

**Proposed Amendments to the Solid Waste-Resource Management Regulations made under
Section 102 of the *Environment Act***

Add:

Electronic Product Stewardship Program

18J (1) For the purpose of Sections 18J to 18Q,

1. (a) "Administrator" means a person designated by the Minister pursuant to Section 18K and includes an acting Administrator;

(b) "brand owner" means

(i) a person who is the owner or licensee of the intellectual property rights of an electronic product sold, offered for sale, or otherwise distributed in the Province, or

(ii) a manufacturer, or distributor of an electronic product sold, offered for sale, or otherwise distributed in, or into the Province;

(c) "delivery agent" is a person who transports, delivers, ships or moves an electronic product into the province;

(d) "electronic product" means electrical and electronic equipment or devices, whether intended for consumer, industrial or commercial use, included in Schedule E, without limitation;

(e) "electronic product stewardship program" means a program that

(i) establishes a process for the collection, handling, transportation, refurbishing, recycling and disposal of a post-consumer electronic product regardless of who is the original brand owner of the electronic product, and

(ii) incorporates the principles of a pollution prevention hierarchy by moving progressively from disposal to reduction, reuse and recycling and recovery of post-consumer electronic products;

(f) "industry stewardship agreement" means an agreement between the Board and a brand owner that sets out the terms of an electronic product stewardship program;

(g) "post-consumer electronic product" means an electronic product which is no longer used or required by a consumer;

(h) "retailer" means a person who sells or offers for sale or otherwise distributes an electronic product in the Province;

(i) "return collection facility" means a place operated by a brand owner for the collection of a post-consumer electronic product;

(2) An electronic product is a designated material for the purposes of Part IX of the Act.

February 9, 2005

18K The Minister may appoint an Administrator for the purposes of an electronic product stewardship program.

18L (1) On or after 180 days after the effective date of Sections 18J to 18P no brand owner of an electronic product shall sell, offer for sale or otherwise distribute an electronic product in the Province unless

- (a) the brand owner is registered with the Board;
- (b) the brand owner either
 - (i) operates an electronic products stewardship program, or
 - (ii) has entered into an industry stewardship agreement with the Board for the Board to operate an electronic product stewardship program on the brand owner's behalf; and
- (c) the electronic product stewardship program referred to in clause (b) is authorized by the Minister pursuant to clause 18M(2)(a).

(2) On or after 180 days after the effective date of Sections 18J to 18P, no retailer shall sell, offer for sale or otherwise distribute an electronic product in the Province unless the brand owner from whom the product was acquired is registered pursuant to clause (1)(a).

(3) No delivery agent shall transport an electronic product into the province unless the brand owner of the electronic product is registered pursuant to clause (1)(a).

(4) Every brand owner selling their electronic product in, or into Nova Scotia must have their brand name, image or logo clearly affixed and showing on that product.

18M (1) A brand owner shall submit a proposal for an electronic product stewardship program to the Minister for authorization.

(2) Upon receipt of a proposal for an electronic product stewardship program pursuant to subsection (1), the Minister shall

- (a) authorize the program with or without terms or conditions;
- (b) refuse to authorize the program and provide reasons, in writing, for the refusal; or
- (c) request any additional information that the Minister considers necessary.

(3) Despite subsection (1), a brand owner may enter into an industry stewardship agreement with the Board for the Board to submit a proposal for an electronic product stewardship program to

the Minister on the brand owner's behalf.

(4) A brand owner or the Board, as the case may be, shall operate an electronic product stewardship program in accordance with the terms and conditions of the authorization made pursuant to clause (2)(a).

18N (1) Every brand owner shall, as a component of their electronic product stewardship program,

(a) either

(i) provide a return collection facility at the premises of each retailer of the brand owner's consumer electronic products, or

(ii) enter into an industry stewardship agreement with the Board to operate depots to collect post-consumer electronic products generated from the brand owner's consumer electronic products; and

(b) implement an education and awareness program for consumers of electronic products that includes information respecting

(i) the electronic product stewardship program,

(ii) consumer access to return collection facilities, and

(iii) the environmental and economic benefits of participating in the electronic product stewardship program;

(c) ensure that all costs associated with this program are internalized and are not shown as a separate fee by retailers;

(d) provide a written plan that describes how the requirements of (c) will be met;

(e) confirm that the post-consumer electronic products generated from the brand owner's consumer electronic products are reduced, reused or recycled to the maximum extent possible;

(f) ensure that 80% of the reusable and recyclable portion of the post-consumer electronic products collected at the return collection facility is reused or recycled: and,

(g) implement a "design for the environment" program for each of the brand owner's products. Each "design for the environment" program shall include

(i) the elimination of environmentally harmful materials from the brand owner's products including, but not limited to lead, cadmium, mercury, hexavalent chromium, polybrominated biphenyls, and polybrominated diphenyl ethers;

