The Household Hazardous Waste Products Stewardship Regulations

being

Chapter E-10.22 Reg 8 (effective June 27, 2019).

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1 Title
2 Definitions
3 Prescribed product
4 Product stewardship program required
5 Approval to operate product stewardship program
6 Review of product stewardship program
7 Changes to product stewardship program
8 Amendment, suspension or cancellation of approvals
9 Annual reporting
10 Transitional
11 Coming into force

Appendix

Table 1 Household Hazardous Products

CHAPTER E-10.22 REG 8

The Environmental Management and Protection Act, 2010

Sections 46 and 98

Order in Council 287/2019, dated June 26, 2019

(Filed June 27, 2019)

Title

1 These regulations may be cited as *The Household Hazardous Waste Products Stewardship Regulations.*

Definitions

2 In these regulations:

"Act" means *The Environmental Management and Protection Act, 2010*;

"approval" means approval of a product stewardship program by the minister pursuant to subsection 5(3);

"container" means a container that is manufactured for the purposes of holding household hazardous products or in which that material is supplied;

"first seller" means a person who:

(a) is a manufacturer, distributor, owner or licensee of intellectual property rights in household hazardous products that are sold, offered for sale or otherwise distributed into or in Saskatchewan;

(b) is a vendor of household hazardous products outside of Saskatchewan and who, as an ordinary part of the vendor's business, solicits and sells household hazardous products to consumers in Saskatchewan;

(c) imports household hazardous products into Saskatchewan for resale in Saskatchewan; or

(d) purchases household hazardous products outside of Saskatchewan for use in business or institutional operations in Saskatchewan;

"household hazardous products" means any devices, equipment, materials, products or substances that are in one of the categories set out in Table 1 of the Appendix and includes the container in which the household hazardous products are supplied, but does not include any products or containers to which another stewardship program pursuant to the Act applies;

"household hazardous waste products" means household hazardous products that the consumer no longer wants;

"product stewardship program" means a program for the collection, treatment, safe disposal, recycling, recovery, reuse and reduction in use of household hazardous waste products.

Prescribed product

3 Household hazardous products are prescribed products for the purposes of clause 46(a) of the Act.

12 Jly 2019 c E-10.22 Reg 8 s3.

Product stewardship program required

4(1) No first seller shall fail to:

(a) operate a product stewardship program approved by the minister; or

(b) enter into an agreement with a person to operate, on the first seller's behalf, a product stewardship program approved by the minister.

(2) No first seller who operates a product stewardship program shall fail to operate the product stewardship program in accordance with:

(a) the program as approved by the minister; and

(b) these regulations.

(3) No person who has entered into an agreement to operate a product stewardship program on a first seller's behalf shall fail to operate the product stewardship program in accordance with:

(a) the program as approved by the minister; and

(b) these regulations.

(4) No first seller who has entered into an agreement to have a product stewardship program operated on the first seller's behalf shall fail to ensure that the product stewardship program is operated in accordance with:

(a) the program as approved by the minister; and

(b) these regulations.

12 Jly 2019 c E-10.22 Reg 8 s5.

Approval to operate product stewardship program

5(1) A first seller who operates or intends to operate a product stewardship program, or a person who operates or intends to operate a product stewardship program on a first seller's behalf, shall:

(a) apply to the minister for approval of the program, in a form acceptable to the minister; and

(b) submit any additional information or material to the minister that the minister requests and considers relevant to the application.

(2) The minister shall not approve a product stewardship program unless the product stewardship program contains details respecting all of the following:

(a) the management structure of the program;

(b) the composition of the board of directors of the program, including evidence satisfactory to the minister that there will be, in the minister's opinion, sufficient Saskatchewan representation;

(c) the creation of an advisory committee to the operator of the program;

(d) the role of the advisory committee in relation to the operation of the program;

(e) the manner in which Saskatchewan interests will be represented on the advisory committee;

(f) the manner in which household hazardous waste products will be collected in all areas of Saskatchewan;

(g) reduction, reuse, recycling, recovery and safe disposal options for household hazardous waste products, including information to satisfy the minister that the options chosen will minimize the impact of household hazardous waste on the environment;

(h) the policies and procedures to be followed by any person processing household hazardous waste products collected pursuant to the program;

(i) the manner in which the program will be funded;

(j) the quality control and assurance aspects of the program, including tracking and auditing mechanisms;

(k) the public education or public awareness and communication strategy for the program;

(l) any collaborative initiatives undertaken or to be undertaken with other product stewardship programs approved pursuant to these regulations or any other regulations made pursuant to section 46 of the Act for the purposes of achieving public convenience and greater program effectiveness and efficiency;

(m) the manner in which the program will manage greenhouse gas emissions related to the collection, transportation and final treatment of household hazardous waste products;

(n) the management of contracts with collectors, processors and other third party contractors, including the policies and procedures to be followed to ensure that all contracted parties comply with all municipal, provincial and federal legislation.

(3) If the minister is satisfied that a proposed product stewardship program complies with the Act and these regulations and that it is in the public interest to do so, the minister may:

(a) approve the product stewardship program; and

(b) impose any terms and conditions on the approval that the minister considers appropriate.

(4) The minister shall cause notice of any approval pursuant to clause (3)(a) to be made public in any manner the minister considers appropriate, including publishing it on the ministry's website.

