



EPR Canada

JULY 2012

2011 **Extended Producer Responsibility**

REPORT CARD

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Grades for 2011

EPR CANADA

www.eprcanada.ca

Email: info@eprcanada.ca



First-of-its-kind report card on Canadian federal, provincial and territorial EPR policies, programs and practices

Reporting on and grading Canadian jurisdictions' progress in developing and implementing extended producer responsibility legislation in compliance with the Canadian Council of Ministers of the Environment's Canada-wide Action Plan on EPR

Who is EPR Canada?

EPR (Extended Producer Responsibility) Canada is a not-for-profit organization formed in the fall of 2011 by **eight like-minded Canadians** who have been involved in EPR policies and programs since they first began to take hold in this country in the 1990s. The goal of EPR Canada is to foster continued growth and improvement of EPR policies, programs and practices in Canada.

What EPR Canada seeks to accomplish with this EPR Report Card

The objectives in producing this first-of-its-kind report card on federal, provincial and territorial EPR policies, programs and practices are two fold:

- to encourage leadership, innovation, best practices and efficient and effective EPR policy and program development, implementation, management and harmonization across Canada; and
- to encourage the evolution of product stewardship and partial EPR programs further along the continuum towards full EPR (see chart below).

To those ends, this report card, based on responses to questions about 2011 activities, is the first of five annual report cards to be published in support of advancing EPR across the country.

What the EPR Report Card does NOT do

The EPR Report Card rates jurisdictions on their commitment to and their adoption and implementation of EPR policies, regulations and programs. **It does not evaluate the waste diversion and environmental performance achievements of each producer responsibility and stewardship program.**

Basis of the EPR Report Card scoring

EPR Canada sent a survey questionnaire to the federal, the 10 provincial and the three territorial governments in Canada asking them to answer the questions and return the surveys. The questionnaire focused on government EPR policies and programs because government legislation and actions play a central role in stimulating private sector activity related to EPR program development, performance and monitoring. The questionnaire allowed each jurisdiction to describe its EPR practices, achievements and innovations, contributing to the development of this national picture of the use of EPR regulatory instruments, policies and programs across the country. Using a standardized assessment model, EPR Canada members evaluated each response and allocated scoring, using the A, B, C grading system employed by most educational institutions. (See EPR Canada Report Card Scoring on page 4).

Response rate

EPR Canada is pleased to report that the federal government, all 10 provinces and two of the three territories submitted responses. As a result of their participation, this first-of-its-kind report card reflects EPR regulatory activities across Canada in 2011.



What is EPR?

Extended producer responsibility (EPR) is defined by the Organization for Economic Co-operation and Development (OECD)* as an environmental policy approach in which a producer's responsibility, physical and/or financial, for a product is extended to the post-consumer stage of the product's life cycle. This approach is the basis for the Canadian Council of Ministers of the Environment's (CCME) Canada-wide Action Plan (CAP) for EPR. The plan identifies two phases, the first comprising seven material groups and the second comprising five material groups that regulatory jurisdictions should target for EPR.

Under EPR, producers are responsible for designing, operating and paying for programs to manage the products and packaging they supply into the marketplace at end of life. Producers, described as brand owners, manufacturers and first importers, assume responsibility when users put the designated products and materials into the program's collection system.

How is EPR different from product stewardship?

Some waste diversion programs are designed and operated by governments (municipalities or provinces) or by quasi-governmental administrative authorities in which producers, if involved, are in a minority. These programs are financed by government or by fees levied by government on producers and/or consumers. These programs are considered examples of product stewardship or partial EPR, depending on the degree

