

# Extended Producer Responsibility Hazardous and Special Products Bylaws

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## 1. Definitions

1.1 In these Bylaws, the following terms shall have the following meanings:

“**Act**” means the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12;

“**Business Day**” means any day other than a Saturday, Sunday or statutory holiday in the province of Alberta;

“**Bylaws**” means these Hazardous and Special Products Bylaws;

“**Disposed**” means taken to landfill that meets the definition in section 1(z) of the *Waste Control Regulation*, AR 192/96;

“**EPR Regulation**” means the *Extended Producer Responsibility Regulation*, AR 194/2022, as amended or replaced from time to time;

“**HSP Designated Material**” means hazardous and special products as designated materials for the purposes of sections 1 to 11 and Part 2 of the EPR Regulation pursuant to section 22 of the EPR Regulation;

“**HSP Producer**” means a person determined to be the producer of a HSP Designated Material under section 23 of the EPR Regulation for the purposes of Part 2 of the EPR Regulation;

“**Minister**” means the Minister responsible for the Act;

“**Recycled**” means to have done anything that results in providing a use for a thing that otherwise would be disposed of or dealt with as waste, including collecting, transporting, handling, storing, sorting, separating, and processing the thing, but does not include downcycling, the application of waste to land or the use of a thermal destruction process;

“**Registered**” or “**Registrant**” means with respect to a HSP Producer, Producer Responsibility Organization, Processing Facility, or a Community, any of the foregoing that is registered with the Authority in accordance with these Bylaws;

“**Stored**” means storage as defined in the Act;

“**Treated**” means treat as defined in the Act.

1.2 Unless otherwise defined or the context otherwise requires, terms defined in the EPR Regulation and the Act have the same meanings when they are used in this Bylaw.

## 2. Registration

2.1 The Authority shall operate and maintain a registry for HSP Producers, Producer Responsibility Organizations, Processing Facilities, and Communities, as set out in the EPR Regulation.

2.2 The Authority may register a HSP Producer, Producer Responsibility Organization, Processing Facility, or a Community, if the application is made in accordance with the Bylaws.

- 2.3 The Authority shall provide written confirmation to applicants when their application for registration with the Authority has been completed and accepted.
- 2.4 The Authority may cancel or suspend a registration, if the Registrant:
- (a) contravenes the Act, the EPR Regulation or these Bylaws;
  - (b) ceases to supply a HSP Designated Material in Alberta;
  - (c) applies to cancel the registration;
  - (d) fails to provide the Authority with updated contact information;
  - (e) fails to pay outstanding fees to the Authority;
  - (f) requests to have their registration cancelled and upon review by the Authority it is determined that registration was not or is no longer required;
  - (g) fails to make or submit reports the Authority as required by these Bylaws or the EPR Regulation;
  - (h) provides false or misleading information to the Authority; or
  - (i) has been found guilty of criminal or fraudulent activity.
- 2.5 If the Authority cancels or suspends a registration under section 2.4(a), or reinstates a registration which was cancelled or suspended under section 2.4(a), the Authority must provide notice to the Registrant and to the Minister within ten (10) Business Days.

### HSP Producer Registration

- 2.6 All HSP Producers shall register with the Authority, at least thirty (30) calendar days prior to the date which they intend to supply HSP Designated Material in the form and manner required by the Authority.
- 2.7 Each HSP Producer shall provide the Authority with the following information:
- (a) The name, contact information, and address of the HSP Producer;
  - (b) The name and contact information of the person responsible for registering the HSP Producer;
  - (c) If applicable, the name and contact information of any Producer Responsibility Organization that is retained by the HSP Producer and the services that the Producer Responsibility Organization is retained to provide to the HSP Producer;
  - (d) The brand name(s), if applicable, of HSP Designated Material that the HSP Producer supplied to consumers in Alberta in the previous calendar year;

- (e) Whether the HSP Producer is a Brand Holder, an importer or a Retailer of PPP Designated Materials;
- (f) Whether the HSP Producer is a Franchisor with Franchisees in Alberta;
- (g) Weight of the HSP Designated Material in each Material Type, as requested by the Authority, that the HSP Producer supplied to consumers for in Alberta in the previous calendar year;
- (h) If the HSP Producer is operating an alternative collection system, a description of the alternative collection system, including each HSP Designated Material Type which is collected in the alternative collection system;
- (i) A report prepared by and an accredited third party in the form and manner specified by the Authority confirming the accuracy of the information submitted under this section 2.7(g); and
- (j) Any other information about the HSP Producer required by the Authority.

