



Reference: 418632

March 13, 2026

Mario Anda, Senior Program Manager  
Product Care Association of Canada  
420-2238 Yukon Street  
Vancouver, BC  
V5Y 3P2

Dear Mario:

Thank you for submitting proposed amendments to Product Care Association's British Columbia Paint and Household Hazardous Waste Extended Producer Responsibility Plan (the "plan") initially on July 15, 2022, in fulfillment of the requirements of Part 2, Section 6 of the [Recycling Regulation](#) (the "regulation") made under the [Environmental Management Act](#). Further, the most recent revision of the plan was submitted on March 9, 2026, and enclosed to this letter.

I acknowledge the efforts of Product Care Association of Canada (Product Care) and the ongoing dialogue between Product Care and Extended Producer Responsibility (EPR) section staff to develop revisions and improvements to the plan to better meet the requirements of the regulation.

Under the regulation, the director, otherwise known as the Statutory Decision Maker (SDM), has the ability to approve an EPR plan submitted under section 4. Prior to issuance of this decision letter, Product Care was provided with feedback on the proposed plan amendments and has had the opportunity to propose further amendments or provide additional information for consideration. I have completed my review of the submitted plan, and Product Care's revisions of the plan in response to the proposed amendments as outlined in my preliminary decision letter of December 19, 2025.

While Product Care has addressed several of the identified deficiencies, there are matters that I do not consider to be effectively addressed, which are listed below. Please be advised that in addition to the amendments proposed by Product Care in the most recent revision of the plan submitted on March 9, 2026, and hereby approved by me in this

letter, I am further amending the plan, pursuant to Section 5(5) of the regulation concerning the areas identified below.

In response to my preliminary decision letter, Product Care made further amendments to the plan that addressed the deficiencies noted in the letter. However, in addition to the amendments, Product Care added new language to the plan that some of these amendments were made “as per the ministry’s request” or “per the request of the BCMoEP”. This type of language is not consistent with other amendments made by Product Care, nor is it consistent with the language found across other EPR plans. EPR plan amendments may be made in response to proposed amendments from the director, but including this type of language is unnecessary and adds confusion when used inconsistently. Use of this type of language risks adding emphasis to certain areas or amendments subjectively (at the discretion of the EPR program) and readers of the plan may incorrectly attribute this emphasis to the ministry. As such, I am amending the following sentences of the plan by removing the crossed-out wording:

- i. On page 14 of the plan:

~~“As per the ministry’s request~~ Beginning in the next survey cycle (Autumn 2026), Product Care will measure consumer awareness separately for paint and household hazardous waste (HHW).”

- ii. On page 26 of the plan:

~~“Per the request of the BCMoEP~~ Any changes to Product Care’s structure, governance, or board members (including their affiliations) will be disclosed either in Product Care’s annual report or through an updated posting on the Board of Directors page of our [website](#).”

## **Ministry Expectations:**

I note further opportunities for continuous improvement across all future plans and amendments submitted by Product Care. The following expectations are provided for Product Care's consideration for future amendments to the plan:

### **A. Plan Commitments**

For future plan submissions, Product Care should use specific, measurable language for all plan commitments, specifying who is responsible, what actions will be taken, and by when. Avoid including disclaimers, caveats or conditional statements in plan commitments or performance metrics. The plan should also describe the actions Product Care is taking to overcome any obstacles, as well as the alternative pathways to success that Product Care is pursuing.

### **B. Consultation**

Moving forward with consultation, Product Care is expected to include efforts towards informing Indigenous communities and governments of Product Care's paint and household hazardous waste program and impacts, including informing the Indigenous Zero Waste Technical Advisory Group (IZWTAG) as a method to reach a broad Indigenous audience.

### **C. Program Performance**

The regulation requires that a plan adequately provides for assessing the program's success in collecting and managing the product. I understand that Product Care has explored and continues to explore additional performance metrics, however for the next plan submission and future proposed plan iterations, Product Care should consider strengthening this area of the plan to provide a clearer and more fulsome assessment of overall program performance. This may include additional performance metrics to evaluate collection and recovery, improvements to existing performance metrics, and robust explanations as to how the metrics used are able to effectively assess program performance.

### **D. Consumer Awareness**

I acknowledge that Product Care will use the 2026 survey results to establish separate baseline awareness levels for paint and household hazardous waste. I also expect that future plans will introduce year-over-year consumer awareness targets for each category to demonstrate a commitment to continuous improvement and ensure performance remains aligned with the program's core metrics.

E. Empty Product Containers

With respect to empty product containers for the solvent and flammable liquids, pesticide and gasoline product categories, the regulation currently captures consumer packaging regardless of residual product content. I understand Product Care is conducting a study at the request of industry to help producers better understand potential options for managing empty obligated household hazardous waste containers. It is the ministry's understanding that decisions regarding the management of empty containers remain with producers. However, it is the ministry's expectation that upon completion of the study, these empty containers will be captured by an EPR plan to ensure compliance by producers.

F. Producer Paying the Cost

Please note that the ministry has updated guidance documents for producers paying the cost, entitled [Paying the Costs under Recycling Regulation Section 5\(1\)\(c\)\(i\) and Dispute Resolution Guidance 2024](#). For future plan reviews, it is expected that Product Care follows the updated guidance to ensure the compensation rate methodology for all collection streams is provided. The compensation rate methodology should be presented as the steps taken and methods used which will allow interested parties to determine implications to their interests (e.g., step-by-step process for how compensation will be calculated, what happens at each step of the process, what variables are included in the compensation rate methodology, etc.).

### **Reporting Expectations**

The ministry expects this final decision letter to be forwarded to Product Care's board of directors as well as its member producers, since each producer is responsible for ensuring its agent fulfills the plan, and compliance proceedings may be taken against a producer if the agent fails to implement the plan.

Please be advised, under Part 2, Section 8(2)(h) of the regulation, the director can specify any other information required in the annual report. To ensure the continuity of all performance measures, performance requirements, and targets in the plan, reporting on each of these metrics will be maintained until they are superseded by an approved plan renewal.

### **Third Party Assurance for Non-Financial Information in Annual Reports**

Third party assurance for non-financial information in Annual Reports is required through Section 8(2)(h) of the regulation. The assurance report should be completed in accordance with the document entitled, "Third party assurance for non-financial information in annual reports" dated November 2025 and revised from time to time, which is enclosed.

## Next Plan Review Due Date

Section 6 of the regulation requires a plan review every five years. As per this requirement, Product Care must review its approved plan, consult on the plan, and submit proposed amendments to the director, or notify the director in writing that no amendments to the plan are necessary, by July 16, 2027. Guidance on this process can be found on the Extended Producer Responsibility webpage at: [Producer responsibilities and EPR plan development - Province of British Columbia](#).

## Right to appeal

If you disagree with this decision, Division 2 of Part 8 of the *Environmental Management Act (Act)* provides for appeal of my decision to the Environmental Appeal Board (EAB). In accordance with the *Act* and with the Environmental Appeal Board Procedures regulation, the EAB must receive notice of the appeal no later than 30 days after the date you receive this decision. For further information, please contact the EAB at (250) 387-3464.

Thank you for your efforts on this plan, and I appreciate Product Care's continued commitment to achieving compliance in this regard. If you have any questions regarding the implementation of the plan, please contact me at [Andreas.Wins-Purdy@gov.bc.ca](mailto:Andreas.Wins-Purdy@gov.bc.ca) or through the Extended Producer Responsibility inbox at [ExtendedProducerResponsibility@gov.bc.ca](mailto:ExtendedProducerResponsibility@gov.bc.ca).

Sincerely,



Andreas Wins-Purdy, P.Ag.  
Director, Recycling and Pesticide Authorizations  
Authorizations and Remediation Branch  
Environmental Protection Division

cc: Extended Producer Responsibility: [ExtendedProducerResponsibility@gov.bc.ca](mailto:ExtendedProducerResponsibility@gov.bc.ca)  
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Enclosure:

- Product Care Extended Producer Responsibility Plan, submitted March 9, 2026
- Third party assurance for non-financial information in annual reports, November 2025



# BRITISH COLUMBIA PAINT & HOUSEHOLD HAZARDOUS WASTE EXTENDED PRODUCER RESPONSIBILITY PROGRAM PLAN



**Submitted to:** Director, Extended Producer Responsibility  
Environmental Standards Branch  
BC Ministry of Environment and Parks

**Submitted by:** Product Care Association of Canada

**First submission:**  
July 15, 2022  
**Second submission:**  
September 30, 2025  
**Third submission:**  
February 2, 2026  
**Fourth submission:**  
March 9, 2026



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## Glossary

The following is a glossary of terms and abbreviations used in this program plan.

Term	Definition
Program Plan	Paint and Household Hazardous Waste Extended Producer Responsibility Program Plan
Regulation	BC Recycling Regulation, BC Reg. 449/2004, as amended.
Program	Paint and Household Hazardous Waste Extended Producer Responsibility Program
Program Product	Designated products under Schedule 2 of the BC Recycling Regulation that are included in the Program as defined under section 4 of the Program Plan.
Product Care	Product Care Association of Canada
CCV	Container capacity volume
EHF	Environmental handling fee
ELC	Equivalent litres of containers
EPR	Extended producer responsibility
HHW	Household hazardous waste
MRW	Moderate risk waste
NPP	Non-program product
PCB	Polychlorinated biphenyls
IZWTAG	Indigenous Zero Waste Technical Advisory Group
FNRI	First Nation Recycling Initiative
LVG	Large Volume Generator (An entity that is registered with Product Care to receive complimentary pick-up of large numbers of Program Product.)
BCMoEP	British Columbia Ministry of Environment & Parks
SABC	Stewardship Agencies of British Columbia

## 1 INTRODUCTION

This amended Paint and Household Hazardous Waste Extended Producer Responsibility Program Plan (“Program Plan”) is submitted to the British Columbia Ministry of Environment and Parks (BCMoEP) by Product Care Association of Canada (“Product Care”) on behalf of the Producers of paint and household hazardous products sold in British Columbia who are members of Product Care, pursuant to the requirements under section 6 of the BC Recycling Regulation (“Regulation”).<sup>1</sup> The BC Paint and Household Hazardous Waste Extended Producer Responsibility Program (“Program”) has been in operation since 1994 for paint and 1997 for household hazardous waste (HHW).

This Program Plan reflects the current product scope managed by Product Care under Schedule 2 of the Regulation and does not include the additional product categories introduced through regulatory amendments that came into force following the October 27, 2025, approval of amendments to the BC Recycling Regulation. It is expected that this Program Plan will be amended to incorporate some of the expanded product scope, in order to support administrative efficiency and implementation practicality.

## 2 DUTY OF PRODUCER

The responsibilities of Producers are defined in the Regulation. Section 2(1) of the Regulation provides:

*Except as otherwise specifically provided in this regulation, a producer must*

*(a) have an approved plan under Part 2 [Extended Producer Responsibility Plans] and comply with the approved plan, or*

*(b) comply with Part 3 [Extended Producer Responsibility Requirements If No Extended Producer Responsibility Plan] with respect to a product in order to sell, offer for sale, distribute or use in a commercial enterprise the product in British Columbia*

Section 1 of the Regulation defines a “Producer” as:

*(i) a person who manufactures the product and sells, offers for sale, distributes or uses in a commercial enterprise the product in British Columbia under the manufacturer’s own brand,*

*(ii) if subparagraph (i) 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 sold, distributed or used in a commercial enterprise in British Columbia, whether or not the trademark is registered,*

*(iii) if subparagraphs (i) and (ii) do not apply, a person who imports the product into British Columbia for sale, distribution or use in a commercial enterprise.*

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<sup>1</sup> British Columbia Ministry of Environment and Climate Change Strategy, BC Recycling Regulation, BC Reg. 449/2004, as amended B.C. Reg. 162/2020, June 29, 2020 [http://www.bclaws.ca/civix/document/id/complete/statreg/449\\_2004](http://www.bclaws.ca/civix/document/id/complete/statreg/449_2004).

The BC Recycling Regulation Guide makes further reference to the definition as “... importer, broker or retailer who sells the product directly to a consumer or imports and uses the product in a commercial enterprise and includes catalogue or internet transactions”.<sup>2</sup>

### 3 APPOINTMENT OF STEWARDSHIP AGENCY

The Program is developed, managed, and operated by Product Care, a not-for-profit industry association that manages extended producer responsibility programs across Canada for household hazardous and special waste on behalf of its members. Product Care was established as an agency to enable its members (i.e., Producers of Program Product) to meet their obligations under provincial extended producer responsibility legislation. Product Care is incorporated under the *Canada Not-for-Profit Corporations Act*<sup>3</sup> and is governed by a board of directors from various membership classes, which are paint products, lighting and alarms products, retail, and other products. The elected board members are typically employees or representatives of Producers, retailers, or trade associations, involved in the various programs operated by Product Care. All board members are affiliated with companies or associations that have business interests in BC. A current list of Product Care’s Board of Directors, including their corporate affiliation, membership class and province of residence is available on Product Care’s website ([productcare.org](http://productcare.org)).

Product Care is incorporated under the Canada Not-for-Profit Corporations Act and is governed pursuant to its articles of incorporation and bylaws as well as its corporate governance policies. Any substantive change in legal status of Product Care, such as changing from not-for-profit status, would be consulted on and require membership approval, prior to making the change. The board maintains various standing committees, pursuant to the provisions of its bylaws. Any changes to Product Care’s legal status will be referenced in the Program’s annual report, if applicable.

The Program is also supported by Product Care’s National Household Hazardous Waste Advisory Committee comprised of industry representatives from HHW product and business sectors (manufacturers, retailers, trade associations). The Committee deals mainly with technical matters, such as product definitions. In addition, a provincial advisory committee will be established by Product Care to provide ongoing engagement with key BC stakeholders.

According to section 2 of the Regulation, a Producer must either comply with Part 2 or Part 3 of the Regulation in order to sell, offer for sale, distribute or use designated products in a commercial enterprise in BC. Accordingly, each Producer that joins the Program appoints Product Care as its agent to carry out the duties of the Producer imposed by section 2 of the Regulation. In turn, the Program Plan confirms the

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<sup>2</sup> British Columbia Ministry of Environment, *Recycling Regulation Guide*, April 2012.

<sup>3</sup> A copy of the Act is available at <https://laws.justice.gc.ca/eng/acts/c-7.75/>. Product Care’s Letter of Continuance, bylaws and audited financial statements are available on Product Care’s website <https://www.productcare.org/members/membership-documents/>.

duties that Product Care will perform on behalf of each Producer that is a member of the Program and in good standing. Product Care can provide confirmation of a company's membership upon request.

The Program is the only approved EPR program for paint and household hazardous waste in the Province. Product Care's members represent the vast majority of the market in British Columbia for designated products. Program membership is open to all Producers, including manufacturers, brand owners, distributors, first importers and retailers of obligated products in BC. Product Care is continuously engaged in identifying and recruiting Producers of Program Product in the BC market, and where necessary, notifying the BCMoEP for follow up and enforcement. A current list of Program members that have appointed Product Care as their agent, as well as other member-related information, is available on Product Care's website ([www.productcare.org](http://www.productcare.org)). In addition to member information on the website, Product Care engages with members on an ongoing basis through various channels, such as member meetings, member notifications and member support staff.

Product Care also manages and operates paint and HHW stewardship programs in other provinces. Information on other provincial stewardship programs is available at [www.productcare.org](http://www.productcare.org).

## **4 PRODUCTS COVERED UNDER THE EXTENDED PRODUCER RESPONSIBILITY PLAN**

The Program covers products captured under the categories of paint, pesticides, solvent and flammable liquids, and gasoline in Schedule 2 of the Regulation and provides additional clarity regarding specific products included and excluded. In 2023, the Hazardous Waste Regulation was amended to establish a new classification of Moderate Risk Waste (MRW). This classification includes product categories managed under this Program as well as other materials outside its scope. For clarity and consistency, this plan will continue to refer to the Schedule 2 product categories managed by the Program as HHW.

The program keeps Product Care members informed about regulatory updates, product inclusions and exclusions, and other relevant matters to ensure members clearly understand their regulatory obligations. The following section details the scope of products under each product category that are included ("Program Product") and excluded ("Non-program Product") from the Program, along with a non-exhaustive list of examples. A regularly updated list of Program and Non-program Product can be found on Product Care's website ([www.productcare.org](http://www.productcare.org)). Product Care reserves the right to amend the list of Program/Non-program Product at any time.

To assist those in the product supply chain, consumers and other stakeholders with interpreting the complex technical definitions of flammable liquids and solvents in the Regulation, Product Care in consultation with the HHW Technical Advisory Committee developed a Decision Tree to assist in the classification of solvents and flammable liquids (see [here](#)).

In addition to the Non-program Products set out below, the following materials are not accepted by the Program due to health and safety concerns to service providers (i.e., collectors, transporters, and processors) associated with handling such materials, the inability to differentiate Program Product from

Non-program product (NPP) and risks associated with contravening regulatory requirements associated with the handling of certain products:

- Bulging containers
- Unidentifiable or unlabelled containers
- Leaking or improperly sealed containers

## 4.1 Paint Products

### 4.1.1 Paint Products Included in the Program

Section 9 of Schedule 2 of the Regulation defines paint products as:

- (a) latex, oil and solvent-based architectural coatings, including paints and stains for commercial and household use, whether tinted or untinted, and including empty containers for any of these, and;*
- (b) paints and stains, whether coloured or clear, sold in aerosol containers, and including empty aerosol containers for any of these, but not including unpressurized coatings formulated for industrial, automotive, or marine anti-fouling applications.*

The Program accepts and manages the following architectural paints (up to a maximum container size of 25 litres) and all types of aerosol paints (up to maximum container size of 680 grams or 24 ounces).

Paint products accepted by the Program include, but are not limited to, the following list, which is subject to change by Product Care:

- Interior and exterior water-based (e.g., latex, acrylic) and oil-based (e.g., alkyd, enamel)
- Deck, porch, and floor coating (including elastomeric)
- Varnish and urethane (single component)
- Concrete and masonry paint
- Drywall paint
- Undercoats and primers (e.g., metal, wood, etc.)
- Stucco paint
- Marine paint<sup>4</sup>
- Wood finishing oil
- Melamine, metal and anti-rust paint, stain, and shellac
- Swimming pool paint (single component)
- Stain blocking paint
- Textured paint
- Block fillers and sealers
- Wood, masonry, driveway sealer or water repellent (non-tar based or bitumen based)
- Paint aerosols of all types including automotive, craft and industrial products

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<sup>4</sup> Unless registered under Pest Control Products Act, in which case they are evaluated under the domestic pesticide category (see section 4.2.1.2 below).

