

Environmental Management Act
RECYCLING REGULATION

Note: Check the Cumulative Regulation Bulletin 2012 and 2013 for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 132/2011, July 1, 2012]

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Part 1 — Definitions and Application

Definitions

1 In this regulation:

"Act" means the *Environmental Management Act*;

"agency" means a corporation appointed by a producer to act as an agent on behalf of the producer;

"approved plan" means a product stewardship plan approved under section 5 [*approval of product stewardship plan*];

"collection facility" means

(a) in respect of a product within the beverage container product category,

(i) a container redemption facility, as defined in Schedule 1 [*Beverage Container Product Category*],
or

(ii) a retailer whose premises are not identified in an approved plan,

(b) in respect of a product within the

(i) solvent and flammable liquids product category,

(ii) pesticide product category,

(iii) gasoline product category,

(iv) pharmaceutical product category,

(v) lubricating oil product category,

(vi) oil filter product category,

(vii) paint product category,

(viii) lead-acid battery category, or

(ix) antifreeze product category,

a return collection facility, as defined in the Hazardous Waste Regulation, B.C. Reg. 63/88, or

(c) in respect of a product within the empty oil container product category, electronic and electrical product category, tire product category or packaging and printed paper product category, a collection facility established by the producer;

"institutional accommodations" includes licensed care facilities, student residences, hospitals, hospices, correctional facilities and other institutional settings in which persons reside, or stay on a temporary basis, but does not include residential premises;

"producer" means

(a) in respect of the producer of a product within the beverage container product category, the producer as determined under section 2 [*producers*] of Schedule 1 [*Beverage Container Product Category*],

(a.1) in respect of the producer of a product within the tire product category, a person who

(i) sells, offers for sale or distributes a new tire product in British Columbia,

(ii) is the owner or licensee of a trademark under which a tire product is sold or distributed in British Columbia, whether or not the trademark is registered, or

(iii) imports the tire product into British Columbia for sale or distribution, or

(b) in respect of the producer of a product within a product category other than the beverage container product category or the tire product category,

(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, or

(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;

"product" means an item within a product category;

"product category" means any of the following categories described in the Schedules:

- (a) antifreeze product category;
- (b) beverage container product category;
- (c) solvent and flammable liquids product category;
- (d) pesticide product category;
- (e) gasoline product category;
- (f) lead-acid battery product category;
- (g) pharmaceutical product category;
- (h) lubricating oil product category;
- (i) empty oil container product category;
- (j) oil filter product category;
- (k) paint product category;
- (l) electronic and electrical product category;
- (m) tire product category;
- (n) packaging and printed paper product category;

"recovery rate" means the amount of product collected divided by the amount of product generated, expressed as a percentage;

"residential premises" includes houses, apartments, condominiums, town homes and other premises in which persons reside but does not include institutional accommodations or visitor accommodations;

"residual" means the portion of a product that remains after the consumer of the product has no further use for it;

"retailer" means a person who sells or offers for sale a product to a consumer;

"visitor accommodations" includes hotels, motels, resorts, campgrounds and other accommodations in which persons stay on a temporary basis when they are away from the places they reside.

[am. B.C. Regs. 23/2006, s. 1; 65/2006, s. 1; 297/2006, ss. 1 and 2; 374/2008, s. 1; 296/2009, ss. 1 and 2; 88/2011, Sch. s. 1.]

Duty of producer

2 (1) Except as otherwise specifically provided in this regulation, a producer must

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

(b) comply with Part 3 [*Product Stewardship Program Requirements If No Product Stewardship 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.

(2) If a producer appoints an agency to carry out duties of the producer under Part 2 on behalf of the producer, the producer, before the agency begins to carry out those duties, must notify the agency in writing of the appointment, specifying the duties under Part 2 that the agency will perform on behalf of the producer.

(3) Before an agency begins to carry out duties on behalf of a producer, the agency must

(a) confirm in writing to a director the duties under Part 2 that the agency will perform on behalf of each producer that has joined the agency, and

(b) comply with Part 2 in respect of the duties referred to in paragraph (a).

(4) On the request of a director, an agency must provide the director with either or both of the following:

(a) a list of producers the agency currently represents;

(b) a copy of any notification the agency received under subsection (2).

- (5) An agency appointed by a producer under subsection (2) must, as soon as practicable, notify the producer of the following:
- (a) any written notices, or written reasons provided under section 7, sent by a director to the agency alleging non-compliance with one or more requirements of this regulation;
 - (b) the agency is charged with an offence listed in section 16;
 - (c) the agency is convicted of an offence listed in section 16;
 - (d) the agency is issued with a ticket in accordance with the Violation Ticket Administration and Fines Regulation for an offence listed in Schedule 2 of that regulation respecting the Recycling Regulation, B.C. Reg. 449/2004.

