this way, there is some provision to keep members' financial information confidential from other members. This may be written into the by-laws or a third party accounting firm may be contracted to collect the funds.

Canada's federal Competition Act allows manufacturers to exchange sufficient information to set fees on products, specifically:³

Defence

(3) Subject to subsection (4), in a prosecution under subsection (1), the court shall not convict the accused if the conspiracy, combination, agreement or arrangement relates only to one or more of the following:

- (a) the exchange of statistics;
- (b) the defining of product standards;
- (c) the exchange of credit information;
- (d) the definition of terminology used in a trade, industry or profession;
- (e) cooperation in research and development;
- (f) the restriction of advertising or promotion, other than a discriminatory restriction directed against a member of the mass media;
- (g) the sizes or shapes of the containers in which an article is packaged;
- (h) the adoption of the metric system of weights and measures; or
- (i) measures to protect the environment.

Service level standards

In a few cases, service level standards are set in regulation in a prescriptive manner. In the Saskatchewan Used Oil Regulation, for example, the province is divided into areas and each area must be provided a certain level of service.

In British Columbia, Manitoba, the New Brunswick Paint Regulation, and the Saskatchewan Tire, Paint and Used Electronics Regulations, however, product stewardship plans must simply propose how the program will provide reasonable and free consumer access throughout the province.

Performance indicators and measures

Many product stewardship programs have reporting requirements for volume of material collected and volume stored, reused, recycled, or disposed. Few programs, however, have performance targets. In British Columbia, the Recycling Regulation requires programs to meet a 75 percent or greater recovery rate. In New Brunswick the regulation establishing its paint product stewardship program mandates a 70 percent reuse rate. In Québec, the regulations establishing the paint and oil product stewardship programs establish mandatory graduated recovery rates over a period of years. In Ontario, industry funding organizations set their own recovery goals in their product stewardship plans.

Performance measures for Canada's product stewardship programs were presented at Canada's 5th National Workshop on Extended Producer Responsibility in February 2008. The presentation is available at: <http://www.nbeia.nb.ca/EPR/Sessions.1.2/NB.EPR.JJ.pdf>.

Reporting

All product stewardship programs reviewed in this report are required to submit annual reports with audited financial statements and a summary of accomplishments and activities. Requirements for annual reports are generally listed in the regulation creating the program and vary by province and by program within provinces. A composite list of reporting requirements includes:

- Total amount of product sold for the time period covered

³ <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-34/latest/rsc-1985-c-c-34.html>

- Total amount of product collected (In Québec, this must be verified by a third party. For the Saskatchewan oil materials program, reporting must be by geographic zone, as defined by regulation.)
- Total amount of product in storage, reused, recycled, recovered for material or energy, or disposed by or on behalf of the producer (In Québec, this must be verified by a third party.)
- A description and rationale (in British Columbia and New Brunswick, prepared by an independent auditor) of the processes used by or on behalf of the producer to store and transport products and to manage products at each of the following levels: reuse, recycling, recovery for material or energy, or disposal/assessment of plan by independent auditor
- Location of collection facilities
- Location of processing or containment facilities
- Measures taken to promote development of techniques for reclamation of products, particularly for purposes of reuse and recycling and the results of the research that was carried out (In Québec, this must be verified by third party.)
- A description of efforts to reduce product waste through redesign or repackaging
- A description of efforts to redesign products to improve reusability and recyclability
- A description of educational materials and educational strategies
- A description of internal management systems used to monitor effectiveness of programs
- Results of any inspections conducted
- A description of all enforcement activities
- A description of other related activities of the board of directors
- Any updates to stewardship plans
- Any other information requested by the provincial Environment Minister or designated equivalent

In 2007, Stratos Inc. prepared a reporting guidance document for Environment Canada entitled “Performance Measurement and Reporting for Extended Producer Responsibility Programs.” The guidance document is written to provide managers of extended producer responsibility and product stewardship programs with specific guidance on what performance data and information they should consider when reporting on their programs. It identifies a set of recommended performance indicators, additional indicators, and a suggested outline for an annual performance report. The document is available at: <http://www.nbeia.nb.ca/EPR/0003-e.html>.

Product design incentives

No specific incentives for product redesign were identified in the legislation or regulation reviewed. One study, by Stewardship Ontario, examined the impact of the province’s Blue Box program on product design. The Blue Box program is Ontario’s curbside recycling program; businesses that generate printed material and packaging are required to reimburse a portion of municipal curbside recycling expenses. The study found that the program had a limited impact on the packaging used by businesses operating primarily within the province, such as local or regional dairies. For other businesses, either the cost of a program in one province was not sufficient to prompt redesign or the importance of other purposes of packaging (protection of the product, appearance, etc.) were more important than the compensation owed municipalities. The study is available at: http://www.stewardshipontario.ca/bluebox/pdf/bbpb_docs/waste_minimization.pdf.

In 2006, Greenpeace International, Friends of the Earth Europe and the European Environmental Bureau commissioned the International Institute for Industrial Environmental Economics to examine the impact of extended producer responsibility on innovation and the greening of products. Reviewing programs in Japan and Sweden, the report found that changes had been more the result of anticipating regulatory requirements rather than the actual incentives provided when the program was implemented and in operation.

The report also found that “individual producer responsibility,” where firms are responsible for their own used products, is more effective in providing incentive for design change than policies requiring collective producer responsibilities, where producers in the same product group jointly fulfill their responsibilities. Individual producer responsibility can be implemented through separate infrastructure, shared infrastructure with a limited number of producers, or through financial responsibility within collective schemes, as in Washington’s electronics program. The report is available at: <http://www.greenpeace.org/raw/content/international/press/reports/epr.pdf> . Additional information on individual producer responsibility can be found at <http://iprworks.org/>.

Market development for recyclable materials

Tire Recycling Alberta, the New Brunswick Tire Stewardship Program, Recyc-Québec, the Saskatchewan Scrap Tire Corporation directly offer research and development funding from advanced handling fees for market development of used tires.

Québec’s regulations establishing programs for used oil materials and paint require product stewardship plans to include a description of efforts to develop markets for reclaimed products.

The used oil materials management programs in Alberta, British Columbia, and Québec offer incentive payments to processors of plastic containers to encourage the recycling of the plastic. The amount of the payments takes into account the market for recycled plastic, which has subsidized the recycling of plastic oil containers when it would not have been profitable otherwise.

In the Ontario Blue Box Program, market development fees can be incorporated into the fee for specific categories of materials. Using such fees, Stewardship Ontario has had success developing recycling facilities for glass.

Provincial Programs

The following sections review product stewardship programs by province. Within each province, programs are reviewed by product type from the perspective of policy framework, organizational structure, stewardship plans, producer registration, financing structure, service level standards, performance indicators and measures, reporting, product design incentives, and market development for recyclable materials. Not all programs in each province were reviewed; some programs were reviewed only with regard to certain aspects.

Alberta

Policy Framework

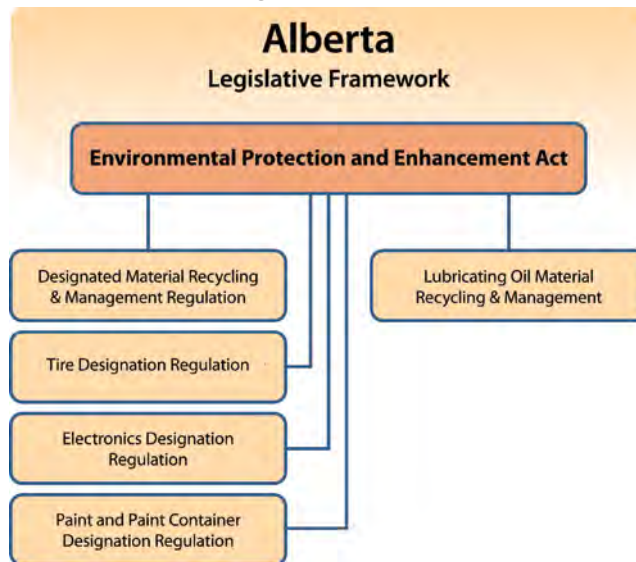
Section 175 of the Alberta’s Environmental Protection and Enhancement Act authorizes the Lieutenant Governor in Council to make regulations on a broad set of issues with regard to designating material for recycling. The legislation leaves open the possibilities for a range of models, from requiring municipalities to establish collection systems, to advanced disposal fees to establishing extended producer responsibility with internalized cost recovery. Relevant sections from the Environmental Protection and Enhancement Act are in Appendix A.

In 1996, under the Environmental Protection and Enhancement Act, the Designated Material Recycling and Management Regulation (DMRMR) established the Alberta Recycling Management Authority (Alberta Recycling) as a continuation of the Tire Recycling Management Association of Alberta with expanded responsibilities. The DMRMR gives Alberta Recycling the responsibility for establishing and administering “industry operated recycling funds” for all materials designated by a material designation regulation.⁴

Three material designation regulations have been enacted: the Tire Designation Regulation and the Electronics Designation Regulation, both in 2004, and the Paint and Paint Container Designation Regulation in 2007.⁵ The Tire Designation Regulation and the Electronics Designation Regulation expire in 2014. The Paint and Paint Container Designation Regulation expires in 2012. In each regulation, the expiration date is deemed necessary “for the purpose of ensuring that this Regulation is reviewed for its ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review...”^{6,7,8}

Separately, in 1997, Alberta approved the *Lubricating Oil Material Recycling and Management Regulation* to aid in funding the collection and recycling of used oil materials and creating the Alberta Used Oil Management Association.

Figure 1: Alberta Legislative Framework



⁴ Designated Material Recycling and Management Regulation, 2, 6, Alta. Reg. 93/2004, <http://www.canlii.org/en/ab/laws/regu/alta-reg-93-2004/latest/alta-reg-93-2004.html>

⁵ Alberta Recycling Management Authority, Bylaws and Regulations, http://www.albertarecycling.ca/BasicContent.aspx?id=46&ekmense1=a681a8bf_8_10_46_5

⁶ Tire Designation Regulation, Sec. 5, A.R. 95/2004, <http://www.albertarecycling.ca/0/18/80/90/58725915c35d4f50b4476d43fabf72a1.pdf>

⁷ Electronics Designation Regulation, Sec. 5, A.R. 94/2004, <http://www.albertarecycling.ca/0/18/80/90/4679f7c38ce64a1c96fed53b9f512011.pdf>

⁸ Paint and Paint Container Designation Regulation, Sec. 4, A.R. 200/2007, <http://www.albertarecycling.ca/0/18/170/f85d99a228914fe190941fc64ad38645.pdf>

Stewardship Organizations

Tires, Electronics, Paint

Alberta Recycling Management Authority is a not-for-profit association and a delegated administrative organization that reports to the Minister of Environment. Membership of Alberta Recycling is governed by its bylaws, available at http://www.albertarecycling.ca/BasicContent.aspx?id=46&ekmense1=a681a8bf_8_10_46_5.

Alberta Recycling has seven member organizations:

- Alberta Association of Municipal Districts and Counties
- Alberta Environment
- Alberta Urban Municipalities Association
- Association of Professional Engineers, Geologists and Geophysicists of Alberta
- Environmental Services Association of Alberta
- Recycling Council of Alberta
- Toxics Watch Society of Alberta

Alberta Recycling is governed by a Board of Directors, to which each member organization appoints a director. In addition, there are two other directors:

- Two that represent the public and industry at large, appointed by the Minister of Environment, and
- The Chairs of each of Alberta Recycling's Industry Councils.

The Board has established three standing

committees: Government and Accountability, Audit and Investment, and Assessment. The Board has also appointed three Industry Councils, one for each of the designated materials managed by Alberta Recycling. The Industry Councils act in an advisory capacity to the Board.

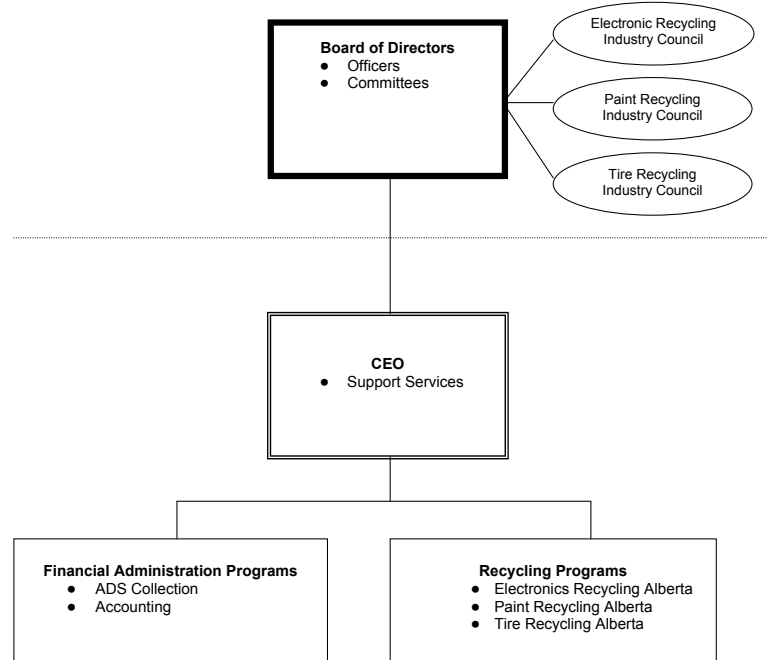
The Electronics Recycling Alberta Industry Council is made up of representatives of:

- Two electronics manufacturers
- Two electronics mass merchandisers
- Independent Alberta electronics businesses
- Municipal waste/recycling management
- Alberta Environment

The Tire Recycling Alberta Industry Council is made up of representatives of:

- Motor Dealers Association of Alberta
- Western Canadian Tire Dealers
- Municipal government (recycling and waste management)
- Alberta Environment

Figure 2: Alberta Recycling Management Authority Organizational Structure



Source: Alberta Recycling Management Authority Business Plan, 2008 – 2011, p. 6, <http://www.albertarecycling.ca/WorkArea/showcontent.aspx?id=964>

The Paint Recycling Alberta Industry Council is made up of representatives of:

- Alberta Painting Contractors Association
- Brand Owners
- Paint Manufacturers
- Municipal Government (recycling and waste management)
- Alberta Environment

Recycling Alberta manages three programs: Electronics Recycling Alberta, Paint Recycling Alberta, and Tire Recycling Alberta. Product Care Association administers the reporting and payment of Advance Disposal Surcharges for Paint Recycling Alberta, under contract with Alberta Recycling.⁹

Used Oil Materials

In 1997, the Lubricating Oil Material Recycling and Management Regulation established the Alberta Used Oil Management Association (AUOMA) as a management board responsible for developing programs to improve the management and recycling of used oil materials in Alberta.

AUOMA is a not-for-profit organization of wholesale suppliers. It is incorporated under the Societies Act (Alberta), managed by a board of directors drawn from its members, retailers, two levels of government and other non-government organizations. The association's objective is to improve the collection and recycling of used oil, oil filters and oil containers through initiatives that support the development of strong, competitive, private sector recycling programs in Alberta.¹⁰

AUOMA has written two sets of by-laws as authorized by the Lubricating Oil Material Recycling and Management Regulation, the Lubricating Oil Material Recycling and Management By-Law and the Lubricating Oil Material Environmental Handling Charge By-Law.

AUOMA is a member of the National Used Oil Advisory Council, along with the used oil materials recycling associations in British Columbia, Manitoba, Québec and Saskatchewan. The programs of the five provinces are similar; the goal of the National Used Oil Advisory Council is to have fully integrated programs in all provinces and territories of Canada.¹¹

Producer Registration

Tires, Electronics, Paint

The DMRMR authorizes Alberta Recycling to define "supplier" for the purposes of the regulation and to make bylaws respecting the registration of suppliers, including prescribing registration fees. The DMRMR prohibits supplying a designated material in Alberta unless the person is registered in accordance with the bylaws of Alberta Recycling Management Authority and the registration is not under suspension.

For each of the three programs, registrants have been defined as the suppliers, including manufacturers, distributors or wholesalers, that sell or supply designated products either in or into Alberta. Registrants register directly with Electronics Recycling Alberta, Tire Recycling Alberta, or Paint Recycling Alberta.

⁹ Alberta Recycling Management Authority Business Plan, 2008 – 2011, pp. 4 - 5, <http://www.albertarecycling.ca/WorkArea/showcontent.aspx?id=964>

¹⁰ Alberta Used Oil Management Association, Lubricating Oil Material Product Management Program: Manual for Collectors and Processors, September 2003, Foreword, [http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20C&P%20Manual\(2\).pdf](http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20C&P%20Manual(2).pdf)

¹¹ National Used Oil Management Advisory Council, <http://www.usedoilrecycling.com/en/nuomac>

Used Oil Materials

The Lubricating Oil Material Recycling and Management Regulation requires that every supplier and end user who imports lubricating oil material into Alberta for the end user's own use apply to AUOMA to be registered.¹²

Stewardship Plans

Tires, Electronics, Paint

The DMRMR requires Alberta Recycling Management Authority to provide an annual business plan to the Environment Minister stating its goals for the coming fiscal year.¹³ The 2008 – 2011 business plan is available at <http://www.albertarecycling.ca/WorkArea/showcontent.aspx?id=964>.

Used Oil Materials

The Lubricating Oil Material Recycling and Management Regulation requires AUOMA to submit a business plan to the Environment Minister stating its goals for the coming fiscal year.¹⁴ The 2008 – 2010 Business Plan is available at <http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%203%20Year%20Business%20Plan%202008%20to%202010%20Final.pdf>.

Financing Structure

Alberta's Environmental Protection and Enhancement Act defines "surcharge" as "surcharge as defined in the regulations."¹⁵ The Designated Material Recycling and Management Regulation currently covers tires, electronics, and paint. It states that Alberta Recycling may, subject to a material designation regulation, by bylaw prescribe an advance disposal surcharge for any designated material or class of designated material. Suppliers must remit and account for advance disposal surcharges to Alberta Recycling in accordance with the bylaws.¹⁶

Tires, Electronics, Paint

The DMRMR authorizes Recycling Alberta to prescribe an advance disposal surcharge by bylaw for any designated material or class of materials.¹⁷ The Tire Designation Regulation, the Electronics Designation Regulation, and the Paint and Paint Container Designation Regulation each provide the maximum advance disposal surcharge that may be prescribed for the products they cover. Recycling Alberta's bylaws state that the Board of Directors may "establish or levy...advance disposal surcharges and assessments..."¹⁸

The composition of the Board of Directors is described above in the section Stewardship Organizations. Recycling Alberta's Tire Recycling Bylaw, Electronics Recycling Bylaw, and Paint and Paint Container Recycling Bylaw each prescribe the amount of the advance disposal surcharges for the products they cover and the manner in which surcharges are to be collected.^{19, 20, 21}

¹² Lubricating Oil Material Recycling and Management Regulation, 5(1), Alberta Regulation 82/97,

[http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package\(1\).pdf](http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package(1).pdf)

¹³ Designated Material Recycling and Management Regulation, 16(1), Alta. Reg. 93/2004,

<http://www.canlii.org/en/ab/laws/regu/alta-reg-93-2004/latest/alta-reg-93-2004.html>

¹⁴ Lubricating Oil Material Recycling and Management Regulation, 4(1), Alberta Regulation 82/97,

[http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package\(1\).pdf](http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package(1).pdf)

¹⁵ Alberta Environmental Protection and Enhancement Act, Section 168, <http://www.qp.gov.ab.ca/Documents/acts/E12.CFM>

¹⁶ Citation: Designated Material Recycling and Management Regulation, 3, Alta. Reg. 93/2004, <http://www.canlii.org/en/ab/laws/regu/alta-reg-93-2004/latest/alta-reg-93-2004.html>

¹⁷ Designated Material Recycling and Management Regulation, sec. 3.1, Alta. Reg. 93/2004,

<http://www.canlii.org/en/ab/laws/regu/alta-reg-93-2004/latest/alta-reg-93-2004.html>

¹⁸ Alberta Recycling Management Authority Bylaws, , Article 11, <http://www.albertarecycling.ca/0/18/80/90/72942613abf142488316b2388ebaa787.pdf>

¹⁹ Alberta Recycling Management Authority Tire Recycling Bylaw, <http://www.albertarecycling.ca/0/18/80/90/fd0c909681d743eea1ece76f21a6c6e7.pdf>

²⁰ Alberta Management Authority Electronics Recycling Bylaw, <http://www.albertarecycling.ca/0/18/80/90/5a8932f393fc4bdba98f78f38b1fa745.pdf>

²¹ Alberta Recycling Management Authority Paint and Paint Container Recycling Bylaw, <http://www.albertarecycling.ca/0/18/80/90/dc503f65b2be433094339290312f2d17.pdf>

Advance disposal surcharges are remitted to Alberta Recycling and deposited into material-specific industry operated recycling funds for the following purposes:

- Establishing and administering waste minimization and recycling programs
- Education programs for the purpose of waste minimization and recycling
- Expenditures incurred in the collection, transportation, storage, processing and disposal of the designated material
- Research and development activities related to recycling or management of the designated materials
- Promotion and development for marketing the products of recycling
- Education programs related to, or expenditures incurred in the collection, transportation, storage, processing and disposal of, or the promotion and marketing of any activity undertaken by Alberta Recycling in relation to the designated material²²

Fees for tires are collected as advance disposal fees by retailers and remitted to Recycling Alberta. Fees for paint are collected as advance disposal fees by retailers and collected from retailers by Product Care Association under contract with Recycling Alberta. Fees for electronics are collected from the first supplier in the province by Recycling Alberta. Funds collected for each program are used only to manage that program, not to cross-subsidize programs.

Maximum advance disposal surcharges for each product type are established in three material designation regulations. As stated in the Policy Framework section, above, the Tire Designation Regulation and the Electronics Designation Regulation, expire after ten years and the Paint and Paint Container Designation Regulation expires after five.

Recycling Alberta manages contracts for collection and processing of tires and electronics. Products Care Association, under contract with Recycling Alberta, manages contracts for the collection and recycling of paint.

Used Oil Materials

The Lubricating Oil Material Recycling and Management Regulation states that AUOMA will set surcharges on covered lubricating oil products:

- Prescribing the amounts of the surcharges and prescribing which registrant or class of registrant must pay, collect and remit the surcharges,
- Governing the reports and returns to the Association that must be made by registrants
- Providing for interest charges on late payment of the surcharges, and
- Providing for the assessment by the Association of surcharge amounts owing²³

The Lubricating Oil Material Recycling and Management By-Law requires that all registrants levy and collect as a surcharge environmental handling charges.²⁴ The amount of the environmental handling charge is set in the Lubricating Oil Material Environmental Handling Charge bylaw.²⁵

Figure 3: Alberta Used Oil Management Association Return Incentive Zone Map



Source: Alberta Used Oil Management Association
<http://www.usedoilrecycling.com/resources/file/Alberta/RI%20Zone%20Map.pdf>

²² Designated Material Recycling and Management Regulation, sec. 3, 6, Alta. Reg. 93/2004, <http://www.canlii.org/en/ab/laws/regu/alta-reg-93-2004/latest/alta-reg-93-2004.html>

²³ Lubricating Oil Material Recycling and Management Regulation, Alberta Regulation 82/97, 8(1)ii, [http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package\(1\).pdf](http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package(1).pdf)

²⁴ Lubricating Oil Material Recycling and Management By-Law, 5 (1 – 2), [http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package\(1\).pdf](http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package(1).pdf)

²⁵ Lubricating Oil Material Environmental Handling Charge By-Law, [http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package\(1\).pdf](http://www.usedoilrecycling.com/resources/file/Alberta/AUOMA%20Program%20Plan%20Package(1).pdf)

British Columbia

Policy Framework

British Columbia's Environmental Management Act authorizes the Lieutenant Governor in Council to make regulations "requiring prescribed industrial, commercial and institutional operations or classes of operations to develop and maintain an infrastructure for the reuse or recycling of packaging, product containers or any other material or substance." The Environmental Management Act also contains a similar provision for waste reduction and prevention plans and more specific authorization for regulations of beverage containers and other packaging. Relevant text from the Environmental Management Act can be found in Appendix B.

Under the Environmental Management Act, the Recycling Regulation provides the framework for all of British Columbia's product stewardship programs. The regulation makes manufacturers, distributors, importers and retailers responsible for the life-cycle management of their products, including financing the collection and recycling of discarded products.

Stewardship Organizations

The Recycling Regulation specifies that product stewardship organizations (PSOs) are not-for-profit entities to be established under the British Columbia Society Act or federal legislation.³⁷

Beyond this requirement, the Recycling Regulation remains silent on the details of PSOs.

Producers are considered the first seller of a product in British Columbia. In practice the producer is typically the product manufacturer, distributor, or brand-owner. The producer could also be an importer, broker, or retailer who sells the product directly to a consumer.³⁸ Producers must develop, implement and report on a product stewardship plan, approved by the Ministry of Environment. Alternatively, a producer may appoint an "agency" to carry out these duties. The Regulation defines an "agency" as "a corporation appointed by a producer to act as an agent on behalf of the producer."³⁹ The producer must notify the Ministry of Environment in writing that it has appointed the agency and specify the duties that the agency will perform on its behalf. The agency must confirm to the Ministry of Environment in writing the duties that it will perform on behalf of the producer and comply with the requirements of the Recycling Regulation with respect to those duties.⁴⁰

The governance structure, operational systems, and fee structures of an agency are determined by producers as members. The Ministry of Environment recommends that producers consider multi-stakeholder representation on the Board of Directors of the agency, such as consumer groups, environmental non-government organizations, local governments, etc. The Ministry of Environment further recommends that producers consider the establishment of an ongoing stakeholder advisory process, such as a standing stakeholder advisory committee to the Board, as part of the accountability and transparency structure of the organization.⁴¹

Figure 4: British Columbia Legislative Framework



Figure 5: British Columbia Organizational Structure



³⁷ British Columbia Ministry of Environment, Product Stewardship: Frequently Asked Questions, <http://www.env.gov.bc.ca/epd/recycling/resources/faq.htm>, viewed 2 October 2008.

³⁸ Recycling Regulation Guide, British Columbia Ministry of Environment, Environmental Protection Division, June 30, 2006, p.5, http://www.env.gov.bc.ca/epd/recycling/guide/pdf/recycling_regulation_guide.pdf.

