

Product Stewardship Program Development Guidelines

The Household Packaging and Paper Stewardship Program Regulations, 2023

The Household Packaging and Paper Stewardship Program Regulations, 2023 (the regulations) require obligated producers (or producer responsibility organizations) to submit a product stewardship program (PSP) for approval by the Minister of Environment and comply with any guidelines established by the minister. The approval to operate a PSP may include any conditions that the minister considers are in the best interest of the public.

The following program requirements, as set out in the regulations, must be included in any PSP. Additional instructions pertaining to the requirements of the PSP are also provided.

Interpretation	
<p>2(1) In these regulations:</p> <p>“household packaging and paper products” means, subject to subsection (2), the following:</p> <p>(a) packaging composed of any material that is used for the containment, protection, handling, delivery or presentation of a product that is provided to an end user;</p> <p>(b) packaging-like products that are:</p> <p style="padding-left: 20px;">(i) purchased by or supplied to end users expressly for the purpose of containing, protecting or transporting commodities or products; and</p> <p style="padding-left: 20px;">(ii) ordinarily disposed of after a single use or short-term use;</p> <p>(c) paper of any description;</p>	<p>Examples of packaging material include, but are not limited to:</p> <ul style="list-style-type: none"> • glass • metal • paper • boxboard • cardboard • paper fibre • plastic • biobased plastic, or • any combination of these materials. <p>Packaging-like products that are ordinarily disposed of after a single use or short-term use refers to products that are used and re-used for a short period of time, typically less than five years, before being disposed of or reaching the end of their useful lifespan. Examples of packaging-like products include, but are not limited to:</p> <ul style="list-style-type: none"> • food containers • plates, bowls and cups • foil and wraps • flexible zipper bags

	<ul style="list-style-type: none"> • boxes • plant pots and trays. <p>Examples of paper include, but are not limited to:</p> <ul style="list-style-type: none"> • flyers • brochures • booklets • catalogues • telephone directories • newspapers • magazines • calendars • wrapping paper • paper fibre • paper used for copying, writing or any other general use.
Determination of producer	
<p>3(1) Subject to subsections (2) and (3), the person that is the producer of household packaging and paper products that are supplied in Saskatchewan to an end user is:</p> <p>(a) if the person is a resident of Canada, the brand owner with respect to the household packaging and paper products;</p> <p>(b) if there is no person as described in clause (a), the person that first imports the household packaging and paper products into Saskatchewan; or</p> <p>(c) if there is no person as described in clause (a) or (b), the retailer who supplied the household packaging and paper products to the end user for use in Saskatchewan.</p>	<p>(a) If a business or organization supplies packaging to consumers in Saskatchewan and is the brand owner resident in Canada, that business is the obligated producer as the brand holder.</p> <p>(b) If a business or organization is resident in Saskatchewan and imports packaging for which there is no brand holder resident in Canada, that business is the obligated producer as the importer.</p> <p>(c) If these two situations do not apply, then the obligated producer is the retailer.</p>
<p>(2) In the case of a business operated wholly or in part as a franchise, the producer is the franchisor, if that franchisor has franchisees that are resident in Saskatchewan.</p>	<p>(2) Where the producer, determined by the hierarchy above, is a business operated as a franchise, the obligated producer is the franchisor if that franchisor has franchisees resident in Saskatchewan.</p>

<p>(3) If the producer determined in accordance with subsection (1) is a retailer and that retailer is a marketplace seller, the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the producer for the purposes of this section.</p>	<p>(3) If a retailer is determined to be the producer based on the hierarchy, but they are a marketplace seller, the marketplace facilitator is the obligated producer.</p>
<p>Product stewardship program required</p>	
<p>6(1) Subject to subsections (4) and (6), no producer shall fail to:</p> <p style="padding-left: 40px;">(a) operate a product stewardship program approved by the minister; or</p> <p style="padding-left: 40px;">(b) enter into an agreement with a producer responsibility organization to operate a product stewardship program approved by the minister.</p>	<p>Producers are required to establish, administer, implement and fund an environmentally responsible, province-wide, convenient, consistent and effective collection and recycling program for household packaging and paper products. The program shall adequately provide for reasonable access to recycling services and collection facilities. Additionally, residents are not to be charged a fee by the producer or producer responsibility organization for access to recycling services and collection facilities.</p>
<p>(4) A producer is exempt from complying with subsection (1) if the producer is a business that:</p> <p style="padding-left: 40px;">(a) generates less than \$1 million in gross annual revenue; or</p> <p style="padding-left: 40px;">(b) annually supplies or distributes less than one tonne of household packaging and paper products;</p> <p>(5) If a producer claims an exemption pursuant to subsection (4), the onus of proof that the producer is entitled to the exemption is on the producer.</p> <p>(6) Subsection (1) does not apply to a charitable organization registered pursuant to the Income Tax Act (Canada).</p>	<p>Businesses or organizations who generate less than \$1 million in gross annual revenue, or supply or distribute less than one tonne of packaging and paper products to Saskatchewan households, or are a charitable organization are exempt from participating in the PSP.</p> <p>A business which is not participating in the program by claiming an exemption may be required to provide proof that it is exempt from compliance.</p>