12 Jly 2019 c E-10.22 Reg 8 s5.

Review of product stewardship program

6 Every 5 years after the date of the approval of the product stewardship program, every person who operates a product stewardship program shall review the approved program, demonstrate that comprehensive public and stakeholder consultation on the program has been undertaken and:

(a) request approval from the minister of any proposed amendments to the approved program; or

(b) notify the minister, in writing, if no amendments to the approved program are proposed.

12 Jly 2019 c E-10.22 Reg 8 s6.

Changes to product stewardship program

7 No person operating a product stewardship program shall make any changes to the program without obtaining the minister's prior written approval of the proposed changes.

12 Jly 2019 c E-10.22 Reg 8 s7.

Amendment, suspension or cancellation of approvals

8(1) Subject to subsection (2), if, in the minister's opinion, a product stewardship program is not being operated in accordance with the Act, these regulations or the terms and conditions of the approval, or if, in the minister's opinion, it is in the public interest to do so, the minister may:

(a) amend the approval by imposing new or additional terms and conditions; or

(b) suspend or cancel the approval.

(2) Before amending, suspending or cancelling an approval pursuant to subsection (1), the minister shall provide the person operating the product stewardship program with:

(a) written notice of the minister's intended action and the reasons for that intended action; and

(b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served or a longer period set by the minister, as to why the intended action should not be taken.

(3) The minister is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (2).

(4) After considering the representations mentioned in subsection (2), the minister shall issue a written decision and shall serve a copy of the decision on the person operating the product stewardship program.

(5) Notwithstanding subsection (2), if the minister considers that it is necessary in order to protect the public interest, the minister may immediately amend, suspend or cancel an approval without giving the person mentioned in subsection (2) an opportunity to make written representations, but the minister shall give that person an opportunity to make written representations within 15 days after the date on which the minister takes any of those actions.

12 Jly 2019 c E-10.22 Reg 8 s8.

Annual reporting

9(1) In this section, **"reporting period"** means:

(a) the period commencing on January 1 and ending on December 31 of that same year; or

(b) if a product stewardship program has not been operated for the period set out in clause (a), the period commencing on the date on which the minister approved the program and ending on December 31 of that year.

(2) On or before June 30 in each year, every person who operates a product stewardship program shall prepare and submit to the minister a written annual report that:

(a) describes the activities of the product stewardship program during the previous reporting period; and

(b) contains the information set out in subsection (3).

(3) A written annual report mentioned in subsection (2) must be in a form satisfactory to the minister and include the following information:

(a) for each category of household hazardous waste product, the types and amount of household hazardous waste product collected;

(b) for each category of household hazardous waste product, the types and amount of household hazardous waste product diverted to each of the product stewardship program's waste management options mentioned in clause 5(2)(f);

(c) the total amount of recycling fees collected to fund the product stewardship program in Saskatchewan;

(d) the amount spent to operate the product stewardship program in Saskatchewan;

(e) the amount of recycling incentives paid out, if any;

(f) the costs incurred to administer the product stewardship program;

(g) the amount spent on public education or public awareness and communication;

(h) any other information the minister may reasonably require.

12 Jly 2019 c E-10.22 Reg 8 s9.

Transitional

10 No first seller or person who has entered into an agreement to operate a product stewardship program on a first seller's behalf shall fail to apply to the minister for approval of a product stewardship program pursuant to subsection 5(1) within 180 days after the day on which these regulations come into force.

12 Jly 2019 c E-10.22 Reg 8 s10.

Coming into force

11 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

12 Jly 2019 c E-10.22 Reg 8 s11.

Appendix

TABLE 1
[*Section 2*]

Household Hazardous Products

Category Name	Description of Included Devices, Equipment, Material, Products or Substances
1. Waste Household Hazardous Materials	Devices, equipment, material, products and substances that meet the criteria for waste household hazardous materials set out in the CSA Standard Z752-03 Definition of Household Hazardous Waste, including equipment, material, products and substances that meet the criteria for: (a) flammable materials; (b) corrosive materials; (c) physically hazardous materials, including explosives, but not including ammunition; (d) toxic materials; or (e) environmentally hazardous materials including those materials that meet the criteria of being "toxic" and either "persistent" or "bioaccumulative" as those terms are described in Clauses 7.6.2.2 to 7.6.2.4 of the Standard.
2. Pesticides	Control products as defined and registered pursuant to the *Pest Control Products Act* (Canada) that: (a) are required to be labelled with the product class designation "Domestic"; and

Category Name	Description of Included Devices, Equipment, Material, Products or Substances
	(b) display on the label the symbol shown in Schedule III of the *Pest Control Products Regulations* (Canada) for the signal word "Poison" combined with the signal words "Danger", "Warning" or "Caution" represented by the skull and crossbones surrounded by an octagon, diamond or inverted triangle as the case may be, but not including unpackaged products or products not ordinarily sold to, used, or purchased by a consumer without repackaging.
3. Rechargeable Batteries	Devices that convert chemical energy to electrical energy and can be restored to full charge by the application of electrical energy, but not including lead acid batteries.
4. Other Batteries	Devices that convert chemical energy to electrical energy, including zinc-air, zinc-carbon, lithium, silver-oxide or alkaline-type batteries, but not including batteries in the rechargeable batteries category.

Regina, Saskatchewan
Printed by the authority of
The Queen's Printer
Copyright©2018