



CLIFF #382796  
eApproval #11875

Tamara Burns  
Executive Director Western Canada  
Recycle BC  
171 Esplanade West, suite 230  
North Vancouver, BC V7M 3J9

Dear Tamara Burns,

Thank you for your August 4<sup>th</sup>, 2022, and revised October 20<sup>th</sup>, 2022 submissions regarding the Extended Producer Responsibility (EPR) plan amendment for New Plastics Targets in fulfillment of the requirements of your approved EPR plan (the plan). Thank you for your October 5<sup>th</sup>, 2021, and revised August 4<sup>th</sup>, 2022 submissions regarding the Single-Use Plastics and Packaging-Like Products (SUP/PLP) amendment in fulfillment of the requirements of Order in Council #370, Appendix 2, which amends the Recycling Regulation (the regulation), made under the *Environmental Management Act*, to include SUP/PLP as of January 1<sup>st</sup>, 2023.

Under the Regulation, the director can both amend an approved EPR plan on their own initiative and approve amendments to an approved plan that are proposed by the producer.

I have completed my review of the proposed amendments to your Packaging and Paper Product (PPP) EPR plan and identified that, while elements of the proposed amendments meet the criteria set out in s5(1) of the regulation and my previous direction, certain components remain outstanding.

Prior to the issuance of this decision letter, Recycle BC was provided with feedback on the New Plastics Targets amendment as well as extensive feedback on the SUP/PLP amendment, and has had the opportunity to propose further amendments or provide additional information for consideration.

Recycle BC addressed several of the identified deficiencies either through revising the proposed amendment itself or through providing supplementary information. Matters that I do not consider to be effectively addressed are set out below. Please be advised that in addition to the amendments proposed by Recycle BC, I am making the amendments identified below, pursuant to section 5(5) of the regulation.

## 1. New Plastics Targets

Recycle BC has been a leader in the recovery and recycling of residential plastics, and I commend the efforts and progress the program has made to date on this front. This is a trend that the Ministry would like to see continue.

The proposed amendment has demonstrated how the plan meets subsection 5(1)(a)(iii) for the rigid plastic target and provides for a performance target that is achievable in a reasonable timeframe. Therefore, I approve the amendment target of 73% for rigid plastics, to be achieved by 2025.

However, I note that the proposed flexible plastics target has already been surpassed, with Recycle BC reporting a 28% recovery rate in 2021. Currently, 72% of producer's flexible plastics are not being collected for recycling and are instead either being landfilled or filtering into the environment. I do not consider that the proposed flexible plastics target meets producers' obligation to manage their products.

As the overall plastic target is calculated as a combination of the rigid and flexible plastic subcategories, an increase in the flexible plastic target will automatically increase the plastic target. Given this link between the two targets, neither are approved.

As Recycle BC is currently consulting on its 2023 EPR plan, I do not require Recycle BC to resubmit improved targets for flexible plastics and overall plastics. I do however expect to see substantially higher plastic and flexible plastic recovery rates proposed in the 2023 EPR plan to ensure that continuous progress is being made.

## 2. Single-Use Products and Packaging-Like Products

The proposed amendment has demonstrated how the plan fulfills the requirements of Order in Council #370, Appendix 2, which amends the regulation to include SUP/PLP; however, I am amending section 2 of the plan (The Extended Producer Responsibility Agency), the footnote on page six of the plan, section 3.1 of the plan (Packaging), and Appendix D of the plan to align the definition of "producer" to that established under the regulation, which prevails. I understand that these amendments were discussed at length between the ministry's and Recycle BC's legal representation, agreed by both parties, and were expected by the ministry to be included in Recycle BC's proposed amendment.

Specifically:

- i. The final paragraph of Section 2 (The Extended Producer Responsibility (EPR) Agency) of the plan is amended to read:

“For the purposes of the Program Plan, the producer for a specific unit of packaging or paper product is generally the supplier of service packaging or the first of the following: brand owner, the franchisor or the first seller (also known as the first importer).<sup>9</sup>”

- ii. The footnote nine on page six of the plan, referring to Appendix D, is amended to state:

“<sup>9</sup> B.C.’s Recycling Regulation defines “producer”. For Recycle BC’s working definition, see Appendix D.”

