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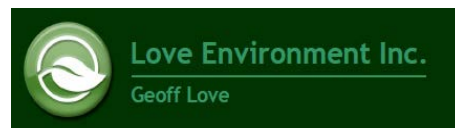
Key Elements of Extended Producer Responsibility and Product Stewardship Programs in Canada

-BENCHMARKING STUDY-

Final Deliverable Submitted to
Waste Management Task Group
Canadian Council of Ministers of the Environment

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Glossary of Terms

AB	Province of Alberta
ARMA	Alberta Recycling Management Authority
BC	Province of British Columbia
CNA	Canadian Newspapers Association
CCCR	Consumer Chemicals and Containers Regulations under the federal Transportation of Dangerous Goods Regulations (TDGR).
CSSA	Canadian Stewardship Services Alliance
de-minimus	Threshold which, below this level a company would not be obligated to participate fully in a waste diversion program. It could be an annual revenue threshold or an annual tonnage of product or packaging placed on or supplied to the consumer market in a given Province or Territory.
EPR	Extended Producer Responsibility: a policy approach in which a producer's responsibility for a product is extended to the postconsumer stage of a product's life cycle ¹
EPRA	Electronics Products Recycling Association
HHSW	Household hazardous and special wastes
IFO	Industry Funding Organization
IWMC	Island Waste Management Corporation
MB	Province of Manitoba
MHSW	Municipal Hazardous or Special Wastes (Ontario term)
MMSB	Multi Material Stewardship Board of Newfoundland and Labrador
NB	Province of New Brunswick
NL	Province of Newfoundland and Labrador
NS	Province of Nova Scotia
NU	Nunavut Territory
NT	Northwest Territories
ON	Province of Ontario
OTR	Off the Road (tires)
OTS	Ontario Tire Stewardship
PEI	Province of Prince Edward Island
PRO	Producer Responsibility Organization
Producer / Steward	The highest responsible entity in the distribution chain in a jurisdiction and may include but is not limited to the brand owner, manufacturer, franchisee, assembler, filler, distributor, retailer or first importer of the product who sells, offers for sale or distributes the product in or into a jurisdiction, as defined in the Acts and/or regulations applicable in Canadian jurisdictions ²
Product Stewardship	Programs in which manufacturers, brand owners and/or importers are not <i>directly</i> responsible for program funding, or for program operations. These are initiatives funded by consumers, operated by public agencies or delegated administrative organizations. Producers can be involved indirectly ³
PPP	Packaging and Printed Paper
QC	Province of Québec
RRFB	Resource Recycling Fund Board of Nova Scotia
SK	Province of Saskatchewan
SOGHU	Société de gestion des huiles usagées (SOGHU) is a private non-profit organization
Stewardship Plan	A Business Plan, or Program Plan developed by a collective organization of producers to be approved by a government delegated authority for operation of a waste diversion program.
TDGR	Canada Transportation of Dangerous Goods Regulations
Tonnage	Amount in weight of packaging (or product) annually supplied to the market or collected
WDO	Waste Diversion Ontario
WEEE	Waste electrical and electronic equipment
YT	Yukon Territory

¹ CCME, 2014. Progress Report on the Canada-Wide Action Plan (CAP) for Extended Producer Responsibility (EPR). PN1524. ISBN 978-1-77202-007-6 PDF. Pg 1.

² CCME, 2014. Progress Report on the CAP for EPR. PN1524. ISBN 978-1-77202-007-6 PDF. Pg 1.

³ CCME, 2014. Progress Report on the CAP for EPR. PN1524. ISBN 978-1-77202-007-6 PDF. Pg 5.

Executive Summary

The Canadian Council of Ministers of Environment (CCME) is the primary minister-led intergovernmental forum for collective action on environmental issues of national and international concern. CCME's Waste Management Task Group (WMTG) coordinates the delivery of CCME's waste management activities. CCME's WMTG is working with stakeholders to achieve greater consistency on key elements of Extended Producer Responsibility (EPR) and product stewardship programs across Canada. As part of that initiative, CCME engaged Giroux Environmental Consulting to prepare this benchmarking study presenting a summary of current requirements for Canadian EPR and product stewardship programs, focusing on current requirements for:

- Lists of designated products and materials
- Definitions for stewards, obligated producers, and de-minimus (if applicable)
- Program monitoring and reporting metrics (non-financial)
- Auditing protocols (financial and non-financial)⁴.

The objectives of this study were to document the key consistencies and inconsistencies between Canadian EPR and product stewardship programs for CAP-EPR Phase 1 materials⁵ only. These materials have been grouped for this study as follows:

- Household hazardous and special wastes (HHSW)⁶ (including mercury-containing lamps and other mercury-products)⁷
- Waste electronics and electrical equipment (WEEE)
- Packaging, printed paper, and beverage containers
- Used lubricating oils and products, tires, antifreeze, and lead-acid batteries.

⁴ For this study, auditing protocols mean: are there requirements for auditing of non-financial performance (quality assurance to verify information on amount collected, recycled, etc.) as well as requirements for auditing financial program information (records or financial statements). If specific protocols are outlined in a regulation or government guidance document these would be identified.

⁵ Canada-Wide Action Plan for Extended Producer Responsibility can be viewed online on CCME's website at http://www.ccme.ca/files/current_priorities/waste/pn_1499_epr_cap_e.pdf

⁶ For this study the products listed in the CCME EPR Canada-Wide Action Plan Progress Report were included in this category: batteries (consumer household batteries, rechargeable and single-use); corrosives; aerosols and pressurized containers; solvents and flammables; pesticides/fertilizers; mercury lamps and other mercury-containing products; paint; and pharmaceuticals and sharps.

⁷ Mercury-containing lamps and products are listed here in its own bullet just as this product category appears in the CCME EPR Action Plan list. For the purposes of this study this category has been grouped within the household hazardous and special wastes category.

Key Findings

This Executive Summary highlights key consistencies and inconsistencies identified based on detailed tables presented in Sections 2-5 of the Study. Please see the tables for examples and detail on which jurisdictions are being referred to in this summary text.

Consistencies

There were some **consistencies** identified that apply to multiple material categories; these are aspects of programs that are consistent at a broad or strategic-level, as when comparing more detailed programs elements there were not very many consistencies identified.

- *Generally, all Regulations for both EPR and product stewardship programs across all material categories do require annual reporting to the government and for an annual report to be available publicly. See details by material in the Tables in this study.*
- *The majority of both EPR and product stewardship programs across most material categories do require third party verified (audited) financial statements for their programs and this requirement is most often outlined directly in a regulation. Most Regulations also state that all financial transactions, accounts, records, etc. must be made available upon request to the Minister.*
- *The majority of jurisdictions require performance monitoring metrics to be outlined in stewardship Program Plans, rather than regulation. There are some exceptions as some Provinces have a recovery target percentage directly in a regulation, however most programs defer detailed performance monitoring requirements to be developed by stewards themselves in EPR programs or in Business Plans, but not by government authorities, including how they will demonstrate quality assurance. In most cases these Program Plans or Business Plans must be approved by government.*
- *In reviewing definitions for the obligated party across programs, generally most jurisdictions obligate the First Seller or First Importer in their regulations to address products coming from outside their jurisdiction. This is true for HHSW, WEEE, PPP, beverage containers, used oil and antifreeze, and lead-acid batteries (where regulated) – however tire regulations do not tend to make this distinction. Nevertheless, despite this inclusion there are complexities involved in identifying the path of obligation in some cases, especially with non-resident brand owners that sell many products via distributors and do not know who the First Importer ultimately is.*

Inconsistencies

There were numerous **inconsistencies** identified that affect multiple material categories, these are highlighted here, with details presented in discussion points in each Section of this study.

- *There are variations in the definitions and lists of designated products within regulated programs which are otherwise similar. This is most significant in the HHSW category,*

as some jurisdictions refer to a household hazardous waste standard while other jurisdictions either utilize their own definitions or don't have a Regulation for HHSW broadly (for example, five jurisdictions only have paint regulations in this category). This was also evident in the WEEE and Tires categories, although to a lesser extent. See Sections 3 and 5 in this study for further details.

- Although all jurisdictions (with the exception of two Territories) include beverage containers in their regulatory programs either as part of a multi-packaging regulation or separately, *less than half of jurisdictions have regulated programs for multi-packaging or printed paper jurisdiction-wide*. It is possible that these materials might be diverted at the municipal level through municipal programs – these may not operate jurisdiction-wide and are not required by regulation.
- *There was little consistency observed among jurisdictions in the definitions used for obligated stewards across similar programs*; however, further dialogue with stewards directly would be needed to determine whether this is problematic for them or not in terms of having an impact on overall program performance.
- *For PPP producers, there are variations in the threshold exemptions*. Such as having different revenue-based exemption thresholds and tonnage based thresholds; however, size provisions (annual sales revenue, annual tonnes) have very different implications depending on the size of local companies (i.e. operating only in the province rather than national). This is one situation where a common definition of de-minimis across Canada would not achieve a consistent outcome in each province.
- *When comparing similar programs for the same product category across jurisdictions, there is a range of performance monitoring metrics used, and the location of where these requirements are specified also varies* between regulation, guidance document, Steward Rules, Business Plan, or Stewardship Plan. It was difficult to find this information for each program. Further details are presented in Sections 2-5.
- *There are some inconsistencies with respect to auditing requirements for non-financial performance information, and these differ by material category*: about half of HHSW, used oil/oil products, antifreeze and tire programs require auditing of non-financial performance information, while the majority of beverage container, packaging and printed paper, and WEEE programs require auditing of non-financial information.

Résumé

Le Conseil canadien des ministres de l'environnement (CCME) est le principal forum intergouvernemental qui, sous la direction des ministres, mène une action concertée dans des dossiers environnementaux d'intérêt national et international. Le Groupe de travail sur la gestion des matières résiduelles (GTGMR) du CCME coordonne l'exécution des activités qui touchent la gestion des matières résiduelles. Il travaille actuellement avec des intervenants à accroître la cohérence de certains éléments clés des programmes de responsabilité élargie des producteurs (REP) et des programmes de gestion des produits à la grandeur du Canada. Dans le cadre de cette initiative, le CCME a confié à la firme Giroux Environmental Consulting la préparation de la présente étude comparative, qui offre une synthèse des exigences actuellement applicables aux programmes de REP et de gestion de produits au Canada, plus particulièrement les exigences en vigueur concernant ce qui suit :

- les listes de produits et de matières visés;
- les définitions de « gestionnaire » (« *steward* » en anglais), « producteur assujéti » et « *de minimus* » (s'il y a lieu);
- les paramètres (non financiers) de suivi des programmes et de production de rapports sur les programmes;
- les protocoles d'audit (données financières et non financières)⁸.

Les objectifs de la présente étude étaient de répertorier les principales cohérences et incohérences qui existent entre les programmes de REP et de gestion de produits au Canada, et ce, uniquement en ce qui concerne les matières et produits visés à l'étape 1 du Plan d'action pancanadien pour la responsabilité élargie des producteurs (PAPREP)⁹. Ces matières et produits ont été classés comme suit pour les besoins de la présente étude :

- les résidus domestiques dangereux et déchets spéciaux (RDDDS)¹⁰ (incluant les lampes contenant du mercure et autres produits contenant du mercure)¹¹;
- le matériel électronique et électrique rebuté (MEER);
- les emballages, imprimés et contenants de boissons;

⁸ Les auteurs de cette étude abordent la question des protocoles d'audit en se demandant s'il existe des exigences requérant l'audit de la performance non financière des programmes (processus d'assurance de la qualité pour vérifier les données recueillies sur les quantités de matières récupérées, recyclées, etc.) et des exigences requérant l'audit des données financières (livres ou états financiers) des programmes. Si un règlement ou un document d'orientation gouvernemental fait état de protocoles d'audit particuliers, la présente étude devrait en faire mention.

⁹ Le PAPREP se trouve sur le site Web du CCME à l'adresse suivante :

http://www.ccme.ca/files/Resourcess/fr_waste/fr_epr/pn_1500_epr_cap_f.pdf.

¹⁰ Pour les besoins de cette étude, les produits énumérés dans le rapport d'étape sur le PAPREP du CCME ont été inclus dans cette catégorie : piles (piles d'usage courant, rechargeables et jetables); produits corrosifs; aérosols et contenants sous pression; solvants et produits inflammables; pesticides/engrais; lampes au mercure et autres produits contenant du mercure; peintures; produits pharmaceutiques et seringues.

¹¹ Nous avons cité la catégorie des lampes et autres produits contenant du mercure telle qu'elle apparaît dans la liste du PAPREP du CCME. Pour les besoins de cette étude, cette catégorie a été intégrée dans celle des résidus domestiques dangereux et déchets spéciaux.

- divers produits automobiles usés (huiles et produits de lubrification, pneus, antigel et accumulateurs au plomb).

Principales conclusions

Le présent résumé fait état des principales cohérences et incohérences relevées à la lumière des tableaux détaillés présentés dans les sections 2 à 5 du rapport complet (en anglais seulement). Les exemples et les détails auxquels sont renvoyées les autorités compétentes dans le présent résumé se trouvent dans ces tableaux.

Cohérences

Nous avons relevé des **cohérences** qui touchent plusieurs catégories de matières; il s'agit d'aspects des programmes qui sont cohérents dans l'ensemble ou sur le plan stratégique, car une comparaison plus détaillée des divers éléments des programmes n'a pas permis de relever beaucoup de similitudes.

- *Règle générale, tous les règlements qui encadrent les programmes de REP et de gérance des produits applicables aux différentes catégories de matières exigent la production de rapports annuels au gouvernement et d'un rapport annuel au public. Pour des détails sur les exigences applicables à chaque catégorie de matières, consulter les tableaux de l'étude.*
- *La majeure partie des programmes de REP et de gérance des produits dans la plupart des catégories de matières sont tenus de faire vérifier (auditer) leurs états financiers par une tierce partie, obligation qui est généralement énoncée dans un règlement. La plupart des règlements stipulent également que les données financières (transactions financières, comptes, livres, etc.) doivent être présentées sur demande à la ou au Ministre.*
- *La majeure partie des provinces et territoires exigent que les paramètres de suivi de la performance soient énoncés dans les plans des programmes de gérance plutôt que dans un règlement. Il y a des exceptions, certaines provinces ayant établi un pourcentage cible de récupération directement dans un règlement. Dans la plupart des programmes, cependant, il incombe aux gestionnaires et non aux autorités gouvernementales d'énoncer les critères de suivi de la performance dans les programmes de REP ou les plans d'activité, ainsi que de montrer comment ils s'acquitteront de l'assurance de la qualité. Dans tous les cas, les plans de programmes ou d'activité doivent recevoir l'approbation du gouvernement.*
- *Un examen des définitions de « partie assujettie » (« obligated party » en anglais) utilisées dans les programmes montre que la plupart des provinces et territoires obligent, par règlement, le premier vendeur ou le premier importateur à prendre en charge les produits qui viennent de l'extérieur de leur territoire. C'est vrai pour les RDDDS; le MEER; les emballages et imprimés; les contenants de boissons; les huiles et l'antigel usés; ainsi que pour les accumulateurs (lorsqu'ils sont réglementés), alors*

que les règlements qui ciblent les pneus ne font généralement pas cette distinction. Malgré cette inclusion, il est parfois difficile d'identifier les parties assujetties, particulièrement dans le cas des propriétaires de marque non résidents qui vendent de nombreux produits par l'intermédiaire de distributeurs et qui ignorent qui est, en définitive, le premier importateur.

