



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**ENVIRONMENTAL PROTECTION ACT
MATERIALS STEWARDSHIP AND RECYCLING
REGULATIONS**

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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ENVIRONMENTAL PROTECTION ACT
Chapter E-9

MATERIALS STEWARDSHIP AND RECYCLING REGULATIONS

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

INTERPRETATION

1. Definitions

(1) In these regulations

- (a) “**Act**” means the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9;
- (b) “**designated material**” means a material diverted from disposal and managed under a stewardship plan or a permit endorsement pursuant to a designation in these regulations;
- (c) “**endorsement**” means an automotive salvage and scrap metal endorsement issued under subsection 17(5);
- (d) “**operator**” means, in respect of a facility, a person who has control or management of the facility;
- (e) “**permit**” means a valid and subsisting recycling facility permit issued under subsection 4(6);
- (f) “**permit holder**” means a person who holds a permit.

Criteria - recyclable material

(2) For the purposes of the definition of “recyclable material” in clause 1(n.11) of the Act, a material or product is a recyclable material if it meets the following criteria:

- (a) it has been diverted from disposal;
- (b) it is managed as a marketable commodity with an established market, or is used or processed in the manufacture of a product that has an established market;
- (c) it is not
 - (i) a designated material, or
 - (ii) a beverage container as defined in the *Beverage Containers Act* R.S.P.E.I. 1988, Cap. B-2.1. (*EC349/14*)

PART I

DIVISION 1

Recycling Facility Permit

2. Operation of recycling facility

No person shall

- (a) carry on the business of the collection or sale of recyclable material or designated material;
 - (b) operate a recycling facility; or
 - (c) hold himself or herself out as the operator of a recycling facility,
- except under the authority of a permit. (EC349/14)

3. Exception

Section 2 does not apply to a person who operates a beverage container depot under the authority of a permit issued under the *Beverage Containers Act* for the acceptance, collection and storage of

- (a) empty beverage containers as defined in that Act;
- (b) scrap metal; or
- (c) lead-acid batteries,

where the beverage containers, scrap metal and lead-acid batteries are accepted, collected and stored indoors in accordance with that Act. (EC349/14)

Application

4. Application for permit

- (1) A person who wishes to apply for a recycling facility permit shall
 - (a) file with the Minister a completed application in the form approved by the Minister; and
 - (b) pay the fee prescribed by subsection (8).

Material to be submitted

- (2) An applicant shall submit with an application made under subsection (1) a detailed written proposal outlining
 - (a) the location of the proposed recycling facility;
 - (b) the distance from the active recycling area to
 - (i) the nearest property boundary, and
 - (ii) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes;
 - (c) the types of recyclable material and designated material, if any, to be acquired;
 - (d) the plans for the acceptance, collection, storage, sorting, handling, preparing for transport and transporting of recyclable material and designated material;

- (e) the quantity of recyclable material and designated material expected to be acquired annually; and
- (f) a contingency plan for the prevention, detection, handling and containment of leaks or spills of recyclable material and designated material or contamination resulting from the handling of recyclable material and designated material.

Additional information

- (3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application, including any agreements made with an administrator of a stewardship program for any designated material.

Additional measures

- (4) If the proposed recycling facility will be located
 - (a) within sight of a highway; or
 - (b) in close proximity, in the opinion of the Minister, to a nearby property,the Minister may require the applicant to provide to the Minister plans for noise reduction measures or screening of the facility from view from nearby properties, or for both, as specified by the Minister.

Insurance

- (5) Where, in the opinion of the Minister, the proposed recycling facility may constitute a risk to the environment, the Minister may require the applicant to provide to the Minister a certificate of insurance which
 - (a) evidences insurance coverage for the applicant's liability for bodily injury and property damage arising out of a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, during the period of insurance, with not less than \$1,000,000 coverage per occurrence; and
 - (b) states that the insurance coverage may not be cancelled except upon thirty days' prior written notice to the Department.

Requirements for issuance of permit

- (6) The Minister shall issue a permit to an applicant if the Minister is satisfied that
 - (a) the application has been made in accordance with the requirements of these regulations;
 - (b) the proposal submitted under subsection (2)
 - (i) includes the information referred to in clauses (2)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the recycling facility in compliance with the Act and these regulations;
 - (c) the applicant has complied with subsections (3), (4) and (5), if required to do so; and
 - (d) the issuance of the permit is in the public interest having regard to the matters referred to in clauses (2)(a) to (f).

Refusal of permit

- (7) Where the Minister refuses to issue a permit to an applicant, the Minister shall provide written reasons for the refusal to the applicant.

Application fee

- (8) The application fee for a permit is \$100, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

Expiry of Permit

5. Expiry of permit

A permit expires on March 1 following the day on which the permit was issued. *(EC349/14)*

Reports

6. Records

- (1) The Minister may require an operator of a recycling facility to ensure that a record is made of the received weight, the recycled weight and the shipped weight of any recyclable material and designated material specified by the Minister that is handled at the recycling facility.

Report to Minister

- (2) An operator of a recycling facility who made or caused to be made a record under subsection (1) shall
- (a) prepare a written report in the form approved by the Minister with respect to the specified recyclable material and designated material handled at the recycling facility during the preceding calendar year; and
 - (b) submit the written report prepared under clause (a) to the Minister on or before March 1 of each year for the preceding calendar year. *(EC349/14)*

7. Weight of recyclable material

An operator of a recycling facility shall include in the report required under subsection 6(2)

- (a) the weight in kilograms of each type of recyclable material or designated material handled at the facility for the year covered by the report; and
- (b) the weight in kilograms of each type of recyclable material or designated material received by the facility and not recycled or otherwise disposed of for the year covered by the report. *(EC349/14)*

Terms and Conditions

8. Compliance with terms and conditions on permit

A permit holder and an operator of a recycling facility shall ensure that the recycling facility is operated in compliance with the terms and conditions of the permit issued for the recycling facility. *(EC349/14)*

Notice of Revocation or Terms and Conditions

9. Notice of revocation or terms and conditions

Where the Minister, under section 28 of the Act,

- (a) revokes;
- (b) imposes terms or conditions on; or
- (c) alters the terms or conditions of,

a permit, the Minister shall serve on the permit holder and the operator, in writing, notice of and reasons for the revocation, imposition or alteration. *(EC349/14)*

PART II

DIVISION 1

Endorsement for Designated Material

10. Endorsement for designated material

(1) Where

- (a) no stewardship program has been established in respect of a designated material; or
- (b) the Minister has not concluded an agreement with an administrator of a stewardship program for a designated material,

a permit holder who proposes to accept, collect or store the designated material shall apply to the Minister for an endorsement on the holder's permit with respect to the designated material.

Authorization

- (2) Subject to any terms or conditions imposed on the endorsement under section 28 of the Act, an endorsement on a permit authorizes the permit holder to accept, collect or store the designated material identified on the endorsement at the recycling facility for which the permit is issued. *(EC349/14)*

Terms and Conditions

11. Terms and conditions of endorsement

A permit holder and an operator of a recycling facility for which an endorsement is issued shall ensure that the recycling facility is operated in compliance with the terms and conditions of the endorsement. *(EC349/14)*

Notice of Revocation or Terms and Conditions

12. Notice of revocation or terms and conditions

Where the Minister, under section 28 of the Act,

- (a) revokes;
- (b) imposes terms or conditions on; or
- (c) alters the terms or conditions of,

an endorsement, the Minister shall serve on the permit holder and the operator, in writing, notice of and reasons for the revocation, imposition or alteration. (EC349/14)

DIVISION 2

Automotive Salvage and Scrap Metal

13. Definitions

In this Division,

- (a) “**automotive salvage**” means
 - (i) unserviceable, discarded or junked motor vehicles no longer used for transportation purposes, and
 - (ii) metals, bodies, frames, engines or other components and parts of those things associated with a motor vehicle;
- (b) “**automotive salvage and scrap metal collection facility**” means a recycling facility where automotive salvage or scrap metal is
 - (i) accepted, collected and stored, and
 - (ii) handled, collected, sorted or crushed, compacted, shredded and prepared for transport,for the purpose of material recovery;
- (c) “**scrap metal**” means new or used items substantially made of ferrous or non-ferrous metals and includes household or commercial appliances, but does not include beverage containers, paint containers, or domestic or household products normally recycled to avoid waste. (EC349/14)

14. Designation

For the purposes of the Act and these regulations, automotive salvage and scrap metal is a designated material. (EC349/14)

Automotive Salvage and Scrap Metal Endorsement

15. Prohibition

No person shall

- (a) carry on the business of the collection, purchasing, trading, bartering or sale of automotive salvage and scrap metal;
- (b) operate an automotive salvage and scrap metal collection facility; or

- (c) hold himself or herself out as the operator of an automotive salvage and scrap metal collection facility,
except under the authority of a recycling facility permit and an automotive salvage and scrap metal endorsement. (EC349/14)

16. Idem

No person shall sell, offer for sale, transfer, discard or otherwise dispose of automotive salvage and scrap metal except by disposal at an automotive salvage and scrap metal collection facility. (EC349/14)

Application

17. Application for endorsement

- (1) A person who holds or has applied for a permit may apply for an automotive salvage and scrap metal endorsement on the permit by
 - (a) filing with the Minister a completed application on a form approved by the Minister; and
 - (b) paying the fee prescribed by subsection (8).

