Discussion Paper

Household Hazardous Waste / HHW

October 19, 2005

Energy, Science and Technology
Green Manitoba Eco Solutions

This document has been prepared by Green Manitoba *Eco Solutions* to provide background information to industry stakeholders on an enhanced and expanded program of product stewardship to be implemented in Manitoba. You may provide your comments on this process through any of the following options:

- Through participation in a consultation meeting to be held on October 25, 2005 at the Winnipeg Convention Centre.
- Through participation in a web cast to be held in conjunction with this meeting at www.greenmanitoba.ca
- By providing your comments in writing

All affected stakeholders are encouraged to make their views known to Green Manitoba *Eco Solutions* through participation in the October 25 consultation or by submitting your comments in writing no later than November 8, 2005 to:

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1. Introduction

This discussion paper sets out background information and issues under consideration by the Province of Manitoba for the management of household hazardous wastes in Manitoba. The document was prepared to assist discussions at the Industry Stewardship Workshop to be held in Winnipeg on October 25, 2005, under the auspices of Green Manitoba *Eco Solutions*.

2. Green Manitoba Eco-Solutions Overview

Green Manitoba has been established by the Province of Manitoba as an Agency to lead and coordinate an enhanced and expanded system for product stewardship, energy and water conservation and demand-side management, and sustainable transportation. The primary goals of Green Manitoba are to:

1. maximize outcomes in energy and water demand-side management (DSM), product stewardship and waste reduction, and sustainable transportation;
2. develop coordinated programming that involves communities and municipalities; and
3. be a key source of policy advice to government on these issues.

In regard to product stewardship, Green Manitoba will promote the development of effective and efficient management programs for designated waste streams which will:

1. protect Manitoba's environment;
2. fairly allocate the costs for management of these materials;
3. ensure that these programs are economically and environmentally sustainable; and
4. foster innovation and economic growth.

Three waste streams have been designated as priorities for immediate attention by Green Manitoba:

- printed papers and packaging;
- household hazardous wastes (HHW); and
- waste electrical and electronic equipment (e-waste).

The focus of Green Manitoba is on all the above products regardless of where used or managed as waste.

3. The Evolution of Product Stewardship in Manitoba

In Canada, there are over 50 Extended Producer Responsibility (EPR), or product stewardship programs operating at provincial, regional and national levels. These programs address more than a dozen separate products and materials. Manitoba has been actively working with stakeholders to implement product stewardship programs since 1990 in an effort to reduce the amount of waste going to landfill and conserve resources.

Manitoba's first product stewardship programs – the Manitoba Tire Stewardship Board (TSB) and the Manitoba Product Stewardship Corporation (MPSC) – were established in 1995. Since that time, it has become generally accepted that increased industry responsibility in the design and operation of stewardship programs provides for greater flexibility to match revenue generation mechanisms with program expenditure requirements. Regional consistency in the operation of these programs is also desirable. Manitoba's Oil Stewardship Program managed by the Manitoba Association of Resource Recovery Corp. (MARRC) was built on these principles in 1997 and forms the model for Manitoba's enhanced product stewardship initiative being launched by Green Manitoba in 2005.

In developing new stewardship programs for Manitoba, it is recognized that the revised program focus should be consistent with current national and international approaches whereby the costs of managing designated waste materials are transferred from the municipal tax base to the producers and users of these products. Producer responsibility programs and corresponding Industry Funding Organizations (IFO's) launched in Ontario (Stewardship Ontario), Québec (Éco Enterprise Quebec) and British Columbia (Product Care) offer examples of broader producer responsibility models under consideration.

Manitoba's Waste Reduction and Prevention (WRAP) Act provides the legislative framework for introducing expanded producer responsibilities. The following table highlights the history and current status of regulations established under the WRAP Act since 1992 and the operational characteristics of Manitoba's product stewardship programs.