2.8 If there is any change to the information submitted to the Authority in this section 2, the HSP Producer must submit the updated information to the Authority within thirty (30) calendar days of the change or such other time period as required by the Authority from time to time.

#### Producer Responsibility Organization Registration

- 2.9 A Producer Responsibility Organization shall register with the Authority in the form and manner required by the Authority within thirty (30) calendar days of the date on which the Producer Responsibility Organization entered into an agreement with a HSP Producer.
- 2.10 A Producer Responsibility Organization must provide the Authority with the following information:
- (a) The name, contact information and address of the Producer Responsibility Organization;
  - (b) The name and contact information of the person responsible for registering the Producer Responsibility Organization;
  - (c) The name and contact information of each HSP Producer that has retained the Producer Responsibility Organization to provide services to the HSP Producer;
  - (d) The services that the Producer Responsibility Organization has agreed to provide to each HSP Producer under subsection (c);
  - (e) A verification statement that the Producer Responsibility Organization complies with section 27(2) of the EPR Regulation; and

(f) Any other information about the Producer Responsibility Organization required by the Authority.

- 2.11 If there is any change to the information submitted to the Authority in this section, the Producer Responsibility Organization must submit the updated information to the Authority within thirty (30) calendar days of the change or such other time period as required by the Authority from time to time.
- 2.12 A Registered Producer Responsibility Organization can complete, on behalf of the HSP Producer which retained it, any action required by the EPR Regulation and these Bylaws .
- 2.13 Notwithstanding section 2.12, an HSP Producer shall always remain responsible for ensuring its obligations under the Bylaws, EPR Regulation and Act are met even if the HSP Producer has retained a Producer Responsibility Organization.

#### Community Registration

- 2.14 A Community may register with the Authority in the form and manner required by the Authority.
- 2.15 The Authority may permit a Community to designate a representative to act for the Community and complete the Community's registration with the Authority.
- 2.16 A Community must apply to register with the Authority before December 31, 2023 to be considered a Registered Community under Part 2 of the Regulation as of April 1, 2025.
- 2.17 After December 31, 2023:
- (a) The Authority shall establish an intake process that provides for not less than four (4) intake periods per calendar year, during which a Community can apply to register with the Authority.
  - (b) The Authority shall designate a reasonable preparation period between the date that a Community applies to register with the Authority and the date on which that Community is considered a Registered Community under Part 2 of the Regulation. Unless otherwise specified by the Authority, the reasonable preparation period shall be:
    - (i) 12 months from the date of registration for round up collection; and
    - (ii) 24 months from the date of registration for permanent depot collection sites.
  - (c) The Authority shall establish a policy that outlines criteria and considerations to guide the intake process and reasonable preparation period.
- 2.18 Unless otherwise specified by the Authority, a Community must provide the Authority with the following information:
- (a) The name and contact information of the Community;

- (b) The name and contact information of the person responsible for registering the Community;
- (c) The contact information of the person(s) responsible for waste management within the Community at the time of the registration (if different than subsection (b));
- (d) The annual quantity of HSP Designated Materials by Material Type collected within the Community during the previous calendar year;
- (e) The location of any currently operating household hazardous waste depots within the Community and the quantity and type of household hazardous waste, collected annually by the depot;
- (f) The estimated quantity and type of household hazardous waste collected annually by roundup events as well as the number of events held in the last calendar year;
- (g) Information on how HSP Designated Materials are currently collected, stored, hauled, and processed; and
- (h) Any other information about the Community required by the Authority.

2.19 The Authority must provide information regarding a Registered Community to Registered HSP Producers within ten (10) Business Days of the Community's registration with the Authority.

#### Processing Facility Registration

2.20 Every Processing Facility that processes or plans to process HSP Designated Materials on behalf of HSP Producers must register with the Authority in the form and manner required by the Authority.

2.21 A Processing Facility must provide the Authority with the following information:

- (a) The name, contact information and address of the Processing Facility;
- (b) The name and contact information of the person responsible for registering the Processing Facility;
- (c) The HSP Designated Materials accepted at the Processing Facility;
- (d) The type of processing that is undertaken by the Processing Facility; and
- (e) Any other information about the Processing Facility required by the Authority.