Requirements

- (2) An applicant, other than an applicant who has concurrently submitted an application for a permit under subsection 4(2), shall submit with an application made under subsection (1) a detailed written proposal outlining
 - (a) the distance from the active automotive salvage and scrap metal collection facility to
 - (i) the nearest property boundary, and
 - (ii) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes;
 - (b) whether the applicant proposes to collect, purchase, store, sell or otherwise handle automotive salvage as defined in subclause 13(a)(i) or (ii), or both;
 - (c) the plans for the acceptance, collection, storage, sorting, crushing, compacting, shredding, handling and preparing for transport of automotive salvage and scrap metal;
 - (d) the estimated quantity of automotive salvage and scrap metal collected;
 - (e) the frequency of any crushing, compacting or shredding at the proposed facility;
 - (f) a contingency plan for the prevention, detection, handling and containment of leaks or spills from automotive salvage and scrap metal or contamination resulting from the handling of automotive salvage and scrap metal;
 - (g) if crushing activities are to occur at the facility, the location of the area designed for crushing activities;
 - (h) a description of the method of operating the facility, including the methods of collection and disposal of contaminants, including, but not limited to,
 - (i) oils,
 - (ii) oil filters,
 - (iii) motive fuels,
 - (iv) brake fluids,

- (v) glycol products,
- (vi) refrigerants,
- (vii) lead-acid batteries,
- (viii) mercury-containing switches.

Idem

- (3) An applicant who has submitted an application for a permit under subsection 4(2) shall submit a detailed written proposal containing the information referred to in clauses (2)(d), (f), (g) and (h).

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Issuance of endorsement

- (5) The Minister shall issue an automotive salvage and scrap metal endorsement on the applicant's permit if the Minister is satisfied that
- (a) the application has been made in accordance with the requirements of these regulations;
 - (b) the proposal adequately provides for the operation of the automotive salvage and scrap metal collection facility in compliance with the Act and these regulations and
 - (i) if submitted under subsection (2), includes the information referred to in clauses (2)(a) to (g) and is otherwise acceptable to the Minister, or
 - (ii) if submitted under subsection (3), includes the information referred to in clauses (2)(d), (f), (g) and (h); and
 - (c) the proposed automotive salvage and scrap metal collection facility
 - (i) meets the setback criteria of subsection 18(1), and
 - (ii) shall meet the operational requirements set out in the Schedule to these regulations.

Specify types of automotive salvage

- (6) The Minister shall specify in the automotive salvage and scrap metal endorsement issued under subsection (5) the type or types of automotive salvage to which it applies.

Reasons for refusal

- (7) Where the Minister refuses to issue an automotive salvage and scrap metal endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant.

Fee

- (8) The application fee for an automotive salvage and scrap metal endorsement is \$50, payable to the Minister of Finance, Energy and Municipal Affairs. (EC349/14)

Setbacks

18. Restrictions respecting site

- (1) No person is eligible for an automotive salvage and scrap metal endorsement on a permit where the proposed site is located

- (a) within a radius of 150 metres of any public park, public playground, public bathing beach, school, church, hospital, cemetery or public hall;
- (b) within 30 metres of any highway;
- (c) subject to subsection (2), within 300 metres of any residential premises other than those of the applicant for the permit; or
- (d) within 60 metres of a watercourse boundary or wetland boundary.

Exception

- (2) The Minister may waive the requirements of clause (1)(c) where
 - (a) either
 - (i) the owners of all residential premises located in the area between 150 and 300 metres from the nearest boundary line of the proposed facility state in writing, in the form required by the Minister, that they have no objection to the proposed facility,
 - (ii) no residential premises are located less than 150 metres from the proposed facility, and
 - (iii) no domestic potable wells are located less than 60 metres from the proposed facility; or
 - (b) the proposed facility is located within a municipal land use zone where the operation of an automotive salvage and scrap metal collection facility is permitted. *(EC349/14)*

Additional Requirements

19. Additional requirements

In addition to the requirements of clause 15(b), a permit holder and an operator of an automotive salvage or scrap metal collection facility shall ensure that the facility is operated in compliance with the requirements of these regulations, including the storage and material handling criteria specified in the environmental standards set out in the Schedule to these regulations. *(EC349/14)*

PART III — STEWARDSHIP PROGRAMS

DIVISION 1

Electronic Products

20. Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 26;
- (b) “**agent**” means an agent of a brand owner designated under section 23;
- (c) “**brand owner**” means, in respect of an electronic product sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the electronic product,
 - (ii) a distributor of the electronic product in or into the province,

- (iii) an owner or licensee of the intellectual property rights to the electronic product, or
- (iv) where the electronic product is imported into the province, the first person to sell the electronic product in or into the province;
- (d) **“electronic material stewardship program”** means a program approved by the Minister under subsection 24(5) that
 - (i) establishes a process for the recycling of electronic products and, if no further options exist, the disposal of any residual electronic product components, and
 - (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of electronic products;
- (e) **“electronic product”** means an electronic product whether intended for consumer, industrial or commercial use, and includes, without limitation,
 - (i) televisions,
 - (ii) desktop, laptop and notebook computers, including central processing units, keyboards, mice and cables,
 - (iii) computer monitors,
 - (iv) computer desktop printers, including desktop printers that have scanning or fax capabilities, or both,
 - (v) desktop scanners,
 - (vi) audio and video playback and recording systems,
 - (vii) telephones and fax machines,
 - (viii) cell phones and other wireless communication devices,
 - (ix) external storage drives and modems,
 - (x) electronic readers,
 - (xi) video gaming devices and peripherals,
 - (xii) global positioning systems or navigation systems,
 - (xiii) counter-top microwave ovens,
 - (xiv) floor-standing printers, copiers and units that combine printing, copying, scanning and other functions,
 - (xv) floor or carpet care appliances,
 - (xvi) garment care appliances including, without limitation, irons and steam cleaners,
 - (xvii) appliances for counter-top cooking, including, without limitation, toasters, toaster ovens, fryers, hot plates, coffee makers, coffee grinders, kettles, blenders, mixers and food processors,
 - (xviii) devices for cutting food items and opening or sealing containers or packages,
 - (xix) devices for measuring time,
 - (xx) personal care appliances, including, without limitation, hair cutting and drying appliances, tooth care appliances, shavers and massagers,
 - (xxi) scales, and
 - (xxii) portable air treatment appliances, including, without limitation, fans, air purifiers, heaters and humidifiers, but not including air conditioners,but does not include factory-installed devices developed for embedded use in motor vehicles;

- (f) “**electronic product return facility**” means a recycling facility where electronic products are
 - (i) accepted and stored, and
 - (ii) handled, collected, sorted or prepared for transport,for the purpose of the reuse of the products or material recovery;
- (g) “**retailer**” means a person who sells or offers for sale electronic products directly to consumers. (*EC349/14; 136/19; 168/21*)

21. Designation

- (1) For the purposes of the Act and these regulations, an electronic product is a designated material.

Discarding electronic product

- (2) No person shall discard an electronic product except
 - (a) at a recycling facility approved to accept the electronic product pursuant to these regulations; or
 - (b) in accordance with an approved electronic material stewardship program. (*EC349/14*)

Electronic Material Stewardship Program

22. Prohibition

- (1) No brand owner of an electronic product shall sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner, or an agent of the brand owner of the electronic product, operates an electronic material stewardship program in respect of the electronic product.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner of the electronic product, or an agent of the brand owner of the electronic product, operates an electronic material stewardship program in respect of the electronic product. (*EC349/14*)

23. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate an electronic material stewardship program on the brand owner’s behalf. (*EC349/14*)

Application

24. Application for approval of electronic material stewardship program

- (1) A brand owner may apply for approval of an electronic material stewardship program by filing with the Minister a completed proposal in the format approved by the Minister.

Idem

- (2) An agent of a brand owner who wishes to operate an electronic material stewardship program on the brand owner's behalf may apply for approval of the program by filing with the Minister a completed proposal in a format approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting
- (a) the management structure of the program;
 - (b) how waste electronic products will be collected;
 - (c) the plans for the receipt of electronic products at the electronic product return facilities that participate in the program and the policies and procedures to be followed by the electronic product return facilities;
 - (d) the recycling options for waste electronic products;
 - (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (f) an education and awareness program for consumers of electronic products that includes information about
 - (i) the electronic material stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can access electronic product return facilities,
 - (iii) the environmental benefits of participating in the electronic material stewardship program, and
 - (iv) a description of the proposed methods for reusing and recycling electronic products.

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the proposal.

Requirements for approval of electronic material stewardship program

- (5) The Minister shall approve an electronic material stewardship program if the Minister is satisfied that
- (a) the proposal has been made in accordance with the requirements of these regulations;
 - (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the electronic material stewardship program in compliance with the Act and these regulations; and
 - (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Reasons for refusal

- (6) Where the Minister refuses to approve an electronic material stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of electronic material stewardship program

- (7) Where the Minister approves an electronic material stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval fee

- (8) The fee for an approval of an electronic material stewardship program is \$25,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

25. Payment of annual fee

- (1) A brand owner or an agent who operates an electronic material stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for an electronic material stewardship program is \$20,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

26. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of an electronic material stewardship program; and
(b) specify the duties and responsibilities of an administrator appointed under clause (a).
(EC349/14)

Information

27. Request for information by Minister

A brand owner or an agent who operates an electronic material stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the electronic material stewardship program, including any of the following:

- (a) the types of processes used to reuse and recycle the electronic products and their components;
(b) the location of the electronic product return facilities for the electronic products;
(c) the location of any long-term containment or final treatment and processing facilities for electronic products;
(d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the electronic products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.
(EC349/14)

28. Brand name, image or logo on electronic product

A brand owner shall ensure that a brand name, image or logo is clearly affixed in plain view on an electronic product sold, offered for sale or otherwise distributed in or into the province by the brand owner. *(EC349/14)*

29. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of an electronic product, the education and awareness program information referred to in clause 24(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC349/14)

30. Review of electronic material stewardship program

A brand owner or an agent who operates an electronic material stewardship program shall review the electronic material stewardship program and

- (a) submit to the Minister all proposed amendments to the electronic material stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the electronic material stewardship program are necessary,

not later than the date that is 5 years after the date the electronic material stewardship program was first approved under subsection 24(5) and every 5 years thereafter. (EC349/14)

31. Reporting quantity of electronic materials collected

A brand owner or an agent who operates an electronic material stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of electronic products collected during the previous calendar year. (EC349/14)

32. Operation of electronic material stewardship program

- (1) No brand owner who operates an electronic material stewardship program shall fail to operate the electronic material stewardship program in accordance with the program as approved under subsection 24(5).