Incohérences

Nous avons relevé de nombreuses **incohérences** qui touchent plusieurs catégories de matières. Ces incohérences sont exposées brièvement ci-dessous et plus en détail dans les diverses sections de l'étude.

- *Il y a des incohérences dans les définitions utilisées et les listes de produits et matières visés par les programmes réglementés, lesquels sont sinon plutôt similaires. Les incohérences les plus notables touchent la catégorie des RDDDS : en effet, certaines autorités compétentes s'en remettent à une norme ciblant les résidus domestiques dangereux, alors que d'autres utilisent leurs propres définitions ou n'ont pas de règlement pour les RDDDS dans leur ensemble (par exemple, cinq autorités n'ont qu'un règlement sur la peinture dans cette catégorie). Des différences sont également visibles dans les catégories « MEER » et « pneus », mais dans une moindre mesure. Pour plus de détail à ce sujet, voir les sections 3 et 5 de l'étude.*
- Bien que toutes les autorités compétentes (à l'exception de deux territoires) incluent les contenants de boissons dans leurs programmes réglementaires soit en vertu d'un règlement visant plusieurs types d'emballages soit séparément, *moins de la moitié d'entre elles possèdent des programmes réglementés visant les imprimés ou plusieurs types d'emballages sur l'ensemble de leur territoire. Il est possible que ces matières soient détournées de l'élimination par des programmes municipaux, mais ces programmes ne sont pas nécessairement en vigueur à la grandeur de la province ou du territoire en question et ne sont pas rendus obligatoires par règlement.*
- *Nous avons observé peu de points communs entre les définitions de « gestionnaire assujetti » (« obligated steward » en anglais) utilisées dans les programmes des différentes autorités compétentes; il faudrait cependant s'entretenir plus directement avec les gestionnaires pour déterminer si ces incohérences leur créent des problèmes qui nuisent à la performance de leurs programmes en général.*
- *Dans le cas des producteurs d'emballages et d'imprimés, nous avons noté des différences dans les seuils fixés pour les exemptions. Il s'agit notamment de différences dans les seuils d'exemption basés sur les revenus et basés sur le tonnage; certains critères (revenus annuels tirés des ventes, tonnes par année) ont cependant des conséquences très différentes selon la taille des entreprises locales (c.-à-d. des entreprises en activité uniquement dans une province donnée par opp. à des entreprises d'envergure nationale). Il s'agit là d'un cas où l'adoption d'une définition commune (pour *de-minimus*) au Canada ne donnerait pas le même résultat dans chaque province.*

- *En comparant des programmes provinciaux et territoriaux similaires visant la même catégorie de produits, il apparaît que les paramètres de contrôle de la performance, de même que l'endroit où sont stipulés ces paramètres (règlement, guide, règles à l'intention des gestionnaires, plan d'activité ou plan de gérance), varient d'une province ou d'un territoire à l'autre. Ces renseignements ont été difficiles à trouver pour chaque programme. Pour plus de détails, voir les sections 2 à 5.*
- *Nous avons observé des incohérences entre les critères d'audit des données sur la performance non financière, lesquels critères diffèrent d'une catégorie de matières à l'autre : environ la moitié des programmes ciblant les RDDDS ainsi que l'huile, les produits pétroliers, l'antigel et les pneus usés exige l'audit des données sur la performance non financière, alors que la majeure partie des programmes ciblant les contenants de boissons, les emballages, les imprimés et le MEER exige l'audit des données non financières.*

1 BACKGROUND AND OBJECTIVES

1.1 Background

The Canadian Council of Ministers of Environment (CCME) is the primary minister-led intergovernmental forum for collective action on environmental issues of national and international concern. CCME's Waste Management Task Group (WMTG) coordinates the delivery of CCME's waste management activities.

Extended Producer Responsibility (EPR) is a policy approach in which a producer's responsibility, physical and/or financial, for a product is extended to the post-consumer stage of a product's life cycle. In 2009 CCME approved a *Canada-wide Action Plan for Extended Producer Responsibility (CAP-EPR)*¹², which governments are implementing across the country. In 2015 Ministers of Environment renewed their ongoing commitment to implementing EPR and to achieving consistent and common approaches to EPR where practicable, while respecting their own governments' jurisdiction and issues.

CCME's WMTG is working with stakeholders to achieve greater consistency on key elements of EPR and product stewardship programs. As part of that initiative, CCME engaged Giroux Environmental Consulting to prepare this benchmarking study presenting the current requirements across Canada.

1.2 Objectives

The objectives of this study are to research and document the main similarities and inconsistencies across current waste diversion programs in Canada (EPR and product stewardship) for CAP-EPR Phase 1 materials, focusing on the following key elements:

- Lists of designated products and materials
- Definitions for stewards, obligated producers, and de-minimus (if applicable)
- Program monitoring and reporting metrics (non-financial)
- Auditing protocols (financial and non-financial)¹³.

¹² Canada-Wide Action Plan for Extended Producer Responsibility can be viewed online on CCME's website at http://www.ccme.ca/files/current_priorities/waste/pn_1499_epr_cap_e.pdf

¹³ For this study, auditing protocols mean requirements for both auditing of non-financial performance (quality assurance to verify information on amount collected, recycled, etc.) as well as requirements for auditing financial program information (records or financial statements). If specific protocols are outlined in a regulation or government guidance document these would be identified.

1.3 Scope

The scope of this benchmarking study was focused strictly upon the Phase 1 materials from the CCME CAP EPR Action Plan:

- Packaging
- Printed materials
- Electronics and electrical waste
- Household hazardous and special wastes
- Mercury-containing lamps and other products¹⁴; and
- Automotive wastes (used lubricating oils and products, tires, antifreeze, and lead-acid batteries).

The scope of this assignment was outlined by the CCME WMTG and included the following:

- EPR *and* product stewardship programs that target consumer waste from end-of-life (when consumer is finished with the product or package).
- Current Canadian programs operated by producer organizations or government authorities operating Province- or Territory-wide (both regulatory programs and voluntary programs that are regulated in some jurisdictions).
- Focus on regulatory information, supplemented with government guidance documents and industry practices where easily identifiable.

The following are examples of programs deemed to be *not* in scope:

- Where a jurisdiction leaves the responsibility up to municipalities to decide to collect and divert materials from landfills without a provincial-wide program, regulation, requirement, or policy.
- Single-bag fee Regulations, which are not programs to collect and recycle waste at end of life but rather they are a financial incentive program to not use plastic bags when shopping at a retail store (these are waste reduction initiatives, but not an end of life waste diversion initiative similar to the rest of the programs included in this study).
- Industrial, Commercial, and Institutional waste diversion initiatives.

¹⁴ Mercury-containing lamps and products are listed here in its own bullet just as this product category appears in the CCME EPR Action Plan list. However for the purposes of this study this category has been grouped within the household hazardous and special wastes category.

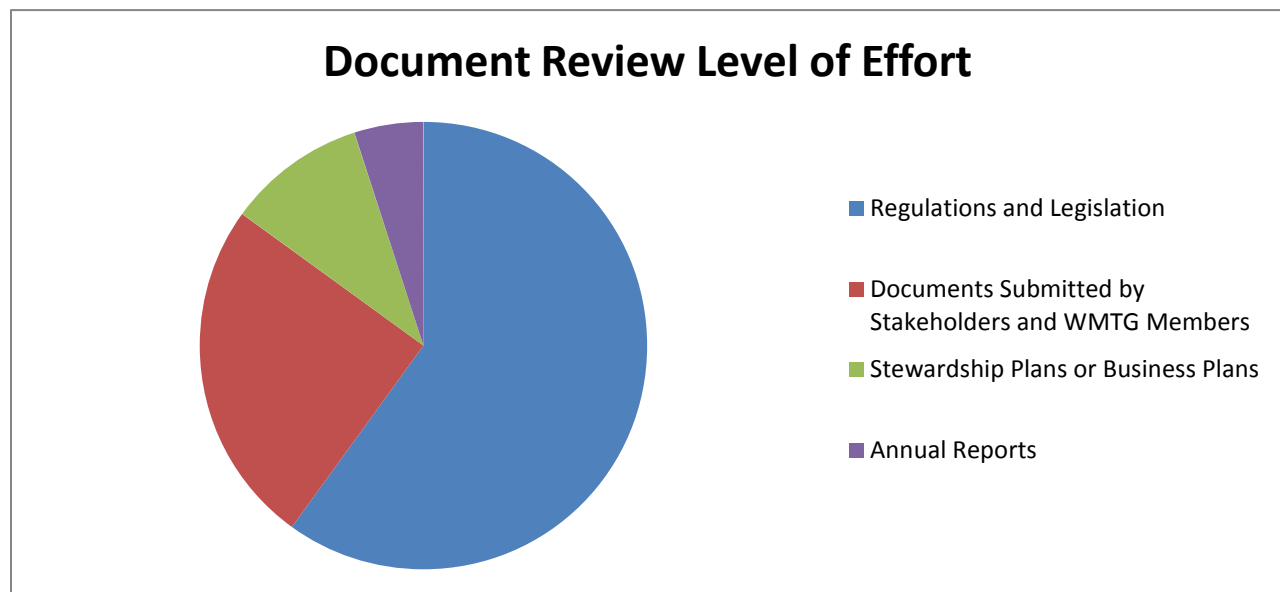
The goal of the benchmarking study was to collect and present this information in a manner that summarizes key similarities and inconsistencies among programs as a means to provide a foundation for CCME to identify next steps.

1.4 Approach

The approach for this assignment was accepted in a proposal to CCME. The approach was focused on regulatory review and document review, and is outlined here:

- Review of documents submitted by government representatives on the WMTG and documents submitted by steward organizations to CCME for this project.
- Internet research and review of Regulations and other documents for each program.
- Documentation of information collected into information collection templates.
- Review and analysis of completed information collection templates, design and development of summary tables for each material category.
- Report writing and integration of feedback received on the draft report.

The focus of the level of effort dedicated to the different documents reviewed for this assignment is presented in the following chart. This demonstrates the level of detail presented in this study correlates with the high focus placed on the regulatory review.



1.5 Structure of this Document

The structure of the information presented in this study includes a series of tables (5-6) for each material category. These tables document all the lines of inquiry examined for this study and were developed to show areas of consistency and inconsistency in a comparative format. A brief discussion follows the tables in each Section. Material categories are as follows:

- Section 2: Household Hazardous and Special Wastes
- Section 3: Electronics and Electrical Wastes
- Section 4: Packaging and Printed Paper, and Beverage Containers
- Section 5: Automotive (lubricating oil/products, antifreeze, lead acid batteries, tires)

2 HOUSEHOLD HAZARDOUS AND SPECIAL WASTES

2.1 Introduction and Products Included in this Category

There are many different terms in the literature to describe this category of wastes, and for the purposes of this report the following terminology will be used: Household Hazardous and Special Wastes (HHSW). This category is comprised of many different products, and for this benchmarking study, the product categories listed on page 7 of the CCME EPR Canada-Wide Action Plan Progress Report¹⁵ were used as guidance. These include:

- Batteries (consumer household batteries, rechargeable and single-use)
- Corrosives
- Aerosols¹⁶
- Solvents and Flammables
- Pesticides
- Fertilizers
- Mercury Lamps and other Mercury Products
- Paints and Coatings
- Pharmaceuticals and Sharps

2.2 Jurisdictional Comparisons of Definitions and Regulatory Requirements for HHSW

This section includes a series of tables. The tables present jurisdictional comparisons of the following:

- Type of Regulation targeting the product (single or multi-product);
- Categories of products covered in the program and lists of specific designated products;
- Terminology and definitions used for obligated stewards;
- Performance monitoring requirements identified as well as the frequency of reporting on performance to a government authority; and
- Auditing requirements (financial and non-financial).

A discussion follows the tables highlighting consistencies and inconsistencies identified.

¹⁵ Progress Report on The Canada-Wide Action Plan For Extended Producer Responsibility 2014. PN 1524. ISBN 978-1-77202-007-6 PDF

¹⁶ In this category aerosols refer to common household hazardous wastes such as consumer aerosol products including for example household cleaners and lubricating spray products, however in many instances paint aerosols are treated specifically within jurisdictional paint programs.

Table 1: HHSW Product Categories and Designated Products

Categories	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT	NT
HHSW Regulation that encompasses multiple product categories and is in effect Province-wide?	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No
Separate Regulation for specific products?	batteries / mercury lamps	Paint	Paint	No	Pharmaceuticals and sharps	No	No	Paint	Paint	Paint	No	No
Aerosols / pressurized containers	Legislated paint aerosols	Legislated paint aerosols	Legislated paint aerosols	Legislated paint aerosols	Legislated paint, solvent, pesticide aerosols	Legislated paint aerosols	Legislated paint aerosols	Legislated paint aerosols	Legislated paint aerosols	Legislated paint aerosols	No	No
Solvents	Legislated	No	No	Legislated	Legislated	No	No	No	No	No	No	No
Flammables / gasoline	Legislated	No	No	Legislated	No	No	No	No	No	No	No	No
Corrosives	No	No	No	Legislated	Legislated	No	No	No	No	No	No	No
Pesticides (consumer)	Legislated	No	No	Legislated	Legislated	No	No	No	No	No	No	No
Fertilizers (consumer)	No	No	No	No	Legislated (<30kg)	No	No	No	No	No	No	No
Pesticide/fertilizer containers (agricultural)	Voluntary	Voluntary	Voluntary	Legislated	Voluntary	Exempted	Voluntary	Voluntary	Voluntary	Voluntary	No	No
Paints and Coatings	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	No	No
Pharmaceuticals	Legislated	Voluntary	Voluntary	Legislated	Legislated	Voluntary	Legislated	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary
Sharps	No	Voluntary	No	No	Legislated	Voluntary	Legislated	No	Voluntary	Voluntary	No	No
Batteries – rechargeable	Legislated	Voluntary	Voluntary	Legislated	Voluntary	Legislated	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary
Batteries – single use	Legislated	Voluntary	Voluntary	Legislated	Legislated	Legislated	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary
Mercury lamps	Legislated	No	No	Legislated	Voluntary ¹⁷	Legislated	Legislated	Voluntary	Voluntary	No	No	No
Mercury thermostats	Legislated	Voluntary	Voluntary	Legislated	Voluntary	No	Voluntary	Voluntary	Voluntary	Voluntary	No	Voluntary
Notable Differences in Definitions?												
Reference to use of a standard definition for HHSW:	None	None	None	CSA Z752-03 Standard	CSA Z752-03 + Reg. 347, EPA	None	None	None	None	None	None	None
Reference to use of a standard definition for Pesticides:	Canada Pest Control Products Act	None	None	Canada Pest Control Products Act	Canada Pest Control Products Act	None	None	None	None	None	None	None

No = there is no Province- or Territory-wide regulated program operating, either EPR or product stewardship (although some municipalities may voluntarily collect HHSW).