[am. B.C. Regs. 296/2009, s. 3; 88/2011, Sch. s. 2.]

Part 2 — Product Stewardship Plans

Application

3 This Part applies to a producer

- (a) that sells, offers for sale, distributes or uses in a commercial enterprise a product within one of the following product categories:
 - (i) beverage container product category;
 - (ii) packaging and printed paper product category,
- (b) that wishes to be covered by this Part in respect of a product category, other than a product category listed in paragraph (a), of a product that the producer sells, offers for sale, distributes or uses in a commercial enterprise, or
- (c) that is required under section 3.1 to comply with this Part in respect of a product category.

[am. B.C. Regs. 23/2006, s. 2; 88/2011, Sch. s. 3.]

Requirement to comply with this Part

3.1 A director may require a producer to comply with this Part, on and after a date specified by the director, in respect of a product category specified by the director if, in the opinion of the director, the producer does not primarily sell, offer for sale, distribute or use in a commercial enterprise the products that it produces in the product category from

the producer's retail premises in British Columbia or through another retailer's premises in British Columbia.

[en. B.C. Reg. 23/2006, s. 3; am. B.C. Reg. 88/2011, Sch. s. 4.]

Repealed

3.2 Repealed. [B.C. Reg. 297/2006, s. 3.]

Submission of product stewardship plan

4 A producer must submit a product stewardship plan, at the time specified in the applicable Schedule, if any, and in a manner and format satisfactory to a director, for the products within the product category of the product the producer sells, offers for sale, distributes or uses in a commercial enterprise in British Columbia.

[am. B.C. Reg. 88/2011, Sch. s. 5.]

Approval of product stewardship plan

5 (1) On receipt of a product stewardship plan submitted under section 4 [*submission of product stewardship plan*], the director may approve the plan if the director is satisfied that

(a) the plan will achieve, or is capable of achieving within a reasonable time,

(i) a 75% recovery rate or another recovery rate established by the director,

(A) for each subcategory listed in section 4 of Schedule 1 for the beverage container product category, and

(B) for each product category covered by the plan, other than the beverage container product category, if required by the director,

(ii) any performance requirements or targets established by the director, and

(iii) any performance requirements or targets in the plan,

(b) the producer has undertaken satisfactory consultation with stakeholders prior to submitting the plan for approval and will provide opportunity for stakeholder input in the implementation and operation of the product stewardship program,

(c) the plan adequately provides for

(i) the producer collecting and paying the costs of collecting and managing products within the product category covered by the plan, whether the products are currently or previously sold, offered for sale or distributed in British Columbia,

(ii) with respect to the solvent and flammable liquids, pesticide, gasoline and pharmaceutical product categories,

(A) the collection of residuals and containers that are or were in direct contact with a residual, and

(B) the management of residuals and containers collected,

(iii) reasonable and free consumer access to collection facilities,

(iv) making consumers aware of

(A) the producer's product stewardship program,

(B) the location of collection facilities, and

(C) how to manage products in a safe manner,

(v) assessing the performance of the producer's product stewardship program, the management of costs incurred by the program and the management of environmental impacts of the program,

(vi) a dispute resolution procedure for disputes that arise between a producer and person providing services related to the collection and management of the product during implementation of the plan or operation of the product stewardship program,

(vii) eliminating or reducing the environmental impacts of a product throughout the product's life cycle, and

(viii) the management of the product in adherence to the order of preference in the pollution prevention hierarchy, and

(d) with respect to the packaging and printed paper category, the plan adequately provides for the collection of the product by the producer

(i) from residential premises, and

(ii) from municipal property that is not industrial, commercial or institutional property.

(2) In deciding whether to approve the plan, the director may consider any of the following:

(a) the advice of a committee of up to 12 persons the director appoints for the purpose of giving advice on the plan;

(b) the timelines and effectiveness of the plan respecting the matters referred to in subsection (1);

(c) the population and geographical area of the markets in which the producer sells, offers for sale, distributes or uses in a commercial enterprise the product;

(d) the manner in which the product is marketed and retailed by the producer;

(e) the nature of the product;

(f) the amount of product the producer expects to sell, distribute or use in a commercial enterprise each year;

(g) the amount of product the producer expects to collect each year;

(h) the size of the population intended to be served by each collection facility;

(i) the provision of convenient options for the collection of products in urban centres and small, isolated communities, and for persons with disabilities or who have no access to transportation;

(j) the manner, kind and amount of advertising and consumer education planned by the producer to inform consumers of the location and operation of collection facilities and the environmental and economic benefits of participating in the product stewardship program;

(k) the methods of product collection, storage, transportation and management;