Idem

- (2) No agent who has been designated to operate an electronic material stewardship program on a brand owner's behalf shall fail to operate the electronic material stewardship program in accordance with the program as approved under subsection 24(5). (EC349/14)

DIVISION 2

Paint Products

33. Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 39;
- (b) “**agent**” means an agent of a brand owner designated under section 36;
- (c) “**brand owner**” means, in respect of a consumer paint product sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the consumer paint product,
 - (ii) a distributor of the consumer paint product in or into the province, or
 - (iii) where the consumer paint product is imported into the province, the first person to sell the consumer paint product in or into the province;

- (d) **“consumer paint product”** means
- (i) a tinted or untinted latex, oil or solvent-based architectural coating used for commercial or household purposes, including stain, and includes the coating’s container, or
 - (ii) a coloured or clear paint or stain sold in an aerosol container and includes the paint’s or stain’s container,
- but does not include coatings intended for marine antifouling, industrial or automotive applications, non-latex concrete sealant, or bottled paint for hobby, craft, cosmetic or artistic use;
- (e) **“consumer paint stewardship program”** means a program approved by the Minister under section 37 that
- (i) establishes a process for the collection, transportation and recycling of paint, and
 - (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of paint;
- (f) **“retailer”** means a person who sells or offers for sale consumer paint products directly to consumers. *(EC349/14)*

34. Designation

- (1) For the purposes of the Act and these regulations, a consumer paint product is a designated material.

Discarding consumer paint product

- (2) No person shall discard a consumer paint product except
- (a) at a recycling facility approved to accept the consumer paint product pursuant to these regulations; or
 - (b) in accordance with an approved consumer paint product stewardship program. *(EC349/14)*

Consumer Paint Material Stewardship Program

35. Prohibition

- (1) No brand owner of a consumer paint product shall sell, offer for sale or otherwise distribute a consumer paint product in or into the province unless the brand owner, or an agent of the brand owner of the consumer paint product, operates a consumer paint material stewardship program in respect of the consumer paint product.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute a consumer paint product in or into the province unless the brand owner of the consumer paint product, or an agent of the brand owner of the consumer paint product, operates a consumer paint material stewardship program in respect of the consumer paint product. *(EC349/14)*

36. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a consumer paint material stewardship program on the brand owner’s behalf. *(EC349/14)*

Proposal

37. Proposal for approval of consumer paint material stewardship program

- (1) A brand owner who wishes to apply for approval of a consumer paint material stewardship program shall file with the Minister a completed proposal in a format approved by the Minister.

Idem

- (2) An agent of a brand owner who wishes to operate a consumer paint material stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed proposal in a format approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting
- (a) the management structure of the program;
 - (b) how waste consumer paint products will be collected;
 - (c) the plans for the receipt of consumer paint products at the consumer paint product return facilities that participate in the program and the policies and procedures to be followed by the consumer paint product return facilities;
 - (d) the recycling options for waste consumer paint products;
 - (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (f) an education and awareness program for consumers of consumer paint products that includes information about
 - (i) the consumer paint material stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can access consumer paint product return facilities,
 - (iii) the environmental benefits of participating in the consumer paint material stewardship program, and
 - (iv) a description of the proposed methods for reusing and recycling consumer paint products.

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the proposal.

Requirements for approval of consumer paint material stewardship program

- (5) The Minister shall approve a consumer paint material stewardship program if the Minister is satisfied that
- (a) the proposal has been made in accordance with the requirements of these regulations;
 - (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the consumer paint material stewardship program in compliance with the Act and these regulations; and
 - (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Reasons for refusal

- (6) Where the Minister refuses to approve a consumer paint material stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of consumer paint material stewardship program

- (7) Where the Minister approves a consumer paint material stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval fee

- (8) The fee for an approval of a consumer paint material stewardship program is \$10,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

38. Payment of annual fee

- (1) A brand owner or an agent who operates a consumer paint material stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for a consumer paint material stewardship program is \$10,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

39. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of a consumer paint material stewardship program; and
(b) specify the duties and responsibilities of an administrator appointed under clause (a).
(EC349/14)

Information

40. Request for information by Minister

A brand owner or an agent who operates a consumer paint material stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the consumer paint material stewardship program, including any of the following:

- (a) the types of processes used to reuse and recycle the consumer paint products and their components;
(b) the location of the consumer paint product return facilities for the consumer paint products;
(c) the location of any long-term containment or final treatment and processing facilities for consumer paint products;
(d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the consumer paint products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.
(EC349/14)

41. Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating a paint stewardship plan. (EC349/14)

42. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of a consumer paint product, the education and awareness program information referred to in clause 37(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC349/14)

43. Review of consumer paint material stewardship program

A brand owner or an agent who operates a consumer paint material stewardship program shall review the consumer paint material stewardship program and

- (a) submit to the Minister all proposed amendments to the consumer paint material stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the consumer paint material stewardship program are necessary,

not later than the date that is 5 years after the date the consumer paint material stewardship program was first approved under subsection 37(5) and every 5 years thereafter. (EC349/14)

44. Reporting quantity of consumer paint materials collected

A brand owner or an agent who operates a consumer paint material stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of consumer paint products collected during the previous calendar year. (EC349/14)

45. Operation of consumer paint material stewardship program

- (1) No brand owner who operates a consumer paint material stewardship program shall fail to operate the consumer paint material stewardship program in accordance with the program as approved under subsection 37(5).

Idem

- (2) No agent who has been designated to operate a consumer paint material stewardship program on a brand owner's behalf shall fail to operate the consumer paint material stewardship program in accordance with the program as approved under subsection 37(5). (EC349/14)

Division 3

Lamp Products

46. Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 52;
- (b) “**agent**” means an agent of a brand owner designated under section 49;

- (c) “**brand owner**” means, in respect of a lamp product sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the lamp product,
 - (ii) a distributor of the lamp product in or into the province,
 - (iii) where the lamp product is imported into the province, the first person to sell the lamp product in or into the province;
- (d) “**lamp product**” means a light source designed to produce light from electricity including, but not limited to,
 - (i) fluorescent tubes,
 - (ii) compact fluorescent lamps,
 - (iii) high-intensity discharge lamps,
 - (iv) incandescent lamps,
 - (v) light-emitting diode lamps;
- (e) “**lamp product stewardship program**” means a program approved by the Minister under subsection 50(5) that
 - (i) establishes a process for the collection, transportation and recycling of lamp products, and
 - (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with recycling of lamp products;
- (f) “**retailer**” means a person who sells or offers for sale lamp products directly to consumers. *(EC349/14)*

47. Designation

- (1) For the purposes of the Act and these regulations, a lamp product is a designated material.

Discarding lamp product

- (2) No person shall discard a lamp product except
 - (a) at a recycling facility approved to accept lamp products pursuant to these regulations;
or
 - (b) in accordance with an approved lamp product stewardship program. *(EC349/14)*

Lamp Product Stewardship Program

48. Prohibition

- (1) No brand owner of a lamp product shall sell, offer for sale or otherwise distribute a lamp product in or into the province unless the brand owner, or an agent of the brand owner of the lamp product, operates a lamp product stewardship program in respect of the lamp product.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute a lamp product in or into the province unless the brand owner of the lamp product, or an agent of the brand owner of the lamp product, operates a lamp product stewardship program in respect of the lamp product. *(EC349/14)*

49. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate an lamp product stewardship program on the brand owner's behalf. (EC349/14)

Proposal

50. Proposal for approval of lamp product stewardship program

(1) A brand owner who wishes to apply for approval of a lamp product stewardship program shall file with the Minister a completed proposal in a format approved by the Minister.

Idem

(2) An agent of a brand owner who wishes to operate a lamp product stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed proposal in the format approved by the Minister.

Material to be submitted

(3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting

- (a) the management structure of the program;
- (b) how waste lamp products will be collected;
- (c) the recycling options for waste lamp products;
- (d) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (e) an education and awareness program for consumers of lamp products that includes information about
 - (i) the lamp product stewardship program, specifying products accepted by the program,
 - (ii) the environmental benefits of participating in the lamp product stewardship program, and
 - (iii) a description of the proposed methods for recycling lamp products.

Additional information

(4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the proposal.

Requirements for approval of lamp product stewardship program

(5) The Minister shall approve a lamp product stewardship program if the Minister is satisfied that

- (a) the proposal has been made in accordance with the requirements of these regulations;
- (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (e) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the lamp products stewardship program in compliance with the Act and these regulations; and
- (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (e).