³⁹ Recycling Regulation, Part 1.1, Definitions, http://www.qp.gov.bc.ca/statreg/reg/E/EnvMgmt/449_2004.htm

⁴⁰ Recycling Regulation, Part 2.2 – 2.3, Duties of producer, http://www.qp.gov.bc.ca/statreg/reg/E/EnvMgmt/449_2004.htm

⁴¹ British Columbia Ministry of Environment, Product Stewardship: Frequently Asked Questions, <http://www.env.gov.bc.ca/epd/recycling/resources/faq.htm>, viewed 2 October 2008.

Industry Stewardship Agencies currently include: Brewers Distributors Ltd, British Columbia Used Oil Management Association, Encorp Pacific (Canada), Electronics Stewardship Association of BC, Product Care Association, Post Consumer Pharmaceutical Stewardship Association (PCPSA), Tire Stewardship B.C., Tree-Marking-Paint Stewardship Association, and Western Canada Computer Industry Association.

The structure established by the Recycling Regulation allows more than one agency to operate a stewardship program for one type of material. Both the Electronics Stewardship Association of British Columbia and Western Canada Computer Industry Association operate programs for used electronic equipment.

The Electronics Stewardship Association of British Columbia (ESABC) is a provincial program of Electronics Product Stewardship Canada (EPSC). EPSC is a non-profit organization of electronics manufacturers, with affiliated product stewardship programs in British Columbia, Nova Scotia, Ontario, and Saskatchewan.⁴² In British Columbia, Encorp Pacific (Canada), a non-profit corporation with beverage containers as its core business, manages the electronics program under contract from the Electronics Stewardship Association of British Columbia.⁴³

Western Canada Computer Industry Association (WCCIA) is a non-profit organization of computer distributors. WCCIA's Electronics Product Stewardship Plan for British Columbia states that the majority of the administration and management of the stewardship plan will be contracted to one or more organizations or companies that are arm-length to the WCCIA and its members.⁴⁴

The two electronics product stewardship programs do not appear to be coordinated. The ESABC makes no reference to WCCIA on its website. WCCIA's website simply states that there are no restrictions on the number of programs a producer can join.⁴⁵

Producer Registration

Producers obligated to comply with the Recycling Regulation must either 1) submit a product stewardship plan to the Ministry of Environment, have it approved, and comply with the plan or 2) join an existing plan. If the producer chooses to have a third party, or "agency," carry out its obligations, it must first notify the Ministry of Environment in writing. Before an agency begins to carry out duties on behalf of a producer, it must confirm in writing to the Ministry of Environment that which duties it will perform on behalf of the producer.⁴⁶ Producers that do not comply with the requirements of the Recycling Regulation are subject to a fine not to exceed \$200,000.⁴⁷

Stewardship Plans

The Recycling Regulation lists a number of elements to be considered by the Ministry of Environment in order to approve a proposed product stewardship plan:

- The plan will achieve, or is capable of achieving within a reasonable time
 1. A 75% recovery rate or a higher recovery rate established by the director,
 - a)for the beverage container product category, and
 - b) for each product category covered by the plan, other than the beverage container product category, if required by the director,
 2. Any performance requirements or targets established by the director, and
 3. Any performance requirements or targets in the plan,
- The producer has undertaken satisfactory consultation with stakeholders prior to submitting the plan for approval and will provide opportunity for stakeholder input in the implementation and operation of the product stewardship program, and

⁴² Electronics Product Stewardship Canada, <http://www.epsc.ca/index.html>

⁴³ Encorp Pacific (Canada), "Who We Are," <http://www.encorp.ca/cfm/index.cfm?lt=100&ld=8&se=2>

⁴⁴ The Western Canada Computer Industry Association, "Electronics Stewardship Plan for British Columbia" 2007, p. 4, http://www.wccds.com/download/Electronic%20Stewardship%20Plan_%20WCCIA.pdf

⁴⁵ Western Canada Computer Industry Association, Frequently Asked Questions, <http://www.wccds.com/menu/epr.htm>.

⁴⁶ Environmental Management Act Recycling Regulation, Section 2, http://www.qp.gov.bc.ca/statreg/reg/E/EnvMgmt/449_2004.htm

⁴⁷ Environmental Management Act Recycling Regulation, Section 16, http://www.qp.gov.bc.ca/statreg/reg/E/EnvMgmt/449_2004.htm

- The plan adequately provides for
 1. The producer collecting and paying the costs of collecting and managing products within the product category covered by the plan, whether the products are currently or previously sold, offered for sale or distributed in British Columbia,
 2. With respect to the solvent and flammable liquids, pesticide, gasoline and pharmaceutical product categories,
 - a) the collection of residuals and containers that are or were in direct contact with a residual, and
 - b) the management of residuals and containers collected,
 3. Reasonable and free consumer access to collection facilities,
 4. Making consumers aware of
 - a) the producer's product stewardship program,
 - b) the location of collection facilities, and
 - c) how to manage products in a safe manner,
 5. Assessing the performance of the producer's product stewardship program, the management of costs incurred by the program and the management of environmental impacts of the program,
 6. A dispute resolution procedure for disputes that arise between a producer and person providing services related to the collection and management of the product during implementation of the plan or operation of the product stewardship program,
 7. Eliminating or reducing the environmental impacts of a product throughout the product's life cycle, and
 8. The management of the product in adherence to the order of preference in the pollution prevention hierarchy.

Plans are reviewed every five years.

Financing Structure

The Recycling Regulation allows producers to decide how they will cover the costs of product stewardship programs. Product stewardship plans must “adequately provide for the producer collecting and paying the costs of collecting and managing products within the product category covered by the plan...”⁴⁸

Paint

Product Care Association, the PSO for paint products, sets, collects, and administers eco-fees for the products it manages. Eco-fees are charged at the retail point of sale, a price increase for the product. Because they are part of the product price, provincial sales tax and goods and service tax is charged on the eco-fee just as if it was internalized into the cost of the product.

Only the CEO, Director of Finance, and one staff member have access to information specific to individual brand owners in terms of eco-fees submitted to Product Care.⁴⁹ The Board of Directors, which is composed of industry representatives, receives only consolidated financial information.⁵⁰

Used Oil Materials

The British Columbia Used Oil Management Association (BCUOMA) is a member of the National Used Oil Management Advisory Council, along with the organizations operating oil materials product stewardship programs in Alberta, Manitoba, Québec, and Saskatchewan. The goal of the Council is to have fully integrated programs in all provinces and territories of Canada. The financial structure of BCUOMA is very similar to the other four programs; greater detail is provided for the programs in Alberta and Québec. The bylaws of BCUOMA provide for the confidentiality of members' sales data:

The books and records of the Association may be inspected by any Member of the Association at the annual meeting or at any time upon giving reasonable notice and arranging a time satisfactory to the Officer or Officers having charge of the same. Each Member shall at all reasonable times have access to such books and records. All such access shall have safeguards to ensure a Member company's sensitive or proprietary information remains confidential, and is not divulged to another Member or the Board.⁵¹

⁴⁸ Recycling Regulation, Part 2, 5.1.c.i

⁴⁹ Environment Canada, “Guidance Manual for Establishing, Maintaining and Improving Producer Responsibility Organizations in Canada” 2001, p. 75.

⁵⁰ Environment Canada, “Guidance Manual for Establishing, Maintaining and Improving Producer Responsibility Organizations in Canada” 2001, p. 31.

⁵¹ British Columbia Used Oil Management Association Bylaws, sec. 7.4, 2005, <http://www.usedoilrecycling.com/resources/file/BC/BCUOMABylaws2005.pdf>

Electronics

The Electronics Stewardship Association of British Columbia (ESABC) is funded by a visible Environmental Handling Fee (EHF) that is remitted to ESABC, care of Encorp Pacific (Canada), on the sale of designated products in or into the province. The end-user pays the EHF; the fee is paid only once in the supply chain. The decision process for determining when to charge an EHF is illustrated in Figure 6.

Obligated producers can register with ESABC under “remitter” status or “Pay On Purchase” (POP) status. A remitter is a company that reports and remits the EHF monthly to ESABC based on sales or supplies of EHF applicable products. Generally, these are larger volume suppliers. If a remitter sells to a supplier that is also registered as a remitter, the selling remitter is exempt from collecting and remitting the EHF.

A POP pays the EHF to its suppliers when purchasing inventory and therefore is not required to report monthly. If estimated monthly dues to ESABC are less than \$1,000, ESABC recommends registering as a POP. Typically, producers with POP status collect the EHF from their customers and retain it to offset what the producer with POP status has previously paid its supplier.⁵²

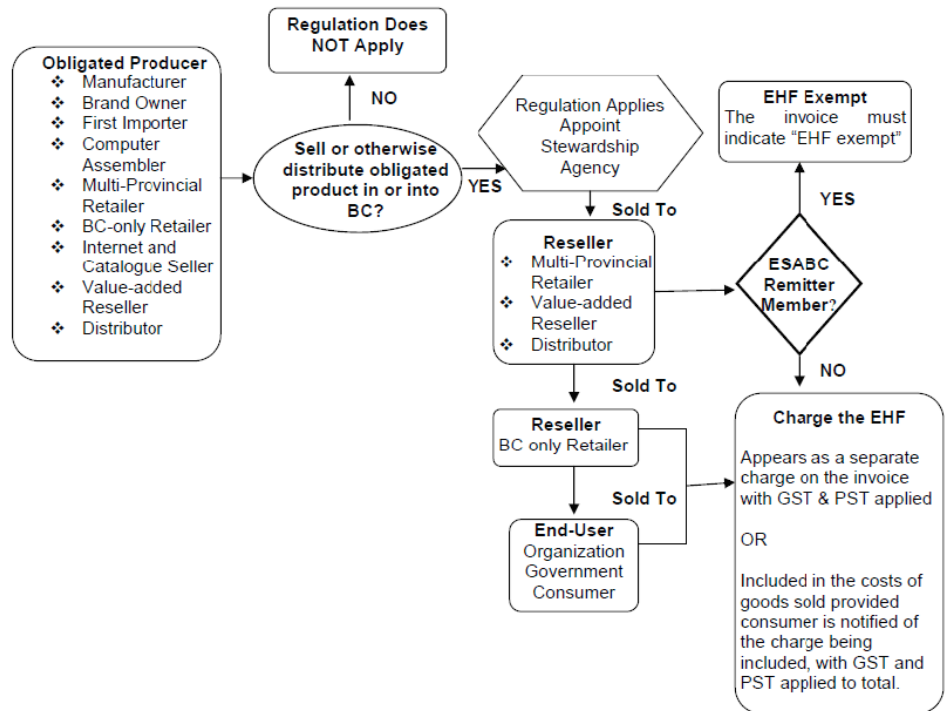
Encorp Pacific (Canada) administers and manages operations of the electronics recycling program under contract with ESABC. Encorp Pacific (Canada) contracts with other service providers for public education and awareness, product collection, transportation, processing, recycling and auditing as required.⁵³

Beverage Containers

Encorp Pacific (Canada) collects deposits and container recycling fees (CRFs) from beverage brand owners and holds these funds in “accounts” specific to beverage container type. From these accounts, operational costs are paid and deposits are refunded when containers are returned to Encorp’s Return-It Depots or grocery stores. Brand owners, in turn, charge the deposit and CRF to the grocer and the grocer in turn charges the consumer. The flows of materials and funds are illustrated in Figure 7.

The Recycling Regulation sets deposits/refunds any for non-alcohol container that that may hold, holds or held a beverage, is offered for sale or sold in British Columbia, and is not a refillable container having a capacity of 10 liters or more. Deposits/refunds for containers less than or equal to one liter are five cents. Deposits/refunds for containers greater than one liter are 20 cents.

Figure 6: Electronics Stewardship Association of British Columbia Environmental Handling Fee Applicability



Source: Encorp Return-It Electronics, Electronics Stewardship Association of British Columbia, Member Registration Information, August 1, 2009, p. 5, http://www.encorp.ca/temp/20098619386/ESABC_RegPackage_Aug_01_2009.pdf

⁵² Return-It Electronics, Electronics Stewardship Association of British Columbia, Member Registration Information, August 1, 2009, pp. 8 – 9, http://www.encorp.ca/temp/20098619386/ESABC_RegPackage_Aug_01_2009.pdf.

⁵³ Electronics Stewardship Association of British Columbia, British Columbia Stewardship Plan for End-of-Life Electronics, February 15, 2009, p. 10, <http://www.esabc.ca/cfm/index.cfm?it=100&id=65>.

CRFs are set by Encorp to cover the cost of operating the program. CRFs are specific to container type (e.g., PET plastic, HDPE plastic, PVC plastic, glass, drink boxes, etc.). Encorp annually reviews the costs and revenues for each container type to ensure that fees are appropriate. When increased recovery rates reduce the amount of unredeemed deposits, the commodity prices drop, or when handling, processing, or transportation fees increase, the CRF is increased accordingly. When there are sufficient unredeemed deposits or collection costs drop, the CRF is reduced to ensure that surpluses do not accumulate in a container type's account.⁵⁴

Service Level Standards

The Recycling Regulation requires that product stewardship plans “adequately provides for reasonable and free consumer access to collection facilities.”⁵⁵ Different product stewardship organizations have approached this requirement in different ways.

Encorp Pacific (Canada) manages the collection programs for beverage and milk containers and for electronic products under contract with the Electronics Product Stewardship Association of British Columbia. A number of Encorp Pacific's “Return-It” locations accept more than one type of product, simplifying the process for the consumer.

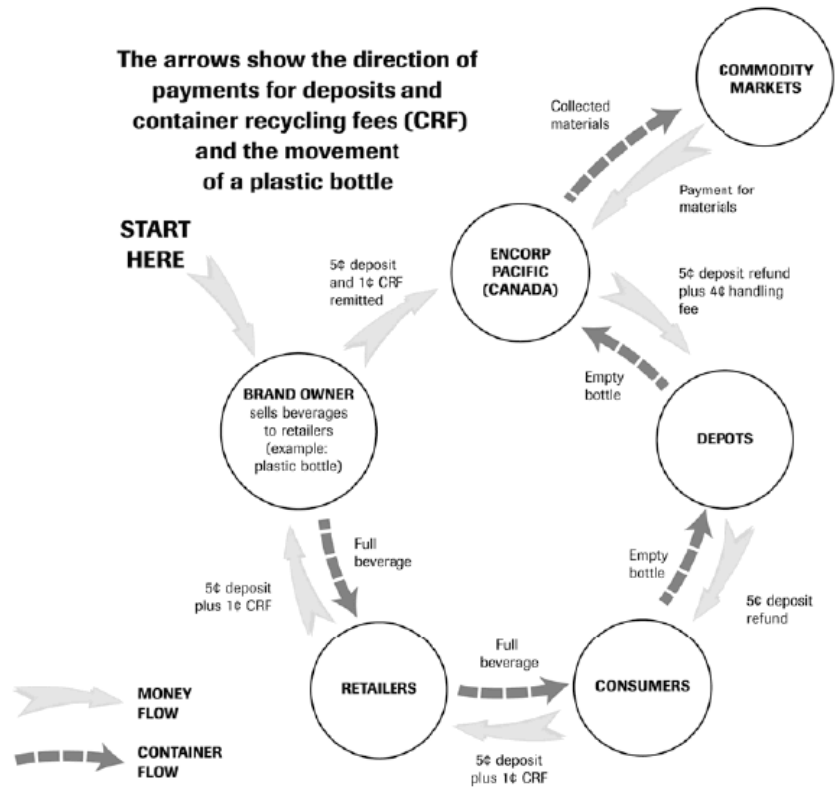
Recognizing that, in some communities, local governments, private enterprises, or others may be interested in offering collection services to the public, Encorp Pacific (Canada) also issued an Invitation for Expression of Interest to offer a fixed site or sites, special “round-up” events, and mobile operations for remote areas.⁵⁶

BCUOMA, like the other oil management programs of the National Used Oil Management Advisory Council, has divided the province into equalized freight zones for its Return Incentive Program. Collectors registered with BCUOMA are paid differential rates for products collected, with rates set to create an incentive to increase collection from historically underdeveloped market segments.

Performance Indicators and Measures

The Recycling Regulation requires that producers develop a plan to meet a 75% or higher recovery rate as set by the Ministry of Environment in their product stewardship plans.

Figure 7: Encorp Pacific (Canada) Beverage Container Program: Flow of Materials and Funding, using example of a plastic bottle



Source: Encorp Return-It, Brand Owner Information, February 1, 2009, p. 4, <http://www.encorp.ca/temp/2009879696/brandownerregpackage01092.pdf>

⁵⁴ Encorp Return-It, Brand Owner Information, February 1, 2009, pp. 5 – 7, <http://www.encorp.ca/temp/2009879696/brandownerregpackage01092.pdf>

⁵⁵ Recycling Regulation, Part 2, 5.1.c.iii

⁵⁶ Encorp Return-It Electronics, Invitation for Expressions of Interest (EOI): Collection from the public of designated end-of-life electronics, <http://www.encorp.ca/temp/20098681407/eoiinvitation010909.pdf>

Reporting

The Recycling Regulation requires annual reports from producers. Contents must include:

- A description of educational materials and educational strategies the producer uses
- The total amount of the producer's product sold and collected
- The location of the producer's collection facilities
- The amount of product reused, recycled, recovered for material or energy, or disposed by or on behalf of the producer
- Efforts taken on behalf of the producer through redesign or repackaging to reduce product waste
- A description and rationale, prepared by an independent auditor, of the processes used by or on behalf of the producer to store and transport products and to manage products at each of the following levels: reuse, recycling, recovery for material or energy, or disposal
- A description of the management system used by or on behalf of the producer to monitor the effectiveness of the producer's efforts

Producers that charge a fee associated with a product stewardship program that is identified separately on the consumer sale of receipt are also required to submit audited financial statements detailing revenues and expenditures associated with the product stewardship program.

The Recycling Regulation requires that producers submit quarterly reports on the total product collected during the previous quarter.

The Recycling Regulation requires that the Ministry of Environment publish an annual report to the public stating the extent to which every product has been managed in accordance with the Recycling Regulation.

Product Design Incentives

The Recycling Regulation requires producers to report in their efforts to reduce environmental impacts throughout the product life-cycle, including the design and manufacturing stages. The Recycling Regulation Guide, a guidance document for producers, suggests that producers consider toxic use reduction, redesign to facilitate reuse, redesign to facilitate complete recycling, reduction in packaging, and application of the pollution prevention hierarchy.⁵⁷

Market Development for Recyclable Materials

The Recycling Regulation does not include specific requirements for market development of recyclable materials.

⁵⁷ Recycling Regulation Guide, pp. 10 – 11.

Manitoba

Policy Framework

The Waste Reduction and Prevention (WRAP) Act provides the framework for Manitoba's product stewardship programs; however, specifics are left to regulation.

Under the WRAP Act, the Multi-Material Stewardship Regulation was registered in 1995, the Used Oil, Oil Filters and Containers Stewardship Regulation was registered in 1997, and the Tire Stewardship Regulation was registered in 2006. A proposed Packaging and Printed Paper Stewardship Regulation is intended to replace the Multi-Material Stewardship Regulation. According to Manitoba Conservation, the changes will:

- Build on success of current programs to establish broad-based stewardship programs that are economically and environmentally sustainable
- Provide more flexibility for stewards to set program fees as may be required to implement the program
- Reduce the government's direct involvement in program design and management
- Reinforce the linkage between product design and environment⁵⁸

A comparison of the proposed Packaging and Printed Paper Stewardship Regulation and the Multi-Material Stewardship Regulation can be found at: http://www.gov.mb.ca/conservation/pollutionprevention/waste/steward_reg_overview.pdf.

The provisions of the Used Oil Stewardship Regulation, the Tire Stewardship Regulation, and the proposed Packaging and Printed Paper Regulation are nearly identical.

Stewardship Organizations

The WRAP Act lists the roles of an "industry operated WRAP fund" as to provide or pay for:

- Establishing and administering waste reduction and prevention programs
- Education programs for the purpose of waste reduction and prevention
- Expenditures incurred in the collection, transportation, storage, processing, and disposal of the waste for the purposes of waste reduction and prevention programs
- Research and development activities and economic instruments to encourage waste reduction and prevention
- Promotion and development of activities and economic instruments to encourage waste reduction and prevention
- Promotion and development for marketing of the products resulting from recycling
- The appropriate disposal of designated material
- Salaries and other costs of the management board or other body charged with the administration of the fund

Figure 8: Manitoba Legislative Framework

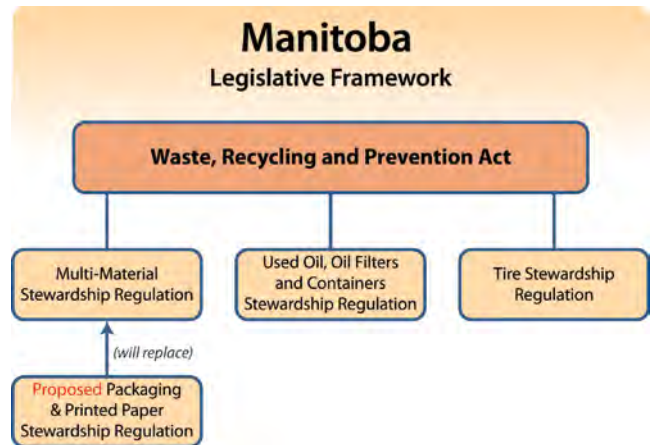


Figure 9: Manitoba Organizational Structure



⁵⁸ Manitoba Conservation, "Proposed Packaging and Printed Paper Stewardship Regulation Overview" <http://www.gov.mb.ca/conservation/pollutionprevention/waste>

- Salaries and other costs of the government for the administration and enforcement of this Act and the regulations as they relate to the responsibilities of the management board or other body under this Act and the regulations respecting waste reduction and prevention
- Such other activities in relation to waste reduction and prevention as are prescribed by regulation

Three stewardship corporations have been established to date, one under each regulation.

The [Manitoba Product Stewardship Corporation](#) (MPSC) was established in 1995 under the Multi-Material Stewardship Regulation. MPSC is mandated to establish and administer a waste reduction program for beverage containers (non-deposit), packaging of pre-packaged goods, in-store packaging, advertising materials, newspapers, magazines, and telephone directories. These materials are primarily residential in nature. MPSC is an independent, non-profit organization representing the interests of all sectors of Manitoba, including consumers, industry, municipalities and governments. MPSC is currently funded solely by the two cent levy on all beverage containers (excluding dairy) sold in Manitoba.⁵⁹ Because the Multi-Material Stewardship Regulation is expected to be replaced by the proposed Packaging and Printed Paper Stewardship Regulation, MPSC will not be discussed further in this paper.

In 2008, Tire Stewardship Manitoba assumed responsibility for managing Manitoba’s scrap tire recycling program in 2008. Tire Stewardship Manitoba replaced the provincial government’s Tire Stewardship Board, which operated from 1995 to 2008. Tire Stewardship Manitoba is a non-profit organization formed as a stewardship agency to represent the tire retailers of Manitoba. A volunteer board governs Tire Stewardship Manitoba and is comprised of directors representing the following member organizations:

- The Rubber Association of Canada
- Retail Council of Canada
- Western Canada Tire Dealers
- Manitoba Motor Dealers Association

Collectively, these organizations represent the international tire manufacturers, major suppliers and tire retailers in Manitoba. The board is advised by a multi-stakeholder advisory committee composed of representatives of processors, municipalities, consumers, industry and the provincial government. The relationships between stakeholders in the scrap tire recycling program is illustrated in Figure 10.⁶⁰

Figure 10: Tire Stewardship Manitoba: Key Stakeholder Process



Source: Tire Stewardship Manitoba, 2008 Annual Report, p. 6. http://www.tirestewardshipmb.com/cim/dbf/tsm_2008_annual_report.pdf?im_id=42&si_id=1005

The [Manitoba Association for Resource Recovery Corporation \(MARRC\)](#) was formed in 1997 by manufacturers and marketers of oil products in Manitoba. It is administered by a Board of Directors comprised of industry and public representatives. Its mandate is to develop, implement and administer a cost-effective, sustainable, user-financed and province-wide stewardship program for used oil, used oil filters and used oil containers on behalf of its members.

⁵⁹ Manitoba Product Stewardship Corporation, “About” <http://www.mpsc.com/main.asp?contentID=16>

⁶⁰ Tire Stewardship Manitoba, 2008 Annual Report, pp. 3-5, http://www.tirestewardshipmb.com/cim/dbf/tsm_2008_annual_report.pdf?im_id=42&si_id=1005.

Producer Registration

The Tire Stewardship Regulation and the Used Oil Stewardship Regulation define “steward” in a similar manner, as either the first person who, in the course of business in Manitoba, supplies a new tire/ oil, oil filters, or oil in containers to another person or a person who, in the course of business in Manitoba, uses a tire/ oil, oil filters, or oil in containers obtained new in a supply transaction outside Manitoba.

The Tire Stewardship Regulation and the Used Oil Stewardship Regulation both prohibit the supply of tires/oil products for consumption is prohibited unless either the steward of tires/oil or the supplier operates or subscribes to a stewardship program. To address the issue of out-of-province sales, both regulations include an additional provision prohibiting the use “in the course of business” of a new tire or oil products obtained outside of Manitoba unless the person the person using those products operates or subscribes to a tire stewardship program. Both tire and used oil stewardship programs are required to be open to any steward who wishes to subscribe to the program.

The Used Oil Stewardship Regulation further requires that stewards may not supply oil for consumption unless they have given written notice to the Conservation Minister of their intention to supply oil products, which products will be supplied, and how they intend to meet the obligations of the Used Oil Stewardship Regulation.

Stewardship Plans

The Tire Stewardship Regulation and the Used Oil Stewardship Regulation have similar requirements for stewardship program plans:

- The establishment and administration of a waste reduction and prevention program
- The appropriate management of scrap tires/ used oil products in accordance with any written guidelines established by the Environment Minister
- A province-wide, convenient collection system without user fees at the point of collection
- A system for the payment of expenditures incurred in the collection, transportation, storage, processing and disposal in connection with the waste reduction and prevention program
- The orderly collection of revenues from subscribers to the program in balance with expenditures for the program
- The establishment and administration of education programs for the purpose of the waste reduction and prevention program
- The payment of salaries and other costs of government for the administration and enforcement of the regulation and of the (Waste Reduction and Prevention) Act
- Ongoing consultations about the stewardship program with persons who the operator considers the stewardship program may affect, including members of the public, in accordance with any guidelines respecting consultation that the minister may establish.