- (l) the product stewardship programs of other producers for products in the same product category;
 - (m) the structure of financial and operational co-operation with other producers.
- (3) For the purposes of subsection (1) (c) (viii), the pollution prevention hierarchy is as follows in descending order of preference, such that pollution prevention is not undertaken at one level unless or until all feasible opportunities for pollution prevention at a higher level have been taken:
- (a) reduce the environmental impact of producing the product by eliminating toxic components and increasing energy and resource efficiency;
 - (b) redesign the product to improve reusability or recyclability;
 - (c) eliminate or reduce the generation of unused portions of a product that is consumable;
 - (d) reuse the product;
 - (e) recycle the product;
 - (f) recover material or energy from the product;
 - (g) otherwise dispose of the waste from the product in compliance with the Act.
- (4) This section applies to
- (a) a director's approval of a producer's proposed amendment to an approved plan, and
 - (b) a director's amendment to an approved plan.
- (5) A director may amend an approved plan.
- (6) An amendment referred to in subsection (5) takes effect on the date specified by the director.

[am. B.C. Regs. 23/2006, s. 4; 296/2009, s. 4; 88/2011, Sch. s. 6.]

Plan review every 5 years

6 A producer must review its approved plan and

- (a) submit to a director proposed amendments to the approved plan, or

(b) advise a director in writing that no amendments to the approved plan are necessary,

not later than the date that is 5 years after the date the approved plan was originally approved under this section and every 5 years thereafter.

Rescinding approval of approved plan

6.1 At any time, the director may rescind the approval of an approved plan.

[en. B.C. Reg. 88/2011, Sch. s. 7.]

Written reasons required

7 The director must provide the producer with written reasons whenever

(a) a product stewardship plan submitted under section 4 [*submission of product stewardship plan*] is not approved under section 5 [*approval of product stewardship plan*],

(a.1) the director amends an approved plan,

(b) an amendment to an approved plan is not approved, or

(c) the approval of a plan is rescinded.

[am. B.C. Reg. 23/2006, s. 5.]

Annual report

8 (1) On or before July 1 in each year, a producer with an approved plan must

(a) provide to a director a report respecting the one-year period ending not later than March 31 of that year or December 31 of the previous year, and

(b) post the report on the Internet.

(2) Subject to subsection (4), the report referred to in subsection (1) must include the following:

(a) a description of educational materials and educational strategies the producer uses for the purposes of this Part;

(b) the location of its collection facilities, and any changes in the number and location of collection facilities from the previous report;

- (c) efforts taken by or on behalf of the producer to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle;
 - (d) a description of how the recovered product was managed in accordance with the pollution prevention hierarchy;
 - (e) the total amount of the producer's product sold and collected and, if applicable, the producer's recovery rate;
 - (e.1) effective for a report required on or before July 1, 2013 and for every report required under subsection (1) after that date, the total amount of the producer's product recovered in each regional district;
 - (f) independently audited financial statements detailing
 - (i) all deposits received and refunds paid by the producers covered by the approved plan, and
 - (ii) revenues and expenditures for any fees associated with the approved plan that are charged separately and identified on the consumer receipt of sale;
 - (g) a comparison of the approved plan's performance for the year with the performance requirements and targets in this regulation and the approved plan;
 - (h) any other information specified by the director.
- (3) If the report referred to in subsection (1) is in respect of the beverage container product category, the information required under subsection (2) (c) to (g) must be provided for each subcategory listed in section 4 of Schedule 1.
- (3.1) If an agency is appointed by more than one producer to carry out the duties of the producer under this section, the agency may provide and post one report referred to in subsection (1) on behalf of all of those producers.
- (4) The director may specify classes of information the producer is not required to include in the report posted on the Internet under subsection (1) (b).

[am. B.C. Regs. 23/2006, s. 6; 88/2011, Sch. s. 8.]

Part 3 — Product Stewardship Program Requirements if No Product Stewardship Plan

Application of stewardship requirements

- 9** (1) A producer must meet the requirements of this Part in respect of a product unless there is an approved plan for the product.
- (2) This Part does not apply to a product in one of the following product categories:
- (a) beverage container product category;
 - (b) packaging and printed paper product category.
- (3) This Part does not apply to a producer in relation to a product category for which the producer is required under section 3.1 to comply with Part 2.
- (4) A producer must notify a director in writing of the producer's intention to meet the requirements of this Part.

[am. B.C. Regs. 23/2006, s. 7; 296/2009, s. 5; 88/2011, Sch. s. 9.]