2.22 If there is any change to the information submitted to the Authority in this section, the Processing Facility must submit the updated information to the Authority within thirty (30)

calendar days of the change or such other time period as required by the Authority from time to time.

### **3. Fees**

- 3.1 The Authority may establish fees to recover costs associated with carrying out its responsibilities under the EPR Regulation. The Authority shall establish a Fee Setting Policy which describes the methodology to establish such fees. The Fee Setting Policy shall be publicly available.
- 3.2 Registrants shall pay fees to the Authority in accordance with the Fee Setting Policy.
- 3.3 The Authority shall not require a Community to pay the Authority a fee unless the Community is also a HSP Producer or a Processing Facility of HSP Designated Materials.
- 3.4 The Authority may apply interest on late payment of fees and may apply charges for cheques that are non-negotiable due to insufficient funds.

### **4. Bylaw Contravention**

- 4.1 Registrants must comply with the Bylaws and all policies established by the Authority pursuant to the Bylaws.
- 4.2 The Authority shall establish a Procedural Fairness Policy that includes guidance on the processes and requirements to identify:
  - (a) Bylaw contraventions for which the Authority can assess an amount payable by the Registrant;
  - (b) a Registrant's level of knowledge and understanding of the issue, their capacity to comply, and their history of contravention;
  - (c) the reason for a contravention.
- 4.3 The Authority may issue a fee payable by a Registrant for a contravention of the Bylaws in accordance with the Procedural Fairness Policy.
- 4.4 The amount payable by a Registrant to the Authority for each incident of the Registrant's non-compliance with the Bylaws shall be determined in accordance with the Procedural Fairness Policy.
- 4.5 The Authority shall, when assessing a fee payable by a Registrant for a contravention of the Bylaws, provide written notice of contravention to that Registrant which contains the following information:
  - (a) the name of the Registrant;
  - (b) the particulars of the contravention and the Authority's assessment for the fee payable by the Registrant;

- (c) the bylaw , including the relevant section, under which the contravention occurred; and
- (d) the date by which the Registrant must pay the fee to the Authority.

4.6 The Fee Setting Policy may include fees on a Registrant to recover costs incurred by the Authority in relation to that Registrant’s contravention of the Bylaws.

## **5. Service Standards and Common Collection**

5.1 The Authority shall maintain and publish service standards for a common collection system for HSP Designated Materials in accordance with the requirements of Part 2 of the EPR Regulation.

5.2 Unless the Authority authorizes the HSP Producer to operate an alternative collection system, HSP Producers must establish and operate a common collection system for HSP Designated Materials, at no charge to Registered Communities, in accordance with the common collection system service standards.

5.3 HSP Designated Materials collected through the common collection system referred to in section 5.2 must be processed at Registered Processing Facilities.

5.4 The common collection service standards referred to in section 5.1 may include, but are not limited to:

- (a) permanent collection depots including:
  - (i) HSP Designated Materials accepted;
  - (ii) accessibility to consumers; and
  - (iii) days and hours of operation.
- (b) collection events including:
  - (i) HSP Designated Materials accepted;
  - (ii) accessibility to consumers; and
  - (iii) days and hours of operation.

### Service Standards

5.5 By April 1, 2025, a HSP Producer must provide a common collection system for HSP Designated Materials to Registered Communities that meet the following requirements:

- (a) Communities with a population equal to or greater than 125 000 people must have at least one permanent collection depot for every 125 000 people;
- (b) Communities with a population equal to or greater than 10 000 people but less than 125 000 people must have at least one permanent collection depot;



- (c) Communities with a population equal to or greater than 1000 people but less than 10 000 people must have at least one collection event per calendar year;
- (d) Communities with a population less than 1000 people must have at least one collection event per calendar year once the Community has provided notice of interest for a collection event to the Authority.

- 5.6 Where a Community is serviced by a permanent collection site by a Community Authority, a HSP Producer shall maintain the current site or provide a replacement permanent collection site.
- 5.7 Notwithstanding section 5.6, where a permanent regional collection site is maintained, the HSP Producer is not required to provide a collection event.