Additionally, the Tire Stewardship Regulation and the Used Oil Stewardship Regulation state that a plan may include:

- Provision for the establishment and administration of research and development activities related to the management of scrap tires/ used oil products and material
- Provision for training and educational activities related to the management of scrap tires/ used oil products and material
- Provision for activities related to pollution prevention and waste reduction
- Any other activities that the (Conservation) Minister may approve

Financing Structure

The WRAP Act establishes the concept of a “WRAP levy,” stating that a manufacturer, distributor or retailer shall either collect and remit or pay WRAP levies for a designated material, according to regulations.⁶¹ The WRAP Act authorizes the Lieutenant Governor in Council to make regulations:

- Prescribing the amounts of WRAP levies and additional WRAP levies or the method of determining them and the circumstances in which additional WRAP levies are payable
- Prescribing the amounts of penalties to be paid on WRAP levies and additional WRAP levies that are paid late, or the method of determining their amount
- Providing for the manner in which and the times at which WRAP levies and additional WRAP levies are to be collected, paid or refunded and for the remittance of those levies⁶²

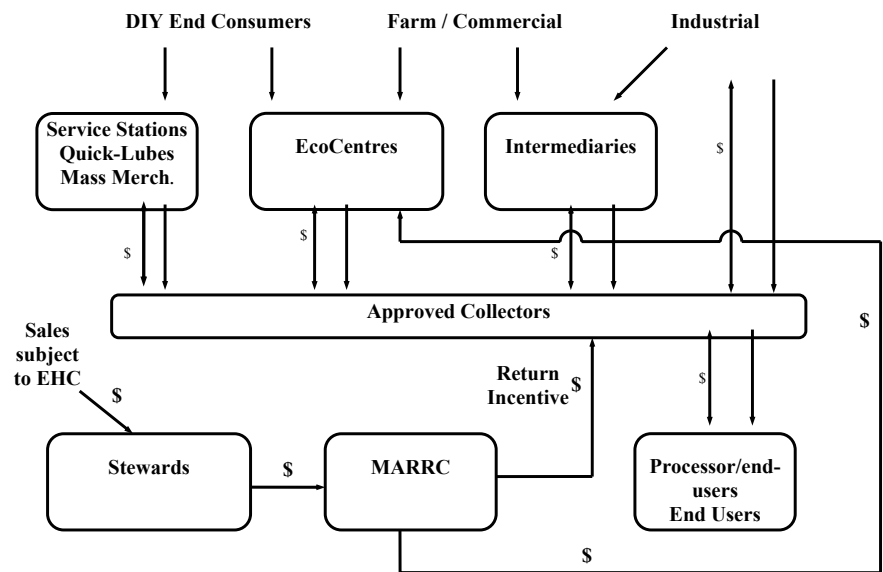
The regulations passed under the WRAP Act are not as prescriptive as the Act allows. Both the Tire Stewardship Regulation and the Used Oil Stewardship Regulation allow the operator of stewardship programs to propose a financing structure in its program plan, though they prohibit user fees at the point of collection. Application for approval of a plan must include a business plan.

Under the scrap tire recycling program, retailers collect eco-fees, which are then passed directly to Tire Stewardship Manitoba. Tire Stewardship Manitoba pays financial incentives to registered municipal landfills to aggregate and temporarily store scrap tires in readiness for hauling to processors. This provides a free point of disposal for all Manitobans, removing incentives or illegal dumping of scrap tires. Tire Stewardship Manitoba also pays a financial incentive to processors and collectors.

In the used oil and oil container recycling program, environmental handling charges are applied by MARRC members at the first point of sale in Manitoba to either a person or an organization that is not a member of MARRC. MARRC members remit environmental handling charges to an accounting firm contracted by MARRC. This allows the amount paid by each member to remain confidential. Environmental handling charges are remitted either monthly or quarterly, based on the preference of the member. Environmental handling charges are only paid one time for a given product; sales for which an environmental handling charge has already been paid by another MARRC member are exempt.⁶³

MARRC provides a return incentive (RI) to registered collectors. The RI is set at a level that will allow the collector to compensate the generators, EcoCentres and return depots for their used lubricating products, dependent on the competitive market. EcoCentres are collection centers in rural areas that are independent of manufacturers and marketers of oil products and of collectors. The flows of materials and funds are illustrated in Figure 11.

Figure 11: Manitoba Association for Resource Recovery Corporation Used Lubricating Products and Funding Flow



Source: Manitoba Association for Resource Recovery Corporation, *Used Lubricating Products Stewardship Program, Manual for Collectors and Processors, December 2004, p. 10,* <http://www.usedoilrecycling.com/resources/file/Manitoba/Overview4.pdf>

⁶¹ The Waste Reduction and Prevention Act, C.C.S.M. c. W40, 12 – 13.

⁶² The Waste Reduction and Prevention Act, C.C.S.M. c. W40, 22(1)(j)ii – iv.

⁶³ MARRC, New Member EHC Payment Instruction Form,

<http://www.usedoilrecycling.com/resources/file/Manitoba/New%20Member%20EHC%20Pay%20Schedule%20Instruction%20Form.pdf>.

Service Level Standards

Both the Tire Stewardship Regulation and the Used Oil Stewardship Regulation require that a proposed program plan provide for a “province-wide, convenient collection system for scrap tires,”^{64,65} though they do not include more specific requirements.

Performance Indicators and Measures

The Tire Stewardship Regulation does not itself specify performance indicators or measures. It does require that operators of stewardship programs include in their annual reports “any information about program performance recommended by the Auditor General for programs of the same nature as the stewardship program.”⁶⁶

In its 2008 Annual Report, Tire Stewardship Manitoba reported progress on seven performance measures: public awareness, program accessibility, scrap tire diversion (tonnes processed as a percent of tonnes of new tires sold), scrap tire products (ratio of tire derived product to tire derived aggregate to tire derived fuel), compliance audits, dispute resolution, and management performance.⁶⁷

The Used Oil Stewardship Regulation does not include mention of performance indicators or measures. In its 2008 Annual Report, MARRC reported on initiatives to drive awareness and support, community participation (e.g., a person dressed as “Mr. Oil Drop,” attended the July Children’s Fringe Festival and the June Academy Road Street Party), number and location of collection centers, training and audits, collection volumes by product and collection activity by geographic zone.⁶⁸

Reporting

Both the Tire Stewardship Regulation and the Used Oil Stewardship Regulation require that the operator of a stewardship program provide an annual report to the Environment Minister summarizing program activities and containing audited financial statements. The annual report must include a description of the consultations about the stewardship program and a summary of results. The Tire Stewardship Regulation further requires that the report also include information about program performance using guidelines from the Manitoba’s Auditor General.

Product Design Incentives

No product design incentives were identified.

Market Development for Recyclable Materials

No market development requirements were identified.

In its 2008 Annual Report, Tire Stewardship Manitoba reported on two market development projects, one with the City of Winnipeg to pave a pedestrian-bicycle path and one with the Village of Dunnottar to use scrap tire aggregate as passive filtration technology for sewage effluent. The annual report states, “TSM will continue to work with stakeholders to develop future projects using materials developed from scrap tires.”⁶⁹

Additional Links

Used Oil Regulation <http://web2.gov.mb.ca/laws/regs/pdf/w040-086.97.pdf>

Tire Stewardship Regulation <http://web2.gov.mb.ca/laws/regs/pdf/w040-222.06.pdf>

⁶⁴ Tire Stewardship Regulation, 2006; The Waste Reduction and Prevention Act (C.C.S.M. c. W40); Section 4(2)(c).

⁶⁵ Used Oil, Oil Filters, and Containers Stewardship Regulation, 1997; The Waste Reduction and Prevention Act (C.C.S.M. c. W40); Section 4(2)(c).

⁶⁶ Tire Stewardship Regulation, 2006; The Waste Reduction and Prevention Act (C.C.S.M. c. W40) Section 16(2)(b).

⁶⁷ Tire Stewardship Manitoba, 2008 Annual Report, p. 11, http://www.tirestewardshipmb.com/cim/dbf/tsm_2008_annual_report.pdf?im_id=42&si_id=1005.

⁶⁸ MARRC 2008 Annual Report, pp. 6 – 13, <http://www.usedoilrecycling.com/resources/file/Manitoba/2008%20Annual%20Report.pdf>

⁶⁹ Tire Stewardship Manitoba, 2008 Annual Report, p. 13, http://www.tirestewardshipmb.com/cim/dbf/tsm_2008_annual_report.pdf?im_id=42&si_id=1005.

New Brunswick

Policy Framework

Section 21.1 of the New Brunswick Clean Environment Act authorizes the Minister of Environment to establish a stewardship board to manage the “manufacture, storage, collection, transportation, recycling, disposal or other handling of a designated material.” The language in the Clean Environment Act is broad, leaving specifics to regulation. Relevant text from the Clean Environment Act can be found in Appendix C.

In April 2008, the Designated Materials Regulation was filed under the Clean Environment Act, replacing the Tire Stewardship Regulation, in place since 1996. In addition to managing tires the new regulation designates architectural paint as the first material to be managed by utilizing the extended producer responsibility approach. The stewardship program for paint is currently in an organizational phase.⁷⁰

Stewardship Organizations

In May 2008, the Minister of the Environment transformed the New Brunswick Tire Stewardship Board into a multi-material stewardship board, [Recycle New Brunswick](#), under the [Designated Materials Regulation](#). The Recycle New Brunswick board consists of five to twelve members appointed by the Environment Minister. The board has the authority to establish and administer either a management program or an oversight program with respect to a designated material, including distribution, supply, packaging, labeling, use, storage, collection, transportation, recycling, processing, disposal, and other handling of the designated material. The board also has the authority to operate storage, collection, transportation, recycling, processing, or disposal facilities for a designated material and to employ staff and consultants.

The Designated Materials Regulation gives the board the authority to establish advisory committees specifically with regard to “the development, amendment, or implementation of a scrap tire management program” or “the adequacy of a paint stewardship plan.”

To implement the tire stewardship program, Recycle New Brunswick has contracted with Tire Recycling Atlantic Canada Corporation (TRACC). TRACC is responsible for the recycling of collected tires; collectors are subcontractors to TRACC.

Producer Registration

Under the tire stewardship program, the Designated Materials Regulation requires that “suppliers” register with Recycle New Brunswick. “Supplier” is defined as “a person who, in the course of doing business, supplies new tires to New Brunswick.” To control the issue of free riders, the Designated Materials Regulation prohibits importing scrap tires without written permission from the board of Recycle New Brunswick.

Under the paint stewardship program, the Designated Materials Regulation requires that “brand owners” register with Recycle New Brunswick. “Brand owner” is defined as a person who 1.) manufactures paint in the province and sells, offers

Figure 12: New Brunswick Legislative Framework



Figure 13: New Brunswick Organizational Structure



⁷⁰ Recycle New Brunswick, “Recycle New Brunswick Begins Phase 1 of EPR Paint Program” January 8, 2009, <http://www.recyclenb.com/E/whatnew2.html>

for sale, or distributes paint in the province, 2.) is the owner or licensee in the province of a registered or unregistered trademark under which paint is sold, offered for sale or distributed in the province, or 3.) brings paint into the province for sale or distribution.

Stewardship Plans

Under the tire stewardship program, the Designated Materials Regulation requires the board of Recycle New Brunswick to adopt a two year management plan containing “information required by the (Environment) Minister” and submit the plan to the Minister for approval.

For the paint stewardship program, brand owners are required to submit stewardship plans with their registration to the Recycle New Brunswick board for approval. Contents of paint stewardship plans must include descriptions of:

1. The collection of waste paint in New Brunswick, including the waste paint of other brand owners;
2. The management of waste paint in adherence to the following order of preference: a.) reuse; b.) recycle; c.) disposal in an engineered landfill; and d.) recovery of energy.
3. The brand owner’s plan for achieving a 70% reuse rate;
4. A description of efforts being made by the brand owner to redesign paint products to improve reusability and recyclability;
5. A communications plan for informing consumers of the brand owner’s paint stewardship plan and the location of return depots;
6. The establishment of return depots that will ensure reasonable and free consumer access for the return of waste paint;
7. The assessment of the performance of the brand owner’s plan by an independent auditor; and
8. The elimination or reduction of the environmental impacts of waste paint.

Financing Structure

Under the tire stewardship program, suppliers collect and remit fees to Recycle New Brunswick for each new tire supplied. Fees are proposed by the Recycle New Brunswick board and approved in regulation. Manufacturers do not have responsibilities under the program.

Under the paint stewardship program, brand owners are prohibited from charging retailers and retailers are prohibited from charging consumers a separate fee with respect to the costs associated with the program. The cost of the program is covered through an eco-fee, paid by brand owners to Product Care, which administers the program.

The Recycle New Brunswick board may charge brand owners fees to cover the board’s administrative costs for operating the program. In practice Recycle New Brunswick has notified Product Care of its estimated administrative costs. Product Care has treated this as a line item in its budget for the program, reflected in the amount of the eco-fee.⁷¹

Service Level Standards

Under the paint stewardship program, brand owners are required to establish return depots that will “ensure reasonable and free consumer access for the return of waste paint.”

Performance Indicators and Measures

Under the paint stewardship program, the Designated Materials Regulation requires that a brand owner ensure that it achieves a reuse rate for waste paint of 70% within one year and that it achieves the same reuse rate every following calendar year. “Reuse rate” is not defined in the Designated Materials Regulation; however, it refers to the percent of paint collected that is recyclable that has been recycled as paint. Whether or not paint is recyclable is a judgment call made when the cans collected are opened.⁷²

⁷¹ Pers. Comm., Mark Kerschner, Product Care, August 7, 2009.

⁷² Pers. Comm., Jamie Seamans, Recycle New Brunswick, July 31, 2009.

Reporting

The Recycle New Brunswick Board submits an annual report to the Environment Minister. As outlined in the Designated Materials Regulation, reporting requirements for the Tire Stewardship Program and the Paint Stewardship Program are different, reflecting differences in how the programs are managed.

Table 2: *Recycle New Brunswick Annual Report to the Environment Minister with respect to Tire and Paint Stewardship Programs*

Information required	Tires	Paint
The number of tires supplied by all holders of a supplier registration	X	
The number of scrap tires collected	X	
The number of scrap tires processed	X	
The cost of the collection and processing of scrap tires	X	
The amount of fees, interest on outstanding fees, and penalties remitted to the Board	X	X
The results of any inspections conducted	X	X
A description of all enforcement activities	X	X
A description of other related activities of the Board	X	X

The report is also to include copies of each annual report submitted by “brand owners” of paint products, who operate their own collection and processing programs under plans approved by Recycle New Brunswick. The Designated Materials Regulation requires that these reports include the following information:

- The total amount of waste paint collected in New Brunswick by the brand owner
- The total amount of waste paint processed or in storage
- The percentage of waste paint collected that was reused, recycled, disposed of in an engineered landfill, recovered for energy, contained, or otherwise treated or disposed of
- A description of the types of processes used to reuse, recycle, dispose of in an engineered landfill, recover energy from, contain, or otherwise treat or dispose of, waste paint
- A description of efforts to redesign paint products to improve reusability and recyclability
- The location of return depots
- The location of any processing or containment facilities for waste paint
- The types of consumer information, educational materials and strategies adopted by the brand owner
- The annual financial statements, as prepared by an independent auditor, of the revenues received and the expenditures incurred by the paint stewardship plan
- An assessment of the performance of the brand owner’s plan prepared by an independent auditor, and
- Any other information requested by the Recycle New Brunswick board that relates to the paint stewardship program

The Designated Materials Regulation requires that Recycle New Brunswick’s annual report also include a copy of the board’s audited financial statement for the previous fiscal year and any other information required by the Environment Minister.

In addition to annual reporting, the Designated Materials Regulation requires that suppliers under the tire stewardship program report monthly to Recycle New Brunswick the number of tires supplied that month, both the total and the number by location.

Product Design Incentives

Under the paint stewardship program, brand owners must include in their stewardship plans and annual reports a description of efforts being made by the brand owner to improve reusability and recyclability.

Market Development for Recyclable Materials

The website for the New Brunswick Tire Stewardship Program states that “research on potential new product categories is an ongoing part of TSP operations.” The Tire Stewardship Program in cooperation with TRACC has recently developed and tested a recycled rubber surface for use on playgrounds.⁷³

Market development is not mandated by law or regulation. However, the Board of Directors for Recycle New Brunswick recognizes that a diverse number of products is necessary for the Tire Stewardship Program to remain viable, given shifting market conditions and preferences. Recycle New Brunswick facilitates market development research for TRACC, but rarely provides direct funding.

Additional Links

Recycle New Brunswick: <http://www.recyclenb.com/>

New Brunswick Regulation 2008-54 under the Clean Environment Act (O.C. 2008-180):
<http://www.gnb.ca/0062/PDF-regs/2008-54.pdf>

Newfoundland and Labrador

Policy Framework

Part 5 of the Environmental Protection Act establishes the Multi-Materials Stewardship Board.⁷⁴

Stewardship Organizations

The Multi-Materials Stewardship Board in Newfoundland and Labrador operates programs for the collection and recycling of oil and tires, financed by fees charged at the retail level, as well as from the sale of recyclable materials it collects under its various programs. Manufacturers have no responsibility in these programs.

The Multi-Materials Stewardship Board (MMSB) is a Crown agency of the Government of Newfoundland and Labrador, reporting to the Minister of Environment and Conservation. It was established in 1996 to develop, implement and manage waste diversion and recycling programs on a province-wide basis as set by the Government. Its mandate has expanded over time and now includes the administration of the Newfoundland and Labrador Waste Management Trust Fund (which supports the implementation of the provincial Waste Management Strategy), as well as the development and implementation of province-wide public awareness and education initiatives to promote the adoption of more progressive waste management practices in Newfoundland and Labrador generally.⁷⁵ Because the MMSB does not have an affiliation with product stewardship programs that include some level of manufacturer responsibility, it will not be considered further in this paper.

⁷³ <http://www.recyclenb.com/nbtire/eng/proj.html>

⁷⁴ Environment Management Act, <http://www.assembly.nl.ca/legislation/sr/statutes/e14-2.html>

⁷⁵ <http://www.mmsb.nf.ca/MMSB%20Strategic%20Plan%202008-11.pdf>, p. 1

Nova Scotia

Policy Framework

Section 102 of the Environment Act enables the Environment Minister to make regulations regarding product stewardship programs. Relevant portions of the Environment Act can be found in Appendix D.

The Solid Waste-Resource Management Regulations establish the Resource Recovery Fund Board, which, among other duties, develops and implements industry stewardship programs. The Solid Waste-Resource Management Regulations also set out requirements for product categories: beverage containers, used tires, consumer paint, and electronic products. The beverage container program is a deposit-refund system and will not be described further in this paper.

The Solid Waste-Resource Recovery Regulations allow some flexibility with regard to the amount of direct control the RRFB has over a particular stewardship program. Schedule B of the Regulations, reproduced below, lists “designated materials,” that is, materials that are banned from landfills and incinerators, along with implementation dates for when both a ban becomes effective and a stewardship program must be in place. The Regulations state that RRFB may negotiate an agreement with manufacturers, distributors, retailers and others regarding a designated material on or before the date a ban comes into effect. Agreements include, but are not limited to, details regarding industry stewardship programs.⁷⁶

Table 3: Schedule “B”: Materials Banned from Landfills and Incinerators in Nova Scotia

Column 1: Designated Material	Column 2: Implementation Date
Beverage containers	April 1, 1996
Corrugated cardboard	April 1, 1996
Newsprint	April 1, 1996
Used tires	April 1, 1996
Lead-acid (automotive) batteries	April 1, 1996
Leaf and yard waste	June 1, 1996
Post-consumer paint products, formerly known as waste paint	April 1, 1997
Ethylene glycol (automotive antifreeze)	April 1, 1997
Compostable organic material	June 1, 1997
Steel/tin food containers	April 1, 1998
Glass food containers	April 1, 1998
Low-density polyethylene bags and packaging	April 1, 1998
High-density polyethylene bags and packaging	April 1, 1998
Televisions	February 1, 2008
Desktop, laptop and notebook computers, including CPU’s, keyboards, mice, cables and other components in the computer	February 1, 2008
Computer monitors	February 1, 2008
Computer printers, including printers that have scanning or fax capabilities or both	February 1, 2008
Computer scanners	February 1, 2009
Audio and video playback and recording systems	February 1, 2009
Telephones and fax machines	February 1, 2009
Cell phones and other wireless devices	February 1, 2009

Source: Solid Waste-Resource Management Regulations, made under Section 102 of the Environment Act S.N.S. 1994-5, c.1; O.I.C. 96-79 (February 6, 1996), N.S. Reg. 25/96 as amended up to O.I.C. 2007-102 (February 22, 2007), N.S. Reg. 61/2007; <http://www.gov.ns.ca/just/regulations/REGS/envsolid.htm>

⁷⁶ Solid Waste-Resource Management Regulations, made under Section 102 of the Environment Act S.N.S. 1994-5, c.1; O.I.C. 96-79 (February 6, 1996), N.S. Reg. 25/96 as amended up to O.I.C. 2007-102 (February 22, 2007), N.S. Reg. 61/2007; Sec. 12; www.gov.ns.ca/just/regulations/REGS/envsolid.htm

Figure 14 Nova Scotia Legislative Framework



Requirements for the Used Tire Management Program in Section 18(A) of the Solid Waste-Resource Management Regulations are extremely brief. Following a list of definitions, the regulations state that the Environment Minister may provide an Administrator for the section. No retailer is to supply new tires unless it has registered with and entered into an industry stewardship agreement with the Administrator. Retailers may designate third parties to act as their agent in connection with an industry stewardship program. No further requirements are included.

Requirements for the Consumer Paint Stewardship Program and the Electronics Product Stewardship Program are considerably more detailed and are summarized below.

Stewardship Organizations

The Solid Waste-Resource Recovery Regulations establish the Resource Recovery Fund for several purposes: to develop and implement industry stewardship programs; to fund municipal or regional diversion programs; to develop and operate a deposit-refund system for beverage containers; to develop education and awareness of source reduction, reuse, recycling and composting; and to promote the development of value-added manufacturing in Nova Scotia. The Regulations establish the Resource Recovery Fund Board (RRFB) as a not-for-profit organization to implement these goals.

The Environment Minister is entitled to appoint three people to the RRFB, including the Chair. The Solid Waste-Resource Recovery Regulations also dictate that the Board will appoint a Regional Waste Coordinator as a member, as well as a representative of the Union of Nova Scotia Municipalities from a nomination submitted by the Union.

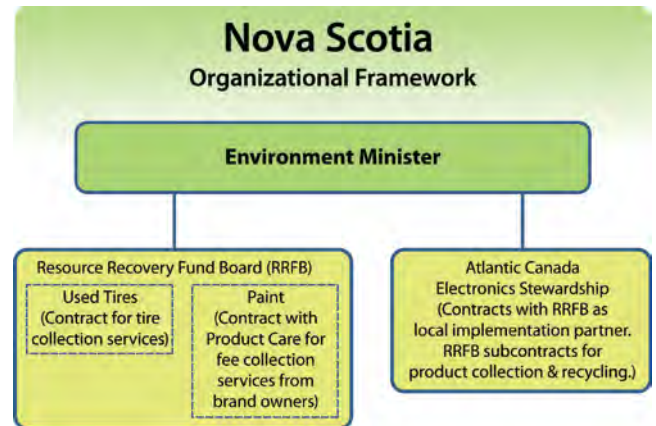
Tires

Manufacturers have no responsibilities under the Used Tire Stewardship Program, which is managed by RRFB. RRFB contracted sequentially from 1997 to 2006 with three providers that collected and processed used tires. The last contractor had difficulty collecting used tires in the final year of its contract, and the quality of its service to tire retailers deteriorated. The contractor approached RRFB and asked for a 50 percent increase in the amount that the RRFB was paying to collect and process used tires. RRFB was not in a position to change the terms of the contract and increase the amount. The contract was not automatically renewed at the end of 2006, and the contractor chose not to submit a bid for the new contract.⁷⁷

RRFB awarded an interim contract to Lafarge Canada, with the bulk of tires collected used as tire-derived fuel (TDF) for two cement kilns. The TDF proposal was conditional on approval of the Department of Environment and Labour, now Nova Scotia Environment. In response to significant public concerns, the minister commissioned two reports on TDF. The first, by Dalhousie University, examined emissions from TDF and the second, by an interdepartmental committee, evaluated 13 options for used tire management.⁷⁸

In December 2008, the Environment Minister, accepting the recommendation of the interdepartmental committee, requested that RRFB accept proposals for a tire-derived aggregate operator to process used tires.⁷⁹ Tire derived aggregate (TDA) is made by shredding tires into pieces from 25mm to 300mm (1 to 12 inches). It has many uses, but by definition is not used as fuel. The interdepartmental report concluded that the greatest potential for TDA in Nova Scotia was for lightweight engineering fill. This product is a cost-effective alternative in engineering applications where the ground is unable to support the weight of gravel. TDA is also useful as construction backfill, and in landfill cells, where it enhances leachate and gas collection.⁸⁰

Figure 15: Nova Scotia Organizational Structure



⁷⁷ Resource Recovery Fund Board Nova Scotia, "Questions and Answers about Nova Scotia's Used Tire Management Program" http://www.rafb.com/pages/programs/used_tire_qanda.cfm.

⁷⁸ Nova Scotia Environment, Interdepartmental committee on used-tire management in Nova Scotia: Report to the Minister of Environment, 26 September 2008, <http://www.gov.ns.ca/nse/waste/docs/TireStrategy.pdf>.

⁷⁹ Government of Nova Scotia, "A Used Tire Solution for Nova Scotia," 19 December 2008, <http://www.gov.ns.ca/news/details.asp?id=20081219007>.

⁸⁰ Nova Scotia Environment, Interdepartmental committee on used-tire management in Nova Scotia: Report to the Minister of Environment, 26 September 2008, p. 2, <http://www.gov.ns.ca/nse/waste/docs/TireStrategy.pdf>.