Consumer information

- 10** (1) A producer must provide to each retailer of the producer's product, free of charge, consumer information respecting
- (a) the safe use and storage of the products,
 - (b) the amount of any deposit charged and refund paid by the producer, and
 - (c) the amount of any fee associated with the producer's product stewardship program that is charged by the producer and identified separately on the consumer's receipt of sale.
- (2) A retailer must
- (a) post the consumer information referred to in subsection (1) on at least one clearly visible sign with a minimum dimension of 56 cm by 43 cm and a font with a minimum print size of 24 points that is in a contrasting colour to the background colour of the sign, and
 - (b) make available the consumer information referred to in subsection (1) as a printed handout.
- (3) The retailer must post or distribute the consumer information as required under subsection (2) at one of the following locations:
- (a) the main entrance to the retailer's premises;

- (b) the area inside a retailer's premises where products are displayed;
 - (c) an area inside a retailer's premises where the transaction to purchase a product takes place.
- (4) A producer must post the consumer information referred to in subsection (1) on the Internet.

Collection

- 11** (1) In this section, "**municipality**" does not include a regional district, an improvement district or the Greater Vancouver Sewerage and Drainage District.
- (2) A producer must operate a collection facility for all products currently or previously sold, offered for sale, distributed or used in a commercial enterprise in British Columbia that are within a product category in respect of which the producer sells, offers for sale, distributes or uses in a commercial enterprise a product.
- (3) If a collection facility is operated at a location other than at the premises of a retailer who sells the producer's products, the producer must locate the collection facility
- (a) within 4 kilometres by road from the retailer's premises if the retailer's premises are located in a municipality that has a population greater than 25 000, or
 - (b) within 10 kilometres by road from the retailer's premises if the retailer's premises are located outside a municipality that has a population greater than 25 000.
- (4) A producer must make its collection facility
- (a) available without charge to any consumer who wishes to return unlimited quantities of products within the product categories it sells, offers for sale, distributes or uses in a commercial enterprise, and
 - (b) operate during regular business hours, 5 days per week, one day of which must be Saturday.

[am. B.C. Reg. 88/2011, Sch. s. 10.]

Consumer notification by advertisement

- 12** (1) The producers using a collection facility must notify the consumers served by the facility of the location and operating hours of the facility by inserting an advertisement in a newspaper serving the consumers' area.

- (2) The advertisement must
- (a) have a minimum dimension of 15 cm by 10 cm, and
 - (b) be published
 - (i) once per week for the first 4 consecutive weeks the collection facility is open,
 - (ii) thereafter once every 2 weeks until the facility has been open for 52 weeks, and
 - (iii) thereafter once every 4 weeks.

Management of collected products

13 A producer must manage all products collected at a collection facility provided by that producer in adherence to the following descending order of preference, such that pollution prevention is not undertaken at one level unless or until all feasible opportunities for pollution prevention at a higher level have been taken:

- (a) reuse the product;
- (b) recycle the product;
- (c) recover material or energy from the product;
- (d) otherwise dispose of the waste from the product in compliance with the Act.

Reports

- 14** (1) On or before April 30 in each year, a producer must
- (a) provide to a director a report respecting the preceding calendar year, and
 - (b) post the report on the Internet.
- (2) The report referred to in subsection (1) must include the following:
- (a) a description of educational materials and educational strategies the producer uses for the purposes of this Part;
 - (b) the total amount of the producer's product sold and collected;
 - (c) the location of the producer's collection facilities;
 - (d) the amount of product managed at each level referred to in section 13 by or on behalf of the producer;

(e) efforts taken by or on behalf of the producer through redesign or repackaging to reduce product waste;

(f) a description and rationale, prepared by an independent auditor, of the processes used by or on behalf of the producer to store and transport products and to manage products at each level referred to in section 13;

(g) a description of the management system used by or on behalf of the producer to monitor the effectiveness of the producer's efforts under this Part.

(3) Subject to subsection (3.1), on or before April 30, July 31, October 31 and January 31 of each year, a producer must provide a director with information on the total product collected on the producer's behalf during the previous calendar quarter.

(3.1) If a producer complies with subsection (3) for 2 consecutive years beginning on the date the producer first provides information to a director under that subsection, the director may exempt the producer from further compliance with subsection (3) if the director determines that the producer is meeting the requirements of this Part.

(3.2) A director who, under subsection (3.1), exempts a producer from complying with subsection (3) may require the producer to resume complying with subsection (3) if the director determines that

(a) the producer has provided inaccurate or inadequate information in the most recent report required under subsection (1), or

(b) the producer is not meeting the requirements of this Part.

(4) On or before April 30 of each year, a producer charging a fee associated with the product stewardship program that is identified separately on the consumer receipt of sale must provide a director with audited financial statements detailing revenues and expenditures associated with its efforts under this Part for the previous calendar year.