## **6. Processing Facilities**

- 6.1 Registered Processing Facilities may accept HSP Designated Material for the purpose of meeting the material management requirements in section 26 of the EPR Regulation.
- 6.2 Registered Processing Facilities must, on an annual basis, submit a report to the Authority. This report shall include the quantity of HSP Designated Material for the reporting cycle as specified by the Authority:
- (a) received;
  - (b) processed, including details on final disposition;
    - (i) Recycled;
    - (ii) processed using Advanced Chemical Recycling;
    - (iii) Downcycled;
    - (iv) Treated;
    - (v) Disposed; or
    - (vi) Stored;
  - (c) received materials not processed;
  - (d) exported for the purposes of (b(i) through b(iv));
  - (e) exported for the purposes of (b(v) and b(vi)).

The quantity of HSP Designated Material shall be reported per Material Type for subsections (b) through (e).

- 6.3 Subject to subsection 6.2(b), materials processed shall be assigned to a processing category and no material shall be assigned to more than one processing category.

## **7. Alternative Collection System**

- 7.1 A HSP Producer may establish an alternative collection system. The Authority shall authorize the HSP Producer to operate the alternative collection system if the alternative collection system meets the requirements established by the Authority, including:
- (a) similar accessibility as the common collection system through the same or other means;
  - (b) similar levels of promotion and education as the common collection system;
  - (c) data which substantiates that the alternative collection system will meet or exceed the material management requirements; and,
  - (d) collection is provided at no additional cost to Albertans.
- 7.2 If authorized, the HSP Producer shall register the authorized alternative collection system in the form and manner required by the Authority.
- 7.3 A HSP Producer that has registered an alternative collection system is exempt from the common collection system standards.
- 7.4 The Authority may revoke the authorization of an alternative collection system if the alternative collection system does not meet the requirements outlined in section 7.1, or as otherwise established by the Authority, in two or more consecutive years.
- 7.5 A HSP Producer that has an alternative collection system authorized by the Authority is not exempt from fees established by the Authority.

## **8. Exempt Materials**

- 8.1 The following materials are exempt from requirements under Part 2 of the EPR Regulation:
- (a) HSP Designated Material that is not supplied to a customer;
  - (b) Any designated material subject to Part 1 of the EPR Regulation or any other regulation made under the Act other than the ERP Regulation; and
  - (c) Masonry products (e.g., cement, grout, mortar).

## **9. Reporting**

- 9.1 The Authority shall maintain and publish a Reporting Policy.
- 9.2 A Registered HSP Producer shall prepare and submit reports to the Authority in the form and manner required by the Authority.
- 9.3 HSP Producers shall submit an annual report to the Authority no later than June 30<sup>th</sup> each year.
- 9.4 If a HSP Producer charges a fee in respect of the supply of a HSP Designated Material, the HSP Producer shall include an audited financial statement of the receipt and disbursement of

the visible fees prepared by an accredited third party, in the form and manner required by the Authority, with their annual report.

- 9.5 A HSP Producer must provide the Authority with the following information in its annual report:
- (a) The annual weight of HSP Designated Material by Material Type that was supplied to consumers in Alberta in the previous calendar year during which the person was a HSP Producer;
  - (b) A description of the actions taken by the HSP Producer in the previous calendar year to satisfy the HSP Producer's requirements under Part 2 of the EPR Regulation;
  - (c) A description of the actions taken by Producer Responsibility Organization(s), with whom the HSP Producer had an agreement in the previous calendar year, to satisfy the HSP Producer and Producer Responsibility Organization's requirements under Part 2 of the EPR Regulation;
  - (d) The Registered Processing Facility(s) that received HSP Designated Materials on behalf of the HSP Producer and the weight by HSP Material Type processed by each;
  - (e) The weight of HSP Designated Material by Material Type:
    - (i) Recycled or processed using Advanced Chemical Recycling;
    - (ii) Downcycled;
    - (iii) Treated or Disposed;
  - (f) A statement to indicate if the HSP Producer is in compliance with section 26 of the EPR Regulation, if applicable;
  - (g) A report prepared by an accredited third party in the form and manner required by the Authority confirming the accuracy of the information submitted under this section 9; and
  - (h) Any other information required by the Authority.

