

EPR CANADA
2011 NATIONAL
EXTENDED PRODUCER RESPONSIBILITY
REPORT CARD QUESTIONNAIRE

EPR CANADA
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EPR CANADA/REP CANADA

2011 NATIONAL EXTENDED PRODUCER RESPONSIBILITY

REPORT CARD

A rationale for the questions and guide on how to answer the questionnaire is appended.

PART 1

PROGRESS ON COMMITMENTS TO EXTENDED PRODUCER RESPONSIBILITY (EPR)

(Weighting 30%)

1. Producer responsibility policy and action

Please describe your jurisdiction's policy and actions with regard to the concept of producer responsibility in general and specifically describe how Extended Producer Responsibility (EPR) as defined by the Organization of Economic Cooperation and Development (OECD) (see Appendix) has been applied in your jurisdiction. Please cite and/or provide references and relevant documents.

Does your jurisdiction regularly evaluate or review your jurisdiction's EPR policies and activities? If you undertake such policy evaluations and reviews please identify any specific changes you have undertaken in the past 12 months in response to the results.

Does the EPR policy framework in your jurisdiction ensure for producer responsibility organizations and individual stewards, marketplace fairness, and reward best practices while supporting competition? Where ever possible please indicate the measures taken to ensure market fairness.

2. Progress on commitments to the CCME Canada-wide Extended Producer Responsibility Action Plan (October 2009)

Please review and describe how your jurisdiction has made progress towards fulfilling the commitments made in the CCME EPR Action Plan by specific

product, material and product category (See plan Phase 1 and 2 summary in Appendix).

3. Progress on other waste reduction and waste diversion commitments

Please describe your jurisdiction's related waste reduction and waste diversion policies, goals and objectives (e.g. stewardship programs, as well as complementary programs for organics, industrial commercial and institutional waste, etc.). Describe how these policies link to your producer responsibility agenda and how your jurisdiction has made progress towards meeting policy objectives in these areas.

PART 2

EXTENDED PRODUCER RESPONSIBILITY IMPLEMENTATION

4. Program transparency and accountability

(Weighting 15%)

Please describe the regulations, policies or guidelines which govern the management and operational transparency and accountability of individual producers and of producer responsibility organizations/industry funding organizations (PRO/IFOs) designated under EPR regulations in your jurisdiction. Please describe the accessibility to the public of the annual reports and plans of PRO/IFOs within your jurisdiction.

Does your jurisdiction conduct an annual evaluation or audit of regulated EPR programs and PRO/IFOs? Are program evaluations conducted by Ministry staff or by an external party such as a crown agency or auditor? If you do undertake such an evaluation please describe the scope, the criteria used and the results. Are such evaluations made public?

5. Program targets, performance measurement and reporting

(Weighting 20%)

Using the OECD definition of EPR please list the regulated EPR programs in your jurisdiction and describe which have been assigned targets for the collection and recycling of designated products. Are the targets set by the designated producers or by the regulatory authority? Are there targets for reduction and reuse?

Describe the protocol and requirements established by your jurisdiction for the performance measurement and reporting of EPR program achievements. Please describe the procedures which are in place to confirm that program performance data are accurate.

Are performance measures for collection and recycling by product or material expressed as a % of product sold on the market, a % of product available for collection or as an absolute number? Is there a process to revise targets?

Please describe the process and consequences for PRO/IFOs and designated producers of failing to meet established targets.

Do EPR programs in your jurisdiction operate using principles of environmentally sound management (ESM) or best available technology (BAT)?

6. Decision-making and approvals processes

(Weighting 10%)

Please provide copies of the relevant legislation and policy which provide the framework for EPR product designation, approval and implementation in your jurisdiction. Please summarize the legislative framework and approvals process for EPR stewardship plans and programs.

Please describe the general requirements and considerations which are taken into account in reviewing stewardship plans and as part of the approvals process. Describe or estimate the length of time taken from product designation under an EPR regulation until program approval and program implementation based on typical practice and recent experience – please provide examples where possible.

7. Harmonization

(Weighting 10%)

Please describe what actions you have taken and policies you have established to facilitate the harmonization of programs in your jurisdiction with comparable EPR programs in geographically adjoining jurisdictions or elsewhere in Canada.

8. Progress on design for environment/supply chain environmental improvements *(Weighting 5%)*

Please describe any producer responsibility policies and programs in your jurisdiction which are specifically targeted at improving the life-cycle environmental impacts of designated EPR products and packaging.

