

INTRODUCTION

The Ministry of Environment (the ministry) is proposing amendments to the [Recycling Regulation](#) (the regulation) of the [Environmental Management Act](#):

1. Consolidating the tracking and reporting categories for beverage containers
2. Enabling alternatives to cash only refunds for beverage containers
3. “Housekeeping” amendments

This information update outlines the ministry’s intentions for amending the regulation, with consultation questions and means for providing comment to the ministry.

Rationale and benefits of the proposed amendments

The proposed amendments will update provisions in the regulation to current industry and consumer practices. Enabling alternatives to cash only refund payments for deposits on beverage containers supports increased options for recycling. Reducing the number of beverage container material and size type categories for reporting will improve administrative efficiency for the ministry and industry. Additional minor housekeeping amendments address administrative and oversight issues identified by the ministry.

BACKGROUND INFORMATION

Industry product stewardship in B.C.

British Columbia’s industry-led product stewardship programs require producers (manufacturers, distributors and retailers) of designated products to take extended producer responsibility for the life cycle management of their products, including collection and recycling. This places the responsibility for end-of-life product management on the producers and consumers of a product and not the general taxpayer or local government.

Regulatory framework and history

The Recycling Regulation sets out the requirements for extended producer responsibility in B.C. In most cases, producers of designated products appoint an agency to carry out their duties in accordance with an approved stewardship plan. Products covered by the regulation are defined in associated schedules.

The regulation provides a single results-based framework that engages industry by providing producers with the flexibility to design product stewardship plans that work best for their business.

Key Points

- The ministry is proposing amendments to the product stewardship of beverage containers under the Recycling Regulation, as well as some general housekeeping amendments.
- The intent of the changes are to eliminate unnecessary beverage container product categories being reported, support options for consumers returning beverage containers, and improve transparency of performance reporting.
- The ministry is proposing to:
 1. Reduce the number of reported beverage container categories from 21 to 12;
 2. Enable alternatives to cash only payments for beverage containers that are returned for a refund to encourage innovation in stewardship programs and expand options for consumers; and
 3. Make housekeeping changes to clearly identify appropriate performance measures for monitoring program success and address inconsistencies.
- Comments on the ministry’s intentions should be provided by January 29, 2016. Further information and a response form are available on the ministry’s product stewardship – [beverage containers website](#).

In 2004, the [Recycling Regulation](#) consolidated all B.C. product stewardship regulations, including the beverage container stewardship program, into a single regulation. Most of the provisions of the original beverage container program are now contained in [schedule 1: Beverage Container Product Category](#) of the regulation.

The regulation establishes a minimum program achievement of a 75% recovery rate and requires that redeemed beverage containers be either refilled or recycled. All beverage containers, with the exception of milk and milk substitutes, carry a refundable deposit of five, ten or twenty cents based on size (more or less than one litre) and beverage type (alcohol versus non-alcohol).

PROPOSED AMENDMENTS

1. Consolidating reporting categories

Currently 21 categories of beverage containers are defined for tracking and reporting in schedule 1, section 4 of the regulation. The large number of categories does not provide environmental benefits while adding complexity and costs to stewardship programs and reporting.

Removing overly detailed requirements would reduce administrative red tape for industry and the ministry – without impacting the objectives or effectiveness of collection programs.

The ministry is considering reducing the number of material types and container sizes defined under schedule 1 of the regulation.

The number of categories would be reduced from 21 to 12 as listed below:

- Aluminum cans
- Refillable glass bottles
- Non-refillable glass bottles
- Plastic containers - one litre or less
- Plastic containers - more than one litre
- Drink boxes - 500 ml or less
- Drink boxes - more than 500 ml
- Bag in a box
- Bimetal cans
- Gable top containers
- Stand up pouches
- Other beverage containers (not described above, such as five litre beer kegs)

Consultation questions – reporting categories

- 1.1. Do you have comments or suggestions regarding the ministry's intention to reduce the number of product categories listed in schedule 1 of the regulation?
- 1.2. Do you think it is important to maintain reporting by material type (e.g., metal, glass, plastic)?
- 1.3. Do you think it is important to maintain reporting by container size?

2. Enabling alternatives to cash only refunds

Current provisions in schedule 1, section 6 for refunding beverage container deposits specify that the person returning the container must be given a “cash refund”.

The ministry is proposing to amend the regulation to allow for additional forms of refund payments, beyond cash, for returned containers. Alternative forms of payment could include: cheques, directed charitable donations, automated deposits, gift cards, and/or receipts for redemption at a later date. The provision for a retail location to provide a cash payment will remain.

The proposed change would allow for technological innovations and express options for collection such as reverse vending machines, automated express depots, and kiosks. These alternatives should increase opportunities and incentives for return and support environmental objectives of the beverage container return program.

Consultation questions – refund alternatives

- 2.1.** Do you have comments or suggestions regarding the ministry's intention to enable alternatives to cash only refunds for container returns under schedule 1 the regulation?
- 2.2.** Do you have comments or suggestions to ensure integrity and reporting of the deposit and refund system if alternatives to cash only refunds are available to consumers?

3. Housekeeping amendments

The ministry is proposing two minor housekeeping amendments to the regulation. These changes would apply to all stewardship programs not just beverage containers.

Performance measures

Part 2 Section 5 (1) (a) (i) of the regulation currently specifies the minimum performance measure for program success is "a 75% recovery rate or other recovery rate as established by the director".

The ministry is proposing adding the words "or other performance measure [... as established by the director]"

to this section. In many cases product category lifecycles are not characterized by the recovery rate as calculated using the amount of product collected divided by the amount of product sold. For example, products such as pharmaceuticals and paint are intended to be used, hence the recovery rate as currently defined is not applicable. The proposed change in wording would clarify the identification and setting of more appropriate alternative measures to monitor program success.

Related to this proposed change, section 8 (2) (e) would need to enable the reporting of "other performance measures as identified by the director". This change maintains internal consistency regarding performance measures and reporting requirements within the regulation.

Consultation questions – housekeeping amendments

- 3.1.** Do you have comments or suggestions regarding the ministry's proposed housekeeping amendments to the regulation?

PROVIDING COMMENT

The ministry welcomes comments on the information and proposals outlined in this intentions paper. For more information please see the ministry's product stewardship – [beverage containers website](#).

Those interested are invited to submit comments using the response form, or by separate submission if desired, to the Ministry of Environment by email or letter.

Recycling Regulation Amendments

Email: WastePrevention@gov.bc.ca

Mail: PO Box 28159 Westshore RPO, Victoria, B.C. V9B 6K8

Comments should be submitted by: **January 29, 2016**

All submissions will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note however that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Thank you for your time and consideration.