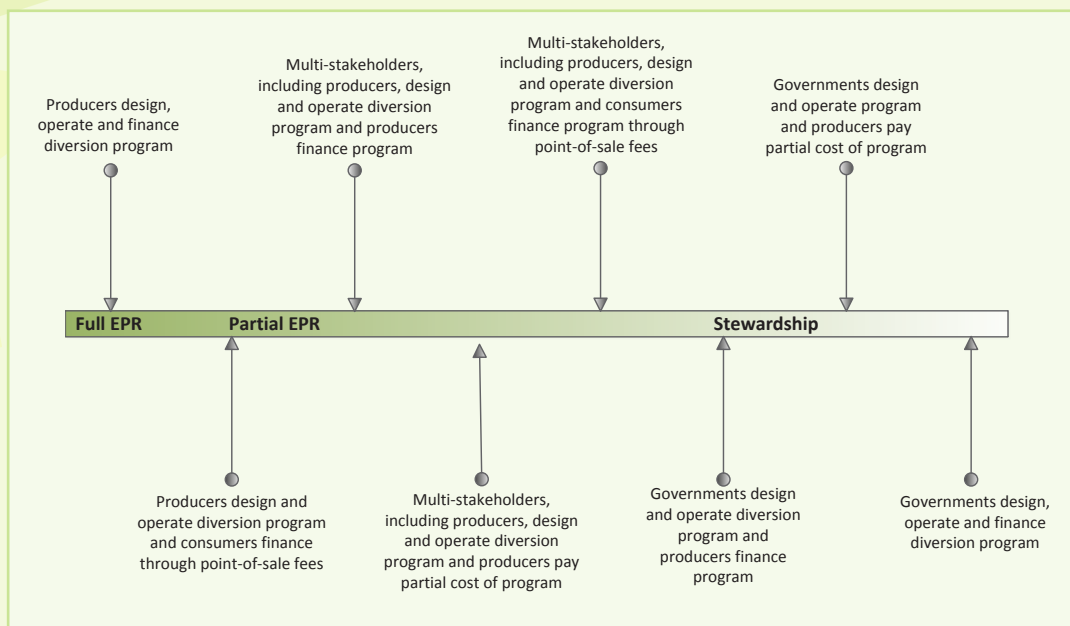
of producer involvement in designing, operating and/or financing the program.

Only programs where producers are solely and fully responsible for designing, operating and financing the diversion program and are accountable for the program's environmental performance are considered full EPR.

Transitioning from product stewardship to EPR

Diversion programs implemented by provinces and territories were often originally designed as product stewardship programs, delivered by government or by quasi-governmental administrative authorities. Given the direct or indirect involvement of government, these programs typically deliver the province's desired environmental outcomes.

As product stewardship programs are transitioned to EPR to comply with CCME's CAP, governments face the challenge of establishing an effective policy and regulatory framework that both transitions responsibility to producers to design, operate and finance diversion programs while ensuring that producer-operated programs continue to deliver the desired environmental outcomes.



* Organization for Economic Co-operation and Development Extended Producer Responsibility: A Guidance Manual for Governments, 2001

A-



British Columbia

In July 2004, British Columbia (BC) enacted the Environmental Management Act and then, in October 2004, the Recycling Regulation. The regulation assigns responsibility for end-of-life management to producers or their agents, requires that industry submit a plan for ministry approval or follow a more prescriptive option by a fixed date and requires an annual report and a stewardship plan review every five years. Should a producer fail to submit an acceptable plan, the producer may not sell the designated products in the province.

BC has made a clear commitment to the Canadian Council of Ministers of the Environment's (CCME) Canada-wide Action Plan (CAP) for EPR, having designated more than two-thirds of the product categories including beverage containers, various types of special and hazardous waste, electronic and electrical products, tires and packaging and printed paper. All programs are required to achieve a 75% recovery rate or another recovery rate established by the director of the Ministry of the Environment. However, while producers establish the timeline to achieve the target in the stewardship plan, they are not subject to penalties for failing to reach it in the specified time.

Starting with the annual reports producers (or organizations representing producers) submitted for 2010, BC requires third party audits of program performance including: the location of collection facilities and any changes since the previous report; a description of how the product was managed in accordance with the pollution prevention hierarchy; the total amount of the producer's product sold and collected; and, if applicable, the producer's recovery rate. Where programs recover costs through deposits or fees charged by the producer to the consumer that are shown on the consumer sales receipt, BC also requires independently audited financial statements.

In May 2011, BC designated packaging and printed paper which obligated producers to submit a program plan to the director by November 19, 2012 and then, subject to the director's approval, to implement the program by May 19, 2014.

C



Alberta

Alberta supports EPR when assessed as "the most appropriate tool to achieve desired outcomes". Regulated programs are currently in place for beverage containers, tires, electronics, paint and used oil materials, using approaches that include both stewardship and EPR. With the exception of beverage containers, maximum fees that can be charged at the consumer level are specified under the regulation. Voluntary industry-run programs also exist for pesticide containers, rechargeable batteries and pharmaceuticals. Additional programs established under a Memorandum of Understanding (MOU) are in place for plastic bags and cell phones.

Alberta's Too Good to Waste Strategy includes a commitment to developing a stewardship program for packaging and printed materials but does not indicate any intention to use an EPR approach. The electronics program is currently under review for potential expansion but there is no clear commitment on developing EPR programs for the remaining CCME Phase 1 and 2 materials.

Alberta requires multi-stakeholder representation on stewardship boards that manage programs through a Delegated Administrative Organization (DAO). This structure creates a self-governing aspect to the programs, since the boards include representation from non-industry sectors such as environmental groups. As a result, environmental targets and performance measures are largely self-imposed with the provincial government's role focused on monitoring DAO delivery. DAOs must post three-year business plans and annual reports with audited financial statements and performance metrics. Regulated programs have stipulated five or seven-year review periods, while voluntary programs operating under MOUs have term limits.

