



Province of Alberta
Order in Council

O.C. 346/2022

OCT 03 2022

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the Extended Producer Responsibility Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
AS ALBERTA REGULATION 194/2022
ON October 03 20 22

DEPUTY REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Environment and Parks

Authority: Environmental Protection and Enhancement Act
(sections 162, 166, 175, 193 and 239)

APPENDIX

Environmental Protection and Enhancement Act EXTENDED PRODUCER RESPONSIBILITY REGULATION

Table of Contents

- 1 Definitions
- 2 Establishment of management boards
- 3 Prohibition
- 4 Registration, cancellation, suspension and reinstatement
- 5 Bylaws
- 6 Notice to Minister
- 7 Agreement respecting administration and oversight
- 8 Annual report
- 9 Freedom of information and protection of privacy
- 10 Dispute resolution
- 11 Offences

Part 1 Designated Materials — Single-use Products, Packaging and Paper Products

- 12 Definitions
- 13 Designated materials
- 14 Producer hierarchy
- 15 Producer exemptions
- 16 Collection requirements
- 17 Service standards — single-family dwellings
- 18 Service standards — multiple-family dwellings
- 19 Material management requirements
- 20 Affiliations of producer responsibility organizations

Part 2 Designated Materials — Hazardous and Special Products

- 21 Definitions
- 22 Hazardous and special products as designated material
- 23 Producer hierarchy
- 24 Producer hierarchy respecting manufactured products
- 25 Collection requirements
- 26 Material management requirements
- 27 Affiliations of producer responsibility organizations

Part 3 Expiry and Coming into Force

- 28 Expiry
- 29 Coming into force

Definitions

1 In this Regulation,

- (a) “Act” means the *Environmental Protection and Enhancement Act*;
- (b) “advanced chemical recycling” means the use of a treatment process to convert plastics into ethane, propane, ethylene, propylene or plastic polymers;
- (c) “aggregate substitution” is the use of waste used in construction as a direct replacement for gravel aggregate;
- (d) “Authority” means a management board referred to in section 2;
- (e) “brand” means any mark, word, name, symbol, design, device or graphical element, or a combination thereof, including a registered or unregistered trademark, that identifies a product and distinguishes it from other products;
- (f) “brand holder” means a person who owns or licenses a brand or who otherwise has rights to market a product under the brand;
- (g) “bylaw” means a bylaw made under this Regulation;
- (h) “collection requirements” means the collection requirements determined in section 16 for Part 1 and section 25 for Part 2 that a producer must meet;
- (i) “common collection system” means a collection system that accepts all designated material that is designated under
 - (i) section 13(1) for Part 1, or
 - (ii) section 22(1) for Part 2;
- (j) “community” means a city, town, village, summer village, municipal district, specialized municipality or improvement district within the meaning of the *Municipal Government Act*, a special area within the meaning of the *Special Areas Act*, a settlement as defined in the *Metis Settlements Act* or an Indian reserve as defined in the *Municipal Government Act*;

- (k) “community authority” means a community, a corporation controlled by a municipality within the meaning of section 1(2) of the *Municipal Government Act* or a regional services commission as defined in the *Municipal Government Act*;
- (l) “composting” means the decomposition of waste through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material;
- (m) “designated material” means material designated by this Regulation;
- (n) “downcycling” means to do anything that results in providing a use for a thing that otherwise would be disposed of or dealt with as waste but does not replace the primary or raw materials from which the thing was produced and which thing is practically unrecoverable for the original purpose it was created, and includes waste-to-energy, aggregate substitution, land application and composting but does not include incineration, landfill disposal or deepwell injection;
- (o) “flexible plastic” means un moulded plastic, including but not limited to plastic bags, film, wrap, pouch or laminate, but does not include biodegradable plastic;
- (p) “franchise” means franchise as defined in the *Franchises Act*;
- (q) “franchise agreement” means franchise agreement as defined in the *Franchises Act*;
- (r) “franchisee” means franchisee as defined in the *Franchises Act*;
- (s) “franchisor” means franchisor as defined in the *Franchises Act*;
- (t) “land application” means the application of waste to land with beneficial use that is authorized by the Director under section 176(b) of the Act;
- (u) “material management requirements” means the material management requirements determined under section 19 for Part 1 and section 26 for Part 2;