The Program also manages the container in which the unwanted paint is contained, as well as “empty containers” (i.e., a container that holds less than 3% residual by volume) as specified in the definition of paint products under Section 9 of Schedule 2 of the Regulation.

#### 4.1.2 Non-Program Paint Related Products

Paint-related products that are not accepted by the Program include, but are not limited to, the following:

- Industrial paints, coatings and finishes
- Paints or wood preservatives that are registered as a pesticide under the Pest Control Products Act (has a P.C.P Registration number on the label)<sup>5</sup>
- Non-Aerosol craft paint
- Non-Aerosol automotive paint
- Two-part or component paints containing a catalyst or activator
- Roofing products (i.e., patch, tar or repair)
- Tar or tar/bitumen-based products
- Traffic or line marking paint
- Resins, fibreglass
- Paint thinner, mineral spirits or solvents<sup>6</sup>
- Deck cleaners
- Colourants and tints
- Caulking compound, epoxies, glues, or adhesives
- Nitro-cellulose based paints
- Brushes, rags and rollers
- Paint containers with poor integrity (e.g., badly rusted cans) or leaking

## 4.2 Household Hazardous Waste Products

### 4.2.1 Solvents and Flammable Liquids

Section 2 of Schedule 2 of the Regulation defines “Solvent and Flammable Liquid” products as:

*(a) products with a flash point as tested by the ASTM D1310 Tag Open Cup Test Method of less than 61°C except for:*

- I. products containing less than 50% water-miscible flammable liquid, as defined by the National Fire Code of Canada, 1990, as published by the National Research Council of Canada, by volume with the remainder of the product not being flammable,*
- II. liquids that have no fire point as tested by the ASTM D1310 Tag Open Cup Test Method,*
- III. wine and distilled spirit beverages,*

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<sup>5</sup> Unless registered under Pest Control Products Act, in which case they are evaluated under the domestic pesticide category (see section 4.2.1.2 below).

<sup>6</sup> These products are considered under the solvent & flammable liquids category (see section 4.2.1.1 below).

- IV. *cosmetic and beauty products,*
- V. *drugs, medicines and other health products,*
- VI. *unpackaged products or products not ordinarily sold to, used or purchased by a consumer without repackaging,*
- VII. *pre-packaged products produced for use by commercial or industrial enterprises without resale to other consumers as pre-packaged goods,*
- VIII. *products in the paint product category,*
- IX. *coatings formulated for industrial or automotive use, and (x) pre-packaged kerosene in containers larger than 9 litres,*

*(b) paint strippers containing methylene chloride, and*

*(c) empty containers for the products described in paragraphs (a) and (b).*

The Program accepts and manages consumer solvent and flammable liquids with a flame symbol or phrase like "keep away from open spark or flame" on the label. Subject to a maximum container size of ten (10) litres.

The list of solvent and flammable liquid products accepted by the Program is subject to change by Product Care.

Examples include, but are not limited to:

- Acetone
- BBQ lighter fluid
- Camping fuel
- Fondue fuel
- Kerosene
- Flammable degreasers
- Flammable lubricants
- Flammable liquid adhesives
- Flammable fuel treatment and additives
- Methanol
- Methyl Hydrate
- Mineral spirits
- Paint stripper
- Paint thinner
- Paint and varnish remover
- Turpentine
- Varsol
- Flammable liquids in aerosol form
- Windshield Washer Fluid
- Other flammable solvents

As noted previously, a Product Classification Decision Tree can be found on our [website](#), to assist members in classifying products under the solvent and flammable liquids category. The Decision Tree is subject to change by Product Care.

#### 4.2.2 Gasoline

Section 4 of Schedule 2 of the Regulation defines “Gasoline” products as:

*The gasoline product category consists of gasoline sold for use in spark ignition engines and returned in an approved Underwriters Laboratories of Canada container and includes empty containers for this gasoline.*

Accordingly, the Program accepts waste gasoline only in approved ULC containers, subject to a maximum container size of 25 litres.

#### 4.2.3 Domestic Pesticides

Section 3 of Schedule 2 of the Regulation defines “Domestic Pesticides” products as:

*(1) Subject to subsection (2), the pesticide product category consists of control products registered under the Pest Control Products Act (Canada) and includes empty containers for those products, that*

*(a) are required to show on the label the domestic product class designation, and*

*(b) display on the label the symbol shown in Schedule III of the Pest Control Products Regulation (Canada) for the signal word "**Poison**".*

*(2) The pesticide product category does not include the following:*

*(a) insect repellents;*

*(b) sanitizers and disinfectants;*

*(c) pet products*

*(d) unpackaged products or products not ordinarily sold to, used or purchased by a consumer without repackaging.*

The Program captures domestic pesticides (liquids, solids and aerosols) that have the poison symbol (skull and crossbones contained in an octagon, diamond or "yield" shape) together with the words "danger - poison", "warning - poison" or "caution - poison" to the description, a Pest Control Product (PCP) number and the word “domestic” on the label, subject to a maximum container size for liquid and solid pesticides of ten (10) litres and a maximum size for aerosols of 680 grams or 24 ounces.

#### 4.2.4 Non-Program HHW-related Products

All other product categories not identified as included in the preceding subsections are excluded from the Program. The following is a non-exhaustive list of HHW-related product categories that are excluded under the Program:

- Commercial, industrial or agricultural HHW products
- Cosmetics, health and beauty aids
- Diesel, propane, butane fuels
- Compressed gases
- Pesticides that do not meet the definition set in [Section 4.2.3](#) of the Plan (e.g., commercial, industrial, agricultural, or ready to use pesticides)
- Insect repellents, disinfectants, and pet products
- Fertilizers
- Acids, cleaners, bleaches, and other corrosive or toxic materials
- Automotive used oil and automotive antifreeze
- Other household chemicals/products

For the most up to date list of included products, please see our [website](#).

#### 4.2.5 HHW Containers (flammable liquids, gasoline, domestic pesticides)

The Regulation designates empty containers under the solvent and flammable liquids, gasoline and domestic pesticide categories. The Program, however, only manages containers with residuals of unwanted flammable liquids, gasoline, or pesticides. Product Care has not been provided with the mandate by its members to manage “already empty containers”<sup>7</sup> and therefore does not accept them in the Program.

Containers used for transporting and storing gasoline are sold as empty containers without residuals (i.e. packaging). Therefore, empty gasoline containers are not accepted under the Program.

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<sup>7</sup> An “already empty container” is a container that contains less than 3% residual by volume.

## 5 STAKEHOLDER CONSULTATIONS

Pursuant to section 5(1)(b) of the Regulation and the Recycling Regulation Guide<sup>8</sup>, Product Care conducted comprehensive public consultations with opportunity for stakeholder input prior to submitting amendments to this Program Plan. A summary of the consultation process is documented in [Appendix A](#) to this Program plan. [Appendix B](#) lists the participants who attended the consultations by sector. [Appendix C](#) summarizes the feedback received during the consultations and Product Care's responses.

The consultation period ran from April 20 to June 6, 2022, following the public release of the draft program plan.

The Program also welcomes ongoing feedback from any stakeholder, which can be submitted at any time to [bcpaintrecycle@productcare.org](mailto:bcpaintrecycle@productcare.org) or [bchhw@productcare.org](mailto:bchhw@productcare.org).

In addition, Product Care interacts with various stakeholders, including but not limited to collection sites, on an ongoing basis, which allows stakeholders to provide feedback on the Program's operations, including but not limited to:

- Visiting collection sites
- Engagement at conferences
- Ongoing engagement/consultation with program members as detailed above.

## 6 COLLECTION SYSTEM AND CONSUMER ACCESSIBILITY

### 6.1 Collection System

In accordance with section 5(1)(c)(iii) of the Regulation, the Program employs a comprehensive network of permanent year-round collection sites across BC providing consumers with reasonable access to locations where they can drop off Program Product for recycling and responsible management at end of life at no cost to the consumer. The permanent collection site system is comprised of two types of collection sites:

- Paint collection sites – collect leftover paint and paint aerosols only
- HHW collection sites – collect leftover paint, paint aerosols and HHW products

Unlike other EPR programs, establishment of collection sites for HHW products is subject to additional provincial and local regulatory requirements, such as the BC Hazardous Waste Regulations and zoning, which make it much more difficult to establish collection sites for paint and HHW.

Product Care assists collection sites in meeting regulatory requirements throughout the onboarding process and ongoing operations. This includes supporting collection sites in meeting regulatory requirements by managing key administrative tasks such as provincial registration, offering templates for

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<sup>8</sup> British Columbia Ministry of Environment, *Recycling Regulation Guide*, April 2012

emergency response and contingency planning, and coordinating third-party training to ensure compliance with federal regulations. Additionally, Product Care provides comprehensive collection guidelines that outline best practices for handling Program Products in accordance with provincial and federal standards related to dangerous goods, hazardous waste, and site safety. To further support compliance and safety, Product Care provides equipment designed for fire protection, worker safety, and spill containment.

Product Care does not directly own or manage any collection sites, but contracts with existing collection sites. Due to a variety of factors, not all sites are suitable for the collection of HHW products. Collection sites include, but are not limited to:

- Local government facilities, such as recycling centres, transfer stations or landfills
- Bottle depots
- Non-profit organizations
- Private businesses
- Retailers
- First Nations

There is no charge to drop off Program Product at any collection site, provided the products are post-consumer program products generated within British Columbia.

Additionally, the Program provides an online collection site finder on Product Care's website to assist consumers in locating their closest collection site/service.

### **Collection Events**

Product Care augments its permanent collection system with a number of one day collection events, often initiated by and held in collaboration with a municipality, regional district or local community. Program Product is typically collected alongside other stewarded and non-stewarded products. The number of events held each year varies depending on the number of requests received from local government and any service gaps identified. The Program partners with the event organizers to supply collection containers and takes responsibility for the transportation and recycling of the collected Program Product.

### **Direct Pick-Up Service for Commercial and Large Volume Generators**

In addition to the permanent collection site collection system and collection events, the Program provides a no-charge direct pickup service for qualified commercial and large volume generators (LVG), subject to minimum quantities of post-consumer Program Product.

## **6.2 Consumer Accessibility**

In accordance with section 5(1)(c)(iii) of the Regulation, Product Care commits to provide reasonable access to collection services in the Province. In trying to develop an accessibility standard, the Stewardship

Agencies of British Columbia (SABC)<sup>9</sup> engaged the Recycling Council of British Columbia (RCBC) to conduct a review of local government service standards for solid waste and recycling services and other public services in the province to utilize as a reference. The review concluded that there is no applicable benchmark for accessibility.

SABC developed an accessibility standard that incorporates population data and drive-time metrics, aligning with regulatory requirements for reasonable access. For this plan renewal, Product Care has revised the SABC standard by reducing the drive-times, thereby enhancing accessibility compared to the previously approved program plan.

Product Care employs the following criteria to define “reasonable” access to program collection facilities. Reasonable access is defined as a 20-minute drive to a collection site in urban areas, and a 35-minute drive to a collection site in non-urban areas<sup>10</sup> with a population greater than 4,000.<sup>11</sup> Urban communities are defined as cities, district municipalities and towns within the Metro Vancouver and Capital Regional Districts with a population of 4,000 or more and cities and district municipalities with a population of 30,000 or more in the remainder of the province. Rural communities are defined as cities, towns, resort municipalities, and district municipalities with a population of between 4,000 and 29,999 outside the Metro Vancouver and Capital Regional Districts. The Program also provides permanent collection services in many communities with populations less than 4,000, as well as collection services to other rural, remote areas and First Nation communities of the province.

These criteria represent a minimum accessibility threshold for the Program. In practice, the Program’s accessibility extends beyond these criteria, providing permanent collection services in many communities with populations less than 4,000, as well as collection services to other rural and remote areas of the province through collection events and large-volume direct pickup service.

Product Care remains committed to strengthening and expanding its collection network to improve service levels across BC, with a focus on identifying and addressing underserved areas. This includes working directly with local governments, through the Stewardship Agencies of British Columbia (SABC), and in collaboration with other EPR programs to expand access where gaps exist. The program will report annually on service gaps as identified per the enhanced SABC accessibility standard.

Product Care also partners with Indigenous communities through initiatives such as the Indigenous Zero Waste Technical Advisory Committee (IZWTAG) and the First Nations Recycling Initiative (FNRI) to extend

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<sup>9</sup> The Stewardship Agencies of BC (SABC) is a coalition of Extended Producer Responsibility (EPR) organizations from across British Columbia working together to promote and manage responsible “end-of-life” programs for obligated products.

<sup>10</sup> Accessibility criteria provide increased requirements for program performance over previous program plans.

<sup>11</sup> The Stewardship Agencies of BC conducted consultations with local governments on the appropriate criteria to use to determine accessibility. There was no consensus on whether to apply a time-based or distanced-based measure.

collection services, particularly in First Nation communities. These partnerships are supported through training, transportation, and recycling services.

### 6.3 Evaluating Collections

Unlike some other stewarded products, such as tires, beverage containers and electronics, Program Product are consumable products that are consumed varying degrees of frequency, over an indefinite period of time. Consumers may use all or some portion of Program Product and keep Program Product in their possession for years after initial use, as many do not have an expiry date. Program Product is only considered waste at the point where the consumer no longer values it or has any use for it. Factors such as the consumable nature of the product, the variety of types of products within a certain product category, varied product life expectancy, absence of a defined expiry date, and consumer behaviour make collection volume a questionable metric for evaluating program performance.

There are two approaches to measure the volume of Program Product collected. One approach is to use the measure of recovered residual volume (RRV). RRV represents the actual quantity of residual Program Product (excluding containers) collected by the Program, measured in litres. Many factors unrelated to program performance may explain an increase or decrease in RRV over time, such as population change, consumer purchasing habits and housing market activity.

An alternative approach is to measure Program Product collected using “container capacity volume” (CCV), also known as “equivalent litres of containers” (ELC). CCV is the measure of the maximum capacity of containers, if they were full, returned through the Program. CCV values are extrapolated from the number of tubskids<sup>12</sup> of Program Product managed by the Program.

Another collection metric is the recovery rate, which compares the recovered residual volume (RRV) of product collected in a given year to the volume of product sold (in litres) in that same year:

$$\text{Residual Recovery Rate} = \text{Litres of paint collected} / \text{Litres of paint sold}$$

While the recovery rate can be a helpful indicator of program performance, it must be recognized that it is a ratio of two values, which can be influenced by different factors in a given year, such as market conditions and consumer purchasing behaviour beyond the Program’s control. For example, even if the program achieves a higher RRV and consumer awareness in a given year, the recovery rate can decline in comparison to previous years if sales in the same year increase at a higher rate. On the other hand, a decrease in the recovery rate may be a reflection of consumers using paint more efficiently. Again, it is important to look at trends over time in conjunction with other performance indicators.

Predicting future collections and setting associated targets is challenging in the face of changing policy, product reformulations, erratic market conditions and consumer behaviour. For example, British

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<sup>12</sup> Tubskids are collection bins used to collect, transport containers of Program Product from collection sites to processing facilities.

Columbia introduced a recent ban on pesticides in July 2021, which is expected to result in a decline in the amount of designated product sold into the BC pesticide market. Pesticide product reformulations have also potentially reduced the scope of products captured under this designation, as reformulated products may no longer meet the definitions in the Recycling Regulation. The solvent and flammable liquid category of products encompasses a broad range of product types with a myriad of uses and applications making it difficult to evaluate as a product category. Segmenting the various types of solvents and flammable liquids at point of collection or processing to evaluate collection patterns is both impractical and cost prohibitive. Furthermore, trying to assess the trends of each in estimating overall collection targets is subject to high degrees of error. Global events, such as the COVID-19 pandemic and more regional events, such as large-scale fires and floods, which are expected to become more the norm in future years, have had a direct impact on both sales and collections of all Program Product in unexpected ways (e.g., supply chain disruptions impacting sales and property destruction resulting in increased sales, disruptions to collection networks and increased collection volumes from restoration work.) It is also very difficult to determine with any certainty how much Program Product will be available in any given year because of changes in consumer usage patterns. Finally, as explained above, setting targets for certain performance measures (recovery rate) does not recognize the purpose of the metric and what it says about program performance. For these reasons, the Program will continue to report out on volumes collected and recovery rates for each product category but will not set collection or recovery rate targets. However, Product Care will continue to assess and explore potential performance metrics to determine whether any are appropriate for the Program.

#### **6.4 Waste composition audits**

To confirm that Program Product is being successfully diverted from landfill, the Program participates in waste composition audits undertaken by local governments in collaboration with other stewardship organizations. Not all local governments conduct waste audits and for those that do, the audits are not always conducted on an annual basis. Given the scope, logistics and costs associated with conducting waste composition audits, it is necessary that audits are conducted in conjunction with local governments and other stewardship agencies. Product Care reviews the scheduled audits with other SABC members and collectively they agree to participate in those that have the appropriate scope (i.e., audits of residential waste at landfills).

Waste audits are coordinated by local governments and typically, are conducted by third party consultants engaged by local governments. The waste composition study methodology and sample sizes are determined by the local government responsible for the audit. The product categories to be included in the studies are determined in cooperation with the various stewardship agencies.

The report provided by the consultant conducting the study includes the date and location of the audits, as well as the number of units of Program Product identified. The audit results are considered to be informative for the region in which the study was conducted. However, due to regional variations in consumer behaviour, collection patterns and waste management practices, results from one audit are not

considered applicable to other regional districts, nor should they be extrapolated to the regional or provincial level.

In addition, the Program undertook a study in 2019 to investigate possible alternative management streams for Program Product, including consumer reuse, scrap metal collection, curbside recycling, landfill, illegal dumping, and management approaches by commercial users. Findings from that study are summarized in the Program's 2020 annual report available at <https://www.productcare.org/about/annual-reports/>.

## 7 CONSUMER AWARENESS

In accordance with section 5(1)(c)(iv) of the Regulation, the purpose of the Program's communications activities is to make consumers aware of:

- That Program Product can and should be recycled at designated collection facilities
- The location and availability of collection services
- How to manage products in a safe manner to ensure they are handled properly during use and are recycled at end-of-life

Product Care invests in understanding consumer behaviour around Program Products, which are often retained for long periods and require a different educational approach than fast-moving consumer goods. Awareness strategies are tailored to reflect infrequent purchasing and low top-of-mind recycling awareness. To complement survey data, the program leverages digital platforms, where over 90% of annual visitors are new users. Digital advertising is optimized to target likely consumers, and measure high-intent engagement— such as users clicking the [“Find a Recycling Location”](#) button after viewing accepted products. These digital metrics offer a broader and more comprehensive view of awareness and user action, capturing the full scope of website interactions beyond the limitations of survey sampling.