Alberta has shown leadership in evaluating outcomes by conducting research into life-cycle environmental impacts of regulated stewardship programs, as well as benchmarking program performance and potential to influence design-for-environment through program design.

Saskatchewan

Saskatchewan publicly supports and promotes the concept of producer responsibility. In some cases, legislation has been introduced to enact a program and ensure a level playing field for all producers. In addition, non-legislated waste diversion programs are in place.

The authorizing legislation for producer responsibility in Saskatchewan is the Environmental Management and Protection Act, 2002. Regulated EPR programs are currently operating in Saskatchewan for portions of three of the CCME's seven Phase 1 materials – automotive products (used oil and scrap tires); waste paint; and electronic and electrical products.

The ministry undertook a detailed review of the industry-led Waste Electronic Equipment program in 2010-11. While a program has been established for beverage containers, it is not considered full EPR because it is partially supported by government funding. Saskatchewan is providing leadership in developing the first comprehensive stewardship program for agricultural plastics.

The province does not set specific targets for EPR materials. All programs are required to submit an annual report and audited financial statements to the Minister of Environment for review. Program evaluations are conducted as required and as described in the specific regulations.

While the government has stated that it intends to introduce an EPR program for packaging and printed papers and to that end completed a consultation program in May 2010, to date no decision has been made public regarding industry responsibility for packaging and printed paper.

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B-



Manitoba

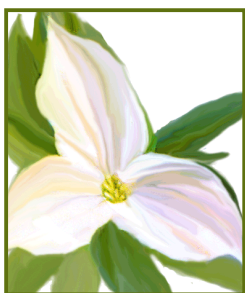
Under its Waste Reduction and Prevention Act, Manitoba has 13 product categories which are managed under EPR regulations, including four of the CCME's Phase 1 materials, as well as others originally operating as voluntary programs that have been transitioned to regulated EPR programs (agricultural pesticide containers, batteries, cell phones and lead acid batteries). Once products are regulated, Manitoba typically sets aggressive timeframes for program development and implementation.

Manitoba has transitioned the funding of its packaging and printed paper program, originally financed by a levy on soft drink beverages, to a partial EPR model with 80% of net municipal recycling costs reimbursed by producers from a broad range of sectors, not just beverage companies. Manitoba has indicated it intends to transition a number of stewardship programs to an EPR model and has reviewed stewardship plans for products such as thermostats, anti-freeze and pharmaceuticals in the past year.

Program targets and performance metrics are determined by producers or their organizations with performance set out in an annual report. While the government has committed to review annual reports and has authority to require program adjustments, any direction given to producers is not made public. Programs are required to have financial audits but there are no consequences for failure to meet program targets or performance metrics.

Manitoba has adopted a disposal tax, the funds from which are dedicated to support additional waste reduction initiatives. Examples of funded activities include green procurement and increased organics collection and processing capacity in the province.

C+



Ontario

The Waste Diversion Act, 2002 is the framework that provides the overarching policy direction for EPR in Ontario. The Act delegates program development and operational oversight to Waste Diversion Ontario (WDO), an arm's length organization. The Act requires that WDO form industry funding organizations (IFO). Producers are obligated to the IFO following approval of the IFO's diversion plan but can then choose to submit an alternate plan to finance and operate their own program. (While alternate programs have been approved, these were subsequently abandoned when the Minister rescinded producers' obligations for Phases 2 and 3 MHSW.) Ontario has designated four waste streams under its waste diversion framework since 2002 and three IFOs have been established.

Packaging and printed paper was designated in 2002 with municipalities continuing to deliver the diversion program and producers obligated to contribute 50% of municipal costs. Producers of used tires and Phases 1 and 2 electronics are responsible for diverting materials from both the residential and the industrial, commercial, institutional (IC&I) sectors. The last product category to be implemented was municipal hazardous and special waste (MHSW) in 2008. When the MHSW program was launched, producers were required to assume responsibility for post-collection but this was transitioned to full responsibility when Phases 2 and 3

were implemented in 2010. The government rescinded producers' obligations for Phases 2 and 3 MHSW materials in October 2010, leaving responsibility with municipalities but providing partial provincial funding.

Targets, performance measures and reporting protocols are developed by the IFOs in cooperation with WDO. WDO works with the IFOs to develop standardized reporting and auditing protocols and monitors performance through ongoing reports. Only annual reports for each program are made public. There is no consequence for not achieving targets.

A review of the Act was undertaken between 2008 and 2010. A summary of deficiencies and a list of recommendations for improvements were developed during the Act review but the province has not yet moved forward with those recommendations.