[am. B.C. Reg. 88/2011, Sch. s. 11.]

Part 4 — General

Repealed

15 Repealed. [B.C. Reg. 88/2011, Sch. s. 12.]

Offences

16 A person who contravenes

(a) sections 2 (1), (2) or (3), 6, 8 or 17 (2), or

(b) sections 5 (1) and (2), 6 (1), 7 (1) or (2) or 8 (1) or (2) of Schedule 1

commits an offence and is liable to a fine not exceeding \$200 000.

[am. B.C. Regs. 65/2006, s. 3; 297/2006, s. 4.]

Transitional — product stewardship plans

17 (1) A plan approved under section 5 of the Post-Consumer Residual Stewardship Program Regulation or section 7 of the Beverage Container Stewardship Program Regulation is deemed to be a plan approved under section 5 of this regulation.

(2) A producer whose existing plan is deemed to be an approved plan under subsection (1) must submit a plan or amendments to the existing plan for approval in accordance with this regulation as follows:

(a) subject to paragraph (b), within 2 years of this regulation coming into force;

(b) if the plan is in respect of products in the lubricating oil, empty oil container and oil filter product categories, within 3 years of this regulation coming into force.

Repealed

18 Repealed. [B.C. Reg. 297/2006, s. 5.]

Schedule 1

[am. B.C. Reg. 112/2010, s. 11.]

Beverage Container Product Category

Definitions

1 In this Schedule:

"beverage" means any liquid that is a ready-to-serve drink but does not include milk, milk substitutes, rice milk, soya milk, flavoured milk, infant formulas, meal replacements or dietary supplements;

"container" means a container made of aluminum, glass, paper, plastic, steel or other similar material, or any combination of them, that is or was sealed by its manufacturer;

"container redemption facility" means an operation, facility or retail premises, or an association of operations, facilities or retail premises, identified in an approved plan for the collection and redemption of a producer's containers;

"liquor" means liquor as defined in section 1 (1) of the *Liquor Distribution Act*;

"Liquor Distribution Branch" means the Liquor Distribution Branch in British Columbia continued under section 2 of the *Liquor Distribution Act*;

"manufacturer's agent" means manufacturer's agent as defined in section 1 (1) of the *Liquor Distribution Act*;

"refill" means to reuse without remanufacturing;

"seller" means a producer, retailer or other person who sells a beverage in a container.

Producers

2 (1) A producer of a container is one of the following:

(a) a person who manufactures in British Columbia a beverage which is sold in a container;

(b) if paragraph (a) does not apply, a manufacturer's agent who represents to the Liquor Distribution Branch a person who manufactures outside British Columbia a beverage which is sold in a container;

(c) if paragraphs (a) and (b) do not apply, a person who distributes in British Columbia a beverage, other than liquor, which is sold in a container;

(d) if paragraphs (a) to (c) do not apply, a person who imports into British Columbia, for sale in British Columbia, a beverage which is sold in a container.

(2) Despite subsection (1) (a) and (b), the Liquor Distribution Branch may elect to be the producer of a beverage which is sold in a container.

(3) Subsection (2) does not apply to

(a) non-alcoholic beverages, or

(b) a beverage sold by a producer who gives written notice to the Liquor Distribution Branch and a director that, despite subsection (2), it will continue to be the producer under subsection (1) (a) or (b).

- (4) The Liquor Distribution Branch must give a director written notice of any election made under subsection (2) by giving particulars of the beverage category and container type for which it elects to become the producer and, if applicable, naming any manufacturer or manufacturer's agent not otherwise included in that election.

Application

3 This Schedule applies to a container that

- (a) may hold, holds or has held a beverage,
- (b) is offered for sale or sold in British Columbia, and
- (c) is not a refillable container having a capacity of 10 litres or more.

Beverage container product subcategories

4 The beverage container product category consists of the following subcategories based on container material and container size:

- (a) aluminum cans;
- (b) refillable glass bottles, able to hold 1 litre or less;
- (c) refillable glass bottles, able to hold more than 1 litre;
- (d) nonrefillable glass bottles, able to hold 1 litre or less;
- (e) nonrefillable glass bottles, able to hold more than 1 litre;
- (f) plastic containers made of high density polyethylene, able to hold less than 500 ml;
- (g) plastic containers made of high density polyethylene, able to hold 500 ml to 1 litre;
- (h) plastic containers made of high density polyethylene, able to hold more than 1 litre;
- (i) plastic containers made of resins other than high density polyethylene, able to hold less than 500 ml;
- (j) plastic containers made of resins other than high density polyethylene, able to hold 500 ml to 1 litre;

- (k) plastic containers made of resins other than high density polyethylene, able to hold more than 1 litre;
- (l) bimetal cans, able to hold 1 litre or less;
- (m) bimetal cans, able to hold more than 1 litre;
- (n) drinking boxes, able to hold 500 ml or less;
- (o) drinking boxes, able to hold more than 500 ml but not more than 1 litre;
- (p) bag in a box;
- (q) gable top containers, able to hold less than 500 ml;
- (r) gable top containers, able to hold 500 ml to 1 litre;
- (s) gable top containers, able to hold more than 1 litre;
- (t) stand up pouches;
- (u) beverage containers not referred to in paragraphs (a) to (t).