Reasons for refusal

- (6) Where the Minister refuses to approve a lamp product stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of lamp product stewardship program

- (7) Where the Minister approves a lamp product stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval fee

- (8) The fee for an approval of a lamp product stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

51. Payment of annual fee

- (1) A brand owner or an agent who operates a lamp product stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for a lamp products stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

52. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of a lamp products stewardship program; and
(b) specify the duties and responsibilities of an administrator appointed under clause (a).
(EC349/14)

Information

53. Request for information by Minister

A brand owner or an agent who operates a lamp products stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the lamp product stewardship program, including any of the following:

- (a) the types of processes used to reuse and recycle the lamp products and their components;
(b) the location of the lamp product return facilities for the lamp products;
(c) the location of any long-term containment or final treatment and processing facilities for lamp products;
(d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the lamp products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.
(EC349/14)

54. Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating a lamp product stewardship plan. *(EC349/14)*

55. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of a lamp product, the education and awareness program information referred to in clause 50(3)(e) that is supplied to it by the brand owner or the brand owner's agent. (EC349/14)

56. Review of lamp product stewardship program

A brand owner or an agent who operates a lamp product stewardship program shall review the lamp product stewardship program and

- (a) submit to the Minister all proposed amendments to the lamp product stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the lamp product stewardship program are necessary,

not later than the date that is 5 years after the date the lamp product stewardship program was first approved under subsection 50(5) and every 5 years thereafter. (EC349/14)

57. Reporting quantity of lamp products collected

A brand owner or an agent who operates a lamp product stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of lamp products collected during the previous calendar year. (EC349/14)

58. Operation of lamp product stewardship program

- (1) No brand owner who operates a lamp product stewardship program shall fail to operate the lamp product stewardship program in accordance with the program as approved under subsection 50(5).

Idem

- (2) No agent who has been designated to operate a lamp products stewardship program on a brand owner's behalf shall fail to operate the lamp products stewardship program in accordance with the program as approved under subsection 50(5). (EC349/14)

DIVISION 4

Oil and Glycol Products

59. Definitions

In this Part

- (a) “**administrator**” means an administrator appointed under section 65;
- (b) “**agent**” means an agent of a brand owner designated under section 62;
- (c) “**brand owner**” means, in respect of an oil, oil filter or glycol product sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the oil, oil filter or glycol product,
 - (ii) a distributor of the oil, oil filter or glycol product in or into the province,
 - (iii) where the oil, oil filter or glycol product is imported into the province, the first person to sell the oil, oil filter or glycol product in or into the province;

- (d) “**glycol**” means ethylene or propylene glycol used or intended for use as a vehicle or commercial engine coolant, but does not include the following:
 - (i) plumbing antifreeze,
 - (ii) windshield washer antifreeze,
 - (iii) lock de-icer and antifreeze, and
 - (iv) gasoline and diesel fuel antifreeze;
- (d.1) “**glycol product**” includes a container with a capacity of up to 50 litres manufactured for the purpose of holding glycol;
- (e) “**oil**” means petroleum or synthetic derived crankcase oil, engine oil and gear oil, hydraulic fluid, transmission fluid and heat transfer fluid, and fluid used for lubricating purposes in machinery or equipment;
- (f) “**oil filter**” means
 - (i) a spin-on style or element style fluid filter that is used in hydraulic, transmission or internal combustion engine applications, and
 - (ii) an oil filter, a diesel fuel filter, a storage tank fuel filter and a household furnace oil filter other than a gasoline filter;
- (f.1) “**oil product**” includes a container with a capacity of up to 50 litres manufactured for the purpose of holding oil, and includes
 - (i) aerosol containers used to contain products used as cleaners for automotive parts, and
 - (ii) containers used to contain diesel exhaust fluid;
- (g) “**oil products and glycol stewardship program**” means a program approved by the Minister under section 63 that
 - (i) establishes a process for the collection, transportation and recycling of oil, oil filters or glycol, and
 - (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of oil, oil filters or glycol;
- (h) “**retailer**” means a person who sells or offers for sale oil, oil filters or glycol products directly to consumers. *(EC349/14; 603/15; 168/21)*

60. Designation

- (1) For the purposes of the Act and these regulations, an oil product, oil filter or glycol product is a designated material.

Discarding oil product, oil filter or glycol product

- (2) No person shall discard an oil product, oil filter or glycol product except
 - (a) at a recycling facility approved to accept oil products, oil filters or glycol products pursuant to these regulations;
 - (b) at an automotive salvage and scrap metal collection facility operated by a person who holds an automotive salvage and scrap metal endorsement issued under section 17, if the collection of oil products, oil filters or glycol products is part of the ordinary course of business of the automotive salvage and scrap metal collection facility; or
 - (c) in accordance with an approved oil and glycol stewardship program. *(EC349/14)*

Oil and Glycol Stewardship Program

61. Prohibition

- (1) No brand owner of an oil product, oil filter or glycol product shall sell, offer for sale or otherwise distribute the oil product, oil filter or glycol product in or into the province unless the brand owner, or an agent of the brand owner, of the oil product, oil filter or glycol product operates an oil and glycol stewardship program in respect of the oil product, oil filter or glycol product.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute an oil product, oil filter or glycol product in or into the province unless the brand owner of the oil product, oil filter or glycol product, or an agent of the brand owner of the oil product, oil filter or glycol product, operates an oil and glycol stewardship program in respect of the oil product, oil filter or glycol product. (EC349/14)

62. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate an oil and glycol stewardship program on the brand owner's behalf. (EC349/14)

Proposal

63. Proposal for approval of oil and glycol stewardship program

- (1) A brand owner who wishes to apply for approval of an oil and glycol stewardship program shall file with the Minister a completed proposal in the format approved by the Minister.

Idem

- (2) An agent of a brand owner who wishes to operate an oil and glycol stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed proposal in the format approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting
- (a) the management structure of the program;
 - (b) how waste oil products, oil filters, or glycol products will be collected;
 - (c) the plans for the receipt of oil products, oil filters, or glycol products and the policies and procedures to be followed by the applicant;
 - (d) the recycling options for waste oil products, oil filters, or glycol products;
 - (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (f) an education and awareness program for consumers of oil products, oil filters, or glycol products that includes information about
 - (i) the oil and glycol stewardship program, specifying products accepted by the program,

- (ii) how and when consumers can return oil products, oil filters, or glycol products,
- (iii) the environmental benefits of participating in the oil and glycol stewardship program, and
- (iv) a description of the proposed methods for reusing and recycling oil products, oil filters, or glycol products.

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the proposal.

Approval of oil and glycol stewardship program

- (5) The Minister shall approve an oil and glycol stewardship program if the Minister is satisfied that
 - (a) the proposal has been made in accordance with the requirements of these regulations;
 - (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the oil and glycol stewardship program in compliance with the Act and these regulations; and
 - (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Reasons for refusal

- (6) Where the Minister refuses to approve an oil and glycol stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval fee

- (7) Where the Minister approves an oil and glycol stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Idem

- (8) The fee for an approval of an oil and glycol stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14; 630/15)*

64. Payment of annual fee

- (1) A brand owner or an agent who operates an oil and glycol stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for an oil and glycol stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

65. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of an oil and glycol stewardship program; and

- (b) specify the duties and responsibilities of an administrator appointed under clause (a).
(EC349/14)

Information

66. Request for information by Minister

A brand owner or an agent who operates an oil and glycol stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the oil and glycol stewardship program, including any of the following:

- (a) the types of processes used to reuse and recycle the oil products, oil filters or glycol products and their components;
- (b) the location of any long term containment or final treatment and processing facilities for oil products, oil filters or glycol products;
- (c) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the oil products, oil filters or glycol products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations. (EC349/14)

67. Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing an oil and glycol stewardship program. (EC349/14)

68. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of an oil product, oil filter or glycol product, the education and awareness program information referred to in clause 63(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC349/14)

69. Review of oil and glycol stewardship program

A brand owner or an agent who operates an oil and glycol stewardship program shall review the oil and glycol stewardship program and

- (a) submit to the Minister all proposed amendments to the oil and glycol stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the oil and glycol stewardship program are necessary,

not later than the date that is 5 years after the date the oil and glycol stewardship program was first approved under subsection 63(5) and every 5 years thereafter. (EC349/14)

70. Reporting quantity of oil or glycol materials collected

A brand owner or an agent who operates an oil and glycol stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of oil products, oil filters or glycol products collected during the previous calendar year. (EC349/14)

71. Operation of oil and glycol stewardship program

- (1) No brand owner who operates an oil and glycol stewardship program shall fail to operate the oil and glycol stewardship program in accordance with the program as approved under subsection 63(5).

Idem

- (2) No agent who has been designated to operate an oil and glycol stewardship program on a brand owner's behalf shall fail to operate the oil and glycol stewardship program in accordance with the program as approved under subsection 63(5). (*EC349/14*)

DIVISION 5

Lead-acid Batteries

72. Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 78;
- (b) “**agent**” means an agent of a brand owner designated under section 75;
- (c) “**brand owner**” means, in respect of a lead-acid battery sold, offered for sale or otherwise distributed in or into the province,
- (i) a manufacturer of the lead-acid battery,
 - (ii) a distributor of the lead-acid battery in or into the province, or
 - (iii) where the lead-acid battery is imported into the province, the first person to sell the lead-acid battery in or into the province;
- (d) “**lead-acid battery**” means a device consisting of one or more cells, each containing the essentials for producing voltage electricity and designed and used for the storage of electrical energy through chemical reactions involving lead and acids;
- (e) “**lead-acid battery stewardship program**” means a program approved by the Minister under section 76 that
- (i) establishes a process for the collection, transportation and recycling of lead-acid batteries, and
 - (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of lead-acid batteries;
- (f) “**retailer**” means a person who
- (i) stores new lead-acid batteries at a fixed location, and
 - (ii) sells or offers for sale new lead-acid batteries directly to consumers;
- (g) “**used lead-acid battery**” means a lead-acid battery which has been used and is no longer suitable for its original purpose. (*EC349/14*)

73. Designation

- (1) For the purposes of the Act and these regulations, a lead-acid battery is a designated material.