## **10. Inspection**

- 10.1 The Authority may conduct audits, inspections, reviews, or investigations ("Inspections") to ensure compliance with the Bylaws and the Authority's policies, in accordance with the Procedural Fairness Policy.
- 10.2 The Authority shall undertake Inspections of annual reports submitted by HSP Producers, Producer Responsibility Organizations and Processing Facilities. The costs associated with routine Inspections shall be allocated amongst all Producers and not the HSP Producer which is subject to the Inspection.
- 10.3 The Authority may require a HSP Producer or Producer Responsibility Organization to undertake a third-party Inspection. The Authority shall establish guidelines outlining the process and cost allocation of third-party Inspections.

## **11. Verification**

- 11.1 A HSP Producer must submit a verification to the Authority by October 1, 2024, which demonstrates that the HSP Producer has arrangements in place to meet its obligations to collect and manage HSP Designated Material under Part 2 of the EPR Regulation.
- 11.2 When a HSP Producer uses a common collection system, their verification must include the following information:
- (a) confirmation that Registered Communities are to be serviced through the common collection system;
  - (b) a description of how HSP Designated Material will be collected in the common collection system;
  - (c) a description of how the common collection system will adhere to the common collection system standards;
  - (d) a description of how collected material will be processed to meet the material management requirements identified in section 26 of the EPR Regulation;
  - (e) evidence the HSP Producer has agreements, or a workplan with key milestones to establish agreements, to fulfill its obligations under Part 2 of the EPR Regulation, including but not limited to its undertakings and commitments identified in subsection (a) through (d); and
  - (f) a plan for promotion and education which includes consideration of the appropriate method for providing promotion and education material to consumers to be serviced under the common collection standards.

## **12. Promotion and Education**

- 12.1 A Registered HSP Producer shall provide promotion and education materials, free of charge, to the consumers to be serviced under the common collection system standards based on the promotion and education plan as outlined in the verification submission.
- 12.2 Promotion and education material shall include but is not limited to, the following:
- (a) A list of HSP Designated Materials accepted in the common collection system;
  - (b) Information on how to properly manage HSP Designated Materials at end-of-life;
  - (c) The form of collection service available under the common collection system including local servicing such as depot operating hours;
  - (d) If applicable, the form of collection service available under an authorized alternative collection system.
- 12.3 A telephone number and email address at which persons may submit questions or concerns relating to collection.

- 12.4 A HSP Producer or their Producer Responsibility Organization must provide contact information to the Registered Communities so that each Community can refer its residents to the person responsible for the common collection system and, if applicable, authorized alternative collection systems.
- 12.5 A HSP Producer must ensure that a description of the common collection system must be publicly available including designated materials, service levels and Communities that comprise the common collection system.

### **13. Dispute Resolution Process**

- 13.1 The Authority shall establish a Dispute Resolution Policy to outline the process by which the Authority shall resolve disputes between the Authority and a HSP Producer or a Producer Responsibility Organization.
- 13.2 The Dispute Resolution Policy shall:
- (a) provide a mechanism for a HSP Producer or a Producer Responsibility Organization to submit a concern;
  - (b) outline the process for both informal and formal dispute resolution;
  - (c) require the Authority to publish summaries of disputes.

### **14. Confidentiality and Privacy**

- 14.1 The Authority shall maintain an Access and Privacy Code.
- 14.2 The Access and Privacy Code shall identify which information, provided by the Registrant, that the Authority may make publicly available.
- 14.3 Registrants acknowledge and agree that:
- (a) all records in the custody or under the control of the Authority may be subject to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 and the *Records Management Regulation*, AR 224/2001;
  - (b) all information and records created or maintained by the Authority in the course of carrying out its powers, duties and functions under the EPR Regulation become and remain the property of the Crown in right of Alberta.

### **15. Record Retention**

- 15.1 Unless expressly exempted by the Authority, HSP Producers, Producer Responsibility Organizations, and Processing Facilities must retain paper or electronic records necessary to meet the requirements of Part 2 of the EPR Regulation and the Bylaws.
- 15.2 All required records must be retained by HSP Producers, Producer Responsibility Organizations, and Processing Facilities for five (5) years and must be made available to the Authority upon request.

## **Schedule A HSP Material Types**

- batteries
  - single-use batteries, and
  - rechargeable batteries;
- corrosive products;
- corrosive product containers;
- flammable products;
- flammable product containers;
- pesticides;
- pesticide containers;
- toxic products;
- toxic product containers.