Early in 2012, the minister modified WDO's governance structure from a representational to an unaligned board, filed a regulation stipulating the manner by which the MHSW program is to recover costs from producers and directed WDO to apply this same procedure to the Used Tires and Waste Electrical and Electronic Equipment (WEEE) programs.

Quebec

In July 2011, Quebec adopted a regulatory framework for EPR under its *Politique québécoise de gestion des matières résiduelles* and has confirmed its commitment to meet the CCME's goals for EPR. The regulatory framework supports the established EPR programs for paint and used oil and has been used to designate electronics, batteries, antifreeze and mercury-containing lamps. EPR programs for these products are scheduled to commence in 2012.

The regulatory framework obligates producers to contribute to municipal costs for the established packaging and printed paper program under a partial EPR model. The producer portion is gradually escalating from 50% in 2010 to 100% of defined net costs in 2013.

There are no regulations in place yet, but discussions are underway to transition the current tire stewardship program which is operated by the provincial agency, Recyc-Quebec, to a producer responsibility program. As well, EPR for household hazardous waste is under consideration.

Quebec has shown leadership in adopting the concept of cost internalization for its EPR programs. The Eco-Peinture program has operated since its inception with no visible fees added at the point of purchase and a similar approach has been adopted for all other EPR programs under the 2011 regulatory framework. Producers are allowed to inform consumers that the costs of end-of-life management are included in the product price and visible fees are allowed if the producer applies a visible fee at the beginning of the supply chain.

The government has set program targets for collection and recycling and requires independent auditing and reporting. For some programs, financial penalties apply for failure to meet performance targets.

B-



C-



New Brunswick

New Brunswick currently has one full EPR program for paint and has been working through consultations and the preparation of draft regulations towards full EPR for used oil and containers, tires and electronic and electrical equipment under its Clean Environment Act through its Designated Materials Regulation. In the case of tires, this involves a transition from a currently-operated provincial stewardship program to an EPR program and used oil would transition from a return-to-retail program to an EPR program. In addition, the province is harmonizing key program elements such as product designations and definitions with adjoining jurisdictions, particularly in the electronics area. Action on packaging and printed paper and household hazardous waste has not commenced but the province has confirmed its intention to comply with CCME's timeline for all Phase 1 materials by 2015.

The province requires independent program financial audits and these are publicly available via Recycle New Brunswick (NB), a provincial agency. Program performance measures, targets and reporting requirements are not clear. For example there are no recovery or collection targets set for the paint program but there is a target of 70% reuse of the paint that is collected.

In the area of innovation, the province was the first jurisdiction to mandate cost internalization for an EPR program with a ban on the addition of visible fees for paint at the point of purchase. Producers are, however, permitted to indicate that prices contain an end-of-life management cost. New Brunswick has indicated that it is considering a similar approach for all other EPR-designated products.

The province has delegated authority for EPR and stewardship plan approvals and direct program oversight on EPR and stewardship matters to Recycle NB.

C+



Prince Edward Island

Prince Edward Island (PEI) has coordinated multi-stakeholder management of stewardship programs for 22 materials, in both mandatory and voluntary formats with oversight by the PEI Environment Division. In 2000, Prince Edward Island (PEI) implemented a province-wide mandatory program called Waste Watch that requires residents and businesses to source separate waste into recyclables, compostables and remaining waste.

PEI used its Material Recycling Regulations to implement an EPR program for used electronic products in 2010 in harmony with Nova Scotia's program and will be implementing a program for paint on September 1, 2012. In addition, PEI is developing a multi-year, multi-material implementation framework to support CCME's Phase 1 and Phase 2 goals and to transition stewardship programs into an EPR model.

EPR programs are required to submit annual plans which must include audited financial statements. Environment officials evaluate the reports and review progress with the EPR organization. Ministry of Finance and Environment enforcement staff routinely conduct audits and investigations; however, these evaluations are not normally made public. Producers typically provide guidance for diversion rates in their submitted plans and are assessed based on actual diversion data (absolute quantities) which are published in their annual report.

Targets, however, are not mandated. These rates typically are assessed against program results from other jurisdictions.

While PEI has identified producer responsibility as an objective for all 22 items on the CCME EPR list of designated materials, it has not provided an implementation timeframe largely because programs often have to be harmonized with neighbouring provinces due to the low quantities of materials generated within the province.

Nova Scotia

Nova Scotia, under its Environment Act, 1994 and its Solid Waste Resource Management Regulations (1995), has had waste diversion programs in place since the mid-1990s and it enacted EPR programs for paint and electronics prior to the release of CCME's CAP. Nova Scotia has a Dairy Stewardship agreement which is a voluntary, partial EPR program.