- iii. I approve section 3.1 (packaging) and further amend it to better reflect SUP/PLP descriptions. I amend the plan to read:

*(f) effective January 1, 2023, packaging and paper products include:*

- (i) “Packaging-like Products” as described in section 2 of Schedule 5 of the Recycling Regulation (see B.C. Reg 162/2020); and*
- (ii) “Single-use Products” as described in section 4 of Schedule 5 of the BC Recycling Regulation (see B.C. Reg 162/2020).*

- iv. In Appendix D of the plan, under the heading ‘Designation of Producers’, I amend sub-section ‘Producers for Packaging’, to read:

*“Producers for Packaging*

*For Packaging the Producer is the Person Resident in British Columbia who:*

- a) manufactures the product and uses in a commercial enterprise, sells, offers for sale or distributes the product in British Columbia under the manufacturer's own brand,
- b) if subparagraph (a) does not apply, a person who is not the manufacturer of the product but is the owner or licensee of a trademark under which a product is used in a commercial enterprise, sold, offered for sale or distributed in British Columbia, whether or not the trademark is registered, or

- c) if subparagraphs (a) and (b) do not apply, a person who imports the product into British Columbia for use in a commercial enterprise, sale, offer for sale or distribution in British Columbia”

Thank you for your efforts on this plan amendment and I appreciate the industry’s continued commitment to achieving compliance in this regard.

Sincerely,



Laurel Nash  
Assistant Deputy Minister  
Environmental Protection Division

cc: Sonya Sundberg, Executive Director, Environmental Standards Branch  
Bob McDonald, Director, Extended Producer Responsibility Section



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**Recycle BC**

**New Plastics Targets**

Packaging and Paper Product Extended Producer Responsibility Plan  
Amendment

August 1, 2022

Revised October 20, 2022

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## Introduction

Recycle BC's second program plan, dated June 2019, introduced material category recovery performance targets for Paper, Plastic, Metal and Glass. In addition to establishing targets for these four major categories, Recycle BC set recovery performance targets for rigid and flexible plastic subcategories. As a material category achieves and maintains its target recovery rate for two years, a new target will be set. Recycle BC, when preparing for its next 5-year program plan (2023 – 2028), will consult on performance targets and measures as per its commitment in Appendix B of the current program plan ([https://recyclebc.ca/wp-content/uploads/2019/07/RecycleBCStewardshipPlan\\_16July2019.pdf](https://recyclebc.ca/wp-content/uploads/2019/07/RecycleBCStewardshipPlan_16July2019.pdf)).

Recycle BC reports on the performance of its packaging and paper (PPP) program in an annual report submitted to the BC Ministry of Environment and Climate Change Strategy ("the Ministry") and posted on its website by July 1 each year (<https://recyclebc.ca/about-recyclebc/program-overview/annual-reports/>). Starting in 2019, tonnes and recovery rates for the following material categories are reported annually: paper, plastic, metal and glass, as well as plastic sub-categories of rigid plastic and flexible plastic.

Recycle BC achieved its glass and metal targets in 2018 and 2019 and therefore set new targets for these two materials for 2020. These new targets, and performance against them, were reported in Recycle BC's 2020 Annual Report. For 2021, target recovery rates were increased for plastic, rigid plastic and flexible plastic and 2025 was set as the year to achieve the new targets.

The Ministry requested Recycle BC submit amendments pertaining to new targets, and to also provide the methodology used to set new targets. This document contains the amendment and the additional information requested.

## Target Details

Recycle BC was the first jurisdiction in North America to have material-specific reporting for packaging and paper product and to set targets for rigid and flexible plastic subcategories. These first material-specific recovery targets were consistent with the European Union's targets, including plastic targets of 50% by 2025 and 55% by 2030, set as part of the efforts to transition to a circular economy. Similarly, they were consistent with the targets set in the Plastics Charter, tabled by Canada at the 2018 G7, (i.e., recycle and reuse 55% of plastic packaging by 2030 and recover 100% of all plastics by 2040).

The target rate chart in Recycle BC's program plan (revised June 2019) was:

Material Category	2017 Recovery Rate	Target Recovery Rate	Year to Achieve Target
Paper	87%	90%	2020
Plastic	41%	50%	2025
Rigid Plastic	50%	55%	2022
		60%	2025
Flexible Plastic	20% <sup>26</sup>	22%	2022
		25%	2025
Metal	66%	67%	2020
Glass	72%	75%	2020

(footnote 26: Please note that in 2017 plastic laminates were not targeted for collection but nonetheless residents disposed of them in the Recycle BC system and those quantities are included here.)

