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A Look at EPR across Canada

The Evolution of EPR in QUEBEC



Fleuve Saint-Laurent

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Québec 

A bit of history...

- EPR first introduced in 2001 with the designation of paint and paint containers;
- Followed in 2005 by the designation of used oil, oil containers and filters;
- In 2011, the Regulation respecting the Recovery and Reclamation of Products by Enterprises (RRRPE), a new EPR umbrella regulation, was adopted to group all designated products under a single framework, with the addition of:
 - *Electronic products;*
 - *Primary and secondary batteries (except lead-acid and car batteries);*
 - *Mercury lamps;*
 - *Antifreeze and their containers and break cleaner containers;*
- In 2019, designation of Household Appliances and Air Conditioners (with obligation to remove all halocarbons from circuits and isolation foams);
- For Packaging and Printed Paper (PPP), a compensation regime for municipal services, under a shared-responsibility model, was introduced in 2005. Municipal costs borne by producers went from 50% at the outset to 100% as of 2013.

Recent developments in EPR

- In the fall of 2021, posting of a draft regulation amending the RRRPE and designating new product categories;
- In January of 2022, posting of two draft regulations to modernize the curbside collection system for PPP and the deposit-refund system under full-EPR schemes;
- All three are expected to be adopted by June 2022.

Overview of main amendments to the RRRPE

- Review of recovery targets and penalties:
 - Reduction of their rate of increase over time;
 - Introduction of criteria based on recycled content, free long-term basic guarantees or local recycling/reclamation to potentially reduce recovery targets;
 - Penalties for not meeting targets invested in Remedial Plans aimed at increasing performance within 2 years;
- Review of service levels to be provided to northern and remote communities;
- Review of auditing and verification requirements;
- Prohibition of parallel markets;
- Obligation to make certain informations public (recovery rates achieved per subcategory, portions sent to reuse, recycling and other forms of reclamation, stored or sent to disposal, etc.);
- Both individual and collective programs now framed in the regulation, allowing for monetary administrative penalties or legal offences to apply in all cases of non compliance;

New product categories to be designated under RRRPE

Posted draft regulation calls for the designation of:

- Agricultural plastics and products (residual pesticides);
- Pressurized fuel containers
- Pharmaceutical products (medications, natural health products and sharps)
- Electric Vehicle Batteries (cars, trucks, buses)
- Small sealed lead-acid batteries (≤ 5 kg)
- Refrigeration and freezing appliances destined for laboratories

Under RRRPE, producers have a choice between setting up individual programs or joining a PRO running a collective program

Modernization of PPP and deposit-refund systems

- Posting of two new draft EPR regulations targeting specifically:
 - A recovery and reclamation system for PPP, in partnership with municipalities for proximity services;
 - A new deposit-refund system for all beverage containers ≥ 100 ml and ≤ 2 litres (single-use and reusable) (except plastic bags and bag-in-box);

Modernization of the system for PPP

- Under a full EPR approach;
- Transition period from mid-2022 to the end of 2024. Municipalities no longer allowed to sign new contracts ending later than December 31, 2024 (Bill 65);

Proposed system provides for:

- The designated PRO to prioritize negotiation of agreements with municipalities for proximity services (collection/transportation from the residential sector and relations with citizens) within set timelines;
- Sorting, conditioning and reclamation of materials entirely under the responsibility of producers (PRO);
- The system must service the entire province, including remote and isolated communities;
- The system must service the Education sector as of 2025, other institutions and the commercial sector no later than 2027, and the industrial sector no later than 2032;
- All types of packaging must be accepted in the system by 2031;
- PRO must meet recovery, reuse/recycling/reclamation, and local reuse/recycling/reclamation targets;
- If targets are not met, PRO must develop specific remedial plans aimed at increasing performances;
- PRO must ensure traceability of all materials throughout the value chain until final destinations;
- PRO must make achieved results public;

Modernization of deposit-return system

- Under a full EPR approach;
- Expected to start in spring 2023;

Proposed system provides for:

- Establishment of a minimum of 1500 return facilities throughout the province;
- Retailers > 2,500² ft must accept the return of containers, with a possibility to regroup to manage common facilities that can be located outside of their premises;
- Negotiation of agreements between PRO and retailers to set operational and financial terms;
- Collection, conditioning and reclamation of containers is entirely under the responsibility of producers (PRO);
- PRO must provide collection services directly to restaurants and bars (terms set in agreements);
- PRO must meet recovery, recycling/reclamation, local recycling/reclamation and recycling into new PPP targets;
- If targets are not met, PRO must develop specific remedial plans to increase performances;
- PRO must ensure traceability of all materials throughout the value chain until final destinations;
- PRO must make achieved results public;

Main differences of PPP/deposit-refund vs RRRPE

- Only one PRO per system possible for PPP and deposit-refund;
- All producers must become members of the designated PRO;
- Introduction of a compensation mechanism for cross-system contamination between PPP and deposit-refund;
- Additional obligated targets on:
 - Reuse/recycling/reclamation
 - Local reuse/recycling/reclamation
 - Recycling into new PPP (deposit-refund only)

Globally, we are planning on updating our List of Priority Products to be Designated under EPR, which was first published in 2015, within the next year.

Thank you!

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