The province renewed its commitment to CAP in a solid waste strategy called Our Path Forward published in 2011. Further, it indicates it is committed to introducing requirements in its regulations for evaluating and auditing EPR programs. Provincial legislation identifies EPR regulations as a policy tool that will help Nova Scotia meet its waste reduction targets under its Environmental Goals and Sustainable Prosperity Act, 2007.

The paint EPR program has set a target for the reuse or recycling of 70% of the paint collected but no targets exist for the collection and recycling of electronics. Under its Environmental Goals and Sustainable Prosperity Act, the province has set a disposal target of no more than 300 kilograms of waste per person per year by 2015, and it uses disposal bans, regulations and a provincial procurement policy as tools to help it achieve its diversion targets and EPR objectives.

The province has established the requirement under its Waste Resource Management Regulations for brand owners to report annually on the amount of electronic products and paint they collect. Environment Ministry staff review the reports. Annual reports for the electronics collection program are published for public review.

Nova Scotia has province-wide mandatory source separation of materials for recycling and compost and has had province-wide disposal bans in place for many materials.

B-



C-



Newfoundland and Labrador

Newfoundland and Labrador (NL) is committed to advancing EPR policies. Under the authority of its Waste Management Regulations, it recently implemented an EPR program for waste paint and containers and is in the process of developing EPR programs for used oil, electronic waste and household hazardous waste with a goal of implementation by 2015. The province currently has stewardship programs in place for beverage containers, used tires and used motor oil.

The province has set a 70% target for recovery of paint products and has established a penalty mechanism for failure to meet this target. Performance reports are required annually and are to be made public on the producer's website.

The government has designated the Newfoundland and Labrador Multi Material Stewardship Board (MMSB) to oversee EPR programs and, under the Waste Management Regulations, requires that plans be submitted to and approved by the board. Detailed communication plans for EPR programs are specified under the regulation and MMSB ensures that adequate initial and ongoing education and promotion of a given EPR program is executed with appropriate messaging.

F



Federal Government

Canada has committed to EPR and has endorsed the CCME CAP for EPR. However, it has not implemented EPR regulations for toxic materials or products containing toxics for which it has authority under the Canadian Environmental Protection Act, 1999. EPR is noted as under development, as being considered or in the process of being developed, but steps to use the EPR authority that the federal government has appear tentative at best.

Lack of federal EPR action on mercury-containing products has created confusion as provincial jurisdictions are uncertain whether they should regulate and some provinces have moved forward to designate mercury-containing products under their EPR programs as a result. The lack of federal government initiative represents a lost opportunity for national harmonization. EPR was cited as a viable management option in the federal government's risk management strategy of December 2006 for mercury-containing products, but the option appears to have disappeared in subsequent documents, suggesting that the federal government's commitment to use EPR instruments has weakened over time.

Action has been limited to the use of Pollution Prevention Planning Notices (P2 Notices) for automobile mercury switches and a proposal for halocarbon refrigerants. P2 Notices are not EPR programs and the unclear results of the mercury switches program to date suggest P2 planning is a weak instrument to ensure program performance and producer responsibility. For example, no enforceable measures or targets exist and steel mills, which had no role in automobile company decisions to use mercury switches, are covered under the Notice.

The federal government has been a national leader in the development and promotion of EPR through the co-hosting of a series of national EPR workshops, the provision of EPR guidance documents and the maintenance of a national program inventory. The federal government also played a leading role in the preparation of the CCME Canada-wide Action Plan.

Canada's Territories

The CCME's Canada-wide Action Plan (CAP) for Extended Producer Responsibility recognizes the "unique local and regional circumstances" that exist in Nunavut, the Northwest Territories and the Yukon, including the potential cost barriers to fund northern EPR programs. Because of the low population density associated with this region, successful application of EPR will be greatly facilitated by the adoption of harmonized EPR frameworks from neighbouring provinces. CAP also suggests that "EPR may not be an appropriate instrument for all products or product categories in the North".

As a result of the unique challenges faced by the territories, EPR Canada has chosen not to score these jurisdictions for this year's Report Card. As EPR advances throughout the country, it is anticipated that the territories will progress to the stage where scoring may be appropriate.

Meanwhile, the territories have moved forward with a number of initiatives and programs related to EPR, as outlined below.

Northwest Territories

The Northwest Territories (NWT) operates two regulated recycling programs that share some characteristics of EPR programs. The beverage container program is one of only two in Canada to include milk containers. The single-use retail bag program, a source-reduction initiative that aims to change consumer behaviour, is the only one of its kind to be implemented at the provincial or territorial level in Canada. Although there is no clear commitment to EPR, it is stated as a key consideration in program development.

Programs are subject to independent third-party financial audits, and a third-party review was conducted of the beverage container program. All reports are publicly available online. NWT has dedicated significant resources to waste reduction, and continues to look for innovative solutions, despite geographic challenges.



