



**Re: Invitation to provide feedback on the proposed provincial  
EPR recycling program for electronic waste**

The Multi-Materials Stewardship Board (MMSB) and the Department of Environment and Conservation (ENVC) are preparing a new Extended Producer Responsibility (EPR)-based electronic waste stewardship regulation to be added as Part 5 of the Waste Management Regulations under the Environmental Protection Act.

In preparation for the development of this regulation MMSB and ENVC have prepared a discussion document entitled: Proposed E-Waste EPR Framework Program.

It is at this juncture that MMSB and ENVC are hereby inviting you, as a valued industry stakeholder, to participate in the further development of this document and subsequent regulation.

Attached to this letter you will find a copy of the discussion document that includes the proposed EPR program framework. We invite you to please review this document and submit your comments in writing to the MMSB on or before March 28, 2011.

**Please forward all written submissions to my attention at the following points of contact:**

E-mail: [gryan@mmsb.nl.ca](mailto:gryan@mmsb.nl.ca)  
Fax: 709-753-0974  
Mail: P.O. Box 8131 Station A., St. John's NL, A1B 3M9

In addition, MMSB invites you to attend, in person or via teleconference, a round table discussion on the attached discussion document that will be held in St. John's on Tuesday, March 15th, 2011 at 3pm (Newfoundland Standard Time). Please notify myself of your intent to participate in the round table no later than Friday, March 11, 2011.

For further information please feel free call me direct at 709-753-0899.

We look forward to working with you on this important initiative in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ryan', is written over a light green circular graphic element that is partially visible on the left side of the page.

**Gary Ryan**  
Director of Programs

## **Discussion Document**

### **Proposed E-Waste EPR Framework Program**

#### **BACKGROUND**

MMSB and ENVC intend to develop an Electronics Waste (E-Waste) Recycling Program for Newfoundland and Labrador. This Discussion Document outlines the draft framework for this recycling program and MMSB and ENVC wish to engage industry for feedback and input prior to finalizing plans and moving to the regulation stage of development.

The Canadian Council of Ministers of the Environment (CCME) has adopted Canada-wide principles for Electronics Product Stewardship. These principles establish a policy framework for a harmonized approach to the management of end-of-life electronic products in Canada and both the CCME and the Atlantic Council of Ministers of Environment support an Extended Producer Responsibility (EPR) approach, as an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage.

Under an EPR approach, producer responsibility is increased by shifting responsibility upstream toward the producer and away from municipalities and/or regional or provincial waste management authorities by requiring that the producer, not the taxpayer, pay at the post-consumer stage.

The policy framework that is recommended for an E-Waste Recycling Program in Newfoundland and Labrador is an EPR approach.

This proposed framework is not a final document. The views, attitudes and opinions of industry stakeholders obtained through this process will be considered when MMSB and ENVC finalizes the E-Waste Recycling Program for Newfoundland and Labrador and moves to the regulation stage of development.

## **PROPOSED FRAMEWORK**

### **Definitions**

- a. “Agent” means a corporation appointed by a brand owner to act on behalf of the brand owner.
- b. “brand owner” in respect of an electronic product sold, offered for sale or otherwise distributed in or into the province,
  - i. a manufacturer of the electronic product,
  - ii. a distributor of the electronic product in or into the province,
  - iii. an owner or licensee of the intellectual property rights to the electronic product, or
  - iv. where the electronic product is imported into the province, the first person to sell the electronic product in or into the province;
- c. “dispose” with respect to E-Waste means the final disposition of unwanted material, in a facility approved by the Department of Environment and Conservation of Newfoundland and Labrador.
- d. “disassembly facility” means a place operated by or on behalf of a brand owner for the partial or full disassembly of E-Waste and preparation of E-Waste and its components.
- e. "E-Waste " means an electronic product that is no longer used or required by a consumer;
- f. “electronic product” means an electronic product whether intended for consumer, industrial or commercial use, and includes
  - i. televisions,
  - ii. desktop, laptop and notebook computers, including central processing units, keyboards, mice and cables,
  - iii. computer monitors,
  - iv. computer desktop printers, including desktop printers that have scanning or fax capabilities, or both,
  - v. desktop scanners,
  - vi. audio and video playback and recording systems,
  - vii. telephones and fax machines, and