Deposit

- 5 (1) A seller must collect from the purchaser, at the time of sale of a beverage in a container, a deposit in an amount not less than the amount in Column 2 of Table 1, set out opposite the container size and beverage type in Column 1.

Table 1 — Container Deposit and Refund

Item	Column 1	Column 2
	Container Size and Beverage Type	Minimum Amount of Deposit or Refund
1	one litre or less for non-alcoholic beverages	5¢
2	one litre or less for alcoholic beverages	10¢

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- (2) The deposit required by subsection (1) must be shown on the purchaser's receipt if a receipt is given.
 - (3) The deposit amount set out in Table 1 is an amount that includes any applicable taxes imposed under Part IX of the *Excise Tax Act* (Canada).
 - (4) This section does not apply to a seller if
 - (a) the seller sells a beverage in a container for consumption on the premises of the seller and the beverage is consumed on those premises, or
 - (b) the seller is a manufacturer or manufacturer's agent who sells a beverage in a container to the Liquor Distribution Branch and the Liquor Distribution Branch has elected under section 2 (2) to be the producer for that container.

Refund

- 6 (1) A container redemption facility or, subject to subsection (2), a retailer whose premises are not identified in an approved plan, must accept containers for return and pay to the person returning the containers a cash refund in an amount
 - (a) not less than the amount set out in Table 1, or
 - (b) if the amount of deposit collected is greater than the amount in Column 2 for the container size and beverage type set out opposite in Column 1, not less than the deposit amount collected.
- (2) Subject to subsection (3), a person may return for refund to a retailer not more than 24 containers per day that are of the same beverage container subcategory and brand that the retailer sells.
- (3) If the director determines that there are adequate container redemption facilities and retailers in a regional district, a person may return for refund to a retailer not more than 6 containers per day that are of the same beverage container subcategory and brand that the retailer sells to consumers.
- (4) Subsections (2) and (3) do not apply to the return of containers to a retailer whose premises is identified as a container redemption facility in an approved plan.

- (5) A container redemption facility or retailer is not required to accept a container, or pay a cash refund for a container, if the container
- (a) is contaminated, rusty or dirty,
 - (b) can be reasonably identified as a container that was purchased outside of British Columbia, or
 - (c) cannot be reasonably identified as a container to which this Schedule applies.

Container design requirements

- 7** (1) A seller must offer for sale or sell a beverage only in a container that can be refilled or recycled.
- (2) A seller must not offer for sale or sell a beverage
- (a) in a metal container that is opened by use of a rigid metal pull-tab which can be removed from the container, or
 - (b) in a container that bears any label, mark, stamp or inscription which indicates that the container cannot be returned for refund.

Redeemed containers

- 8** (1) A producer must ensure that its redeemed containers are refilled or recycled.
- (2) A person must not dispose of redeemed containers in a landfill or incinerator.

Schedule 2

[am. B.C. Reg. 296/2009, s. 6.]

Residual Product Categories

Definitions

- 1** In this Schedule, "**empty container**" means a container that holds less than 3% residual by volume.

Solvent and flammable liquids product category

- 2** The solvent and flammable liquids product category consists of

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

(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,

(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, and

(b) paint strippers containing methylene chloride.

Pesticide product category

3 (1) Subject to subsection (2), the pesticide product category consists of control products registered under the *Pest Control Products Act* (Canada) 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.

Gasoline product category

- 4** The gasoline product category consists of gasoline sold for use in spark ignition engines and returned in an approved Underwriters Laboratories of Canada container.

Pharmaceutical product category

- 5** The pharmaceutical product category consists of all unused or expired drugs, as defined in the *Food and Drugs Act (Canada)* except without reference to animals or paragraph (c) of that definition, except
- (a) unused or expired drugs from a hospital, as defined in section 1 of the *Hospital Act*, or the office of a medical practitioner,
 - (b) contact lens disinfectants,
 - (c) antidandruff shampoo or products,
 - (d) antiperspirants,
 - (e) antiseptic or medicated skin care products,
 - (f) sunburn protectants,
 - (g) mouthwashes, and
 - (h) fluoridated toothpastes.