Paint

Under the Solid Waste-Resource Management Regulations, consumer paint brand owners have the option to propose and operate their own product stewardship programs, to date all have chosen to enter into an agreement with the RRFB to operate a program on their behalf. The RRFB manages the operations of the program and has an agreement with Product Care to collect eco-fees from member brand owners.⁸¹

Electronics

Under the Solid Waste-Resource Management Regulations, brand owners must either operate an electronic product stewardship program approved by the Environment Minister or designate a third party to operate one on their behalf.⁸²

To date, only one electronics product stewardship program for all designated electronics products except cell phones has been approved, developed by Atlantic Canada Electronics Stewardship (ACES). ACES is a non-profit organization created by Electronic Product Stewardship Canada (EPSC) and the Retail Council of Canada (RCC) in 2007. The board of directors includes three representatives of manufacturers appointed by EPSC and two representatives of retailers appointed by RCC.⁸³ Members include brand owners, retailers, manufacturers, and other stakeholders.⁸⁴ Through a competitive bid process, ACES selected RRFB to act as the local implementation partner for the program.⁸⁵ RRFB has subcontractor arrangements with service providers for the collection, transportation, consolidation, and recycling of end-of-life electronic products.⁸⁶

Producer Registration

Under the Used Tire Management Program, retailers of new tires must register with an administrator appointed by the Environment Minister.⁸⁷ The administrator for the Used Tire Management Program is RRFB.

Under the Consumer Paint Product Stewardship Program, “brand owners” must either submit a proposal for a paint product stewardship program to the Environment Minister or enter into an agreement with RRFB for it to submit a proposal on the brand owner’s behalf.⁸⁸ RRFB operates the only paint stewardship program in the province; it has an operations agreement with Product Care. In practice, brand owners register with Product Care.

Under the Electronic Products Stewardship Program, brand owners must submit an electronic product stewardship program plan to the Environment Minister for authorization. Alternatively, a brand owner may designate a third party to operate a program on its behalf.⁸⁹ ACES operates the only approved electronic products stewardship program in the province; brand owners can comply with these requirements by becoming members of ACES.

“Brand owner” is defined as either “a person who is the owner or licensee of the intellectual property rights of a consumer paint product sold, offered for sale, or otherwise distributed” in Nova Scotia or “a manufacturer or distributor of a (consumer paint/electronic) product sold, offered for sale, or otherwise distributed” in Nova Scotia.⁹⁰

Stewardship Plans

The Solid Waste-Resource Management Regulations require the Resource Recovery Fund Board to submit an annual action plan to the Minister of Environment.

Under the Consumer Paint Stewardship Program, the Solid Waste-Resource Management Regulations require brand owners to submit a proposal for a stewardship program to the Environment Minister for authorization. Brand owners

⁸¹ Product Care Nova Scotia Program, <http://www.productcare.org/NSZoom.html>

⁸² Solid Waste-Resource Management Regulations, Section 18 L.

⁸³ Atlantic Canada Electronics Stewardship Board of Directors, <http://www.acestewardship.ca/about/bod>

⁸⁴ Atlantic Canada Electronics Stewardship, <http://www.acestewardship.ca/about>

⁸⁵ Atlantic Canada Electronics Stewardship, <http://www.acestewardship.ca/about/acesandrrfb>

⁸⁶ Atlantic Canada Electronics Stewardship, Proposal for an End-of-Life Electronics Product Stewardship Program in Nova Scotia, December 2008, http://www.acestewardship.ca/pdf/Electronics_NS_Program_Plan_ACES_Phase_2_Dec_11_2008_final_approved.pdf.

⁸⁷ Solid Waste-Resource Management Regulations, Section 18 A(5).

⁸⁸ Solid Waste-Resource Management Regulations, Section 18D(1).

⁸⁹ Solid Waste-Resource Management Regulations, Section 18 L.

⁹⁰ Solid Waste-Resource Management Regulations, Section 18B(1)b, J.

may alternatively enter into an industry stewardship agreement with RRFB for RRFB to submit a proposal on the brand owner's behalf.⁹¹

For consumer paint, the Solid Waste-Resource Management Regulations require that in a stewardship program, brand owners must implement a consumer education program respecting consumer access to return collection facilities and the environmental and economic benefits of participating in the consumer paint product stewardship program.⁹²

For electronics, the Solid Waste-Resource Management Regulations require that a stewardship program plan include:

- An agreement with the RRFB for managing electronic products and receiving them at return collection facilities under contract with the Board
- An education and awareness program for consumers of electronic products that includes information about the following:
 - The electronic product stewardship program, specifying products accepted by the program
 - How and when consumers can access return collection facilities
 - The environmental benefits of participating in the electronic product stewardship program
- A list of return collection facilities and their operating hours
- A description of the proposed methods to be used to reuse and recycle electronic products and their components.⁹³

Financing Structure

The Solid Waste-Resource Management Regulations state that, subject to the approval of the governor in Council, the Minister of Environment may establish a surcharge applicable to a designated material.⁹⁴

When a new tire is purchased in Nova Scotia, a one-time environmental fee is applied at the point of sale. Retailers submit the fee to RRFB to support the costs of collecting and processing the tires.⁹⁵

The Solid Waste-Resource Management Regulations allow for the possibility of more than one paint product stewardship program; however, the only one in operation is run by the RRFB. RRFB has an operating agreement with Product Care to collect eco-fees from brand owners who are Product Care members.⁹⁶ Brand owners remit eco-fees monthly based on sales in Nova Scotia; brand owners are responsible for informing Product Care of fee payment arrangement for sales between members.⁹⁷

RRFB licenses independent businesses to be Enviro-Depots. Enviro-Depots accept beverage containers, used paint, and, in some cases, used electronic equipment from the public. Enviro-Depots are paid a handling fee to accept and sort the material. RRFB then collects the containers and ships them to processing centers.⁹⁸

The electronic products stewardship program is funded by environmental handling fees paid by brand owners as members of ACES. The process for applying fees to a product is illustrated in Figure 16, on next page.

Retailers that sell only in Nova Scotia may either register with ACES as remitters, which pay the environmental handling fee to ACES, or as "Pay-on-Purchase" status, where the brand owner pays the environmental handling fee to its supplier at the time of purchase. The supplier, if registered as a remitter, would then pay the environmental handling fee to ACES. If the supplier was registered as Pay-on-Purchase, it would pay the environmental handling fee to its supplier at time of purchase, and so on through the supply chain until a supplier registered as a remitter paid the environmental handling fee to ACES. The environmental handling fee is passed on to the consumer.

⁹¹ Solid Waste-Resource Management Regulations, Section 18E.

⁹² Solid Waste-Resource Management Regulations, Section 18G(b).

⁹³ Solid Waste-Resource Management Regulations, Section 18N.

⁹⁴ Solid Waste-Resource Management Regulations, made under Section 102 of the Environment Act S.N.S. 1994-5, c.1; O.I.C. 96-79 (February 6, 1996), N.S. Reg. 25/96 as amended up to O.I.C. 2007-102 (February 22, 2007), N.S. Reg. 61/2007; Sec. 13; <http://www.gov.ns.ca/just/regulations/REGS/envsolid.htm>

⁹⁵ Nova Scotia Resource Recovery Fund Board, Used Tire Management Program, <http://www.rafb.com/pages/programs/tireprogram.cfm>.

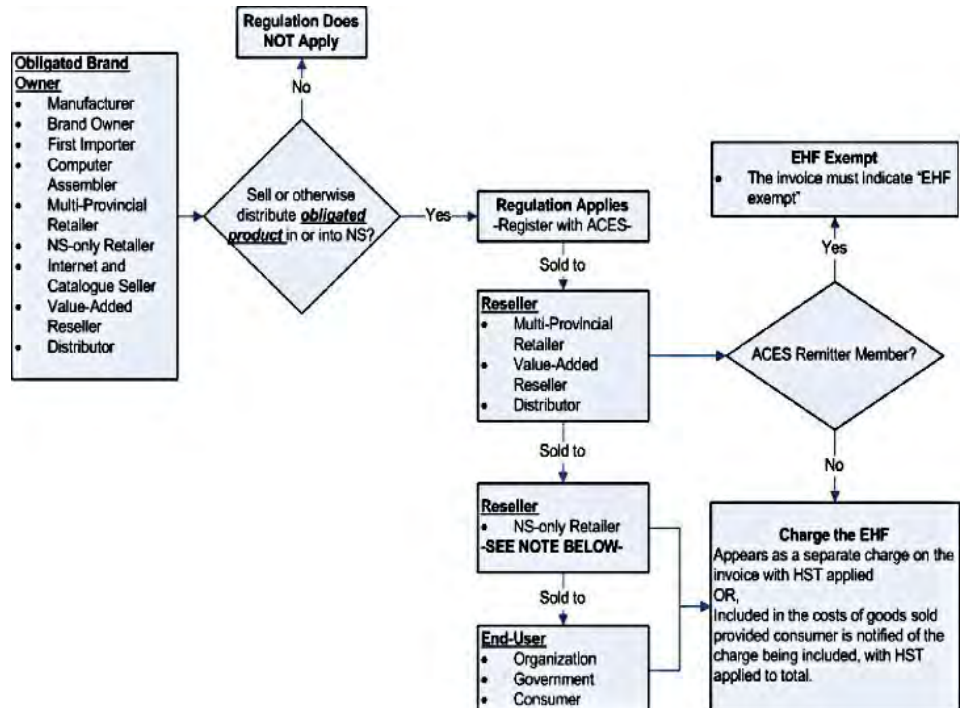
⁹⁶ Product Care, Nova Scotia Program, <http://www.productcare.org/NSZoom.html>.

⁹⁷ Product Care, Monthly Eco Fee Report (Nova Scotia) Paint Only, <http://www.productcare.org/documents/NSPaintOnlyEcoForm2008.pdf>.

⁹⁸ RRFB, Beverage Container Recycling Program, The Enviro-Depot Network, <http://www.rafb.com/pages/programs/about%20the%20envirodepot.cfm>.

To determine environmental handling fees, ACES partnered with similar electronics recycling programs in Saskatchewan (SWEEP) and British Columbia (ESABC) to hire an independent third party to perform an analysis of environmental handling fees for regulated end-of-life electronics. As a result of the third party analysis, fees were recommended for each province.⁹⁹

Figure 16: Nova Scotia Electronic Products Stewardship Program Fee Application Process



Source: Atlantic Canada Electronics Stewardship, Brand Owner Registration Package, March 2009, p. 3, http://www.acestewardship.ca/pdf/ACES_Brand_Owner_Registration_Package-Mar12-2009.pdf

Service Level Standards

The Solid Waste-Resource Management Regulations do not include service level standards for the used tire management program.

Under the Consumer Paint

Product Stewardship Program, the Solid Waste-Resource Management Regulations require that every brand owner, as a component of their consumer paint stewardship program either provide a return collection facility at the premises of each retailer of the brand owner's consumer paint products or enter into an industry stewardship agreement with RRFB to operate depots to collect post-consumer paint products generated from the brand owner's consumer paint products.

Owners of return collection facilities must accept post-consumer paint, regardless of brand. They must also accept any quantity of post-consumer paint up to the maximum authorized by the government-appointed paint collection program administrator, RRFB. Collection facilities must operate during regular business hours¹⁰⁰

For used electronics, the Solid Waste-Resource Management Regulations require that product stewardship programs enter into an agreement with the RRFB to receive electronic products at return collection facilities under contract with the Board. Beyond this, the Regulations require that electronics product stewardship programs provide a list of return collection facilities and their operating hours, without a requirement for where or how many other collection facilities should be established.¹⁰¹

Performance Indicators and Measures

The Solid Waste-Resource Management Regulations do not specify performance indicators or measures for the used tire management program.

Under the Consumer Paint Product Stewardship Program, the Solid Waste-Resource Management Regulations require that brand owners confirm that post-consumer paint products generated from the brand owner's consumer paint products are recycled or reused to the maximum extent possible. Brand owners must also ensure that 70 percent of the reusable and recyclable portion of the post-consumer paint products collected at return collection facilities is reused or recycled.¹⁰²

⁹⁹ Atlantic Canada Electronics Stewardship, Consumer FAQ's, <http://www.acestewardship.ca/consumers/faqs#15>.

¹⁰⁰ Solid Waste-Resource Management Regulations, Section 18G, H.

¹⁰¹ Solid Waste-Resource Management Regulations, Section 18N.

¹⁰² Solid Waste-Resource Management Regulations, Section 18G(1)(c,d)

Under the Electronic Products Stewardship Program, brand owners who operate stewardship programs must annually report in writing of the total quantity of electronic products collected.¹⁰³

Reporting

The Solid Waste-Resource Recovery Management Regulations require that the Resource Recovery Fund Board submit an annual plan to the Environment Minister with the following information:

- Work of the board of directors during the year
- Progress made toward reaching a 50 percent solid waste diversion goal
- A financial statement setting forth the assets and liabilities of the Fund and the receipts and expenditures of the Fund for the year
- The status of all applications for funding received during the year including applications approved, applications rejected and the reasons for any outstanding or rejected applications
- Any other information requested by the Environment Minister

The Solid Waste-Resource Management Regulations do not include specific requirements for reporting by the used tire management program. In practice, the RRFB is the administrator for the program and includes information on used tires in its annual report.

Under the Consumer Paint Product Stewardship Program, the Solid Waste-Resource Management Regulations require that every brand owner provide the administrator appointed by the Environment Minister with an annual report including, but not limited to, the following information:

- The total amount of consumer paint products sold and post-consumer paint products collected
- The total amount of post-consumer paint products processed or in storage
- The percentage of post-consumer paint products that were treated or contained, reduced, reused, recycled or recovered
- Efforts taken through consumer paint product marketing strategies to reduce post-consumer paint products and packaging waste
- The types of processes used to reduce, reuse, recycle or recover post-consumer paint products, including but not limited to details of efforts to incorporate the priorities of a pollution prevention hierarchy by moving progressively from disposal to reduction, reuse, recycling and recovery of post-consumer paint products
- The location of return collection facilities or depots
- The location of any long-term containment or final treatment and processing facilities for post-consumer paint products
- The types of educational information and programs provided
- The process of internal accountability used to monitor environmental effectiveness
- Any other information required by the administrator

Annual reports are also to be accompanied by copies of annual financial statements prepared by an independent auditor of revenues received and expenditures incurred. Instead of submitting an annual report itself, brand owners may also enter into an industry stewardship agreement with RRFB to submit the annual report and financial statements to the administrator on its behalf.¹⁰⁴

¹⁰³ Solid Waste-Resource Management Regulations, Section 18O.

¹⁰⁴ Solid Waste-Resource Management Regulations, Section 18F.

The Solid Waste-Resource Management Regulations require that brand owners operating an electronics stewardship program annually report on the total quantity of electronic products collected.¹⁰⁵ In addition, upon request in writing from the Environment Minister, they are required to provide the Minister with “any” information about their electronic product stewardship program, including any of the following:

- The types of processes used to reuse and recycle the electronic products and their components
- The location of return collection facilities for electronic products
- The location of any long-term containment or final treatment and processing facilities for electronic products
- Records showing that the program adheres to established vendor qualification standards or information demonstrating that the electronic products collected were managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial, and local regulations, and
- Efforts made to improve the environmental design of the brand owner’s electronic products.¹⁰⁶

Product Design Incentives

The Solid Waste-Resource Management Regulations require that brand owners that operate an electronic product stewardship program, upon request from the Environment Minister, report on efforts made to improve the environmental design of the brand owner’s electronic products.¹⁰⁷

Market Development for Recyclable Materials

RRFB provides financial assistance in the form of loans, forgivable loans, or non-repayable grants for locally-based businesses to develop value-added products from products recovered from the waste stream.¹⁰⁸

¹⁰⁵ Solid Waste-Resource Management Regulations, Section 180.

¹⁰⁶ Solid Waste-Resource Management Regulations, Section 180.

¹⁰⁷ Solid Waste-Resource Management Regulations, Section 180.

¹⁰⁸ Resource Recovery Fund Board Incorporated, Value Added Manufacturing Approved Program Funding Guidelines, <http://www.rafb.com/pdfs/Valueaddedguidelines.pdf>.

Ontario

Policy Framework

Ontario passed the Waste Diversion Act in 2002, which created Waste Diversion Ontario to develop, implement and operate waste diversion programs for a wide range of materials.

Stewardship Organizations

Ontario's Waste Diversion Act created Waste Diversion Ontario (WDO), a "corporation without share capital,"¹⁰⁹ to develop, implement and operate waste diversion programs for a wide range of materials. The structure and initial board were established of Waste Diversion Ontario were established under the Waste Diversion Act. Waste Diversion Ontario reports to the Minister of the Environment.

Waste Diversion Ontario has the authority to establish industry funding organizations (IFOs). IFOs are defined in the Waste Diversion Act as corporations without share capital, incorporated at the instigation of Waste Diversion Ontario for the purpose of a waste diversion program for a designated waste.¹¹⁰

The board of Waste Diversion Ontario was initially 19 members, 13 of whom were voting members. The board has been reduced recently to 16 members, all of whom are voting. Members represent business, local government, environmental non-government organizations, and the public interest.

Current members are listed at: <http://www.wdo.ca/content/?path=page81+item35949>. Board composition and duties are described on page 4 at: <http://www.wdo.ca/files/domain4116/By-Law%20Number%201-2004%20rev%20April%2020%2006.pdf>.

The Waste Diversion Act states that the responsibilities of Waste Diversion Ontario are to:

- develop, implement and operate waste diversion programs for designated wastes and monitor the effectiveness and efficiency of those programs;
- seek to enhance public awareness of and participation in waste diversion programs;
- seek to ensure that waste diversion programs developed under the Waste Diversion Act affect Ontario's marketplace in a fair manner;
- determine the amount of money required by Waste Diversion Ontario and the industry funding organizations to carry out their responsibilities under the Waste Diversion Act;
- establish a dispute resolution process for,
 - (i) disputes between an industry funding organization and a municipality with respect to payments to the municipality under a waste diversion program, and
 - (ii) disputes between an industry funding organization and a person with respect to the person's obligations to pay stewardship fees or the person's obligations under the rules made by the industry funding organization;

Figure 17: Ontario Legislative Framework

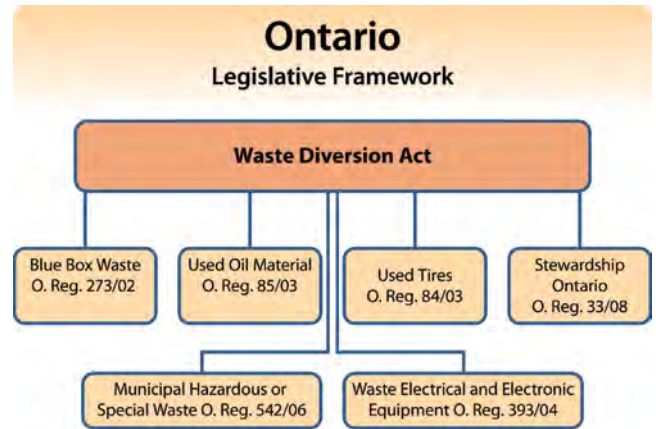


Figure 18: Ontario Organizational Structure in this section)



Note: This may not be the best way to illustrate relationships, as stewardship plans are approved by the Environment Minister.

¹⁰⁹ Waste Diversion Act, 2002, S.O. 2002, c. 6, Bill 90, sec. 3.

¹¹⁰ Waste Diversion Act, 2002, S.O. 2002, c. 6, Bill 90, sec. 24.

- maintain a list of plans approved by Waste Diversion Ontario and ensure that the list is made available to the public;
- monitor the effectiveness of plans approved by Waste Diversion Ontario;
- conduct public consultations on any matter referred to Waste Diversion Ontario by the Minister;
- advise or report to the Minister on any matter referred to Waste Diversion Ontario by the Minister; and
- ensure that any operating agreement entered into and any agreements between Waste Diversion Ontario and IFOs are made available to the public.¹¹¹

The Waste Diversion Act states that a program developed under the Act may include the following:

1. Activities to reduce, reuse and recycle the designated waste.
2. Research and development activities relating to the management of the designated waste.
3. Activities to develop and promote products that result from the waste diversion program.
4. Educational and public awareness activities to support the waste diversion program.

Likewise, the Waste Diversion Act states that a program developed under the Act may not promote:

1. The burning of the designated waste.
2. The landfilling of the designated waste.
3. The application of the designated waste to land.
4. Any activity prescribed by the regulations.¹¹²

Current IFOs include Stewardship Ontario, addressing residential blue box waste (consumer packaging material and printed papers commonly found in the residential waste stream) and municipal hazardous and special waste; Ontario Tire Stewardship, addressing used tires; and Ontario Used Oil Management Association, addressing used oil. IFO boards vary in size and consist entirely of industry representatives.

The procedures for creating an IFO are on the WDO website:

<http://www.wdo.ca/files/domain4116/Final%20Revised%20Procedures%20for%20IFOs%20July%2018%202007.pdf>

Producer Registration

Under the Waste Diversion Act, an IFO, for example, Stewardship Ontario, has the responsibility to notify potentially obligated companies about the program. Companies obligated to participate in the Blue Box Program or the Municipal Hazardous or Special Waste Program must register and file a Steward's Report with the industry-funded Stewardship Ontario every year for which they are obligated. More information can be found at:

<http://www.stewardshipontario.ca/bluebox/companies/new.htm#new3>

Under the Waste Diversion Act, the Ministry of Environment can charge industry funded organizations reasonable fees for enforcement activities. The Waste Diversion Act, 32 (2) 3 can be found at: <http://webservices.siriusweblabs.com/dotconnector/files/domain4116/Waste%20Diversion%20Act.pdf>. During its first program year, Stewardship Ontario budgeted \$200,000 to cover the cost of two FTE Ministry of Environment enforcement officers. (Blue Box Program Plan, Waste Diversion Ontario and Stewardship Ontario, February 2003, http://www.stewardshipontario.ca/bluebox/pdf/BBPP2003/BBPP_Feb28_Plan_Appendices.pdf)

¹¹¹ Waste Diversion Act, 2002, S.O. 2002, c. 6, Bill 90, sec. 5.

¹¹² Waste Diversion Act, 2002, S.O. 2002, c. 6, Bill 90, sec. 25.

Stewardship Plans

The Waste Diversion Act sets out minimum requirements for product stewardship plans. These include:

- A description of the consultation undertaken in the development of the program and a summary of the results of the consultation.
- A detailed description of the waste diversion program, including,
 - the objectives of the program and the methods that will be used to measure whether the objectives are met,
 - information on how the program will be implemented and operated, and
 - information on the timing of implementation of the program.
- An estimate of the costs of developing the program.
- An estimate of the costs of implementing and operating the program, including a detailed breakdown of those costs and who will incur them.
- A proposal for a regulation governing the composition and appointment of the board of directors of the industry funding organization.¹¹³

When naming a new product or material for a product stewardship program, the Minister of Environment sets additional requirements.

The draft plan is submitted to the Waste Diversion Ontario board. The board will ask the IFO to revise and amend the draft for a draft final plan. The Waste Diversion Ontario Board will probably have a few more comments on the draft final plan, which are incorporated. The Minister receives the plan and must post it on the Environmental Registry for minimum of 30 days for public comment. The Minister then considers, and approves or rejects the plan. The timeline for the development of the plan is set by the Minister of Environment.

Financing Structure

Ontario's Waste Diversion Act seeks to ensure that waste diversion programs developed under it "affect Ontario's marketplace in a fair manner."

Stewardship Ontario works on behalf of stewards to meet their obligations under the Waste Diversion Act. Under the Blue Box Program, stewards have a financial obligation to municipalities to cover 50% of cost of managing the obligated materials - packaging and printed paper.

Waste Diversion Ontario collects tonnage and cost information from municipalities. Stewardship Ontario, working with Waste Diversion Ontario, then calculates fees on a per tonne (1 tonne = 2,205 lbs) basis for 28 categories of material. The fee schedule varies by year, based on the net cost to municipalities of managing material. Charges for market development and a few other activities may also be incorporated into the fee structure. There is no cross-subsidization among materials.

Stewards report to Stewardship Ontario the amount of each designated material they used in packaging or printing the previous year. Fees are automatically generated and are paid by stewards on a quarterly basis.

Fees and the methodology for calculating them are shown at: http://www.stewardshipontario.ca/bluebox/fees/fees_rates.htm

Ontario Tire Stewardship collects Tire Stewardship Fees from stewards for every new tire sold. OTS registers collectors and pays a Used Tire Collection Allowance. For locations that are not registered where tires collect, OTS provides free collection, but does not pay the collection allowance. Haulers are also registered with OTS. Haulers do not charge collectors, but are paid by OTS upon delivery of used tires to a registered processor. OTS pays incentives to haulers to travel to remote areas

¹¹³ Waste Diversion Act, 2002, S.O. 2002, c. 6, Bill 90, sec. 26.

to pick up tires. Processing incentives are paid to registered processors, scaled to encourage higher value-added products. OTS also offers direct manufacturing incentives to lower the cost of molded recycled rubber products.¹¹⁴

Ontario Electronic Stewardship collects fees from its members based on sales. OES uses the fees to pay for collection, transportation, consolidation, processing, promotion and education, research and development, planning, administration and program delivery, and maintain contingency funding.¹¹⁵ Funding and flow of materials is illustrated in Figure 19, below.

IFOs submit audited financial statements in annual reports to Waste Diversion Ontario. In addition, each IFO presents quarterly or semi-annually reports to the Board of Directors of Waste Diversion Ontario.

Service Level Standards

The Waste Diversion Act does not specify service level standards.

Performance Indicators and Measures

Specific performance measures are not defined or required in Ontario's Waste Diversion Act. Targets are set in product stewardship plans, not by an outside authority. The IFO is required to assess the current state of material management and project out five years. For example, the OES Program Plan projects accessibility targets, activities to promote reduction of waste and toxicity, reuse targets, collection targets, and recycling targets.¹¹⁶

Reporting

IFOs submit annual reports to Waste Diversion Ontario, which include:

- Information about waste diversion programs developed, implemented or operated under the Waste Diversion Act during the previous year;
- Audited financial statements for the IFO and a copy of the auditor's report on the organization; and
- A description of the consultation with persons affected by the program, including the public, undertaken by the IFO during the previous year, and a summary of the results of the consultation.¹¹⁷

In addition, each IFO presents quarterly or semi-annually reports to the Board of Directors of Waste Diversion Ontario.