¹⁷ A steward organization has been voluntarily managing an interim program for mercury-containing lamps in Ontario, which were included in “Phase II” of Ontario’s legislated program.

Table 2: HHSW Programs – Summary of Obligated Parties¹⁸

Categories	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Definition applies to:	Multiple HHSW products in a regulation	Paints only	Paints only	Multiple HHSW products in a regulation	Multiple HHSW products in a regulation	Multiple HHSW products in a regulation	Multiple HHSW products in a regulation	Paints only	Paints only	Paints only
Who is obligated? <i>[Detailed definitions of obligated parties presented in following table]</i>	Producer Manufacturer Distributor Seller Brandowner First Importer	Supplier Manufacturer Distributor Wholesaler Marketer Retailer First Importer	First Seller Manufacturer First Importer	First Supplier First Importer	Brandowner Licensee First Importer	Brandowner First Supplier	Brandowner Manufacturer Distributor Seller First Importer	Brandowner Manufacturer Distributor Licensee First Importer	Brandowner Manufacturer Licensee Seller Distributor	Manufacturer Brandowner Licensee Seller Distributor Retailer
Does the regulation refer to situations where people/enterprises are not located in the jurisdiction and who is obligated in those situations?	Yes: The definition is cascading to allow flexibility in determining where the obligation lies, i.e., outside of province	Yes: First Importer	Yes: First Importer	Yes: First Importer	Yes: First Importer	Yes: First Supplier	Yes: First Importer	Yes: First Importer	No	Yes: Distribute <i>into province</i>
Is the definition for obligated party in the regulation?	yes	yes	yes	yes	No (Steward Rules)	yes	yes	yes	yes	yes

Note that the Northwest Territories, Nunavut and Yukon do not have regulated programs in the HHSW category so are not presented in this table.

¹⁸ Since the HHSW programs operating in the territories are voluntary programs without associated regulations they have been removed from this and subsequent exhibits in this section.

Table 3: HHSW Programs – Definitions of Obligated Parties

BC	AB	SK	MB	ON
<p>A Producer / Brandowner means:</p> <ul style="list-style-type: none"> a person who manufactures the product and sells, offers for sale, distributes or uses in a commercial enterprise the product in BC under the manufacturer's own brand, if above does not apply, a person who is the owner or licensee of a trademark under which a product is sold, distributed or used in a commercial enterprise whether or not the trademark is registered, or if above does not apply, a person who imports the product into the province for sale, distribution or use in a commercial enterprise. 	<p>A "supplier" means:</p> <ul style="list-style-type: none"> a manufacturer of paint who supplies the manufacturer's own brand of paint to a retailer, or an end user, in or into Alberta; a marketer who supplies paint to a retailer, or an end user, in or <u>into</u> AB, where the paint was manufactured for the marketer by another person and the marketer owns the brand or is the licensee of the brand; a wholesaler, including a retail distributor, who supplies paint to a retailer, or an end user, in or <u>into</u> AB; a retailer who supplies to the end user paint that the retailer has imported in or into AB; any other supplier of paint in or into AB; or an end user. 	<p>The "first seller" means a person who:</p> <ul style="list-style-type: none"> manufactures paint in SK; imports paint into SK for sale to vendors or consumers of paint in SK; or imports paint into SK for use in SK. 	<p>"Steward of designated material" means:</p> <ul style="list-style-type: none"> the first person who, in the course of business in Manitoba, supplies a designated material to another person; or a person who, in the course of business in Manitoba, uses a designated material obtained in a supply transaction outside of Manitoba 	<p>"Stewards" Definition:</p> <ul style="list-style-type: none"> Brand Owner with respect to a specific product or good that is MSHM; a Person Resident in Ontario who is the holder of the registered trademark, or a Person Resident in Ontario who is the licensee, in respect of the registered trademark, or a Person Resident in Ontario, who owns the intellectual property rights to the unregistered trademark, or a Person Resident in Ontario, who is the licensee, in respect of the intellectual property rights of the unregistered trademark. First Importer means a Person Resident in Ontario, who imports into Ontario a specific product or good that is MSHM, for which a Brand Owner does not exist in Ontario and includes a Person Resident in Ontario who is the first to take control of such product or good, upon or after arrival in Ontario from elsewhere during the Data Period.
QC	PE	NB	NS	NL
<p>Obligated party:</p> <ul style="list-style-type: none"> Enterprise that markets a product under a brand, a name or a distinguishing guise owned or used by the enterprise. First supplier whether or not the enterprise is the importer, even if the enterprise has no establishment in QC; or the enterprise acquires the product outside of QC, regardless of whether the enterprise owning or using the brand has an establishment in Québec. 	<p>Obligated party: "brand owner":</p> <ul style="list-style-type: none"> consumer product sold, offered for sale or otherwise distributed in or <u>into</u> PEI a manufacturer of the product, a distributor of the product in or <u>into</u> PEI, or where the product is imported into PEI, the first person to sell the product <u>in or into</u> PEI. A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a material stewardship program on their behalf. 	<p>Obligated party: "brand owner":</p> <ul style="list-style-type: none"> a person who manufactures paint in the Province and sells, offers for sale or distributes that paint in the Province, 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 brings paint <u>into the</u> Province for sale or distribution. 	<p>Obligated party: "brand owner":</p> <ul style="list-style-type: none"> 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 the Province, or a manufacturer or distributor of a consumer paint product sold, offered for sale, or otherwise distributed in the Province. 	<p>Obligated party: "brand owner":</p> <ul style="list-style-type: none"> a person who manufactures paint in the province and sells, offers for sale or distributes that paint in the province a person who is the owner or licensee of a registered or unregistered trademark under which paint is sold, offered for sale or distributed, or a person who brings paint <u>into</u> the province for sale or distribution. "retailer" means a person who sells or offers for sale paint in the province to a consumer. "agent" means a corporation appointed by a brand owner to act as an agent on behalf of the brand owner.

Table 4: HHSW Programs Performance Monitoring Requirements

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Type of performance monitoring required by Regulation or Act:	HHSW: Recovery Rate % or alternative	Paint: No performance monitoring requirements in regulation; DAO sets/identifies the performance measures in its business plan.	Paint: No performance monitoring requirements in regulation, refers to Stewardship Plan	HHSW: No performance monitoring requirements in regulation, refers to Stewardship Plan	HHSW: The Act specifies that monitoring of "efficiency and effectiveness" must be undertaken by steward plan.	HHSW: Performance monitoring: recovery rates % Other monitoring metrics: Amount (units or weight) reused, recycled, stored, disposed; Amount stored; Traceability; 3RV respect; Mass balance; Research and development; Information, awareness an education; # and location of collection depots.	HHSW: Total quantity collected	Paint: Reuse Rate % Amount (in weight) collected reused, recycled, stored, disposed awareness	Paint: Reuse Rate % or Recycling rate % Amount sold, collected, processed, stored	Paint: Reuse Rate % or Recycling rate % Amount collected, processed, stored
If not in Regulation or Act, where is performance monitoring defined?	Also in Stewardship Plan	DAO By-laws and Business Plans	In Stewardship Plan	In Stewardship Plan	In Stewardship Plans	Specified above	Specified above	Specified above	Specified above	Specified above
Type of Monitoring Undertaken	Specified above; plus awareness #collection facilities & accessibility	Total number of liters of paint recycled Total number paint cans recycled	Types and amount of paint collected and diverted	Recovery Rate %	Approved program plan sets targets for collection and recovery. PROs monitor: volume or weight (pesticides, paints,	Specified above	Specified above	Specified above plus third party assessment of performance required	Specified above	Specified above plus third party assessment of performance required

Key Elements of Extended Producer Responsibility and Product Stewardship in Canada – A Benchmarking Study –

	volume sold	Amount processed per capita			solvents, batteries) sales, # units or weight (pharmaceuticals or sharps)					
	volume collected total/per region	Recovery rate								
	management of material to end deposition	Downstream traceability								
Reporting on Performance:	Annually to Gov't	Annually	Annually to Agency	Annually to Agency	Annually to Agency	Annually to Agency	Annually to Gov't	Annually to Agency	Annually to Gov't	Annually to Gov't

Recovery rate % = calculated by dividing the quantity of product recovered by the quantity of product generated and available for collection.
 Note that the Northwest Territories, Nunavut and Yukon do not have regulated programs in the HHSW category so are not presented in this table.

Table 5: Auditing Requirements for Organizations Managing HHSW

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Program:	HHSW	Paint	Paints	HHSW	HHSW	HHSW	HHSW	Paints	Paints	Paints
Is auditing of non-financial performance required by a Regulation or Program Plan?	Yes	No	[Enabled in regulation] Refers to Program Plan	No	Yes	Yes	[Enabled in regulation] Refers to Program Plan	Yes	No	No
Frequency of audit non-financial information:	Annually	-	-	-	Refers to Program Plans	Annually	-	Annually	-	-
Is auditing of financial performance required by a Regulation or Program Plan?	Yes, For programs with visible eco-fee	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
Frequency of audit of financial information:	Annually	Requirement for DAO to define.	-	Annually	Annually	Annually	-	Annually	Annually	Annually
Where are auditing protocols stated?	Non-financial quality assurance guideline	DAO Business Plan	-	Program Plan	Program Plans	Regulation	-	Program Plan	Regulation	Regulation
Auditing standard utilized:	Non-financial to ISAE specified in regulation	None specified in regulation	-	None specified in regulation	None specified in regulation	Standards Council of Canada. For individual programs, a professional third-party auditor	-	None specified in regulation	None specified in regulation	None specified in regulation
Other relevant information identified:		Regulation requires a business plan and annual report to be approved by the Minister	-	-	WDO audits IFO periodically. IFO audits steward data quarterly	Third party certified by SCC must provide assurance and verification	-	-	Landfill waste audits have been conducted	-

ISAE: International Standard on Assurance Engagements 3000

Note that the Northwest Territories, Nunavut and Yukon do not have regulated programs in the HHSW category so are not presented in this table.

DAO: Delegated Administrative Organization (in Alberta).

2.3 HHSW Category – Inconsistencies and Consistencies Identified

Inconsistencies:

- Definitions for product categories: There are variations in product definitions across jurisdictions. Two jurisdictions (ON and MB) utilize a CSA standard¹⁹ to define HHSW – however, this standard does not define products (rather, it defines characteristics). ON also refers to Regulation 347 under the Ontario Environmental Protection Act to further define this category. Other jurisdictions either utilize their own definitions for this category (BC, PEI) or don't have a Regulation targeting multiple product categories for HHSW (AB, SK, NB, NS, and NL only have paint regulations that are applicable to this category). Information submitted by industry stakeholders notes that although paint definitions are relatively consistent, ON and QC are exceptions as they include bitumen-based coatings which other programs do not include. In general, the paint programs focus on architectural paints and coatings and exclude industrial use paints but “industrial” is not well defined or consistently defined across some programs. Similarly, treatment of marine and automotive paints is not universal.
- Differences in inclusions in product categories across sectors: Examples: 1) BC includes batteries, mercury lamps and mercury thermostats in an entirely different piece of the legislation (electronics recycling), rather than household hazardous waste. 2) The pesticide and fertilizer container program for commercial agricultural products are legislated under MB and QC's PPP programs (not HHSW regulations) because the containers are designated products in the PPP regulations in these jurisdictions (containers recovered by CleanFarm's program in QC are exempted from the PPP compensation regime). 3) The QC mercury lamps program includes mercury lamps from all sectors while the MB program only includes lamps from the residential sector. 4) There were multiple programs covering batteries in some jurisdictions, with definitions that might not be precise (e.g. batteries that are embedded in other products and those that are not, specifying rechargeable or single use, specifying sizes). This was both difficult to track and understand, as provincial government websites don't include information on all programs operating – both legislated and voluntary, for batteries.
- Gaps in programs to divert these products: solvents and flammables; corrosives; pesticides and fertilizers; and mercury lamps are diverted jurisdiction-wide in less than 50 percent of jurisdictions.
- Gaps in Jurisdictional Coverage: The territories remain a significant gap in coverage across most products in this material category.

¹⁹ CSA Standard Z752-03 “*Definition of Household Hazardous Waste*” is used by both ON and MB. In addition, ON also refers to definitions in Regulation 347 under the Environmental Protection Act to define HHSW products.

- Performance monitoring requirements is the area where there are significant discrepancies across the country within product groups in this category. There is a wide variation: some jurisdictions require recovery rates, other require recycling rates and/or reuse rates combined with total amount in weight of a product collected, processed, and stored; while still other jurisdictions report total quantity in terms of litres or # units– across similar product categories.
- Auditing of non-financial information: Four of ten jurisdictions do not outline requirements for steward organizations to conduct performance auditing of non-financial information for their programs, while six do require this. All Regulations do, however, authorize stewards to outline how they will demonstrate quality assurance in their program plan application.

Consistencies:

- Obligated Party: There is slight variation in how jurisdictions define an obligated party, however the majority use the term “Brandowner” and also obligate the First Seller/ First Importer).
- The paint product category is consistently well covered across the country by Regulations (either EPR or product stewardship) with programs operating Province-wide in all Provinces (but not in any of the Territories).
- Product categories that are well covered across the country by a combination of Regulations (either EPR or product stewardship) as well as voluntary EPR programs include: consumer use batteries; pharmaceuticals; sharps; and mercury thermostats.
- Annual reporting to government of non-financial information is required for all HHSW programs.
- Auditing of financial information: The majority of programs require that third party verified financial statements be reported annually. Also, most Regulations state that all financial transactions, accounts, records, etc. must be made available upon request to the Minister. Generally, non-profit organizations in all jurisdictions are typically required to produce audited financial statements according to other Provincial (and Federal if registered federally) legislation relating to the transparent operation of non-profit organizations²⁰.
- If a collective producer organization operates similar programs across multiple jurisdictions, it allows for greater consistency in program operation and quality assurance: For example, paint programs that are operating as part of Product Care in eight jurisdictions (as well as Product Care’s management of mercury-containing lighting

²⁰ Reviewing legislation on the operation of non-profit organizations and crown corporations, etc., was not included in the scope of this study.

programs in five jurisdictions) allows for a consistent management structure for program operation and performance monitoring.

3 ELECTRONICS AND ELECTRICAL WASTES

3.1 Introduction and Products Included in this Category

There are many different terms in the legislation and industry practice to describe this category of wastes, and for the purposes of this report the following terminology will be used: Waste Electrical and Electronic Equipment (WEEE). This overall group of materials is comprised of many different products, as noted below²¹:

- Information technology
- Telecommunications equipment
- Audio visual equipment
- Household appliances
- Electrical and Electronic Tools
- Electronic toys & leisure equipment
- Lighting equipment
- Monitoring and measuring equipment
- Medical equipment

3.2 Jurisdictional Comparisons of Definitions and Regulatory Requirements for WEEE

This section includes a series of tables. The tables present jurisdictional comparisons of the following:

- Type of Regulation targeting the product (single or multi-product);
- Categories of products covered in the program and lists of specific designated products;
- Terminology and definitions used for obligated stewards;
- Performance monitoring requirements identified as well as the frequency of reporting on performance to a government authority; and
- Auditing requirements (financial and non-financial).

