



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to March 1, 2006. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4291
Email: legislation@gov.pe.ca

CHAPTER E-9

ENVIRONMENTAL PROTECTION ACT

LITTER CONTROL REGULATIONS

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Council made the following regulations:

PART I DEFINITIONS

1. In these regulations
- | | Definitions |
|--|----------------------|
| (a) “authorized outlet” means a retail outlet operated by the Prince Edward Island Liquor Control Commission; | authorized outlet |
| (b) “beer” means any alcoholic liquor obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products, in drinkable water; | beer |
| (c) “beverage” means | beverage |
| (i) beer, | |
| (ii) ale, | |
| (iii) porter, | |
| (iv) lager, | |
| (v) any low-alcoholic content version of beer, including drinks made from malt and hops or of any similar product in drinkable water, which contain less than one half of one per cent of alcohol by volume, | |
| (vi) soft drink, and | |
| (vii) any drink which is designated by the Minister, by notice published in the Gazette, as a beverage for the purposes of these regulations; | |
| (d) “container” means a bottle, or any other vessel or receptacle that contains or is capable of containing a beverage, but does not include a paper or plastic cup; | container |
| (e) “depot operator” means a person who operates a depot for the collection and disposal of containers; | depot operator |
| (f) “eating establishment” has the same meaning as in the Eating Establishments and Licensed Premises Regulations of the <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30; | eating establishment |

label	(g) “label” includes any sticker attached to a container or words or markings on the container itself or on its cap, present at the time of sale, offer for sale, or display;
liquor	(h) “liquor” means (i) any alcoholic, spiritous, fermented, or other intoxicating liquor or combination of liquors, (ii) mixed liquor, a part of which is spiritous, fermented, or otherwise intoxicating, (iii) all drinks and drinkable liquids, and every essence, extract, tincture, compound, or preparation, and all preparations or mixtures capable of human consumption that are intoxicating, but does not include beer, ale, porter, lager, or wine. Any liquor referred to in subclauses (i), (ii) or (iii) that contains more than one-half of one per cent of alcohol by volume shall be conclusively deemed to be intoxicating, and the following drinkable liquids shall be held to be liquor without proof that they contain alcohol, namely: (iv) rum, (v) gin, (vi) whiskey, and (vii) brandy.
manufacturer	(i) “manufacturer” means the bottler, distributor, or wholesaler, but does not include the Prince Edward Island Liquor Control Commission;
recyclable container	(j) “recyclable container” means a container which is not refillable and from which useful materials can be recovered;
refillable container	(k) “refillable container” means (i) a container which can be reused as a beverage container by the manufacturer and which is accepted for refilling with a beverage by the manufacturer, or (ii) a container which is designed, according to a manufacturer’s specification, for refilling with a beverage, but does not include containers where the container or a label affixed bears the words, “non-refillable”, “recyclable”, “no deposit - no return”, or “return for deposit where applicable”;
soft drink	(l) “soft drink” means any flavored carbonated drink which does not contain alcohol;
vendor	(m) “vendor” means a person, other than the Prince Edward Island Liquor Control Commission, who sells, offers for sale, or displays beverages for consumption off the premises in which they are sold, offered for sale, or displayed;

(n) “wine” means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples, or other agricultural products containing sugar, including honey, milk. (EC697/91; 374/99) wine

PART II REFILLABLE CONTAINERS

2. (1) Subject to subsection (2), no person shall sell, offer for sale or display any beverage in a container other than a refillable container. Refillable containers only

(2) Where the Minister determines that the use of refillable containers on the premises of any public institution or manufacturing or processing operation may constitute a hazard, he may, by notice published in the Gazette, exclude those premises from the application of subsection (1). (EC697/91) Exemption

3. (1) A vendor or depot operator shall accept empty refillable containers presented by any person and shall pay a refund in cash immediately to that person of not less than Refunds

- (a) fifteen cents for a refillable container of a capacity of 500 ml or less;
- (b) thirty cents for a refillable container of a capacity of more than 500 ml but not more than 1000 ml;
- (c) seventy cents for a refillable container of a capacity of more than 1000 ml.