- (v) “processing facility” means a facility that receives designated materials for recycling, downcycling, treatment or disposal, or that is an exporter of designated materials to a jurisdiction outside Alberta for recycling, downcycling, treatment or disposal;
- (w) “producer” means
 - (i) for the purposes of Part 1, the person determined to be the producer of a designated material under section 14, and
 - (ii) for the purposes of Part 2, the person determined to be the producer of a designated material under section 23;
- (x) “producer responsibility organization” means an organization appointed by a producer to act as an agent on behalf of the producer;
- (y) “retailer” means a business that supplies designated materials to consumers, whether through an online order or at a physical location;
- (z) “rigid plastic” means moulded plastic, including a food or product container but does not include biodegradable plastic;
- (aa) “supply”, in relation to a designated material, means to manufacture, distribute, sell or otherwise transfer a designated material in Alberta;
- (bb) “waste-to-energy” means the combustion of waste for the purpose of producing heat or electricity and has a net heat value equal to or greater than 12 780 kilojoules per kilogram.

Establishment of management boards

2(1) For each type of designated material referred to in subsection (2), a management board shall be responsible for the administration and oversight of the matters described in this Regulation.

(2) For the purposes of subsection (1),

- (a) the Alberta Recycling Management Authority, being a society incorporated under the *Societies Act*, is established

under section 175(jj) of the Act as the management board for designated materials in Part 1, and

- (b) the Alberta Recycling Management Authority, being a society incorporated under the *Societies Act*, is established under section 175(jj) of the Act as the management board for designated materials in Part 2.

(3) Where, at any time after the coming into force of this section, a management board referred to in subsection (2) changes its name, a reference in this Regulation to its previous name or to the “Authority” is deemed to be a reference to its new name.

Prohibition

3 No producer shall supply a designated material in Alberta unless the producer is registered with the Authority under section 4 and the registration is not suspended.

Registration, cancellation, suspension and reinstatement

4(1) The Authority may, on application, register a producer, a producer responsibility organization, a processing facility or a community.

(2) An application for registration must be made in accordance with the bylaws.

(3) The Authority may cancel or suspend the registration of a producer who contravenes the Act, this Regulation or the bylaws and reinstate the registration of a producer whose registration has been suspended or cancelled.

(4) The Authority may cancel the registration of a producer who

- (a) ceases to supply a designated material in Alberta, or
- (b) applies to cancel the registration.

Bylaws

5 The Authority may make bylaws

- (a) respecting the registration by the Authority of a producer, a producer responsibility organization, a processing facility or a community, and the registration fee, if any, that is payable;

- (b) respecting the requirement to provide reports and the form and manner of those reports provided by a producer, a registered producer responsibility organization, a registered processing facility or a registered community and the times at which the reports must be provided;
- (c) respecting the requirement to provide audit reports, the form and manner of those reports provided by a producer and the times at which the reports must be provided;
- (d) respecting the requirements for a producer to promote, and educate consumers about, the matters governed by this Regulation for the purpose of waste minimization and recycling;
- (e) respecting the protection of confidential information provided by any applicants for registration and persons registered with the Authority;
- (f) respecting the requirements of a common collection system as required by Parts 1 and 2;
- (g) respecting the form, manner and minimum requirements of a verification under section 16(4);
- (h) respecting the information required for authorization of alternative collection systems referred to in sections 16(2) and 25(4) and the requirements for those alternative collection systems;
- (i) identifying, classifying and exempting designated materials for the purposes of this Regulation and the bylaws;
- (j) allowing the Authority to charge a fee for the recovery of costs from producers or producer responsibility organizations associated with carrying out responsibilities under this Regulation within the Authority's bylaws and mandate;
- (k) respecting the collection of unpaid fees and the payment of interest on fees that are not paid as required;
- (l) respecting the form, manner and time in which fees must be remitted to the Authority;