Product Design Incentives

The Waste Diversion Act does not specifically require product design incentives. Stewardship Ontario produced a report about actions that stewards have taken in response to Stewardship Ontario fees.

Assessment of Stewards Actions in Response to Stewardship Ontario Fees: http://www.stewardshipontario.ca/bluebox/pdf/bbpb_docs/waste_minimization.pdf

The funding formula for the Blue Box Program does shift some costs from materials at a higher recovery to those that are at a lower performance. Links to fee setting formula and explanation are at: http://www.stewardshipontario.ca/bluebox/fees/fees_2009.htm

Fees have been somewhat effective in influencing Ontario-based companies, for example, produce companies, dairies, and stores with single-use bags, to change the type of packaging that is being used with their products. However, for products like electronics produced for the North American market, it has been difficult to change packaging through fees.

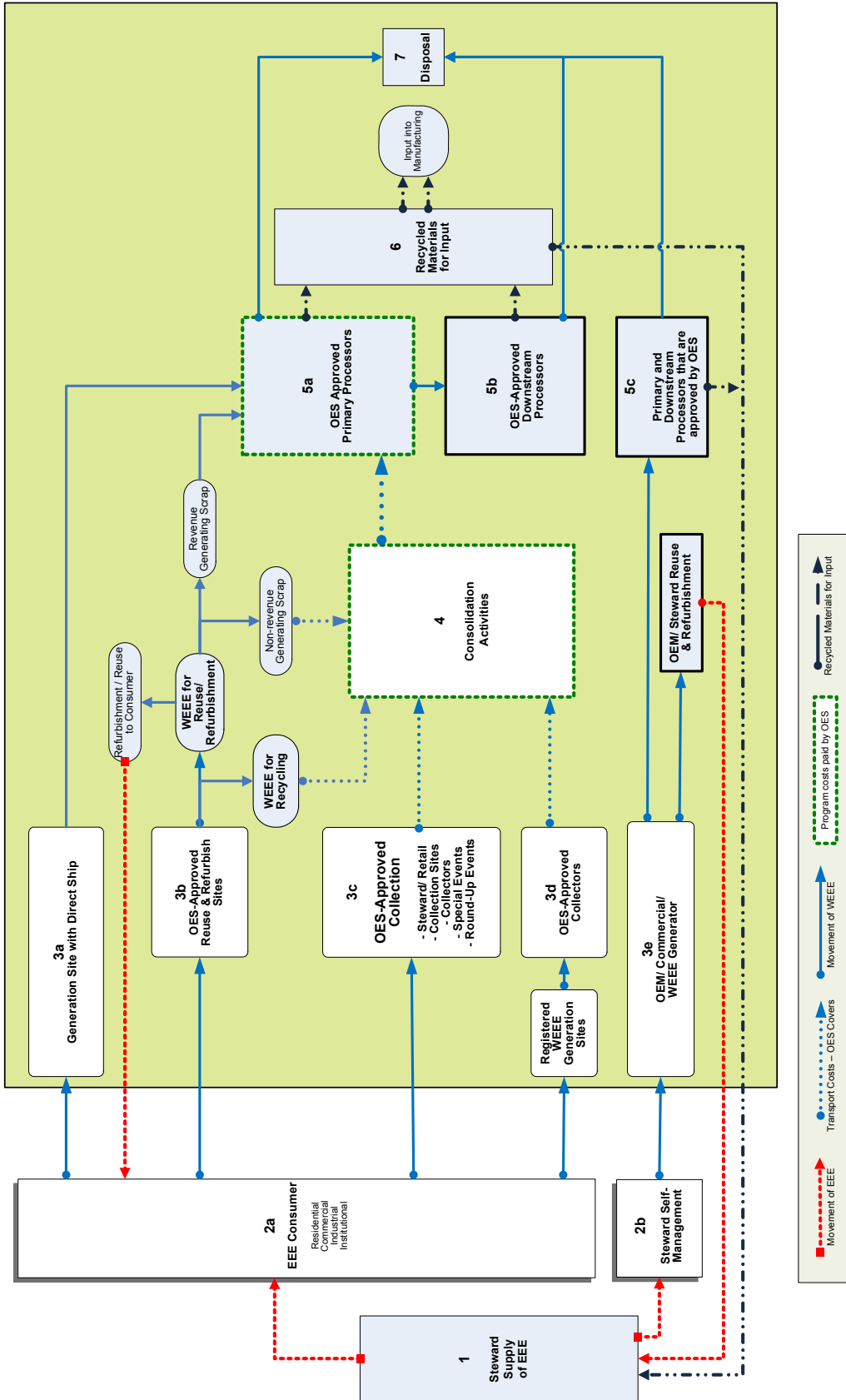
¹¹⁴ Ontario Tire Stewardship, Used Tires Program Plan, <http://www.wdo.ca/files/domain4116/Final%20Used%20Tires%20Program%20Plan%20-%20February%2027%202009.pdf>.

¹¹⁵ Ontario Electronic Stewardship, Final Revised (Phase I and Phase II) Waste Electrical and Electronic Equipment (WEEE) Program Plan, July 10, 2009, p. 112, http://www.ontarioelectronicstewardship.ca/pdf/plan/program_plan_jul10_2009.pdf.

¹¹⁶ Ontario Electronic Stewardship, Final Revised (Phase I and Phase II) Waste Electrical and Electronic Equipment (WEEE) Program Plan, July 10, 2009, pp. 60 – 75, http://www.ontarioelectronicstewardship.ca/pdf/plan/program_plan_jul10_2009.pdf.

¹¹⁷ Waste Diversion Act, 2002, S.O. 2002, c. 6, Bill 90, sec. 33..

Figure 19: Ontario Electronic Stewardship Funding and Flow of Materials



Source: Ontario Electronic Stewardship, Final Revised (Phase I and Phase II) Program Plan, July 10, 2009, p. 29, http://www.ontarioelectronicstewardship.ca/pdf/plan/program_plan_jul10_2009.pdf

Market Development for Recyclable Materials

The Waste Diversion Act does not specifically require market development for recyclable materials. Market development fees can be incorporated into the fee for specific categories of materials. Using such fees, Stewardship Ontario has had success developing recycling facilities for glass, explained further at <http://www.stewardshipontario.ca/bluebox/market/glassmarket.htm>.

Additional Links

Stewardship Ontario Municipal Hazardous and Special Waste Program, 2008 MHSM Guidebook 1, p. 9:

http://www.stewardshipontario.ca/mhsw/pdf/stewards/mhsm_guidebook1.pdf

Prince Edward Island

Policy Framework

Prince Edward Island's (PEI) Environmental Protection Act of 1992 pre-dates the evolution of product stewardship programs in Canada. The Act does authorize the Lieutenant Governor in Council to make regulations setting waste management fees and regulating or prohibiting "the use of any product, container, including beverage containers, or other substance that may adversely affect the environment."¹¹⁸ Relevant text from the Environmental Protection Act can be found in Appendix D.

PEI passed "Used Oil Handling Regulations" under the Environmental Protection Act in 1992. Under the regulations, any person who sells lubricating oil directly to a user must either have a return facility on their premises to accept used oil, or a contract with someone within five kilometers who has a return facility to accept used oil on their behalf. Every seller must post a sign which displays the used oil return facility logo designating the location of the used oil return facility. The return facility must maintain a record of the volume of used oil transferred to any person, the name of that person and the date of oil transfers for a period of three years. Every seller must also display educational materials about the program. Compliance with these regulations is mandatory and customers have the right to return their used oil to the retail outlet at no charge.

The Used Oil Handling Regulations did not provide a financing mechanism for the program. The provincial government supplied literature and signs. At the time the regulation was passed, service stations that sold gas and serviced cars were common in the province. Service stations already had used oil tanks on site and were paid for the used oil when it was pumped. Since that time, the number of service stations has declined in favor of convenience stations that do not have used oil tanks as part of their regular business. Additionally, businesses are now charged to have their used oil pumped. Province staff are considering ways to revise the structure of the program.¹¹⁹

Stewardship Organizations

Island Waste Management Corporation is a provincial crown corporation that administers and provides solid waste management services throughout Prince Edward Island. IWMC operates programs for the collection of household hazardous waste, sharps, pharmaceuticals, batteries, and fluorescent bulbs. The cost of programs is covered through solid waste fees, however, and for that reason will not be covered in greater detail in this report.

Additional Links

Used Oil Handling Regulations: <http://www.canlii.org/pe/laws/regu/1992r.425/20060718/whole.html>

Island Waste Management Corporation: <http://www.iwmc.pe.ca/>

¹¹⁸ Prince Edward Island Environmental Protection Act, Section 25(1); <http://www.gov.pe.ca/law/statutes/pdf/e-09.pdf>

¹¹⁹ Pers. Comm., Debbie Johnston, PEI Department of Energy, Environment and Forestry, December 2, 2008.

Quebec

Policy Framework

In 1990, *An Act Respecting the Société Québécoise de Récupération et de Recyclage* established the Société Québécoise de Récupération et de Recyclage, or Recyc-Québec. Recyc-Québec is a crown corporation responsible for the reduction, reuse, recovery, and recycling of containers, packaging, materials and other products in the province.¹²⁰

In 1999, Quebec amended the Environment Quality Act to direct the Minister of the Environment to develop a residual materials management policy. Relevant sections from the Environment Quality Act are in Appendix E.

The resulting 1998 – 2008 Quebec Residual Materials Management Policy includes “Greater Producer Responsibility” as one of its five fundamental principles:

Manufacturers and importers (will) assume greater responsibility for the environmental effects of their products throughout their life cycle, including the upstream effects inherent in the choice of product components, the effects of the manufacturing process as such and the downstream effects resulting from the product’s use and disposal.¹²¹

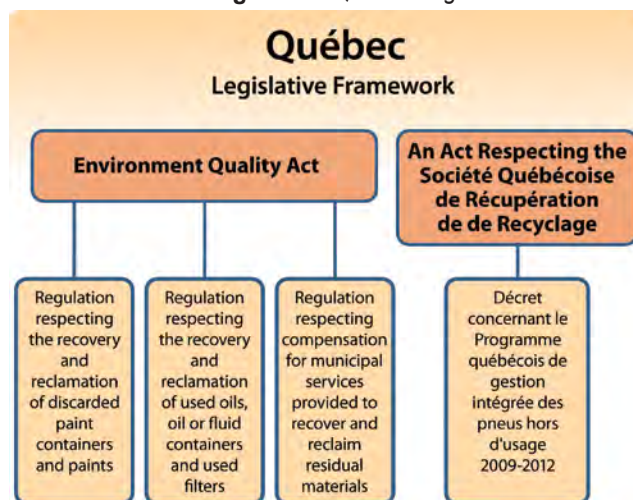
The Residual Materials Management Policy lists four purposes, one of which is “to make manufacturers and importers take into consideration the environmental effects of their products and the costs related to the recovery, reclamation and disposal of the residual materials generated by these products.”¹²²

To that end, the Residual Materials Management Policy states that the Quebec government will enact regulations making recovery and treatment of the hazardous materials manufactured and marketed by business mandatory. Businesses would have the choice of setting up their own recovery system or delegating an organization, accredited by the Minister of Environment, to represent them.¹²³

In 2000, Quebec enacted the *Regulation respecting the recovery and reclamation of discarded paint containers and paints*. In 2004, Quebec enacted the *Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters*. These two regulations have similar requirements for businesses and suppliers to establish product stewardship systems. Businesses and suppliers are exempt from these requirements if they are members of an organization that performs those functions on their behalf. Eco-peinture and the Société de gestion des huiles usages (SOGHU) have entered into agreements with Recyc-Québec to operate product stewardship programs for used paint containers and paint and used oil, oil or fluid containers and filters, respectively.

At the time the Residual Materials Management Policy was written, Quebec already required retailers to charge a non-refundable levy to the sale of new tires. Funds are used by the government to cover the costs of recycling used tires, and to financially support businesses that reuse or recycle used tires or burn them for energy.

Figure 20: Quebec Legislative Framework



¹²⁰ An Act Respecting the Société québécoise de récupération et de recyclage, R.S. Q. c. S-22.01.

<http://www.ijcan.org/qc/laws/sta/s-22.01/20080818/whole.html>

¹²¹ Quebec Residual Materials Management Policy, Part 2, http://www.mddep.gouv.qc.ca/matieres/mat_res-en/parts-1-4.htm.

¹²² Quebec Residual Materials Management Policy, Part 3, http://www.mddep.gouv.qc.ca/matieres/mat_res-en/parts-1-4.htm.

¹²³ Quebec Residual Materials Management Policy, Part 5.6.3, http://www.mddep.gouv.qc.ca/matieres/mat_res-en/parts-1-4.htm.

In 2004, Québec passed Bill 102, which amended the Environment Quality Act and the Act respecting the Société québécoise de récupération et de recyclage to allow municipalities to be partially compensated for services they provide, primarily curbside recycling.¹²⁴ The *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, also introduced in 2004, establishes the parameters of the compensation plan. The program established by Bill 102 is very similar to the Blue Box program operated in Ontario under Stewardship Ontario.¹²⁵

The Regulation defines the three major categories of material for which the municipalities are to be compensated: containers and packaging, written media (newspapers, magazines, periodicals, etc.), and printed matter (paper and other cellulosic fibers, except books and materials in the written media category).¹²⁶ The Environment Quality Act requires that industry funding organizations (IFOs) be formed to represent businesses in each of the three categories. The IFOs and representatives of groups of municipalities negotiate a compensation schedule; Recyc-Québec serves as arbitrator. Businesses pay a contribution to their IFOs according to the compensation schedule. The IFOs remit funds collected to Recyc-Québec, which distributes annual compensation payments to municipalities. Compensation cannot be more than 50 percent of the net cost of curbside recycling.¹²⁷

Stewardship Organizations

Société Québécoise de Récupération et de Recyclage (Recyc-Québec) is a crown corporation; specifically, it is organized as a “legal person” that is also a “mandatory of the state.”¹²⁸ Recyc-Québec was created in 1990 and reports directly to the Minister of Sustainable Development, Environment and Parks. As defined by the 1998 – 2008 Québec Residual Materials Management Policy, the role of Recyc-Québec is to:

- Help set up industrial residuals recovery and reclamation agencies accredited by the Minister and monitor agreements entered into with the Minister
- Develop and manage a knowledge system for tracking the achievement of sectoral and overall residual management recovery goals
- Administer any financial assistance program upon the request of the Minister or the government
- Foster the development of markets for secondary materials in partnership with the industries concerned
- Advise regional municipalities, management boards or any other body mandated by the municipalities on the establishment of residual materials management plans¹²⁹

Recyc-Québec is administered by a board of directors composed of 11 members, including the chair of the board, the president and the chief executive officer. All members of the board are selected by the Québec government for a term of up to four years. At least three members must be representatives of the sectors impacted by the programs of Recyc-Québec.¹³⁰

Figure 21: Quebec Organizational Structure



¹²⁴ An Act to amend the Environment Quality Act and the Act respecting the Société québécoise de récupération et de recyclage, http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/bill_102_english.pdf

¹²⁵ Éco Entreprise Québec, Strategic Plan 2006 – 2008, updated July 2007, p.6, http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/plan_strategique_mis_a_jour_07-07-13__angl_vf.pdf.

¹²⁶ Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/Reglement_angl.pdf

¹²⁷ Jeannot Richard, Vice-President Municipal, Industrial, Commercial and Institutional Sectors, Recyc-Québec, “Responsibilities and partnership in waste management in Québec– PowerPoint presentation, Éco Entreprises Québec Consultation, Montreal May 23, 2006, http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/montreal_recyc-quebec_presentation.pdf

¹²⁸ An Act Respecting the Société québécoise de récupération et de recyclage, R.S. Q. c. S-22.01. <http://www.ijcan.org/qc/laws/sta/s-22.01/20080818/whole.html>

¹²⁹ Quebec Residual Materials Management Policy, 1998 – 2008, Part 5.8 http://www.mddep.gouv.qc.ca/matieres/mat_res-en/parts-1-4.htm.

¹³⁰ An Act Respecting the Société québécoise de récupération et de recyclage, R.S. Q. c. S-22.01. <http://www.ijcan.org/qc/laws/sta/s-22.01/20080818/whole.html>

Recyc-Québec is the program manager for the Québec Program for the Integrated Management of Scrap Tires; manufacturers do not have a role in the Program. However, the 2002 – 2008 Program plan did establish a Participatory Management Forum, supervised by Recyc-Québec, to facilitate discussion on current activities and promote dialog among the partners to resolve difficulties. The Forum is chaired by the chairperson of the Round Table on Scrap Tires and includes one representative from the following organizations:

- Canadian Auto Association-Québec
- Tire retailers
- Car part recyclers
- Accredited transporters
- Molders
- Primary recyclers
- Secondary recyclers
- Thermal treatment companies (if any)
- Energy recovery firms
- Recyc-Québec

Paint

Société québécoise de la gestion écologique de la peinture (Éco-peinture) is a non-profit organization created as the Regulation respecting the recovery and reclamation of discarded paint containers and paints was developed. According to the Regulation, every business that markets paints under a trademark that it owns or uses or is the leading supplier of a paint brand based outside Québec is required to establish a recovery system for paint containers and leftover paint. Alternatively, the business may join an organization that will establish a system on its behalf. Éco-peinture was established by paint companies to implement or financially sustain the development of an ongoing program to recover, recycle and reclaim fixed amounts of residual paint. Éco-peinture the only organization of its kind to have entered into an agreement with Recyc-Québec and is entirely funded by the paint industry.

Éco-peinture works in close cooperation with Peintures récupérées du Québec inc. An initiative of the CFER (Centre de formation en entreprise et récupération) network in Victoriaville. Peintures récupérées du Québec inc. picks up leftover paint from a number of collection points across Quebec and separates the products by type, and then by color. Using a number of industrial filtration, processing and separation processes, the company markets recycled paint under the “Peinture récupérée” name.¹³¹

Little additional information on Éco-peinture was located in its English site on-line.

Use Oil Materials

Société de gestion des huiles usagées (SOGHU) is a non-profit organization created to meet the requirements of the *Regulation respecting the recovery and reclamation of used oils, used oil and fluid containers, and used filters*. According to the Regulation, every business that markets lubricating oils or oil filters under a trademark it owns or uses must put in place its own system of recovery and recycling of used oils, used oil or fluid containers, and used filters or join an organization that will put in place such systems for its members. SOGHU is the only organization of its kind to have entered into an agreement with Recyc-Québec. SOGHU is a member of the National Used Oil Advisory Council, working with other provincial used oil recycling organizations to coordinate to Canada-wide used oil recycling effort.¹³²

¹³¹ Éco-peinture, <http://www.peinture.qc.ca/content/page/prq.aspx?first=3&sec=8&langue=&noPage=10045&noParent=10038>

¹³² Used Oil Management Association, <http://www.usedoilrecycling.com/en/nuomac>

- SOGHU's members consist entirely of businesses that are covered by the Used Oil Regulation. For its members, SOGHU provides the following services:
- Establish and operate a system to recover used oils, used oil and fluid containers (50 litres or less) and used filters, in cooperation with registered collectors
- Establish and operate a system to recycle used oil materials in cooperation with processors using the materials in accordance with Quebec regulations.
- Implement a user information and awareness program for industrial, commercial and private users.¹³³

SOGHU is managed by a board of directors comprised of 15 members, 14 of whom are elected by its membership of brand owners, with one appointed by **Recyc-Québec**.

The SOGHU by-laws state that the board of directors will create and designate members of a Vigilance Committee, which will formulate recommendations to the Board of Directors on the development and implementation of measures intended to improve the operation of SOGHU's recovery and reclamation system. Members of the Vigilance Committee include:

- One representative of the Ministère de l'Environnement
- One representative of Recyc-Québec
- Two representatives of municipal associations
- One representative of recovery businesses
- One representative of reclamation businesses
- One representative of Québec environmental associations
- One representative of Québec consumer associations
- One representative of the Conseil québécois du commerce de détail

The General Manager is an ex-officio member of the Vigilance Committee.¹³⁴

Packaging and Printed Materials

Éco Entreprises Québec is a private non-profit organization founded in 2003 to represent companies that market "containers and packaging" and "printed" material in Québec targeted by the adoption of Bill 102. Éco Entreprises Québec was given the following responsibilities:

1. Negotiate with recognized municipal groupings the amount of total net costs of curbside recycling programs for each class of materials;
2. Negotiate with municipal groupings the criteria for distributing compensation to municipalities;
3. Reach an agreement with RECYC-QUÉBEC regarding compensation payment terms;
4. Develop a fee schedule to be presented to target companies within the framework of a consultative process;
5. Adopt the fee schedule (and any applicable exemptions) and submit it to the government for approval;
6. Collect the amounts due from target companies and remit the contributions to RECYC-QUÉBEC in trust.

Éco Entreprises Québec is governed by a 12 member board of directors, grouped into three sectors: Retailers and Distributors, Food and Consumer Products Manufacturers, and General, Services and Durable Goods. Each sector is divided into two categories: contributions of more than \$50,000 and contributions of \$50,000 or less. Three committees composed of board members have been set up to help the Board of Directors fulfill its duties: Governance, Human Resources and Audit.

¹³³ SOGHU, <http://www.soghu.com/en/members.aspx?prov=11&range=prov>

¹³⁴ SOGHU, "General By-Laws of Société des Huiles Usagées" Number 7, http://www.soghu.com/en/members/pdfs/08.04.22%20L94330002-acc-general%20by-laws%20_SOGHU_-MTL_LAW-847470-v7.pdf

Compensation for Municipal Curbside Recycling Services

The Environment Quality Act, as revised by Bill 102 of 2002, states that bodies wishing to represent businesses required to compensate municipalities for curbside recycling services apply to Recyc-Québec for certification. One body may receive certification to represent businesses for more than one category of materials, and joint certification may be issued to multiple bodies for the same category of material. If no satisfactory applications are identified or if no applications are received, Recyc-Québec may designate a body on its own initiative to represent covered businesses.¹³⁵ Two organizations have received certification by Recyc-Québec, Éco Entreprises Québec and Recyclemédiás.¹³⁶ No website could be located for Recyclemédiás.

Producer Registration

Businesses or suppliers subject to the requirements of the *Regulation respecting the recovery and reclamation of discarded paint containers and paints or the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and filters* can essentially register with the Minister of Sustainable Development, Environment and Parks when they submit their stewardship plans, detailed below. If businesses subject to the used oil and paint regulations choose to join an organization approved by Recyc-Québec to fulfill the obligations of the regulations on their behalf, they are exempt from registration.

In practice, businesses covered under the paint regulations have chosen to become members of Éco-peinture, rather than establish their own recovery programs. Likewise, businesses covered under the used oil regulations have chosen to join SOGHU. To become a member of SOGHU, businesses must submit:

- Completed Membership Application form
- Two signed, dated copies of the Membership Agreement
- Corporate List of Officers
- Québec Enterprise number (NEQ) or corporate registration number
- Check for \$225.75 (taxes included)¹³⁷

Businesses that market containers, packaging and printed matter in Québec are required to register the following information with Éco Entreprises Québec:

- The name of a primary contact
- The exact address of the company or organization;
- Answers to the following questions:
 - Does the business generate designated materials ultimately intended for Québec consumers?
 - Are the business' sales under \$1.5 million?
 - Does the business generate less than 10 tonnes of containers, packaging or printed matter?

Stewardship Plans

The requirements for stewardship plans for paint and used oil, oil or fluid containers and filters are the same. Within 90 days of the date on which a business or supplier becomes subject to the requirements of the *Regulation respecting the recovery and reclamation of discarded paint containers and paints or the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and filters*, the business or supplier must notify the Minister of Sustainable Development, Environment and Parks of the following:

- Its name, address and its registration number if it is registered in the register of sole proprietorships, partnerships and legal persons, as well as the names and addresses of its officers;

¹³⁵ Environment Quality Act, 53.31.9 – 53.31.11, http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/bill_102_english.pdf

¹³⁶ Jeannot Richard, Vice-President, Municipal, Industrial, Commercial and Institutional Sectors, Recyc-Québec, "Responsibilities and partnership in waste management in Québec" presented at Éco Entreprise Québec Consultation, Montreal, May 23, 2006 http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/montreal_recyc-quebec_presentation.pdf

¹³⁷ SOGHU, <http://www.soghu.com/en/province.aspx?prov=11>.

- The territory where it markets its paints/ oils, fluids and filters;
- Identification of the products marketed according to the types of containers or paints/ oil, oil containers or filters;
- A description of the recovery system by which it recovers or sees to the recovery of the products in question, including the number, category and location of the collection points, the name and address of the person in charge of the system if that person is a third party, and the terms and conditions of transport, storage and processing of the recovered products, according to the different types of containers and paints/ oil, containers, packaging or filters;
- A description of the information campaigns and other measures planned to promote the recovery of the products in question to consumers and to obtain their cooperation;
- A description of the means used to reclaim the recovered products, including the reclamation methods, the name and address of the person in charge of the reclamation if that person is a third party, the efforts planned to develop the markets or techniques of reclamation or outlets for reclaimed products;
- A description of the elimination methods planned for recovered paints that are not reclaimed, if any, indicating the name and address of the person in charge of the elimination if that person is a third party.^{138, 139}

Businesses and suppliers are exempt from this requirement if they are members of an organization that has entered into an agreement with Recyc-Québec that fulfills the requirements of the paint or used oil regulations on their behalf.

Neither Bill 102 nor the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials require that IFOs created as a result develop or submit product stewardship plans. Éco Entreprises Québec did prepare a 2006 – 2008 Strategic Plan, available at http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/strategic_plan_06-07-12.pdf.

Financing Structure

The Scrap Tire Management Program in Quebec is financed directly by a levy on the sale of new tires in Quebec. The levy is collected by retailers and transferred to Recyc-Québec by the Ministère du Revenu.¹⁴⁰

Financing structures are not prescribed in either the paint or used oil regulations.