Lubricating oil product category

- 6** The lubricating oil product category includes all
- (a) petroleum-derived or synthetic
 - (i) crankcase, engine and gear oils, and
 - (ii) hydraulic, transmission and heat transfer fluids, and
 - (b) fluids used for lubricating purposes in machinery or equipment.

Empty oil container product category

- 7** The empty oil container product category consists of empty containers with a capacity of 30 litres or less, manufactured and used for any product in the lubricating oil product category.

Oil filter product category

- 8** The oil filter product category consists of
- (a) spin-on-style or element-style fluid filters that are used in hydraulic, transmission or internal combustion engine applications, and
 - (b) oil, diesel fuel, storage tank fuel, coolant and household furnace oil filters,
- but does not include gasoline, air or household furnace air filters.

Paint product category

- 9** The paint product category consists of
- (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.

Lead-acid battery product category

- 10** Effective July 1, 2011, the lead-acid battery category consists of lead-acid batteries weighing more than 2 kg, and includes, without limitation, lead-acid batteries for automobiles, motorcycles, recreation vehicles, marine vehicles and locomotives.

Antifreeze product category

- 11** Effective July 1, 2011, the antifreeze product category consists of automotive antifreeze and includes empty containers for this antifreeze.

Transitional — July 1, 2011

- 12** A producer that wishes to be covered by Part 2 [*Product Stewardship Plans*] of this regulation on July 1, 2011 in relation to the lead-acid batteries set out in section 10 of this Schedule must submit, on or

before October 1, 2010, a product stewardship plan under section 4 [*submission of product stewardship plan*] of this regulation respecting those lead-acid batteries.

Transitional — July 1, 2011

13 A producer that wishes to be covered by Part 2 [*Product Stewardship Plans*] of this regulation on July 1, 2011 in relation to the automotive anti-freeze or empty automotive anti-freeze containers set out in section 11 of this Schedule must submit, on or before October 1, 2010, a product stewardship plan under section 4 [*submission of product stewardship plan*] of this regulation respecting that anti-freeze or those containers.

Schedule 3

[en. B.C. Reg. 23/2006, s. 8; am. B.C. Regs. 374/2008, ss. 2 to 6; 296/2009, s. 7; 132/2011, App. ss. 1 to 3; 297/2009, Sch. ss. 1 and 2.]

Electronic and Electrical Product Category

Definitions

1 In this Schedule:

"**computer**" includes a computer monitor and computer peripheral;

"**computer peripheral**" means a keyboard, mouse or cable that attaches or is attached to a computer;

"**desktop printer**" means a printer that will print on paper not exceeding 8.5 inches in width but does not include a label printer.

Electronic and electrical product category

2 (1) The electronic and electrical product category consists of the following products:

(a) electronic or electrical information technology or telecommunication devices or equipment including, without limitation,

(i) computers, whether desktop, laptop, portable or part of other products, printers, computer peripherals and parts of computer systems,

(ii) copying equipment,

(iii) typewriters,

(iv) calculators,

(v) fax machines, telex machines and telephones and telephone answering systems, and

(vi) other devices, equipment or media for collecting, storing, processing, presenting or communicating information, including, without limitation, sounds and images;

(b) electronic or electrical audio visual and consumer equipment or media, including, without limitation, televisions, radio sets, cameras, video recorders and projectors, audio players, recorders, headphones, microphones, amplifiers, equalizers, speakers, musical instruments, and any other products or equipment for recording or reproducing sound or images, including equipment or media for distributing sound and images other than telecommunication equipment described in paragraph (a);

(c) electronic or electrical appliances including, without limitation,

(i) floor or carpet care appliances,

(ii) garment care appliances including, without limitation, irons and mangles,

(iii) appliances for counter top cooking, including, without limitation, toasters, toaster ovens, fryers, hot plates, microwave ovens, coffee makers, coffee grinders, kettles, blenders, mixers and food processors,

(iv) knives,

(v) devices for opening or sealing containers or packages,

(vi) devices for measuring time,

(vii) personal care appliances, including, without limitation, hair cutting and drying appliances, tooth care appliances, shavers and massagers,

(viii) scales,

(ix) portable air treatment appliances, including, without limitation, fans, air purifiers, humidifiers and air conditioners,

(x) large cooling appliances, including, without limitation, refrigerators, freezers and coolers,

(xi) clothes washing machines and dryers,

(xii) dishwashing machines, whether or not portable,

(xiii) large heating or cooking appliances for food, including, without limitation, stoves, ranges, ovens, including microwave ovens, and warming drawers,

(xiv) radiators,

(xv) large air treatment appliances, including, without limitation, furnaces and large heaters, dehumidifiers and air conditioners,