Recycle BC achieved its glass and metal targets in 2018 and 2019 and therefore set new targets for these two materials for 2020. These new targets, and performance against them, were reported in Recycle BC's 2020 Annual Report. The Ministry approved Recycle BC's proposed Amendment for new Glass and Metal targets. The new targets were published in a companion document to the program plan, as follows:

Material Category	2020 Recovery Rate*	Updated Target Recovery Rate	2019 Recovery Rate	Target Recovery Rate	Year To Achieve Target
Paper	90%		83%	90%	2020
Plastic	52%		46%	50%	2025
Rigid Plastic	64%		56%	55%	2022
				60%	2025
Flexible Plastic	24%		22%	22%	2022
				25%	2025
Metal	85%	81%	73%	67%	2022
Glass	97%	98%	87%	75%	2022

\* The pandemic effect on recycling behaviour made 2020 an anomalous year to historical trend. 2021 is anticipated to be affected as well.

Recycle BC achieved its plastics targets in 2019 and 2020, including achieving the subcategories of rigid plastic and flexible plastic, and therefore set new targets for all plastic material for 2021.

## 2.1 Target Methodology

The material specific target rate method outlined below is principally in line with the calculation of the regulatory recovery rate (RR) whereby the RR is a percentage with the numerator representing the quantity of PPP collected and the denominator representing the quantity of PPP supplied.

The methodology for setting material-specific targets considers the last three calendar years preceding the year of the new target, for the respective supply and collection years as reported in each Annual Report, in order to assess the trend and trajectory of the material's performance.

The material specific target rates are calculated as follows:

*Recovery Rate Target =*

$$\frac{\text{Latest Material Specific Collection Quantity} \times (1 + \text{Material Specific Collection Growth}) \times (1 + \text{Program Growth})}{\text{Latest Material Specific Supplied quantity} \times (1 + \text{Material Specific Supplied Growth})}$$



The components of the calculation are defined as follows:

- Latest Material Specific Collection Quantity:
  - Material specific collection quantity as reported in the Annual Report preceding the year of the new target.
- Material Specific Collection Growth:
  - The growth in the net collected quantities of the material in question over a period of the last three calendar years preceding the year of the new target.
- Latest Material Specific Supplied Quantity:
  - Material specific supplied quantity as reported in the Annual Report preceding the year of the new target.
- Material Specific Supplied Growth:
  - The growth in the supplied quantities of the material in question over a period of the last three calendar years preceding the year of the new target.
- Program Growth:
  - Estimated growth in the program collection over the last three years including the year of the new target.

The above methodology and specific calculations for plastic and its two subcategories were performed for the new 2021 targets. This resulted in new targets of:

- Plastic: 58% (previous target 50%)
- Rigid: 73% (previous target 55%)
- Flexible 27% (previous target 22%)

## 2.2 Additional Information

Stakeholders can be confident in the metrics reported by Recycle BC because each year Recycle BC is subject to third party assurance for non-financial information in the annual report. Annually, Recycle BC provides its auditors with the *Product Stewardship Annual Report Submission Checklist and Guidance* document provided by the Ministry to ensure the objectives of the audit are satisfied. The findings of the third-party assurance audit are included in Recycle BC's annual report.

It should be noted that the pandemic effect on recycling behaviour continued in 2021. Recovery rates will continue to be impacted by the pandemic for the next couple of years until stability in supply and collection resume.

The 2021 Annual Report was approved by Recycle BC's Board of Directors at its June 21, 2022, meeting. The 2021 Annual Report, submitted June 30, 2022 to the Ministry, was assessed as a Notice of Compliance by the Compliance and Environmental Enforcement branch (inspection report (IR 191642)) on July 20, 2022.

## Amendment

The following amendment pertains to Recycle BC's new targets for plastics, and performance against them, as reported in Recycle BC's 2021 Annual Report. The amendment, once approved by the Ministry, will be published in a companion document to the program plan within 30 days of approval. This

companion document will hold all future amendments to the June 2019 plan in one place for ease of reference. All links contained in the amendment will be active upon publishing.

**Amendment:**

The government-approved 2019 Recycle BC Program Plan (PP) introduced material category recovery performance targets for paper, plastic, metal and glass (section 5.3.2 *Material Category Performance Targets*). The targets were established to promote continuous improvement. Once a target has been achieved and maintained for two years, Recycle BC has committed to revising the target and publishing in its Annual Report (AR). New target rates for these materials are:

Material Category	Updated Target Recovery Rate (2021 AR)	Updated Target Recovery Rate (2020 AR)	2021 Recovery Rate	Year to Achieve Updated Target*	Original Target Recovery Rate (2019 PP)	Original Year to Achieve Target (2019 PP)
Paper			101%		90%	2020
Plastic	58%		55%	2025	50%	2025
Rigid Plastic	73%		67%	2025	60%	2025
Flexible Plastic	27%		28%	2025	25%	2025
Metal		81%	83%	2025	67%	2020
Glass		98%	116%	2025	75%	2020

\*Recycle BC will update 2025 targets as part of its 2022 consultation for its new 5-year program plan.