Please identify other non-EPR regulations, policies and programs, such as green procurement, which directly or indirectly support EPR environmental objectives.

Please cite examples of product or packaging environmental design improvements systems and product supply chain improvements which you believe have been made as a direct or partial result of an EPR regulation or program in your jurisdiction.

9. Leadership and innovation *(Weighting 5%)*

Please describe the EPR and waste diversion policies or initiatives you have undertaken or initiated which are new in Canada or which you believe are not conventionally used in other Canadian jurisdictions.

10. Awareness building and public outreach *(Weighting 5%)*

Please summarize the advertising, promotion and public relations initiatives undertaken by your jurisdiction to increase public awareness and understanding of the value and importance of EPR programs.

APPENDIX 1
Question Rationales and Guidance on Answering

Please note that the questionnaire is designed to cover the calendar year 2011.

To ease responding to the questionnaire please feel free to use point form responses or to attach reference documents to either answer the questions or to support your answers.

The level of detail in responses is entirely discretionary. General responses which address the primary thrust of the questions are acceptable but more detailed answers will enhance and clarify your jurisdiction's EPR activities and will allow for more accurate response scoring.

It is estimated that responding to the questionnaire should not take more than one person day.

Assistance in answering the questionnaire is available by contacting:

*Duncan Bury (613) 729-0499; duncan@duncanburyconsulting.ca
Geoff Love (519) 305-0984; loveenvironment@rogers.com, or
Georges Portelance (514) 630-1867; georges.portelance@sympatico.ca*

***Please return your responses by April 27, 2012 electronically to:
Geoff Love, loveenvironment@rogers.com***

***Or by mail to:
EPR Canada
126 William Street
Stratford, Ontario
N5A 4Y1***

**PART 1
PROGRESS ON COMMITMENTS TO EPR**

This section will allow you to describe your producer responsibility and related waste reduction and waste diversion policies and to describe successes in meeting your established policy objectives in these areas.

In this section the assigned weighting applies to responses to the three questions collectively. A separate weighting has not been applied to each individual question.

1. Producer responsibility policy and action

“EPR is 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. (OECD Extended Producer Responsibility: A Guidance Manual for Governments, 2001)

This definition of EPR is widely understood and used in Canada. It is the basis for the EPR definition adopted by the Canadian Council of Ministers of Environment (CCME) in the October 2009 Canada-wide Action Plan for EPR and is the definition used by EPR/REPCanada for this questionnaire.

The term EPR distinguishes programs where responsibilities for funding and operation rest with producers, from product stewardship programs which are supported by or operated by governments or their agencies. Packaging programs which are funded on a shared responsibility model where municipalities fund a portion of the program costs are not considered full EPR. However these programs, where municipalities play some financial role, or where commitments have been made to move from the shared responsibility model to full EPR, should be referenced.

Regulated product stewardship programs where producers play a significant management or financial role should also be referenced.

Progress on EPR policy and on the implementation of EPR programs can be evaluated on a regular basis to allow changes and adjustments in the interests of better performance. How such an evaluation is conducted, by whom, and how often can be instrumental in the effective implementation of EPR policies.

Competition law and market fairness can be issues for EPR programs and have been controversial in some jurisdictions and some programs. EPR policies and program design can take account of these issues and ensure that transparency and openness in program operations and management facilitate maximum recovery and recycling of designated products and open access to materials.

2. Progress on commitments to CCME EPR Action Plan

Under the CCME Canada-wide Action Plan for EPR jurisdictions committed to working towards managing the following Phase 1 products and materials in operational EPR programs within six (6) years (by October 2015) of adoption of the Plan:

- *Packaging*
- *Printed materials*
- *Mercury containing lamps*
- *Other mercury-containing products*
- *Electronics and electrical products*
- *Household hazardous and special wastes*
- *Automotive products*

In addition jurisdictions committed to working towards incorporation into operational EPR programs of the following Phase 2 product categories, products and materials within eight (8) years (by October 2017) of the Plan's adoption:

- *Construction materials*
- *Demolition materials*
- *Furniture*
- *Textiles and carpet*
- *Appliances, including ozone depleting substances (ODS)*

Progress against these commitments can be measured by listing such things as products designated for EPR, policy statements, public announcements, public consultations and draft and adopted regulations.