SOGHU is financed by environmental handling charges, remitted by members monthly to SOGHU, based on sales volumes. Members are required to retain their sales records for a minimum of two years for Audit by SOGHU.¹⁴¹

SOGHU establishes the amounts of the environmental handling charges to fund all costs of the organization, including information campaigns, incentive payments, its own management fees, and an annual contribution to Recyc-Québec.¹⁴²

As part of the membership agreement, SOGHU states that it will not disclose any confidential document of information received by the member except when required by law.¹⁴³ However, the by-laws state the board of directors, most of whom are elected from member businesses, shall arrange to have account books kept “concerning all the sums of money received and expended by the Corporation” and that the directors may examine the books at any reasonable time.¹⁴⁴ It is therefore unclear how market share information is maintained confidential among members, many of whom are competitors.

¹³⁸ Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, O.C. 166-2004, s. 12, http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R20_01_A.htm

¹³⁹ Regulation respecting the recovery and reclamation of discarded paint containers and paints, O.C. 655-2000, s. 8, http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R20_01_A.htm

¹⁴⁰ Réyc-Québec, 2002 – 2008 Québec Program for the Integrated Management of Scrap Tires, 6 February 2002, <http://www.recyc-quebec.gouv.qc.ca/upload/Publications/Pneus/ProgQcPneusAnglais.pdf>.

¹⁴¹ Québec Used Oil Management Association/ Société de gestion des huiles usages (SOGHU) Member's Manual, p. 20, http://www.soghu.com/en/members/pdfs/28.08.06%20Members_Manual.pdf

¹⁴² Certification Agreement between Société québécoise de recuperation et de recyclage and Société de gestion des huiles usages, November 2004, excerpted from Québec Used Oil Management Association/ Société de gestion des huiles usages (SOGHU) Member's Manual, p. 24, http://www.soghu.com/en/members/pdfs/28.08.06%20Members_Manual.pdf

¹⁴³ Québec Used Oil Management Association/ Société de gestion des huiles usages (SOGHU) Member's Manual, p. 75, http://www.soghu.com/en/members/pdfs/28.08.06%20Members_Manual.pdf

¹⁴⁴ SOGHU, “General By-Laws of Société des Huiles Usagées” Number 11.2, http://www.soghu.com/en/members/pdfs/08.04.22%20L94330002-acc-general%20by-laws%20_SOGHU_-MTL_LAW-847470-v7.pdf

To provide incentives for the recovery of used oil materials, SOGHU has established a system of return incentives payable to approved collectors. Incentive payments are based on volumes collected from Québec generators and delivered to processors approved by SOGHU.

SOGHU has divided the province of Québec into nine zones taking into account the geography, the density of population, and the existing and potential volumes of used oil materials. The different levels of incentives also take these factors into account.

Table 4: *Société de gestion des huiles usagées Return Incentive Rates for Collectors by Zone as of February 1, 2008*

ZONE	Used Oil (\$/liter)	Used Filters (\$/kg)	Used Containers (\$/kg)	Aerosol (\$/kg)
1	0.03	0.65	1.27	3.67
2	0.04	0.65	1.70	3.67
3	0.07	0.80	1.95	3.84
4	0.07	0.82	1.95	3.84
5	0.07	0.85	2.25	3.87
6	0.09	0.90	2.33	3.92
7	0.07	0.90	2.33	3.97
8	0.10	0.95	2.55	3.97
9	0.10	0.95	2.55	3.97
10	0.10	1.35	5.25	4.37

Source: SOGHU Manual for Collectors and Processors, 2007, p. 10,

http://www.soghu.com/en/members/pdfs/08.02.01%20Collectors%20and%20Processors%20Manual%20Jan%202007%20_EN_%20v.%20finale_1.pdf

The SOGHU Manual for Collectors and Processors expands on the purpose of the Return Incentive payments to Collectors:

Under normal circumstances, and when the used oil materials have not been contaminated or mixed with other residual materials, the incentives determined by SOGHU will enable Collectors to offer compensation to Generators (Collection Facilities and commercial and/or industrial Generators) and, if applicable, to the Processors for handling and processing the materials....SOGHU is not involved in any way in commercial agreements between Collectors and Generators and/or between Collectors and Processors. Market forces are the primary factor in such transactions.¹⁴⁵

SOGHU also pays a Processing Incentive to Processors of plastic containers. This incentive takes into account the current conditions of the processing market for plastic containers and is paid on the quantity of plastic material shredded and decontaminated for reuse or reduced to pellets for reuse in the form of plastic resin or transformed into value-added finished goods where oil is trapped in the finished product and cannot escape.¹⁴⁶

The structure for determining and remitting compensation to municipalities for curbside recycling services is described in some detail in Bill 102 and the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials.

Briefly, compensation cannot be more than 50 percent of the net cost of curbside recycling. Municipalities negotiate agreements on the net costs of curbside recycling and criteria for distribution of the compensation payments. Industry funding organizations representing businesses responsible for compensation payment develop and adopt a fee schedule by product type that will generate the funds necessary to meet the compensation payment. The fee schedule must be approved by the Québec government. Industry funding organizations collect payments from members based on the fee schedule and the weight of packaging, printed material, etc. that a member has generated. The industry funding organization submits payments collected to Recyc Québec, which then distributes them to municipalities. Compensation occurs annually.

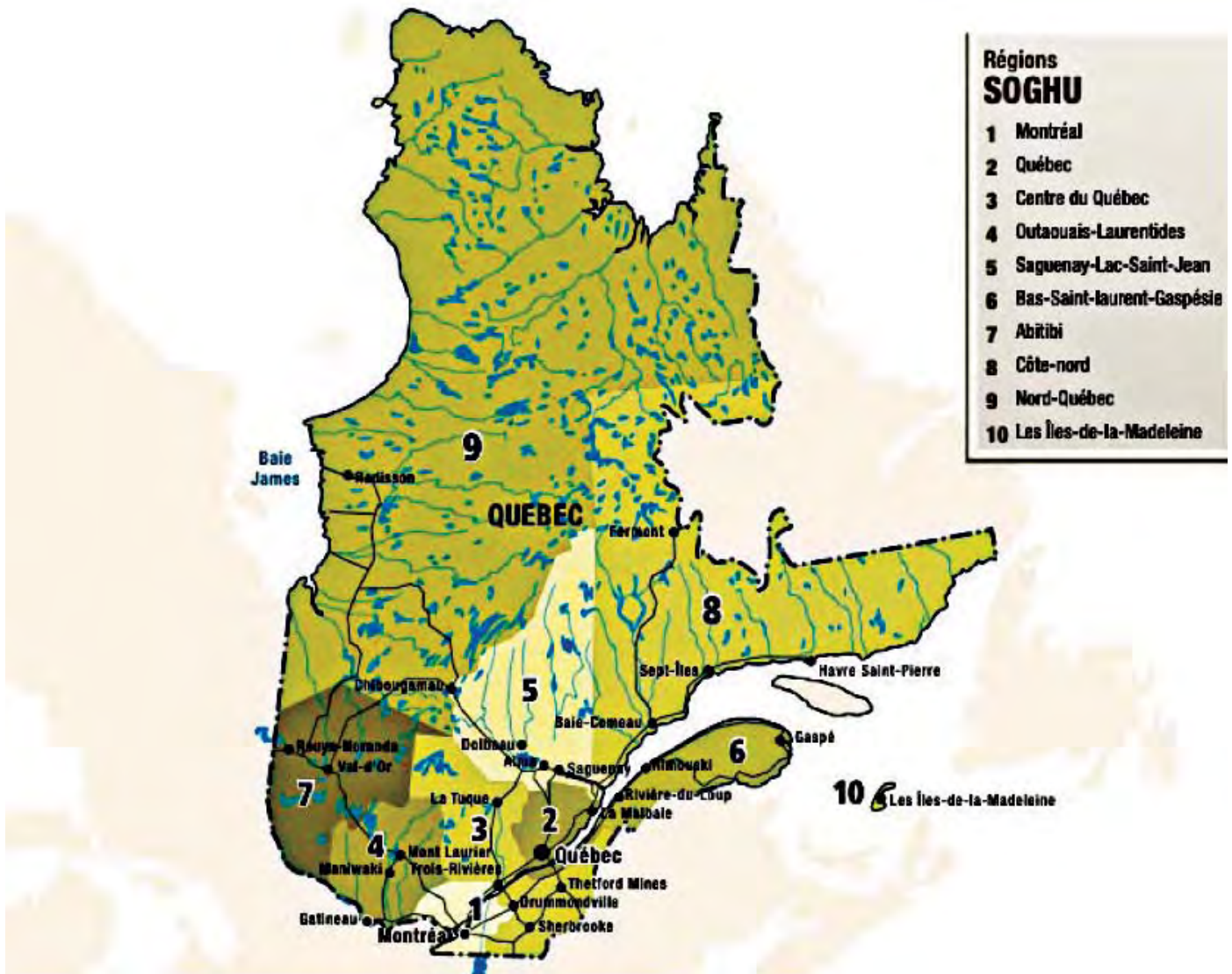
¹⁴⁵ SOGHU, Manual for Collectors and Processors, 2007, p. 14,

http://www.soghu.com/en/members/pdfs/08.02.01%20Collectors%20and%20Processors%20Manual%20Jan%202007%20_EN_%20v.%20finale_1.pdf

¹⁴⁶ SOGHU, Manual for Collectors and Processors, 2007, p. 14,

http://www.soghu.com/en/members/pdfs/08.02.01%20Collectors%20and%20Processors%20Manual%20Jan%202007%20_EN_%20v.%20finale_1.pdf

Figure 22: Société de gestion des huiles usagées Return Incentive Zone Map



Source: Québec Used Oil Management Association, Société de gestion des huiles usagées, Member's Manual, 2006, http://www.soghu.com/en/members/pdfs/28.08.06%20Members_Manual.pdf

Service Level Standards

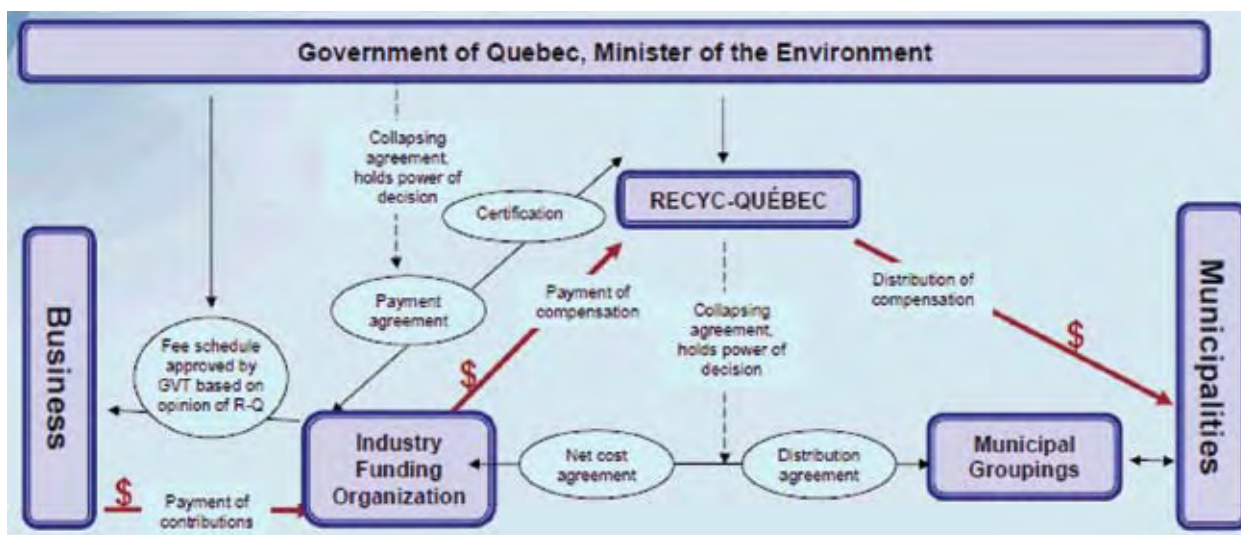
Recyc-Québec has registered pick up locations for scrap tires. Firms that wish to contract with Recyc-Québec to provide collection services must provide free collection at all registered locations, as well as provide a free call service for collection requests, general inquiries, and complaints.¹⁴⁷

Both Québec's paint and used oil regulations provide detailed requirements with options for levels of service to be provided by recovery programs. The requirements for paint programs are in Appendix F, and the requirements for used oil programs are in Appendix G.

Because compensation for municipal recycling services occurs for services already established, service level standards do not apply.

¹⁴⁷ Récyq-Québec, 2002 – 2008 Québec Program for the Integrated Management of Scrap Tires, Part 5.1, 6 February 2002, <http://www.recyq-quebec.gouv.qc.ca/upload/Publications/Pneus/ProgQcPneusAnglais.pdf>.

Figure 23: Québec Municipal Compensation Regime Flow Chart



Source: Jeannot Richard, Vice-President, Municipal, Industrial, Commercial and Institutional Sectors, Recyc-Québec, "Responsibilities and partnership in waste management in Québec" presented at Éco Entreprise Québec Consultation, Montreal, May 23, 2006 http://www.ecoentreprises.qc.ca/_site/DOCUMENTS/PDF/montreal_recyc-quebec_presentation.pdf

Performance Indicators and Measures

The 1998 – 2008 Quebec Residual Materials Management sets province-wide recovery goals by source and sector. Goals potentially relevant to product stewardship programs include:

Municipalities:

- 60 percent of glass, plastics, metals, fibers, and bulky waste
- 75 percent of oils, paints and pesticides (household hazardous materials)
- 80 percent of non-refillable beer and soft drink containers

Industrial, commercial and institutional establishments

- 85 percent of tires
- 95 percent of metals and glass
- 70 percent of plastics and fibers, including wood material¹⁴⁸

The 2002 – 2008 Québec Program for the Integrated Management of Scrap Tires cites the goal of recovering 85 percent of tires generated annually by 2008.¹⁴⁹ As the program is operated by Recyc-Québec, itself a crown corporation, the recovery rate is not mandatory.

The *Regulation respecting the recovery and reclamation of discarded paint containers and paints* establishes mandatory recovery rates for paint containers that equals, in weight or volume, the paint containers marketed annually by the business or supplier. Required recovery rates are 25 percent as of 2002, 50 percent as of 2005, and 75 percent as of 2008.¹⁵⁰

The *Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters* establishes mandatory recovery rates for used oil, oil or fluid containers, and used filters, detailed in Table 2. The recovery rates are

¹⁴⁸ Quebec Residual Materials Management Policy 1998 – 2008, Part 4, http://www.mddep.gouv.qc.ca/matieres/mat_res-en/parts-1-4.htm.

¹⁴⁹ Recyc-Québec, 2002 – 2008 Québec Program for the Integrated Management of Scrap Tires, Part 2, February 6, 2002, <http://www.recyc-quebec.gouv.qc.ca/upload/Publications/Pneus/ProgQcPneusAnglais.pdf>.

¹⁵⁰ Regulation respecting the recovery and reclamation of discarded paint containers and paints, O.C. 655-2000, s. 5, http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R20_01_A.htm

mandatory for businesses that market these products in Québec, calculated on the basis of oil, oil or fluid container, or filters respectively, that the business markets annually.¹⁵¹

Table 5: Mandatory Recovery Rates by Year for Used Oil, Oil and Fluid Containers, and Used Filters in Québec

Material	2005	2008
Used oil	70%	75%
Oil or fluid containers	50%	75%
Used filters	50%	75%

The Certification Agreement between Recyc-Québec and SOGHU adds a requirement that “for all recovered materials, the rate of reclamation shall be 100 percent effective from 2005. However, the reclamation requirement shall apply to oil or fluid containers only to the extent that their reclamation is possible and that the costs associated with this reclamation do not represent an economic constraint such that they threaten the competitiveness of SOGHU’s member businesses.”¹⁵²

Reporting

The requirements for reporting for paint and used oil, oil or fluid containers and filters are the same. Businesses or suppliers subject to the requirements of the *Regulation respecting the recovery and reclamation of discarded paint containers and paints* or the *Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and filters*, the business or supplier must report annually to the Minister of Sustainable Development, Environment and Parks the following:

- The quantities of each type of marketed container and paint/ oils, containers, packaging or filters concerned that was recovered and then reclaimed or, if any, the quantities eliminated due to the lack of reclamation alternatives, indicating the reclamation or elimination methods used;
- The measures taken to promote the development of techniques for the reclamation of recovered paint containers and paints/ recovered oils, oil or fluid containers and filters, particularly for the purposes of reuse and recycling, and the results of the research that was carried out;
- The costs generated by the implementation of the recovery system and the reclamation methods, as well as those resulting from the carrying out of the information campaigns and other measures taken to promote the recovery and reclamation of the products in question;
- A description of the information campaigns carried out and the other measures taken to promote the recovery and reclamation of discarded paint containers and paints/ used oils, oil or fluid containers and used filters;
- An update, if applicable, of the information transmitted to the Minister pursuant to stewardship plans^{153,154}

In addition, for used oil, oil or fluid containers, and filters, information referred to in the first three bullets must be verified by a third party. A certificate of verification must be sent to the Minister together with the information and, where applicable, the data.

A business or municipality that acquires oil for its own use from outside Québec is required to recover or see to the recovery of all used oils after using them and submit information required in the first three bullets above to Minister on annual basis.¹⁵⁵

¹⁵¹ Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, O.C. 166-2004, s. 5 – 7,

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R20_01_A.htm

¹⁵² Québec Used Oil Management Association, Société de gestion des huiles usages, Member’s Manual, 2006, p. 59,

http://www.soghu.com/en/members/pdfs/28.08.06%20Members_Manual.pdf

¹⁵³ Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, Section 13, O.C. 166-2004, s. 13,

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R18_1_2_A.HTM

¹⁵⁴ Regulation respecting the recovery and reclamation of discarded paint containers and paints, Section 9, O.C. 655-2000, s. 9,

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R20_01_A.htm

¹⁵⁵ Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, Section 13, O.C. 166-2004, s. 13,

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R18_1_2_A.HTM

Businesses and suppliers are exempt from this requirement if they are members of an organization that has entered into an agreement with Recyc-Québec that fulfills the requirements of the paint or used oil regulations on their behalf.

In practice, no business covered under the *Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and filters* has chosen to develop its own oil recovery system. All have become members of SOGHU, which completes reporting requirements on its members' behalf. Reporting requirements for SOGHU are established in the Certification between Recyc-Québec and SOGHU and are more extensive and detailed than those laid out in regulation. These are included as Appendix H.

Bill 102 and the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials do not establish reporting requirements for industry funding organizations. Éco Entreprises Québec has produced annual reports, available at <http://www.ecoentreprises.qc.ca/ANGLAIS/eeq/ar.html>.

Product Design Incentives

No product design incentives were identified.

Market Development for Recyclable Materials

Recyc-Québec provides financial assistance to companies in Québec that remold, recycle, or recover energy from used tires. Recyc-Québec also provides financial assistance for research and development projects with regard to scrap tires, up to 50 percent of eligible costs or \$75,000 per project.¹⁵⁶

Additional Links

Quebec Residual Materials Management Policy 1998 – 2008: http://www.mddep.gouv.qc.ca/matieres/mat_res-en/parts-1-4.htm

Ecopeinture: <http://www.ecopeinture.ca/content/page/prq.aspx?langue=&noPage=1004&noParent=1003>

¹⁵⁶ Recyc-Québec, 2002 – 2008 Québec Program for the Integrated Management of Scrap Tires, Part 5.2 and 5.3, February 6, 2002, <http://www.recyc-quebec.gouv.qc.ca/upload/Publications/Pneus/ProgQcPneusAnglais.pdf>.

Saskatchewan

Policy Framework

Saskatchewan's Environmental Management Act authorizes the Lieutenant Governor in Council to make regulations with respect to the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of "prescribed" products. Relevant text from the Environmental Management Act can be found in Appendix H.

Under the Environmental Management and Protection Act, Saskatchewan has passed separate regulations for individual product streams. Saskatchewan passed the Scrap Tire Management Regulations in 1988, the Used Oil Collection Regulations in 1996, the Waste Paint Management Regulations in 2005, and the Waste Electronic Regulations in 2006.

Stewardship Organizations

The nature of product stewardship organizations in Saskatchewan varies, depending on the regulation under which they were created. All of the regulations allow for more than one product stewardship program; however, in each case the province has approved only one program.

The Saskatchewan Scrap Tire Corporation (SSTC) operates the only approved scrap tire program in Saskatchewan. The SSTC is managed by a Board of Directors, selected by SSTC stakeholder associations and representing a broad cross-section of interests, including tire, vehicle and equipment dealers, municipalities, and environmental groups. The SSTC has a staff of four. The SSTC registers tire retailers, collects tire recycling fees from the retailers, and uses the fees to contract for the collection, transport, and processing of scrap tires, the recycling of stockpiled tires, and the manufacture of recycled products. The SSTC also manages a Demonstration Grant Program for recycled tire products.

Saskatchewan Association for Resource Recovery Corporation (SARRC) operates the only approved used oil program in Saskatchewan. SARRC was formed by manufacturers and marketers of oil products in Saskatchewan and is managed by a Board of Directors comprised of industry and public representatives. Members of SARRC are "first sellers" of oil and oil filters, explained in greater detail below. In 2004, SARRC joined the used oil associations of British Columbia, Alberta, Manitoba, and Quebec to form the National Used Oil Material Advisory Council. The associations have developed a common policy platform and guiding principles and share a common website, the Used Oil Management Association.

Product Care Association operates the only approved waste paint program in Saskatchewan. Product Care is an industry sponsored association that manages product stewardship programs in British Columbia, Nova Scotia and Saskatchewan. Product Care was formed in British Columbia by "brand owners" (manufacturers, distributors, and retailers) of products that are the subject of provincial product stewardship regulations. Product Care uses pre-existing SARCAN depots, a network of beverage container collection sites, as its collection locations.

Figure 24: Saskatchewan Legislative Framework



Figure 25: Saskatchewan Organizational Structure



Saskatchewan Waste Electronic Equipment Program (SWEEP) is the only approved waste electronic program in Saskatchewan. The SWEEP Board of Directors includes representatives of electronics manufacturers and retailers, local government, and provincial government. SWEEP has an executive director, and the program is managed by Product Care Association. SWEEP also uses pre-existing SARCAN depots as its collection locations. SWEEP has approved three registered processing plants in the province, all under contract with SARCAN. SWEEP is itself a provincial program of Electronics Product Stewardship Canada, a non-profit organization founded by electronics manufacturers.¹⁵⁷

Producer Registration

Under the Scrap Tire Management Regulations, retailers are required to operate an approved product management program or enter into an agreement with an existing program that will operate on the retailer's behalf. The Regulations do not specify a registration process. Only one program has been approved, the Saskatchewan Scrap Tire Corporation, which operates its own registration process for retailers. Unless a retailer chooses to develop its own product management program, it is required to register with SSTC.

The Used Oil Collection Regulations, the Waste Paint Management Regulations and the Waste Electronic Equipment Regulations all require that the "first seller" of a covered product must either operate an approved product management program or join an existing approved program. The Used Oil Collection Regulations define "first seller" as the person who first sells oil or oil filters in Saskatchewan and includes a person who brings oil or oil filters into Saskatchewan for use in a commercial enterprise. The Waste Paint Management Regulations define a "first seller" as a paint manufacturer in Saskatchewan or as one who imports paint for sale or use in Saskatchewan. The Waste Electronic Equipment Regulations define a "first seller" as a person who:

- 1) Is a manufacturer, distributor, owner or licensee of intellectual property rights in electronic equipment that is sold, offered for sale or otherwise distributed into or in Saskatchewan;
- 2) Is a vendor of electronic equipment outside of Saskatchewan and who, as an ordinary part of his or her business, solicits and sells electronic equipment to consumers in Saskatchewan;
- 3) Imports electronic equipment into Saskatchewan for resale in Saskatchewan;
- 4) Imports parts for electronic equipment into Saskatchewan for assembly and resale in Saskatchewan; or
- 5) Purchases electronic equipment outside of Saskatchewan for use in Saskatchewan

The Saskatchewan Association for Resource Recovery Corporation, Product Care and SWEEP operate the only approved programs for oil, paint and electronics, respectively. If a first seller of oil or oil filters, paint or electronics does not wish to develop its own product management program, it must become a member of the Saskatchewan Association for Resource Recovery Corporation in the case of oil or oil filters, Product Care in the case of paint and SWEEP in the case of electronics.

Stewardship Plans

Under the Scrap Tire Management Regulations, application for approval of a scrap tire management program must provide details on the operation and management of the program to meet three requirements:

- 1) The program must provide a record of the number of scrap tires collected, transported, and recycled under the program,
- 2) The program must provide province-wide collection of scrap tires, including stockpiles, and
- 3) The program must accept all types of scrap tires for collection, recycling, and management.

The Environment Minister may provide exemptions from one or more of these requirements. The application must describe fees to be charged, and any other information the Environment Minister may require.

¹⁵⁷ Electronics Product Stewardship Canada, <http://www.epsc.ca/index.html>

Under the Used Oil Collection Regulations, an application for approval of a product management program must:

- 1) Provide details of the set up for permanent collection depots, including physical characteristics and operational procedures
- 2) If planning to use collection options other than permanent collection depots in some zones, provide details of physical characteristics and operational procedures and identify in which zones these other types of collection services will occur
- 3) Provide a list of planned end-use locations for used oil, oil filters and containers
- 4) Describe features of the program and methods that will be used to achieve phase-in targets (e.g., incentives, handling charges, tender process, return to retail, educational initiatives, etc.)

Requirements for product management program applications under the Waste Paint Management Regulations and Waste Electronic Equipment Regulations are more extensive. A program application must:

- 1) Contain details of the management structure of the program
- 2) Provide details respecting:
 - The creation of an advisory committee to the operator of the product management program;
 - The role of the advisory committee in relation to the operation of the program; and
 - The manner in which Saskatchewan interests will be represented on the advisory committee
- 3) Provide details respecting:
 - How waste paint/ waste electronic equipment will be collected in all areas of Saskatchewan
 - Recycling options for waste paint/ waste electronic equipment, listed in descending order of preference
 - How the program will be funded
 - The quality control and assurance aspects of the program, including tracking and auditing mechanisms
 - The public education or public awareness and communication strategy for the program

Financing Structure

None of the product stewardship regulations in Saskatchewan are prescriptive about program funding. Instead, they require product management program applicants to explain how their programs will be funded.

