

DRAFT

GUIDELINE FOR HAZARDOUS OR PRESCRIBED HOUSEHOLD MATERIAL STEWARDSHIP

Section 19 of the regulation allows the minister to establish written guidelines to set additional requirements for the Hazardous or Prescribed Household Material stewardship program and its operation. The minister can also establish guidelines for the management of hazardous household material, 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 hazardous or prescribed household material are:

A. STEWARDSHIP PLAN

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

A plan for a hazardous or prescribed household material stewardship program shall include provision for:

1. the establishment and administration of a waste reduction and prevention program for hazardous or prescribed household material
2. the appropriate management of waste material according to this guideline established by the minister
3. a province-wide, convenient collection system for waste material without user fees at the point of collection
4. a system for the payment of expenses incurred in the collection, transportation, storage, processing and disposal of waste material in connection with the waste reduction and prevention program
5. the orderly collection of revenue from program subscribers in balance with expenses for the program
6. the establishment and administration of education activities for the program
7. the establishment and administration of a point-of-sale information for the program
8. the payment of salaries and other costs for the administration and enforcement of the regulation and the Act as it relates to hazardous or prescribed household material
9. ongoing consultations with people the program may affect, including members of the public, in accordance with any consultation guidelines the Minister may establish

The plan may also deal with research and development, training and education activities, as well as activities related to waste reduction or pollution prevention. The Minister may provide additional program guidance to program operators.

The stewardship plan for Phase I designated materials is to be submitted for review by the Minister within six months of the date of registration of the regulation.

B. PROGRAM PLAN EVALUATION

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

1. the cost of managing designated waste materials is borne by the stewards and users of the designated material rather than by the taxpayer.
2. the management of these materials is economically and environmentally sustainable.
3. product stewards determined how these materials are managed and how the affected industry and potential program partners will bear these costs.
4. fees, if any, will be set and collected under an approved program plan and integrated into the price of the product communicated to the customer, unless otherwise approved by the Minister;
5. a public awareness and education program will be undertaken.
6. the operator provides a province-wide collection system that provides public access in all regions of Manitoba that is convenient and consistent.
7. the product stewardship program in Manitoba is harmonized, where practical and feasible, with those of other provinces.
8. funds raised for the management of a material or product will relate to the costs of managing that designated material or product.
9. 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.
10. the operator undertook appropriate consultations on program plan proposals prior to submission of those proposals to Government.
11. the operator will resolve stakeholder disputes.
12. the operator will conform to regulatory requirements to ensure a level playing field among stewards responsible for a designated waste stream.
13. the operator will measure, monitor and report on program performance, including meeting designated material recovery rate targets.
14. the operator will adhere to guideline provisions for pollution prevention and best management practices (Section I)

C. PUBLIC CONSULTATION PROCESS FOR HAZARDOUS OR PRESCRIBED HOUSEHOLD MATERIAL

1. Stewards shall:
 - a. ensure that stewardship program decisions and activities include processes or measures for informing those affected by decisions and actions in a timely manner; and
 - b. provide meaningful opportunity for public consultation and due process, including the timely release of pertinent information, and
 - c. ensure that local governments and citizen groups are consulted with, and
 - d. employ collaborative decision-making and consensus-building processes, where appropriate.
2. Stewards shall seek input at strategic points (development and amendment of program plan, annual reporting, continuous review of operations) from:
 - a. government;
 - b. service delivery agencies;
 - c. relevant external agencies; and
 - d. the public.

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3. 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
 - a. at the outset of any program plan consultation, identify:
 - i. who they expect to consult with;
 - ii. the purpose of the consultation; and
 - iii. how they will conduct the consultation.
 - b. seek input from those who:
 - i. have a mandate or responsibility in an inter-related program area;
 - ii. are expected to implement the proposal;
 - iii. are expected to bear the cost of implementing the proposal;
 - iv. will be impacted by the proposed plan.
4. In its program plan proposal, identify to the Minister:
 - a. who has been consulted in the process of developing and evaluating the plan and/or proposal options;
 - b. any objections and concerns raised by those who were consulted; and
 - c. endorsement of proposed responsibilities by program partners.