A discussion follows the tables highlighting consistencies and inconsistencies identified.

In this material category if a product is included in a designated “list” associated with a Regulation this is indicated in the following table. However, in some instances (these are noted) not all designated products are currently being collected in an approved program.

²¹ List was generated based on a review of common categories used in WEEE regulations in Canada.

Table 6: WEEE Product Categories and Designated Products

Program	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
All designated products covered under one Regulation?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Extended Producer Responsibility (EPR) or Product Stewardship program?	EPR	Product Stewardship	EPR	EPR	EPR	EPR	EPR	EPR	EPR	EPR	Product Stewardship
Collectively Managed :	Yes 8 Jurisdictions	Yes 1 Jurisdiction (NT)	Yes 8 Jurisdictions	Yes 8 Jurisdictions	Yes 8 Jurisdictions	Yes 8 Jurisdictions	Yes 8 Jurisdictions	Under Development	Yes 8 Jurisdictions	Yes 8 Jurisdictions	Yes 1 Jurisdiction (AB)
Terminology Used	Electronic and Electrical Product	Electronics	Electronic Equipment	Electrical and Electronic Equipment	Waste Electrical and Electronic Equipment	Electronics	Electronic Product	Electronic Product	Electronic Product	Electronic Product	Electronics
Product Categories Listed in Regulations or in Approved Programs											
Information Technology (IT)	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Not listed
Telecommunications	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Not listed
Audio Visual	Listed	Not listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Listed	Not listed
Household appliances	Listed	Not listed	Not listed	Microwaves	Listed - but not currently obligated	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed
Electrical and Electronic Tools	Listed	Not listed	Not listed	Not listed	Listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed
Electronic Toys & Leisure	Listed	Not listed	Not listed	Not listed	Listed - but not currently obligated	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed
Lighting equipment	Listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed
Monitoring and Measuring	Listed	Not listed	Not listed	Not listed	Listed	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed
Medical monitors	Listed	Not listed	Not listed	Not listed	Listed - but not currently obligated	Not listed	Not listed	Not listed	Not listed	Not listed	Not listed
Currently operating in a regulated program (either EPR or product stewardship)	All listed materials	IT Televisions	All listed materials	All listed materials	IT Telecom Audio/visual	All listed materials	All listed materials	All listed materials pending ²²	All listed materials	All listed materials	All listed materials
Currently operating in a voluntary program (EPR or product stewardship)		Cell phones	Cell phones					Cell phones			Cell phones
<i>Proposed Materials (Consultations ongoing)</i>		Audio/visual Telecom Sm appliance Power tools									
Specific Products Designated in the Categories Identified (from Regulations)											
Computers / portable devices / peripherals	√	√	√	√	√	√	√	√	√	√	√
Computer monitors	√	√	√	√	√	√	√	√	√	√	√

²² New Brunswick’s program is currently under development and expected to be implemented in 2016. Regulations were passed in 2015.

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Program	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
Printers / scanners / copiers	√	√	√ (printers / copiers)	√	√	√	√	√	√	√	√
Cellular phones	√			√	√	√	√	√	√	√	
Non-cellular phones & answering machines	√		√	√	√	√	√	√	√	√	
Telecommunications	√				√						
Televisions	√	√	√	√	√	√	√	√	√	√	√
Audio Equipment	√		√	√	√	√	√	√	√	√	
Cameras	√		√	√	√	√	√	√	√	√	
Video equipment	√		√	√	√	√	√	√	√	√	
Vehicle audio/video			√			√					
Typewriters	√				√						
Small appliances	√				(√)						
Electrical tools	√				(√)						
Calculators	√				(√)						
Personal care appliances	√				(√)						
Garment care Appliances	√				(√)						
Air treatment appliances	√				(√)						
Microwave ovens	√			√	(√)						
Large cooling appliances	√				(√)						
Large cooking appliances	√				(√)						
Washers & dryers	√				(√)						
Clocks	√				(√)						
Fans	√				(√)						
Water purifiers	√				(√)						
Garbage appliances	√										
Outdoor power tools	√				(√)						
Sewing machines	√				(√)						
Electronic toys	√				(√)						
Musical instruments	√										
Electronic sport equipment	√				(√)						
Lighting equipment / parts	√										
Monitoring devices and alarms	√										
Scales	√				(√)						
Electronic medical devices	√				(√)						
Others	Furnaces Slot machines Lamps, Batteries ²³				ATM						
Exemptions	Computers and televisions that are part of or attached to vehicles, marine vessels or commercial/ industrial	Motor vehicle related			Implanted medical instruments	ICI* equipment	Motor vehicle related	Motor vehicle related	Motor vehicle related	Motor vehicle related	

²³ Note that consumer single-use and rechargeable batteries were previously addressed in the HHSW material category, Section 2 of this report.

Program	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
	<i>equipment</i>										

Notes:

*ICI = industrial, commercial and institutional

(√) = parenthesis means that the product was designated in a regulation but is not currently included in an approved WEEE plan. Therefore this product is not currently being collected.

BC's Recycling Regulation Electronics Schedule also includes batteries but for the purposes of this study batteries have been discussed under HHSW.

Table 7: Electronics Programs – Summary of Obligated Parties²⁴

Categories	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
Who is obligated? <i>[Detailed definitions of obligated parties presented in following table]</i>	Producer Manufacturer Distributor Seller Licensee Importer	Supplier Manufacturer Marketer Wholesaler Retailer Distributor	First Seller Manufacturer Distributor Licensee Vendor Importer	Steward of Designated Material First Supplier	<i>Definition for Stewards developed in a Program Plan</i> Stewards Brand Owners First Importers Assemblers	Brand Owner First Supplier	Brand Owner Manufacturer Seller Distributor Licensee First Seller	Brand Owner Manufacturer Seller Distributor Licensee First Seller	Brand Owner Manufacturer Seller Distributor Licensee	Brand Owner Manufacturer Distributor Licensee First Seller	Distributor
Does the regulation refer to situations where people/enterprises are not located in the jurisdiction and who is obligated in those situations?	Yes: The definition is cascading to allow flexibility in determining where the obligation lies, i.e., outside of province	Yes: "supplier of electronic in or into Alberta"	Yes: "first seller"	Yes: "first person who supplies"	No	Yes: "first supplier"	Yes: "first person to sell"	Yes: "first person to sell"	Yes: "Distributed in or into"	Yes: "first person to sell"	No
Is the definition for obligated party in the regulation?	Yes	No (in DAO ²⁵ ByLaw)	Yes	Yes	No (in Steward Program Plan)	Yes	Yes	Yes	Yes	Yes	Yes

²⁴ There are no electronics programs operating in Nunavut or Yukon so these have been removed from this and subsequent tables in this section.

²⁵ In Alberta, Alberta Recycling Management Authority (Alberta Recycling) is the Delegated Administrative Organization (DAO) in charge of administering the electronics recycling program. They have the powers to develop by-laws and rules for suppliers.

Table 8: Electronics Programs – Definitions of Obligated Parties

BC	AB	SK	MB	ON
<p>Obligated party: “Producer”:</p> <ul style="list-style-type: none"> a person who manufactures the product and sells, offers for sale, distributes or uses in a commercial enterprise the product in British Columbia under the manufacturer’s own brand, if above does not apply, a person who is not the manufacturer of the product but is the owner or licensee of a trademark under which a product is sold, distributed or used in a commercial enterprise in British Columbia, whether or not the trademark is registered, or if above does not apply, a person who imports the product into British Columbia for sale, distribution or use in a commercial enterprise; 	<p>Obligated party: “Supplier”:</p> <ul style="list-style-type: none"> a manufacturer of electronics who supplies the manufacturer’s own brand of electronics to a retailer, or an end user, in or into Alberta a marketer who supplies new electronics to a retailer, or an end user, in or into Alberta, where the electronics were manufactured for the marketer by another person and the marketer owns the brand or is the licensee of the brand A wholesaler, including a retail distributor, who supplies electronics to a retailer, or an end user, in or into Alberta A retailer who supplies to the end user electronics that the retailer has imported in or into Alberta Any other supplier of electronics in or into Alberta 	<p>Obligated party: “First Seller”:</p> <ul style="list-style-type: none"> 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; 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; imports electronic equipment into Saskatchewan for resale in Saskatchewan; imports parts for electronic equipment into Saskatchewan for assembly and resale in Saskatchewan; or purchases electronic equipment outside of Saskatchewan for use in Saskatchewan; 	<p>Obligated party: “Steward of Designated Material”:</p> <ul style="list-style-type: none"> the first person who, in the course of business in Manitoba, supplies designated material to another person; or a person who, in the course of business in Manitoba, uses designated material obtained in a supply transaction outside of Manitoba. 	<p>Obligated party: “Stewards”:</p> <ul style="list-style-type: none"> Brand owners, first importers and/or assemblers of non-branded products for sale and use in Ontario that result in WEEE. Stewards are obligated to pay fees under an approved waste diversion program.
QC	PE	NB	NS	NL
<p>Obligated party: “Enterprise”:</p> <ul style="list-style-type: none"> Enterprise that markets a product under a brand, a name or a distinguishing guise owned or used by the enterprise. First supplier whether or not the enterprise is the importer, even if the enterprise has no establishment in QC; or the enterprise acquires the product outside of QC, regardless of whether the enterprise owning or using the brand has an establishment in Québec. 	<p>Obligated party: “brand owner”:</p> <ul style="list-style-type: none"> consumer product sold, offered for sale or otherwise distributed in or into PEI a manufacturer of the product, a distributor of the product in or into PEI, or where the product is imported into PEI, the first person to sell the product in or into PEI. an owner or licensee of the intellectual property rights to the electronic product, the first person to sell the electronic product in or into PEI. 	<p>Obligated party: “brand owner”:</p> <ul style="list-style-type: none"> a manufacturer of electronic products, a distributor of electronic products an owner or licensee of a registered or unregistered trademark under which electronic products are sold, offered for sale or distributed, or the first person to sell the electronic product. 	<p>Obligated party: “brand owner”:</p> <ul style="list-style-type: none"> a person who is the owner or licensee of the intellectual property rights to an electronic product sold, offered for sale or otherwise distributed in or into the Province, a manufacturer or distributor of an electronic product sold, offered for sale or otherwise distributed in or into the Province. 	<p>Obligated party: “brand owner”:</p> <ul style="list-style-type: none"> a manufacturer of an electronic product, a distributor of an electronic product in or into the province, an owner or licensee of the intellectual property rights to an electronic product, the first person to sell the electronic product in the province.
				NT
				<p>Obligated party: “Distributor”: a person registered as a distributor</p>

Table 9: Electronics Programs Performance Monitoring Requirements

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
Performance monitoring required in the Regulation or Act:	Yes: recovery rate % or alternative	No	Yes: See below	No	Yes: "Efficiency and effectiveness" must be monitored. Metrics to be defined in Stewardship Plan	Yes: recovery rate target % defined in regulation (as well as metrics below)	Yes: to be defined in Stewardship Plan	Yes: to be defined in Stewardship Plan	Yes: to be defined in Stewardship Plan	Yes: to be defined in Stewardship Plan	Yes, for each D, DO and PCO ²⁶
Performance monitoring required in another document?	Stewardship plan	As defined by Alberta Recycling in Business Plan	No	No	Stewardship Plan	Performance monitoring is also required in EPRA Québec's agreement with RECYC-QUÉBEC.	Stewardship Plan	Stewardship Plan	Stewardship Plan	Stewardship Plan	No
Type of Monitoring undertaken :	Sales # collection facilities & accessibility Amount collected total/per region (tonnes) Management of materials to end deposition Collection/Capture rate (eg for lighting)	Quantity processed (tonnes – total and per capita) Recovery rate %	Sales Amount collected (tonnes) 3R activities	Recovery rate % Sales Amount Collected 3R activities mass balance ²⁷	Quantity collected (tonnes)	Recovery Rate % Amount (units or weight) reused, recycled, stored, disposed; Amount stored; Traceability; 3RV respect; Mass balance; Research & development; Information,	Amount Collected 3Rs activities	Sales Amount Collected Recovery rate 3R activities & Env. Design Location & amount stored P&E	Amount collected rate 3R activities & Env. Design # and location of collection depots	Amount Collected 3R activities & Env. Design Location and amount stored P&E	Total Quantity collected (does not specify unit of measure)

²⁶ Records are required from Distributors (D), Depot Operators (DO) and Processing Centre Operators (PCO)

²⁷ Mass balance = quantity of materials that were recovered, and proportions that were reused, recycled, otherwise reclaimed, stored or disposed of.

Key Elements of Extended Producer Responsibility and Product Stewardship in Canada – A Benchmarking Study –

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
						awareness & education; number and location of collection depots					
Reporting on Performance:	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually

Note that Nunavut and Yukon don't have regulated programs in the electronics category so are not presented in this table.

Table 10: Auditing Requirements for Organizations Managing Electronics Programs

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
Is auditing of non-financial information required by Regulation or Program Plan?	Yes in Regulation	Yes as per Alberta Recycling Business Plan	Yes as per Program Plan	Regulation does not specify. Program Plan does not specify.	Yes as per Program Plan	Yes in Regulation	Yes as per Program Plan	Yes in Regulation	Yes as per Program Plan	Yes as per Program Plan	Regulation does not specify
Frequency of audit non-financial information	Annual	Annual	Annual	-	Annual	Annual	Annual	Annual	Annual	Annual	-
Is auditing of financial information required by Regulation or Program Plan?	Yes, for programs with visible eco-fee	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Frequency of audit financial information	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Not in reg. but part of contract with Alberta Recycling
Does the organization managing the program require auditing of recycling facilities used for the program?	Multiple programs with plan commitments (e.g., EPRA's RQO and/or R2	Not in regulation but Alberta Recycling has adopted EPRA's standard ²⁸	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	To be determined (Program Plan under development)	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	Program Plan requires on-going audit of recyclers in accordance with industry standard through EPRA's RQO	Not in reg. but part of contract with Alberta Recycling

Note that Nunavut and Yukon don't have regulated programs in the electronics category so are not presented in this table.

EPRA: Electronics Products Recycling Association – operates as a national family of guidance for electronics recycling standards across 8 jurisdictions in Canada.

RQO: Recycling Qualification Office, certification body authorized by EPRA to conduct audits of downstream electronics processors.

²⁸ Other stewardship agencies (outside of EPRA) have “adopted” the RQO as the default standard for processors in the absence of an agreed-to standard.