Waste Reduction and Prevention (WRAP) Act (1990/94)

- Enabling legislation; designate products or materials with potential to become waste for stewardship responsibilities
  http://web2.gov.mb.ca/laws/statutes/ccsm/w040e.php

Product Stewardship Regulations

- Beverage Container and Packaging Regulation (1992 – repealed 1995)
  - *Industry operated organization, target based regulation with financial penalty for non-compliance of material recovery targets. This regulation was replaced by the Multi-material Stewardship Regulation.*
- Multi-Material Stewardship (Interim Measures) Regulation (1995)
  - *Statutory corporation (MPSC), regulated board and product levies, 3 year business plan* approved by Minister
- Tire Stewardship Regulation (1995)
  - *Statutory corporation (TSB), regulated board and product levies, 3 year business plan approved by Minister*
- Used Oil, Filters and Containers Stewardship Regulation (1997)
  - *Regulated stewardship responsibilities (MARRC), industry operated board, industry establishes revenue mechanism, 5 year Business Plan approved by Minister*
- Household Hazardous Waste Regulation — DRAFT (2001)
  - *Regulated stewardship responsibilities, 11 product HHW categories and electronics. Withdrawn by Cabinet pending an overall review of Manitoba's EPR policies and program directions.*

4. Regulatory Changes

As the designated coordinating body, Green Manitoba, working in cooperation with Manitoba Conservation, product stewards, municipalities, ENGOs and consumer groups, is proposing to shift Manitoba's product stewardship approach to a regulated steward responsibility model in which the companies that produce or distribute these products (stewards) in Manitoba are responsible for developing a program or programs to manage designated wastes.

These changes will:

- build on the success of current programs to establish broad-based stewardship programs that are economically and environmentally sustainable;
- provide more flexibility for stewards to set program fees as may be required to implement the program;
- reduce government's direct involvement in program design and management; and
- reinforce the linkage between product design and the environment.

Where deemed necessary by Manitoba, Manitoba will modify existing regulations or introduce new regulations required to implement approved program plans and to address residual and non-recyclable components of the waste stream.

5. Guiding Principles for the Development of Product Stewardship Programs

The following principles have been established by Green Manitoba to guide the development of product stewardship plans. Program-specific criteria will also be developed in consultation with program partners and other stakeholders.

5.1 General Principles

1. The cost of managing designated waste materials should be borne by the producers and users of the product or packaging rather than by the taxpayer.
2. Programs to manage these materials must be economically and environmentally sustainable.
3. Product stewards are responsible for determining the method by which these materials are managed and how these costs are borne by the affected industry and potential program partners, subject to approval of government.
4. Fees required to support implementation of an approved program plan will be set and collected by approved not-for-profit Industry Funding Organizations (IFO) established for that purpose.
5. Programs will incorporate a public awareness and public education component.
6. Programs will operate province-wide providing public access that is convenient and fundamentally consistent.
7. Where practical and feasible, product stewardship programs in Manitoba should be harmonized with those of other provinces.

5.2 Accountability

8. Funds raised for the management of a designated material or product category will be directly related to the costs of managing that designated material or product category.
9. Transparency of program operations will be provided through the development of industry proposals, business plans and annual reports which will be available to all stakeholders.

10. Designated IFO's will undertake broad consultations on business plan proposals prior to submission of those proposals to Green Manitoba for review.

5.3 The Role of Government

11. Government will enact and enforce regulations to ensure a level playing field among stewards responsible for a designated waste stream.
12. Government will establish targets as part of program-specific criteria to monitor program performance.
13. Government will approve IFO Business Plans upon the recommendation of Green Manitoba.

6. Time Table

The Government of Manitoba seeks to implement stewardship programs as quickly as possible. Consultation on regulation(s) and the development and submission of stewardship plans will need to occur expeditiously.

7. Proposed Regulatory Framework

The proposed regulatory framework under Manitoba's Waste Reduction and Prevention Act (WRAP) is modeled on the existing Manitoba regulation, MR 86/97, Used Oil, Oil Filters and Containers Stewardship Regulation governing the collection and disposal of used oil, containers and oil filters. The Manitoba Association of Resource Recovery Corporation (MARCC) is the industry funding organization established to manage the Used Oil Stewardship Program.

- MARRC's 2002, Approved Business Plan and 2004 Annual Report is available at: http://www.usedoilrecycling.com/html/about_man.htm

- Manitoba's Used Oil, Oil Filters and Containers Stewardship Regulation (MR 86/97) is available at: http://web2.gov.mb.ca/laws/regs/pdf/w040-086.97.pdf

"Model" Stewardship Program Regulation:

The regulation is a regulation under The Waste Reduction and Prevention (WRAP) Act.