- (m) respecting the enforcement of bylaws, including specifying
 - (i) that a person who contravenes a bylaw must pay an amount established by bylaw,
 - (ii) the amounts payable by such persons,
 - (iii) the time within which such amounts must be paid,
 - (iv) the payment of interest on unpaid amounts, and
 - (v) any other matter relating to the enforcement of bylaws;
- (n) respecting the records that registrants must keep in respect of supply and management transactions in designated materials and the making of those records available for inspection by the Authority and representatives of the Department;
- (o) respecting additional administrative requirements of a producer, a registered producer responsibility organization, a registered processing facility or a registered community associated with the collection or management of designated materials, including the need to register, report, keep records, audit and perform promotion and education functions;
- (p) respecting the establishment of advisory councils;
- (q) respecting data collection by the Authority from a producer, registered producer responsibility organization, registered processing facility and registered community and information management for the purposes of this Regulation;
- (r) respecting the Authority's ability to undertake inspections and audits for the purposes of verifying compliance with the bylaws;
- (s) respecting the dispute resolution process, if any, established by the Authority under section 10;
- (t) respecting material management requirements and collection requirements;

- (u) respecting the threshold for annual gross revenue in Alberta for the purposes of section 15(1)(b);
- (v) respecting the threshold for the annual gross revenue of a producer in Alberta and the amount of designated material provided by a producer in Alberta for the purposes of section 15(1)(c);
- (w) respecting the authorization by the Authority of not-for-profit entities for the purposes of section 20(2)(b) or 27(2)(b);
- (x) subject to the Act and the regulations made under the Act, respecting any other matter the Authority considers necessary or advisable for the purpose of carrying out its powers, functions or duties under this Regulation in respect of designated materials.

Notice to Minister

6 Where the Authority proposes to change its bylaws or its objects or bylaws under the *Societies Act*, it shall give reasonable prior notice of the nature of the proposed change to the Minister.

Agreement respecting administration and oversight

7 The Authority shall enter into an agreement with the Minister and comply with the terms and conditions of that agreement with respect to the Authority's administration and oversight of the matters described in this Regulation, including the delegation, if any, of any powers, duties or functions of the Minister under the Act or this Regulation.

Annual report

8(1) The Authority shall provide a business plan, an annual report, and audited financial statements in the form and manner and with the content required by the Minister not more than 6 months after the end of its fiscal year.

(2) The Authority's annual reports and business plans shall be made publicly available.

Freedom of information and protection of privacy

9(1) The Authority shall comply with the *Freedom of Information and Protection of Privacy Act* in the course of carrying out its powers, duties and functions under this Regulation.

(2) All records in the custody or under the control of the Authority that are required to carry out its powers, duties or functions under this Regulation are subject to the *Records Management Regulation* (AR 224/2001).

(3) All information and records created or maintained by the Authority in the course of carrying out its powers, duties and functions under this Regulation become and remain the property of the Crown in right of Alberta.

Dispute resolution

10 The Authority may establish a dispute resolution process in accordance with the bylaws for any aspect of its business.

Offences

11 A person who contravenes section 3, 16(1), (3) or (4), 17(1), (2), (3) or (4), 18(1) or (2), 19(1), 25(1), (2) or (5) or 26(1) or (3) is guilty of an offence and liable to a fine of not more than

- (a) \$50 000 in the case of an individual, or
- (b) \$500 000 in the case of a corporation.

Part 1 Designated Materials — Single-use Products, Packaging and Paper Products

Definitions

12 In this Part,

- (a) “institutional accommodations” includes licensed care facilities, student residences, hospitals, hospices, correctional facilities and other institutional settings in which persons reside or stay on a temporary basis but does not include residential premises;
- (b) “multiple-family dwellings” means apartments and condominiums;
- (c) “packaging-like product” means

- (i) food containers,
- (ii) foil and wraps,
- (iii) bags,
- (iv) boxes, and
- (v) objects purchased by or supplied to consumers expressly for the purpose of protecting, containing or transporting commodities or products,

but does not include health, hygiene or safety products that, by virtue of their anticipated use, could become unsafe or unsanitary to recycle;

(d) “paper products” means

- (i) flyers,
- (ii) brochures,
- (iii) booklets,
- (iv) catalogues,
- (v) telephone directories,
- (vi) newspapers,
- (vii) magazines,
- (viii) paper fibre,
- (ix) paper used for copying, writing or any other general use, and
- (x) paper of any other description,

but does not include

- (xi) paper products that, by virtue of their anticipated use, could become unsafe or unsanitary to recycle, or
- (xii) bound reference books, literary books and text books;

(e) “residential premises” means single-family dwellings and multiple-family dwellings but does not include institutional accommodations or visitor accommodations;

- (f) “single-family dwellings” means places where persons reside but does not include multiple-family dwellings;
- (g) “single-use products” means products that are ordinarily disposed of after a single use or short-term use, whether or not they could be reused, and includes, but is not limited to,
 - (i) straws and items used to stir beverages,
 - (ii) utensils, plates, bowls and cups, and
 - (iii) party supplies,but does not include health, hygiene or safety products that, by virtue of their anticipated use, could become unsafe or unsanitary to recycle;
- (h) “visitor accommodations” includes hotels, motels, resorts, campgrounds and other accommodations in which persons stay on a temporary basis when they are away from the places they reside.

