

GUIDELINE 2008-01
November 2008

PACKAGING AND PRINTED PAPER STEWARDSHIP

Section 19 of the Packaging and Printed Paper Stewardship Regulation under the Waste Reduction and Prevention Act allows the Minister to establish written guidelines to set additional requirements for the packaging and printed paper stewardship program and its operation. The Minister may establish guidelines for the management of packaging and printed paper, or issue guidelines that set criteria for program performance evaluation or address any other matter provided for under the regulation.

The program requirements and plan evaluation criteria for packaging and printed paper are established as follows:

STEWARDSHIP PLAN

Stewards are required to submit a stewardship program plan proposal for approval by the Minister. The following program requirements, as set out in the regulation, must be included in any proposed program plan. Additional instructions pertaining to the requirements of the program plan and program are provided in sections 2 through 10.

A plan for a packaging and printed paper stewardship program shall include provision for:

- the establishment and administration of a waste reduction and prevention program for packaging and printed paper with waste reduction and prevention targets as set out in the plan;
- the appropriate management of waste packaging and printed paper in accordance with any written guidelines established by the Minister;
- a province-wide, convenient collection system for waste packaging and printed paper without user fees at the point of collection;
- a system for the payment of expenditures incurred in the collection, transportation, storage, processing and disposal of packaging and printed paper in connection with the waste reduction and prevention program;
- the orderly collection of revenues from subscribers to the program in balance with expenditures for the program;
- the establishment and administration of education programs for the purpose of the waste reduction and prevention program;
- the establishment and administration of a point-of-sale information program for the purpose of the waste reduction and prevention program;
- the payment of salaries and other costs of government for the administration and enforcement of this regulation and of the Act as it relates directly to packaging and printed paper; and
- on-going consultation about the stewardship program with persons who the operator considers the stewardship program may affect, including members of the public, in accordance with any guidelines respecting consultation that the Minister may establish.

The Plan may also deal with research and development, training and educational activities, as well as activities related to waste reduction and pollution prevention.

In addition to these provisions, the Minister may provide additional program guidance.

REQUIRED PROGRAM PLAN COMPONENTS

For a program plan to be accepted for evaluation and approval the following program components must form part of the program plan proposal:

- A funding formula for service providers that reflects the range of program conditions across the province and promotes recycling program effectiveness and efficiency.
- Where community-based collection and recycling services form part of a proposed stewardship program plan for packaging and printed paper, the program operator shall fund 80% of the cost of managing designated materials through municipal residential diversion programs.
- Program support for schools, post-secondary education institutions, public space, and public event recycling designed to minimize waste from packaging and printed paper.
- Program support for a comprehensive litter abatement program
- Accurate monitoring and reporting on beverage container sale, recovery and recycling rates.

PROGRAM PLAN EVALUATION

For the purpose of plan evaluation, proposed plans shall demonstrate how:

- the cost of managing designated waste materials is borne by the stewards and users of the product or packaging rather than by the taxpayer.
- the management of these materials is economically and environmentally sustainable.
- industry stewards determined the method by which these materials are managed and how these costs are borne by the affected stewards, users of the product or packaging, and potential program partners.
- fees, if any, required to support implementation of an approved program plan will be set and collected by an approved not-for-profit IFO established for that purpose.
- a public awareness and education program will be undertaken.
- the operator provides a province-wide collection system that provides public access in all regions of Manitoba that is convenient and consistent.
- the product stewardship program in Manitoba is harmonized, where practical and feasible, with those of other provinces.
- 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.
- the transparency of program operations is provided through the development of industry proposals, program plans, and annual reports, which will be available to all stakeholders.
- the operator undertook appropriate consultations on program plan proposals prior to submission of those proposals to Government.

- the operator will resolve stakeholder disputes.
- the operator will conform to regulatory requirements to ensure a level playing field among stewards responsible for a designated waste stream.
- the operator will measure, monitor and report on program performance, including meeting designated material recovery rate targets.
- the operator will adhere to guideline provisions for pollution prevention and best management practices (Section 10 of this Guideline).

PUBLIC CONSULTATION PROCESS FOR PACKAGING AND PRINTED PAPER

- Stewards shall:
 - ensure that stewardship program decisions and activities include processes or measures for informing those affected by decisions and actions in a timely manner; and
 - provide meaningful opportunity for public consultation and due process, including the timely release of pertinent information, and
 - where applicable, employ collaborative decision-making and consensus-building processes.

- Stewards shall seek input at strategic points (development and amendment of program plan, annual reporting, continuous review of operations) from:
 - government;
 - service delivery agencies;
 - relevant external agencies; and
 - the public.
- Prior to submitting its program plan to the Minister, the applicant is required to consult with affected stakeholders and the public. To do this stewards shall:
 - at the outset of any program plan consultation, identify:
 - who they expect to consult with;
 - the purpose of the consultation; and
 - how they will conduct the consultation.
 - seek input from those who:
 - have a mandate or responsibility in an inter-related program area;
 - are expected to implement the proposal;
 - are expected to bear the cost of implementing the proposal;
 - will be impacted by the proposed plan.
- In its program plan proposal, identify to the Minister:
 - who has been consulted in the process of developing and evaluating the plan and/or proposal options;
 - any objections and concerns raised by those who were consulted; and
 - endorsement of proposed responsibilities by program partners.