Definitions

"designated material" means any of the products, substances, material, devices or equipment that are designated as designated material in the regulation;

"designated waste" means

a) *designated material*
   i. *that through use, storage, handling, defect, damage, expiry of shelf life or other similar circumstance can no longer be used for its original purpose, or*
   ii. *that, for any other reason, the owner or person in possession of the material intends to dispose of it, and*
b) *the packaging or container in which designated material was supplied;*

"designated waste stewardship program" means a waste reduction and prevention program for designated waste;

"steward of designated material" means

a) *the first person who, in the course of business in Manitoba, supplies designated material to another person, or*
b) *a person who, in the course of business in Manitoba, uses a designated material obtained in a supply transaction outside of Manitoba;*

"supply" means to transfer a property interest by

a) *sale, whether conditional or otherwise,*
b) *exchange,*
c) *barter,*
d) *lease or rental, whether with an option to purchase or otherwise, or*
e) *gift.*

DESIGNATED WASTE STEWARDSHIP PROGRAM

Designation of Material

- *Products, substances, material, devices or equipment are designated as designated material for the purpose of the Act.*

Prohibitions

- *No person shall supply a designated material for consumption unless*
  a) *the steward of the designated material operates or subscribes to a designated waste stewardship program for the material; or*
  b) *the person operates or subscribes to a designated waste stewardship program for the material.*
- *No person shall in the course of business use in Manitoba a designated material obtained in a supply transaction outside of Manitoba unless the person operates or subscribes to a designated waste stewardship program for the material.*

- *No person shall supply a designated material for consumption in a retail sale in Manitoba unless the person makes available to the consumer point of sale information under a designated waste stewardship program for the material.*

- *No steward of designated material shall supply the material for consumption unless the steward has given written notice of intention to supply the material and a description*
    a) *of the material to be supplied; and*
    b) *of how the steward intends to meet the obligations of the regulation.*

Requirements for a Designated Waste Stewardship Program

- *A designated waste stewardship program*
    a) *shall be consistent with the principles of Sustainable Development set out in the WRAP Act;*
    b) *shall be consistent with any written guidelines established respecting such programs; and*
    c) *shall be open to any steward who wishes to subscribe to the program in accordance with the plan for the program approved under the regulation.*

- *A plan for a designated waste stewardship program shall include provision for*
    a) *the establishment and administration of a waste reduction and prevention program for one or more categories of designated material;*
    b) *the appropriate management of the designated waste included in the program in accordance with any written guidelines established by the minister;*
    c) *a province-wide, convenient collection system for the designated waste included in the program, without user fees for users of the system;*
    d) *a system for the payment of expenditures incurred in the collection, transportation, storage, processing and disposal of the designated waste in connection with the waste reduction and prevention program;*
    e) *the orderly collection of revenues from subscribers to the program in balance with expenditures for the program;*
    f) *the establishment and administration of education programs for the purpose of the waste reduction and prevention program;*
    g) *the establishment and administration of a point of sale information program for the purpose of the waste reduction and prevention program; and*
    h) *the payment of salaries and other costs of government for the administration and enforcement of this regulation and of the Act as it relates to the designated material included in the program.*

- *A plan for a designated waste stewardship program may include*
    a) *provision for the establishment and administration of research and development activities related to the management of designated waste;*
    b) *provision for training and educational activities related to the management of designated waste;*
    c) *provision for activities related to pollution prevention and waste reduction; and*
    d) *any other activities that the minister may approve.*

Approval of a Stewardship Plan

- *An IFO that intends to operate a designated waste stewardship program shall submit a plan for the stewardship program and apply for approval of the plan.*

- *An IFO shall conduct public consultations on the development of the plan.*

- *An application for approval of a plan for a designated waste stewardship program or renewal of an approval shall include a business plan for the implementation of the IFO's responsibilities under the Act and the regulation covering the period for which the approval is being sought.*

- *A plan for a designated waste stewardship program, or for the renewal of an approval, shall be filed in the Public Registry upon submission. Comments will be received on the plan for 28 days from the date it is filed in the registry and the comments will be considered before making a decision on whether or not to approve the plan.*

Approval of a Plan

- *A letter of approval will be issued to the IFO operating a designated waste stewardship program plan or for a renewal of approval. The letter of approval shall set out any conditions of approval.*

Implementation of plan

An IFO shall ensure that a designated waste stewardship program plan is implemented substantially in accordance with its intent, subject to any conditions of approval.