- viii. cell phones and other wireless communication devices, but does not include factory-installed devices developed for embedded use in motor vehicles.
- g. “electronic product stewardship program” means a program that:
  - i. establishes a process for the collection, transportation, recycling and, where no further options exist, disposal of any residual components of E-Waste; and
  - ii. incorporates the principles of extended producer responsibility.
- h. “reduce” means to reduce the negative environmental impacts of electronic products.
- i. “recover” with respect to electronic products means to process it in such a way as to convert it into transferable energy.
- j. “recycle” with respect to E-Waste means to process it into a useful product.
- k. “retailer” means a person who sells or offers for sale electronic products in the province to a consumer.
- l. “return collection facility” means a place operated by or on behalf of a brand owner for the collection of E-Waste.
- m. “reuse”, with respect to E-Waste, means to process in such a way that it is capable of being used by a consumer as an electronic product.

### **Requirement for registration**

A brand owner shall register as a brand owner with the Multi-Materials Stewardship Board (Board). The Board shall refuse to register or may suspend the registration of a brand owner if the brand owner does not submit an electronic product stewardship plan within a certain period of time.

### **Restriction on supply of electronic product**

A brand owner shall not sell, offer for sale or distribute electronic product to a person in the province unless the brand owner holds a valid registration as a brand owner under this regulation.

A retailer shall not sell, offer for sale, or otherwise distribute an electronic product within or into the province unless the brand owner from whom the product was acquired holds a valid registration as a brand owner under this regulation.

## **Appointment of an Agent**

A brand owner may appoint an Agent to carry out the duties of a brand owner under these regulations.

## **Submission of electronic product stewardship plan**

A brand owner shall submit with its application for registration an electronic product stewardship plan for approval of the Board.

## **Transitional provisions respecting registration**

A brand owner who is selling, offering for sale or distributing electronic products within the province immediately before the commencement of an E-Waste regulation shall submit an application to the Board for registration within 30 days after the commencement of this regulation.

A brand owner shall ensure that a plan is submitted to the Board no later than 90 days after the date of commencement of this Regulation.

A brand owner may continue selling, offering for sale or distributing electronic products within the Province until the Board renders a decision in respect of the brand owner's application for registration.

If the Board refuses to register a brand owner the brand owner shall immediately cease selling, offering for sale or distributing electronic products upon receiving written notice of the Board's refusal to register.

## **Contents of electronic product stewardship plan**

An electronic product stewardship plan shall provide for the following:

- i. the collection of E-Waste in Newfoundland and Labrador, including the E-Waste of other brand owners through an electronic product stewardship program;
- ii. the management of E-Waste in adherence to the following hierarchy:
  1. reduce
  2. reuse
  3. recycle
  4. recover
  5. dispose
- iii. the brand owner's expected performance target and timelines for both the recovery amounts of E-Waste and the reuse/recycling rates of the collected E-Waste;
- iv. the brand owner's plan for achieving at least that performance target;

- v. a description of the planned activities that will be undertaken to influence the redesign of electronic products to improve reusability, recyclability and to reduce E-Waste;
- vi. a description of the efforts made by the brand owner to maximize the local economic benefits created through the implementation of the electronic product stewardship plan
- vii. a communications plan for informing consumers of the brand owner's electronic product stewardship plan outlining:
  - 1. a description of products accepted at return collection facilities,
  - 2. the location of all return collection facilities,
  - 3. how and when consumers can access return collection facilities,
  - 4. the environmental benefits of participating in the electronic product stewardship program, and
  - 5. the types and frequency of media to be used in the promotion of the electronic product stewardship program.
- viii. the establishment of return collection facilities that will ensure reasonable and free consumer access for the return of E-Waste;
- ix. the establishment of disassembly facilities in this province;
- x. brand owner qualification standards and information demonstrating how electronic products and E-Waste collected will be managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial, and local regulations;
- xi. the assessment of the performance of the brand owner's plan by an independent auditor;
- xii. the elimination or reduction of the environmental impacts of electronic products and E-Waste; and
- xiii. ongoing consultations about the electronic product stewardship program with persons who the operator considers the electronic product stewardship program may affect, including members of the public, in accordance to guidelines established by the Board.