Tires

Tire retailers in the province charge a tire recycling fee (TRF) on every new tire sold. As only one product management program has been approved, all TRF's are remitted to SSTC to cover the costs of scrap tire collection and recycling, stockpile recycling, the manufacture of recycled products, and the operation of a Demonstration Grant Program for recycled tire products.

Used Oil

Environmental handling charges are collected by all first sellers of oil and oil filters in Saskatchewan. As only one product management program has been approved, all environmental handling charges are remitted to the Saskatchewan Association for Resource Recovery Corporation to pay for collecting, transporting and recycling used oil and related materials.¹⁵⁸

Paint

Product Care's paint program is funded by eco-fees collected by the first seller of paint in the province and remitted to Product Care. Likewise, the SWEEP program is funded by an Environmental Handling Fee (EHF) that is remitted to SWEEP by the first seller on the sale of designated products in or into the province. The fee is passed through the supply chain from the first seller to the consumer.

The federal Goods and Sales Tax applies to the eco-fee/EHF. Retailers may choose to show the eco-fee/EHF as a separate fee; if they do so, the Provincial Sales Tax does not apply to the eco-fee/EHF. The eco-fee/EHF covers the cost of collection, transportation and processing of collected material.

¹⁵⁸ Saskatchewan Ministry of Environment, "Used Oil Recycling Program"

<http://www.environment.gov.sk.ca/adx/asp/adxGetMedia.aspx?DocID=1682,251,94,88,Documents&MediaID=1334&Filename=SARRC+Fact+Sheet.pdf>

Service Level Standards

The Scrap Tire Management Regulations states that that programs must provide “Saskatchewan-wide service for collecting and recycling of scrap tires, including scrap tires that are stockpiled in Saskatchewan,” but does not provide more specific requirements.

The Used Oil Collection Regulations are prescriptive about service levels to be provided by a product management program. The Regulations include a list of administration districts and numbered rural municipalities, organized into 39 “oil zones”. Product management programs are required to provide permanent collection depots for the most of the oil zones; however, “alternative return options” are permitted for eight of them.¹⁵⁹ Alternative return options may include a combination of collection days, return-to-retail drop-off, and at door pick-up.

Both the Waste Paint and Waste Electronic Regulations require that applications for product management programs provide details on how paint and waste electronic equipment, respectively, will be collected in all areas of the province. SWEEP was directed by the province to negotiate exclusively with SARCAN for the operation of the collection system.¹⁶⁰ SARCAN depots are also used as the collection locations for Product Care’s paint recycling program. The pre-existing SARCAN depots would have provided a known level of service to the province.

Performance Indicators and Measures

The Scrap Tire Management Regulations require that programs report the number of new tires sold, the number of scrap tires recycled and the number of tires in stockpiles recycled.

The Used Oil Collection Regulations require that programs report the volume and weight of oil and oil filters sold, collected, and in storage.

The Waste Paint Management Regulations require that programs report the types and amount of paint collected and diverted to each of the program’s identified recycling options.

The Waste Electronic Equipment Regulations require that programs report the types and amount of waste electronic waste collected and recycled.

Reporting

Tires

The Scrap Tire Management Regulations require that annual reports from every approved product management program be submitted to the Environment Minister containing the following information:

- The number of tires sold in the reporting period
- The number of scrap tires recycled in the reporting period and the manner in which they were recycled
- The number of scrap tires in stockpiles that were recycled during the reporting period and the manner in which the tires were recycled

For each of the above, numbers refer to the retailer in the case of a program operated by a retailer and to the group of retailers in the case of a program operated on behalf of a group of retailers. For programs operated on behalf of one or more retailers, annual reports must also include the names of those retailers. Annual reports are also to include “any other information the (Environment) Minister may reasonably require.”¹⁶¹

¹⁵⁹ Saskatchewan Used Oil Collection Regulations, Chapter E-10.2 Reg 8, Appendix, <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/E10-2R8.pdf>.

¹⁶⁰ Duncan Bury, Environment Canada, “Extended Producer Responsibility (EPR) Funding and the Future” PowerPoint presentation to the Association of Municipal Recycling Coordinators, February 14, 2007.

¹⁶¹ Saskatchewan Scrap Tire Management Regulations, Chapter E-10 Reg 9, Section 12(3), <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/E10-2R9.pdf>

Used Oil

The Used Oil Collection Regulations require annual reports be submitted to the Environment Minister from every first seller operating an approved product management program or person operating an approved management program on behalf of first sellers. Reporting information requirements are differentiated for first sellers of oil and oil filters.

First sellers of oil:

- The volume of oil sold
- The weight of containers collected
- The weight of containers in storage
- The volume of used oil and weight of used oil filters collected in each zone
- The volume of used oil and weight of used oil filters in storage in each zone

First sellers of oil filters:

- The number of oil filters sold
- The volume of used oil and weight of used oil filters collected in each zone
- The volume of used oil and weight of used oil filters in storage for each zone

First sellers of oil and oil filters:

- The location where return options are offered
- The types of educational information and material made available and the strategies adopted under the educational and informational component of the product management program

Paint

The Waste Paint and the Waste Electronic Equipment Regulations also require annual reports be submitted to the Environment Minister from every first seller operating an approved product management program or person operating an approved management program on behalf of first sellers, though with more extensive information:

- The types and amount of paint/waste electronic equipment collected
- The types and amount of paint/waste electronic equipment diverted to each of the program's recycling options
- The total amount of recycling fees collected to fund the program in Saskatchewan
- The amount spent to operate the program in Saskatchewan
- The amount of recycling incentives paid out, if any
- The costs incurred to administer the program
- The amount spent on public education or public awareness and communication
- Any other information that the Environment Minister may reasonably require

Product Design Incentives

No product design incentives were identified in Saskatchewan's regulations or programs.

Market Development for Recyclable Materials

No requirements for market development were identified in any of the Saskatchewan regulations.

Tires

Saskatchewan Scrap Tire Corporation administers a Demonstration Grant Program, through which community groups can apply for funding for projects that use recycled tire products like crumb rubber for low-impact playground surfaces.

Recycled tire processors are paid incentives by the SSTC on the product they generate for reuse, funded through the tire recycling fees collected throughout the province.

Used Oil

The SARRC website includes a page on products made from used oil, stating that there is a strong market for re-refined oil. The page also states that oil filters are shredded, melted, and the metals reused and that the plastic from bottles “can be” recycled into a number of other products.¹⁶²

Electronics

Under the SWEEP Program, material collected is shipped to a consolidation site and sorted into one of two waste streams. Televisions and monitors are shipped to a processing plant to be recycled. Computers are shipped to one of three disassembly plants in the province, all under contract with SARCAN, to be disassembled. The disassembly centers break the computers down into smaller component parts, which are then transported to primary processors in Canada and the United States.¹⁶³

Additional Links

The Scrap Tire Management Program: <http://www.ec.gc.ca/epr/default.asp?lang=En&n=61DAF635-1>.

The Scrap Tire Management Regulations: <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/E10-2R9.pdf>

The Paint Stewardship Program: <http://www.ec.gc.ca/epr/default.asp?lang=En&n=2483AE39-1>

Environmental Management and Protection Act: <http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/e10-21.pdf>

The Waste Paint Management Regulations: <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/E10-21R3.pdf>

The Waste Electronic Regulations: <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/E10-21R4.pdf>

Saskatchewan Scrap Tire Corporation: http://www.scraptire.sk.ca/index.php?option=com_frontpage&Itemid=38

Saskatchewan Waste Electronic Equipment Program: <http://www.sweepit.ca/>

The Used Oil Collection Regulations: <http://faolex.fao.org/docs/pdf/sk38836.pdf>

Used Oil Management Association: <http://www.usedoilrecycling.com/en>

Saskatchewan Association for Resource Recovery Corporation: <http://www.usedoilrecycling.com/en/sk>

¹⁶² Saskatchewan Association for Resource Recovery Corp., “What Products are Made from Used Oil?” <http://www.usedoilrecycling.com/en/sk/faq/faq2>

¹⁶³ Saskatchewan Waste Electronic Equipment Program, “2008 Annual Report” p.7, http://www.sweepit.ca/images/stories/documents/SWEEP_2008_Annual_Report.pdf

Appendix A

Alberta Environmental Protection and Enhancement Act

Part 9: Waste Minimization, Recycling and Waste Management

Division 1: Waste Minimization and Recycling

Sections 168, 170 – 175

<http://www.qp.gov.ab.ca/Documents/acts/E12.CFM>

Definitions

168 In this Part,

- (a) “depot” means a place established, operated as a business or used by any person for the collection of designated material;
- (b) “dispose of” in sections 176 to 182 includes discharge, deposit, dump, throw, drop, discard, abandon, spill, leak, pump, pour, emit or empty;
- (c) “industry operated recycling fund” means a fund established in regulations under section 175(aa);
- (d) “packaging” means a container in which a commodity is sold and includes, but is not limited to, a wrapper, bag, box, tray, bottle or can;
- (e) “public land” means land of the Government, other than
 - (i) a highway,
 - (ii) land in an improvement district that is administered by the Minister responsible for the *Municipal Government Act*, and
 - (iii) land in a special area that is administered by the Minister responsible for the *Special Areas Act*;
- (f) “recycle docket” means a register or label respecting the contents of a shipment of a hazardous recyclable made in accordance with the regulations;
- (g) “Recycling Fund” means the Recycling Fund established under section 171;
- (h) “retailer” means
 - (i) a person who sells a designated material in Alberta, and
 - (ii) any other person who provides a designated material for use in Alberta and is defined in the regulations as a retailer, and includes anyone acting or purporting to act on behalf of such a person;
- (i) “surcharge” means surcharge as defined in the regulations;
- (j) “unsightly property” means any property on which there is waste that causes the property to look unsightly;
- (k) “waste” means, for the purposes of sections 178 to 183 and section 187,
 - (i) any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to,
 - (A) rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or
 - (B) the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of and
 - (ii) any other thing that is designated as waste in the regulations;
- (l) “waste minimization” means waste minimization within the meaning of the regulations.

Surcharge for designated material

170 A person who manufactures or distributes a designated material for sale in Alberta and a retailer shall

- (a) collect the surcharge prescribed for the designated material in accordance with the regulations, and
- (b) where the regulations require it, deposit the surcharge in
 - (i) an industry operated recycling fund, or
 - (ii) the Recycling Fund.

Recycling Fund

171 (1) There is hereby established the Recycling Fund, which shall be used to provide or pay for any or all of the following:

- (a) establishing and administering waste minimization and recycling programs and initiatives;
 - (b) education programs related to waste minimization and recycling;
 - (c) research and development activities related to waste minimization and recycling;
 - (d) the promotion and development of activities and economic instruments to encourage waste minimization;
 - (e) the appropriate disposal of designated material as waste.
- (2) The Recycling Fund must be administered by the Minister in accordance with this Act.
- (3) The following must be paid into the Recycling Fund:
- (a) the surcharges on designated material, as provided for in the regulations;
 - (b) gifts, donations and bequests to the Fund.
- (4) The Minister may be a participant under section 40 of the *Financial Administration Act* on behalf of the Recycling Fund.
- (5) Investment income earned on deposits of the Recycling Fund accrues to and forms part of the Fund.
- (6) Where surcharges have been paid into the Recycling Fund in respect of a designated material and an industry operated recycling fund is established afterwards in respect of that designated material, the Minister may transfer from the Recycling Fund to the industry operated recycling fund an amount equal to the surcharges so paid plus accrued interest.

Industry operated recycling funds

172(1) Where

- (a) an industry operated recycling fund is established in respect of a designated material,
 - (b) a management board or other body is established and charged with the administration of the fund under the regulations, and
 - (c) the management board or other body is a Provincial corporation within the meaning of the *Financial Administration Act*, the fund shall be used as provided in subsection (2).
- (2) If subsection (1) applies, the fund shall be used to provide or pay for any or all of the following:
- (a) establishing and administering a waste minimization and recycling program for the designated material;
 - (b) education programs for the purposes of the waste minimization and recycling program;
 - (c) expenditures incurred in the collection, transportation, storage, processing and disposal of the designated material for the purposes of the waste minimization and recycling program;
 - (d) research and development activities related to waste minimization and recycling in respect of the designated material;
 - (e) promotion and development for marketing the products resulting from recycling the designated material.

- (3) The following shall be paid into an industry operated recycling fund:
- (a) the surcharges, as provided for in the regulations;
 - (b) gifts, donations and bequests to the fund.
- (4) The management board or other body referred to in subsection (1) may be a participant under section 40 of the *Financial Administration Act* on behalf of the industry operated recycling fund.
- (5) Investment income earned on deposits of an industry operated recycling fund accrues to and forms part of the fund.
- (6) Salaries, fees and other overhead costs incurred in the administration of an industry operated recycling fund shall be paid out of the fund.

Collection and recovery of designated material

173 A person who manufactures or distributes a designated material for sale in Alberta and a retailer shall, in accordance with the regulations, provide in Alberta depots and other methods for the collection and recovery of the designated material.

Security

174 (1) If required by the regulations, a manufacturer or distributor of a designated material for sale in Alberta and a retailer shall provide financial or other security and carry insurance in respect of its operations in Alberta related to the manufacture, distribution or sale of the designated material.

(2) Subsection (1) does not apply to the Government or a Government agency.

Lieutenant Governor in Council regulations

175 The Lieutenant Governor in Council may make regulations

- (a) further defining “retailer” and defining “waste minimization” for the purposes of this Division;
- (b) designating designated material for the purposes of this Act and creating different classes of designated material for different purposes;
- (c) prohibiting the manufacture, sale or distribution of specified designated material;
- (d) providing for a system of registration of persons who distribute or wish to distribute a designated material in Alberta and retailers, and respecting requirements for registration and all matters related to the system of registration;
- (e) respecting terms and conditions that must be met by a person in order to distribute a designated material in Alberta and a retailer;
- (f) respecting the form and amount of financial or other security to be given and insurance to be carried by a manufacturer or distributor of designated material for sale in Alberta or by a retailer;
- (g) respecting the manner in which and the conditions under which any security given by a manufacturer or distributor of designated material for sale in Alberta or by a retailer may be forfeited or returned, in whole or in part;
- (h) requiring the development and implementation of a waste minimization, recycling or recovery plan for designated material by manufacturers or distributors of the designated material or by any other person;
- (i) requiring that designated material be recycled;
- (j) respecting methods for the recovery of designated material;
- (k) respecting surcharges for the purposes of sections 170, 171 and 172, including, without limitation, regulations establishing or providing for the manner of establishing the classes of designated material for which surcharges are payable, prescribing the amount of a surcharge or the method of determining it and providing for the manner in which and the times at which surcharges are to be collected, paid or refunded;
- (l) respecting the advertising of surcharges;

- (m) requiring manufacturers, distributors or retailers of designated material to collect the designated material and specifying the manner in which the collection is to be carried out;
- (n) requiring a local authority to provide a collection system for designated material;
- (o) respecting the manner in which designated material is to be stored, collected, transported, processed, recycled and disposed of;
- (p) respecting the establishment and operation of depots, including the qualifications of persons who may operate them;
- (q) respecting the amount and kind of designated material a retailer is required to accept at the retailer's place of business for recycling;
- (r) specifying designated material for which payment must be made by a retailer or depot operator on its return for recycling;
- (s) requiring a retailer or depot operator to pay for designated material returned for recycling;
- (t) specifying the amount that a retailer or depot operator is to pay for designated material returned for recycling;
- (u) requiring manufacturers or distributors to pay depot operators and retailers in respect of the collection of designated material and prescribing the amount of the payments or the manner in which they are to be calculated;
- (v) authorizing and respecting the payment of fees or commissions to manufacturers, distributors and retailers in respect of the collection, transportation, storage, processing, recycling and disposal of designated material;
- (w) respecting the completion, filing, retention, use and disposition of recycle dockets for the purposes of section 169, and of any other documents used under this Division;
- (x) exempting any person from the application of all or part of section 169;
- (y) requiring the keeping of records in respect of designated material and surcharges, including who must keep them and the manner in which they must be kept and what they must contain, requiring the submission of those records to the Director and providing for the inspection of those records by the Director;
- (z) respecting the provision of information, reports and returns in respect of designated material and surcharges, including what information, reports and returns must be provided, who must provide them, the person to whom they must be provided and the manner in which and the times at which they must be provided;
 - (aa) respecting the establishment, operation, transfer and winding-up of industry operated recycling funds and respecting the manner in which and the purposes for which money in such a fund may be used;
 - (bb) prohibiting the distribution of a designated material where no industry operated recycling fund has been established in respect of that designated material;
 - (cc) governing the packaging and labelling of designated material;
 - (dd) governing the post-consumer waste content of commodities;
 - (ee) respecting and prohibiting the use of packaging materials including, without limitation, regulations
 - (i) imposing requirements on manufacturers and distributors of commodities with respect to the type, size and composition of packaging that may or must be used and with respect to the disposal of packaging,
 - (ii) to reduce or mitigate the adverse effects created by packaging,
 - (iii) to establish measures to encourage source reduction and reuse and recycling of packaging, and
 - (iv) to establish standards and codes with respect to packaging and labelling of commodities;
- (ff) designating any thing as a hazardous recyclable for the purposes of this Act, including designating classes of hazardous recyclables;
- (gg) respecting the design, location, establishment, construction, operation and reclamation of facilities for recycling hazardous recyclables;

- (hh) respecting the importation, storage, collection, transportation, treatment and recycling of hazardous recyclables;
- (ii) respecting the recycling of hazardous recyclables and how hazardous recyclables are to be dealt with when they are no longer recyclable and must be treated as hazardous waste;
- (jj) providing for the establishment of a management board or other body, whether as a corporation or otherwise, for any purpose in connection with a regulation under this section;
- (kk) authorizing a management board or other body established under regulations under clause (jj) to make bylaws, and respecting the subject-matters on which those bylaws may be made.

Appendix B

British Columbia Environmental Management Act

Part 2- Prohibitions and Authorizations

Section 21 (1), (j – t)

http://www.qp.gov.bc.ca/statreg/stat/e/03053_02.htm#section21

Regulations for the purposes of Part 2

- 21** (1) Without limiting section 138 (1) [*general authority to make regulations*], the Lieutenant Governor in Council may make regulations as follows:.....
- (j) regulating litter including the sale, return and reuse of beverage containers and packaging materials or classes of beverage containers and packaging materials which may
 - (i) require classes of persons to pay refunds in the amounts established for beverage containers,
 - (ii) require persons to accept empty beverage containers or classes of beverage containers and handle, store and transport beverage containers or classes of beverage containers received by them in the manner required, and
 - (iii) regulate the size, shape, features and composition of beverage containers and their packaging, labelling and use;
 - (k) requiring, on request of the minister, that a person or a class of persons involved in the manufacture, distribution, sale, transportation or importation of empty or filled beverage containers of a prescribed type, or another person or association on behalf of the person or class of persons, supply information respecting the use, reuse and wastage of a prescribed type of beverage container;
 - (l) respecting the minimum content of material derived from recyclable material that must be contained in types or classes of packaging and products sold in British Columbia;
 - (m) prescribing packaging, product containers or products or classes of products for which a charge, including a deposit, handling fee, levy or core charge, must be paid or for which a refund must be given, and prescribing the amount of the charge or refund and the circumstances in which the charge or refund applies;
 - (n) requiring the use of standardized definitions, terms, logos, symbols and other representations on packaging, and prescribing those definitions, terms, logos, symbols and other representations;
 - (o) prohibiting or restricting the use of packaging or classes of packaging or product containers or classes of product containers;
 - (p) prescribing for the purposes of section 11 [packaging, product containers and disposable products] the content, shape, weight, nature and volume of packaging used per unit of product;
 - (q) requiring prescribed industrial, commercial and institutional operations or classes of operations to develop and implement a waste reduction and prevention plan for packaging, product containers or any other material or substance, and prescribing the contents of the plan;
 - (r) requiring prescribed industrial, commercial and institutional operations or classes of operations to develop and maintain an infrastructure for the reuse or recycling of packaging, product containers or any other material or substance;
 - (s) requiring prescribed industrial, commercial and institutional operations or classes of operations to conduct periodic packaging or other waste audits, and prescribing the terms and conditions of the audits, including to whom reports should be made and other reporting requirements;
 - (t) requiring prescribed manufacturers, distributors or users of packaging, product containers or any other materials or substances to conduct environmental life cycle profiles using a model approved by a director....

Appendix C

New Brunswick Clean Environment Act

Section 21.1

<http://www.gnb.ca/0062/acts/acts/c-06.htm>

22.1(1) The Minister may, in accordance with the regulations, establish a stewardship board for the following purposes:

- (a) managing the manufacture, storage, collection, transportation, recycling, disposal or other handling of a designated material; and
- (b) ensuring that an industry's manufacture, storage, collection, transportation, recycling, disposal or other handling of a designated material is done in accordance with a stewardship plan approved by the board.

22.1(2) The Minister may determine the name of a stewardship board.

22.1(3) A stewardship board is a body corporate.

22.1(4) A stewardship board shall have the functions, duties, powers, objects and purposes established in subsection (1) and in the regulations, and shall make arrangements and enter into agreements and contracts, raise revenues, charge fees and finance its undertakings, deal with property, engage and pay personnel, establish its rules of procedure for meetings and the conduct of its business and affairs, manage a designated material and otherwise be established and act in accordance with the regulations

22.1(5) The business and affairs of a stewardship board shall be controlled and managed by the members of the stewardship board appointed in accordance with the regulations.

22.1(6) A stewardship board may, for the purposes set out in subsection (1) and for the objects and purposes established for it by regulation, delegate by written agreement or contract, any of its powers in relation to the management of a designated material, including the collection and remittance of fees, deposits and refunds.

1996, c.50, s.2; 2006, c.10, s.1.

Appendix D

Nova Scotia Environment Act

Section 102

<http://www.gov.ns.ca/legislature/legc/statutes/envromnt.htm>

102 (1) The Governor in Council may make regulations

- (a) respecting designated materials including, but not limited to,
 - (i) prescribing designated material for the purposes of this Part and creating different classes of designated material for different purposes,
 - (ii) prohibiting or restricting the manufacture, sale or distribution of designated material,
 - (iii) requiring that designated material or any other product be recycled, including the prohibition of a material or product in landfills or other disposal areas,
 - (iv) requiring the development and implementation of a waste minimization, recycling or recovery plan for designated material by manufacturers, distributors, retailers or any other person, specifying the manner in which designated material is to be managed,
 - (v) respecting surcharges on designated material including, without restricting the generality of the foregoing, regulations establishing or providing for the manner of establishing the classes of designated material for which surcharges are payable, prescribing the amount of a surcharge or the method of determining it, providing for the manner in which and the times at which surcharges are to be collected and paid and respecting the advertising of surcharges,
 - (vi) providing for the payment by manufacturers, distributors and retailers of designated material and any other persons of surcharges to fund litter control programs and respecting the collection and spending of these surcharges,
 - (vii) respecting the establishment, classification, licensing and operation of depots, including the qualifications of persons who may operate such depots,
 - (viii) respecting the amount and kind of designated material a retailer is required to accept at depots,
 - (ix) specifying designated material or other material for which payment must be made by a retailer or depot operator on its return, and specifying the amount of such payment and commissions or fees which the retailer or the depot operator may retain,
 - (x) requiring manufacturers or distributors to pay depot operators and retailers in respect of the collection of designated material or other material and prescribing the amount of the payments, the manner in which payments are to be calculated and commissions or fees which the manufacturer or distributor may retain,
 - (xi) requiring the compilation, maintenance and provision of recycle dockets or records and information in respect of designated materials;
- (b) respecting the establishment and operation of the Resource Recovery Fund and respecting the manner and the purposes for which money in the Fund may be used;
- (c) establishing standards for waste-separation programs, and waste-disposal programs, facilities and sites;
- (d) respecting recycling, including the recycling of dangerous goods and how recyclable dangerous goods are to be dealt with when they are no longer recyclable and must be treated as waste dangerous goods;

- (e) regarding the use and disposal of beverage containers;
 - (f) regarding the use of packaging and the labeling of materials;
 - (g) regarding the use or disposal of litter;
 - (h) respecting composting;
 - (ha) respecting the establishment and administration of the Resource Recovery Fund Board;
 - (i) generally, respecting any matter necessary or advisable to effectively carry out the intent and purpose of this Part.
- (2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. *1994-95, c. 1, s. 102; 2006, c. 30, s. 32.*

Appendix E:

Prince Edward Island Environmental Protection Act

Section 25(1)d, j

<http://www.gov.pe.ca/law/statutes/pdf/e-09.pdf>

REGULATIONS

25. (1) The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary or advisable for the enhancement and protection of the environment, , and without limiting the generality of the foregoing, may make regulations,

(d) respecting the fees that are payable in respect of....(iii) waste management,

(j) regulating or prohibiting the use of any product, container, including beverage containers, or other substance that may adversely affect the environment....

Appendix F

Québec Environment Quality Act

Division VII, Sections 1 and 4

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/Q_2/Q2_A.htm

DIVISION VII
RESIDUAL MATERIALS MANAGEMENT

§ 1. — *General provisions*

Interpretation.

53.1. For the purposes of this division,

“elimination”.

“elimination” means any operation involving the final deposit or discharge of residual materials in or into the environment, in particular by dumping, storage or incineration, including operations involving the treatment or transfer of residual materials with a view to their elimination ;

“reclamation”.

“reclamation” means any operation the purpose of which is to obtain usable substances or products, or energy, from residual materials through re-use, recycling, composting, regeneration or any other process that does not constitute elimination.

1999, c. 75, s. 13.

Applicability.

53.2. The provisions of this division do not apply to gaseous substances, mine tailings, or soils containing contaminants in quantities or concentrations exceeding those fixed by regulation under paragraph 1 of section 31.69.

1999, c. 75, s. 13; 2002, c. 11, s. 3.

Objects.

53.3. The objects of this division are

- 1) to prevent or reduce the production of residual materials, in particular having regard to the manufacturing and marketing of products;
- 2) to promote the recovery and reclamation of residual materials;
- 3) to reduce the volume of residual materials to be eliminated, and to ensure safe management of elimination facilities; and
- 4) to ensure that product manufacturers and importers are conscious of the effects their products have on the environment and of the costs involved in recovering, reclaiming and eliminating the residual materials generated by their products.

1999, c. 75, s. 13.