8. Background on Manitoba HHW Programs

This document draws from more detailed information on HHW management available on Manitoba Conservation website (http://www.gov.mb.ca/conservation/pollutionprevention/hhw). Additional information on HHW management in other provinces was provided by Product Care (www.productcare.org). Please see these web sites for more detailed background information on HHW.

8.1 What is Household Hazardous Waste?

Household Hazardous Waste (HHW) is waste material generated in homes that poses a risk to health, safety or the environment when managed in the municipal waste management system. This includes flammable or combustible products like paint and solvents, reactive products such as pool chemicals, corrosive products like cleaners, toxic products like pesticides, products with heavy metals in them and pharmaceutical products.

An earlier draft HHW regulation in Manitoba defined "**household hazardous waste**" as:

(a) household hazardous material

(i) that through use, storage, handling, defect, damage, expiry of shelf life or other similar circumstance can no longer be used for its original purpose, or

(ii) that, for any other reason, the owner or person in possession of the material intends to dispose of it, and

(b) the packaging or container in which household hazardous material was supplied;

Under the proposed regulation the following general categories of HHW would have been included in Manitoba:

Category Name	**Description of Included Products, Substances, Material, Devices or Equipment**	**Examples (if applicable)**
Batteries Category	Devices that convert chemical energy to electrical energy, but not including zinc-carbon or alkaline-type batteries.	Automotive batteries; rechargeable batteries; small portable batteries
Consumer Paint Products Category	1.Latex, oil and solvent-based architectural coatings, whether tinted or untinted, including paints and stains for commercial and homeowner use, but not including unpressurized coatings supplied in containers with a capacity of more than 30L; and 2. Paints and stains sold in pressurized aerosol containers.	Any paint, stain or coating sold to the public
Corrosives Category	Products and substances that are within Class 8 B Corrosives under the *Classification Criteria for Products, Substances and*	Acids or bases, such as oven cleaners; drain cleaners; lime; cement; grout

Category Name	Description of Included Products, Substances, Material, Devices or Equipment	Examples (if applicable)
	Organisms Regulation.	
Liquid Fuels Category	Liquid fuels, including gasoline, heating oil, diesel fuel, kerosene and naphtha.	
Mercury-Containing Products Category	Products, and mechanical or electrical devices, that contain mercury or mercury compounds.	Medical and cooking thermometers; thermostats; barometers; swimming pool alarms; PIL switches; electrical wall switches; automobile tilt switches in trunk lights, vanity mirrors, glove boxes and engine hoods; commercial popcorn poppers; laptop computer screen shut-off switches; electric organ controls; lawn tractor fuel level gauges; ice fishing tip-up lights; fluorescent and neon lamps; bug zappers
Pesticides Category	Control products, as defined in the *Pest Control Products Act* (Canada) that are registered under that Act and required to be labeled with the product class designation "Domestic".	Products for the control or elimination of pests, vermin, weeds, mildew, etc.
Pharmaceuticals Category	1. All unused or expired solid, liquid or gaseous substances or mixtures of substances manufactured, sold or represented for use in (a) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal state, or its symptoms, or (b) restoring, correcting or modifying organic functions, including prescription and non-prescription medications, as defined by the Drugs Directorate of Health Canada, but not including veterinary medications and products. 2. Hypodermic syringes distributed for home use.	-
Pressurized Flammable-Gas Containers Category	Reusable or single-use containers, with a capacity from 0.25L to 30L, supplied for the purpose of containing pressurized flammable gases.	Propane tanks; small welding and soldering tanks
Solvents and Flammable Liquids Category	1. Products with a flash point of less than 61EC, determined in accordance with the *Standard Test Method for Flash Point and Fire Point of Liquids by Tag Open-Cup Apparatus*, ASTM Standard D1310?86(1997)e1, except	Solvents; acetone; alcohol; carburetor or fuel injector cleaners; polishes; adhesives