Designated materials

13(1) Single-use products, packaging, packaging-like products and paper products are a designated material for the purposes of sections 1 to 11 and this Part.

(2) This Part applies only to designated material referred to in subsection (1) supplied to a consumer and intended for residential use.

(3) This Part does not apply to material subject to

- (a) the *Designated Material Recycling and Management Regulation* (AR 93/2004),
- (b) the *Beverage Container Recycling Regulation* (AR 101/97), or
- (c) Part 2 of this Regulation.

Producer hierarchy

14(1) In respect of the designated material referred to in section 13(1), the producer is

- (a) the brand holder of the designated material, if the brand holder is resident in Canada,
- (b) if there is no person described in clause (a), the importer of the designated material, if the importer is resident in Alberta, or
- (c) if there is no person described in clause (a) or (b), the retailer who supplied the designated material to the consumer.

(2) Where a producer determined in accordance with subsection (1) or (3) is a business operated wholly or in part as a franchise, the producer is the franchisor if that franchisor has franchisees that are resident in Alberta.

(3) Notwithstanding subsection (1), if an importer added a designated material to a product for transportation or other purposes, the producer of the added designated material is

- (a) the importer of the product, if the importer is resident in Alberta, or
- (b) if there is no person described in clause (a), the retailer who supplied the product to the consumer.

Producer exemptions

15(1) Subject to subsection (2), the following persons are exempt from the requirements of this Part:

- (a) charitable organizations as defined in the *Charitable Fund-raising Act*;
- (b) any other producers with annual gross revenue in Alberta less than the threshold specified by the bylaws;
- (c) any other producers with annual gross revenue in Alberta greater than the revenue threshold specified by the bylaws but who supply less than the designated material threshold amounts specified by the bylaws.

(2) Producers referred to in subsection (1)(b) are subject to any record-keeping requirements under this Regulation and the bylaws.

(3) Producers referred to in subsection (1)(c) are subject to any registration, reporting and record-keeping requirements under this Regulation and the bylaws.

Collection requirements

16(1) Subject to subsection (2), a producer must collect designated material referred to in section 13(1) from each residential premise in a registered community in Alberta using a common collection system

- (a) by the date specified in sections 17(1) and 18(1) where those provisions apply, and
- (b) by the date specified in sections 17(4) and 18(2) where those provisions apply.

(2) In accordance with the bylaws, the Authority may authorize a producer to use an alternative collection system instead of a common collection system.

(3) Where the Authority has authorized a producer to use an alternative collection system under subsection (2), the producer shall use that alternative collection system.

(4) In accordance with the bylaws, a producer must submit a verification to the Authority by April 1, 2024, that it has arrangements in place to meet its obligations to collect and manage designated materials in this Part using a common collection system or an alternative collection system as authorized under subsection (2).

(5) Subsection (4) may be satisfied by a producer responsibility organization submitting a verification to the Authority on behalf of one or more producers.

Service standards — single-family dwellings

17(1) A producer must provide at no charge, by April 1, 2025, a common collection system to single-family dwellings in communities registered with the Authority that are receiving recycling service from a community authority as of the date this Regulation comes into force.

(2) The common collection system in subsection (1) must include the following minimum services:

- (a) curbside collection every 2 weeks to single-family dwellings that have curbside recycling from a community authority as of the date this Regulation comes into force;
- (b) depot access and collection for communities that have depot recycling service from a community authority as of the date this Regulation comes into force.

(3) Where single-family dwellings are constructed after the date this Regulation comes into force in a community where a community authority provides curbside recycling services as of the date this Regulation comes into force, the producer must provide curbside collection every 2 weeks as of the date that the community authority begins providing waste services to the single-family dwellings, or April 1, 2025, whichever is later.