3.3 WEEE Category – Inconsistencies and Consistencies Identified

Inconsistencies

- Differences in sectors of equipment included: BC, Alberta, Manitoba, Ontario and Atlantic Provinces include both consumer, industrial and commercial use electronics in their definition (in BC, ICI electronics are not excluded) while other jurisdictions include consumer electronics only, however information submitted by producers indicates that industrial and commercial equipment is already managed at end of life through commercial contracts such as vendor take-back and through leasing agreements between equipment manufacturers and customers.
- Product categories and definitions: The Provinces of BC and Ontario have the most extensive list of designated WEEE products listed in their regulations of all jurisdictions, however Ontario does not currently have in place an approved plan for all designated electronics (only half of designated products listed are actually included in the approved stewardship plan). In addition, there may be differences between products included that relate to sectoral uses, for example, desktop printers targeting the residential market versus floor standing multi-function printers/copiers/scanners which are products that are primarily found in the commercial market – are not the same type of product, and not included in similar programs. Furthermore there might be weight restrictions in various electronic product categories and not in others.
- Obligated Parties: There is little consistency among jurisdictions in the terminology used for obligated stewards, however, further dialogue among government regulators and stewards directly would be needed to determine whether this is problematic for either party or not.
- Performance Monitoring: A variety of performance monitoring requirements were identified in various jurisdictions – some in regulations, some in Program Plans. There is little consistency observed in the performance monitored for this diverse category. Examples include: total quantity of products diverted (tonnage), quantity diverted per capita; quantity diverted to reuse, quantity recycled, quantity sent for disposal; diversion targets; and accessibility. Some programs report on many of these, some on only one of these.

Consistencies

- All Provinces and one Territory (NT) have a regulated program in place to divert WEEE from disposal: eleven jurisdictions have Regulations in place to collect and recycle electronic and electrical products. Although not all product categories are covered by all regulations (noted on previous page), having the regulation in place to cover the same minimum product categories across the country might be considered as a first step to allow for program expansions over time.

- Nine of eleven jurisdictions with electronics diversion programs require auditing of non-financial information to track program performance in this material category, either stated in a regulation or as approved in a Program Plan or Business Plan. Three jurisdictions do this in a regulation (BC, QC, NB) while the rest refer to a Program Plan or Business Plan to develop quality assurance protocols. Generally, these plans are comprehensive in detailing monitoring and quality assurance requirements, and also include details on auditing downstream processors to ensure quality assurance.
- Most jurisdictions with WEEE programs require auditing of financial information associated with program operations. There are consistent requirements across the country on annual reporting of financial statements. Generally, all non-profit organizations in all jurisdictions are required to produce audited financial statements according to other Provincial legislation relating to the transparent operation of non-profit organizations.
- Annual reporting to government of financial and non-financial information is required for most electronics diversion programs.
- If a collective producer organization operates similar programs across multiple jurisdictions, it allows for greater consistency in program operation and quality assurance: For example, programs that are operating as part of Electronics Products Recycling Association (EPRA) adhere to a consistent management structure for program operation and performance, using the same Recycling Qualification Program nationally for approving qualified processors.
- Flexibility in program management – allowing producers to either manage their waste collectively or individually provides producers with the choice of which approach they prefer. Most of the Provinces allow the obligated party to self-manage its designated electronics products or enter into an agreement with a third party to manage the designated products on its behalf (although there are exceptions in AB and NT operating product stewardship programs). For the most part however, where producers are offered a choice they tend to choose to have their products managed collectively through an organization that discharges their obligations on their behalf.

4 PACKAGING / PRINTED PAPER AND BEVERAGE CONTAINERS

4.1 Introduction and Products Included in this Category

This category is comprised of the following:

- Beverage container packaging (for instances where this is regulated separately)
- Packaging (multi-packaging) programs which may or may not also include beverage container packaging
- Printed paper, where it has been included in a multi-packaging program

4.2 Jurisdictional Comparisons of Definitions and Regulatory Requirements for PPP and Beverage Containers

This section includes a series of tables. The tables present jurisdictional comparisons of the following:

- Type of Regulation targeting the product (single or multi-product);
- Categories of products covered in the program and lists of specific designated products;
- Terminology and definitions used for obligated stewards;
- Performance monitoring requirements identified as well as the frequency of reporting on performance to a government authority; and
- Auditing requirements (financial and non-financial).

A discussion follows the tables highlighting consistencies and inconsistencies identified.

Table 11: Packaging, Printed Paper (PPP) and Beverage Containers – Summary of Designated Product Categories

Categories	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT	NT
Multi-packaging (PPP) regulations:	PPP	None	PPP	PPP	PPP	PPP	None	None	None	None	None	None
Beverage container only regulations:	Beverage containers Beverage alcohol containers	Beverage & milk containers only	Beverage containers Beverage alcohol containers	None	Beverage alcohol containers	Beverage containers Beverage alcohol containers	Beverage containers only	Beverage containers only	Beverage containers only	Beverage & milk containers only	Beverage containers only	Beverage & milk containers only
Program type :	EPR	Product Stewardship	EPR	EPR	EPR	EPR	Product Stewardship	Product Stewardship	Product Stewardship	Product Stewardship	Product Stewardship	Product Stewardship

Note 1: Nunavut has not been included in the above table because they do not have any jurisdiction wide product stewardship or EPR programs operating with the exception of recycling alcoholic beverage bottles in the municipality of Iqaluit.

Note 2: PPP refers to multi-material packaging program that includes primary/secondary/ distribution/service packaging intended for home, including beverage containers in most cases, as well as printed papers (see Table 12 below for details pertaining to printed papers).

Note 3: In 2014 Atlantic Provinces (NB, NS, PE, NL) initiated a study on developing regulated EPR programs for PPP. Formal decisions have not yet been made.

Note 4: Quebec's system is more a compensation regime than a full EPR system because enterprises are only obligated to finance the cost of recovering PPP through municipal services.

Table 12: Printed Paper Designated in PPP Programs

Categories	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT	NT
Printed Paper Regulated Products Jurisdiction-wide within PPP Programs												
Newspapers	Included	Not designated	Included	Included	Included	Included	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated
Newsprint circulars	Included	Not designated	Included	Included	Included	Included	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated
Magazines/ Catalogues/ Directories	Included	Not designated	Included	Included	Included	Included	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated
General use paper	Included	Not designated	Included	Not designated	Not designated	Included	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated
Posters, cards, envelopes	Included	Not designated	Included	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated
Other printed materials	Included	Not designated	Included	Included	Included	Included	Not designated	Not designated	Not designated	Not designated	Not designated	Not designated

Note 1: All jurisdictions from Table 11 have been included in Table 12 even though they don't have printed papers as designated products to show the gaps in covering paper as a regulated product.

Note 2: In 2014 Atlantic provinces (NB, NS, PE, NL) initiated studies on developing a regulated EPR program for PPP. Formal decisions have not yet been made.

Table 13: PPP and Beverage Container Regulated Programs – Summary of Obligated Parties

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT	NT
Definition in a Regulation:	yes	yes (beverage containers only)	yes	yes	No	yes	yes	yes	yes	yes	yes	yes
Who is obligated in the Regulation ²⁹ ?	Manufacturer Brandowner Licensee Distributor Seller Importer	Manufacturer Filler Importer	Brandowner Non-resident Purchaser Importer	Supplier Retail Seller Manufacturer	Refers to Rules for Stewards	Brandowner Supplier Franchisee Retailer Distributor	Retailer Distributor	Distributor	Retailer Distributor	Manufacturer Seller Retailer Distributor Importer	Retailer Wholesaler Dealer Importer	Manufacturer Distributor
Who is obligated in a Program Plan/Agreement?	Same as Regulation	Not applicable	Same as Regulation	Brandowner Franchisor First Importer	Brandowner Franchisor Importer	Same as Regulation	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Does the regulation or program plan refer to situations where people/ enterprises are not located in the jurisdiction and who is obligated in those situations?	Yes: The definition is cascading to allow flexibility in determining where the obligation lies, i.e., outside of province	Yes: Importer	Yes: The definition is cascading to allow flexibility in determining where the obligation lies, i.e., outside of province	Yes: The definition is cascading to allow flexibility in determining where the obligation lies, i.e., outside of province	Yes: Importer	Yes: First Supplier	No	Yes: Importer	No	Yes: Importer	Yes: Importer	No
Program type :	EPR	Product Stewardship	EPR	EPR	EPR	EPR [Deposit-Refund for soft drink and beer containers]	Product Stewardship	Product Stewardship	Product Stewardship	Product Stewardship	Product Stewardship	Product Stewardship
Collectively Managed:	Yes 4 provinces	No	Yes 4 provinces	Yes 4 provinces	Yes 4 provinces	No	No	No	No	No	No	No

²⁹ Tables 14 and 15 on the following pages include excerpts of exact definitions of obligated parties for all applicable regulations. Table 13 presents only the party identified from the definitions.

Table 14: PPP Regulated Programs – Definitions of Obligated Parties

BC	SK	MB	ON	QC
<p>In this regulation, "producer" means:</p> <ul style="list-style-type: none"> in respect of the producer of a product within a product category other than the beverage container product category, a person who manufactures the product and sells, offers for sale, distributes or uses in a commercial enterprise the product in BC under the manufacturer's own brand, if above does not apply, a person who is the owner or licensee of a trademark under which a product is sold, distributed or used in a commercial enterprise BC whether or not the trademark is registered, or if above does not apply, a person who imports the product into BC for sale, distribution or use in a commercial enterprise. 	<p>In these regulations: "brand owner" means:</p> <ul style="list-style-type: none"> the person who is the owner or licensee of a trade-mark that is used in association with or marked on packaging or paper; "non-resident brand owner" means a brand owner who does not carry on business in Saskatchewan; <p>The person that is the steward of packaging or paper is:</p> <ul style="list-style-type: none"> the brand owner with respect to the packaging or paper, unless the brand owner is a non-resident brand owner; if there is no brand owner as described in clause (a), the person that first imports the packaging or paper into Saskatchewan; or if there is no brand owner as described in clause (a) or person that first imports the packaging or paper as described in clause (b), the purchaser of the packaging or paper outside of Saskatchewan that purchases it for use in Saskatchewan. "Voluntary Steward" means a non-resident brand owner which supplies WPP to residents of Saskatchewan who has elected to become a Member. This is outlined in a Membership Agreement. 	<p>"Steward of designated material" means:</p> <ul style="list-style-type: none"> the first person who, in the course of business or a prescribed activity in Manitoba, supplies a designated material; or a person who, in the course of business uses a designated material obtained in a supply transaction outside of Manitoba. When the designated material is printed paper, a supply of the designated material by a person is a supply "for consumption" if it is a supply by the person for use by a final user in Manitoba and not for the purpose of its being supplied again. When the designated material is service packaging, the designated material is supplied for consumption when a retail seller or a service industry outlet uses the designated material to package goods for supply at retail; or to facilitate the removal of prepackaged goods by a final user. <p>Definitions in Membership Agreement: A Brand Owner is the obligated Steward; A Franchisor is the obligated Steward; a First Importer is the obligated Steward.</p> <ul style="list-style-type: none"> In the event there is more than one Brand Owner, the Brand Owner or First Importer more directly connected to the production shall be the obligated Steward; In the event there is not an identifiable brand and if the manufacturer of the good is Resident in Manitoba, the manufacturer of such good shall be the obligated, otherwise the First Importer shall be the obligated Steward. 	<ul style="list-style-type: none"> A Brand Owner is designated as a steward with respect to all Printed Material, Service Packaging, and the Packaging of all goods, for which it is the Brand Owner. A First Importer is designated as a steward with respect to all Printed Material, Service Packaging, and the Packaging of all goods, for which it is the First Importer. A Franchisor which is Resident in Ontario is designated as a steward with respect to all Printed Material, Service Packaging, and the Packaging of all goods, which are Supplied within the relevant Franchise System. In the event there is more than one Brand Owner, the Brand Owner more directly connected to the production shall be designated as the steward, but where the Brand Owner is a Franchisor who is Resident in Ontario, the Franchisor shall be designated as the steward. Any Person who is Resident in Ontario that Supplies Service Packaging shall be the steward for such Service Packaging. Any Person who elects to become a steward that would otherwise be the responsibility of another steward, shall be designated as a steward. 	<ul style="list-style-type: none"> Only the owner of a brand, a name or a distinguishing guise may be required to pay a contribution pursuant to a schedule of contributions in respect of: containers and packaging used in the commercialization or marketing in Québec of a product or a service under that brand, name or distinguishing guise; If the owner referred to in the first paragraph has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, may be required to pay the contribution, whether or not that supplier is the importer. Only the owner of a brand, a name or a distinguishing guise identifying material included in the newspapers or printed matter class of materials may be required to pay a contribution and ... If the owner has no domicile or establishment in Québec, payment of the contribution may be required from the first supplier in Québec of the newspaper or printed matter, whether or not that supplier is the importer. where a retail outlet is supplied or operated as a franchise or a chain, ... the contribution for containers or packaging added at the retail outlet is payable by the franchisor, owner of the chain, banner or group, or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, by their representative in Québec, or where there is no representative, by the retailer.

Table 15: Beverage Container Regulated Programs – Definitions of Obligated Parties

AB	NB	NS	PEI	NL	YT	NT
<ul style="list-style-type: none"> a "manufacturer" means a person who manufactures a beverage and includes (i) a person who carries on the business of filling containers with a beverage, and (ii) a person who imports a beverage in a container into Alberta for the purpose of distribution or sale in Alberta. 	<ul style="list-style-type: none"> Beverage container "distributor" means a person (a) who sells, by wholesale or other means, beverages in beverage containers to a retailer or food service in the Province, and (b) who enters into a contract for the bottling of a beverage in a beverage container for sale to a retailer or food service in the Province. 	<ul style="list-style-type: none"> Beverage container "distributor" means a person <ul style="list-style-type: none"> (a) who sells, by wholesale or other means, beverages in beverage containers to a retailer or food service in the Province, and (b) who enters into a contract for the bottling of a beverage in a beverage container for sale to a retailer or food service in the Province. "retailer" means a person who sells or offers for sale a beverage in a beverage container to the public <ul style="list-style-type: none"> (i) for consumption off the premises, or (ii) by a coin-operated vending machine. Milk packaging – Nova Scotia Dairy Commission represents distributors 	<ul style="list-style-type: none"> "retailer" means a person who sells a beverage in a beverage container to a consumer for the purposes of consumption and includes a person who makes such a sale in the course of operating a food service. "distributor" means a person who sells, by wholesale or other means, beverages in beverage containers to a retailer in the province. Distributors must be registered with the Minister under the Act. 	<ul style="list-style-type: none"> "distributor" means a person who (i) manufactures a beverage in the province, (ii) by wholesale or other means, sells a beverage in a beverage container to a retailer, (iii) bottles a beverage in a beverage container for sale in the province. "retailer" means a person who sells a beverage in a beverage container for consumption on or off its premises. Where a retailer (a) manufactures beverages in the province; (b) bottles beverages in beverage containers in the province; or (c) imports beverages in beverage containers into the province, and sells those beverages, that retailer shall be considered the distributor. 	<ul style="list-style-type: none"> "retailer" means a person who sells or offers for sale, in the Yukon, a beverage in a beverage container to a consumer for consumption off the premises, and a person who sells by vending machine; "wholesaler" means a person who sells or offers for sale, in the Yukon, a beverage in a beverage container for the purpose of resale; "dealer" means a wholesaler or importer. 	<ul style="list-style-type: none"> "distributor" means a person registered as a distributor under these regulations; "manufacturer" means a person who manufactures beverage containers filled with a beverage or who fills beverage containers with a beverage.
<p>QC</p> <p>Beverage Containers :</p> <ul style="list-style-type: none"> bière: la boisson obtenue par la fermentation alcoolique, dans de l'eau potable, d'une infusion ou décoction de malt d'orge, de houblon ou de tout autre produit analogue; boisson gazeuse: une eau gazéifiée additionnée d'une essence ou d'un sirop établissement: un établissement de vente au détail ou un établissement de vente en gros au sens des présentes; établissement de vente au détail : une place d'affaires consacrée exclusivement à la vente directe au consommateur établissement de vente en gros: une place d'affaires autre qu'un établissement de vente au détail. 						