Category Name	Description of Included Products, Substances, Material, Devices or Equipment	Examples (if applicable)
	(a) products containing less than 50% water-miscible flammable liquid, as defined by the *Manitoba Fire Code*, by volume with the remainder of the product not being flammable; (b) liquids that have no fire point, determined in accordance with the *Standard Test Method for Flash Point and Fire Point of Liquids by Tag Open-Cup Apparatus*; (c) wine and distilled spirit beverages; (d) cosmetic and beauty products; (e) drugs, medicines, and other health products; (f) unpackaged products or products not ordinarily sold to, used or purchased by a consumer without repackaging; (g) pre-packaged products produced for use by commercial or industrial enterprises without resale to other consumers as pre-packaged goods; (h) coatings formulated for industrial or automotive use; and (i) oil, as defined in the Used Oil, Oil Filters and Containers Stewardship Regulation. 2. Paint strippers containing methylene chloride.	
Swimming-Pool Chemicals Category	Solid products or substances that contain chlorine and are used for the treatment or disinfection of swimming pools or for other household purposes.	

8.2 What is meant by the term "Household Special Waste"?

Definitions used in some HHW management programs in Canada based on broad *categories* of products (e.g., cleaning products) may not adequately distinguish between hazardous and non-hazardous products. For example, vinegar is sold as a household cleaner, diatomaceous earth and insecticidal soaps are sold as pesticides, and baking powder is sold as a scouring powder and deodorant. Some provincial regulators and other stakeholders have suggested that the term HHW is difficult to defend scientifically and may be legally challenged in regulation. This has helped spawn the term HSW or Household *Special* Waste, a term that is

considered less vulnerable to challenge. This term allows for inclusion of materials considered truly hazardous and other common household products that while not hazardous per se, may still require special collection and handling.

Very broad definitions of HHW may result in programs collecting materials that are both hazardous and non-hazardous and incur unnecessarily high costs. Very narrow definitions may not capture residual products that should be collected separately and diverted from disposal with regular household waste.

The ideal definition is balanced between these two extremes, is defensible, and will promote optimum efficiency of programs and behavioural change.

The term “hazardous” is a powerful word, and can be effectively used to motivate change in the behaviour of householders in making product purchase decisions and responsibly managing wastes, and in the behaviour of manufacturers in making decisions on product formulas, package size, and marketing decisions.

In 2003, the Canadian Standards Association completed a 3-year multi-stakeholder consultation involving a technical committee of experts whose work was published as CSA standard Z752 defining HHW. The standard provides:

- a reference point for the definition of HHW on its own or as part of a broader HSW definition
- a basis for better consumer awareness of true hazard levels of different products
- better information for worker safety
- cost savings from easier segregation of collected materials
- criteria facilitating self-policing, reduced enforcement costs.

Support for the standard is reported to be growing in the municipal sector. The Association of Municipal Recycling Coordinators (AMRC) in Ontario have stated a desire to move ahead with the use of this standard.

8.3 HHW Generation in Manitoba

Samples of waste in Winnipeg and rural areas in 2000 indicated there was 1,776 tonnes of HHW in the residential waste stream in Manitoba. This represented less than one percent of the 279,994 tonnes of residential waste generated in Manitoba that year. While this may seem like a minor amount, even a small amount of hazardous waste can cause considerable damage. For example, just one litre of used oil can contaminate 1,000,000 litres of water.

	Estimate of Annual HHW Generation in Manitoba in 2000					
	Rural		Winnipeg		**Total**	
	Tonnes	%	Tonnes	%	Tonnes	%
Batteries	226	35.3%	279	24.6%	506	28.5%
Full Medicine	74	11.5%	37	3.2%	110	6.2%
Flourescent Tubes	33	5.1%	75	6.6%	107	6.0%
Used Oil &Filters	45	7.1%	142	12.5%	187	10.5%
Paint	54	8.4%	395	34.8%	449	25.3%
Solvents	63	9.8%	207	18.3%	270	15.2%
Other HHW	146	22.8%	0	0.0%	146	8.2%
TOTAL HHW	641	-	1135	-	1776	-
	-	-	-	-	-	-
Percentage of Residential Waste		0.52%		0.73%		0.63%

Notes:

1. MARRC, the Manitoba Used Oil program, is now much more mature than in 2000 and it is anticipated that the volume of used oil and filters in the residential waste stream is less than in 2000.

