



**Guidance for the
Recycling Regulation**

**Five-Year Plan Review with
No Amendments
May 2024**

**Environmental Policy and Initiatives Branch
Environmental Protection Division**

Name of Guidance: **Five-Year Plan Review with No Amendments**

References and Relationships: This guidance is prepared in accordance with the Recycling Regulation (regulation) [B.C. Reg. 449/2004], but in no way supplants, replaces, or amends any of the legal requirements of the regulation or the *Environmental Management Act*. This guidance augments the provisions of the Recycling Regulation Guide and does not constitute legal advice.

Application: This guidance applies to all obligated producers and their appointed agencies under Part 2 of the regulation.

This guidance is in relation to section 6(b) of the regulation as it applies to all extended producer responsibility (EPR) plans.

Purpose: The purpose of this guidance is to clarify the Ministry of Environment and Climate Change Strategy's (Ministry's) expectations regarding satisfactory consultation when no amendments to an approved EPR plan are proposed at the 5-year review.

Context:

In accordance with section 6 of the regulation, a producer must review its approved EPR plan no later than the date that is five years after the date the plan was originally approved, and every five years thereafter.

A producer may propose amendments to, or the director may amend via section 5(5), the approved EPR plan at any time, which may result in consultation on all or part of a plan being undertaken outside of the 5-year review process.

No amendments proposed at the 5-year plan review:

If it is proposed, under section 6(b), to advise the director that no amendments to the approved EPR plan are necessary, it is expected there has been satisfactory consultation with interested parties to inform this decision. When advising the director, producers or EPR agencies should explain how the approved plan continues to satisfy section 5(1) of the regulation.

The Recycling Regulation Guide section "How do I conduct a satisfactory consultation process?" sets out details on the process for undertaking consultation for approval or amendment of an EPR plan. This guidance should also be followed when conducting a consultation on a proposal to not amend any parts of the approved EPR plan.

It is the Ministry's expectation that interested parties be given an opportunity to provide their views on a proposal to not amend the EPR plan prior to the producer or EPR agency advising the director that no amendments are necessary. Such a proposal should be stated in simple language so that implications are clear to interested parties.

A consultation summary document should be included as an attachment to the notification referenced in section 6(b) and will inform the director as to whether any director-initiated amendments are required. This consultation summary should outline:

- a) All substantive input provided by interested parties.
- b) Justification as to why any matters raised do not warrant an amendment to the EPR plan.
- c) When and where any meetings (including webinars) were hosted.
- d) The number of attendees, and their affiliation (e.g., Indigenous communities, industry, public, industry and business associations, local governments, NGOs).

If the director determines the EPR plan no longer meets the criteria listed in section 5(1), the director may make an amendment to the plan under section 5(5) of the regulation. If consultation was not undertaken to inform a proposal to not amend an EPR plan, or no summary document is submitted with the notification to the director that no amendments are necessary, the director may require consultation via an amendment to the plan. In instances where deficiencies in the EPR plan have been raised with the Ministry or the director, the director may require specific consultation on the areas of concern. The director may also consider amending the EPR plan to require consultation at each 5-year review.