



The Best Place on Earth

Information for a Producer selling, importing or distributing products regulated in B.C.

The purpose of this sheet is to provide existing, new and potential producers with direction and assistance on meeting their obligations under the Recycling Regulation. However, 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, 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 product category covered by the regulation. 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 British Columbia, EPR or "industry product stewardship", is defined as "a management system based on industry and consumers taking life-cycle responsibility for the products they produce and use".

Who does the regulation effect?

The producer is the regulated entity and is principally the first-seller of the product in the province. In practice the producer is typically the product manufacturer, distributor or brand-owner. The producer could also be an importer, broker or retailer who sells the product directly to a 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 must either have an approved Product Stewardship Plan and comply with the plan or comply with section 9 (Part 3) 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 happens if there is no stewardship plan?

If a producer has not submitted a plan or joined an existing plan, the producer is immediately subject to and must comply with section 9 (Part 3) in the Regulation. If access to Part 3 is denied by the Regulation then the producer is in non-compliance with the regulation.

What are the consequences for non-compliance?

Persons contravening the regulation commit an offence as detailed under section 16 and are liable to a fine not exceeding \$200,000.

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