Discarding used lead-acid battery

- (2) No person shall discard a used lead-acid battery except

- (a) at a recycling facility approved to accept used lead-acid batteries pursuant to these regulations;
- (b) at an automotive salvage and scrap metal collection facility operated by a person who holds an automotive salvage and scrap metal endorsement issued under section 17, if the collection of lead-acid batteries is part of the ordinary course of business of the automotive salvage and scrap metal collection facility; or
- (c) in accordance with an approved lead-acid battery stewardship program. (EC349/14)

Lead-acid Battery Stewardship Program

74. Prohibition

- (1) No brand owner of a lead-acid battery shall sell, offer for sale or otherwise distribute a lead-acid battery in or into the province unless the brand owner, or an agent of the brand owner of the lead-acid battery, operates a lead-acid battery stewardship program in respect of the lead-acid battery.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute a lead-acid battery in or into the province unless the brand owner of the lead-acid battery, or an agent of the brand owner of the lead-acid battery, operates a lead-acid battery stewardship program in respect of the lead-acid battery. (EC349/14)

75. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a lead-acid battery stewardship program on the brand owner's behalf. (EC349/14)

Proposal

76. Proposal for approval of lead-acid battery stewardship program

- (1) A brand owner who wishes to apply for approval of a lead-acid battery stewardship program shall file with the Minister a completed proposal in a format approved by the Minister.

Idem

- (2) An agent of a brand owner who wishes to operate a lead-acid battery stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed proposal in a format approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting
 - (a) the management structure of the program;
 - (b) how used lead-acid batteries will be collected;
 - (c) the plans for the receipt of used lead-acid batteries at the lead-acid battery return facilities that participate in the program and the policies and procedures to be followed by the lead-acid battery return facilities;
 - (d) the recycling options for used lead-acid batteries;

- (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (f) an education and awareness program for consumers of lead-acid batteries that includes information about
 - (i) the lead-acid battery stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can access lead-acid battery return facilities,
 - (iii) the environmental benefits of participating in the lead-acid battery stewardship program, and
 - (iv) a description of the proposed methods for collecting and recycling lead-acid batteries.

Additional information

- (4) The Minister may require an applicant who submits a proposal under this section to provide any additional information that the Minister requires to consider the proposal.

Requirements for approval of lead-acid battery stewardship program

- (5) The Minister shall approve a lead-acid battery stewardship program if the Minister is satisfied that
 - (a) the proposal has been made in accordance with the requirements of these regulations;
 - (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the lead-acid battery stewardship program in compliance with the Act and these regulations; and
 - (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Reasons for refusal

- (6) Where the Minister refuses to approve a lead-acid battery stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of lead-acid battery stewardship program

- (7) Where the Minister approves a lead-acid battery stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval fee

- (8) The fee for an approval of a lead-acid battery stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

77. Payment of annual fee

- (1) A brand owner or an agent who operates a lead-acid battery stewardship program shall, on or before June 30 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for a lead-acid battery stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

78. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of a lead-acid battery stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a).
(EC349/14)

Information

79. Request for information by Minister

A brand owner or an agent who operates a lead-acid battery stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the lead-acid battery stewardship program, including any of the following:

- (a) the types of processes used to recycle used lead-acid batteries;
- (b) the location of the lead-acid battery return facilities for used lead-acid batteries;
- (c) the location of any long-term containment or final treatment and processing facilities for used lead-acid batteries;
- (d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the lead-acid batteries collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.
(EC349/14)

80. Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating a lead-acid battery stewardship plan. *(EC349/14)*

81. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of a lead-acid battery, the education and awareness program information referred to in clause 76(3)(f) that is supplied to it by the brand owner or the brand owner's agent. *(EC349/14)*

82. Review of lead-acid battery stewardship program

A brand owner or an agent who operates a lead-acid battery stewardship program shall review the lead-acid battery stewardship program and

- (a) submit to the Minister all proposed amendments to the lead-acid battery stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the lead-acid battery stewardship program are necessary,

not later than the date that is 5 years after the date the lead-acid battery stewardship program was first approved under subsection 76(5) and every 5 years thereafter. *(EC349/14)*

83. Reporting quantity of used lead-acid batteries collected

A brand owner or an agent who operates a lead-acid battery stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of used lead-acid batteries collected during the previous calendar year. (EC349/14)

84. Operation of lead-acid battery stewardship program

(1) No brand owner who operates a lead-acid battery stewardship program shall fail to operate the lead-acid battery stewardship program in accordance with the program as approved under subsection 76(5).

Idem

(2) No agent who has been designated to operate a lead-acid battery stewardship program on a brand owner's behalf shall fail to operate the lead-acid battery stewardship program in accordance with the program as approved under subsection 76(5). (EC349/14)

DIVISION 5.1

Rechargeable and Single-Use Batteries

Interpretation

84.1 Definitions

In this Part

- (a) “**administrator**” means an administrator appointed under section 84.7;
- (b) “**agent**” means an agent of a brand owner designated under section 84.4;
- (c) “**brand owner**” means, in respect of a rechargeable or single-use battery sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the rechargeable or single-use battery,
 - (ii) a distributor of the rechargeable or single-use battery in or into the province,
 - (iii) where the rechargeable or single-use battery is imported into the province, the first person to sell the rechargeable or single-use battery in or into the province;
- (d) “**retailer**” means a person who sells or offers for sale rechargeable or single-use battery directly to consumers. (EC587/18)

84.2 Designation

(1) For the purposes of the Act and these regulations, rechargeable and single-use batteries are designated materials.

Includes small sealed lead-acid battery

(2) For greater certainty, and subject to subsection (3), the term “rechargeable or single-use battery” includes a small sealed lead-acid battery of less than five kilograms regardless of whether the small sealed lead-acid battery is still contained in the device or product in which it was sold or not.

Exception

- (3) In the case of a rechargeable or single-use battery that is contained in a device or product that is a designated material under these regulations,
- (a) subsections (1) and (2) do not apply; and
 - (b) the rechargeable or single-use battery shall be dealt with in accordance with the stewardship program for the device or product in which it is contained. *(EC587/18)*

Rechargeable and Single-Use Battery Stewardship Program

84.3 Prohibition

- (1) No brand owner of a rechargeable or single-use battery shall sell, offer for sale or otherwise distribute a rechargeable or single-use battery in or into the province unless the brand owner, or an agent of the brand owner of the rechargeable or single-use battery operates a rechargeable and single-use battery stewardship program in respect of the rechargeable or single-use battery.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute a rechargeable or single-use battery in or into the province unless the brand owner of the rechargeable or single-use battery, or an agent of the brand owner of the rechargeable or single-use battery, operates a rechargeable and single-use battery rechargeable stewardship program in respect of the rechargeable or single-use battery. *(EC587/18)*

84.4 Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a rechargeable and single-use battery stewardship program on the brand owner's behalf. *(EC587/18)*

Application

84.5 Application for approval of rechargeable and single-use battery stewardship program

- (1) A brand owner who wishes to apply for approval of a rechargeable and single-use battery stewardship program shall file with the Minister a completed application on a form approved by the Minister.

Idem

- (2) An agent of a brand owner who wishes to operate a rechargeable and single-use battery stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed application on a form approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with an application made under subsection (1) or (2) a detailed written proposal outlining
- (a) the management structure of the program;
 - (b) how rechargeable and single-use batteries will be collected;

- (c) the plans for the receipt of rechargeable and single-use batteries and the policies and procedures to be followed by the applicant;
- (d) the recycling options for rechargeable and single-use batteries;
- (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (f) an education and awareness program for consumers of rechargeable or single-use batteries that includes information about
 - (i) the rechargeable and single-use battery stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can return rechargeable and single-use batteries,
 - (iii) the environmental benefits of participating in the rechargeable and single-use battery stewardship program, and
 - (iv) a description of the proposed methods for reusing and recycling rechargeable and single-use batteries.

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for approval of rechargeable and single-use battery stewardship program

- (5) The Minister shall approve a rechargeable and single-use battery stewardship program if the Minister is satisfied that
 - (a) the application has been made in accordance with the requirements of these regulations;
 - (b) the proposal submitted under subsection (3)
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the rechargeable and single-use battery stewardship program in compliance with the Act and these regulations; and
 - (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Refusal to approve rechargeable and single-use battery stewardship program

- (6) Where the Minister refuses to approve a rechargeable and single-use battery stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of rechargeable and single-use battery stewardship program

- (7) Where the Minister approves a rechargeable and single-use battery stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Fee

- (8) The fee for an approval of a rechargeable and single-use battery stewardship program is \$5,000 and shall be made payable to the Minister of Finance. (EC587/18)

84.6 Annual fee

- (1) A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Idem

- (2) The annual fee for a rechargeable and single-use battery stewardship program is \$5,000 and shall be made payable to the Minister of Finance. (EC587/18)

84.7 Administrator

The Minister may

- (a) appoint any person as the administrator of a rechargeable and single-use battery stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a). (EC587/18)

Information

84.8 Request for information from Minister

A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the rechargeable and single-use battery stewardship program, including any of the following:

- (a) the types of processes used to reuse and recycle the rechargeable and single-use batteries;
- (b) the location of any long-term containment or final treatment and processing facilities for rechargeable and single-use batteries;
- (c) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the rechargeable and single-use batteries collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations. (EC587/18)

84.9 Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing a rechargeable and single-use battery stewardship program. (EC587/18)

84.91 Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of rechargeable and single-use batteries, the education and awareness program information referred to in clause 84.5(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC587/18)

84.92 Review of rechargeable and single-use battery stewardship program

A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall review the program and

- (a) submit to the Minister all proposed amendments to the rechargeable and single-use battery stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the rechargeable and single-use battery stewardship program are necessary. (EC587/18)

84.93 Information to Minister of quantity of rechargeable and single-use batteries collected

A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of batteries collected during the previous calendar year. (EC587/18)

84.94 Operation of rechargeable and single-use battery stewardship program

- (1) No brand owner who operates a rechargeable and single-use battery stewardship program shall fail to operate the rechargeable and single-use battery stewardship program in accordance with the program as approved under subsection 84.5(5).