(ii) redesign of the products for reuse;

(iii) redesign of the products for disassembly and recycling;

February 9, 2005

- (iv) the development of identification and separation systems for recycling plastics;
 - (v) the development of recycling markets for disassembled components; and,
 - (vi) a schedule for the implementation of each of the items in (i) to (v) above.
- (h) implement a vendor qualification program that ensures collectors and processors of electronic products or any component of electronic products
- (i) consistent with the Basel Convention obligations and decisions, manage the materials exclusively in member countries of the Organization of Economic Cooperation and Development (OECD) and ensure that any exports for recycling and/or disposal are in accordance with all applicable laws in both the importing and transit jurisdictions.
 - (ii) manage materials in a manner that employs environmental and occupational health and safety standards which meet or exceed standards required in Nova Scotia.
 - (iii) employ a monitoring and reporting program, that is publically available, to demonstrate the above requirements.

(2) Despite clauses (1)(b) to (d), a brand owner may enter into an industry stewardship agreement with the Board that requires the Board to implement a component of the electronic product stewardship program on the brand owner's behalf.

(3) Every retailer shall provide, either at the point of display or at the point of sale, a place for the display of information supplied pursuant to clause (1)(b).

18O (1) Every brand owner shall, on or before June 30 in each year or on some other date agreed upon in writing by the Administrator, provide the Administrator with an annual report on their electronic product stewardship program during the previous fiscal year including, but not limited to, information respecting

- (a) the total number of electronic products sold and post-consumer electronic products collected;
- (b) the total amount of post-consumer electronic products processed or in storage;
- (c) the percentage of post-consumer electronic products that were reduced, reused, recycled or recovered;
- (d) efforts taken through electronic product marketing strategies to reduce post-consumer electronic products and packaging waste;
- (e) the types of processes used to reduce, reuse, recycle or recover post-consumer electronic

products, including but not limited to details of efforts to incorporate the priorities of a pollution prevention hierarchy by moving progressively from disposal to reduction, reuse, recycling and recovery of post-consumer electronic products;

(f) the location of return collection facilities or depots;

(g) the location of any long-term containment or final treatment and processing facilities for post-consumer electronic products;

(h) the types of educational information and programs provided;

(i) the process of internal accountability used to monitor environmental effectiveness;

(j) progress made towards the “design for environment” program;

(k) adherence to the established vendor qualification standards;

(l) any other information requested by the Administrator,

and the annual report shall be accompanied by copies of the annual financial statements prepared by an independent auditor of the revenues received and the expenditures incurred.

(2) Despite subsection (1), a brand owner may enter into an industry stewardship agreement with the Board for the Board to submit the annual report and financial statements to the Administrator on behalf of the brand owner.

(3) On receipt of the annual report submitted pursuant to this Section, an Administrator may require the brand owner or the Board, as the case may be, to

(a) amend the authorized electronic product stewardship program; or

(b) submit a proposal for a new electronic product stewardship program to the Minister for authorization pursuant to clause 18M(2)(a).

18P (1) The owner of a return collection facility shall accept a post-consumer electronic product, regardless of the identity of the brand owner of the consumer electronic product from which it was generated.

(2) The owner of a depot shall comply with the rules and standards, including those respecting record production, set forth by the Board.

(3) The owner of a return collection facility or a depot shall

(a) operate the facility or depot during regular business hours;

(b) accept from any person any quantity of post-consumer electronic products that does not

exceed the maximum allowable per person daily quantity as authorized by an Administrator; and

(c) not charge a fee for accepting post-consumer electronic products in accordance with clause (b).

18Q No person shall falsify, render misleading, unlawfully alter or fail to provide any information, report or record required in accordance with Sections 18J to 18P.

OTHER CHANGES IN THE REGULATIONS

Amendment to s.2(d) to include those in the electronics industry in the definition of distributor.

(n) "distributor" means the last person in Nova Scotia to supply, sell or offer for sale by wholesale or other means a beverage in a beverage container, a new tire, a consumer paint product or an electronic product listed in Schedule E to a retailer in the Province and, in the event that there is no supply, sale or offer to sell by a person in Nova Scotia to a retailer in the Province, distributor means the retailer;

Amendment to Schedule "B" Materials Banned from Landfills and Incinerators

Add:

Column 1: Designated Material

Electronic product

Column 2: Implementation Date

Jan 1, 2006

Add:

SCHEDULE E

Electronic Products covered by the Electronic Product Stewardship Program

(i) Televisions;

(ii) Computers, laptops and notebooks including CPUs, keyboards, mouse, cables and other components in the computer;

(iii) Computer monitors;

(iv) computer printers, including printers that have scanning or fax capabilities, or both,

February 9, 2005

- (v) scanners,
- (vi) audio and video playback and recording systems,
- (vii) telephones and fax machines,
- (viii) cell phones and other wireless devices, and
- (ix) electronic game equipment.