D. DESIGN OF AN ADEQUATE COLLECTION SYSTEM

1. The program plan shall adequately provide for collecting and managing waste hazardous household material.
2. Stewards may partner with existing collection systems established by other stewards or another program plan for other designated materials.
3. Consultation with local governments, municipal corporations, Community Councils and First Nations should occur to determine the most effective collection system for the community.
4. The collection system design should consider and prioritize the degree of risk presented by the product.
5. 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 user fee at the point of collection.

E. ACHIEVING DESIGNATED MATERIAL PERFORMANCE TARGETS

1. In consultation with the program operator and other stakeholders, the Minister will confirm minimum performance targets for designated material that are ambitious, yet achievable.
2. The expectation is that all stewards will commit to continuous improvement in program performance. Accordingly, if the annual reported recovery rate or service performance is higher than that set by the Minister, that higher rate provides the baseline for subsequent years.
3. The Minister may establish other performance requirements in consultation with the program operator and other stakeholders.

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F. ESTABLISHING APPROPRIATE PERFORMANCE MEASURES

1. 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.
2. The Minister may specify one or more performance measures or targets in approving the program plan.
3. Examples of performance measures by stewards, especially producers of consumable products, include, but are not limited to:
 - a. sales and recovery data
 - b. municipal waste composition study results
 - c. periodic surveys of public awareness of the program and use of the collection system
 - d. the amount of waste material collected by service providers
 - e. number of collection points
 - f. proportion of product to be managed, according to the principles of pollution prevention and 4R hierarchy.

G. DISPUTE RESOLUTION PROCEDURE

1. 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.

H. ANNUAL REPORT

Section 16(1) of the Hazardous or Prescribed Household Material 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:

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

An annual report should also include information on the following:

1. Educational Materials and Strategies

- a. Includes a description of educational materials and strategies.
- b. Meeting program plan performance measures likely will require a successful public education strategy.
- c. Some examples of educational tools include newspaper, radio and TV advertisements, web pages, flyers and posters.

2. Collection Facilities

- a. Include information about collection/processing facilities.

3. Reducing Environmental Impacts

- a. Include efforts taken to reduce environmental impacts through a reduction in the disposal of waste material. In reporting on these measures, program operators may consolidate and aggregate individual steward reporting requirements to protect proprietary information
- b. Identify efforts to reduce the environmental impacts of designated material throughout the product life-cycle, including increased reusability and recyclability.
- c. Demonstrate a commitment to continuous improvement.

4. Consistency with the principles of Pollution Prevention and the 4Rs Hierarchy

- a. Include a description of how the recovered product was managed in accordance with the principles of pollution prevention and the 4Rs hierarchy.
- b. 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.

5. Recovery Rate

- a. Document product recovery rate information.
- b. 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.
- c. The amount of product collected and processed in each regional district should be reported if possible.

6. Financial Statements

- a. Submit independently audited financial statements.
- b. Demonstrate commitment to financial transparency and accountability for how all funds collected from consumers are managed. 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.

I. POLLUTION PREVENTION AND BEST MANAGEMENT PRACTICES FOR WASTE HAZARDOUS OR PRESCRIBED HOUSEHOLD MATERIAL

- 1. For hazardous household material, Manitoba promotes the principles of pollution prevention and the 4Rs of reduce, reuse, recycle and recover. This means:
 - a. safely using the product for its originally intended purpose
 - b. recycling of waste hazardous or prescribed household material
 - c. using waste hazardous or prescribed household material for energy recovery
 - d. disposing waste hazardous or prescribed household material safely.
- 2. Manitoba prohibits the improper storage, illegal dumping, or landfilling, of waste hazardous household material.
- 3. Stewardship program operators shall:
 - a. where environmentally and economically sustainable, promote local processing, manufacture and use of products from waste material as an alternative to exporting recovered material to another jurisdiction; and
 - b. operate in a manner supportive of national and international agreements.