Table 16: De-minimus Thresholds / Exemption Conditions across PPP EPR Programs

Details	BC	SK	MB	ON	QC
Permanent Exemption Conditions	<ul style="list-style-type: none"> • <\$1M revenue; • <1 t PPP supplied to market; • Single point of retail sale (not a franchise/chain); or • Is a registered charity. 	<ul style="list-style-type: none"> • <\$2M revenue from affiliates supplying into SK; • <1 t PPP supplied to market in SK • Single point of sale (not a franchise/chain). 	<ul style="list-style-type: none"> • <\$750,000 revenue (total from all affiliates and franchisees supplying material into MB) 	<ul style="list-style-type: none"> • <\$2M revenue from affiliates supplying into ON; • <15 t PPP supplied to market in ON. 	<ul style="list-style-type: none"> • Annual sales revenue less than \$1 million and/or less than 1 metric ton of material put into the market annually. • Flat-rate contribution for enterprises who market annually between 1 and 15 metric tons of material. • Newspaper enterprises who put in the market less than 15 metric ton annually.
Temporary Exemption Conditions	None.	<ul style="list-style-type: none"> • A 2-year exemption from reporting and paying fees other than annual \$500 flat fee (see below) for newspapers with annual revenue over \$2M and other businesses with annual revenue \$2M - \$5M (temporary exemption in effect Dec 2014- Dec 2016) 	None.	None.	None.
Flat Fee for Low Volume Stewards?	Yes: flat fee annually for: <ul style="list-style-type: none"> • \$550 for 1-2.5 t PPP to market; • \$1200 for 2.5-5 t PPP to market 	Yes: \$500 temporary flat fee for producers with annual revenue between \$2M-\$5M (until Dec 2016)	No	No	Yes: On the basis of quantity: <ul style="list-style-type: none"> > 1 t and ≤ 2.5 t: \$380 for 2015 and \$415 for 2016 > 2.5 t and ≤ 5 t \$810 for 2015 and \$885 for 2016 > 5 t and ≤ 10 t \$1615 for 2015 and \$1765 for 2016 > 10 t and ≤ 15 t \$2695 for 2015 and \$2945 for 2016 Or on the basis of sales: <ul style="list-style-type: none"> > \$1 M to ≤ \$2 M \$2695 for 2015 and \$2945 for 2016
Sectors Exempt?	No	Newspapers (temporary exemption)	No	No	No
Is this Regulated?	Yes, regulated	Yes, regulated	No. Exemptions established by the Producer Responsibility Organization	No. Exemptions established by the Producer Responsibility Organization	Yes, regulated

Revenue = Gross annual revenue

Tonnage = annually supplied to the market within the provincial jurisdiction

Table 17: PPP | Beverage Container Programs Performance Monitoring Requirements

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	NT
Type of performance monitoring required by Regulation or Act?	Recovery Rate % (total basket for PPP & #units for beverage containers) or alternative	Beverage Containers only: No performance monitoring requirements in regulation.	Recovery Rate % total basket Total tonnage, tonnage by material Accessibility Targets	No performance monitoring requirements in regulation	No performance monitoring requirements in regulation.	For PPP: Performance and Efficiency factor (PE = (cost/ton) / (kg/hab.) Accessibility Targets For other Beverage Containers: no performance monitoring requirements in regulation.	Total tonnage	#units beverage containers	#units beverage containers	#units beverage containers sold and recovered Recovery Rate %	Recovery Rate %
If not in Regulation or Act, is performance monitoring specified elsewhere?	Stewardship Plan	DAO By-laws and Business Plans	Specified above	Stewardship Plan	Stewardship Plan	Program Agreements	Specified above	Specified above	Specified above	Specified above	Specified above
Type of Monitoring Undertaken	Specified above plus: accessibility; amount sold; amount collected total/ per region (beverage containers material type); management of material to end deposition	Recovery Rate % (others defined in Business Plan)	Specified above	Recovery Rate %total basket Total tonnage, tonnage by material Accessibility Targets	Recovery rate total basket% Total tonnage, tonnage by material Accessibility Targets	PPP: Specified above	Specified above	Specified above	Specified above	Specified above	Specified above
Reporting on Performance:	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Not identified	Monthly	Annually	Monthly

Recovery rate % = calculated by dividing the quantity of PPP recovered by the quantity of PPP generated and available for collection

Recycling Rate = the recovery rate for residential materials for homes serviced by recycling programs based on the total designated recyclables placed on the market and included in the Province-wide recycling program (designated products).

Table 18: Auditing Requirements for Organizations Managing PPP | Beverage Container Programs

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT	NT
Is auditing of non-financial performance required by a Regulation or Program Plan?	Yes	No	Yes	Yes	Yes	Yes (municipalities have to declare annually the quantities of materials recovered and reclaimed/recycled)	Yes [enabled]	Yes [enabled]	Yes [enabled]	Yes [enabled]	No	No
Frequency of audit of non-financial information	Annually	n.a	Not specified	Not specified	Annually	Annually	Not specified	Not specified	Not specified	Not specified	n.a	n.a
Is auditing of financial performance required by a Regulation or Program Plan / Business Plan?	PPP: No Beverage Container Reg: Yes ³⁰	Yes	Yes	(Yes) To be defined by Auditor General	Yes	Yes	Yes [enabled]	Yes [enabled]	Yes [enabled]	Yes [enabled]	No, records to be made available upon request	Yes
Frequency of audit of financial information:	Annually	Annually	Not specified	Not specified	Annually	Annually	Not specified	Not specified	Not specified	Not specified	Annually	Annually
Other relevant information:	Non-financial to ISAE auditing standard	None	None	None	WDO audits municipal data annually WDO audits IFO periodically IFO audits steward data annually	Requires use of Independent and Accredited Auditors	None	None	None	None	None	None

ISAE: International Standard On Assurance Engagements 3000

Enabled: for product stewardship programs, the authority to audit records is enabled under legislation (but does not necessarily require third parties to specifically audit performance)

³⁰ Financial auditing is only required for programs who include a visible eco-fee at point of sale. PPP does not include this type of fee.

4.3 PPP and Beverage Container Programs – Inconsistencies and Consistencies Identified

Inconsistencies:

- Less than half of jurisdictions have regulated programs in place for multi-packaging jurisdiction-wide. Although these materials might be diverted at the municipal level through municipal programs, they may not operate jurisdiction-wide and are not mandated by regulation.
- Less than half of jurisdictions have regulated programs in place for printed paper diversion jurisdiction-wide. Although these materials might be diverted at the municipal level through municipal programs, they may not operate jurisdiction-wide and are not mandated by regulation.
- The definitions of obligated producers are different across jurisdictions, even for similar programs. Each jurisdiction has used different terminology to obligate producers, even across programs that are similar.
- Threshold exemptions only exist in EPR PPP programs. There are no de-minimis threshold exemptions identified in regulated beverage container regulations.
- Variation in the threshold exemptions in EPR PPP programs: In three jurisdictions, the government has regulated de-minimis exemptions (BC, SK, QC), while in ON and MB the producer organization has developed the exemptions. This has resulted in a variety of approaches to the thresholds: four out of five EPR programs include both a revenue-based exemption threshold and a tonnage based threshold; four different revenue-based exemption thresholds and three different tonnages thresholds are used. There is one temporary exemption and a variety of flat fee low volume steward options across jurisdictions based on quantity and revenue. However, size provisions (annual sales revenue, annual tonnes) have very different implications depending on the size of local companies (i.e. operating only in the province rather than national). This is one situation where a common definition of de-minimis across Canada would not achieve a consistent outcome in each province.
- Performance monitoring requirements are inconsistent across the country for both PPP and beverage container packaging programs. Some monitor total tonnage for multi-packaging programs, recovery rates for entire basket of materials and recovery rates by material in some jurisdictions. Furthermore, it is difficult to identify exactly where the performance monitoring requirements are found. For PPP, some jurisdictions outline their requirements in a regulation, some regulations refer to a producer responsibility organization to develop performance monitoring requirements in a Program Plan, and some outline these requirements in both a Program Plan and a Steward Rules document. Some regulations for beverage container packaging refer to the non-profit agency managing the program to develop performance monitoring requirements in its Business Plan.

Consistencies:

- All jurisdictions (with the exception of Nunavut) include beverage containers in their regulatory diversion programs either as part of a multi-packaging regulation or as a separate regulation.
- Although there are differences in the definitions of obligated stewards noted above, seven of ten jurisdictions have obligated the First Importer or First Seller into their jurisdiction in their regulations or in the Program Plan/Agreement. However, it is complicated to figure out the path of obligation in some cases. For example, if a company is a brand owner but not resident, they can be a voluntary steward in many jurisdictions which have outlined this in their regulation, but if they chose not to be a voluntary steward, then it is the First Importer who must be obligated thereby exonerating the brand owner. The problem with a non-resident brand owner being a voluntary steward is that in some regulations (e.g. SK) they must disclose all retail locations where products are sold and for many brand owners who sell via distributors (some of which are also non-resident companies) that poses difficulties since the brand owner does not know to whom the product is wholesaled.
- Most regulated Province-wide packaging programs (both EPR and product stewardship) do conduct performance monitoring with details published in annual reports.
- Beverage container programs are monitored in a similar way across jurisdictions that have separate beverage container regulations. Most monitor and report on the total number of containers collected for diversion from disposal.
- For financial auditing, most PPP programs require that third party verified financial statements be reported annually (BC is the only exception). Most Beverage container packaging regulations also have enabled the requirement for financial auditing; however they do not presently outline auditing requirements in their regulations. All PPP and beverage container Regulations state that all financial records, etc. must be kept accurately and made available upon request to the Minister, even if they don't require auditing. Generally, all non-profit organizations in all jurisdictions are required to produce audited financial statements according to other Provincial legislation relating to the transparent operation of non-profit organizations.
- If a collective producer organization operates similar programs across multiple jurisdictions, it allows for greater consistency in program operation and quality assurance: For example, the Canadian Stewardship Services Alliance³¹ (CSSA) is intended to support stewardship organizations in achieving greater consistency for program management and program monitoring (e.g. CSSA has initiated working groups to work on harmonized elements of PPP programs).

³¹ CSSA is not a stewardship organization, rather it provides services to stewardship organizations, such as MMBC, MMSW, MMSM and Stewardship Ontario.

5 LUBRICATING OIL/PRODUCTS, ANTIFREEZE, LEAD ACID BATTERIES, AND TIRES

5.1 Introduction and Products Included in this Category

This category is comprised of many different products, and for this benchmarking study, the product categories listed on page 7 of the CCME EPR Canada-Wide Action Plan Progress Report³² were used as guidance. These include:

- Used lubricating oil and products (filters, containers) including automotive used oil as well as all lubricating, isolation and heat-exchange oils, for vehicles or other uses such as in industrial equipment/machinery.
- Antifreeze/glycol
- Lead-acid batteries
- Tires

For clarity of information presentation this category has been divided and information pertaining to used lubricating oil/products will be presented in tables along with antifreeze and lead-acid batteries. Information on tires has been separated into another set of tables on its own.

5.2 Jurisdictional Comparisons of Definitions and Regulatory Requirements: Used Oil/Products, Antifreeze, and Lead Acid Batteries

This section includes a series of tables related to used oil and used oil products, antifreeze, and lead acid batteries. The tables present jurisdictional comparisons of the following:

- Type of Regulation targeting the product (single or multi-product);
- Categories of products covered in the program and lists of specific designated products;
- Terminology and definitions used for obligated stewards;
- Performance monitoring requirements identified as well as the frequency of reporting on performance to a government authority; and
- Auditing requirements (financial and non-financial).

A discussion follows the tables highlighting consistencies and inconsistencies identified.

³² Progress Report On The Canada-Wide Action Plan For Extended Producer Responsibility 2014. PN 1524. ISBN 978-1-77202-007-6 PDF

Table 19: Lubricating oil, Antifreeze and Lead Acid Batteries – Designated Products

Type of Regulation	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Lubricating Oil and Products										
Legislated Products	Used Oil & products Antifreeze Lead Acid Batteries	Used Oil & products	Used Oil & products Antifreeze	Used Oil & products Antifreeze	Used Oil products Antifreeze	Used Oil & products Antifreeze	Used Oil & products Antifreeze Lead Acid Batteries	Used Oil & products Antifreeze	Used Oil & products	Used Oil
All designated products covered under one Regulation?	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No
Extended Producer Responsibility (EPR) or Product Stewardship (PS) program?	EPR	PS	EPR	EPR	EPR	EPR	EPR	EPR	PS	PS
Lubricating oils (e.g. engine, hydraulic, transmission)	Legislated	Legislated	Legislated	Legislated	No	Legislated	Legislated	Legislated	Legislated	Legislated
Machinery & equipment lubricating oil	Legislated	Legislated	Legislated	Legislated	No	Legislated	Legislated	Legislated	Legislated	Legislated
Heat transfers oil	Legislated	Legislated	Legislated	Legislated	No	Legislated	Legislated	Legislated	Legislated	Legislated
Diesel exhaust fluid and filter	No	No	Fluid: Legislated Filter: No	No	No	Fluid: No Filter: Legislated	No	No	No	No
Empty Oil Containers	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	No	No
Used Oil Filters	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	No	No
Exemptions	Gas fuel, air, furnace air filters	Two-cycle oil, chain oil, rockdrill oil, marine oil, metal working oil, saw guide oil used to cool and lubricate cutting operations, waylube oil used to lubricate metal machining operations, textile oil used to lubricate sewing needles. The container for these oils, however, is not exempted.	Gas fuel, air, furnace air filters	Gas fuel, air, furnace air filters	Filters with significant metal content	Containers above 50 litres. Gas fuel, air, furnace air filters, oils that combust when used such as oils intended to be blended with combustion engine fuel; machine tool slideway lubricants, chainsaw chain oils, drawing, stamping, shaping or form oils, drilling oils, conveyor lubricating oils, dust control oils, penetrating oils and rustproof oils. Containers of these products are legislated.	Gas fuel, air, furnace air filters	Gas fuel, air, furnace air filters	None identified	None identified

Type of Regulation	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Antifreeze										
Antifreeze	Legislated	No	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	No ³³	No
Antifreeze Containers	Legislated	No	Legislated	Legislated	Legislated	Legislated (includes antifreeze filters)	Legislated	Legislated	No ³⁴	No
<i>Exemptions</i>	<i>plumbing, windshield, locks, fuel line/aircraft</i>		<i>plumbing, windshield, locks, fuel line/aircraft</i>	<i>plumbing, windshield, locks, fuel line/aircraft</i>		<i>Containers above 50 litres plumbing, windshield, locks, fuel line/aircraft, vegetal antifreeze</i>	<i>plumbing, windshield, locks, fuel line/aircraft</i>	<i>plumbing, windshield, locks, fuel line/aircraft</i>	<i>None identified</i>	<i>None identified</i>
Lead Acid Batteries										
Lead Acid Batteries >2kg	Legislated	No	No	Legislated	No	No	Legislated	Voluntary	No ³⁵	No

Yukon, Northwest Territories and Nunavut do not have recycling programs in place for these products so they are not presented in the table.