Residual materials management policy.

53.4. To further the achievement of the objects mentioned in section 53.3, the Minister shall propose a residual materials management policy to the Government. In addition to stating the principles upon which it is based, the policy may establish short, medium and long-term objectives for recovery and reclamation and for reduced levels of residual materials elimination, and establish strategies and measures to facilitate the attainment of the objectives within the stated times.

Publication.

Before proposing a policy to the Government pursuant to this section, the Minister shall publish the policy in the Gazette officielle du Québec, together with a notice inviting all interested persons to make their point of view known within the stated time.

Publication.

Every policy adopted by the Government pursuant to this section shall be published in the Gazette officielle du Québec. The Minister is responsible for the application of the policy.

1999, c. 75, s. 13.

Implementation of policy.

53.5. Regional municipalities, local municipalities and all other municipal entities authorized to act in matters concerning residual materials management shall, when acting in connection with that management, perform the duties assigned to them by law in a manner that is conducive to the implementation of the government policy adopted pursuant to section 53.4.

Regional municipalities.

For the purposes of this division, the Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec, Ville de Lévis, Ville de Gatineau and the regional county municipalities except those whose territory is situated entirely within the territory of the Communauté métropolitaine de Montréal or the territory of the Communauté métropolitaine de Québec are regional municipalities.

1999, c. 75, s. 13; 2000, c. 34, s. 239; 2000, c. 56, s. 191.

Mandates.

53.5.1. The Minister may give the Société québécoise de récupération et de recyclage various mandates to assist the Minister with the responsibilities relating to the regional planning of residual materials management. In particular, the Minister may transmit to the Société the management plans received from the municipalities so that the Société may analyse the plans and make recommendations to the Minister.

2002, c. 59, s. 1.

§ 4. — Recovery and reclamation of residual materials

Regulations.

53.30. The Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec. The regulations may, in particular,

- 1) classify recoverable and reclaimable residual materials;
- 2) prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;
- 3) require any municipality to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials, on the conditions fixed;
- 4) determine the conditions or prohibitions applicable to the establishment, operation and closure of any recovery or reclamation facility, in particular composting and storage facilities, including facilities where sorting and transfer operations are carried out and determine the conditions or prohibitions to apply after the closure;
- 5) determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation. For that purpose, the regulations may make the standards fixed by a certifying or standards body mandatory, and provide that in such a case, the references to the standards will include such amendments as may be made to the standards from time to time;
- 6) require any class of persons, in particular those operating industrial and commercial establishments, which manufacture, market or otherwise distribute containers, packaging or packaging materials, printed matter or other products, which market products in containers or packaging acquired for that purpose, or, more generally, whose activities generate residual materials,
 - (a) to carry out studies, on the conditions fixed, on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on their environmental impacts or on measures capable of mitigating or eliminating those impacts;
 - (b) to develop, implement and contribute financially to, on the conditions fixed, programs or measures to reduce, recover or reclaim residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities;
 - (c) to keep registers and furnish to the Minister, on the conditions fixed, reports on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on the residual materials generated by their activities, and on the results obtained in terms of reduction, recovery or reclamation;
- 7) exempt from all or any of the requirements prescribed pursuant to paragraph 6 any person that is a member of an organization
 - (a) the function or one of the functions of which is to implement or to contribute financially towards the implementation of a system to recover or reclaim residual materials in accordance with the conditions determined in an agreement between the organization and the Société québécoise de récupération et de recyclage, which must be transmitted to the Minister ; and
 - (b) the name of which appears on a list drawn up by the Société and published in the Gazette officielle du Québec;
- 8) prescribe, in the cases and on the conditions it determines, any consignment system applicable to containers, packaging, materials or products;
- 9) fix a deposit payable on the purchase of any reclaimable container, packaging, material or product which is refundable on return, either in full or, according to the provisions of paragraph 10, in part only;
- 10) determine the proportion of the deposit paid pursuant to paragraph 9 that constitutes the charge payable for the management, promotion or development of reclamation and that will not be refundable on return;
- 11) designate the classes of persons required to collect and refund, in the cases and on the conditions it determines, the deposits prescribed under paragraph 8;
- 12) determine the indemnities payable to compensate for management costs, in particular for the handling and storage of containers, packaging, materials or products following their return, as well as the categories of persons who are entitled to receive indemnities, the categories of persons who are required to pay indemnities and the conditions for payment and, where applicable, for reimbursement;
- 13) make the recovery of any returnable container, packaging, material or product subject to the making with the Société québécoise de récupération et de recyclage of an agreement establishing the conditions governing recovery and the territory in which recovery may be carried out.

Agreement.

The provisions of any agreement entered into under subparagraph 7 of the first paragraph must allow recovery and reclamation levels to meet or exceed the levels that would be achieved through the application of the regulatory standards. The Minister may prescribe conditions on which such agreements may be approved and determine the minimum content thereof. The provisions of the agreements are public information.

1999, c. 75, s. 13; 2002, c. 59, s. 3.

Information.

53.31. Every person or municipality must, on the conditions fixed by the Minister, provide the Minister with all information requested concerning the origin, nature, characteristics, quantities, destination and mode of recovery or reclamation of the residual materials that are generated, delivered to a third person or taken in charge by the person or municipality.

1999, c. 75, s. 13.

§ 4.1. — Compensation for municipal services

Compensation.

53.31.1. The persons referred to in subparagraph 6 of the first paragraph of section 53.30 are required, to the extent and on the conditions set out in this subdivision, to compensate the municipalities for the services provided by the municipalities to ensure that the materials designated by the Government under section 53.31.2 are recovered and reclaimed.

2002, c. 59, s. 4.

Designation of materials.

53.31.2. The Government may, by regulation, designate the materials or classes of materials referred to in subparagraph 6 of the first paragraph of section 53.30 in respect of which the compensation regime established under this subdivision is to apply.

Criteria.

The designation shall be made taking into account, among other things, the proportion of the population receiving municipal curbside recycling services and the territories in which the services are provided, after evaluating the results achieved with regard to recycling or reclamation in other forms of the containers, packaging or packaging materials, printed matter or other products concerned.

Compensatory contribution.

The Government may also, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 are required to pay a compensatory contribution as compensation to the municipalities.

2002, c. 59, s. 4.

Annual compensatory contribution.

53.31.3. The annual compensatory contribution payable corresponds to a percentage of the total of the net costs of the services provided by the municipalities in relation to the materials or a class of materials designated by the Government.

Amount.

The amount of the compensatory contribution shall be determined by material or class of materials designated by the Government.

Calculation.

Subject to a maximum amount fixed under section 53.31.4, the amount of the compensatory contribution is established by multiplying the percentage determined under that section by the total amount of the net costs determined under section 53.31.5 or, where applicable, section 53.31.7.

First contribution payable.

To establish the first annual compensatory contribution payable in relation to a material or a class of materials, the net costs taken into account are those borne by the municipalities in the year preceding the year in which the designation of the material or class of materials by the Government becomes effective. The amount of the compensatory contribution shall, however, be established as a proportion of the number of months elapsed since the designation.

2002, c. 59, s. 4; 2004, c. 24, s. 7.

Maximum percentage.

53.31.4. The percentage of the total of the net costs subject to compensation shall be determined by the Government and may not exceed 50%.

Maximum amount.

The Government may also determine, by regulation, the maximum amount of the annual compensatory contribution payable in relation to a material or a class of materials.

2002, c. 59, s. 4.

Total amount of net costs.

53.31.5. The total amount of the net costs of the municipal services subject to compensation and the nature of the expenses taken into account shall be determined by agreement between the municipal groupings and the body certified by the Société québécoise de récupération et de recyclage.

2002, c. 59, s. 4.

Agreement.

53.31.6. The Société québécoise de récupération et de recyclage shall support and assist the municipal groupings and the certified body in reaching an agreement. The Société shall see that any agreement entered into is conducive to the achievement of the objectives established in the residual materials management policy adopted under section 53.4 of this Act.

2002, c. 59, s. 4.

Determination of total net costs.

53.31.7. Failing agreement between the certified body and the municipal groupings within the time determined by the Minister, the Société québécoise de récupération et de recyclage shall determine the total amount of the net costs of the municipal services subject to compensation.

Approval.

The determination of the amount is subject to the prior approval of the Minister.

2002, c. 59, s. 4.

Municipal groupings.

53.31.8. The municipal groupings referred to in section 53.31.5 are the Union des municipalités du Québec and the Fédération québécoise des municipalités. Another body representing the municipalities may be substituted for or added to the municipal groupings if the body is designated for that purpose by the Société québécoise de récupération et de recyclage.

2002, c. 59, s. 4.

Applications for certification.

53.31.9. Applications for certification to represent the persons required to pay a compensatory contribution under this subdivision shall be made to the Société québécoise de récupération et de recyclage.

Information.

The Société may require any body to supply it with any information necessary to assess the merits of the application and, in particular, to ascertain the body's representativeness of the persons specified in the application.

2002, c. 59, s. 4.

Number of certifications.

53.31.10. Unless another grouping criterion is established by the Société québécoise de récupération et de recyclage, the Société shall issue as many certifications as there are materials or classes of materials designated by the Government uEffect.

This rule does not prevent the Société from issuing more than one certification to the same body.

Joint certification.

The Société may also issue joint certification in relation to the same materials or class of materials if the applicant bodies submit to the Société an agreement which the Société considers satisfactory as regards the manner in which the bodies are to share their responsibilities. The agreement shall specify in particular the proportion of the compensatory contribution that will be paid by each body.

2002, c. 59, s. 4.

Minimum criteria.

53.31.11. The Minister may specify minimum criteria to be taken into account by the Société québécoise de récupération et de recyclage in certifying a body.

Time limit.

The Minister may also determine the period within which applications for certification may be made to the Société. At the end of that period, the Société may designate a body on its own initiative if no application has been made or if no application satisfies the criteria fixed.

2002, c. 59, s. 4.

Compensation amount.

53.31.12. The certified body shall remit to the Société québécoise de récupération et de recyclage, in trust, the amount of the compensation owed to the municipalities.

Time and term of payment.

The times at which and the terms according to which the amount is payable to the Société shall be agreed between the

Société and the certified body. Failing agreement, they shall be determined by the Minister.

Goods or services.

The Government may, by regulation, provide that the amount of the compensation referred to in the first paragraph in relation to materials or a class of materials may be paid, in whole or in part, through a contribution in goods or services.

Dissemination of information.

The contributions in goods or services must enable the dissemination of information, awareness and education messages concerning environmental matters and favour messages intended to promote the recovery and reclamation of residual materials.

Terms and conditions.

The terms and conditions for applying a payment through contributions in goods or services shall be established by agreement between the certified body concerned and the Société québécoise de récupération et de recyclage, subject to any directives that the Minister may give in that regard.

2002, c. 59, s. 4.

Collection of contributions.

53.31.13. A certified body required to remit an amount of compensation under section 53.31.12 may collect, from its members and from persons who or which, without being members, carry on activities similar to those carried on by the members in relation to the designated materials or classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime.

2002, c. 59, s. 4.

Schedule of contributions.

53.31.14. The contributions payable shall be established on the basis of a schedule of contributions that has been the subject of a special consultation of the persons concerned.

Criteria.

The criteria taken into account to determine the schedule must evolve over the years in such manner as to foster the accountability of the various classes of persons concerned as regards the environmental consequences of the products they manufacture, market, distribute or commercialize or the materials they otherwise generate, having regard in particular to the content of recycled materials, the nature of the materials used, the volume of residual materials produced and their potential for recovery, recycling or other forms of reclamation.

Exemptions or exclusions.

The schedule of contributions may also provide for exemptions or exclusions in addition to those resulting from decisions made under section 53.31.2. The schedule of contributions may also specify the terms according to which the contributions are to be paid to the certified body, which must take into account payments through a contribution in goods or services made in accordance with section 53.31.12.

Approval.

The schedule must be approved by the Government.

2002, c. 59, s. 4.

Opinion.

53.31.15. The Société québécoise de récupération et de recyclage shall give an opinion to the Government on the advisability of approving the schedule of contributions proposed by the certified body. The approved schedule of contributions shall be published in the Gazette officielle du Québec.

2002, c. 59, s. 4.

Interest rate.

53.31.16. The sum owed to a certified body as a compensatory contribution to the municipalities bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31).

Remedy.

Where a certified body pursues a remedy to claim a sum it is owed under this Act, the certified body is entitled to claim, in addition to interest, an amount equal to 20% of that sum.

2002, c. 59, s. 4.

Distribution criteria.

53.31.17. The certified body and the municipal groupings shall agree on the criteria under which the compensation paid is to be distributed among the municipalities. They shall also agree on the times at which and the terms according to which the compensation is payable to the municipalities concerned.

Distribution criteria.

Failing agreement within the time prescribed by the Minister, the Société québécoise de récupération et de recyclage shall determine the applicable distribution criteria and fix the other terms according to which the payments are to be made to the municipalities concerned.

2002, c. 59, s. 4.

Compensation.

53.31.18. The Société québécoise de récupération et de recyclage may withhold from any sum received as compensation for the municipalities a percentage of the sum to indemnify the Société for its management costs and other expenses related to the compensation regime, including expenses for informational, awareness and educational activities and for development activities related to the reclamation of the designated materials or classes of materials.

Maximum percentage.

The percentage that may be withheld by the Société under the first paragraph shall be determined by the Government and may not exceed 10%.

2002, c. 59, s. 4.

Information and documents.

53.31.19. In addition to the powers provided for in section 53.31, the Minister may determine, by regulation, the information and documents concerning the matters referred to in that section that a person or municipality is required to periodically make available to the Minister or to furnish to the Société québécoise de récupération et de recyclage or to a body certified by the Société under this subdivision, as regards designated materials or classes of materials, for the establishment or application of a schedule of contributions for the purpose of compensating the municipalities.

2002, c. 59, s. 4.

Confidentiality.

53.31.20. The information obtained under section 53.31.19 by a body certified by the Société québécoise de récupération et de recyclage is confidential ; it may not be disclosed or made accessible to persons not legally entitled thereto except with the written authorization of the person concerned.

Restriction.

Persons working with such a body may not use confidential information obtained in connection with the compensation regime established under this subdivision to obtain, directly or indirectly, a benefit for themselves or for others.

2002, c. 59, s. 4.

Appendix F

Québec: Paint Recovery Service Level Standards

Regulation respecting the recovery and reclamation of discarded paint containers and paints, Schedule

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R20_01_A.htm

(s. 3)

The recovery system referred to in section 3 must be established in a way that offers a recovery service to the residents of each urban community or regional county municipality located south of the 51 st parallel, excluding unorganized territories, in which the business or supplier markets paints.

The recovery system must include collection points where paint containers of the same type as those marketed by the business or supplier subject to this Regulation may be returned free of charge as well as any paint they may contain.

The minimum number of collection points that must be included in the recovery system as well as their category and their location shall be determined according to the option chosen by the business or supplier in question.

The categories of collection points that may be prescribed for a recovery system are the following:

Category A: each collection point shall have a permanent depot, accessible year round during business hours and for a period of at least 24 hours per week in which at least 6 of those hours are during the weekend.

Category B: each collection point shall have a permanent depot or a mobile unit, accessible at least 10 days a year for at least 8 hours a day, including at least one day each season and at least half of those days must be a Saturday or a Sunday.

OPTIONS AVAILABLE TO A BUSINESS OR SUPPLIER

(number, category and location of collection points)

Option 1

For each sales point in a local municipality that sells paints under a trademark which is owned or used by a business or supplier in question, there must be at least one collection point located on the territory of that municipality. The category and the location of those collection points shall be determined according to the number of residents in the local municipality in question, in accordance with the requirements set out in the following table.

Local municipalities (population)	Category and location of collection points
<15 000	One category A or B collection point located at each of the sales points or less than 20 km, by a road opened year-round, from each of the sales points.
≥15 000	One category A collection point located at each of the sales points or less than 10 km, by a road opened year-round, from each of the sales points.

Option 2

For each local municipality belonging to an urban community or a regional county municipality for which a recovery system

must be established, the number and category of collection points shall be determined according to the number of residents in the local municipality in question, in accordance with the requirements set out in the following table.

The collection points must be located on the territory of the local municipality except for those whose population is less than 5 000 residents; in such a case, the collection point may or may not be located on the territory of the local municipality, provided that it is located less than 50 km, by a road opened year-round, from the town hall of that municipality.

Local municipalities (population)	Minimum number and categories of collection points
≥100 and <5000	One Category A or B collection point
≥5 000 and <15 000	One Category B collection point
≥15 000 and <30 000	One Category A collection point
≥30 000 and <60 000	One Category A collection point and one Category B collection point
≥60 000	Two Category A collection points and: <ul style="list-style-type: none"> - one Category A collection point for every additional 40 000 residents or part thereof, up to a total of 20 collection points; or - one Category B collection point for every additional 20 000 residents or part thereof, up to a total of 30 collection points

O.C. 655-2000, Sch.

Appendix G

Québec Used Oil, Oil or Fluid Containers, and Filter Service Level Standards

Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and filters, Schedule III

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R18_1_2_A.HTM

RECOVERY SYSTEM

1° The recovery system referred to in any of sections 5 to 7 must include collection points for each regional municipality in the territory in which a business or supplier subject to a recovery requirement under this Regulation markets oils, fluids, or filters. The same applies for any town (hereafter called “large town”) that has a population of 25,000 or more and whose territory is not part of the territory of a regional county municipality.

For the purposes of this section, “regional municipality” has the meaning assigned by section 53.5 of the Environment Quality Act.

2° The recovery system must include collection points for the deposit of used oils, oil or fluid containers and used filters required to be recovered and that are of the same type as the oils, fluids, or filters marketed by the business or supplier concerned, and for the deposit of any container or packaging used to transport the products.^{3°} A collection point shall have a permanent and fixed depot or a temporary, fixed or mobile depot.

A permanent depot is a depot that is accessible year round during regular business hours for a period of at least 24 hours per week in which at least 6 of those hours are during the weekend. The opening hours of the depot must be posted in an appropriate location.

A temporary depot is a depot that is accessible or available periodically and at least once per season.

A fixed depot must be located so as to minimize travel distances for the majority of persons served by the system in the territory concerned.

4° The use of the recovery system shall be free of charge for every citizen.

5° The minimum number of collection points that must be included in the recovery system and their type and location shall be determined according to the option chosen by the business or supplier concerned.

BUSINESS' OR SUPPLIER'S OPTIONS

(number, type, and location of collection points)

OPTION A

For each business in a regional municipality or a “large town” engaged in the selling of oils, fluids or oil filters under the trademark owned or used by a business or supplier subject to the recovery requirements, there must be a collection point located in the territory of the regional municipality or, as the case may be, the “large town”.

The collection points must be permanent and fixed depots that may be located at each such business or at any other location within a 5 km radius of such business by roads usable by motor vehicles year round.

OPTION B

The minimum number of collection points that must be included in the recovery system for each territory in which the system must be established and the type of collection points shall be determined according to the number of inhabitants of the regional municipality or, as the case may be, the “large town” concerned.

For a regional municipality that has a population of less than 25,000, the recovery system in the territory of the municipality must provide for one collection point. It may be a permanent and fixed depot or a temporary, fixed or mobile depot.

For a regional municipality or, as the case may be, a “large town” that has a population of 25,000 or more, the recovery system in the territory of the municipality or “large town” must provide for one collection point that is a permanent and fixed depot for each portion not exceeding 50,000 inhabitants.

Where the number of collection points required for a regional municipality or, as the case may be, a “large town” is equal to or greater than three, one third of the collection points must be in operation as soon as the system is implemented. Two-thirds of the collection points must be in operation on the first anniversary of the implementation of the system, and all collection points must be in operation on the second anniversary.

O.C. 166-2004, sch. III.

Appendix H:

SOGHU Annual Reporting Requirements

Certification Agreement between Société québécoise de récupération de de recyclage and Société de Gestion des Huiles Usagées

November 25, 2004

Excerpted from “Québec Used Oil Management Association/ Société de Gestion des Huiles Usagées (SOGHU) Member’s Manual

http://www.soghu.com/en/members/pdfs/28.08.06%20Members_Manual.pdf

Section 9: Annual Report and Transmission of Information and Documents

9.1. SOGHU undertakes to transmit the following documents to RECYC-QUÉBEC within the time indicated, as the case may be:

- 9.1.1. the names, addresses and registration numbers, when they are registered in the register of sole proprietorships, partnerships and legal persons, of the member businesses, and the names and addresses of their officers, within 60 days of the coming into force of the Regulation;
- 9.1.2. the names, addresses and registration numbers, when they are registered in the register of sole proprietorships, partnerships and legal persons, of any business which becomes or ceases to be a member, and the names and addresses of its officers, within 30 days of membership, withdrawal or resignation of a business;
- 9.1.3. the name, address and contact information of any business the services of which are retained by SOGHU for mobile collection or fixed collection of the products contemplated by the agreement, and the service zones, within 30 days of the signing, amendment, resiliation or cancellation of an agreement to this effect with a business;
- 9.1.4. any guideline, directive, study, report or other administrative, technical or economic tool developed to promote the implementation of SOGHU’s recovery and reclamation system.

9.2. SOGHU undertakes to transmit the following documents to RECYC-QUÉBEC and to the Minister within the time limit indicated:

- 9.2.1. a copy of SOGHU’s letters patent and business plan, within sixty days of the signing of the Agreement. The business plan shall be approved in advance by RECYC-QUÉBEC;
- 9.2.2. the description of the recovery system it establishes, in particular, the number and location of collection points, the names and addresses of the persons responsible for recovery, in the case of third parties, and the terms and conditions of transport, storage and processing of the recovered products, according to the different types of oil, containers, packaging or filters, when the Regulation comes into force. This description shall be updated annually and transmitted to RECYCQUÉBEC and to the Minister no later than the anniversary date of the coming into force of the Regulation;
- 9.2.3. a description of the information campaigns and the other measures foreseen to promote recovery and reclamation of the products concerned to consumers and obtain their cooperation, within 90 days of the coming into force of the Regulation;

- 9.2.4. the presentation of the means implemented for reclamation of the recovered products, in particular, the reclamation methods chosen, the names and addresses of the persons responsible for reclamation, in the case of third parties, and the efforts projected so that the means of reclamation used conform to the 4R hierarchy (reduce at source, reuse, recycle and reclaim) and to develop the markets or techniques of reclamation or the markets for reclaimed products. This presentation shall be made when the Regulation comes into force. It shall be updated annually and transmitted to RECYC-QUÉBEC and to the Minister no later than the anniversary date of the coming into force of the Regulation;
 - 9.2.5. the presentation of the methods of elimination envisioned for recovered products which are not reclaimed, if any, indicating the name and address of the person responsible for elimination, in the case of a third party, within 90 days of the coming into force of the Regulation.
- 9.3. SOGHU shall keep available to the Minister and transmit to RECYC-QUÉBEC the annualized data on the quantities of oil, containers or filters marketed by its members, according to the different types of oils, containers or filters.
 - 9.4. Effective from the expiry of the first full year of operation of SOGHU and no later than March 1 of each subsequent year, SOGHU shall transmit to the Minister and to RECYC-QUÉBEC a report of the results of SOGHU's recovery and reclamation activities. This report shall contain at least the items stipulated in this section and all other information agreed between the parties to this Agreement.
 - 9.5. The annual report produced by SOGHU under this section shall include:
 - 9.5.1. the list of members in good standing of SOGHU and, as the case may be, of the withdrawals or resignations of members registered during the year;
 - 9.5.2. the names, addresses and contact information of the persons responsible to SOGHU for the recovery, reclamation and elimination activities;
 - 9.5.3. for each type of material contemplated, the quantities recovered and subsequently reclaimed or, if any, the quantities eliminated due to a lack of reclamation alternatives, with an indication of the methods of reclamation or elimination chosen; for oils, these quantities shall be indicated by weight and volume, and for containers and filters, by weight and number of units;
 - 9.5.4. the means adopted to promote the development of reclamation techniques for recovered oils, oil or fluid containers and filters, particularly for the purposes of reuse and recycling, and the results of the research conducted;
 - 9.5.5. the description of the information campaigns conducted and the other measures taken to promote recovery and reclamation of used oils, oil or fluid containers and used filters;
 - 9.5.6. SOGHU's audited annual financial statements and the calculation method that served to establish the contributions and subsidies, and the costs generated during the period covered by the report, by the implementation of SOGHU's recovery and reclamation system, the information, awareness and education campaigns, and the research and development activities;
 - 9.5.7. any change occurring during the period shall be the object of the report on information transmitted to the Minister or to RECYC-QUÉBEC under the Agreement;
 - 9.5.8. SOGHU's budget forecasts for the next three years after the year covered by the annual report;
 - 9.5.9. the information contemplated in subsection 9.3 and in paragraphs 9.5.3, 9.5.4 and 9.5.6 of the Agreement shall be audited by an external auditor who shall certify its veracity, as the case may be. This certificate shall accompany SOGHU's annual report transmitted to the Minister and to RECYC-QUÉBEC.

Appendix I:

Saskatchewan Environmental Management and Protection Act, 2002

Part X, Section 81(1)aa

<http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/e10-21.pdf>

81(1) The Lieutenant Governor in Council may make regulations: ...

(aa) respecting the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of prescribed products, including the following:

- (i) prescribing those products;
- (ii) prohibiting the sale or distribution of prescribed products;
- (iii) requiring the creation and operation of product management programs and requiring that those programs be approved by the minister;
- (iv) setting out procedures for obtaining approval of a product management program;
- (v) prescribing standards for product management programs;
- (vi) requiring participation in product management programs;
- (vii) permitting persons to contract with other persons to fulfil their responsibilities under a product management program;
- (viii) requiring the keeping of records respecting product management programs;
- (ix) authorizing the inspection of the records mentioned in subclause (viii);
- (x) requiring the preparation and filing with the department of annual and other reports including prescribing the content of the reports and when the reports are to be filed;
- (xi) permitting the exemption of persons from participation in product management programs;
- (xii) requiring security to ensure compliance with the terms of product management programs and prescribing the amount, form and contents of that security;
- (xiii) requiring the provision and posting of public and educational information and material respecting product management programs;
- (xiv) authorizing the minister to prescribe any other terms and conditions that the minister considers necessary respecting the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of prescribed products....

under section 53.31.2.