(4) A producer must provide at no charge, by October 1, 2026, to single-family dwellings in communities registered with the Authority that were not receiving recycling service from a community authority as of the date this Regulation comes into force, a common collection system with the following minimum services:

- (a) curbside collection every 2 weeks to single-family dwellings that have curbside waste collection service from a community authority;
- (b) depot access and collection to single-family dwellings that do not have curbside waste collection service from a community authority.

(5) Subsections (1) to (4) do not apply to producers where an alternative collection system has been approved by the Authority.

Service standards — multiple-family dwellings

18(1) A producer must provide at no charge, by April 1, 2025, a common collection system to multiple-family dwellings in communities registered with the Authority that are receiving recycling service from a community authority as of the date this Regulation comes into force.

(2) A producer must provide at no charge, by October 1, 2026, a common collection system to multiple-family dwellings in communities registered with the Authority that are not receiving

recycling service from a community authority as of the date this Regulation comes into force.

(3) Subsections (1) and (2) do not apply to producers where an alternative collection system has been approved by the Authority.

Material management requirements

19(1) A producer must meet the material management requirements in Table 1 and those specified by the bylaws using the methods specified in subsections (2) and (3).

(2) The material management requirement in Table 1 is the amount of a designated material type that is recycled, downcycled or advanced chemical recycled in accordance with this Regulation divided by the amount of that designated material type the producer supplies in Alberta for residential use, expressed as a percentage.

(3) No more than 15% of a material management requirement described in subsection (1) may be achieved through downcycling.

(4) Any requirements specified in the bylaws may be in addition to the material management requirements in Table 1.

(5) If there is a conflict between requirements specified by this section and those specified by the bylaws, this Regulation prevails.

**Table 1
Material Management Requirements by Designated Material Type**

Date	Paper Products	Rigid Plastics	Flexible Plastics	Metal	Glass
Oct 31, 2027	80	50	25	67	75
Oct 31, 2028	80	50	25	67	75
Oct 31, 2029	80	50	25	67	75
Oct 31, 2030	90	60	40	75	80
Oct 31, 2031	90	60	40	75	80
Oct 31, 2032	90	60	40	75	80
Oct 31, 2033	95	65	47.5	79	82.5

Affiliations of producer responsibility organizations

20(1) For the purposes of this section,

- (a) “entity” means a corporation or a society, or a partnership, sole proprietorship, trust or other unincorporated organization capable of conducting business,
- (b) an entity is deemed to be affiliated with another entity if one of them is a subsidiary of the other or both are controlled by the same entity or the same person,
- (c) an entity is a subsidiary of another entity if it is controlled by that other entity,
- (d) a corporation is controlled by an entity or an individual if
 - (i) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, directly or indirectly, whether through one or more subsidiaries or otherwise, otherwise than by way of security only, by or for the benefit of that entity or individual, and
 - (ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation,

and

- (e) an entity other than a corporation is controlled by an entity or individual if the entity or individual, directly or indirectly, whether through one or more subsidiaries or otherwise, holds an interest in the entity that is not a corporation that entitles them to receive more than 50% of the profits of that entity or more than 50% of its assets on dissolution.

(2) A producer responsibility organization, for the purposes of Part 1, must

- (a) not be affiliated with an entity or individual that provides recycling services or waste management services for designated material referred to in section 13(1), and
- (b) be an entity established pursuant to Part 9 of the *Companies Act* or the *Canada Not-for-profit Corporations Act* (Canada), a society established under the *Societies Act* or, as may be permitted by the Authority in accordance with its bylaws, a not-for-profit entity established

pursuant to similar legislation in a Canadian province or territory that is legally permitted to conduct business or otherwise pursue its objects in Alberta.

Part 2 Designated Materials — Hazardous and Special Products

Definitions

21 In this Part,

- (a) “battery” means a product that is a container consisting of one or more voltaic or galvanic cells, in which chemical energy is stored as electricity or converted into electricity and used as a source of power, but does not include
 - (i) lead acid batteries, and
 - (ii) batteries weighing 5 kg or more;
- (b) “corrosive product container” means a container used to supply a corrosive product that is
 - (i) 10 L or less for liquids,
 - (ii) 10 kg or less for solids, or
 - (iii) 680 g or less for pressurized containers;
- (c) “corrosive products” means products displaying the corrosive hazard symbol described in the *Consumer Chemicals and Containers Regulations* (SOR/2001-269), including
 - (i) solid products supplied in containers less than or equal to 10 kg in weight,
 - (ii) liquid products supplied in containers less than or equal to 10 L in volume, or
 - (iii) gaseous products supplied in pressurized containers less than or equal to 680 g in volume,but does not include products intended for use down-the-drain during their primary intended use;
- (d) “flammable products” means