(2) Notwithstanding subsection (1), a depot operator shall accept empty refillable beer and cooler containers presented by any person and shall pay to that person a refund of not less than Beer and cooler containers

- (a) \$1.20 for each dozen containers packed in beer cartons that have the flaps either removed or turned in;
- (b) seven cents for each container that is not packed in accordance with clause (a).

(3) A vendor under subsection (1) may, at the option of the purchaser, set off the amount of the refund against beverages or other goods purchased. Refund used in purchase of other goods

(4) This section is subject to the provisions of sections 4 and 5. (EC697/91; 615/96; 46/06) Application

4. (1) Where a vendor or depot operator has paid a refund, pursuant to subsection 3(1), for a container for a soft drink, the manufacturer of the soft drink shall, upon request, accept the container and pay to the vendor or depot operator in question not less than Claim against manufacturer

- (a) twenty cents for a container of a capacity of 500 ml or less;

- (b) forty cents for a container of a capacity of more than 500 ml but not more than 1000 ml;
- (c) eighty cents for a container of a capacity of more than 1000 ml.

Payment

(2) Where a depot operator has paid a refund, pursuant to subsection 3(2) for a container for beer or cooler, the manufacturer of the beverage shall, upon request, accept the container and pay to the depot operator not less than the amount stipulated in subsection 3(2). (EC697/91)

Terms of acceptance

5. A vendor or depot operator is not obliged under section 4
- (a) to accept any container or pay any refund on a Sunday or holiday; or
 - (b) to accept more than twenty-four containers from any person within any period of twenty-four hours; or
 - (c) to accept or pay a refund for a container
 - (i) that is broken, damaged or incapable of being cleaned for refilling, or
 - (ii) that, in the case of a vendor, is not a container for a kind and brand name of beverage sold by him within the preceding twelve months, or, in the case of a depot operator, is not a container for which he acts as collecting agent. (EC697/91)

PART III RECYCLABLE CONTAINERS

Wine and liquor containers

6. (1) Wine and liquor shall be sold or offered for sale only in recyclable containers.

Deposits

- (2) A recyclable container
- (a) which has a capacity of 500 ml or less may be subject to a deposit of ten cents and refund of five cents;
 - (b) which has a capacity of greater than 500 ml may be subject to a deposit of twenty cents and a refund of ten cents.

Refunds

(3) If the authorized outlet imposes the deposits stipulated in subsection (2), it shall pay the refunds stipulated therein.

Terms of acceptance

- (4) Notwithstanding subsection (3), an authorized outlet is not obliged
- (a) to accept more than forty-eight containers from any person within any period of twenty-four hours; or
 - (b) to accept containers which are dirty, broken, or contain matter or objects which prevent the container from being recycled. (EC697/91)

PART IV
GENERAL

7. Every owner and operator of an eating establishment that operates as a take-out establishment shall Waste storage and disposal
- (a) provide waste receptacles for the purpose of receiving discarded food and food container waste;
 - (b) ensure that the contents of the receptacle are not disturbed by animals;
 - (c) empty the receptacles at such frequency as is necessary to ensure they are not filled to overflowing;
 - (d) remove and dispose of any litter from the premises daily to prevent litter from being transferred to neighboring property.
(EC697/91)
8. (1) Where a beverage or liquor or wine is sold, offered for sale, or displayed in a container, which container or label affixed thereto purports to describe the contents, capacity, refillability or recyclability of the container, the said description on such container or label, as the case may be, shall be evidence of the contents, capacity, refillability or recyclability of the container. Description on labels
- (2) The presumption established by subsection (1) may be rebutted by a person establishing the contrary on a balance of probabilities. *Idem*
(EC697/91)