Yukon

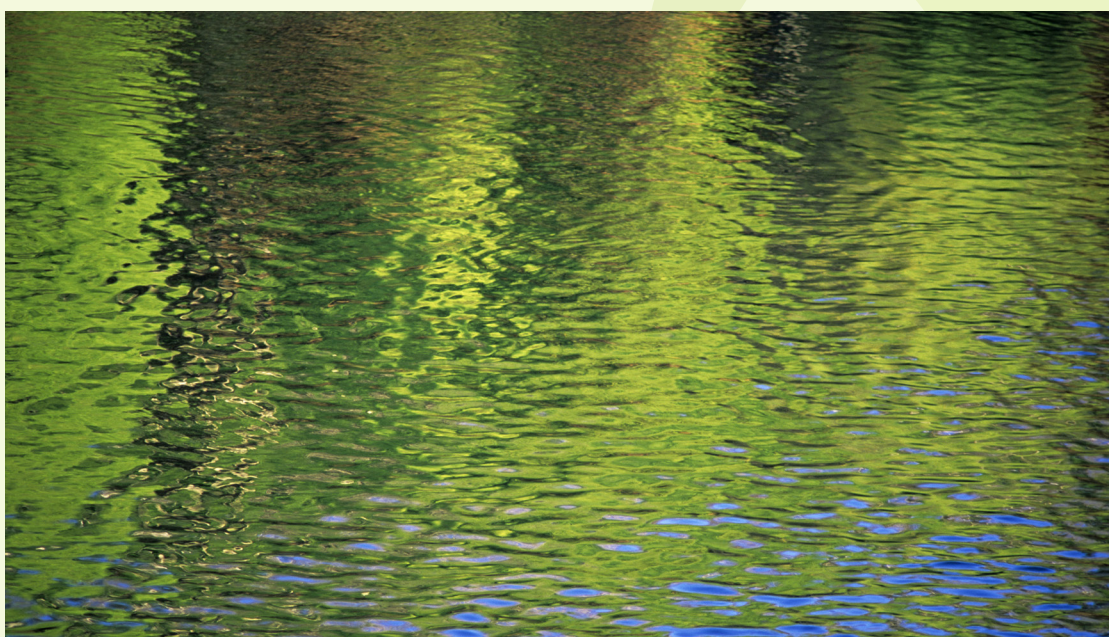
The Yukon Government has been exploring the feasibility of implementing EPR, including holding stakeholder consultations on CAP Phase 1 product categories to get input on the potential for EPR regulations. Yukon has also been operating stewardship programs for beverage containers and tires.

The territory's Solid Waste Action Plan considers how to increase recycling, composting and other diversion strategies. At the same time, the Yukon government is considering adopting a zero waste policy. It recognizes the importance of harmonization to the success of territorial programs, allowing programs to work collaboratively with neighbouring provinces.



Nunavut




Nunavut did not respond to the EPR Canada survey. It is worth noting, however, that a major priority of the Nunavut Department of Environment is to work in partnership with communities to manage solid waste effectively and prevent pollution in the unique and fragile northern environment. The Department of Environment and the Department of Community and Government Services (CGS) are working together to examine Nunavut's solid waste management practices as a whole. CGS will take the lead on establishing a Nunavut-wide Solid Waste Management Strategy which will involve a comprehensive review of the current state of solid waste management in the territory.




REPORT CARD FINAL GRADES

JURISDICTION	GRADE	COMMENTS
British Columbia 	A-	<ul style="list-style-type: none"> • Clear focus on EPR as primary tool to increase diversion and implement pollution prevention principle with pharmaceuticals, rechargeable batteries and cell phones under full EPR; beverage containers, specified hazardous/special wastes and four phases of waste electronics under partial EPR; and packaging/printed papers and the fifth phase of waste electronics scheduled for implementation • Common regulated target for each program (75%) but timeline to achieve target varies by program and no penalties specified for failure to reach targets within timeline • Require third party auditing of performance metrics including collection facilities, product management in accordance with the pollution prevention hierarchy, total amount of the producer's product sold and collected, recovery rate • Require third party audited financial statements only where programs recover costs through deposits or fees charged by the producer to the consumer that show on consumer sales receipts • Require an annual report including results of the third party audits, but an assessment of the program's performance and annual report is not publicly available • Innovative policy framework steers environmental outcomes within which producers are both required and allowed to design and operate diversion programs
Alberta 	C	<ul style="list-style-type: none"> • Regulated programs for beverage containers, tires, electronics, used oil materials, paint • No progress and no commitment on remaining CAP materials • No clear focus on EPR as priority tool • Programs include performance measures, where practical • No penalties for non-performance, instead "discussion and negotiation, leading to improved process" • Regulated programs must post 3-year business plans and annual reports with audited financial statements and performance metrics • Government staff use guidelines, which closely follow CCME's guidance on performance, to review business plans, annual reports and financial statements • Management of stewardship programs by multi-stakeholder board ensures range of viewpoints considered • Research on potential opportunities to affect design-for-environment through stewardship programs, life-cycle assessment and full-cost accounting research on full impacts of regulated programs
Saskatchewan 	C-	<ul style="list-style-type: none"> • Publicly supports and promotes concept of producer responsibility • Implemented partial EPR programs for oil (1996), tires (1998), paint (2005) and electronics (2006) with changes to the electronics program based on ministry review in 2010-11 • Consumer-paid and partly government-funded beverage container deposit program in place • No industry funding program in place for printed paper and packaging programs despite extensive discussions • No clear time commitments on remaining Phase 1 and Phase 2 CCME materials • No specific targets for EPR programs and no intention of establishing targets in the short term; results in limited accountability for program performance • Program accountability relies on annual reports, annual audited statements and mandatory program reviews every 5 years • Providing leadership in developing first comprehensive stewardship program for agricultural plastics