8.4 Status of HHW management programs in Manitoba

Studies show that households in Manitoba threw 1,776 tonnes of HHW into landfill sites in 2000. These products are safe to use in our houses and fill important needs, however our waste disposal system is not designed to accommodate the higher level of risks associated with their disposal. Manitoba Conservation spent $435,000 supporting collection events throughout the province in the year 2000 (and $740,000 will be spent in 2005/2006), however demand for the service is much higher than available budget will support. Several groups, such as the Association of Manitoba Municipalities, the Regional Waste Management Task Force and environmental groups, along with many citizens have asked for a larger program with improved services.

In 2000, the Household Hazardous Waste Collection Program collected the following materials:

HHW Material Collected - Manitoba, 2000 in litres or kilograms.			
Description	*Amount*	*% of total*	*Material*
Latex and oil based paints	261,300	62.3%	Paint
Some latex paints, water softeners etc.	55,501	13.2%	Resins and plastics
Solvents, mixes, paint solvents, turpentine, wax removers	39,938	9.5%	Non-halogenated solvents
Aerosol paint, cleaners, pesticides, propane bottles	19,813	4.7%	Aerosols/compressed gasses
Vehicle batteries	14,586	3.5%	Acid filled batteries
Paint strippers, carbon tetra. fire extinguishers, pesticides	10,085	2.4%	Halogenated organic waste
Drano, ammonia, window wash	7,062	1.7%	Alkaline solutions
Pharmaceuticals, pesticides, photo processing waste	6,831	1.6%	Miscellaneous - Organic
Muriatic acid, cleaners, photo chemicals	2,455	0.6%	Acid solutions
Oily water, rags, absorbents	1,431	0.4%	Oil wastes
Pharmaceuticals, photo chemicals, waxes, adhesives	1,744	0.4%	Miscellaneous - inorganic
Contaminated gasoline etc.	920	0.2%	Fuels
Chemistry sets, copper sulfate, calcium chloride	41	0.1%	Aqueous salts
Total Material Collected	*419,062*	-	*Litres or kilograms*

There were 419 tonnes of hazardous materials collected by this program in 2000. While that is a significant amount (equal to about 140 full garbage trucks), it is only about 24% of the estimated amount of HHW in Manitoba's residential waste stream.

In addition to collecting residual materials, the total quantity of HHW requiring disposal can be reduced through education, careful purchasing and proper use of the original product. This had led to the development of the “BUD Rule”. When purchasing paint, solvents, flammable liquids, pesticides and gasoline, remember the BUD Rule:

- **BUY** no more product than you need. Ask your retailer for help in assessing your needs.
- **USE** up all the product you buy. Give leftovers to a friend, neighbour or community organization who can use them responsibly.
- **DISPOSE** of any leftovers in a safe, responsible manner.

8.5 HHW management programs elsewhere in Canada

British Columbia paint/HHW programs

Regulation: The British Columbia Recycling Regulation http://wlapwww.gov.bc.ca/epd/epdpa/ips/pdf/recycling_regulation.pdf imposes extended producer responsibility obligations on "producers" of a number of paint/HHW material categories:

Material	Approved Programs filed by:
Pharmaceuticals	Post-consumers Pharmaceutical Stewardship Association
Architectural paint, all aerosol paints	Product Care Association, Tree Marking Paint Stewardship Association
Solvents and flammable liquids	Product Care Association
Domestic pesticides	Product Care Association
Gasoline	Product Care Association

Regulatory Design**:** The regulation gives each producer the following choices:

- **Default system**: Accept the producer's products (and all products of other brands within the same material categories) at all retail locations or (at locations near the retailer location). The regulation stipulates signage, opening hours, reporting, results etc.
- **Approved plan**: File a plan which is approved by the Ministry of Environment. This may be done individually or collectively with other producers. See http://wlapwww.gov.bc.ca/epd/epdpa/ips/

Description of Product Care paint/HHW program: Product Care manages all elements of the program including communications/education, collection, transportation in from depots, processing (bulking) of the collected material and then disposal/recycling. The collection system includes 120 collection depots (a mixture of municipal, bottle depot and other sites) throughout the province. None of the residuals collected is landfilled. Product Care's members pay eco fees to Product Care which vary from $0.01 to $1.00 per container depending on product type and container size.