The consumer awareness survey is conducted on a bi-annual basis as part of a coordinated effort led by SABC. SABC is responsible for overseeing the process and contracting an independent third-party research firm to administer the survey. This approach ensures that data collection and analysis are conducted objectively and consistently across all participating Extended Producer Responsibility (EPR) programs.

As per the ministry's request, beginning in the next survey cycle (Autumn 2026), Product Care will measure consumer awareness separately for paint and household hazardous waste (HHW). Survey questions will be structured at the category level (paint and HHW), with HHW awareness reflecting the overall HHW product scope managed under the Program. As a result, a single “overall program” consumer awareness metric will no longer be used, as it would not be meaningful once awareness is measured independently for paint and HHW. Because this will be the first time consumer awareness for paint and HHW is measured separately, no historical baseline exists from which to establish increasing year-over-year (or biennial) targets. Product Care therefore proposes to use the 2026 survey results to establish baseline awareness levels for each category. Given that this baseline will be derived from a single survey cycle, the results will

provide an initial reference point rather than a trend. Accordingly, program-level consumer awareness targets are not proposed for 2026.

Once targets are set, should awareness levels through the consumer survey fall below the set target, over multiple consecutive years, Product Care will implement a targeted consumer awareness plan. This includes the following corrective actions:

- Refining messaging to enhance clarity and relevance
- Increasing the frequency and reach of digital campaigns by allocating additional resources

Both measures would be implemented within 12 months of identifying a sustained, multi-year decline in awareness, below the set target. It's important to note that fluctuations in consumer awareness survey results are expected and do not necessarily indicate a trend. The targeted consumer awareness plan would only be triggered if the program observes a consistent and continuous decline over time, rather than isolated or short-term variations.

Product Care focuses on educating those responsible for purchasing and using Program Product about responsible management of residual, unwanted Program Product through the Program. Strategies target both residential and commercial (for paint only) consumers. Consumer research has also identified three key segments of residential paint consumers: homeowners, young urban residents and older rural residents. Targeted messaging is placed to engage these particular market segments.

Product Care invests significant resources to maintain a comprehensive public education strategy/program and to reach, if not exceed, the Program's consumer awareness target for residential users and to engage commercial users (for paint only). Messaging is highly targeted, highly relevant, and highly engaged.

The Program's strategy and tactics are informed by three core pillars:

- Identify the three Ps – people (who are using Program Product), place (how do we find these people) and promotion (how will we reach them)
- Go a mile deep, not an inch wide – instead of blanket awareness campaigns, focus on relevant consumers at times that matter.
- Identify 'key touchpoints' – at which points in the product's lifecycle are people most likely to engage with Program Product (when is our message relevant)

The 'key touchpoints' approach to consumer education focuses on four key moments throughout the product's lifecycle where consumers are engaged.

- **Point of Sale (POS):**
  - Product Care works directly with brand owners and retailers to ensure residential and commercial users (for paint only) are aware of their responsibilities. Product Care offers a suite of free tools for point-of-sale education, such as posters, brochures, educational literature for retailer websites, and social media content for use on retailers' channels.

- **Active lifecycle:**
  - Product Care engages consumers throughout the product lifecycle using a mix of proactive and responsive strategies, including media buying, search advertising, and partnerships. Education efforts run year-round, with increased activity during peak seasons. Given the longer lifespan of program products, content also focuses on proper storage and handling at end-of-life to improve the likelihood that products can be properly managed and recycled.
  - A central website ([productcare.org](http://productcare.org)) provides accessible information on recycling requirements and best practices. Evergreen content is supported by topical articles and blog posts that address seasonal issues and improve online visibility of credible recycling information.
  - Ongoing development of educational materials, including web content, blogs, and social media, will continue to support public awareness and engagement. These efforts are tracked and reported as part of the program's broader consumer education strategy. The Program is also committed to reporting annually on these awareness efforts as part of its ongoing consumer education strategy.
- **End of life:**
  - Consumer inquiries seeking information about the Program, such as accepted products and collection site locations, are serviced by Product Care staff or through other services, such as RCBC's hotline, website and Recyclepedia app. Product Care also operates a user-friendly website ([productcare.org](http://productcare.org)) that is regularly reviewed and improved upon, which hosts information about the Program, including accepted and not accepted products, a recycling location locator tool, and how to manage Program Product at end-of-life.
  - In addition to outlining proper storage and handling practices while the product is in use, the program also provides consumers with guidance- via the program's webpage and printed materials- on how to return the product at the end of its life.
- **Point of Return (POR):**
  - Product Care employs a robust point of return education program, with free materials offered to collection partners, such as indoor and outdoor signage, educational brochures containing program information, and training for collection site staff to guide consumers at POR.

Third-party organizations serve as valuable channels for delivering product Care's consumer facing messaging about the proper disposal methods of program products. These partnerships offer opportunities to align with organizations that share similar goals, audiences, or activities. By working together, both parties can leverage each other's networks to broaden reach and amplify key messaging.

Product Care actively seeks partnerships with a wide range of stakeholders, including municipalities, brand owners and retailers, industry associations, environmental organizations, First Nation groups, stewardship agencies, and community groups or events.

Examples of these partnerships include:

- Collaborating with other stewardship programs to develop joint information materials and providing consumers with centralized access to information through portals such as the Recycling Council of BC hotline, Recyclepedia website, and mobile app.
- Hosting collection events in collaboration with municipalities and other stewardship programs, where opportunities and synergies exist, to enhance program effectiveness and community engagement.
- Partnering with First Nation organizations such as the Indigenous Zero Waste Technical Advisory Group (IZWTAG) to support outreach and engagement in First Nation communities across British Columbia.
- Participation in community events, such as open houses at landfills or collection sites, local festivals, and municipal gatherings, offers opportunities to connect directly with residents.

Product Care remains committed to strengthening its network of third-party partners to help validate and amplify messaging about the importance of safely disposing of paint and HHW products.

## **8 MANAGEMENT OF PROGRAM COSTS**

### **8.1 Program Revenue and Environmental Handling Fees**

The Program is funded by Environmental Handling Fees (EHF) paid to Product Care by its members based on the quantity of the designated products sold or supplied in BC. The EHF may appear at the time of retail sale as a separate charge or be integrated into the product price and is subject to retail sales taxes. The EHF is not a tax or a refundable deposit. Program revenues fund program operations, including but not limited to:

- Administration,
- Public education and communication
- Collection, transportation, recycling, and responsible disposal of collected products, and
- Establishing and maintaining a reserve fund.

The EHF rates are set by Product Care and are subject to change as needed to address surpluses or deficits and to ensure the financial sustainability of the Program. Given that the Program does not have direct control over its revenue stream, EHF rates are reviewed on an annual basis to ensure the Program remains financially sustainable. As part of this review, Product Care will assess the EHF rates against a five-year forecast of the Program and make any necessary adjustments to ensure the Program meets its financial sustainability targets. These adjustments are approved by the Product Care Board of Directors and also provided to members for commentary before they take effect, no later than April 1 of the following year. Given that the supply chain in the HHW sector is very complex, and any changes to EHF rates have a significant impact on the various industry sectors within the supply chain, Product Care tries to minimize the frequency of EHF rate changes. Current EHF rates for Program Product are listed on the Product Care website, [www.productcare.org](http://www.productcare.org).

The Program applies differential fees based on container sizes for all product categories. In setting EHF, Product Care considers a range of factors, including typical container sizes, the cost of recycling, and the relative market share of products. These inputs allow fees to reflect the most significant drivers of end-of-life management costs without creating undue complexity. While Product Care has considered the application of differential fees based on the environmental characteristics of Program Product and associated packaging (e.g., oil- versus water-based paints, metal versus plastic containers). The difference in the true costs of managing different types of products is limited to the differences in processing costs for these materials. When considered in the context of the full costs of managing paint and the market share of each paint sub-category, the differential is nominal. Moreover, implementing differential fees based on product and/or packaging variations would result in an overwhelming number of fee categories and be very difficult to implement throughout the supply chain creating consumer confusion at point of sale.

## **8.2 Reserve Fund**

The reserve fund is used to stabilize program funding in the case of unexpected collection volume increases, fluctuations in operating costs or reduced revenue due to economic or other factors. The reserve fund is also intended to cover the cost of winding up the Program in the event of regulatory changes.

## **8.3 Audited Financial Statements**

In accordance with Section 8(2)(f)(ii) of the Regulation, Product Care's audited financial statements, as well as the Program's revenues and expenses, will be posted on the Product Care website as appendices to the Program's annual report.

## **8.4 Producer Compliance**

In order to maintain a 'level playing field' for Program members and to ensure compliance with the Regulation, the Program actively searches for, identifies and recruits Producers of Program Product. If an obligated Producer does not join the Program, despite being notified of their regulatory obligation, the Program refers the obligated party to the BCMoEP to pursue compliance and potential enforcement proceedings.

## **8.5 Paying the Cost of Collecting and Managing Products**

In accordance with section 5(1)(c)(i) of the Regulation, the Program Plan must "*adequately provide for [...] the producer collecting and paying the costs of collecting and managing products within the product category covered by the plan [...].*" Product Care commits to being responsible for the establishment, operation, and funding of systems for the collection and management of products within each product category covered by this EPR Plan, regardless of whether an Environmental Handling Fee has been applied, provided the products are post-consumer program products generated within British Columbia.

All collection sites operate under an agreement between the collection site operator and the Program. The Program provides all contracted collection sites with collection containers and other collection supplies at the Program's expense.

In response to the BCMoEP guidance document "Producers paying the cost of managing obligated materials and dispute resolution", Product Care retained the services of BDO Canada LLP, one of the largest full-service advisory and accounting firms in the world, to conduct a cost study and develop a cost model to determine the adequacy of collection site compensation for the Program as well as the other extended producer responsibility programs operated by Product Care. BDO Canada LLP, conducted market research, including information from representative collection sites and identification of various costs related to the collection of products for all Product Care programs in British Columbia, to determine if the compensation paid to collection sites adequately covers their costs of collecting and handling Program Product. The approach included:

- Identification and assessment of various collection site cost inputs for the collection and handling of products, incorporating direct costs and indirect costs, and relevant studies;
- On-site visits to collection sites and interviews with a selection of collection sites to obtain various available and relevant information, financial and non-financial;
- Development of a collection site costing model based on the data collected and market research supplemented best practices, knowledge, perspective and experience gained by BDO Canada LLP from similar past studies;
- Adjusting handling times and space requirements based on feedback from consultations; and
- Application of a 5-year stress test for inflation.

In accordance with the BCMoEP guidance document, Product Care held public consultations on the cost model and dispute resolution provisions. The report was distributed along with the consultation notice and made available on Product Care's website. Product Care held two webinar sessions to solicit feedback on the report's findings. In accordance with the BCMoEP guidance document, Product Care submitted a report to BCMoEP on December 23, 2019, including a link to the full BDO Canada LLP report and a summary of stakeholder feedback along with Product Care's responses. The model will continue to be used to confirm that Product Care continues to pay the cost of collecting material, taking into consideration cost input data received from collection sites.

With regard to the Program, the BDO report concluded that: "... the Product Care compensation for Paint & HHW... handling at the Tier 1 - 3 collection sites is adequate relative to their costs." BDO also found positive margins after adjusting for inflation over five years. The study found that collection sites that collect very low volumes (i.e., Tier 4 sites) are not able to cover their costs under the program's compensation model that compensates collection sites based on the amount of Program Product collected, despite operating costs associated with the program being negligible. Accordingly, the Program adjusted the compensation for Tier 4 sites that did not show positive margins based on the study's results.

The cost model developed by BDO provides a baseline for understanding collection costs, incorporating factors such as site-level data and inflationary impacts. Product Care uses this model as a reference point, supplemented by information gathered through its business-to-business relationships with collection sites and service providers, to confirm that fees continue to cover program collection costs.

Product Care interacts with various stakeholders, including but not limited to collection sites, on an ongoing basis, which allows stakeholders to provide feedback on the Program's operations, including but not limited to:

- Visiting collection sites
- Engagement at conferences
- Ongoing engagement/consultation with program members as detailed above.

The program intends to review and reassess cost structures once per plan cycle.

## 9 MANAGEMENT OF ENVIRONMENTAL IMPACTS

The objective of the Program is to minimize the improper disposal of Program Product by providing an effective collection program and ensuring that the collected materials are either reused or recycled or disposed of in an environmentally responsible manner. The Program encourages consumers to buy the right amount, use up the products they buy and to dispose of their unwanted Program Product through the Program, rather than disposing of them improperly in the garbage or directly into the environment (the “B.U.D. Rule”). The Program manages collected Program Product using the highest viable option on the pollution prevention hierarchy as set out under section 5(1)(c)(v) of the Regulation. The application of the pollution prevention hierarchy and the management of each product varies depending on a number of considerations, such as product composition, availability of appropriate recycling technologies, qualified service providers, sufficient economies of scale, the existence of end markets for commodities and global market conditions. This section details the management options and considerations for Program Product.

### 9.1 Reduce and Redesign

The paint industry is a consolidating industry, and most brand owners manufacture for a market area that includes more than one province or country. Nevertheless, the composition of many of the paint products covered by the Program have changed over time as a result of design for environment activity. In particular:

- The steady shift in the marketplace from oil-based (alkyd) paints to water-based (latex) paints.
- Reduction of volatile organic compounds and reintroduction of bio-based ingredients in the composition of surface coatings.
- Refinements to manufacturing processes that reduce resource consumption, minimize waste and enhance efficiency.

In addition, tools used by Product Care that may have an impact on product life cycle and reduction of environmental impact for all product categories include:

- Applying variable EHF's based on container size (see discussion of differential fees under [section 8](#) above.)
- Promoting the “B.U.D.” rule (i.e., “Buy” what you need, “Use” what you buy and “Dispose” of the remainder responsibly)
- Educating consumers on the proper storage of leftover paint (see [section 7](#))
- Researching alternative management options for collected materials; this includes, but is not limited to:
  - Collaborating with industry partners to explore new technologies that improve the management of complex product streams;
  - Engaging new and existing service providers to improve the management of waste generated from Program Product processing; and

- Modifying current processing methods to enhance the recyclability of Program Products.

## 9.2 Reuse and Recycle

Leftover paint accounts for the largest volume of Program Products managed. Additionally, leftover paint can be managed in a number of different ways while there are limited options for the management of other HHW products. The processing of paint and HHW is a multi-step process involving primary processors, downstream processors, and final recycling and/or disposal facilities. During the process, the products are typically consolidated and processed with similar compatible products from other waste generation sources, such as waste from manufacturing.

### Reuse

The Program offers a reuse service where high-quality, non-aerosol paint brought to collection points that meets specified criteria is given away at no charge to consumers to be used for its originally intended purpose. The reuse of paint is high on the pollution prevention hierarchy and provides economic efficiencies for the Program. The Program does not offer paint aerosols for reuse due to concerns over possible misuse (e.g., graffiti).

While the program strives to educate consumers on proper paint handling and storage to maintain quality for future use or recycling, it cannot control the quantity of paint returned that meets reuse requirements. The program promotes best practices to ensure leftover paint remains suitable for reuse and recycling, but the availability of such paint ultimately depends on the users (i.e. storage, harsh weather etc.). Examples of users of the reuse service include individuals, community organizations, theatres and anti-graffiti programs.

The reuse service is not suitable for all collection sites due to space and staffing requirements.

Reuse is not an option for HHW products due to:

- Regulatory requirements that impose criteria/limitations on the use of ingredients and allowable concentrations;
- Safety concerns with handling specific products;
- Regional bans on certain pesticide use that prevents such leftover pesticides from being used;
- Contamination of the product through use (i.e., oil contaminated gasoline).

### Recycling

The ability to recycle paint depends on several factors, including the age, quality, and physical state of the returned paint, which determines its suitability for recycling. The recyclability of paint is also influenced by the fact paint is already tinted and the ability to alter the colour of recycled paint is limited.

Paint-to-paint recycling is also heavily dependent on whether there is a demand or market for the recycled paint. Selling recyclable paint requires more shelf space at retail versus just carrying virgin base paint and adding tint at the counter. Furthermore, regulatory requirements, such as the Volatile Organic Compound (VOC) Concentration Limits for Architectural Coating Regulation that limit the concentration of VOCs, also limits the amount of paint-to-paint recycling.

Recycling oil-based paint back into paint is more difficult due to several factors:

- Hazardous waste and transportation regulations, which limit the movement of this kind of material.
- Old oil-based paints tend to be higher in VOCs, preventing the recycled products from meeting current regulatory requirements.
- Water-based paint technology has improved significantly, such that new formulations equal or outperform the performance of oil-based paint. Consequently, the market for oil-based products is significantly smaller than that for water-based paint products and is diminishing making it more difficult to find end markets for the recycled product.

In addition to paint-to-paint recycling, water-based paint may be used as a raw material in certain manufacturing processes, such as the manufacturing of concrete products (i.e., utility blocks, etc.). As with paint-to-paint recycling, there are limitations on the amount of water-based paint that can be utilized in this manner. Utilizing oil-based paints in concrete manufacturing is not an option due to its chemical properties.

While Product Care strives to recycle as much of the water-based paint collected as possible, management options are dictated by the quality of paint received from consumers, which is beyond the Program's control. Paint of certain colour or chemical composition, poor quality or paint that is solidified cannot be recycled. In such instances, the product is used for energy recovery (see below). In addition, unlike virgin paint, there is limited ability to adjust the colour of recycled paints, which limits the choice of consumers; a factor which limits demand for recycled water-based paint, and which is beyond the Program's control.

Unlike paint, solvents and flammable liquids encompasses a very broad range of product categories, industry sectors, product types and different uses/applications, ingredients, concentrations, physical state, etc. This variability along with the relatively small volumes of different solvent and flammable liquid products in the market, creates challenges in finding alternative management options due to lack of economies of scale. For these reasons solvents and flammable liquids products are not recycled.

With regulatory bans on certain ingredient in pesticides combined with regional bans on the use of certain pesticides, reuse is not an option. Pesticides are heavily regulated and due to the hazardous nature of pesticides, regulations limit the management option to dedicated incineration.