(xvi) large fans and exhaust ventilation equipment,

(xvii) water purifiers, and

(xviii) trash compactors and food waste disposal appliances;

(d) electronic or electrical tools, other than large-scale stationary industrial tools, including, without limitation,

(i) drills, saws and welding and soldering tools,

(ii) equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, punching, folding, bending or otherwise processing wood, metal or other materials,

(iii) tools for riveting, nailing or screwing or removing rivets, nails or screws,

(iv) sewing machines, knitting machines and other appliances for weaving or processing textiles,

(v) snow blowers and mowers and other gardening tools,

(vi) slot machines,

(vii) bar code and point-of-sale scanners;

(e) all electronic or electrical lighting equipment, parts and bulbs;

(f) electronic or electrical toys, including, without limitation, trains, car racing sets, cars and trucks, including remote control and ride on toys, video games and video gaming equipment and consoles;

(g) electronic or electrical biking, diving, running and rowing machines or computers and other sports equipment with electronic or electrical components;

(h) electronic or electrical devices for arts, hobbies or crafts;

(i) electronic or electrical monitoring and control instruments, including, without limitation, smoke detectors, alarm systems, heating regulators, thermostats and appliances for measuring, weighing or adjusting;

(j) electronic or electrical appliances that automatically dispense money or products on demand;

(k) electronic or electrical medical devices or equipment for detecting, preventing, monitoring, treating or alleviating illness, injury or disability, other than a medical device that has been implanted in a person or that has been exposed to infectious matter;

(l) accessories for use with any products referred to in Schedule 3, including cables, adapters, connection cords and chargers;

(m) batteries that could be used in an electronic or electrical product listed in this section, including primary batteries and rechargeable batteries.

- (2) The electronic and electrical product category does not include computers and televisions that are part of or attached to vehicles, marine vessels or commercial or industrial equipment.

[am. B.C. Reg. 297/2009, Sch. s. 1.]

Repealed

2.1 Repealed. [B.C. Reg. 297/2009, Sch. s. 2.]

Repealed

2.2 to 2.3 [B.C. Reg. 297/2009, Sch. s. 2, as am. by B.C. Reg. 132/2011, App. s. 3.]

Repealed

3 Repealed. [B.C. Reg. 374/2008, s. 5.]

Repealed

3.1 to 3.21 [B.C. Reg. 297/2009, Sch. s. 2, as am. by B.C. Reg. 132/2011, App. s. 3.]

Repealed

3.3 Repealed. [B.C. Reg. 297/2009, Sch. s. 2.]

Schedule 4

[en. B.C. Reg. 65/2006, s. 5.]

Tire Product Category

Definitions

1 In this Schedule:

"cycle" , "farm tractor" , "highway" , "motor vehicle" , and "trailer" have the same meaning as in the *Motor Vehicle Act*;

"pneumatic tire" and "solid tire" have the same meaning as in the Motor Vehicle Act Regulations, B.C. Reg. 26/58.

Tire product category

2 The tire product category consists of pneumatic or solid tires designed for use on a motor vehicle, farm tractor, trailer, or other equipment or machinery but does not include

(a) tires designed for use on cycles, wheelchairs or three-wheeled motorized devices designed for the transportation of persons with physical impairment,

(b) tires designed for use on an aircraft or wheelbarrow,

(c) tires that ordinarily have a retail value of less than \$30, and

(d) tires designated with a tire tread code of C, E, G, L, or IND in the 2005 Tire and Rim Handbook of The Tire and Rim Association of the United States, as amended from time to time.

Schedule 5

[en. B.C. Reg. 88/2011, Sch. s. 13.]

Packaging and Printed Paper Product Category

Definitions

1 In this Schedule, "**printed paper**" means paper that is not packaging, but is printed with text or graphics as a medium for communicating information, and includes telephone directories, but does not include

(a) other types of bound reference books,

(b) bound literary books, or

(c) bound text books.

Packaging and printed paper category

2 The packaging and printed paper product category consists of packaging and printed paper.

Transitional

3 A person who, on the date this section comes into force, is a producer of a product within the packaging and printed paper product category must

(a) submit a product stewardship plan under section 4 [submission of product stewardship plan] of this regulation on or before the date that is 18 months after the date this section comes into force, if the person continues to be a producer on this date, and

(b) have an approved plan under Part 2 of this regulation, and comply with the approved plan, on or before the date that is 36 months after the date this section comes into force, if the person continues to be a producer on this date,

in order to sell, offer for sale, distribute or use in a commercial enterprise the product in British Columbia.

Note: *this regulation replaces B.C. Regs. 406/97 and 111/97.*

[Provisions relevant to the enactment of this regulation: *Environmental Management Act*, S.B.C. 2003, c. 53, sections 21 and 138]

