



Reference: 359371

August 27, 2020

John D. Coyne  
Board Chair, Recycle BC  
405-221 West Esplanade  
North Vancouver, BC V7M 3J3

Dear John Coyne:

Thank you for your letter on July 14, 2020, regarding the request for relief on the director's amendments to Recycle BC's (RBC) Packaging and Paper Product Extended Producer Responsibility (EPR) Plan (the "plan").

As per your letter, you are seeking relief on the director's amendments that are due August 31, 2020 and August 31, 2021. These amendments were to address concerns related to producers paying the costs (cost study) and reasonable and free consumer access to collection (curbside equivalency definition and adjacency criteria, streetscape and multi-family awareness and service). The plan was approved with director's amendments on June 28, 2019 (#345241) to address concerns that some aspects of the plan were not meeting the regulatory requirements under the Recycling Regulation (regulation).

Through further engagement with RBC staff, the request for relief has been refined to have the postponement of director's amendments for curbside equivalency definition and adjacency criteria, streetscape and multi-family awareness and service by one year from the original due dates; however, the producers paying the costs director's amendment will be required to be submitted by September 15, 2020, due to the timing of this letter, with phased implementation timelines.

Under the regulation, the director has the ability both to amend an approved EPR plan on their own initiative, and to approve amendments to an approved plan that have been proposed by a producer.

We understand the hardship on many of RBC's member producers, from the COVID-19 pandemic and that it has resulted in significant impacts to the RBC program. The extension of the submission dates for the amendments are being given due to the current economic climate, brought on by COVID-19 and the direct impacts it is having to the RBC program and membership e.g. producers responsible for funding program directly, not through eco fees charged to consumers.

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I have completed my review and make further amendments to the submission dates in the approved plan, as described below:

- Producer paying the costs due August 31, 2020 is replaced with September 15, 2020;
- Curbside equivalency definition due August 31, 2020 is replaced with August 31, 2021;
- Streetscape due August 31, 2020 is replaced with August 31, 2021;
- Multi-family awareness and service due August 31, 2020 is replaced with August 31, 2021; and
- Adjacency criteria due August 31, 2021 is replaced with August 31, 2022.

As RBC is aware, there are multiple phases of the approval process for plans and amendments. At this time, this approval is for extension on submission dates for the amendments due to the director only. It is also recognized that due to the coinciding of COVID-19 and the amendment due dates, stakeholder consultation on deferral of the amendments was not possible.

While the timeframes for submissions of some amendments are extended, the ministry expects RBC to continue working towards their completion. The ministry requires RBC to provide the ministry with a regular progress report on the development of amendments and anticipated implementation timing of those amendments. The ministry encourages RBC to submit amendments before due dates, where feasible, and the progress report will assist in identifying when early submission is feasible. Please be advised that I will continue to closely monitor the situation and may reconsider these extensions should circumstances warrant further amendments.

Finally, the ministry expects this approval letter to be forwarded to RBC's board of directors as well as its member producers, since each producer is responsible for ensuring its agent fulfills the plan, and compliance proceedings may be taken against a producer if the agent fails to implement the plan

### **Right to appeal**

If you disagree with this decision, Division 2 of Part 8 of the *Environmental Management Act* provides for appeal of my decision to the Environmental Appeal Board (EAB). In accordance with the *Act* and with the Environmental Appeal Board Procedures regulation, the EAB must receive notice of the appeal no later than 30 days after the date you receive this decision

I look forward to working with you to ensure the success of your program. If you have any questions about this letter, please contact me at 250-953-4004 or [ExtendedProducerResponsibility@gov.bc.ca](mailto:ExtendedProducerResponsibility@gov.bc.ca). If you have any questions regarding the implementation of your plan, or suggested opportunities for improvement, please contact your ministry file lead.

Thank you again for writing and making us aware of the concerns that RBC has during these extraordinary times.

Sincerely,

A handwritten signature in purple ink, appearing to read 'Laurel Nash', is positioned below the word 'Sincerely,'.

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Laurel Nash  
Assistant Deputy Minister  
Environmental Protection Division

Cc: Kris Ord, Executive Director, Environmental Standards Branch  
Bob McDonald, Director, Extended Producer Responsibility Section  
Teresa Conner, Unit Head, Extended Producer Responsibility Section  
Leeanne Fraser, Ministry file lead, Extended Producer Responsibility Section