## Energy Recovery

As noted above, not all paint is suitable for recycling and as such, requires alternative management options. Depending on the type of paint, paints (including solidified water-based paint) typically have varying degrees of heat value, which makes them more or less suitable for energy recovery, especially oil-based paints. Some cement kilns and incinerators have the necessary environmental approvals or permits to allow the use of alternative fuel, such as paint, in place or in conjunction with traditional fuel sources, such as natural gas. Energy recovery may continue to be one of the options utilized for the management of all paint products.

For certain HHW products, such as flammable liquids and gasoline, their nature and chemical composition, along with the fact that many are sold as fuels, makes them ideal for energy recovery. Energy recovery is not an option for other HHW products, such as pesticides. Pesticides need to be treated at temperatures high enough to avoid creating hazardous by-products. In addition, pesticides and polychlorinated biphenyls (PCB) contaminated paints require dedicated incineration at licensed and permitted facilities.

## Disposal

The program currently does not landfill any material. Landfilling is only considered as a last resort, and only after all other management options, such as recycling, energy recovery, incineration, or material storage, have been fully explored and deemed unviable.

The recyclability of paint is increasingly affected by a shortened shelf life once containers are opened. In addition, reformulations influenced by federal regulations, have reduced the amount of preservatives required for product stability. Climate-related temperature fluctuations, further contribute to paint degradation.

Due to limited capacity for processing unrecyclable water-based paint, not all material can be directed to energy recovery. In such cases, a portion may need to be solidified and landfilled. Oil-based paint and HHW are typically prohibited from landfills. Accordingly, landfilling is not considered as an option for these types of products. See Table 3 in [Section 11](#) for more information.

## 9.3 Management of Containers

In addition to managing residual materials returned by consumers, the program also manages the containers when they are returned with residual product. While the primary focus remains on minimizing the environmental impact of the residual, given its immediate risk when improperly managed, container management presents its own set of challenges.

Program Products are typically packaged in metal or various types of plastic. Although recycling markets exist for clean, high-volume streams of these materials, the unique nature of Program Product containers makes them difficult to recycle once emptied. Key challenges include:

- Reduced appeal to recyclers due to hazardous residues requiring regulated handling (e.g., pesticides);
- Difficulty in fully cleaning containers, which can lead to additional waste generation;
- Persistent odours embedded in container materials;
- Mixed-material packaging that requires specialized equipment or manual separation;
- Low-grade classification of containers, making them less desirable to recyclers;
- Protective coatings on metal cans that complicate recycling processes;
- Inconsistent volume, type, and colour of plastic containers, limiting economies of scale;
- Market volatility and fluctuating commodity prices; and
- A limited number of recyclers are equipped to process these types of containers.

These challenges can sometimes limit the ability to recycle Program Products containers, making alternative management approaches, such as energy recovery or, if necessary, landfilling.

## 10 DISPUTE RESOLUTION

The Program contracts with all suppliers and service providers by way of commercial agreements. Any disputes are resolved through normal commercial dispute resolution practices, including:

- Discussion between the service provider and Product Care manager
- If necessary, escalation of discussion to Product Care senior staff
- If necessary, escalation of discussion to Product Care board
- If necessary, undertaking legal proceedings, including the option of mediation or binding arbitration, with the consent of the parties

The first two procedures can be conducted with the consent of both parties, via conference call and/or video conferencing, including actual recordings of the meetings to be made available to both parties.

## 11 PERFORMANCE MEASUREMENT SUMMARY AND REPORTING COMMITMENTS

Given the complexities and nuances in managing the range of products covered in the Program, program performance should be assessed based on a suite of performance measures and not any one specific measure. Accordingly, this Program Plan sets out a number of performance metrics, which collectively, illustrate the Program’s success. First, accessibility targets ensure that British Columbians have reasonable and free access to the Program’s contracted collection sites. Second, consumer awareness tactics provide consumers with easily accessible information on where and how to recycle their Program Product when they reach end-of-life, and consumer awareness targets evidence the success of these tactics in building consumer awareness of the ability to recycle Program Product. Together, these metrics provide a strong indicator of program performance.

The Program also reports out on collection volumes, however as noted previously, collection volumes are a questionable metric to assess program performance for consumable products.

Table 1 summarizes the targets and commitments of this Program Plan and indicates which non-financial elements of program performance are subject to audit by an independent third-party auditor in accordance with Guidance on Third Party Assurance for Non-Financial Information provided by the BCMoEP.

Unless otherwise indicated, all performance requirements, commitments and targets apply until the five-year anniversary of the Program in accordance with section 6 of the Regulation (i.e., July 16, 2027). Following that period, the Program will continue to report against all commitments and targets until they have been reassessed.

**Table 1: Performance Measures and Program Commitments**

Performance Metric	Reporting Commitment/Target	Subject to Audit
<b>3. Appointment of Stewardship Agency</b>		
Stakeholder advisory committee	Establish a provincial advisory committee by the end of the first full reporting year following plan approval to provide ongoing engagement with key BC stakeholders.	N
Product Care’s structure and governance	Per the request of the BCMoEP, any changes to Product Care’s structure, governance, or board members (including their affiliations) will be disclosed either in Product Care’s annual report <i>or</i> through an updated posting on the Board of Directors page of our <a href="#">website</a> .	N
<b>6.1 Collection System</b>		

Performance Metric	Reporting Commitment/Target	Subject to Audit
Collection sites	Report annually on the number and location (city and regional district) of contracted Paint collection sites and HHW collection sites.	Y
	Report annually on contracted collection sites opened and closed during the reporting year, including name and location.	Y
Collection events	Participate in collection events in partnership with and organized by local governments where there is no collection service provided by the Program in that year and it is not a collection event for products associated with Product Care programs only.	N
	Report annually on the number and location (city and regional district) of paint and HHW collection events.	N
<b>6.2 Consumer Accessibility</b>		
Accessibility	Provide permanent collection service to a minimum of 95% of the population that meets the standard set out in <a href="#">section 6.2</a> of the program plan for both paint and HHW products.	N
	Report annually on service gaps as identified per the SABC accessibility standard.	N
	Report annually on the number of communities beyond the Program’s accessibility criteria that received collection services (i.e., permanent collection site or collection event).	N
	Consult with regional districts on an annual basis to identify communities that require access to evaluate the available options.	N
	Provide initial response within 3 business days to inquiries from rural/remote/First nation communities for collection of Program Product where there is no reasonable access.	N
	Work with Indigenous Zero Waste Technical Advisory Group (IZWTAG) to support collections services in First Nation communities that are ready to engage.	N
	Beginning in the calendar year following plan approval, Product Care will report annually on the First Nation communities that received collection services for Paint & HHW, and report on the types of collection service(s) (events or permanent collection sites) provided to each community.	N
	Provide direct pickup service for qualified large volumes.	N
<b>6.3 Collections</b>		

Performance Metric	Reporting Commitment/Target	Subject to Audit
Volumes sold	Report annually on total estimated volumes of paint, pesticides and solvents sold in litres.	Y
Container capacity volume	Report annually on total container capacity volume of paint, pesticides and solvents collected for the province and by regional district.	Y
Residual recovery volume	Report annually on total estimated recovered residual volume of paint, pesticides and solvents in litres for the province and by regional district.	Y
Recovery rate	Report annually on the recovery rate for paint, pesticides and solvents.	Y
Ratio of CCV to paint sold	Report annually on the ratio of volume collected (CCV) compared with the total amount of paint sold, in litres.	Y
Per Capita Collection	Report annually the per capita collection in each regional district.	N
<b>6.4 Waste Composition Audits</b>		
Waste composition audits	Participate in all waste composition audits committed to by SABC.	N
	Report annually on the number and location of waste composition audits conducted.	N
	Report annually on kilograms per capita of Program Product identified in each waste composition audit.	N
<b>7. Consumer Awareness</b>		
Consumer Awareness - Product Categories	Establish baseline consumer awareness levels for the paint and HHW product categories using the 2026 survey results, which will inform the development of future category-specific awareness targets.	N
Consumer awareness	Report annually on educational strategies and materials undertaken by the Program.	N
Consumer awareness survey	Conduct a residential consumer awareness survey of consumers every two (2) years and report the survey questions used, a summary of the survey methodology employed, and awareness level achieved.	N
Targeted consumer awareness plan	Implement a targeted consumer awareness plan if survey awareness levels significantly fall below the set target over a sustained, multi-year decline.	N
Consumer awareness storage & handling	Product Care will report annually on consumer education efforts regarding the storage and handling of Program Products at end-of-life.	N

Performance Metric	Reporting Commitment/Target	Subject to Audit
Commercial sector engagement	Undertake ongoing engagement with the commercial paint sector through sector-based strategies, working with industry associations and report out annually on efforts undertaken.	N
Program website visits	Report annually on user visits to the Program’s website.	N
RCBC Recyclepedia website visits and hotline calls	Report annually on user visits to RCBC’s Recyclepedia website and the number of hotline calls received on Program Product.	N
PaintShare outreach	The plan will report annually on outreach efforts to promote awareness and participation in the PaintShare program (i.e. digital outreach, print materials, etc).	N
<b>8. Management of Program Costs</b>		
Financial statements	Report annually the complete audited financial statements of Product Care Association of Canada, and the annual statement of revenues and expense for the Program.	Y
<b>9. Management of Environmental Impacts</b>		
Design for environment	Report annually on significant developments, provided by the program’s membership, that reduce the environmental impact and improve the recyclability of Program Product, as applicable.	N
Paint reuse	Report annually on the number of collection sites contracted to offer paint reuse.	N
	Report annually on the percentage of collected paint that is distributed through the reuse initiative.	N
Paint recycled	Report annually on percentage of collected paint that is recycled.	N
End fate management	Beginning in the calendar year following plan approval, Product care will report annually on final disposition for all product categories according to the Pollution Prevention Hierarchy. Each level of the Pollution Prevention Hierarchy, regardless of whether or not materials are managed at each level, will be reported on annually.	N
	Report annually on the approximate percentage of Program Product and associated containers managed in accordance with the different management options in the pollution prevention hierarchy.	N
	Meet or exceed end fate management targets for Program Product set out in Table 2 below.	Y

**Table 2: Performance Metrics for Specific Product Categories**

Management of Environmental Impacts – Performance Metrics								
Method	Paint		Flammable Liquids		Pesticides		Gasoline	
	Residuals	Containers	Residuals	Containers	Residuals	Containers	Residuals	Containers
<b>Recycling</b>	Minimum 75% of water-based paint	100% of metal & HDPE (#2) *	--	100%*	--	100% of metal & plastic*	--	100%*
<b>Energy Recovery</b>	100% of oil-based paint	100% of polypropylene (#5)	100%	--	--	--	100%	--
<b>Incineration</b>	--	--	--	--	100%	--	--	--

*\* Market conditions are subject to change and may influence how materials are managed. The most current information on material management will be provided in annual reports.*

## APPENDIX A: SUMMARY OF STAKEHOLDER CONSULTATION PROCESS

As a prerequisite to developing and finalizing this Program Plan, Product Care conducted stakeholder consultations in order to provide meaningful opportunities for consultation and comment from those affected by the Program. The consultation process included:

- Conducting two webinar consultations on November 22 and November 24, 2021, with Product Care members focusing on the Program Plan's proposed targets and commitments.
- Posting the draft Program Plan on PCA's website for public review.
- Conducting two webinars for all interested parties on May 3 and May 5, 2022.
- Conducting a webinar with representatives of the BC Product Stewardship Council, representing local governments in BC, on May 4, 2022.
- Consultation with the BC Bottle Depot Recycling Association on May 9, 2022.
- Emailing notice of consultations in advance of each session to all interested stakeholders including, but not limited to, industry members, industry associations, service providers, non-profit organizations, First Nation communities, and regional and local governments. Notice of consultations were also submitted to the Recycling Council of British Columbia (RCBC) and Coast Waste Management Association (CWMA) for distribution.

Comments received from the consultations were documented and amendments made to the Program Plan where appropriate. A list of stakeholders that participated in the various consultations is provided in [Appendix B](#). A summary of comments received and PCA's responses are provided in [Appendix C](#).

Following Program Plan approval, the Program has a number of means of obtaining ongoing stakeholder input into the operation of the Program:

- Regular advisory committee meetings
- Member updates
- Collection site visits by the Program
- Public feedback during public outreach events
- Stakeholder feedback received by email and phone

## APPENDIX B: LIST OF CONSULTATION PARTICIPANTS

Through the consultation process, Product Care engaged with 62 stakeholders representing a range of affected constituencies, including government, industry, non-profit organizations, and program service providers. The following is a list of organizations that participated in the consultations.

Organization Category	Number of Individuals
<b>Government</b>	<b>1</b>
BC Ministry of Environment and Parks	1
<b>Local Government</b>	<b>26</b>
Capital Regional District	2
Cariboo Regional District	2
City of Burnaby	2
City of Richmond	2
City of Vancouver	1
Columbia Shuswap Regional District	1
Cowichan Valley Regional District	2
District of Squamish	2
Metro Vancouver	2
Regional District of Central Kootenay	2
Regional District of Central Okanagan	1
Regional District Fraser Fort George	1
Regional District Nanaimo	4
Regional District North Okanagan	1
Resort Municipality of Whistler	1
<b>Producers</b>	<b>16</b>
Acklands- Grainger Inc.	1
Brock White Canada a Division of White Cap Supply Inc	1
Costco	4
Country Chic Paint Ltd	1
Custom Building Products Canada Ltd	1
Ford Motor Company Canada	1
Guillevin International Co.	1
Hawthorne Canada Limited	1
Loblaws Inc.	1
Nissan Canada Inc.	1
PPG Canada Inc.	1
RONA	1
Rust-Oleum Canada	1
<b>Non-Governmental Organization (NGO)</b>	<b>6</b>

Organization Category	Number of Individuals
CCSPA - Canadian Consumer Specialty Products Association	1
Retail Council of Canada	3
Recycle BC	1
Zero Waste BC	1
<b>Other</b>	<b>3</b>
RWDI International	1
Unidentified	2
<b>Service Providers</b>	<b>10</b>
Abbotsford Mission Recycling Depot	1
BC Bottle Depot Association	3
Emterra Group	1
GFL Environmental Inc.	1
Venture Training Vernon	1
Vernon & District Association for Community Living	1
Pender Island Recycling Society	1
Willowbrook Recycling Depot	1
<b>Grand Total</b>	<b>62</b>

## APPENDIX C: SUMMARY OF STAKEHOLDER FEEDBACK AND RESPONSES

### BC PAINT AND HOUSEHOLD HAZARDOUS WASTE PROGRAM PLAN STAKEHOLDER CONSULTATION SUMMARY

The following is a summary of all oral and written comments received during the program plan public consultations and Product Care’s responses. Stakeholder comments and questions have been organized based on the relevant section of the Program Plan. Unless otherwise indicated, stakeholder comments have been transcribed verbatim. In instances where stakeholder feedback was essentially the same during a webinar consultation and written submission, the written feedback has been documented. Where multiple feedbacks were similar, the feedback has been recorded once, noting the number of stakeholders in brackets. Some commentary not germane to the central comment or question may have been edited out for the sake of brevity.

Section 3: Appointment of Stewardship Agency			
#	Sector	Question/Comment	Response
3.1	Local Government	On pg. 2 of the plan, it says “Any changes to Product Care’s legal status will be referenced in the Program’s annual report, if applicable.” We recommend consulting with the stakeholder community in advance of any change and communicating the potential change directly to stakeholders at the time of such change.	Any substantive change in legal status of Product Care, such as changing from not-for-profit status, will be consulted on prior to making official change. Section 3 of the Program Plan has been amended to add clarity.
3.2	NGO	I assume that Governance questions are to be raised in conjunction with slide 7. Page 2, second paragraph, final line of the plan says "Any changes to Product Care's legal status will be referenced in the Program's annual report, if applicable. “Retailers, as producers take the position that any change in legal status requires advance consultation with the producers and the province. Can you please tell us whether you plan to follow that process? Without disrespect, the plan document only says this will be reported in the annual report. (No, I'm talking about changing from a not-for-profit corporation.)	See above response.
3.3	Local Government	3 Appointment of Stewardship Agency (Page 2): “In addition, a provincial advisory committee will be established by Product	The establishment of a local advisory committee is in response to consultation feedback. The terms of reference have yet to be developed. In addition to

Section 3: Appointment of Stewardship Agency			
#	Sector	Question/Comment	Response
		Care to provide ongoing engagement with key BC stakeholders.” Why is Product Care establishing an advisory committee at this time? What will be the terms of reference for the advisory committee?	feedback from Product Care National Advisory Committee, the formation of a local advisory committee will provide additional opportunities for local input from BC stakeholders.
3.4	NGO	A Board with industry representatives from across Canada is an efficient system for many aspects of governance but the program lacks a mechanism that is BC-specific looking at both the level of service offered in BC and the achievement of environmental outcomes. We recommend the creation of a committee with a wide range of stakeholders including reuse and repair organizations, recyclers, local governments, First Nations and environmental NGOs. A committee is noted under performance management and hopefully can include this range of stakeholders.	See response to question 3.3.
3.5	Local Government	The RMOW commends Product Care for establishing a provincial advisory committee to provide ongoing engagement and hear non-steward perspectives. The RMOW would like to see this group have transparency with their recommendations, and details of the committee, including minutes, should be on the Product Care website. The Product Care Board would ideally represent a broader range of stakeholders, including reuse and repair organizations, recyclers, local governments, First Nations, and environmental NGOs.	See response to 3.1. The Program will be establishing terms of reference for the advisory committee that will be consistent with terms of reference of other advisory committees.
3.6	NGO	PCA has proposed that a new stakeholder advisory committee should be established by the end of the first full reporting year following plan approval. PCA has not provided a supporting rationale for the new committee or elaborated on its proposed scope. The existing National Household Hazardous Waste Advisory Committee and public consultation on program plans adequately address the concerns of key stakeholders so, an additional committee should not be struck.	See response to question 3.3.

