

January 28, 2022

EPR Team  
Water and Waste Policy Branch, Policy Division  
Alberta Environment and Parks  
Government of Alberta

Sent by email to: [AEP.RecyclingRegulation@gov.ab.ca](mailto:AEP.RecyclingRegulation@gov.ab.ca)

**RE: Addendum to RCA Response to AEP Consultation on EPR**

Dear EPR Team,

The Recycling Council of Alberta's (RCA's) response was based on the following considerations:

1. Alberta does not publish provincial HHW statistics. We understand that the Alberta Recycling Management Authority (ARMA) has undertaken some lab pack studies, but this information is not publicly available.
2. Further, AEP's proposal is to adopt the HSP definitions and targets Ontario adopted in its latest round of regulations, except that Alberta is excluding those materials already managed under the ARMA paint and used oil programs. As a result, it is prudent to assume that if AB were to adopt ON definitions, the consequence of those definitions on the performance of EPR in AB would be similar.
3. The RCA sees no reason to assume that Albertans would generate a significantly different amount per capita or make-up of HSP than Ontarians. As a result, the RCA based its advice on data collected for that province.

In Ontario, up to 80% of the material collected as HSP is non-obligated (i.e., not covered by EPR). According to Association of Municipalities of Ontario, Ontario's regulation includes:

- less than 20% of the types of pesticides municipalities manage;
- less than 10% of the types of miscellaneous organics municipalities manage (e.g., wood glue, drywall patch, wood sealer);
- ~55% of the types of aerosols that municipalities manage.

Municipalities in Ontario provided their input into Ontario's regulations in two documents, including the data provided above, which you can find here:

- <https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Waste/2021/MunicipalSubmissionProposedProducerResponsibilityRegulationHazardousSpecialProductsERO019283620210326.pdf>
- <https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Waste/Waste-Diversion/2020/MunicipalCommentsonProposedRegulationforMunicipalHazardousSpecialWasteUnderRRCEA201620200724.pdf>

Alberta is proposing an HSP system that would exclude many of the items included in Ontario's system and to adopt Ontario's regulations for the rest. Specifically:

- Alberta proposes to **include** the following based on Ontario definitions:
  - Pesticides,
  - Batteries (except the AEP What We Heard report implies it will exclude SSLA batteries, which are included in Ontario's consumer batteries regulation and most regulated programs),
  - Non-refillable pressurized containers,
  - Products with flammable, toxic and/or corrosive characteristics,
  - Containers in which the products are contained
- Alberta is proposing to **exclude** (i.e., up to 80% of what municipalities collect would be excluded by stream):
  - The expanded definitions of pesticides, organics (e.g., wood glue, drywall patch, wood sealer), aerosols, and other HSP recommended by Ontario municipalities
  - Refillable propane containers,
  - Lead acid batteries (including SSLA batteries),
  - Pharmaceuticals and sharps (which are covered by an EPR program in Ontario, but for which municipalities still receive materials). AEP seems to have excluded this material because of the existence of a voluntary system in Alberta (ENVIRx), which as of 2023 will no longer be funded by the national Health Products Stewardship Association. HSPA has made the decision to no longer fund programs in jurisdictions that lack EPR regulations.
- We note Alberta is proposing (as we understand it) to expand the current used oil materials recycling designation regulation to include antifreeze materials and other automotive fluid containers. We support this initiative, which will span and provide recycling opportunities to the ICI and residential sectors.

As a result, the best evidence we can access regarding how a new HSP regulation based on Ontario definitions will affect Alberta municipalities is that up to 80% of the materials collected for specific streams will not be managed under an EPR regime. In the absence of materials being covered by an EPR regime, municipalities have three choices:

- Exit providing HSP services to their rate payers (cease operating collection sites) and turn that function over to the EPR PRO(s). This would result in stopping the management of materials that are not obligated under an EPR regime. This would cause HSP materials the municipalities current manage to be unmanaged in the future.
- Continue to provide services to their ratepayers as a collection site, as a service provider to the PRO but stop managing unobligated materials. This would cause HSP materials the municipalities current manage to be unmanaged in the future.
- Continue to provide services to their ratepayers, as a service provider to the PRO and continue to provide all existing HSP services to their rate payers. In this case, any unobligated HSP materials collected by the municipalities would have to be managed at their cost and under their management. PROs arrange for pick up of the obligated materials from collection sites and typically fine or discount payment to their service providers for 'contamination'. Unobligated HSP would be contamination. Therefore, municipalities would have to separately manage unobligated materials, including arranging for their pickup from collection sites and processing.

It is important to understand that the way PROs have operated in other provinces is limit their EPR system performance to meeting targets for obligated materials only. They take great care to recover costs of contamination, which could include unobligated PPP or HSP. This is a rationale business decision on their part, as they aim to run the most cost efficient systems for their memberships. But it also means that AEP should take great caution when it assigns definitions and sets targets, because those define the 'ceiling' of performance producers are willing to achieve. Any costs associated with materials above targets or unobligated materials would be borne by those municipalities that wish to continue to provide services for those materials.

Best regards,



Christina Seidel  
Executive Director