Idem

- (2) No agent who has been designated to operate a rechargeable and single-use battery stewardship program on a brand owner's behalf shall fail to operate the rechargeable and single-use battery stewardship program in accordance with the program as approved under subsection 84.5(5). (EC587/18)

DIVISION 6

Pharmaceutical Products

85. Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 91;
- (b) “**agent**” means an agent of a brand owner designated under section 88;
- (c) “**brand owner**” means, in respect of a pharmaceutical product sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the pharmaceutical product,
 - (ii) a distributor of the pharmaceutical product in or into the province, or
 - (iii) where the pharmaceutical product is imported into the province, the first person to sell the pharmaceutical product in or into the province;
- (d) “**pharmaceutical product**” means a drug within the meaning of section 2 of the *Food and Drugs Act* (Canada) and includes a natural health product within the meaning of the *Natural Health Products Regulations* made under that Act, but does not include
 - (i) a substance or mixture of substances manufactured, sold or represented for use in disinfection in premises in which food within the meaning of section 2 of the *Food and Drugs Act* (Canada) is manufactured, prepared or kept,
 - (ii) a food within the meaning of section 2 of the *Food and Drugs Act* (Canada),

- (iii) a cosmetic within the meaning of section 2 of the *Food and Drugs Act* (Canada), or
- (iv) items in any of the following classes:
 - (A) contact lens disinfectants,
 - (B) anti-dandruff products, including shampoos,
 - (C) anti-perspirants,
 - (D) sunburn protectants,
 - (E) mouthwash,
 - (F) fluoridated toothpaste,
 - (G) topical substances not containing antibiotics or anti-fungal agents,
 - (H) radio pharmaceuticals,
 - (I) antiseptic or medicated skin-care products,
 - (J) veterinary medications and products;
- (e) “**pharmaceutical product stewardship program**” means a program approved by the Minister under section 89 that establishes a process for the collection, transportation and disposal of pharmaceutical products;
- (f) “**retailer**” means a person who sells or offers for sale pharmaceutical products directly to consumers. (EC349/14)

86. Designation

- (1) For the purposes of the Act and these regulations, pharmaceutical products are a designated material.

Discarding pharmaceutical products

- (2) No person shall discard pharmaceutical products except
 - (a) at a facility approved to accept pharmaceutical products pursuant to these regulations; or
 - (b) in accordance with an approved pharmaceutical product stewardship program. (EC349/14)

Pharmaceutical Product Stewardship Program

87. Prohibition

- (1) No brand owner of a pharmaceutical product shall sell, offer for sale or otherwise distribute a pharmaceutical product in or into the province unless the brand owner, or an agent of the brand owner of the pharmaceutical product, operates a pharmaceutical product stewardship program in respect of the pharmaceutical product.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute a pharmaceutical product in or into the province unless the brand owner of the pharmaceutical product, or an agent of the brand owner of the pharmaceutical product, operates a pharmaceutical product stewardship program in respect of the pharmaceutical product. (EC349/14)

88. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a pharmaceutical product stewardship program on the brand owner's behalf. (EC349/14)

Proposal

89. Proposal for approval of pharmaceutical product stewardship program

(1) A brand owner who wishes to apply for approval of a pharmaceutical product stewardship program shall file with the Minister a completed proposal in a format approved by the Minister.

Idem

(2) An agent of a brand owner who wishes to operate a pharmaceutical product stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed proposal in a format approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting
- (a) the management structure of the program;
 - (b) how discarded pharmaceutical products will be collected;
 - (c) the plans for the receipt of discarded pharmaceutical products at the pharmaceutical product return facilities that participate in the program and the policies and procedures to be followed by the pharmaceutical product return facilities;
 - (d) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (e) an education and awareness program for consumers of pharmaceutical products that includes information about
 - (i) the pharmaceutical product stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can access pharmaceutical product return facilities, and
 - (iii) the environmental benefits of participating in the pharmaceutical product stewardship program.

Additional information

(4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the proposal.

Requirements for approval of pharmaceutical product stewardship program

- (5) The Minister shall approve a pharmaceutical product stewardship program if the Minister is satisfied that
- (a) the proposal has been made in accordance with the requirements of these regulations;
 - (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (e) and is otherwise acceptable to the Minister, and

- (ii) adequately provides for the operation of the pharmaceutical product stewardship program in compliance with the Act and these regulations; and
- (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (e).

Reasons for refusal

- (6) Where the Minister refuses to approve a pharmaceutical product stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of pharmaceutical product stewardship program

- (7) Where the Minister approves a pharmaceutical product stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval fee

- (8) The fee for an approval of a pharmaceutical product stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

90. Payment of annual fee

- (1) A brand owner or an agent who operates a pharmaceutical product stewardship program shall, on or before June 30 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for a pharmaceutical product stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

91. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of a pharmaceutical product stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a). *(EC349/14)*

Information

92. Request for information by Minister

A brand owner or an agent who operates a pharmaceutical product stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the pharmaceutical product stewardship program, including any of the following:

- (a) the types of processes used to dispose of discarded pharmaceutical products;
- (b) the location of the pharmaceutical product return facilities for discarded pharmaceutical products;
- (c) the location of any long-term destruction or final treatment and processing facilities for discarded pharmaceutical products;
- (d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the discarded pharmaceutical products collected are managed in a manner that employs environmental and human health

and safety standards meeting or exceeding applicable federal, provincial and local regulations. (EC349/14)

93. Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating a pharmaceutical product stewardship plan. (EC349/14)

94. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of a pharmaceutical product, the education and awareness program information referred to in clause 89(3)(e) that is supplied to it by the brand owner or the brand owner's agent. (EC349/14)

95. Review of pharmaceutical product stewardship program

A brand owner or an agent who operates a pharmaceutical product stewardship program shall review the pharmaceutical product stewardship program and

- (a) submit to the Minister all proposed amendments to the pharmaceutical product stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the pharmaceutical product stewardship program are necessary,

not later than the date that is 5 years after the date the pharmaceutical product stewardship program was first approved under subsection 89(5) and every 5 years thereafter. (EC349/14)

96. Reporting quantity of pharmaceutical products collected

A brand owner or an agent who operates a pharmaceutical product stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of discarded pharmaceutical products collected during the previous calendar year. (EC349/14)

97. Operation of pharmaceutical product stewardship program

- (1) No brand owner who operates a pharmaceutical product stewardship program shall fail to operate the pharmaceutical product stewardship program in accordance with the program as approved under subsection 89(5).

Idem

- (2) No agent who has been designated to operate a pharmaceutical product stewardship program on a brand owner's behalf shall fail to operate the pharmaceutical product stewardship program in accordance with the program as approved under subsection 89(5). (EC349/14)

DIVISION 7

Medical Sharps

98. Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 104;
- (b) “**agent**” means an agent of a brand owner designated under section 101;
- (c) “**brand owner**” means, in respect of medical sharps sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the medical sharp,
 - (ii) a distributor of the medical sharp in or into the province, or
 - (iii) where the medical sharp is imported into the province, the first person to sell the medical sharp in or into the province;
- (d) “**medical sharp**” means a needle, safety engineered needle, lancet, or other similar instrument that is designed to puncture the skin for medical purposes and that is sold or otherwise distributed, and includes anything affixed to the medical sharp, including a syringe;
- (e) “**medical sharp stewardship program**” means a program approved by the Minister under section 102 that establishes a process for the collection, transportation and disposal of medical sharps;
- (f) “**retailer**” means a person who sells or offers for sale medical sharps directly to consumers. (EC349/14)

99. Designation

- (1) For the purposes of the Act and these regulations, medical sharps are a designated material.

Discarding medical sharps

- (2) No person shall discard medical sharps except
 - (a) at a facility approved to accept medical sharps pursuant to these regulations; or
 - (b) in accordance with an approved medical sharp stewardship program. (EC349/14)

Medical Sharp Stewardship Program

100. Prohibition

- (1) No brand owner of a medical sharp shall sell, offer for sale or otherwise distribute medical sharps in or into the province unless the brand owner, or an agent of the brand owner of the medical sharp, operates a medical sharp stewardship program in respect of the medical sharp.

Idem

- (2) No retailer shall sell, offer for sale or otherwise distribute medical sharps in or into the province unless the brand owner of the medical sharp, or an agent of the brand owner of the medical sharp, operates a medical sharp stewardship program in respect of the medical sharp. (EC349/14)

101. Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a medical sharp stewardship program on the brand owner’s behalf. (EC349/14)Proposal

102. Proposal for approval of medical sharp stewardship program

- (1) A brand owner who wishes to apply for approval of a medical sharp stewardship program shall file with the Minister a completed proposal in a format approved by the Minister.