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
4.1	Local Government	Does this mean empty gasoline containers will be managed by PCA going forward?	Empty gasoline containers are sold as packaging without obligated products and therefore not viewed as a HHW product and hence not captured under the program. Approved gas containers that contain residual gasoline will be accepted as it contains regulated product (gasoline) being returned. Section 4.6 of the Program Plan has been amended to add clarity.
4.2	Local Government	Is there any chance gasoline can be collected with out the container? Some residents are not happy about losing their jerry can when disposing of gas.	Gasoline will only be accepted in a ULC approved gas can or jerry can at collection sites. The certified gas cans provide for safe storage and transport of gasoline per regulations. For safety reasons, the gasoline container cannot be returned at drop off. We do offer consumers a \$10 voucher to help offset the cost of the gas containers.
4.3	Local Government (2)	The current voucher amount doesn't cover the cost of most new jerry cans. Will this be changed to match the cost of the returned jerry can?	As gasoline containers vary in size and price, the voucher amount is intended to contribute to the cost of the jerry can. The Program will continue to evaluate and adjust the voucher amount as needed. The Program last increased the value of voucher in 2019.
4.4	Local Government (4) /NGO (1)	Is your program not going to include empty containers because you're assuming or saying that the PPP program is going to take those containers? Why is there no mandate to add the containers? The HHW program is well suited to manage many HHW empty containers, such as aerosols and containers with residual material that could be hazardous/dangerous if included in other programs such as PPP. Would encourage HHW producers to use the existing HHW program for these types of residual container management. If this is not their preferred program, it would be nice to know which program they intend to use.	The Recycling Regulation is results-based. The regulation is silent on how a producer meets its' obligations under the regulation and does not mandate which program/agency that a producer must use to meet the requirement of the regulation. There are number of options available for obligated producers to meet their obligations under the regulation for the already empty obligated HHW container, of which this program is one. When the regulation was amended to include empty HHW containers, Product Care consulted with its' members on whether they wanted the program to manage obligated, already empty, HHW containers. Product Care was not given the mandate from industry members to include already empty HHW containers into the program.
4.5	Local Government	Why are there no empty paint container recovery targets, or tracking done for these containers?	Product Care tracks the paint containers that are collected and recycled, and this is set out in our annual reports. Waste audits have demonstrated that empty paint containers are not an issue, and the program previously conducted some research, which demonstrated that paint cans, in addition to being collected and managed by the program are being recycled though other recycling channels such as the scrap metal recycling system.

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
4.6	Local Government	4.6 Empty Containers (Page 8): “However, Product Care has not been provided with the mandate by its members to manage “already empty containers” and therefore will continue not to accept them in the Program.” Presumably, Product Care has notified its producer members that the Recycle BC program exists to manage packaging (already empty containers). Could this be confirmed in the program plan? Further, the Recycle BC program handles only residential packaging, who is responsible for commercial and institutional packaging for Product Care members?	Product Care has informed its’ members of their obligations under the regulation for obligated products including empty containers of obligated products.
4.7	Local Government	4.6 Empty Containers (Page 8): “Containers used for transporting and storing gasoline are sold as an empty container (packaging) and can be used for various purposes aside from holding gasoline.” This is a bit confusing, would an empty gasoline container not be sold as a ‘product’ instead of ‘packaging’? Similarly, a ‘zipper’ bag is sold as a product and not as packaging. Further explanation is required.	Correct. Gasoline containers are sold as a product and are not sold with obligated content/products in them. Section 4.6 of Program Plan has been amended to provide clarity.
4.8	Local Government	Household Hazardous Waste (HHW) is a very broad term for this program to use as one would likely assume it would include a wide range of household products that are hazardous. There can be customer confusion and frustration when customers have products rejected at a depot or are charged an eco fee on some hazardous household products, but not others. This in turn, can lead to incorrect disposal of products which puts our environment, public and workers at risk. Acids, diesel, cleaners, brake fluid, craft paint, commercial paint, tar based products, fertilizers, insect repellants, pet care products, pressurized cylinders, non-flammable adhesives and grout sealers are all common HHW products that are not part of the Product Care Program. If the program is not accepting these materials, it is not appropriate for the program to be named a HHW Program. The previous name of Paint, Flammable Liquids and Pesticides was more accurate, but still problematic because	The program does not determine what product categories are included under the Regulation. The program is developed to manage products regulated under the Recycling Regulation, on behalf of obligated producers.

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
		many materials that appear to be in these respective categories were also excluded. Product Care has an opportunity to clarify its branding and/or perhaps increase its flexibility for the materials accepted in its program (without placing concerns for penalty to depot operators for non-program product). An industry supported and named HHW program should consider taking more initiative to make safe and responsible HHW disposal more intuitive for consumers and have flexibility for accepting the wide range of products it is named for. This should be re-evaluated in its funding model and perhaps how the program collaborates with other stewards to collect HHW.	
4.9	Local Government	It is very confusing and concerning that paints for commercial use and empty containers (with less than 3% residuals) for flammable liquids, gasoline and pesticides are not included in the plan for HHW. These materials are listed in BC Recycling Regulation. Though a commercial product, commercial paint is a common HHW product that residents end up with. Contractors often leave commercial paint with residents for touch-ups and the end result is very expensive and non-accessible disposal options for a regulated product.	The program accepts architectural paint regardless of whom the user is (resident, commercial or institutions etc.). Product Care currently operates a Large Volume Generator (LVG) program for commercial users of paint with higher volumes of paint. If they qualify, we can arrange for a direct pick up of their paint and empty paint containers. The program has over 230 collection sites in the province for paint, with good accessibility.
4.10	Local Government	Also, it is perplexing that gasoline containers are considered to be packaging in the HHW plan. They do not contain a product when purchased (a characteristic of packaging in the Recycle BC program). Rather they are a product designed to hold a flammable liquid which a HHW EPR program should have obligation for. It is also very problematic and irresponsible to suggest that another EPR program should be accepting gasoline containers, such as a program for packaging (which would likely involve residential curbside recycling). The potential for gasoline containers to be a hazard for workers, the public and the environment is considerable and a program that covers hazardous waste including flammable liquids should be the EPR program that steps up and takes responsibility for these products.	See response to question 4.1.

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
4.11	NGO	<p>The intention behind regulating these products was to prevent them from being improperly disposed and to make it easy for the end users to safely dispose of them. When items are excluded or not accepted, this leads to improper disposal or a burden on the depots who may end up with the materials. The program should have a philosophy of meeting the intent of the regulation rather than trying to minimize costs and responsibility for the producers. Expecting a resident to navigate through the Step 3 of Appendix A with the information provided on the containers (or not) is unreasonable. Information for residents and small businesses should be based on a much easier to understand system and possibly could drive changes to labelling laws to make it so.</p> <p>Considering this, we make the following recommendations:</p> <ul style="list-style-type: none"> <li>• Set up systems to handle bulging containers, unidentified or unlabelled containers, and leaking or improperly sealed containers.</li> <li>• Expand the range of products accepted to include all of the HHW that gets left at depots or for which pose a risk to the environment and for which a resident or small business would be unlikely to have access to suitable disposal means (this should include pool chemicals, items in the plan under 4.1.2, other fuels and other pesticides and intend to prevent hazardous waste from entering the solid and liquid waste streams). The program should work with depots, local governments and the Ministry to add these other products that are problematic for consumers to the Recycling Regulation.</li> <li>• Include all containers in the program as noted in the Recycling Regulation.</li> </ul> <p>Coordination with other EPR programs that might interface with these components would be beneficial.</p>	<p>The BC Recycling Regulation defines which products are obligated under the Regulation, not the Program. The Program must also receive the mandate from its' membership to include other products under the Program. The MoECCS under its' 2021-2026 Extended Producer Responsibility Action Plan looks to expand categories of products.</p> <p>Unlike other programs, HHW product category is very diverse and complex. The Program's Decision Tree is intended to make simplify and make it easier for consumers to make the determination if a product is obligated and captured under the Program.</p>

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
4.12	Local Government	<p>Due to the vast number of available and historic consumer paint and HHW products, return facilities are often challenged to discern between program and non-program products. Confusion in these instances leads to mismanagement of both product categories, which can result in financial penalties to facilities and increased risk to human health and the environment when products are illegally dumped or disposed of incorrectly. The RDN believes that PCA could resolve much of this confusion by providing a more comprehensive list of program and non-program products. We suggest that PCA can improve clarity and provide utility in the following ways:</p> <ol style="list-style-type: none"> <li>1) Provide depots with the most common erroneous inclusions in the waste stream. This is particularly useful for non-program products with flammable labels.</li> <li>2) Scan and catalogue UPCs of program materials. Constructing a database of program products or utilizing commercially available databases, such as Smarter Sorting, could allow depots and the public to rapidly identify program products. PCA is uniquely situated to encourage its stewards to register their current and historic program products for the same purpose.</li> </ol>	<p>The Paint and HHW collection site guidelines were updated February 2021 and are available on our website <a href="#">Resources &amp; Documents – Product Care Recycling</a>. They are thorough, providing detailed lists and images of accepted and not accepted products. Copies are distributed to all collection sites. The Program will continue to seek ways to provide further clarity on Program/Non-program Products.</p>
4.13	Local Government	<p>The list of non-program paint-related products contains several common consumer products for which the RDN regularly receives disposal inquiries. Specifically, 2-component paints, non-aerosol automotive and craft paints, fiberglass, fillers &amp; resins, caulking compounds, and paste adhesives. The RDN assumes that these items are not collected for two reasons: they are low-volume items and they are difficult, costly, and/or dangerous to process. If the latter is true, including these items as program products would encourage their proper disposal. If cost is the limiting factor in their inclusion, we recommend levying handling fees appropriate to cover the cost of disposal and make consumers aware of the environmental costs of their purchases.</p>	<p>While some of the products noted are considered paints and coatings, they do not fit under the definition of architectural coatings as defined under the Recycling Regulations. Other products noted are not paints or coatings. 2 component paints are typically formulated for industrial use.</p>

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
4.14	Local Government	<p>We believe that all consumer-grade, non-domestic pesticides should be included in the program forthwith. These products have the potential to cause inordinate disruptions to biological life. It is incumbent on the producers and consumers of these products to ensure they are managed to minimize biological harm.</p> <p>Lastly, we recommend PCA consider the inclusion of high-volume, low toxicity products into the program, specifically fertilizers and non-regulated liquids (cleaners and polishes).</p>	See response to questions 4.8 and 4.11.
4.15	Local Government	<p>The RDN finds PCA's argument to exclude gasoline containers from the empty container category both faulty and presented in bad faith. The consultation document states: "Containers used for transporting and storing gasoline are sold as an empty container and can be used for various purposes aside from holding gasoline." While that statement is not untrue, it fails to acknowledge that these containers are manufactured to required specifications, colour-coded for their distinct fuel type, and marketed and sold as "Gas Can". It is the case that approved gas containers are the only appropriate container for a bulk liquid product that isn't a motor vehicle gas tank. Excluding these based on potential misuse is irresponsible. It is disingenuous to suggest that these items should be managed through other EPR programs. Residual liquid and vaporous gasoline present real hazards. Each gasoline container should be managed as though these risks are present by the most capable organization.</p> <p>Lastly, Schedule 2, Section 4 – Gasoline product category of the Recycling Regulation clearly states that empty ULC-approved gasoline containers are included in the gasoline product category. It states:</p> <p>"The gasoline product category consists of gasoline sold for use in spark ignition engines and returned in an approved Underwriters Laboratories of Canada container, and includes empty containers for this gasoline." Until PCA can provide evidence that empty gas cans should be excluded because of</p>	See response to questions 4.4, 4.6 and 4.8.

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
		<p>their prior misuse, we recommend including gas cans under the empty containers category.</p> <p>The RDN believes PCA's programs are well suited to manage a wide variety of empty program and non-program containers that could be hazardous/dangerous if included in other programs such as paper and product packaging (PPP). The RDN suggests that PCA and its stewards engage in a discussion with Recycle BC and the province to better define which program will assume responsibility for this class of packaging.</p>	
4.16	Local Government	There are many survey companies that use tree marking paint and we do get quite a few empty cans into the program. It would be nice to see it added to acceptable materials.	Tree-marking spray paints have been historically and will continue to be included as an accepted product under the Program.
4.17	Local Government	The challenge around gasoline is that many residents do not bring it in using approved containers and the site attendant is unable to decant on site. The CSRD may be able to collect more if the rebate was more than \$10.00 for a new gasoline container or the collection method was changed.	See response to question 4.3.
4.18	Local Government	The Resort Municipality of Whistler recognizes the challenges the Programs face in transporting non-program products. However, because our Transfer Station accepts both Paint and HHW products, we regularly experience non-program products orphaned at our site. Residents assume that we can recycle them through the EPR programs. This leaves the burden of identifying, testing, handling, and disposing of those products on the collection site. Site staff are not trained to handle these potentially hazardous materials, and it puts a significant procedural and financial burden on the site to handle this material, which was left because we are a Paint & HHW site. it would be beneficial to all collection sites and ease the above	See response to questions 4.8 and 4.12

Section 4: Products Covered Under the Extended Producer Responsibility Plan			
#	Sector	Question/Comment	Response
		<p>mentioned burden if the Programs would extend the list of Accepted Products to be more inclusive of the materials collection sites see abandoned and therefore have to manage. Examples of these materials include bear spray and pressurized propane cylinders. Product Care Association has significantly more experience and knowledge of the rules and regulations around transporting this material. In contrast, site managers and staff do not have this level of expertise, so when these products are found on-site (usually dumped when the attendants aren't looking), it can cause confusion, stress and anxiety about what to do.</p> <p>Empty HHW containers seem to be absent from the Plan, and should be included as these packaging products often end up in the PPP collection streams. It should be clarified to the EPR programs and residents, which EPR program is responsible for these containers, and how to best manage them. Product Care should coordinate with RecycleBC and BCUOMA to collect these residential HHW containers and include all ICI HHW containers.</p>	

Section 5: Stakeholder Consultations			
#	Sector	Question/Comment	Response
5.1	Service Provider	What does the consultation process entail and how will you collect and use input?	<p><b>Process:</b> Product Care conducts its consultations in accordance with Ministry guidelines and well-established industry practice. Ministry consultation requirements require minimum 45-day consultation period. A copy of proposed amendments to the program plan is circulated with the notice of consultation at the start of the consultation period. We deliberately hold the webinar sessions at least two weeks after notice is issued to afford stakeholders sufficient time to review the proposed amendments, and then provide a minimum of two weeks following the webinars to afford sufficient time to prepare any written comments. The webinars are only part of the consultation process to afford additional opportunities for discussion and input.</p> <p><b>Scope</b> Per the 5-year review requirement in the Regulation, the focus of the consultation is on proposed amendments to the Program Plan of a well-established and successful program and not a new program. With regard to the Program Plan consultations, stakeholder feedback is collected verbally during webinars and through written comments up to June 6, 2022. Ministry guidance requires preparation of a consultation summary document, providing stakeholder feedback and Product Care’s responses, and any associated plan amendments, which is appended to the Program Plan for submission to the Ministry and posted to our website.</p>
5.2	Local Government (1) / NGO (1)	Product Care should ensure the general public is participating in the stakeholder consultation, as well as provide details on how they will target and include both residential users, small businesses and large volume generators in the consultation process. An effort should be made to meet the people where they use the products, not just at the collection sites, since limiting consultation to the collection site, they are only capturing people who already know of, and use, the program. The current engagement process does not capture populations that are underserved by the program, nor does it	The consultation is not limited to any particular stakeholder group and is open to all stakeholders. Notice of consultations was posted on the Programs’ website and distributed through various channels such as RCBC.

Section 5: Stakeholder Consultations			
#	Sector	Question/Comment	Response
		engage with those that do not speak English or are under-accessed, resulting in Product Care missing the opportunity to receive a true picture of the program's success.	
5.3	Service Provider	<p>During our meeting to discuss the Paint and HHW program it became clear that Product Care's primary focus was to "consult" with Depots, and to wholly complete this consultation in advance of the Ministry of Environment and Climate Change Strategy's (Ministry) imposed June 6 deadline. As indicated in our email preceding the meeting, the BCBRDA's intention was to discuss our concern that Product Care's consultation processes are tantamount to "checking boxes" rather than genuinely working to understand Depots' concerns. Even so, we would argue that Product Care isn't checking all of the required boxes.</p> <p>To help put our concerns into perspective, Product Care has several obligations under the Recycling Regulation, which include:</p> <ul style="list-style-type: none"> <li>-Producers paying their full cost.</li> <li>-An accessible dispute resolution procedure to enable and govern a process for disputes between a producer and person providing services.</li> <li>-Satisfactory consultation with stakeholders, where the Ministry of Environment and Climate Change Strategy's (the Ministry) guidance notes the following requirements:               <ul style="list-style-type: none"> <li>-Stakeholder involvement begins at the design of the consultation plan.</li> <li>-Stakeholders have the opportunity to review the dispute resolution procedure during the plan development process.</li> <li>-Stakeholders can determine the implications to their interests by reading the wording in a document that is the subject of the consultation.</li> <li>-Stakeholders receive transparent and detailed information, including the methodology used to determine costs.</li> </ul> </li> </ul>	<p>With respect to Producers paying the cost and dispute resolution, Product Care conducted consultations in accordance of the Producer Paying the Cost of Managing Obligated Materials and Dispute Resolution Guidance on November 4 and 12 2019 and submitted the details of the consultation process and consultation summary, on December 23, 2019 to BCMoECCS., per the requirements of the guidance document.</p>

Section 5: Stakeholder Consultations			
#	Sector	Question/Comment	Response
5.4	Service Provider	<p>In our conversation about Product Care’s Paint and HHW EPR Plan, we were disappointed to learn that Product Care:</p> <ul style="list-style-type: none"> <li>-is simply sharing its intentions and asking for any input on those intentions;</li> <li>-has determined it is appropriate to decouple the consultation process from its requirement to demonstrate that producers are paying their full cost; and</li> <li>-seems to have conflated hiring a third-party firm to do a cost study with ensuring it has a valid cost analysis methodology (i.e., a methodology that effectively collects and confirms the necessary, accurate information from a representative sample of service providers).</li> </ul> <p>If we had been invited to provide input during the design of the consultation plan, as per the regulation, we would have told you to please:</p> <ol style="list-style-type: none"> <li>1.Ensure you consult with stakeholders on a valid cost analysis methodology that supports producers paying their full cost over the life of the plan, including a fair rate of return to Depots for their services.</li> <li>2.Recognize that one of Depots’ necessary interests is a fair rate of return for our services and, as a result, the consultation process should be interwoven with, and not decoupled from, producers’ obligation to pay their full cost.</li> <li>3.Ensure Depots have the opportunity to review Product Care’s dispute resolution procedure to ensure Depots have access to a fair procedure –one that reflects the principles of natural justice, including Depots’ ability to collectively dispute the fees they receive for providing services if those fees do not provide a fair rate of return.</li> </ol>	<p>The consultation process for program plan reviews is well established and is open, fair, and transparent. A draft plan is publicly circulated, stakeholders are provided a minimum of 45 days to provide feedback including several face-to-face webinar consultations. As part of the program plan consultations, the Program held a dedicated consultation with this stakeholder group. See response to question 5.3.</p> <p>This stakeholder group was invited to participate in the cost model study but chose not to participate in the study. However, some members of this stakeholder group did submit written feedback, following the consultations, which were incorporated into the cost model, prior to the study being finalized.</p>