³³ Nova Scotia has banned antifreeze (and antifreeze containers), and lead acid batteries from landfills jurisdiction-wide so this material must be diverted from disposal but it is not considered a product stewardship program.

³⁴ IBID

³⁵ IBID

Table 20: Lubricating oil, Antifreeze and Lead Acid Batteries – Obligated Producers

Elements of Definitions	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Definition(s) applies to:	Used oil & oil products & antifreeze & lead acid batteries in one reg.	Used oil & oil products in one reg.	Used oil & oil products & antifreeze in one reg.	Used oil & products in one reg. Antifreeze in one reg.	Used oil products and antifreeze in one reg.	Used oil & products antifreeze in one reg.	Used oil & products antifreeze lead acid batteries in one reg.	Used oil & products antifreeze in one reg.	Used oil & products in one reg.	Used oil in one reg.
Who is obligated? <i>[Detailed definitions of obligated parties presented in following table]</i>	Producer Manufacturer Distributor Seller Licensee Importer	Supplier Manufacturer Wholesaler Distributor Jobber Retailer	First Seller Importer	Steward First Supplier	<i>Definition for Stewards developed in a Program Plan</i> Brandowner Licensee First Importer	Brandowner First Supplier /	Brand Owner Manufacturer Seller Distributor First Seller	Brand Owner Manufacturer Seller Distributor Licensee First Seller	Seller Wholesaler Distributor Retailer	Vendor Seller
Does the definition obligate parties that bring the product into the jurisdiction	Yes: The definition is cascading to allow flexibility in determining where the obligation lies, i.e., outside of province	Yes: "has imported into Alberta"	Yes: "person who brings into SK"	Yes: "first person who supplies"	Yes "first importer"	Yes: "first supplier or importer"	Yes: "first person to sell"	Yes: "brings into the province"	No	No
Is the definition for obligated party in the regulation?	Yes	Yes	Yes	Yes	No (Steward Rules)	Yes	Yes	Yes	Yes	Yes

* NOTE: lubricating oil is not being collected in Ontario under an EPR program. This regulation applies to oil filters and containers only.

¹ "Authority" means the Alberta Recycling Management Authority

² "Association" means the Alberta Used Oil Management Association

³ The steward of the designated material operates or subscribes to a stewardship program

⁴ "Board" means Multi Material Stewardship Board (MMSB)

Yukon, Northwest Territories and Nunavut do not have recycling programs in place for these products so they are not presented in the table.

Table 21: Lubricating oil, Antifreeze and Lead Acid Batteries – Definitions of Obligated Producers

BC	AB	SK	MB	ON
<p>Obligated party: “Producer”:</p> <ul style="list-style-type: none"> a person who manufactures the product and sells, offers for sale, distributes or uses in a commercial enterprise the product in British Columbia under the manufacturer’s own brand, if above does not apply, a person who is not the manufacturer of the product but is the owner or licensee of a trademark under which a product is sold, distributed or used in a commercial enterprise in British Columbia, whether or not the trademark is registered, or if above does not apply, a person who imports the product into British Columbia for sale, distribution or use in a commercial enterprise. 	<p>Obligated party: “Supplier”:</p> <ul style="list-style-type: none"> a manufacturer of lubricating oil material who supplies the manufacturer’s own brand of lubricating oil material to a jobber, a retailer, or the end user; a marketer who supplies lubricating oil material to (A) a jobber, (B) a retailer, or (C) the end user, where the lubricating oil material was manufactured for the marketer by another person and the marketer owns the brand...or the marketer is the licensee of the brand; a wholesaler, including a retail distributor, who supplies lubricating oil material to (A) a jobber, (B) a retailer, or (C) the end user; a jobber who supplies lubricating oil material that the jobber has imported into Alberta; a retailer who supplies to the end user lubricating oil material that the retailer has imported into Alberta; a wholesale equipment supplier who supplies equipment to its dealers, or the end user. 	<p>Obligated party: “First Seller”:</p> <ul style="list-style-type: none"> the person who first sells oil, oil filters, diesel exhaust fluid, diesel fuel filters or antifreeze in Saskatchewan and includes a person who brings oil, oil filters, diesel exhaust fluid, diesel fuel filters or antifreeze into Saskatchewan for use in a commercial enterprise. 	<p>Obligated party: “Steward of oil, oil filters and containers”</p> <ul style="list-style-type: none"> the first person who, in the course of business in Manitoba, supplies oil, oil filters or oil in containers to another person, or a person who, in the course of business in Manitoba, uses oil, oil filters or oil in containers obtained in a supply transaction outside of Manitoba; <p>Obligated party: “Steward of Designated Material”(antifreeze):</p> <ul style="list-style-type: none"> the first person who, in the course of business in Manitoba, supplies designated material to another person; or a person who, in the course of business in Manitoba, uses designated material obtained in a supply transaction outside of Manitoba. 	<p>Obligated party: “Stewards”:</p> <ul style="list-style-type: none"> Brand Owner: a Person Resident in Ontario who is the holder of the registered trademark, or who is the licensee in respect of the registered trademark, or a Person Resident in Ontario, who owns the intellectual property rights to the unregistered trademark, or a Person Resident in Ontario, who is the licensee, in respect of the intellectual property rights of the unregistered trademark. First Importer means a Person Resident in Ontario who imports into Ontario a specific product or good that is MSHM, for which a Brand Owner does not exist in Ontario and includes a Person Resident in Ontario who is the first to take control of such product or good, upon or after arrival in Ontario from elsewhere during the Data Period.
QC	PE	NB	NS	NL
<p>Obligated party: “Enterprise”:</p> <ul style="list-style-type: none"> Enterprise that markets a product under a brand, a name or a distinguishing guise owned or used by the enterprise. First supplier whether or not the enterprise is the importer, even if the enterprise has no establishment in QC; or the enterprise acquires the product outside of QC, regardless of whether the enterprise has an establishment in Québec. 	<p>Obligated party: “brand owner”:</p> <ul style="list-style-type: none"> product sold, offered for sale or otherwise distributed in or into PEI a manufacturer of the product, a distributor of the product in or into PEI, or where the product is imported into PEI, the first person to sell the product in or into PEI. 	<p>Obligated party: “brand owner”:</p> <ul style="list-style-type: none"> manufactures oil, oil filters or glycol in the Province and sells, offers for sale or distributes the oil, oil filters or glycol in the Province, is the owner or licensee in the Province of a registered or unregistered trademark under which oil, oil filters or glycol is sold, offered for sale or distributed in the Province, brings oil, oil filters or glycol <u>into the Province for sale or distribution</u>, or brings oil, oil filters or glycol <u>into the Province</u> for use in a commercial enterprise. 	<p>Obligated party: “seller”:</p> <ul style="list-style-type: none"> a person who sells or offers for sale crankcase oil to the public as a wholesaler, distributor or retailer at a bulk oil plant, service station, marine supply store, drug store, store or other business where crankcase oil is sold or offered for sale to the public. 	<p>Obligated party: “Vendor”:</p> <ul style="list-style-type: none"> a person who stores lubricating oil for sale direct to customers, and includes a bulk oil plant, service station, marine station, department store, grocery store, auto supply store, drug store, or other fixed location, and a truck, van or other mobile unit, or business that sells, or offers for sale, lubricating oil.

Table 22: Lubricating oil, Antifreeze and Lead Acid Batteries – Performance Monitoring Requirements

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Performance/recovery rates in the Regulation?	Yes Recovery Rate % or alternative	No	No	No	No	Yes Target %Recovery Rate	No	Yes	No	No
Performance/recovery rates required elsewhere?	Stewardship plan	Business plan	Not specified	In Guidelines	In MHSW Program Plan ³⁶	In SOGHU Agreement	In SOGHUO MA Agreement	In Stewardship Plan	Not specified	Not specified
Monitoring required in the Regulation?	Yes	Annual report required by regulation	Yes	Yes	Regulation does not specify	Yes	Yes	Yes	Oil & Antifreeze, Lead-Acid batteries: No	Regulation does not specify
Type of Monitoring?	Specified above; plus accessibility amount sold amount collected total/per region Management of material to end deposition	Not specified	Sales Amount collected Location of coll. Depots P&E	Yes, Determined by Minister in guidelines	Yes, Waste Diversion Ontario monitors IFOs	Recovery Rate % Amount (units or weight) reused, recycled, stored, disposed; Amount stored; Traceability; 3RV respect; Mass balance; Research & development; Information, awareness & education; number and location of collection depots.	Amount Collected*	Sales Amount Collected Recovery rate 3R activities & Env. Design Location & amount stored P&E		Not specified
Reporting on Performance	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual

SOGHU = Société de gestion des huiles usagées

SOGHUOMA = Atlantic Used Oil Management Association

MMSB = Multi Materials Stewardship Board

Northwest Territories, Yukon Territories and Nunavut do not have lubricating oil and products, antifreeze or lead acid battery regulated programs in place so they are not presented in the table

³⁶ Lubricating oil is not being collected in Ontario under an EPR program. Applies to oil filters and containers only

Table 23: Lubricating oil, Antifreeze and Lead Acid Batteries – Auditing Requirements for Organizations Managing Programs

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL
Is Performance auditing required of organization managing the program?	Yes in Regulation	Not specified in regulation	Yes in Legislation	Yes for oil No batteries No antifreeze	Yes for oil ³⁷ No batteries No antifreeze	Yes for oil and antifreeze No batteries	Yes for oil, antifreeze and lead acid batteries - In stewardship program	Yes for oil, antifreeze, In stewardship program	Not specified	Not specified
Frequency of Audit	Annual	-		Annual	Annual	Annual	Annual	Annual	-	-
Is a financial audit required of organization managing the program?	Yes for program with visible eco-fee	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not specified	Yes
Frequency of Audit	Annual	Annual	As required by Ministry of Environment	Annual	Annual	Annual	Annual	Annual	-	Annual
Does the organization managing the program require auditing of recycling facilities used for the program?	Not specified	Not specified	Not specified	Yes	Not stated in plan	Yes (at least every three years - downstream processors used by SOGHU)	Yes	Not specified	Not specified	Inspections possible

Northwest Territories, Yukon and Nunavut do not have lubricating oil and products, antifreeze or lead acid battery regulated programs in place so they are not presented in the table.

³⁷ Ontario requirements for used oil products outlined in MHSW program plan.

5.3 Lubricating oil, Antifreeze and Lead Acid Batteries – Inconsistencies and Consistencies Identified

Inconsistencies:

- Definition of Obligated Parties: There is little consistency among the Provinces in the definitions used for the obligated parties for these product categories.
- Selective coverage of lead-acid batteries across regulated programs: Only three jurisdictions have Province-wide Regulations for lead-acid batteries.
- Performance requirements are not identified in the Regulations for these product categories. Most of the Provinces rely on stewardship agreements/plans to set out performance requirements for designated products. Saskatchewan, Newfoundland and Labrador, and Nova Scotia do not specify performance requirements in either the Regulations or stewardship plans. British Columbia and Quebec set recovery rate target in their Regulations, with supplemental detailed performance monitoring requirements in their Stewardship Plans (British Columbia) or detailed in the regulation (Quebec).
- Performance monitoring metrics vary across programs, and are difficult to identify. Some programs monitor sales of each product, collection rate, and recovery rate. Others only monitor the overall amount collected. For a few programs, metrics were not easily identified in high level program documentation reviewed.
- Half of the regulated programs conduct annual audits of non-financial performance information and this is outlined in the regulation.

Consistencies:

- Good coverage for used lubricating oil and products: Nine of ten Provinces have regulated programs in place for used oil (Ontario does not). Nine of ten Provinces have regulated programs for used oil filters, and eight Provinces have regulated programs for used oil containers.
- Good coverage for antifreeze: Seven of ten Provinces have regulated programs in place for antifreeze and antifreeze containers. Six Provinces regulate antifreeze along with used lubricating oil together since most often it is handled together when collected at facilities.
- The majority of the programs use steward definitions that obligate the First Importer or first person who supplies the product into the province.
- Most of the performance auditing requirements are stated in the stewardship plans and agreements, rather than the Regulations.

- All but one regulated program requires financial auditing for programs in this category (as outlined in the designated product regulation). Generally, all non-profit organizations in all jurisdictions are required to produce audited financial statements according to other Provincial legislation relating to the transparent operation of non-profit organizations (so this one jurisdiction may in fact require financial auditing of this program under other regulations not reviewed as part of this study).
- All programs require annual reporting to a government authority on the overall performance of each program.

5.4 Jurisdictional Comparisons of Definitions and Regulatory Requirements: Tires

This section includes a series of tables related to tires. The tables present jurisdictional comparisons of the following:

- Type of Regulation targeting the product;
- Lists of specific designated products;
- Terminology and definitions used for obligated stewards;
- Performance monitoring requirements identified as well as the frequency of reporting on performance to a government authority; and
- Auditing requirements (financial and non-financial).

A summary discussion follows the tables highlighting consistencies and inconsistencies identified.