2011 REPORT CARD IN BRIEF **EPR Canada** **Extended Producer Responsibility**

JURISDICTION	GRADE	COMMENTS
Manitoba 	<i>B -</i>	<ul style="list-style-type: none"> • Stated commitment to stewardship and EPR with 13 programs and targeted priorities to comply with CCME EPR Action Plan Phases 1 and 2 • 2 programs (pharmaceuticals, batteries) fully financed and operated by industry, 4 (oil, electronics, tires, hazardous wastes) programs operated as partial EPR • Packaging/printed paper program delivered by municipalities with cost-sharing by producers (80% of net costs) • Framework allows producers to manage their obligation individually or by joining a producer responsibility organization • Targets set by producer organizations but lack of performance reporting and auditing mechanisms • Province reviews programs but performance criteria and results are not made public • One of the only two jurisdictions in Canada to have a disposal levy with dedicated funds to support waste reduction initiatives
Ontario 	<i>C+</i>	<ul style="list-style-type: none"> • 4 product categories designated under regulation (packaging and printed paper, municipal hazardous and special wastes, electronics and tires); MHSW, electronics and tires under partial EPR; packaging and printed paper (first program to be established in 2004) with 50% producer funding and municipalities designing and delivering the program • Legislation mandates collective producer organizations, industry funding organizations (IFO) • Waste Diversion Ontario monitors program development and operations and requires quarterly performance reporting • IFOs set targets, operating standards and performance criteria • No consequence for missing targets • After requesting EPR for MHSW Phases 2 and 3, Minister of the Environment cancelled producers' obligation in 2010 • No new products designated under the WDA since 2008 • No changes to Waste Diversion Act despite consultations between 2008 and 2010
Quebec 	<i>B -</i>	<ul style="list-style-type: none"> • 2 operational EPR programs (paint and used oil) and has adopted an EPR framework regulation for designating electronics, batteries, antifreeze and mercury lamps for implementation during 2012 • Packaging and printed paper transitioning to 100% producer funding with municipalities designing and delivering the program • No regulations yet in place to implement EPR for household hazardous waste or transition the current tire stewardship program to full EPR • Banned visible point-of-purchase fees under EPR programs but allows producers to identify the costs of end-of-life management as part of product price • Clear program auditing and reporting requirements and targets • Government sets program targets and requires independent auditing • One of the only two jurisdictions to implement a landfill levy which is used to fund waste diversion