Section 5: Stakeholder Consultations			
#	Sector	Question/Comment	Response
5.5	Service Provider	<p>To be fair, we did explicitly reference Product Care’s minimum obligations in our March 11, 2022 letter regarding the LightRecycle program, and they do not differ for any of BC’s EPR programs. We were also clear that Product Care’s 2019 BC Collection Site Costing study is deeply flawed and in no way reflects a representative, fair, and accurate view of costs. Among the methodology challenges, the study only included five onsite visits and five interviews to reflect “fair” compensation for 196 “paid collection points”. Of the five site visits, only three were Depots and the study included no forecasting into 2022 or beyond.</p> <p>To help further illuminate the insufficiency of the 2019 study (i.e., the study itself and/or how it was applied), Product Care determined it had no reason to increase the universal rate fees (i.e., one size fits all Depots) that it set for paint, as an example, over 20 years. A basic test of reasonability would easily conclude that no household or business can survive in 2022 on a 1996 income without being subsidized. For a Depot, just inflation and labour increases alone would bankrupt it – not to mention insurance. In Depots’ case, the subsidization comes from other PROs using our services; a fact that contravenes producers paying their full cost.</p> <p>Getting back to Product Care’s minimum obligations, it is the spirit and intent of the law that must be met. Product Care is a government-endorsed monopoly with the power to price set compensation for its service providers. Meaningful consultation, where Product Care clearly demonstrates that it is not only inviting feedback but making changes to its program to accommodate the feedback, is required to keep monopolistic behaviours in check and ensure fairness in the marketplace. Depots sincerely want to be part of Product Care’s solution to provide access points for materials collection, but it is currently unsustainable for Depots and unfair to Depots’ other clients (i.e., they are subsidizing Product Care’s system).</p>	<p>See response in section 5.4.</p> <p>The cost modelling was developed independently of Product Care by third party subject matter experts – BDO Canada LLP. The cost model developed by BDO Canada included various parameters, considerations, costs inputs, market research and stress-testing (factoring inflationary costs).</p>

Section 5: Stakeholder Consultations			
#	Sector	Question/Comment	Response
5.6	Service Provider	<p>At this stage, the BCBRDA simply cannot support Product Care’s consultation process for either LightRecycle or Paint and HHW. Based on our explanations above, we do not believe Product Care’s approach is meaningful nor in compliance with your regulatory obligations.</p> <p>This is also an appropriate time to broach two related requests. The BCBRDA requests that Product Care:</p> <ol style="list-style-type: none"> <li>1. Work with us on a transition plan to allow Depots to stop collecting Product Care materials without penalty.</li> </ol> <p>Product Care has often suggested that Depots must be receiving fair compensation if they continue to collect materials. The reality is that the cost of illegal dumping is often even greater than Product Care’s underpayment for collection services. There must be a transition plan in place that allows any Depot with a service agreement to stop collecting Product Care materials without being bled out by the costs of illegal dumping of Product Care’s materials after the contract is over.</p> <ol style="list-style-type: none"> <li>2. Consider the merits of a Ministry-led, PRO-funded project to develop a universal framework for cost analyses and join us in making this request of the Ministry.</li> </ol> <p>There is a consistent need across PROs for a clear, transparent approach to cost analyses. It would be beneficial to all concerned – PROs and Depots alike –to benefit from one validated and agreed upon methodology.</p> <p>Despite our frustrations and concerns, the BCBRDA is happy to work with Product Care on an open, transparent, and fair consultation process for LightRecycle and Paint and HHW and to find agreeable solutions to serving Product Care. If your primary concern is the Ministry’s June 6 deadline and you are genuinely willing discuss and amend the consultation process, then we would be happy to reach out to the Ministry to also request some additional time to make this happen.</p>	See response in section 5.4.

Section 6: Collection System and Consumer Accessibility			
#	Sector	Question/Comment	Response
6.1	Local Government	Many Large Volume Generators, even in urban areas, have a difficult time using the program due to drop off limits and the limited number of commercial drop off depots. What is being done to increase this aspect of accessibility? Are you making it easier to register in the LVG program, or increasing communications around the program?	<p>The volume limits for collection sites are voluntary limits to ensure that the collection site does not exceed its' capacity and not get overwhelmed, so program products can be dropped off by other residents. For users with larger volumes, the Program encourages users to call the collection site in advance to ensure they have the capacity to handle the volume or arrange for an appointment to drop of the load.</p> <p>Product Care is actively working to expand the LVG program and inform commercial users of our program. We are currently working with some of our members to reach out to their customers (trade painters) through advertising and commercial events to spread the awareness of the LVG program and promote registration. The registration process for LVG is a simple process of completing a simple form.</p>
6.2	Local Government	Can PCA develop support for HHW collection sites on what to do with non-program products (or orphan products)? The transportation and handling regulations are complicated to navigate on a one-off (for site managers), and sites end up getting these products dropped off because they are a registered PCA HHW collection site.	Product Care will work with collections site to minimize this material and help collection sites source options for the management of non-program materials.
6.3	NGO	Some retailers who are voluntarily accepting return of products covered by Product Care's plan report difficulties in terms of dropping off or disposing of those materials. This leads us to ask whether there are plans to increase collection points (non-retail) and whether there is the possibility to change drop off limits so that retailers who are voluntarily accepting are able to more easily dispose of the products to authorized Product Care sites.	The Program is constantly looking to establish new sites both a non-retail and retail in a province, to provide additional accessibility. If retail sites are experiencing issues, we encourage them to contact Product Care so we can discuss and work to find a solution.
6.4	Local Government	Do you know what the ratio is for plastic to metal paint containers for your producers, has there been a big shift from metal to plastic over the past few years? Do you have a different fee for the	Plastic containers are certainly something that the industry is trending towards however we have communicated with our members to highlight the recyclability of metal cans versus plastic cans. The Program does not have the ratio of metal to

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		containers? Is the plastic container fee higher than metal or the same?"	<p>plastic paint containers. However, as it has been a slow shift over to plastic cans, we are still seeing a lot of metal cans returned.</p> <p>The Program has looked into differential fees for the recyclability of containers; and we have determined that that portion is a small percentage of the cost relative to managing the residuals and the transportation, collection etc. It would also be quite difficult to implement as the product is identified by its content, not the container type. We believe this would cause a lot of confusion amongst producers and consumers alike and add significant complexity and challenge through the supply chain.</p>
6.5	Local Government	The accessibility % reported seemed very high to me, can you explain how it is calculated? I.E. is it based on the whole BC population, or just a sub-section of the population?	The accessibility percentage is based on the whole population of British Columbia, using the SABC framework. The SABC definition classifies urban and rural communities as types of populated places: urban communities are defined as cities, district municipalities and towns within Metro Vancouver and Capital Regional Districts with a population of 4,000 or more and cities and district municipalities with a population of 30,000 or more in the remainder of the province. Rural communities are defined as cities, towns, resort municipalities and district municipalities with a population of between 4,000 and 29,999 outside the Metro Vancouver and Capital Regional Districts. The remaining population contains communities with populations under 4,000 persons. Accessibility was assessed in these three levels of population and the total population of British Columbia. Using this criteria, Product Care defines reasonable access as a 20-minute drive to a collection site in urban areas, and a 35-minute drive to a collection site in non-urban areas with a population greater than 4,000. This represents the minimum accessibility threshold for the Program. The Program also provides permanent collection services in many communities with populations less than 4,000, as well as collection services to other rural, remote areas and indigenous communities of the province.
6.6	Service Provider	What it takes to handle your products [as a depot] - including your expectations for this?	The Program is not planning any changes to current handling practices Product Care is working with the Ministry to reduce requirements for handling HHW, which will make it easier for more sites to collect that product. Handling of program products represents a small fraction of the space and labour requirements of running a depot. Costing study evaluated this through time motion study.

Section 6: Collection System and Consumer Accessibility			
#	Sector	Question/Comment	Response
6.7	Local Government	The program should be commended for operating a long-standing, stable network for the collection of paint and household hazardous waste (HHW).	Thank you.
6.8	Local Government	As we have observed over the last few years, natural disasters have the potential to impact and disrupt collection, transportation, processing and access to markets. Unplanned events resulting in system interruptions can result in public expectation that local governments step in temporarily to fill service gaps, unless agencies such as Product Care have contingency plans in place. What business continuity plans has Product Care prepared for such events? What disaster response plans has Product Care implemented? Will these items be included in future EPR Plan consultations?	Contingency planning is a fundamental aspect of any business planning. Product Care is working in conjunction with the Stewardship Agencies of BC to develop an emergency response strategy to provide timely response in the event of future emergencies and natural disasters. Product Care also provides contingency arrangements for our operations
6.9	Local Government	6.1 Collection System (Page 9): "Product Care is continuously looking at ways to expand and increase the resiliency of the collection network, as well as increase the program's service levels." Please provide further details on what Product Care intends with the term 'resiliency' and how it applies to the collection network.	Product Care is continuously reviewing the collection network and identifying service gaps. The intent is to recruit a collection site to fill the gap and/or participate in municipal collection events but also look at areas where there is only a single collection site to see if additional service can be added to provide stability in the event there are any changes to existing collection site.
6.10	Local Government	6.2 Consumer Accessibility (Page 10): "To provide some perspective on what constitutes reasonable access SABC retained the services of RCBC to conduct a review of local government service standards for solid waste and recycling services and other public services in the province to determine if accessibility criteria exist for comparable services that could be used as a basis for an accessibility standard for EPR collections. The study concluded that "there is no standard when provide access to public services. Local agencies are most likely to rely on key considerations when determining access and types of facilities. Key considerations can include environmental, social, cultural, technical and/or legal requirements. Often the delivery of public services is balanced with other financial and social requirement by local governments." Since there is limited utility in comparing the provision of public services, like community centres, and EPR collection depots, and since the program plan concludes there is an "absence of comparable standards", we suggest this	Section 6.2 of the program plan has been amended.

Section 6: Collection System and Consumer Accessibility			
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		whole section be removed and replaced with a simple statement. A statement which concludes that public services and EPR program collection locations do not share accessibility criteria is all that is needed.	
6.11	Local Government	6.2 Consumer Accessibility (Page 10): “The Stewardship Agencies of BC conducted consultation with local governments on the appropriate criteria to use to determine accessibility. There was no consensus on whether to apply a time-base or distanced-based measure.” Urge some caution referencing the SABC consultation on accessibility, as many local governments flatly rejected the conclusions in the SABC paper. That said, agree with the statement that there is no consensus on whether a time-based or distance-based measure is preferable.	
6.12	Local Government	Product Care needs to account for the full costs of collecting their materials in their plan and not pass the costs and responsibility further on to consumers, local governments and the environment. Because this program is subject to additional provincial and local regulatory requirements, which make it more difficult to establish collection sites, Product Care should be taking additional measures to ensure its products are collected at the end of life. In addition to drop off sites, active collection services should be an integral component to this stewardship plan. Stewardship organizations have much opportunity to work together in this area to make recycling and responsible disposal more accessible and intuitive for consumers. For instance, periodic collections directly to residents or community collection events for paint and other hazardous products should be considered. An industry funded version of Toronto’s Toxic Taxi collection services could be a potential template.	The Program does fund the collection and management of Program Products. While the Program primarily relies on collection sites, the Program also utilizes LVG pickups and collection events to augment the collection network. The Program also works with other stewardship programs to collaborate on collection events, and collocate collection sites, whenever possible.
6.13	Local Government	It is understood that Product Care collaborates for events with local governments and takes responsibility for the transportation and recycling of collected products. However, stewards should be spearheading these initiatives and fully funding the entire process	Product Care generally participates in events organized by local governments. In general, our priority is to add permanent collection sites, however where that is not available, collection events organized by the EPR program(s) are an option to be considered.

Section 6: Collection System and Consumer Accessibility			
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		and in collaboration with other stewards from the eco fees they collect from consumers, not offloading additional costs and responsibilities on to residents and local governments.	
6.14	Local Government	Most communities have access to curbside garbage collection which is a very accessible disposal option. It should not be substantially more difficult to access recycling through a stewardship program than it is to dispose of curbside garbage. With current limitations to accessibility, consumers may be more inclined to take the easier option and place their stewardship material in the garbage, which has concerning consequences. In the cases with paint and other HHW materials, there are obvious potential toxic exposures to workers, residents and the environment. Ultimately if materials are inconvenient to dispose they will end up at solid waste management facilities in a black plastic garbage bag and staff is literally left holding the bag.	The collection and management of Paint and HHW cannot be compared to curbside garbage for several reasons including but not limited to that fact the paint and HHW requires special handling from both a regulatory and a health and safety perspective.
6.15	Local Government	“Reasonable access is defined as a 20-minute drive to a collection site in urban areas, and a 35- minute drive to a collection site in non-urban areas with a population greater than 4,000.” These drive times are an increase from the previous plans 30 and 45 minutes for urban and non-urban areas respectively. Will this increase in reasonable access impact the 95% accessibility target? If so, what is the timeline Product Care will follow to ensure the 95% accessibility target is met?	The Program expects that this change will provide increased accessibility. However, the Program has not had the opportunity to conduct an accessibility study with the new parameters. Should the change result in additional gaps in service, the Program will work to establish collection sites or service to those communities in order to meet or exceed the accessibility target.
6.16	NGO	Product Care has many depots for paint but not as many for HHW and far, far fewer for reuse. The program does not own or manage depots of its own but should create them for communities where no other options exist and a suitable timeframe put in the plan for when these gaps will be eliminated. This is a long-standing program that has had ample time to address weakness in the collection system. The target should be for 100% of depots to offer reuse options.	Due to the hazardous content of HHW, low volume of HHW products and the various additional regulatory requirements establishing collection sites is more complex and difficult compared to other stewarded products. The Program continues to see opportunities to provide additional accessibility.
6.17	NGO	Collaboration on a collection event should be seen as a method of raising awareness of the program but not as a meaningful method of collection for ongoing service to a community. All costs associated	See response to question 6.12.

Section 6: Collection System and Consumer Accessibility			
#	Sector	Question/Comment	Response
		with the event for Paint and HHW should be paid by the program. Collaboration between programs and setting up of events could be coordinated through SABC.	
6.18	NGO	The program should engage with potential large volume generators and existing large volume generators to enhance the services and make it easier for correct disposal.	Product Care does engage with commercial users through industry publications and events. Attending events provides the opportunity to communicate face-to-face and raise awareness of the LVG program.
6.19	NGO	The SABC standard has not been developed in consultation with local governments nor the public, nor does it meet the intent of the Recycling Regulation and so should not be used as a measure of accessibility. We do not agree with the Product Care criteria for reasonable access. Instead, programs should provide service in all municipalities and if no service provider can be contracted, the program itself should set up the collection depot. The program should work with the BC Product Stewardship Council and the Indigenous Zero Waste Technical Advisory Group to determine the underserved communities. The target for coverage should be that 100% of the total population has access to either a collection depot, pick up option or a mail-back system (free of charge to the end user). In addition to this, a survey of commercial users should be done to understand where gaps in services may be (and this survey could also assess awareness among this important stakeholder group). The RCBC survey of local government services quoted in the plan is irrelevant as the requirements of local governments are not the same as producers who are required under the Recycling Regulation to provide services across the province based on product type.	SABC did consult on the standard, with local government, through the BC Product Stewardship Council. The Regulation requires reasonable access to collection sites or services. Paint or HHW is not sold in every community. Consumers in certain areas or communities can only purchase the products at nearby larger communities. It is not practical or financially viable to establish collection sites in communities that generate very small quantities of program products. It is important to note this standard is the minimum standard and the program goes beyond that standard with 46 communities under 4000 with reasonable access to a collection site. See page 10 of Program Plan.
6.20	NGO	In addition to having listed sites, the program should use a secret shopper service to see if the listed sites are actually accepting the materials. Users have had experiences where staff at listed sites have said they do not accept the materials, showing the need for better coordination and possibly staff training, particularly for the retail locations. Customer experience should also be evaluated.	Higher staff turnover at collections (retail and non-retail) does make it challenging to ensure proper communications is provided by collection staff. The Program will continue to explore ways to improve customer experience at the collection sites.

Section 6: Collection System and Consumer Accessibility			
#	Sector	Question/Comment	Response
6.21	NGO	One way to measure success would be to count containers sold and containers returned. By asking end users to return the containers (including empty ones), the program would have a sense of how much product is unused. This could be complemented by surveys of product purchasers to understand how much of the product they used and how they disposed of the residual (if any). The program should set a goal of 100% collection of residuals and containers and work towards it.	The Program employs two metrics for measuring collected volumes of Program Product. Residual Recovery Volume (RRV) measures the amount of product collected as a function of the amount of product sold in the same year. The container capacity volume (CCV) measures the volumetric capacity of the containers that are received in tubskids or drums returned through the Program. The Program reports annually on the total CCV by product category at both the provincial and regional district level, the ratio of CCV to total paint sold, total RRV collected, and an annual recovery rate based on RRV.
6.22	NGO	The use of waste composition audits is good but if PCA is unable to calculate the collection rate then PCA should be required to calculate its effectiveness using waste composition studies done annually across BC. The results should be published on the PCA website, and all of the details of the studies should be included in the annual report to the BC Government and made public. This data should be used to understand the degree of success of collection given the challenges noted in the plan. To achieve this, PCA should work with other producers to take a comprehensive and methodical approach to identifying when and where waste composition audits are being conducted. It is currently up to the local governments to reach out to SABC to see if there is interest to participate in a waste composition and it is not guaranteed that they will work with the local government. As waste composition data provides a rich source of insight into whether a program product is/or isn't ending up in a landfill or transfer station in an area, there should be more effort on behalf of the EPR programs to be involved in waste composition studies and to provide financial assistance to those areas where they aren't conducted. Given the challenges organizing waste audits, the lack of data for many parts of the province and the different methodology noted in the plan, a better system may be for the province to coordinate a rotating series of comprehensive, method-standardized waste composition audits that are funded by EPR programs collectively with some local government funding as well. Many of these products are liquid and could also be getting put into the liquid waste systems. PCA should work to develop testing	In addition to the work that SABC does, the Program does reach out to local government to see if they plan waste audits for the following year. The Program participates in waste composition audits undertaken by local governments in collaboration with other stewardship organizations. The methodology of waste audits is standardized and determined by local governments. The Program reports out on the number and location of waste composition audits conducted annually and the amount of Program Products identified, as applicable. These reports are published to our website and are available to the public. It is not practical to develop a testing method for evaluating the degree of materials that are put down the drain as obligated products contain many chemical constituents that all also in many other products.

