

Notification of Environmental Measure for the Purposes of the Agreement on Internal Trade

1. Jurisdiction

Quebec Government

2. Notification status

Consultation

3. Closure date for comments

To be confirmed. Consult the Quebec National Assembly site at the following link: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-88-39-1.html>

4. Effective date

Will be determined when the bill is adopted.

5. Issue

Containers and packaging are essential for preserving and transporting products, but the materials used to fabricate them consume significant amounts of energy and resources, and are often not very recyclable or infrequently recycled or reclaimed.

However, greater accountability and participation by businesses which produce, market or otherwise distribute containers, packaging, printed material and newspapers in Quebec to the funding of municipal curbside recycling programs could encourage the reduction in use, environmental design and increased recovery rates of such materials.

Since it is important that these materials be diverted from landfill, Quebec is therefore proposing through the introduction of Bill 88 an in-depth review of the Compensation regime for municipal services provided to recover and reclaim residual materials introduced in 2002 in the Quebec Environmental Quality Act (EQA) and implemented in 2005 with the adoption of its regulations.

Furthermore, since Quebec wishes to ensure that any policy, planning or regulation encourages the use of methods for managing residual materials that will also result in optimal environmental, economic and social benefits, Bill 88 also proposes the integration into the EQA of the principle of the hierarchy of 4R-D (reduction at the source, reuse, recycling including biological treatment, other materials reclamation, energy reclamation, and disposal)

6. Official name

Bill No. 88

Bill No. 88: An Act to amend the Environment Quality Act as regards residual materials management and to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

7. Key words

Extended producer responsibility (EPR), compensation, curbside recycling, residual materials, recovery, reclamation, packaging, excess packaging, 4R-D

8. Legal framework

Act amended by this bill:

Environment Quality Act (R.S.Q., Chapter Q-2)

Regulation amended by this bill:

Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (Order in Council (2004, G.O. 2, 3153)).

9. Category

Bill

10. Contact person

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11. Summary

This bill makes various amendments to the Environment Quality Act as regards residual materials management. It better defines the concept of reclamation and enables the Government to determine what residual material treatment operations constitute reclamation. An order of precedence is established in the treatment of residual materials and reduction at source is given priority. The Minister of Sustainable Development, Environment and Parks is given the power to delegate various responsibilities to Recyc-Québec as regards the reclamation of residual materials.

The current compensation regime is modified as regards the recovery and reclamation services provided by the municipalities. More particularly, the bill amends the Environment Quality Act and the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, in order to define the calculation method and the performance and efficiency criteria used to determine the annual compensation owed to municipalities by the persons who produce, market or otherwise distribute materials subject to compensation. The amount of the compensation is to be divided among the materials or classes of materials, according to the share allotted to each by the Government. Recyc-Québec is to have the responsibility of determining the annual amount of the compensation on the basis of the information the municipalities will be required to send to that organization. The bill provides for an annual increase of the percentage of the compensation owed to municipalities until full compensation of the admissible cost has been reached in 2015.

Furthermore, the bill determines how the annual compensation is to be paid and distributed to municipalities, including interest and penalties in the case of non-payment, and sets out the conditions under which payment of the compensation for a given material or class of materials may be made in whole or in part through a contribution in goods or services. The bill also provides for the determination of the indemnity payable to Recyc-Québec for its management costs and other expenses incidental to the compensation regime.

Lastly, the bill includes transitional measures applicable to the determination, payment and distribution of the compensation owed to municipalities for the year 2010.

French version of bill:

<http://www.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-88-39-1.html>

12. Notification date

April 16, 2010