Idem

- (2) An agent of a brand owner who wishes to operate a medical sharp stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed proposal in a format approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with a proposal made under subsection (1) or (2) detailed information respecting
- (a) the management structure of the program;
 - (b) how discarded medical sharps will be collected;
 - (c) the plans for the receipt of discarded medical sharps at the medical sharp return facilities that participate in the program and the policies and procedures to be followed by the medical sharp return facilities;
 - (d) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (e) an education and awareness program for consumers of medical sharps that includes information about
 - (i) the medical sharp stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can access medical sharp return facilities, and
 - (iii) the environmental benefits of participating in the medical sharp stewardship program.

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for approval of medical sharp stewardship program

- (5) The Minister shall approve a medical sharp stewardship program if the Minister is satisfied that
- (a) the proposal has been made in accordance with the requirements of these regulations;
 - (b) the proposal
 - (i) includes the information referred to in clauses (3)(a) to (e) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the medical sharp stewardship program in compliance with the Act and these regulations; and
 - (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (e).

Reasons for refusal

- (6) Where the Minister refuses to approve a medical sharp stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of medical sharp stewardship program

- (7) Where the Minister approves a medical sharp stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval fee

- (8) The fee for an approval of a medical sharp stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

103. Payment of annual fee

- (1) A brand owner or an agent who operates a medical sharp stewardship program shall, on or before June 30 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

- (2) The annual fee for a medical sharp stewardship program is \$5,000, payable to the Minister of Finance, Energy and Municipal Affairs. *(EC349/14)*

104. Appointment of administrator

The Minister may

- (a) appoint any person as the administrator of a medical sharp stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a).
(EC349/14)

Information

105. Request for information by Minister

A brand owner or an agent who operates a medical sharp stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the medical sharp stewardship program, including any of the following:

- (a) the types of processes used to dispose of discarded medical sharps;
- (b) the location of the medical sharp return facilities for discarded medical sharps;
- (c) the location of any long-term destruction or final treatment and processing facilities for discarded medical sharps;
- (d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the medical sharps collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.
(EC349/14)

106. Internalization of fees

No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating a medical sharp stewardship plan. *(EC349/14)*

107. Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of a medical sharp, the education and awareness program information referred to in clause 102(3)(e) that is supplied to it by the brand owner or the brand owner's agent. (EC349/14)

108. Review of medical sharp stewardship program

A brand owner or an agent who operates a medical sharp stewardship program shall review the medical sharp stewardship program and

- (a) submit to the Minister all proposed amendments to the medical sharp stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the medical sharp stewardship program are necessary,

not later than the date that is 5 years after the date the medical sharp stewardship program was first approved under subsection 102(5) and every 5 years thereafter. (EC349/14)

109. Reporting quantity of medical sharps collected

A brand owner or an agent who operates a medical sharp stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of discarded medical sharps collected during the previous calendar year. (EC349/14)

110. Operation of medical sharp stewardship program

- (1) No brand owner who operates a medical sharp stewardship program shall fail to operate the medical sharp stewardship program in accordance with the program as approved under subsection 102(5).

Idem

- (2) No agent who has been designated to operate a medical sharp stewardship program on a brand owner's behalf shall fail to operate the medical sharp stewardship program in accordance with the program as approved under subsection 102(5). (EC349/14)

DIVISION 8

AGRICULTURAL PLASTIC PRODUCTS

Interpretation

110.1 Definitions

In this Division,

- (a) “**administrator**” means an administrator appointed under section 110.7;
- (b) “**agent**” means an agent of a brand owner designated under section 110.4;
- (c) “**agricultural plastic product**” means a product manufactured for use in the agricultural industry and includes
 - (i) low density polyethylene grain and silage bags, silage bunker covers and tarps,

- (ii) low density polyethylene bale and silage wrap, and
- (iii) polypropylene twine;
- (iv) low density polyethylene or polypropylene bags, and paper bags, whether lined with plastic or other material or not, used for seed, pesticide and fertilizer,
- (v) high density polyethylene containers of up to 23 litres in capacity for pesticide and fertilizer, and
- (vi) bulk liquid transport products in sizes of 23 litres and greater used for pesticide and fertilizer;
- (d) “**brand owner**” means, in respect of an agricultural plastic product sold, offered for sale or otherwise distributed in or into the province,
 - (i) a manufacturer of the agricultural plastic product,
 - (ii) a distributor of the agricultural plastic product in or into the province, or
 - (iii) where the agricultural plastic product is imported into the province, the first person to sell the agricultural plastic product in or into the province;
- (e) “**retailer**” means a person who sells or offers for sale an agricultural plastic product directly to consumers. (EC739/21)

110.2 Designated materials

- (1) For the purposes of the Act and these regulations, agricultural plastic products are designated materials.

Prohibition

- (2) No person shall discard an agricultural plastic product except
 - (a) at a recycling facility approved to accept the agricultural plastic product pursuant to these regulations; or
 - (b) in accordance with an approved agricultural plastic product stewardship program. (EC739/21)

Agricultural Plastic Product Stewardship Program

110.3 Prohibition - brand owner

- (1) No brand owner of an agricultural plastic product shall sell, offer for sale or otherwise distribute an agricultural plastic product in or into the province unless the brand owner, or an agent of the brand owner of the agricultural plastic product, operates an agricultural plastic product stewardship program in respect of the agricultural plastic product.

Prohibition - retailer

- (2) No retailer shall sell, offer for sale or otherwise distribute an agricultural plastic product in or into the province unless the brand owner of the agricultural plastic product, or an agent of the brand owner of the agricultural plastic product, operates an agricultural plastic product stewardship program in respect of the agricultural plastic product. (EC739/21)

110.4 Designation of agent

A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate an agricultural plastic product rechargeable stewardship program on the brand owner's behalf. (EC739/21)

Application

110.5 Application for approval of agricultural plastic product stewardship program

- (1) A brand owner who wishes to apply for approval of an agricultural plastic product stewardship program shall file with the Minister a completed application on a form approved by the Minister.

Application by agent

- (2) An agent of a brand owner who wishes to operate an agricultural plastic product stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed application on a form approved by the Minister.

Material to be submitted

- (3) An applicant shall submit with an application made under subsection (1) or (2) a detailed written proposal outlining
 - (a) the management structure of the program;
 - (b) how agricultural plastic products will be collected;
 - (c) the plans for the receipt of agricultural plastic products and the policies and procedures to be followed by the applicant;
 - (d) the recycling options for agricultural plastic;
 - (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (f) an education and awareness program for consumers of agricultural plastic products that includes information about
 - (i) the agricultural plastic product stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can return agricultural plastic products,
 - (iii) the environmental benefits of participating in the agricultural plastic product stewardship program, and
 - (iv) a description of the proposed methods for reusing and recycling agricultural plastic products.

Additional information

- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for approval of agricultural plastic product stewardship program

- (5) The Minister shall approve an agricultural plastic product stewardship program if the Minister is satisfied that
 - (a) the application has been made in accordance with the requirements of these regulations;
 - (b) the proposal submitted under subsection (3)

- (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
- (ii) adequately provides for the operation of the agricultural plastic product stewardship program in compliance with the Act and these regulations; and
- (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Refusal to approve agricultural plastic product stewardship program

- (6) Where the Minister refuses to approve an agricultural plastic product stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of agricultural plastic product stewardship program

- (7) Where the Minister approves an agricultural plastic product stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Fee

- (8) The fee for an approval of an agricultural plastic product stewardship program is \$5,000 and shall be made payable to the Minister of Finance. *(EC739/21)*

110.6 Annual fee

- (1) A brand owner or an agent who operates an agricultural plastic product stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Idem

- (2) The annual fee for an agricultural plastic product stewardship program is \$5,000 and shall be made payable to the Minister of Finance. *(EC739/21)*

110.7 Administrator

The Minister may

- (a) appoint any person as the administrator of an agricultural plastic product stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a). *(EC739/21)*

Information

110.8 Request for information from Minister

A brand owner or an agent who operates an agricultural plastic product stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the agricultural plastic product stewardship program, including any of the following:

- (a) the types of processes used to reuse and recycle the agricultural plastic products;
- (b) the location of any long-term containment or final treatment and processing facilities for agricultural plastic products;
- (c) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the agricultural plastic products collected are managed in a manner that employs environmental and human health

and safety standards meeting or exceeding applicable federal, provincial and local regulations. (EC739/21)

110.9 Display of education and awareness program information

A retailer shall prominently display, at the point of display or the point of sale of an agricultural plastic product, the education and awareness program information referred to in clause 110.5(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC739/21)

110.91 Review of agricultural plastic product stewardship program

A brand owner or an agent who operates an agricultural plastic product stewardship program shall review the program and

- (a) submit to the Minister all proposed amendments to the agricultural plastic product stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the agricultural plastic product stewardship program are necessary. (EC739/21)

110.92 Information to Minister of quantity of agricultural plastic products collected

A brand owner or an agent who operates an agricultural plastic product stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of agricultural products collected during the previous calendar year. (EC739/21)

110.93 Operation of agricultural plastic product stewardship program

- (1) No brand owner who operates an agricultural plastic product stewardship program shall fail to operate the agricultural plastic product stewardship program in accordance with the program as approved under subsection 110.5(5).