- (i) solid products displaying the flammable hazard symbol described in the *Consumer Chemicals and Containers Regulations* (SOR/2001-269), supplied in containers less than or equal to 10 kg in weight,
- (ii) liquid products displaying the flammable hazard symbol described in the *Consumer Chemicals and Containers Regulations* (SOR/2001-269), supplied in containers less than or equal to 10 L in volume, or
- (iii) gaseous products displaying the flammable hazard symbol and the explosive hazard symbol described in the *Consumer Chemicals and Containers Regulations* (SOR/2001-269), supplied in pressurized containers less than or equal to 680 g in volume,

but does not include

- (iv) products intended for use down-the-drain during their primary intended use, or
 - (v) products containing less than 50% water miscible flammable liquid, as defined by the *National Fire Code of Canada*, as published by the National Research Council of Canada and as amended from time to time, by volume with the remainder of the product not being flammable;
- (e) “flammable product container” means a container used to supply a flammable product that is
- (i) 10 L or less for flammable liquid products except gasoline,
 - (ii) 25 L or less in volume for gasoline,
 - (iii) 10 kg or less for solids, or
 - (iv) 680 g or less for pressurized containers;
- (f) “lead acid battery” means a battery characterized as UN2794 or UN2800 as defined in the *Transportation of Dangerous Goods Regulations* (SOR/2001-286);
- (g) “pesticide” means a pesticide, fungicide, herbicide or insecticide registered under the *Pest Control Products Act* (Canada), designated as “DOMESTIC” class under the

Pest Control Products Regulations (SOR/2006-124) and is required to bear the signal word “DANGER” or “WARNING” together with the related precautionary symbols set out in Schedule 3 of that Regulation, but does not include

- (i) insect repellents intended for personal use, or
- (ii) sanitizers, disinfectants and antimicrobial products;
- (h) “pesticide container” means a container used to supply a pesticide that is
 - (i) 10 L or less for liquids,
 - (ii) 10 kg or less for solids, or
 - (iii) 680 g or less for pressurized containers;
- (i) “toxic product” means a product displaying the toxic hazard symbol described in the *Consumer Chemicals and Containers Regulations* (SOR/2001-269), including
 - (i) a solid product supplied in containers less than or equal to 10 kg in weight,
 - (ii) a liquid product supplied in containers less than or equal to 10 L in volume, or
 - (iii) a gaseous product supplied in pressurized containers less than or equal to 680 g in volume,but does not include a product intended for use down-the-drain during its primary intended use;
- (j) “toxic product container” means a container used to supply a toxic product that is
 - (i) 10 L or less for liquids,
 - (ii) 10 kg or less for solids, or
 - (iii) 680 g or less for pressurized containers.

Hazardous and special products as designated material

22(1) Hazardous and special products are designated materials for the purposes of sections 1 to 11 and this Part.

(2) Hazardous and special products consist of the following:

- (a) batteries;
- (b) corrosive products;
- (c) corrosive product containers;
- (d) flammable products;
- (e) flammable product containers;
- (f) pesticides;
- (g) pesticide containers;
- (h) toxic products;
- (i) toxic product containers.

(3) This Part does not apply to designated materials subject to

- (a) the *Designated Material Recycling and Management Regulation* (AR 93/2004),
- (b) the *Beverage Container Recycling Regulation* (AR 101/97), or
- (c) Part 1 of this Regulation.

Producer hierarchy

23(1) In respect to the hazardous and special products designated under section 22, the producer is

- (a) the brand holder of the product, if the brand holder is resident in Canada,
- (b) if there is no person described in clause (a), the importer of the product, if the importer is resident in Alberta, or
- (c) if there is no person described in clause (a) or (b), the retailer who supplied the product to the consumer.

(2) If a franchisor and a franchisee operating under a franchise agreement are producers in relation to the same product, the duty set out in section 25 must be carried out by the franchisor.