3. Progress on other waste reduction and waste diversion commitments

EPR policies and programs can, and often do, complement other waste reduction and waste diversion strategies and commitments. Waste reduction and waste diversion goals can be explicitly supported by EPR policies and by other programs which can effectively divert problematic products from disposal. Waste strategies can recognize that EPR is also a way to shift responsibilities and costs away from municipalities and place them with producers who have the ability to take a more comprehensive life cycle approach to products and undertake end-of-life management responsibilities.

PART 2 EPR IMPLEMENTATION

This section will allow you to describe specific policies and initiatives to implement and support Extended Producer Responsibility programs in your jurisdiction.

4. Program transparency and accountability

The management and operational transparency of EPR programs can be critical to their success and public acceptance. Regulation or other guidance on the structure and operation of Producer Responsibility Organizations and the availability to the public of PRO annual reports which clearly track program performance can support objectives and public participation in the collection and recovery of designated products.

A regular evaluation of the performance of legislated EPR programs can ensure programs are meeting their objectives and targets.

5. Program targets, performance measurement and reporting

Clear metrics and reporting protocols can be instrumental in tracking and enhancing program performance and are a means to ensure that program obligations are being met and objectives achieved.

Quantifiable targets are a means of setting program performance goals and monitoring key program performance. Measures such as collection and recycling tonnages expressed as a percentage of product sold on the market can be used to track the successful implementation of EPR programs.

Clear consequences for the failure to meet program requirements, performance targets or objectives are a commonly established part of regulations and program oversight protocols and can be applied to EPR programs.

Standards for the use of environmentally sound management (ESM) or requirements to use best available technology (BAT) often form part of stewardship plans and PRO operating practice or can be part of governing legislation or regulation. Such standards can be cited in addition to other applicable legislation in areas like occupational health and safety. Such standards

and the ability to ensure they are being met are key elements in the chain of custody of recycled materials.

6. Decision-making and approvals process

Clear decision-making and approvals processes can greatly facilitate the design, launch and operation of EPR programs. Shorter, less hierarchical processes can simplify and speed program approvals and program implementation. Flexibility in approach can be encouraged by the adoption of more performance based approvals rather than more prescriptive approaches which are often less sensitive to unique product circumstances.

Guidance on elements to be included in stewardship plans can be assistance to prospective product stewards and serve to streamline approvals by helping to ensure that plans meet general requirements. Guidance might address for example diversion targets, the level of collection service to be provided in both urban and rural areas, environmentally sound management requirements, public consultation, marketplace impacts and promotion and education programming.

7. Harmonization

Those involved in EPR programs across Canada speak consistently about the value and importance of harmonizing, to the degree possible, EPR programs within Canada in the interests of program efficiency, performance measurement, common communications and especially for enhanced impact on producers to promote design for the environment.

Harmonization does have direct benefits to producers who operate similar programs in different jurisdictions. Harmonization can also assist governments by allowing cooperation between jurisdictions, by easing program oversight and performance measurement and by facilitating the observation and adoption of best practices. Harmonization of key program elements can also assist in minimizing market or operational distortions between adjoining jurisdictions.

There is an opportunity here to document efforts to work with and harmonize with adjoining jurisdictions, with national initiatives and in support of parallel industry harmonization objectives.

8. Progress on design for environment/supply chain environmental improvements

One of the primary rationales for EPR programs in Canada and elsewhere is the opportunity presented through EPR to influence producers to “redesign for the environment” products and/or systems which ultimately will become their responsibility at the end of life. EPR policies and other supportive regulations and programs can have an influence on product design as well and there may be examples within your jurisdiction which are worthy of citation.

It is recognized that provincial markets may be too small in a national context to exert explicit influence on product design through EPR and it is equally possible that Canada’s national market is equally small in an international context. There may however be examples where EPR has shown a demonstrable environmental design impact and such examples should be cited.

9. Leadership and innovation

Leadership and innovation flourish in a federal constitutional framework such as Canada’s where jurisdictions are working to advance similar broad producer responsibility objectives within their own separate legal mandates.

There is an opportunity here to document EPR initiatives and approaches which may have been done for the first time in Canada. Experiences with such new ideas and approaches can strengthen the adoption of EPR elsewhere.

10. Awareness building and public outreach

While producers and producer responsibility organizations commonly have responsibilities to promote and educate the public and consumers of their products on their EPR programs, governments and EPR oversight agencies can also play a major role to communicate the importance of such things as consumer participation in EPR programs and awareness of the environmental impacts of their purchase and end-of-life management decisions.

Examples of awareness building and public outreach by your jurisdiction, as distinct from communications and education undertaken by PROs, should be cited.