Table 24: Tires – Designated Products

Type of Regulation	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT
Tires	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated	Legislated
Extended Producer Responsibility (EPR) or Product Stewardship (PS):	EPR	PS	EPR	EPR	EPR	PS	PS	PS	PS	PS	PS
Categories and Products Covered in Legislation											
Passenger / light truck / motorcycles, ATV, golf cart, trailer, lawn tractors	√	√	√	√	√	√	√	√	√ (excluding ATV, golf cart, lawn tractors)	√	√
Truck / bus / hwy trailer	√	√	√	√	√	√	√	√	√	√	√
Agricultural (small, medium and large)	√		√	√	√	√	√				
Off the Road (OTR) tires (small, medium, large, giant)		√ <39" rim	√	√	√	√ (small tires only)	√				√ (small tires only)
Industrial (Forklifts, Skidsteer, logger)	√	√	√	√	√	√	√				√
Industrial - aviation											√
Definitions for tires:	Defers to Motor Vehicle Act for tire types details in Schedule 4 of reg	"tires manufactured for the purpose of being used on the wheels of motor vehicles, trailers, tractors, implements of husbandry, off-highway vehicles, equipment or machinery	"used on the wheel of a vehicle" ("vehicle" defined in <i>The Highway Traffic Act</i> and <i>The All Terrain Vehicles Act</i> .)	"used on the wheels of a powered vehicle"	"tire, includes a part of a tire"	New road vehicle tires (excluding retreaded or remoulded tires) with the following dimensions: rim diameter no larger 24.5 inches; overall diameter no larger than 48.5 inches.	pneumatic (air filled) tire rim size <43.18 cm pneumatic (air filled) tire rim size >43.18 cm	8" to 24.5"	Not greater than rim 24.5"	"tire" means a tire that is air filled or designed to be air filled and that is designed for use on the wheel of a vehicle;	"inner diameter <24.5"

Table 25: Tires – Obligated Parties

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT
Who is obligated? <i>[Detailed definitions of obligated parties presented in following table]</i>	Producer Manufacturer Distributor Seller Licensee Importer	Supplier Manufacturer Marketer Wholesaler Retailer First supplier	Retailer Seller Supplier	Steward First Supplier	<i>Definition for Brand owner and First Importer developed in a Program Plan</i> Brand owner First Importer Licensee	Vendor (only obligated to collect fee on behalf of RECYC-QUÉBEC)	Vendor Seller	Supplier	Retailer	Supplier	Retailer
Does the definition obligate parties that bring the product <u>into</u> the jurisdiction	Yes	Yes: "supplier in or into Alberta"	No	No	No	No	No	No	No	No	No
Is the definition for obligated party in the regulation?	Yes	Yes	Yes	Yes	Yes in Program Plan	No	Yes	Yes	Yes	Yes	No

Table 26: Tires – Definitions of Obligated Parties in Regulated Programs

BC	AB	SK	MB	ON
<p>Obligated party: "Producer":</p> <ul style="list-style-type: none"> ▪ sells, offers for sale or distributes a new tire product in British Columbia, ▪ is the owner or licensee of a trademark under which a tire product is sold or distributed in British Columbia, whether or not the trademark is registered, or ▪ imports the tire product into British Columbia for sale or distribution. ▪ 	<p>Obligated party: "Supplier":</p> <ul style="list-style-type: none"> ▪ manufacturer of new tires who supplies the manufacturer's own brand of tires to a retailer, or an end user, in or into Alberta; ▪ a marketer who supplies new tires to a retailer, or an end user, in or into Alberta, where the tires were manufactured for the marketer by another person and the marketer owns the brand or is the licensee of the brand; ▪ a wholesaler, including a retail distributor, who supplies new tires to a retailer, or an end user, in or into Alberta; ▪ a retailer who supplies to the end user new tires imported in or into Alberta or used tires imported from outside of Canada in or into Alberta; ▪ any other supplier of new tires in or into Alberta or used tires from outside of Canada in or into Alberta; or ▪ an end user who is described in section 4.7 of this Bylaw. 	<p>Obligated party: "Retailer":</p> <ul style="list-style-type: none"> ▪ a person who sells or supplies new tires whether the tires are sold or supplied separately or on a vehicle. 	<p>Obligated party: "Steward of tires "</p> <ul style="list-style-type: none"> ▪ the first person who, in the course of business in Manitoba, supplies a new tire to another person; or ▪ a person who, in the course of business in Manitoba, uses a tire obtained new in a supply transaction outside of Manitoba. 	<p>Obligated party: "Brand Owners and First Importers":</p> <ul style="list-style-type: none"> ▪ the registered owner of the brand, or ▪ a licensee of the brand, or ▪ a person who owns the intellectual property rights to the brand, or ▪ a person who imports tires into Ontario, for which a brand owner does not exist in Ontario, and who is the to the tires upon or after arrival in Ontario from elsewhere."
QC	PE	NB	NS	NL
<p>Obligated party: "Vendors": No definition provided</p> <p>Vendor is only obligated to collect fee on behalf of RECYC-QUEBEC.</p>	<p>Obligated party: "vendor":</p> <ul style="list-style-type: none"> ▪ a person who in the ordinary course of business within the province, either on his own behalf or on behalf of another, sells new tires to a consumer. 	<p>Obligated party: "supplier":</p> <ul style="list-style-type: none"> ▪ a person who, in the course of doing business, supplies new tires in New Brunswick. 	<p>Obligated party: "retailer":</p> <ul style="list-style-type: none"> ▪ a person, including a vehicle dealer or vehicle lessor, who supplies new tires in the Province to an end user. 	<p>Obligated party: "supplier":</p> <ul style="list-style-type: none"> ▪ a person who, in the province, who supplies new tires to a consumer.
YT				
<p>Obligated party: "Retailer":</p> <p>"Retailer" means a person who supplies or offers to supply a designated material, whether supplied separately or as part of a piece of machinery or equipment.</p>				

NOTE: Yukon passed an amending regulation in May 2016. Under these revisions, the obligated party is defined as "producer" in the Environment Act: "a person who manufactures a designated material in Yukon, or a person who supplies a designated material in Yukon".

Table 27: Tires – Performance Monitoring Requirements

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT
Performance/recovery rates in the Regulation?	Yes Recovery Rate % or alternative	No	No	No	No	No	No	Yes	No	No	No
Performance/recovery rates required elsewhere?	Stewardship plan	Business plan	Not specified	In Guidelines	In OTS Program Agreement	Not specified	IWMC Annual Report	RNB Report	RRFB Annual report	MMSB Annual Report	Not specified
Monitoring required in the Regulation?	Yes	Annual report required by regulation	Yes	Yes	Regulation does not specify	Yes	Yes	Yes	Regulation does not specify	Regulation does not specify	Yes
Type of Monitoring?	Specified above; plus accessibility amount sold Amount collected total/per region Management of material to end deposition	Outlined in Business plan	Sales Amount collected Stockpiles recovered	Yes, Determined by Minister in guidelines	Yes, Waste Diversion Ontario monitors IFOs	Not specified, but CATRA states that all provinces track collection rates	Amount collected	Number tires sold	Not specified, but CATRA states that all provinces track collection rates	Number tires supplied	Keep records
Reporting on Performance	Annual	Annual	Annual	Annual	Annual	Regulation does not specify	Annual	Annual	Regulation does not specify	Annual	Regulation does not specify

MMSB = Multi Materials Stewardship Board
 Northwest Territories and Nunavut do not have tire regulated programs in place so they are not presented in the table

Table 28: Tires – Auditing Requirements for Organizations Managing Programs

Elements	BC	AB	SK	MB	ON	QC	PE	NB	NS	NL	YT
Is auditing of non-financial performance required by a Regulation or Program Plan?	Yes in Regulation	Not specified	In SSTC* Annual Report	In Tire Steward Plan	Not specified	Not specified	IWMC* Annual Report	Not specified	RRFB* Annual Report	MMSB* Annual Report*	Not specified
Frequency of audit non-financial information:	Annual	-	Annual	Annual	-	-	Annual	-	Annual	Annual	-
Is auditing of financial performance required by a Regulation or Program Plan?	Yes	Yes	Yes	Yes	Act requires Annual report to be audited	Not specified	Yes	Yes	Yes	Yes	Not specified
Frequency of audit of financial information:	Annual	Annual	Annual	Annual	Annual	-	Annual	Annual	Annual	Annual	-
Does the organization managing the program require auditing of recycling facilities used for the program?	Not specified	Not specified	In SSTC* Annual Report	In Tire Steward Plan	Not Stated in Program Agreement	Specified in RECYC-QUEBEC's 2015-2020 program plan for end-of-life tire diversion.	Not specified	Not specified	Yes	Not specified	Not specified

Northwest Territories and Nunavut do not have tire regulated programs in place so they are not presented in the table

SSTC = Saskatchewan Scrap Tire Corporation

IWMC = Island Waste Management Corporation

RRFB = Resource Recovery Fund Board

5.5 Tires – Inconsistencies and Consistencies Identified

Inconsistencies:

- Definitions for tires vary across jurisdictions. There are some differences in sizes accepted, descriptions included in tire definitions.
- Approximately half of jurisdictions include a broad range of other types of tires such as farm vehicle and other off the road tires, and industrial vehicle tires.
- There are differences in the definitions of steward for this product category, across jurisdictions.
- Only two jurisdictions specifically obligated the first person who imports or supplies the tire into the jurisdiction – so unlike other material categories described earlier in this report, the tire category does not cover products coming from outside the jurisdiction in the definitions reviewed.
- There are a wide variety of performance monitoring requirements in place, including sales, collection rate, stock piles recovered, number of tires sold or supplied, etc. In some regulations or program plans the performance monitoring requirements were not readily identifiable so there may not be any in place.
- The non-financial and financial auditing requirements appear to be highly varied across jurisdictions. In most jurisdictions, non-financial auditing of tire programs either was not required, or was not identifiable in the documents reviewed.

Consistencies:

- Excellent coverage for regulated programs diverting used tires in all ten Provinces and one Territory. Coverage includes all used tires on motor vehicles and trailers – by and large the majority of all vehicle tires.
- Most regulated programs require annual performance reporting to the Province. Details required are not consistent, but the requirement to report to the province is consistent.
- All but two regulated program require financial auditing for tires. Generally, all non-profit organizations are required to produce audited financial statements according to other Provincial legislation relating to the transparent operation of non-profit organizations (so these two jurisdictions may in fact require financial auditing of this program under other regulations not reviewed as part of this study).

6 SUMMARIES OF KEY INCONSISTENCIES – POSSIBLE NEXT STEPS

This benchmarking study identified a wide range of inconsistencies, including: differences in obligated steward definitions; differences in designated products within a category; and performance monitoring requirements. Possible next steps to begin to address inconsistencies are outlined below and grouped into the following four key themes:

- ✓ With producers, prioritize inconsistencies.
- ✓ With producers, assess improvements to definitions in material categories that are deemed problematic by stewards, specifically focusing on HHSW programs and electronics.
- ✓ With producers, identify which sectors feel that the obligated steward definition requires greater effort to address inconsistencies.
- ✓ With producers, look more closely at specific performance monitoring metrics in place for each program.

With Producers, Prioritize Inconsistencies

There is such a wide range of inconsistencies identified in this study that a prioritization exercise is needed in order to determine which inconsistencies should be addressed first to enhance diversion and provide benefits to regulators and producers.

→ Suggest bilateral meetings with each broad sector separately to examine together key inconsistencies in their sector, and working together, determine with them what they view as most problematic (e.g. do the steward definitions cause greatest problems in their sector or rather is it the differences in designated products?) Depending on the sector, CCME might get different responses as the “needs” to increase greater consistency among programs might be different in different sectors.

With producers, assess improvements to definitions in material categories that are deemed problematic by stewards

As noted in the study, there are key differences in the definitions for designated products – primarily in the HHSW category, but also in WEEE and tires, and these have been flagged by industry stakeholders. Examples:

1) Two jurisdictions use CSA standards to define household hazardous waste; however, this definition does not define products, only characteristics of products. Information submitted from stewards notes that the CSA standard may be easy to apply to a manufacture but is a challenge to apply by other non-manufacturing obligated parties such as retailers and distributors who do not deal with product characteristics (e.g. corrosivity, flammability, etc.).

2) Information submitted by industry stakeholders notes that although paint definitions are relatively consistent, ON and QC are exceptions as they include bitumen-based coatings which

other programs do not include. In general, the paint programs focus on architectural paints and coating and excludes industrial use paints but “industrial” is not well defined or consistently defined across some programs. Similarly, treatment of marine and automotive paints is not universal.

3) There are multiple programs covering batteries in some jurisdictions, with definitions that might not be precise (e.g. batteries that are embedded in other products and those that are not, specifying rechargeable or single use, specifying sizes). This was both difficult to track and present in this high-level summary report, as provincial government websites don’t include information on all programs operating – both legislated and voluntary. Information submitted by industry stakeholders confirms that the differences in product definitions in various programs in this category warrants further study and analysis.

4) There may be differences between electronics designated products that relate to sectoral uses, for example: desktop printers targeting the residential market versus floor standing multi-function printers/copiers/scanners which are products that are primarily found in the commercial market – these are not the same type of product, and not included in similar programs. In addition there might be weight restrictions in various electronic product categories and not in others. There are also significant variances documented in the designated tires product category.

→ Sector-specific bilateral meetings to discuss key issues with definitions, especially for paint and batteries is warranted: sector-specific dialogue to identify how improvements to definitions would clarify interpretations among producers, and streamline similarities across programs, is warranted on a sectoral basis for industry stakeholders that identify product definitions as a key issue (e.g. paint, and batteries).

→ To support this dialogue, a benchmarking study specific to HHSW categories would be useful: a benchmarking study that drills deeper down into all HHSW categories identified in Table 1 of this study would be worthwhile to compare programs at a more detailed level. A comparison of key product definitions across similar programs would likely be helpful to facilitate discussions on addressing definition issues.

→ Sector-specific bilateral meetings to discuss key issues with product designations for electronics and tire is warranted: sector-specific dialogue to identify how improvements could be made to product definitions in regulations would be helpful.

With producers, identify which sectors feel that the obligated steward definition requires greater effort to address inconsistencies

This study has identified inconsistencies in the definitions used for obligated stewards, within many material categories, including the electronics programs. Electronics producers have noted that the definitions in place for obligated stewards are problematic to address e-commerce via the internet for products coming outside of their jurisdiction.

→ Sector-specific bilateral meetings to discuss key issues with obligated steward definitions for electronics is warranted: sector-specific dialogue to identify how improvements could be made would be helpful.

With producers, look more closely at specific performance monitoring metrics used for each program

This study was a high level benchmarking study looking at what was required in a regulation across jurisdictions for all programs in Canada (~80+ programs). The study shows that requirements are varied, and in many cases jurisdictions defer the program monitoring metrics to be developed by producers as part of a program plan or other document. For most material categories, further information collection (greater detail and granularity) to more specifically identify what exactly is being monitored in each program on a sector basis, followed by subsequent analysis to compare industry performance metrics in similar programs across jurisdictions, is needed. For example, in each of the 10-12 jurisdictions with operating programs in each material category (4-8 material categories) there might be a separate Program Plan with separate performance monitoring metrics being used.

→ It is recommended that industry specific surveys be done by program (or by material category) to gather information on the specific performance monitoring metrics that are in place for each program (this could result in surveying up to 80+ programs or more for detailed industry performance monitoring practices). Suggested examples of items that might be monitored are presented below, and the survey could identify which are regulated and which are self-designed. Such an analysis could be done online, by program managers and easily allow comparisons across programs. Industry program managers are the most knowledgeable about what exactly is required for program monitoring and reporting to government as they are the experts in their program content. Furthermore they would be the best placed to provide recommendations for improvements to increase similarities in this area.

Performance Monitoring Survey List	Other
Products sold	
Products collected/diverted overall (tonnage)	+ definition used for this calculation
Products collected/diverted By regions/areas	+ definition used for this calculation
Recovery rate	+ definition used for this calculation
Conduct mass balance	+ definition used for this calculation
Description & Quantity by 3R activity and/or disposal	+ definition used for this calculation
Efforts to improve environmental design	+ definition used for this calculation
Compare Performance with Reg. Requirements	+ how this is done
Location of collection facilities / accessibility	
Change in # and/or location of collection facilities	
Location of processing facilities	
Quantity & location of collected products being stored	
Consumer P&E outreach	