(3) If there are 2 or more brand holders, the producer is the brand holder most directly connected to the production of the hazardous and special product, as determined by the Authority.

(4) If 2 or more items of hazardous and special products produced by different brand holders are marketed in a single package, the producer is the brand holder who is more directly connected to the primary product in the package, as determined by the Authority.

Producer hierarchy respecting manufactured products

24 With respect to a manufactured product that includes a hazardous and special products designated material, the producer is

- (a) the manufacturer of the product, if the manufacturer is resident in Canada,
- (b) if there is no person described in clause (a), the importer of the product, if the importer is resident in Alberta, or
- (c) if there is no person described in clause (a) or (b), the retailer who supplied the product to the consumer, regardless of the retailer's residency.

Collection requirements

25(1) Subject to subsection (4), a producer must provide a common collection system for designated materials referred to in section 22(1) at no charge to communities registered with the Authority that meet the following requirements by April 1, 2025:

- (a) communities with a population equal to or greater than 125 000 people must have at least one permanent collection depot for every 125 000 people;
- (b) communities with a population equal to or greater than 10 000 people but less than 125 000 people must have at least one permanent collection depot;
- (c) communities with a population equal to or greater than 1000 people but less than 10 000 people must have at least one collection event per calendar year;
- (d) communities with a population less than 1000 people must have at least one collection event per calendar year

once the community has provided notice of interest for a collection event to the Authority.

(2) Where a community is serviced by a permanent collection site by a community authority, a producer shall maintain the current site or provide a replacement permanent collection site.

(3) Notwithstanding subsection (2), where a permanent regional collection site is maintained, the producer is not required to provide a collection event.

(4) In accordance with the bylaws, the Authority may authorize a producer to use an alternative collection system instead of any common collection system.

(5) Where the Authority has authorized a producer to use an alternative collection system under subsection (4), the producer shall use that alternative collection system.

Material management requirements

26(1) A producer must meet the material management requirements specified in Table 2 and those specified in the bylaws.

(2) The material management requirement in Table 2 is the amount of a designated material type that is recycled in accordance with this Regulation divided by the amount of that designated material type the producer supplies in Alberta, expressed as a percentage.

(3) A producer must meet material management requirements referred to in subsection (1) only through recycling.

(4) Any requirements specified in the bylaws may be in addition to the material management requirements in Table 2.

(5) If there is a conflict between the material management requirements set out in this section and those specified by the bylaws, this Regulation prevails.

Table 2
Material Management Requirements by Designated Material Type

By Date	Batteries
Oct 31, 2027	40
Oct 31, 2028	40

Oct 31, 2029	40
Oct 31, 2030	45
Oct 31, 2031	45
Oct 31, 2032	45
Oct 31, 2033	47.5

Affiliations of producer responsibility organizations

27(1) For the purposes of this section,

- (a) “entity” means a corporation or a society, or a partnership, sole proprietorship, trust or other unincorporated organization capable of conducting business,
- (b) an entity is deemed to be affiliated with another entity if one of them is a subsidiary of the other or both are controlled by the same entity or the same person,
- (c) an entity is a subsidiary of another entity if it is controlled by that other entity,
- (d) a corporation is controlled by an entity or an individual if
 - (i) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, directly or indirectly, whether through one or more subsidiaries or otherwise, otherwise than by way of security only, by or for the benefit of that entity or individual, and
 - (ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation,

and

- (e) an entity other than a corporation is controlled by an entity or individual if the entity or individual, directly or indirectly, whether through one or more subsidiaries or otherwise, holds an interest in the entity that is not a corporation that entitles them to receive more than 50% of the profits of that entity or more than 50% of its assets on dissolution.

(2) A producer responsibility organization, for the purposes of Part 2, must

- (a) not be affiliated with an entity or individual that provides recycling services or waste management services for designated material referred to in section 22(1), and
- (b) be an entity established pursuant to Part 9 of the *Companies Act* or the *Canada Not-for-profit Corporations Act* (Canada), a society established under the *Societies Act* or, as may be permitted by the Authority in accordance with its bylaws, a not-for-profit entity established pursuant to similar legislation in a Canadian province or territory that is legally permitted to conduct business or otherwise pursue its objects in Alberta.

Part 3 Expiry and Coming into Force

Expiry

28 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2030.

Coming into force

29 This Regulation comes into force on November 30, 2022.