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		systems and a protocol for evaluating the degree to which materials are put down the drain.	
6.23	NGO	Another measure that may be useful is the convenience of accessing depots. The 2018 BC survey noted that 45% of residents found recycling paint products very convenient and another 35% found it somewhat convenient. This was 35% and 40% respectively for solvents, flammable liquids, gasoline and pesticides. A target to raise this number as well as an annual survey to measure it would be useful. The survey also noted that up to 13% of respondents may throw paint in the garbage; and 12% for solvents, flammable liquids, gasoline and pesticides. When asked why these items may have been thrown in the garbage, 29% did not know the item was recyclable for paint (32% for HHW) , 31% did not know where to take it (27% HHW) and a significant 20% said there was nowhere to take it or no way to get it there (21% HHW). These results could be better for a program that has existed for so long. This shows some key areas that this program plan should address.	The Program believes that a 75%-80% somewhat or very convenient is a good result for a product for which there are generally long intervals between the times that a consumer uses the program. However, the Program will continue its efforts to improve consumer awareness and accessibility.
6.24	Local Government	There needs to be a push in the province for return to retail for these items. (Hardware stores, department stores etc.)	The Program continues to seek opportunities to grow return to retail collections for program products and remains as a focus in this program plan.

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#	Sector	Question/Comment	Response
6.25	Local Government	The Plan acknowledges that residents hold on to the material, often due to a lack of awareness or convenience in disposal options. Hosting collection events tackles both of these concerns simultaneously, without adding additional burden to depot sites. Therefore, Product Care should initiate more collection events in communities across the Province to encourage residents to dispose of unwanted HHW and Paint. The time and effort required to set up, manage, promote and handle the collected products and containers should be handled by Product Care. Additionally, it would be beneficial if there was a cohesive approach by EPR programs toward collection events. SABC could play a role in organizing large collection events instead of having local governments organize multiple EPR Programs.	See response to question 6.12.  Collection sites provide more accessibilities to consumers than collection events. The Program will continue to seek to add more collections sites and augment the collection network with collection events as needed.
6.26	Local Government	The Plan should detail how it will add additional Large Volume Generators to the LVG program and facilitate their collection.	See response to question 6.1.
6.27	Local Government	The Plan should set goals for how many additional residential and business depots should be added over the duration of this Plan and detail how those additional depots will increase accessibility for residents and businesses currently underserved. The stated accessibility percentage seems high, and the RMOW would like to see how it was calculated.	Committing to increasing the number of collection sites does not necessarily correlate with increased accessibility. The Program commits to addressing service gaps based on the accessibility criteria. The accessibility study is conducted by a third-party consultant. The consultant used a list of PCA contracted collection sites (paint only and paint plus sites) and a provincial road network file for BC (from the Government of Canada), to create a network dataset that could be used to calculate the driving times from population points to depot locations. The consultant obtained a dissemination block (DB) digital boundary file and population data based on the 2016 Census. Each DB was classified as being urban, or rural or excluded (according to scenarios defined by SABC). The driving times were calculated using standard GIS processes.

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6.28	NGO	PCA has proposed changes to the criteria for consumer accessibility and additional reporting requirements for PCA's collection system, consumer accessibility, collections, and waste composition audit. The existing annual reports provide exceptional detail and transparently communicate the performance of the Program. No changes should be made to section 6.	Thank You.

Section 7: Consumer Awareness			
#	Sector	Question/Comment	Response
7.1	Local Government	Is there a metric to gauge outreach or participation with the non-English speaking community, or traditionally under-represented communities?	The Program can and does target communities through geography, language, and interest groups. However, our digital and TV advertising reach the entire province. The Program has historically done outreach to non-English speaking communities and will continue to consider such tactics.
7.2	Local Government	Page 13 of the Plan says "While Program Product is defined as consumable product, a significant percentage is held by consumers for long periods of time, and thus must be treated accordingly. Can you explain further about what you mean by "treated accordingly"? Is this because products are stored for long periods of time?	Paint and HHW products are different from other stewarded products such as beverage bottles, as they are often stored by the consumer for long periods of time. Therefore, our communication tactics need to ensure we reach the consumer at different stages of the products life cycle, i.e., from the point of sale to the point of return. The time between these could be 5-10 years so it's important for our awareness tactics are consistent, while using multiple platforms to reach the consumer. This is what we mean by "treated accordingly".
7.3	Local Government	Why doesn't PCA move away from relying only on RCBC data for consumer awareness as a main source of data? Many communities outside of Metro Van do not rely or promote RCBC hotline because they don't fully reflect their communities (aside from EPR programs), and are subscribed to programs such as Recollect and Recycle Coach to inform their residents (and not RCBC).	RCBC remains the go to, province wide, place that consumers go to seek information regarding solid waste and recycling information. The Program has reached out to Recollect and others to include information about the Program, however because they are contracted by local governments, they were not willing to engage with the Program. If local governments were to mandate these entities to work with the Program, we would be happy to provide information about the Program

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7.4	Local Government	Is there a plan for a public awareness survey independent of SABC? Suggest that Product Care undertake an independent awareness survey, as it is my understanding that some other stewards have found that the SABC survey results in falsely high awareness due to “survey fatigue” meaning respondents are tired of the survey and just start checking off “yes”.	<p>A bit of context, we used to conduct our own surveys in the past and the results we received are fairly comparable, within a modest range so we didn’t notice much difference but there are a lot of considerations here, we also received criticism for the fact that the survey wasn’t independent and the benefit of this approach is that the ministry has reviewed the questions and they are consistent across all stewardship programs so you are really able to compare apples to apples in that respect whereas independent surveys create variability in terms of questions asked and the approach taken by the survey, the sample size etc., there are lots of variability so its challenging.</p> <p>In terms of survey fatigue, having a separate survey does not address that issue because it means people are getting hit by multiple surveys and a lot of these survey companies.</p>
7.5	Local Government	Do your communications/awareness campaigns to residents include messaging to avoid disposing to sewer?	The annual reports that you can find on our website, highlights the communication efforts undertaken to raise awareness of our programs and proper disposal of program products. Our advertising campaigns ensure to highlight the importance of not disposing of program products down the drain or into the sewer and instead, to take them to a recycling location for safe and responsible management.
7.6	Local Government	7 Consumer Awareness (Page 13): “Understanding the different value propositions between short- and long-term consumable goods and consumer use is critical to the Program’s awareness strategy.” This needs further explanation. The different value propositions between short- and long-term goods are raised here, but then are not revisited in the program plan.	See response in section 7.2.
7.7	Local Government	7 Consumer Awareness (Page 13): “Product Care focuses on educating those responsible for purchasing and using Program Product about responsible management of residual, unwanted Program Product through the Program.” Specific details about the education efforts are not included in this section, but please confirm	See section response to 7.5.

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		that Product Care encourages consumers to divert program product from the garbage as well as from putting materials down the drain.	
7.8	Local Government	<p>This plan does not appear to have an adequate or measurable approach to consumer awareness for responsible end of life management for its products. The statement that “recycling for a Program Product is not top-of-mind for many consumers...and... awareness levels should be set accordingly and not compared to awareness levels for other programs” is very concerning considering the hazardous nature of the products involved. The public has potential to be even more concerned about the safe and responsible end of life management for hazardous products compared to other EPR programs. More awareness on responsible handling and management of the products this program manages is crucial!</p> <p>Product Care should be actively engaging consumers about responsible management of its members’ products at regular community events around the province. It should not be passively waiting for local government to initiate products that should be responsibly managed by industry. Also, more marketing through radio, television and newspaper should be considered. There is much opportunity for Product Care to work together with other related stewardship organizations such as BC Used Oil and the Health Product Stewardship Association to raise awareness about potentially hazardous household waste.</p>	<p>The referenced statement needs to take into consideration the full context in that section. It is intended to convey that Program products are typically used infrequently and therefore it is not top-of-mind for most consumers, making it challenging for awareness as compared to more commonly used products. The Program does include a broad and robust communications strategy that includes traditional media and digital media platforms that targets users at the various stages of the product lifecycle.</p>
7.9	Local Government	<p>It is very apparent at RDNO Diversion &amp; Disposal Facilities that Product Care has opportunities for increasing customer awareness for its products. For instance, empty residential paint containers are a common material observed that residents do not know there is a program for and as a result these items are frequently placed in the garbage.</p>	<p>Waste audits have shown that minimal paint containers are ending up at the landfills. However, the Program will continue to drive awareness of the Program.</p>

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7.10	Local Government	The Ministry of Environment and Climate Change Strategy discusses Plans demonstrating continuous improvement. The 70% awareness level has not changed from the last plan and in the 2020 Annual Report, awareness level was at 78% for both paint and HHW recycling. This must be increased from 70%, other plans even go so far as to include yearly increases in consumer awareness. Additionally, there is no wording that the plan will enforce strategies if the consumer awareness level falls below the target. What strategies will be put in place to address this?	The program plan has been amended to set a 75% minimum awareness target. The Program evaluates and adjusts its communication activities, strategies and tactics to optimize results on a regular basis, in order to achieve or exceed the target. The awareness levels are included in our annual reports, which are submitted to the BC Ministry of Environment and Climate Change.
7.11	NGO	It is good news that the 2020 annual report noted an increase since 2018 and there are definitely more communications methods and strategies in uses than previously but it is still very low for this program. In 2018, only 68% of BC residents were aware paint could be collected and even fewer (50%) knew that solvents, flammable liquids, gasoline and pesticides could be so it can be assumed that the collection rate is lower than that. It should be noted that the survey did not ask about the option for reuse (which should be reported on and have its own targets throughout the program plan). The goal should be to get 95% (not 70%) of the population aware of the program by 2024 (and later 100%) with work done to increase awareness of the full range of products. To do otherwise is to continue to externalize costs to the public and the environment.	The ability to improve public awareness of any EPR product is impacted by many factors. Paint/HHW products are purchased and disposed of relatively infrequently, by only a portion of residents, typically “do it yourself homeowners”, and are long lifespan, consumable products, often retained until the home is sold. Product Care uses a broad range of promotion and education tactics to improve awareness, including point of sale, social media, banners and video ads in blogs and news websites, traditional advertising, but also, due to these product characteristics, there is significant focus on “search engine optimization” (SEO) supported by search ads to provide information about the program at the time of an online search related to the end-of-life of these products.
7.12	NGO	Also note that many EPR programs do not have, or do not have easily accessible, materials in languages other than English that address different users of their program. Any residents who do not speak English are not able to easily participate in the programs. Based on the 2016 Census, 15% of BC Households speak a non-official language at home, so would need EPR materials and information to be translated into a different language to be aware of a program (let alone participate). This is especially important for the programs that need consumer/resident participation such as this one. The use of the biannual survey is a good start but more detailed analysis for certain products or audiences should be done	See response to questions 7.1, 7.8 and 7.10.

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		after new campaigns to determine if they were effective or if they should be adjusted, particularly if the program plan is to “go a mile deep, not an inch wide”. It should also be done annually. This should include for materials in other languages to see if they reached the targeted audience and were effective as well as materials for the commercial sector.	
7.13	NGO	Programs should adequately fund RCBC’s hotline and app with additional funds to help streamline and correct information. No strings should be attached to this funding with regards to RCBC’s other activities to work towards zero waste, which should be supported.	The Program is a member of RCBC and sponsor RCBC. The Program does fund RCBC’s hotline and app based on RCBC’s service proposal. The Program has worked steadily with RCBC Hotline service since the beginning.
7.14	Local Government	<p>The nature and variety of HHW products necessarily requires complex management solutions, the success of which are dependent on the quality program communication and education. We suggest that PCA augment its resources in the following ways:</p> <ul style="list-style-type: none"> <li>• create and provide comprehensive guidance documents for all parties (collectors, consumers, retailers, local governments, etc.) detailing the who, what, where, how much, and why of the program and promoting the BUD rule;</li> <li>• work with major product producers to place a prominent PCA logo and either instructions for disposal or links to information on disposal on all program products;</li> <li>• the large volume generators messaging program should be better advertised and allow for online registration;</li> </ul> <p>The RDN regularly receives complaints about program materials being refused at collection facilities. RDN staff is aware that workers at certain facilities do not receive sufficient training and resources to make confident and safe decisions when sorting and handling program and non-program material. The RDN recommends creating training and testing modules for collection facility workers. Training should be interactive or hands-on and consider varying levels of knowledge and literacy.</p>	<p>The Program does make available on its website guidance documents and information for the various stakeholders including but not limited to collection sites, consumers, retailers, industry members etc. Please contact us and let us know if there is a specific piece of information that is missing.</p> <p>The Program is a strong believer of the BUD rule and promotes it using various channels including on point of sales information.</p> <p>Regarding labelling see response to question 7.19.</p> <p>The Program will take the recommendation of online registration under consideration.</p>

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7.15	Local Government	More policies are required to improve working relationships between the Stewardship Agencies of BC. Back in 2017 there were summer students who travelled the province promoting all programs in BC. This program has many benefits and needs to be reinstated. Also more partnerships around education need to be formed between all Stewardship Agencies. A repository of educational resources, social media posts, ads etc. need to be developed and made available to all collectors, municipalities and local governments with a common look, feel and messaging. Currently the stewardship agencies work in silos and more collaboration is necessary to advance EPR programs.	The program is working through SABC to collaborate with local governments on synergistic communication opportunities and to amplify communication efforts. While the Program did participate in ambassador programs in the past, our assessment was that the program was not effective for us given the limited opportunity for engagement and the limited size of the audience.
7.16	Local Government	In all of the renewal of stewardship agencies plans a commitment to begin to transition to stewardship operated depots needs to be considered. This would not necessarily end the dependence on the collector network, but in communities with a large enough population depots could be set up and collect all EPR items, training would exceed industry standards and BC would be a model for other jurisdictions.	A stand-alone collection site just for program products is not feasible due to the low volume of program products. We are not aware of “dedicated EPR depots” in any other jurisdictions. Synergizing program product collection with existing facilities provides benefits in terms of consumer convenience and cost. The Program seeks opportunities to work with other programs to co-located collection sites. The Program continues to make significant progress in adding “return to retail” sites, however for certain HHW products this option is very limited by hazardous waste regulations
7.17	Local Government	Awareness surveys should be available in languages other than English to ensure proper representation of different communities in BC. Attention should be paid to underrepresented communities in urban and suburban areas and remote and hard-to-reach regions. Goals should be set and identified in the Plan for overall awareness and utilization of the Program, as well as awareness in minority and underrepresented communities	The awareness study was developed in conjunction with BCMOECCS and based on best practices.
7.18	Local Government	Improved awareness of the Program in the commercial sector is required. The Plan should set commercial awareness and subscription targets in the large volume generator program. This burden often falls to the Site operators or municipal staff to educate large volume producers about the Paint Large Volume Generator program.	The measurement of awareness levels within the commercial sector is very challenging. The response rate for commercial sectors is low as there is no incentive to complete surveys and finding the appropriate person within a company and organization to respond to the survey is difficult. Survey companies do not have a sampling pool for commercial users, nor do they have an ability to determine statistical reliability as they do not have the population of commercial users, unlike census data for population. From our experience, the most efficient way to communicate with these users is through industry events. Product Care

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			also advertises annually in industry publications to ensure commercial users are aware of the products accepted by the program, including our direct pick-up service through the LVG program.
7.19	Local Government	The touchpoints identified in the plan need to be more aggressively pursued, including at the Point of Sale. An example of this would be putting the Product Care or other disposal information on the label or packaging of the product to ensure the consumer holding the material at the end of life is aware of how to dispose of the product properly.	Paint and HHW products are manufactured on a national or North American basis. Having specific labelling for just one province is problematic. In addition, there is limited space on the labelling due to the small size of some containers and other regulatory labelling requirements.
7.20	Local Government	<p>The consumer awareness survey should be moved to an annual basis (instead of every two years). This will be significantly more informative and beneficial to Product Care's program development.</p> <p>The RMOW recommends that Product Care partner with similar-product programs (ex. BCUOMA) to have an ambassador program where they visit communities and participate in events or have a table at a Farmer's Market, providing an opportunity for the public to learn about the recycling opportunities within their community. Again, there could be cost savings if this was a program run by SABC, and paid into by all EPR programs.</p>	<p>The Program is a relatively mature program and we do not expect the awareness levels to fluctuate radically. Time is required to allow in-market activities and tactics to percolate and resonate with consumers and as such a 2-year cycle is appropriate</p> <p>See response to question 7.15.</p>
7.21	NGO	PCA has proposed changes to additional reporting requirements for the consumer-facing websites and hotlines. The changes promote effective communication and greater transparency. We support the changes as proposed to section 7.	Thank you.

