

QUESTIONS AND ANSWERS

Recycling Regulation Amendment – May 19, 2011

Packaging and Printed Paper

Ministry of Environment

Q: What is packaging and printed paper?

A: Packaging is defined in the Environmental Management Act as...

“a material, substance or object that is

(a) used to protect, contain or transport a commodity or product, or

(b) attached to a commodity or product or its container for the purpose of marketing or communicating information about the commodity or product;”

Printed paper is defined in the Recycling Regulation and includes all paper printed with text or graphics (e.g., news papers, flyers, phonebooks) with the exception of bound books.

Q: When will the program come into effect?

A: This program will be implemented within three years of the regulatory amendment (May 19, 2014).

Q. Will there be more consultation?

A. Yes. Ministry staff are currently planning stakeholder meetings to discuss the changes. The meetings are likely to take place in June and September/October 2011. In addition, industry is required to consult on their Product Stewardship Plan prior to submitting it to government for approval in November 2012.

Q: What is the role of local governments?

A: Local governments may choose to participate in or assist a product stewardship program by:

- providing facilities or operational services as a *service provider* at a landfill or other local site for product collection or processing,
- helping to inform the public that the stewardship program is available,
- assisting the producer or agency with local land use and business licence issues relating to collection and processing facilities, and
- imposing bans on the landfilling of the relevant products when appropriate.

Q: Will my community get curbside collection (e.g. bluebox)?

A: All communities will receive some level of collection service. As a general principle if the community currently has curbside it will likely continue to receive it. The level of collection service will be an important consultation issue for local governments and private individuals when industry solicits stakeholder input on its draft stewardship plan.

Q: How will “haulers” or “recyclers” be effected by the changes?

A: Haulers and recyclers will need to transition to marketing their services to producers. Producers will conduct public consultation with all stakeholders on the details of their proposed program.

Q: Is ICI (Institutional, Commercial, Industrial) packaging and printed paper exempted?

A: No, the definition of packaging and printed paper does not exclude sectors. The stewardship plan must adequately provide for collection of the product by the producer from residential premises and municipal property that is not industrial, commercial or institutional property.

Several commercial businesses are getting out ahead of the game and collecting all packaging they produce (e.g. London Drugs, Starbucks). It is the Ministry's expectation that ICI facilities will show leadership and strive to collect and recycle as much packaging as possible from their facilities (e.g. hospitals, schools, offices, restaurants, hotels, etc). Municipalities may also enact bylaws that ban packaging disposal that comes from ICI facilities and/or require all ICI licensed facilities to recycle packaging. The provincial government intends to include packaging and printed paper from private spaces, for example, spaces within industrial, commercial and institutional settings in the future.

Q: Is there a Canada-wide effort to managing packaging?

A: Yes, the Canada-wide Sustainable Packaging Strategy (2009) requires all provincial and territorial jurisdictions to develop Extended Producer Responsibility programs for packaging as a first step and then work collectively on further goals, including reduction.

Q. What have other jurisdictions done?

A: All the countries in the European Union have extended producer responsibility programs for packaging. Ontario, Quebec and Manitoba have developed similar packaging programs.

Key Elements of the Recycling Regulation

Focus on the 'Producer': The 'producer' is the person who is the manufacturer of the product or the first seller of a product in the province. A producer may appoint an agency to discharge its obligation under the Regulation.

Duty of the Producer. A producer is required to have an approved product stewardship plan or comply with specific requirements outlined in the regulation in order to sell or distribute the product in B.C.. Producers may appoint an agency to undertake their duties.

Product Stewardship Plans: Producers must submit a product stewardship plan to the ministry for approval. The product stewardship plan defines the elements of the producers' program for managing the regulated product, including program objectives, targets and operational performance measures.

Consultation on Product Stewardship Plans: Producers or their agency must conduct satisfactory consultation with affected stakeholders before the ministry approves a plan.

Funding of EPR Programs: The regulation does not specify how producers fund their programs. Program design must ensure no costs are borne by local government and general taxpayers.

Producer Accountability: Producers, or their agency, are required to submit an annual report on the performance of the program to the ministry, and to post their annual reports on the internet. Annual reports, or the links to producer's websites, are posted on the ministry's web site.

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