Quebec paint/HHW programs

Quebec has regulations for paint (including aerosols).

Paint Regulation: The paint stewardship regulation is named "Regulation respecting the recovery and reclamation of discarded paint containers and paints" and is issued under the Environment Quality Act (R.S.Q., c. Q-2, s. 53.28, par. 4, ss. 53.30, 70.19, 1st par., subpar. 15 and s. 109.1; 1999, c. 40, s. 239; 1999, c. 75, s. 13)

Regulatory Design: The definition refers to architectural paint and is substantially the same as the BC definition. The regulation obligates "any business that markets paint under a trademark which it owns or uses" to establish a recovery system for leftover paint. If the brand owner is not domiciled in Quebec, the obligated party is the "leading supplier of those paints in Quebec". The regulation describes the minimum standards of a recovery program, as well as minimum recovery rates. As an alternative, a business or supplier may join an organization with an approved program. Currently in Quebec there is one approved program, Eco Peinture.

Description of Eco Peinture Program: All Quebec paint brand owners belong to Eco Peinture http://www.peinture.qc.ca/ and pay a fee of $0.25 per container of paint sold. In 2005, aerosol paints became included in the program. The collection system in Quebec consists of 420 participating municipalities (depot or events) and three retail chains with 300 participating sites for a total of over 700 sites. Neither municipalities nor retailers are compensated for the collection function.

Transportation and recycling aspects of the program are coordinated under contract by Peintures Recuperees based in Victoriaville, Quebec. Approximately 70% of the collected paint is reprocessed and sold as recycled paint. Aerosol paints were included in January 2005.

Nova Scotia Paint/HHW

Paint Regulation: In 2002, the solid waste resource management regulations of Nova Scotia were amended to include sections 18-B to 18-I "Consumer Paint Product Stewardship Program". The definition of paint products included is substantially the same as in BC, except that already empty paint cans are excluded.

Regulatory Design: The regulation requires a brand owner of a consumer paint product to submit a proposal for a consumer paint product stewardship program to the Ministry of Environment and Labour, or to contract directly with the Resource Recovery Fund Board of Nova Scotia (the government agency managing the beverage container deposit system).

Description of Product Care Program: Product Care Association has an approved program on behalf of its members operating in Nova Scotia, which represent over 90% of the volume of paint sold. Eco fees are similar to the BC paint program. As required by the regulation, the Product Care program utilizes the RRFB depot network as the collection system. In addition, a number of municipalities collect paint. All collected paint is transported to a facility in Springhill, Nova Scotia operated by Laurentide Atlantic. The paint is bulked and colour separated at that facility and then shipped to Laurentide's Peintures Recuperees Victoriaville plant. RRFB has a multi year agreement with Laurentide for this purpose.

Saskatchewan paint/HHW programs

Paint Regulation: The waste paint management regulations under the environmental management and protection act of Saskatchewan have just been issued, see http://www.qp.gov.sk.ca/documents/gazette/part2/2005/G2200537.pdf at p 760. These regulations will obligate "first sellers" of architectural and spray paints in Saskatchewan to operate a product management program approved by the minister or to join an association with an approved program for this purpose.

Product Care Association expects to file for approval and conduct a program on behalf of its members, who represent substantially all the paint brand owners doing business in Saskatchewan. It is expected that the collection system will utilize the SARCAN beverage container return depot network.

Other Provinces

Several other provinces are in the process of developing paint or paint/HHW stewardship regulations.

8.6 Benchmarking/Targets for Paint/HHW programs

The question of the recovery rate targets for the residual (ie. unused remainder) of a consumable product is difficult. With any residual, there is a dual objective:

- Reduction of quantity that is unused through information and education
- Collection of leftover quantity in stewardship program

Therefore, the simple correlation of amount recovered compared to the amount sold may not be informative. Also, because of the varying age of returned products, there will be statistical inaccuracy in comparing amounts collected to current year sales.

