



Reference: 187564

February 20, 2013

To: All Packaging and Printed Paper Producers

Re: Deadline for submission of Product Stewardship Plan for Packaging and Printed Paper is past due.

Dear Sir or Madam:

In May 2011, the BC Government amended the [Recycling Regulation](#) (the Regulation) to include the Packaging and Printed Paper Product Category. All producers of packaging and printed paper, as defined in [Section 2 \(Part 1\)](#) of the Regulation must be in compliance with the Regulation by having an approved product stewardship plan under [Part 2](#) of the Regulation. A producer may also appoint an agency under [Section 2](#) of the Regulation to perform the duties of the producer on their behalf. Please be advised, without prejudice, that on May 19, 2014, the date when this section comes into force, persons contravening the Regulation commit an offence and are liable for enforcement action which can include fines of up to \$200,000 upon conviction and/or may be prohibited from selling, offering for sale, distributing or using the product in a commercial enterprise in British Columbia.

The deadline to submit a Product Stewardship Plan for Packaging and Printed Paper to the Director was November 19, 2012. If you have not submitted a plan or appointed an agency to perform the duties on your behalf then you are requested to advise the Ministry of Environment how you intend to meet your obligations under Section 2 of the Recycling Regulation by contacting Julia Bates at Julia.Bates@gov.bc.ca.

Please be advised that two Product Stewardship Plans for packaging and printed paper have been submitted for approval:

1. Multi-Materials British Columbia (MMBC) has submitted a plan for all packaging and printed paper. Contact: Glenda Gies, Project Manager, by email at producers@multimaterialbc.ca or by phone at (604) 620-7540. MMBC's program information can be found at <http://multimaterialbc.ca/>.
2. Brewers Distributed Limited has submitted a plan for beer packaging. Contact: Brian Zeiler-Kligman, Director, Sustainability of Canada's National Brewers by email at bzk@nationalbrewers.ca at or phone (905) 361-4193.

If you are unsure if the Regulation applies to you, we recommend that you review the following attached materials:

- Information for Producers of Packaging and Printed Paper in British Columbia
- The [Recycling Regulation](#) (2004) – relevant references include:
 - Part 1– Definition of “producer”
 - Part 1 (2) – Duty of Producer including the ability to appoint an agency to act on behalf of a producer
 - Part 2 – Product Stewardship Plan requirements
 - Schedule 5 – Packaging and Printed Paper Product Category.

Note that a guidance document for the BC Recycling Regulation can be found on the Ministry's website at www.recycling.gov.bc.ca.

If you have immediate questions that are not addressed by the information provided, please email me at Julia.Bates@gov.bc.ca.

Sincerely,

Julia Bates



Senior Policy Advisor

Attachments (2)

Information for Producers of Packaging and Printed Paper in British Columbia

[BC Recycling Regulation](#)



Information for a producer of packaging and printed paper selling, importing or distributing products regulated in B.C.

The purpose of this sheet is to provide existing, new and potential producers of packaging and printed paper with direction and assistance on meeting their obligations under the Recycling Regulation. It is important to note that this sheet does not take precedence over the *Environmental Management Act* or the Recycling Regulation.

Regulatory Framework

In the Province of British Columbia (BC), waste management legislation extends responsibility to the producer. The Recycling Regulation provides a framework for extended producer responsibility (EPR). The results-based regulation includes core requirements applying to all programs and schedules for each regulated product category. The regulation may be expanded to include a new product category through the addition of a schedule for that product.

Legal Basis

The Recycling Regulation (B.C. Reg.449/2004) was enacted in October 2004 under authority of the *Environmental Management Act*. Official copies of the Act or Regulation can be obtained from Crown Publications, 106 Ontario Street, Victoria, BC V8V 1M9; Tel: (250) 386-4636 or Toll Free 1-877-747-4636; Fax: (250) 386-0221; www.crownpub.bc.ca. For information purposes the regulation is available online at www.recycling.gov.bc.ca.

What is Extended Producer Responsibility (EPR) in British Columbia?

In BC, EPR or “industry-led product stewardship” requires producers (manufacturers, distributors and retailers) to be responsible for the life cycle management of their products, including collection and recycling.

Who does the regulation affect?

The producer is the regulated entity and is principally the first seller of packaging and printed paper in the province. In practice, the producer is typically the product manufacturer, distributor or brand-owner. The producer could be an importer, broker or retailer who sells the product directly to the consumer, including those whose sales are transacted by catalogue or over the Internet. The definition of producer is provided in [Section 1 of the Regulation](#).

What are a producer's basic obligations?

A producer of packaging and printed paper must have an approved Product Stewardship Plan and comply with the plan in order to sell or distribute the product in British Columbia. [Section 2\(2\)](#) of the Regulation provides producers the option of appointing an agency to carry out its duties under a product stewardship plan. If a producer chooses to appoint an agency, the producer must notify the ministry in writing before the agency begins to carry out the duties of the producer.

What are the consequences for non-compliance?

Persons contravening the regulation commit an offence as detailed under Section 16 and are liable for enforcement action which can include fines of up to \$200,000 upon conviction and/or may be prohibited from selling, offering for sale, distributing or using the product in a commercial enterprise in British Columbia.