### **Consultation and resubmission of the stewardship plan**

Upon receipt and approval of the preliminary electronic product stewardship plan by the Board, industry will be required to carry out a consultation in accordance to guidelines established by the Board. Should the consultation suggest changes to the stewardship plan, a revision to the stewardship plan may be required.

### **Approval or imposition of electronic product stewardship plan**

Where an electronic product stewardship plan has been submitted to the Board, the Board shall, as soon as practicable,

- i. approve the plan for a period of time not to exceed 5 years,
- ii. reject the plan with written reasons, or
- iii. request any additional information that the Board considers necessary to make a decision on approval of the plan.

Where the Board rejects an electronic product stewardship plan, it may

- iv. require the brand owner to comply with an electronic product stewardship plan prepared and approved by the Board,
- v. require the brand owner to comply with an electronic product stewardship plan prepared by an Agent and approved by the Board, or
- vi. require the brand owner to submit a revised electronic product stewardship plan within the period of time specified by the Board.

A plan will expire on the date set by the Board, but the period of time for which the plan is to be effective shall not exceed 5 years.

If the Board rejects an electronic product stewardship plan submitted by a brand owner the Board shall refuse to register the brand owner or shall suspend or cancel the registration of the brand owner.

If a brand owner does not submit an electronic stewardship plan within the 90 day period the Board can bring forward their own electronic product stewardship plan and manage it internally.

### **Compliance with electronic product stewardship plan**

A brand owner shall implement and comply with the electronic product stewardship plan as approved or imposed by the Board. Failure to comply with any part of the electronic product stewardship plan as approved or imposed by the Board will result in a financial penalty to be determined by the Board.

### **Renewal of electronic product stewardship plan**

At least 90 days before the expiry date of an electronic product stewardship plan approved or imposed by the Board, a brand owner shall submit an electronic product stewardship plan to the Board for review and approval.

### **Annual report and other information**

Within 90 days after the end of the fiscal year a brand owner shall, provide the Board with an annual report detailing the effectiveness of the electronic product stewardship plan during the previous calendar year including, but not limited to, the following:

- i. the total amount of E-Waste collected in Newfoundland and Labrador by the brand owner;
- ii. the total amount of E-Waste processed and in storage;
- iii. the percentage of the total E-Waste collected that was reused, recycled, recovered, otherwise treated or disposed;
- iv. a description of the types of processes utilized to reuse, recycle, recover, otherwise treat or dispose of E-Waste;

- v. a description of efforts made to redesign electronic products to improve reusability, recyclability and to reduce E-Waste;
- vi. the location of all return collection facilities;
- vii. the location of any disassembly facilities for E-Waste;
- viii. the types and frequency of media used in the promotion of the electronic product stewardship program;
- ix. the annual financial statements, as prepared by an independent auditor, of the revenues received and the expenditures incurred by the electronic product stewardship plan;
- x. records showing that the plan adheres to established brand owner qualification standards or information demonstrating that the electronic products and E-Waste collected were managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial, and local regulations;
- xi. an assessment of the performance of the brand owner's plan prepared in partnership with the board; and
- xii. any other information requested by the Board that relates to the electronic product stewardship plan.

When a brand owner submits its annual report, it shall at the same time provide the Board a statement in writing as to the total units of each type of electronic product sold by it during the previous calendar year, this information shall be treated as confidential.

### **Consumer information**

A brand owner shall provide to each retailer of its electronic product, educational and consumer material about the brand owner's electronic product stewardship plan.

### **Passing on of costs**

No brand owner shall charge a retailer and no retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating an electronic product stewardship program.

### **Administrative Fees**

The Board may charge a brand owner such fees as are established by the Board to cover the Board's annual administrative costs related to this program. The annual administrative costs include office, operational, marketing, inspection expenses and the cost of salaries, benefits and expenses of members and employees of the Board that are attributable to the Board's duties.



**Remittance of fees, imposition of interest and penalties**

A brand owner shall remit administrative fees at the times and in the manner directed by the Board.

**Use of fees, interest and penalties**

The Board shall use the fees, interest and penalties remitted to it or paid to it to meet its purposes in relation to the administration of an electronic product stewardship program and for no other purpose.