The Quebec regulation does stipulate the following recovery rate targets:

> The recovery system prescribed by section 3 must ensure a minimum rate of recovery of paint containers that equals, in weight or volume, the following percentages, calculated on the basis of the paint containers marketed annually by the business or supplier:
> 25 %, as of 2002;
> 50 %, as of 2005;
> 75 %, as of 2008.

These percentage recovery rates have been applied against a theoretical 7% residual volume. The Quebec Eco Peinture program has achieved the stipulated 2005 recovery rates (ie. 50% of 7%) regarding liquid volume of leftover paint. It has not achieved these recovery rates with regard to empty containers (of which 100% recovery would be the target). The Eco peinture program recommends that “already empty” containers be treated as a scrap metal or plastic and recovered in the normal packaging recycling system.

In terms of a recovery rate calculation, some options include (none of which is determinative):

- Litres recovered versus litres sold each year (liquid volume)
- Container capacity recovered versus container capacity sold
- weight of container and contents recovered versus weight of container and contents sold (note this results in a blended number, covering contents and containers)
- Measure of accessibility in terms of population served within radius of collection sites
- Measure of material not being diverted from landfill, determined through waste audits
- Measure of program awareness through surveying
- Measure of improvement in recovery rate by comparing figures year to year
- Measure of recovery rate based on litres or kgs per person or per household, which takes into account increasing population

In terms of program benchmarking, with three provincial paint stewardship programs in operation (B.C., Quebec, and Nova Scotia) some comparisons can be made between programs. With respect to non-paint HHW, the B.C. program is the only benchmark available.

It is also important to consider the characteristics and lifecycle of product types which affect the consumer's determination of when a product is "left over". Certain products, such as paint thinners and solvents have any extremely long shelf life due to product stability, and the fact that the consumer applications for these products are not colour specific, as they are for paint.

Questions to be addressed in this Consultation

Several key issues and questions have been identified in advance of the workshop to facilitate discussion. These are:

Questions Related to All Designated Wastes

1) Is the regulatory framework as laid out in this document a workable model for all designated wastes?
2) Who should be the obligated stewards in Manitoba?
3) What type of IFO governance model do you support and why? Examples could include:
    a. Steward and non-steward participation on the board
    b. Steward only board
    c. Steward only board with other stakeholder representation through advisory committees
4) What would be the roles and responsibilities of the IFO that would need to be funded under the program?
5) What would be the roles and responsibilities of Green Manitoba in development and implementation of the program that would be funded by the IFO?
6) What roles should the government and the IFO have with regards to enforcement?
7) Should program rules incorporate a threshold ("de minimus") that exempts small players? If so, what should be the basis for setting an exemption threshold?
8) Which existing organizations might be well positioned to assume IFO roles in Manitoba?
9) Does the Manitoba approach provide sufficient flexibility to allow for greater regional / national harmonization among provincial programs?

Specific Questions Related to HHW

1) Who should the "obligated" party be for HHW in Manitoba? What should the designating language in the regulation include to ensure a level playing field?
2) What should be the appropriate roles and responsibilities for the stakeholders with regards to program development, HHW collection, intermediate processing, recycling, and program enforcement. Please consider this question with regards to the following stakeholders:
    a. manufacturers/producers of electronic products,
    b. retailers,
    c. consumers,
    d. municipal authorities,
    e. NGOs, and
    f. GMES.
3) Should the range of HHW products be specifically set within the regulation or should this be established within the context of the program plan to be developed by the IFO?
4) What is an appropriate timeline for the development and approval of an HHW program for Manitoba?
5) What is the appropriate timeline for implementation of an HHW program plan once it is approved?

6) What are the preferred methods for recovering HHW from urban and rural areas of the province?
7) Who should be responsible for educating consumers about the proper purchase, use and handling of HHW products?
8) Should the program include small quantities of HHW generated from, commercial and institutional locations?
9) What is an appropriate target for the management of these materials in Manitoba and who should set those targets?
10) Should the program encourage existing and future industry take-back programs?
11) What should be the role of GMES or other provincial and federal agencies and departments with regard to trans-border issues
12) Who should be responsible for ensuring environmental standards are being met by collection and recycling organizations?