Operation by agent

- (2) No agent who has been designated to operate an agricultural plastic product stewardship program on a brand owner's behalf shall fail to operate the agricultural plastic product stewardship program in accordance with the program as approved under subsection 110.5(5). (EC739/21)

PART IV

GENERAL AND TRANSITIONAL

Offence

111. Offence

Any person who contravenes any provision of these regulations or the environmental standards set out in the Schedule to these regulations, or fails to comply with a condition of a permit or an endorsement or fulfil an obligation imposed on the person by these regulations, the environmental standards set out in the Schedule to these regulations or an order of the

Minister, is guilty of an offence and liable on summary conviction to the penalties specified in section 32 of the Act. (EC349/14)

Service

112. Manner of service

- (1) Any notice required to be served on a person under these regulations is deemed to be sufficiently served
 - (a) upon a copy of the notice being personally served on the person to whom it is directed;
 - (b) upon a copy of the notice being sent by facsimile or by other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or
 - (c) five days after a copy of the notice is sent by mail addressed to the person to whom it is directed at the last known address for that person.

Service on corporation

- (2) Where the person to be served with a notice is a corporation, service of the notice on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service of the notice on the corporation for the purposes of this Act.

Substituted service

- (3) Where it is impractical for any reason to serve a notice in a manner referred to in subsection (1), an *ex parte* application may be made to a judge of the Supreme Court who may make an order for substituted service providing for such steps to be taken to bring the matter to the attention of the person to be served. (EC349/14)

Transitional

113. Specified permits continued

- (1) A person who, on the coming into force of these regulations, held
 - (a) a valid permit for an automobile junk yard under the *Automobile Junk Yards Act* R.S.P.E.I. 1988, Cap. A-25; or
 - (b) a valid permit for a recycling facility to collect scrap metal under the *Materials Recycling Regulations* (EC690/09),

is deemed to hold a permit under section 4 of these regulations with an automotive salvage and scrap metal endorsement under section 17 of these regulations.

Other permits

- (2) A person who, on the coming into force of these regulations, held a valid permit, other than a permit referred to in clause (1)(b), or a valid permit and endorsement for a designated material under the *Materials Recycling Regulations* (EC690/09), is deemed to hold a permit, or a permit and endorsement for a designated material, as the case may be, under these regulations.

Terms and conditions continue

- (3) Where a person is deemed under subsection (2) to hold a permit or a permit and endorsement for a designated material under these regulations, the permit or permit and endorsement of the

person is subject to any terms and conditions to which the permit or permit and endorsement held by the person was subject under the regulations under which it was issued.

Idem

- (4) Where a person is deemed under subsection (1) to hold a permit and an endorsement under these regulations, the permit and endorsement of the person are subject to any terms and conditions to which the permit of the person was subject under the enactment under which it was issued.

Expiry

- (5) Where a person is deemed, under this section, to hold a permit or a permit and an endorsement under these regulations, the permit or permit and endorsement of the person expire, unless sooner revoked under the Act or these regulations, on the earlier of
- (a) March 1 next following the day these regulations come into force; and
 - (b) the expiry date to which the permit held by the person was subject under the enactment under which it was issued. (EC349/14)

114. Schedule adopted

The Schedule to these regulations is hereby adopted and forms part of these regulations. (EC349/14)

Revocation and Commencement

115. Revocation

The Materials Recycling Regulations (EC690/09) are revoked.

116. Commencement

- (1) Subject to subsection (2), these regulations come into force on June 21, 2014.

Idem

- (2) The following provisions come into force on the dates specified:
- (a) subsection 47(2) and section 48, on October 1, 2014;
 - (b) clause 60(2)(c) and section 61, on October 1, 2014;
 - (c) clause 73(2)(c) and section 74, on October 1, 2014;
 - (d) subsection 86(2) and section 87, on January 1, 2015;
 - (e) subsection 99(2) and section 100, on January 1, 2015.

SCHEDULE

ENVIRONMENTAL STANDARDS FOR THE OPERATION OF AN AUTOMOTIVE SALVAGE AND SCRAP METAL COLLECTION FACILITY

DIVISION 1

COLLECTION OF HAZARDOUS MATERIALS

1. Definitions

In this Schedule,

- (a) “**automotive fluids**” means liquid materials associated with the normal operation of automobiles, transport vehicles and heavy equipment and includes motive fuel, motor oil, antifreeze, brake fluid, transmission fluid and power steering fluid;
- (b) “**motive fuel**” means a petroleum product used to power a motor vehicle and includes gasoline and diesel fuel;
- (c) “**ozone-depleting substance**” means an ozone-depleting substance or compound found in refrigerants used in the cooling system of automobiles, freezers, refrigerators and air conditioning units;
- (d) “**white goods**” means appliances such as freezers, refrigerators, stoves, dryers, washing machines, dish washers and air conditioning units.

2. Handling and storage of automotive fluids

- (1) Every person who owns or operates an automotive salvage and scrap metal collection facility shall ensure that
 - (a) all automotive fluids from vehicles are collected, segregated, and stored in containers that are compatible with the automotive fluid being handled;
 - (b) the containers described in clause (a) are labelled to indicate their contents;
 - (c) the containers described in clause (a) are protected from damage by vehicular traffic or other means;
 - (d) leakage or spillage from the containers described in clause (a) does not result in contamination of the environment; and
 - (e) all automotive fluids are disposed of at least once per year at a facility approved for that purpose by the Department.

Collection of ozone-depleting substances

- (2) Every person who owns or operates an automotive salvage and scrap metal collection facility shall ensure that all ozone-depleting substances present in the automotive salvage or white goods accepted at the facility are collected in accordance with the requirements of sections 4 and 5 and subsection 8(5).

3. Exception

The owner or operator of an automotive salvage and scrap metal collection facility may leave automotive fluids, other than motive fuels, in a vehicle or component of a vehicle, if the

vehicle or component is capable of being restored to operational condition or reused, as the case may be.

4. Recovery of ozone depleting substances

The owner or operator of an automotive salvage and scrap metal collection facility who collects white goods shall ensure that ozone-depleting substances are recovered in accordance with the Ozone Layer Protection Regulations (*EC619/94*).

5. Training requirements

- (1) Any person at an automotive salvage and scrap metal collection facility who services, dismantles equipment or recovers refrigerant from automotive salvage or white goods that contain ozone-depleting substances shall meet the training requirements of the Ozone Layer Protection Regulations (*EC619/94*).

Records to be maintained

- (2) The owner or operator of an automotive salvage and scrap metal collection facility shall maintain records indicating quantities of ozone-depleting substances removed and the final disposition of these substances.

VEHICLE DISMANTLING, PROCESSING, COMPACTING AND CRUSHING

6. Removal of automotive fluids

If removal of parts from vehicles is being conducted and these parts contain or are likely to contain automotive fluids, the owner or operator of an automotive salvage and scrap metal collection facility shall ensure that removals are done on an impervious pad or within a structure capable of holding the drained fluids.

7. Removal of lead-acid batteries

If vehicles are being stored or being stripped for parts, the owner or operator of an automotive salvage and scrap metal collection facility shall ensure that the lead-acid batteries are removed and placed in secure storage.

8. Crushing and disposal

- (1) The owner or operator of an automotive salvage and scrap metal collection facility shall ensure that vehicle carcasses, scrap metal and white goods are crushed and sent for disposal on a regular basis
 - (a) at least once every two years; or
 - (b) as determined by an inspector.

Records to be maintained

- (2) The owner or operator of an automotive salvage and scrap metal collection facility shall maintain records indicating quantities of vehicle carcasses and white goods crushed and the final disposal destination of these materials.

Prior notification required

- (3) The owner or operator of an automotive salvage and scrap metal collection facility shall notify the Department prior to beginning crushing operations.

Designated area for crushing

- (4) The owner or operator of an automotive salvage and scrap metal collection facility shall ensure that all crushing operations take place
- (a) at a designated area within the boundaries of an approved automotive salvage and scrap metal collection facility; or
 - (b) at a specific site approved in writing by the Department.

Removal of ozone-depleting substances

- (5) Prior to the compacting or crushing of any automotive salvage or white goods containing ozone depleting substances, the owner or operator of an automotive salvage and scrap metal collection facility shall ensure that all ozone-depleting substances are removed and recovered in accordance with the requirements of the Ozone Layer Protection Regulations (*EC619/94*).

Removal of automotive fluids

- (6) Prior to the compacting or crushing of any automotive salvage containing automotive fluids, the owner or operator of an automotive salvage and scrap collection facility shall ensure that all automotive fluids are collected, segregated and stored in accordance with section 2.

LEAD-ACID BATTERIES

9. Handling

- (1) The owner or operator of an automotive salvage and scrap metal collection facility shall ensure that lead-acid batteries are handled in a manner to prevent breakage or discharge to the environment.

Prohibition

- (2) No person shall store lead-acid batteries in an automotive salvage and scrap metal collection facility unless the batteries are stored in a watertight container or in a building which is weather-tight.

Secure containers

- (3) The owner or operator of an automotive salvage and scrap metal collection facility shall ensure that broken or leaking lead-acid batteries are placed in secure containers that prevent the discharge or leakage of acid to the environment and are compatible with the materials being stored.

Removal of lead-acid batteries

- (4) Prior to the compacting or crushing of any automotive salvage containing lead-acid batteries, the owner or operator of an automotive salvage and scrap metal collection facility shall ensure that all lead-acid batteries are removed from the automotive salvage and handled in a manner to prevent breakage or discharge to the environment.

MERCURY-CONTAINING SWITCHES**10. Removal of mercury-containing switches**

Prior to the compacting or crushing of any automotive salvage containing mercury-containing switches, the owner or operator of an automotive salvage and scrap metal collection facility shall ensure that all mercury-containing switches are removed, recovered and collected in a manner to prevent breakage or discharge to the environment, and are placed in secure containers to prevent the discharge or leakage of mercury to the environment. (EC349/14)