2011 REPORT CARD IN BRIEF **EPR Canada** Extended Producer Responsibility

JURISDICTION	GRADE	COMMENTS
New Brunswick 	C-	<ul style="list-style-type: none"> • 1 operating EPR program for paint but developing EPR programs for electronics, tires and used oil • Harmonizing key program elements, e.g. product designations and definitions, with adjoining jurisdictions, particularly electronics • First jurisdiction to mandate cost internalization for EPR program with ban on addition of visible fees for paint at point of purchase • Although work not begun on packaging and printed paper or household hazardous waste, has indicated intentions to meet CCME CAP timelines • 70% reuse target set for the paint program but no targets for tires and used oil which are scheduled for transition to EPR
Prince Edward Island 	C+	<ul style="list-style-type: none"> • 2 operating EPR programs and stewardship programs for remaining CCME CAP materials being transitioned to EPR in harmony with other jurisdictions • Committed to harmonizing with regional and national EPR programs due to small material volumes produced internally • Coordinated multi-stakeholder management of 22 materials, in mandatory and voluntary formats • Mandatory source separation program for all waste generators since 2002 with ban on disposal of recyclable and compostable materials • Annual reporting, including audited financial statements, required by EPR programs with review by Environment officials
Nova Scotia 	B-	<ul style="list-style-type: none"> • 2 EPR programs for paint and electronics; working to transition stewardship programs for most other CCME CAP materials to EPR • Renewed 2011 waste management strategy publicly commits to EPR • Legislation identifies product stewardship regulations as policy tool to help meet waste reduction targets • Mandatory source separation program and landfill bans for many materials • Committed to harmonizing with other provinces in the Atlantic region • Set 70% target for paint recovery but no defined targets for other EPR programs; program performance reports not made public
Newfoundland and Labrador 	C-	<ul style="list-style-type: none"> • Committed to advancing EPR policies and recently implemented EPR program for waste paint and containers • Commitment to implement EPR programs for used oil, electronics and household hazardous wastes by 2015 • Stewardship plans in place for beverage containers, used tires and used motor oil • 70% target for recovery of paint products and penalty mechanism in place for not meeting target • Performance reports required annually and publicly available • Communications plans required for EPR programs via regulation

2011 REPORT CARD IN BRIEF **EPR Canada** *Extended Producer Responsibility*

JURISDICTION	GRADE	COMMENTS
Federal Government 	<i>F</i>	<ul style="list-style-type: none"> • No federal EPR programs for toxic substances or products containing toxics despite regulatory authority • EPR action on mercury-containing products considered since December 2006 but no pending EPR regulations • Action limited to Pollution Prevention Planning (P2) Notices which have some EPR elements but are not enforceable, have weak performance measures and can obligate parties other than producers • Provided leadership in promoting EPR through workshops, guidance documents and maintenance of a national inventory
Northwest Territories 	Not Scored	<ul style="list-style-type: none"> • EPR key consideration in program review and development; clear intention to consider EPR as a policy tool moving forward • Regulated programs for 2 CAP products – beverage containers and plastic bags • Independent third-party financial audits of programs, as well as third-party review of beverage container program
Yukon 	Not Scored	<ul style="list-style-type: none"> • Exploring feasibility of implementing EPR – stakeholder consultations held on Phase 1 products • Current stewardship programs for beverage containers and tires • Considering zero waste policy



2011 REPORT CARD **EPR Canada** Extended Producer Responsibility

EPR Canada Report Card Scoring

EPR Canada sent a 10-page questionnaire and guidebook (in both official languages) to the responsible Minister of the Environment in each province, territory and the federal government in March 2011. The questionnaire posed 10 weighted questions on EPR policies and programs addressing: achievements against EPR policy commitments; program targets; transparency and accountability; performance measurement and reporting; leadership and innovation; EPR awareness building; efficiency of decision-making and approval processes and design for environment/environmental footprint impacts.

Teams of two reviewers scored each submission independently and prepared a consensus score. The full team then reviewed and reached consensus on each jurisdiction's results. Review teams discussed the results of their reviews with each jurisdiction to ensure that there was an understanding of the score given in specific areas of the survey. Only summary grade scores have been made public.

Grade	%	Description
A+	90-100	Excellent
A	85-89	
A-	80-84	
B+	76-79	Good
B	72-75	
B-	68-71	
C+	64-67	Satisfactory
C	60-63	
C-	55-59	
D	50-54	Marginal
F	0-49	Inadequate

Future EPR Report Cards

Based on the reviewers' experience from this process and feedback from submitters, EPR Canada plans to modify next year's questionnaire to clarify questions and to solicit more information on EPR program key performance indicators and diversion outcomes.

Over time, EPR Canada intends to report on jurisdictions' follow through on their stated intentions regarding EPR program regulation, implementation and the CAP. At present, there is no national reporting on such commitments. In addition, the waste diversion and environmental performance of programs will be seen as areas of increasing importance in jurisdiction rankings. EPR Canada hopes that reporting on EPR program commitments and looking at program achievements will highlight not only best policy and regulatory frameworks, but best program practices, as well.



Appendix A

Provinces and Territories Intentions to Implement EPR Programs for Canada-wide Action Plan Phase 1 and 2 Materials



ACKNOWLEDGEMENTS

Thank you to the many federal, provincial and territorial officials and their political leaders for your time and effort to participate in this important initiative. We anticipate this venture will gain recognition year by year and we look forward to working with representatives and leaders in each jurisdiction to advance our common interests in this central area of environmental policy, where Canada continues to be a world leader.

EPR CANADA

www.eprcanada.ca

Email: info@eprcanada.ca

EPR MEMBERS:

Duncan Bury

Geoff Love

Christina Seidel

Georges Portelance

Glenda Gies

Jo-Anne St. Godard

Don Jardine

Barbara McConnell