DESIGN OF AN ADEQUATE COLLECTION SYSTEM

- The program plan shall adequately provide for the collection and management of designated packaging and printed paper.
- Stewards may partner with existing collection systems established by other stewards or another IFO for other designated materials.
- Consultation with local governments, including municipal corporations, Community Councils, and First Nations should occur to determine the most effective collection system for the community.
- The collection system design should consider and prioritize the degree of risk presented by the product.
- The plan shall adequately provide for reasonable and free consumer access to collection facilities and recycling services. Accordingly, consumers are not to be charged a fee by the program operator at the point of collection.

ACHIEVING DESIGNATED MATERIAL RECOVERY RATE

- The Minister will confirm targets in consultation with the program operator and other stakeholders that are ambitious, yet achievable as minimum program performance targets.
- The minimum program performance target for beverage containers will be the recovery of 75% of the containers sold in the province.
- The minimum program performance target for plastic bags is set in the Guideline for Plastic Bags.
- The expectation is that all stewards will commit to continuous improvement in program performance.
- The Minister may establish other performance requirements in consultation with the program operator and other stakeholders.

ESTABLISHING APPROPRIATE PERFORMANCE MEASURES

- A steward may recommend appropriate program performance measures in the plan submitted for approval. The measure(s) must be able to show both what is recovered and what is not.
- The Minister may specify one or more performance measures or targets in approving the program plan.
- A steward may include any type of performance measures or targets in the program plan, in addition to any required by the Minister.
- Examples of performance measures that could be considered by stewards, include:
 - sales and recovery data;
 - municipal waste composition study results, including data from Manitoba studies, other provincial agencies, and Statistics Canada.
 - periodic surveys of public awareness of the program and use of the collection system;
 - the amount of designated packaging and printed paper collected by the program or its service providers;
 - the efficiency of recycling programs as measured by cost per tonne recovered;
 - number of collection points and participation rates; and
 - how the products were managed with respect to the principles of pollution prevention and 4R hierarchy.

DISPUTE RESOLUTION PROCEDURE

- A program plan shall adequately provide for a dispute resolution process which allows for fair, transparent and unbiased independent processes where all views are known when stakeholder or public interests may be affected.

THE ANNUAL REPORT

Section 16(1) of the Packaging and Printed Paper Stewardship Regulation requires operators of approved program plans to submit an annual report within 90 days after the end of each fiscal year. In addition to Section 16 (2) of the regulation which provides the minimum requirements for an annual report, operators shall:

- post a copy of the report on the program website;
- document the performance in adherence to the program plan; and
- specify what the stewards will do to reduce or eliminate any gap between actual and projected performance.

An annual report may also include information on the following:

- Educational Materials and Strategies
 - Includes a description of educational materials and strategies.

- Meeting program plan performance measures likely will require a successful public education strategy.
 - Some examples of educational tools include newspaper, radio and TV advertisements, web pages, flyers and posters.
- Collection Facilities
 - Include information about collection/processing facilities.

- Reducing Environmental Impacts
 - Include efforts taken to reduce environmental impacts through a reduction in the disposal of packaging and printed paper. In reporting on these measures program operators shall consolidate and aggregate individual steward reporting requirements to protect proprietary information as well as to manage large volumes of information.
 - Identify efforts to reduce the environmental impacts of designated material throughout the product life-cycle, including increased reusability and recyclability.
 - Demonstrate a commitment to continuous improvement.

- Consistency with the principles of Pollution Prevention and the 4Rs Hierarchy
 - Include a description of how the recovered product was managed in accordance with the principles of pollution prevention and the 4Rs hierarchy.
 - The operator may report on what percentage of material is managed according to the principles of pollution prevention and at each level of the 4R hierarchy.

- Recovery Rate
 - Document product recovery rate information.
 - Aggregated data of the total amount of product sold and collected, along with the recovery rate if applicable or an alternative performance measure, if not, is a key performance measure, as long as it shows both what is recovered and what is not.
 - The amount of product collected and processed in each regional district should be reported if possible.

- Financial Statements
 - Submit independently audited financial statements in accordance with the Regulation.
 - Demonstrate commitment to financial transparency and accountability for management of all funds collected. Individual companies' proprietary information will not be disclosed in any documentation. The program operator/IFO is responsible for establishing secure data reporting and management systems.

POLLUTION PREVENTION AND BEST MANAGEMENT PRACTICES FOR PACKAGING AND PRINTED PAPER

For packaging and printed paper, Manitoba promotes the principles of pollution prevention and the 4Rs of reduce, reuse, recycle and recover. In accordance with Manitoba's principles of sustainable development, product stewards shall:

- promote environmentally acceptable uses of products from packaging and printed paper that have a more beneficial or less adverse impact on the economy, environment, human health and social well-being when compared with competing uses of products from packaging and printed paper.

Stewardship program operators shall:

- where environmentally and economically sustainable, promote local processing, manufacture and use of products from packaging and printed paper as an alternative to exporting recovered material to another jurisdiction; and
- operate in a manner supportive of national and international agreements.