Section 8: Management of Program Costs			
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8.1	Local Government	Is collection site compensation tied to CPI or inflation so they can properly compensate workers for the work associated with this EPR program?	The BDO costing study include a stress test and factored in inflation.
8.2	NGO	Product Care receives and spends very significant amounts of consumer eco-fees. Best corporate governance practice in terms of audit rotation is to rotate the auditor each seven years. Will PCA commit to following best practice for assurance of financial and non-financial reporting at the end?	Product Care will review this recommendation and the perceived advantages/disadvantages. Our third-party auditor observes any CPA requirements regarding internal rotation of assigned staff.
8.3	Local Government	Does product care have a requirement for retraining of staff at collection facilities? One of the issues we have with the collection sites in our region is residents being turned away and given the run around for items that should have been accepted in the first place	Product Care has developed a set of materials for collection sites to use for training staff on all our program products. These materials are free of charge and can be accessed through our website at any time. We also provide each collection site with guidelines and our field coordinators visit the collection sites on an annual basis. This gives the collection sites an opportunity to communicate with our staff in a face-to-face setting and share any questions or concerns with us. If the collection site is experiencing a high turnover of staff, it is important that the site operator is continuing to share the training resources with the staff when the turnover occurs. We encourage the collection sites to reach out to Product Care at any time if they have any questions or concerns.
8.4	Local Government	Most collection sites have monthly safety meetings, so it could be a good opportunity for Product Care to come up with short topic summaries as suggestions to include in those meetings, because that way it becomes part of their everyday discussions that are associated with safety and its stays fresh with people who are working there rather than a topic that is brought up when someone makes a mistake or something so its a good way to incorporate the program.	The Program will take the suggestion under advisement and reach out to some collection sites to see if the suggestion is of interest and viable.
8.5	Local Government	The Cost study that you did, I noticed upfront it was clear there wasn't great participation, I'm assuming unless you start to get a lot more feedback from your depots that they are not being fairly compensating that the report is going to stand or was there an intention to redo that on a stewardship plan basis?	The BDO study did conclude, with the exception of a few, that collection sites received positive gross margin contributions and robust margins. While there was limited collection site participation in the BDO cost model study, the model was developed based on best practices, incorporated various costs inputs and adjustments to costs inputs through consultation feedback. If the collection sites

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		<p>Its hard to get that sort of information from everyone because not everyone has that data readily available, their workers do a variety of work on site and it takes time to record the hours that are spent for each type of work they do so I understand how it costs them even more to gather the data that you need to know what the actual costs are so I'm not surprised that there was not great participation so I will be encouraging our depots in our region to put a little bit of time to that and provide you with that information. I think the biggest challenge is there is such a variety in HHW and consumers don't know what is included in the program and what is not included in the program and by far with this program the biggest challenge is staff time to determine what's in and what's out because we run a parallel HHW collection disposal that we pay for so trying to make sure that they are categorised properly and put in to either your program or what we pay for is where the bulk of the time and energy is taken because its not straight forward and that piece about the training is essential, we actually had the driver who does the pick ups for product care, he was the best information source for training our staff because its just hard to know.</p>	<p>are willing to update the cost inputs, and provide the consultant with that information, the model can be updated with the updated data input.</p>
8.6	Service Provider	<p>What work is Product Care undertaking to ensure that it is providing a fair business environment to Depots, including ensuring that producers are paying their full cost and, as part of this, providing us a fair return for our services.</p>	<p>The BDO costing study was developed by BDO Canada in accordance with commonly accepted management, accounting and economic practices and applied an "Activity Based Costing" approach. Data used in the study included data provided by actual collection sites, adjusted costs inputs based on consultation feedback from some bottle depots that did not originally participate in the study. The adjusted inputs included increasing space allocation and handling times as per the consultation feedback. The model included a stress-test accounting for annual inflation adjustments. The study concluded that the Program contributed positive gross margins for most sites.</p>
8.7	Service Provider	<p>What methodology do you intend to use to determine producers are paying their full cost, how you will collect and use input from Depots to determine and make good on this?</p>	<p>The costing model will continue to be used to verify that Product Care continues to pay the cost of collecting material, taking into consideration cost input data received from collection sites. We welcome data from collection sites to enhance the analysis.</p>

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8.8	Service Provider	During this study [BDO Cost study] how many collection sites participated and what was the breakdown with private operators to regional districts, or just all these.	Even though participation was open to all collection sites, only about half a dozen collection site participated in the BDO cost model study. The low participating was not limited to our Program. Other stewardship program had the similar experience with their cost modeling study.
8.9	Service Provider	If I'm just listening from the outside...you say, well, not for profits aren't supposed to make money in the regional districts are the municipalities. So how do we know this was a true costs study in regards to is it covering the cost is it just covering the cost of the employees, or is there a bump up in regards to a rate of return on that private operators at best?	The BDO cost model evaluated the ability of a recycling program to cover the program's direct costs as well as contribute in a reasonable manner to overhead expenses (including staffing, insurance, accounting, legal, utilities, etc.).
8.10	NGO	The program should plan to enhance its differential fee system based on certain criteria such as lifespan, use of easy to recycle materials, etc. to drive product design change as intended by the Canadian Council of Ministers of Environment. The concern that more categories of differential fees would cause consumer confusion is a result of the program's choice to have visible fees. Differential fees should be part of the product cost and a drive for producers to make changes. There is no need for them to be visible to the consumer just as many other producer costs are not itemized on a receipt. The fees should also be set at a higher level to pay for the improvements needed in understanding collection rates, providing more comprehensive collection networks, enhancing awareness and fulfilling the mandate for redesign and reuse.	Product Care fee rates are based on product management lifecycles and management costs, not for consumer convenience. Different fee rates are developed for different technologies where relevant, e.g., lighting or alarms, or different container sizes, e.g., paint. The shift from fluorescent lighting to LED lighting is an example of positive consumer behaviour in terms of energy savings and environmental risk, however program budgeting is managed so that as much as possible the fees on a specific technology will cover the end of life management costs, despite declining sales. However for the product categories managed there is not always significant variation as the majority of expenses is constant across the products of that category (e.g. collection, transportation, handling and administrative costs), and differential fees are not as relevant for these program products.
8.11	NGO	We appreciate that PCA worked with BDO to determine depot costs but note that it is difficult to factor in the need to be open a suitable number of hours in order to be considered accessible by the end user. A retail store, for example, would not succeed if it were only open 3 hours a week, even if on average that was the sum of the time to service customers in an average week. The program-specific operating costs are one aspect to consider but there are also	See response to questions 8.1, 8.5 and 8.6.

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		<p>considerations around hours of operation. If PCA cannot find a partner willing to provide a service in a community, it should set up its own depot in that location and pay the costs that are required. Consideration for recent costs increases to depots for retaining staff and inflation should be factored in.</p>	
8.12	Local Government	<p>The RDN recommends PCA research on the hidden costs to jurisdictions and businesses to account for factors such as, but not limited to, illegal dumping, contamination due to insufficient training, and poor access to program educational resources.</p>	<p>Product Care does actively promote to build awareness of the collection system and minimize illegal dumping, which is often due more to anti-social behaviour and disregard than lack of awareness. Product Care also actively provides training and information to both product vendors and collection sites.</p>
8.13	Local Government	<p>The BDO Canada LLP report on Depot compensation does not include the economic impacts of both COVID-19, and the significant inflation and staffing challenges depots are facing in 2022. The report should be updated or reconsidered with the acknowledgment that the financial situation of many depots is significantly different from what was projected in 2019. The RMOW would also like to see greater transparency on British Columbia funds. B.C. program funds should be used to improve environmental outcomes in B.C. and should not be allocated to other provinces.</p>	<p>The costing model will continue to be used to verify that Product Care continues to pay the cost of collecting material, taking into consideration cost input data received from collection sites. The Program welcomes collection sites to provide update cost data to facilitate an updated analysis.</p> <p>Product Care publishes an <a href="#">annual report</a> which includes financial statements and product management information for each of its programs, showing the surplus or loss for each program for the current year, as well as a consolidated audited financial statement which includes a statement of financial position including reserve funds. The Program's financial statements and Product Care's consolidated financial statements are audited and reported according to accounting standards. Revenues and expenses for each Product Care program are reported in separate financial statements. Occasionally reserve funds from an existing program are used to implement a program for the same product in another province, which helps reduce startup costs and fee rates, and then the funds are repaid after the new program is underway.</p>
8.14	NGO	<p>PCA has proposed changes to the reporting of audited financial statements of both the Program and PCA itself. Historically, PCA has elected to voluntarily report these elements in its annual reports for the Program. CCSPA does not object to the change as proposed section 8.</p>	<p>Thank you.</p>

Section 9: Management of Environmental Impacts			
#	Sector	Question/Comment	Response
9.1	Local Government	Is there an update to the commitment of having Paint reuse increased at sites (cans that are half full, etc.)?	The PaintShare program certainly was affected during the pandemic, with many sites wanting to limit in-person interactions. However, we are seeing more sites re-engaging in the program, and we anticipate that to continue throughout 2022. Expanding the PaintShare program continues to be a focus of the Program, recognizing not all collection sites are suitable for PaintShare due to some constraints such as lack of space.
9.2	Local Government	What new design elements have been undertaken by the producers as a result of this program?	We ensure that our industry members are aware of the requirement to address the industry's efforts at reducing the environmental impacts of industry products (i.e., VOC content, packaging, emissions, water use etc.). The industries have been very proactive in improving environmental aspects of their products, some which are driven by other regulatory requirements. This information is relayed annually in the BC Paint and HHW annual report, which is available to view on our <a href="#">website</a> .
9.3	Local Government	For paint reuse, you report on the number of sites contracted to offer paint reuse, you don't do any numbers to estimate how much paint is reused?	Collection sites are required to track the reuse of paint through the PaintShare program. In our BC Paint and HHW annual reports, we provide total percentage of paint that was reused through the program. For 2021, 1.6% of the total volume of paint processed was reused through the PaintShare program.
9.4	Local Government	The table states that a minimum 75% of water-based paint will be recycled but doesn't mention what happens to the remaining percentage. Product Care should specify where the remaining percentage goes whether it is energy recovery, incineration, or landfill.	The Program specifies this in our annual reports, which are submitted to the Ministry of Environment every year and published to the Program's website for the public to view.
9.5	NGO	<u>Reduce and Redesign</u> The program should work on the use of differential fees to drive product design change. While the work the industry is doing to improve products is noted in the program plan, it is unclear what feedback mechanisms and engagement strategies, if any, the program is pursuing to actively shape changes and have producers understand the barriers to moving some of the products up the hierarchy. The program should also report on what changes	Reduce and Redesign -see response to differential fees in section 6.4 and section 9.2 regarding working with industry.  Reuse – thank you. See response to question 9.1.  Recycle – The limitation/constraints on recycling of paint and HHW products are dependent on the condition/quality of the products being returned, enough volume of returned products to make it economically feasible/viable and the

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		<p>happened as a result of program advocacy and actions, not just what is happening in general, often as a result of legislation and regulation. For example, there should be some evaluation measurement of promotion of the Buy/Use/Dispose messaging and then refinement of the tools. This should be a key role of the program.</p> <p><u>Reuse</u> The program is to be congratulated for being one of the few that actually has a reuse system. The program should work to increase the number of sites offering this service, the volume of paint handles this away and look for options to increase the reuse of other materials in a way that limits potential harms. Should the program not take the lead in redesigning its products, the provincial government may wish to explore regulations being pursued in other jurisdictions that require products to last a certain length of time, come with mandatory warranties of longer terms, have availability of parts, are designed for repair, and have access to repair or servicing.</p> <p><u>Recycle</u> The program should aim to increase the amount of materials that are recycled, including working with producers to address issues that limit recycling of products.</p> <p><u>Energy Recovery and Disposal</u> The program should investigate more options other than waste to energy for the collected products currently being incinerated and other than disposal. Fees should reflect when options are limited to drive design change.</p> <p><u>Containers</u> The issues noted under containers serve to underline the importance of collecting all of the containers and the program</p>	<p>demand for the finished recycled products, more so than the limitations or constraints on the as a result of the product design or formulations.</p> <p>Energy – see response above regarding reuse.</p> <p>Containers – The nature of paint and HHW products do not lend itself to refillable containers due to the difficulties of cleaning the containers, the vast variety of types and sizes of containers etc. In addition to recyclability, the choice of containers used by industry needs for also consider a variety of other factors including compatibility with the product, weight of packaging (impacts GHG), durability etc. Recyclability of containers is limited due to contamination, vast variety of types of packaging and lack of economies of scale.</p>

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		developing program specific ways to address recycling them. When more containers are collected, the metrics of CCV versus residuals will need to be adjusted. There is also a noticeable shift from recyclable metal containers to plastic containers that might have challenges due to dried residual product inside the container. It should be mandatory for all containers to be 100% recyclable and there should be a concerted effort to research solution for refillable containers.	
9.6	Local Government	The RDN suggests that PCA undertake an audit of collected program materials to determine which products are showing up most often and the remaining product volume per container. The goal of this audit would be to create solutions for complete product usage such as might be achieved by changing container sizing. PCA should utilize their necessary position to gather data to equip producers with the knowledge to minimize downstream waste.	The amount of residual remaining in a container depends on a number of factors and is not solely dependent on container sizes. The Program promotes the BUD rule to encourage the reduction of waste generation and proper end-of-life management.
9.7	Local Government	Product Care should advocate for SABC to take a comprehensive and methodical approach to identify when and where waste composition audits are conducted. Again, it is up to the local government to reach out to SABC to see if there is interest in participating in a waste composition. And it is not guaranteed that they will work with the local government. There should be more effort on behalf of EPR Program's to be involved in and help finance waste composition studies as their data provides insight into whether a Program product is or is not ending up in the landfill.	See response to question 6.22.
9.8	Local Government	The Paint EPR program is one of the few EPR programs with the lowest-hanging-fruit regarding reuse. Significant effort should be put into the reinstatement of the paint reuse program that has been paused since 2020, including finding more collection sites, paying them more money to participate, and promoting the Program. The paint reuse program keeps the material out of the landfills and has a social benefit, providing free paint to those individuals or	See response to question 9.1.

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		organizations who may not be able to afford or need a new or full can of paint.	
9.9	Local Government	Product Care should investigate more options other than Waste-to-Energy for the currently incinerated collected products.	See response to question 9.5.
9.10	Local Government	More details should be provided on how the Producers are designing for the environment and creating reusable, refillable, or otherwise more environmentally sound products and packaging for their products.	See response to question 9.2 and 9.5.
9.11	NGO	PCA has proposed minor changes to performance metrics for specific product categories. The proposed performance metrics are ambitious but achievable based on historic results, apart HDPE paint containers which never reached 100% recycling in the previous program plan. CCSPA supports the proposed performance metrics and encourages PCA to reconsider the target HDPE paint containers. CCSPA would also like to offer continued support for PCA's approach to set targets for residual quantities based on collected quantities as these products are intended to be entirely used up by the consumer.	Previously, 100% of HDPE containers were recycled through the program, however over the years there have been changes in the plastic recycling industry due to external factors and it has become more difficult to find recycling options for certain product streams. Product Care remains committed to seeking recycling options for 100% of its HDPE containers.

Section 10: Dispute Resolution			
#	Sector	Question/Comment	Response
10.1	Service Provider	How will you handle any disputes related to the marketplace? We want to provide collection services but the compensation must be realistic and aligned to the realities of today and not 1996 - this includes labour, requirements to be able to insure our locations, and much more.	Disputes are handled through our dispute resolution process, which was consulted on along with the costing methodology, and is detailed in section 10 of the program plan.

Section 11: Performance Measurement Summary and Reporting Commitments			
#	Sector	Question/Comment	Response
11.1	Local Government	<i>11 Performance Measurement Summary and Reporting Commitments (Page 22): "Second, consumer awareness tactics provide consumers with easily accessible information on where and how to recycle their Program Product when they reach end-of-life, and consumer awareness targets evidence the success of these tactics in building consumer awareness of the ability to recycle Program Product."</i> Further clarity is required to understand how consumer awareness targets are a measure of program success/performance. Targets are distinct from actual program performance.	One of the key success factors in any marketing campaigns is awareness. Higher awareness combined with other program elements, ideally leads to correct consumer behavior, which should in turn drive the proper environmental outcomes.
11.2	Government	If the targets listed in <i>11 Performance Measurement Summary and Reporting Commitments</i> are not met, what will be the strategies and timelines implemented to meet them?	In its' annual report filing to the BCMoECCS, the Program reports the Program's performance as it relates to performance commitments. The Program endeavours to make the necessary modifications and investments, in order for the Program to meet or exceed the program commitments.
11.3	NGO	Any reporting that can be third party audited should be to assure accountability and transparency.	The Program's annual reports are audited, as per Ministry guidelines. This includes some of the non-financial and financial sections of the annual report.

Section 11: Performance Measurement Summary and Reporting Commitments			
#	Sector	Question/Comment	Response
11.4	NGO	Reporting should include all events and engagement with producers that aim to change design and product delivery systems to reduce the environmental impacts. Results of the engagement should be reported as well.	See response to question 9.2.
11.5	NGO	The number and location of contracted sites by municipality and RD should be provided as well as a list of any municipalities that do not have a permanent depot. The population with access to collection should have a target of 100%, with all municipalities served as well as any First Nations locations as determined in conjunction with the First Nations. The commitments to work with IZWTAG is a good step.	The Program's annual reports, reports out the number of contracted paint collection sites by regional district and city. We also confirm if they are contracted to collect HHW and if they participate in PaintShare. In addition to this, we report out the number of First Nations communities serviced including through permanent collection sites, collection events and direct pickup service.
11.6	NGO	<p>Program costs should also be reported compared to the value of product introduced into the market annually. Efforts should be made to quantify the costs that remain externalized to others (such as depot operators, local governments, illegal dumping clean up efforts, and the environment) and attempts made to rectify this.</p> <p>As noted, efforts to reduce environmental impacts should be significantly strengthened and then targets set for the amount of reuse, repair, refurbishment and use of parts. The program plan should provide significant advances needed to reach the potential of EPR programs as envisioned in the CCME plan.</p>	<p>It's not clear to the Program as to the correlation between value of product introduced into the market and Program Costs. The Program has no ability to assess the value of products introduced into the market.</p> <p>The ability for the Program to reuse/repair/refurbish is very limited as may factors are beyond the Program's ability to influence or control such as quality of product being returned and demand for the specific product etc. Hence setting targets for reuse, is not appropriate.</p>
11.7	Local Government	More of the Plan elements should be subject to Third Party auditing, in particular all the clauses in Section 9. Reducing environmental impact through proper end-of-life disposal and designing out waste is the purpose of an EPR program, so transparency and trust are required in this area; however, many of these are not currently subject to third-party auditing. As mentioned initially, these programs are over 20 years old, it is time for them to hold other elements of their programs accountable to the intent of the Recycling Regulation.	See response see question 11.3.

Section 11: Performance Measurement Summary and Reporting Commitments			
#	Sector	Question/Comment	Response
11.8	Local Government	Product Care states that targets for paint container collection are not valid as residents hold on to containers for an undetermined amount of time. The RMOW believes that after operating this Program for several years, Product Care should be able to look at historic collection numbers and consider population growth to set expected collection targets.	As the Program deals with consumable products, there is no real direct correlation between population and product use and hence correlation with collection volume.
11.9	NGO	In summary, CCSPA believes that the existing Program Plan and its management by PCA have been effective in achieving desirable outcomes for the BC public and fulfilling producer obligations pursuant to the BC Recycling Regulation. Therefore, we support minimal changes to the Program. We look forward to continuing to work collaboratively with PCA.	Thank you.

**RESPONSIBLE, TOGETHER.**