Approval to operate product stewardship program

7(1) A producer or producer responsibility organization that operates or intends to operate a product stewardship program shall:

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

(b) comply with any requirements set out in the guidelines established by the minister pursuant to section 5;

(c) submit an implementation schedule for phasing in the program, including details describing the manner in which existing recycling service providers and municipal contracts, assets and partnerships will be considered;

(d) provide evidence satisfactory to the minister that comprehensive public and stakeholder consultations with respect to the program have been undertaken; and

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

Approval of the PSP will be marked by an approval to operate.

Producers or the producer responsibility organization operating the program must comply with these guidelines and any other guidelines developed by the ministry.

The PSP must include a timeline for phasing in all aspects of the program, including how and when existing municipal programs will transition to the PSP and how existing recycling service providers and municipal contracts, assets and partnerships will be considered. The ministry recognizes the program may not meet all aspects of the regulations until the final phase of implementation.

The PSP must describe engagement activities, who participated in engagement, any objections and concerns raised by those who were engaged and how feedback was applied to the final program design. Engagement should be conducted with those who are expected to implement the program, bear the cost of implementing the program and are impacted by the program, including producers, municipalities, First Nations, regional waste management authorities, service delivery agencies, end-of-life material management agencies, and any other relevant external agencies and the public.

Approval to operate conditions may form additional information.

In certain circumstances, the ministry may request a list of members or stakeholders who support the PSP proposed by the producer responsibility organization.

In certain circumstances, the ministry may request a contingency plan to be used in times of emergency.

<p>(2) The minister shall not approve a product stewardship program unless the product stewardship program contains details that are satisfactory to the minister respecting all of the following:</p> <p>(a) the management structure of the program;</p> <p>(b) the composition of the board of directors of the program;</p>	<p>Provide details on:</p> <ul style="list-style-type: none"> • How the management structure demonstrates transparency and accountability to the program members and the Minister of Environment; • Operation as a not-for-profit corporation, under the Canada Not-for-Profit Corporations Act; • The board of directors' structure or participants accountable to the stewardship membership; and • Transparency to members including access to current bylaws and financials.
<p>(c) the creation of an advisory committee to the producer responsibility organization;</p> <p>(d) the role of the advisory committee in relation to the implementation and operation of the program;</p> <p>(e) the manner in which Saskatchewan interests will be represented on the advisory committee;</p>	<p>Provide details on:</p> <ul style="list-style-type: none"> • The creation or use of an existing advisory committee; • The role of the committee and its relations to the program; • A breakdown of committee members which includes municipal representation; and • How the committee will represent Saskatchewan interests.
<p>(f) the manner in which the product stewardship program will take into consideration the social and capital infrastructure value of existing recycling service providers in Saskatchewan;</p>	<p>With respect to existing recycling service providers, provide details on the how interests of those providers will be considered, including a description of how the program takes into consideration the social and capital infrastructure value of existing recycling operations in Saskatchewan.</p>
<p>(g) the manner in which the product stewardship program will coordinate collection services with other municipal waste management services;</p>	<p>Provide details on how municipal collection services in the program will be coordinated with other municipal waste services, such as garbage and organics collection days, cart placement locations, assisted collection for residents that are unable to wheel their recycling cart out, and customer service or enforcement related calls and complaints.</p>
<p>(h) the public education or public awareness and communication strategy for the product stewardship program;</p>	<p>Provide details on:</p> <ul style="list-style-type: none"> • The development of a public awareness and education program to communicate to the public; • The communication plan to its membership ensuring members have timely and accurate information on program requirements and submissions; and

	<ul style="list-style-type: none"> The evaluation of the program’s communications strategy to ensure the communication methods are reaching the target audiences and meeting their objectives.
(i) the manner in which financial disputes related to the program will be resolved;	The producer responsibility organization or producer operating the program shall maintain a formal dispute resolution process. This process will be highlighted in the PSP. The dispute resolution process will allow for fair, transparent and unbiased independent processes where all views are known when stakeholder or public interests may be affected.
(j) the manner in which household packaging and paper products will be collected in all areas of Saskatchewan, including residences, and the criteria to be used in determining the service types and service levels;	<p>Provide details on:</p> <ul style="list-style-type: none"> A province-wide collection system that provides public access in all regions of Saskatchewan that is convenient and consistent; The criteria that will be used in determining service types and service levels to different types of residences (e.g., single family homes and multi-family apartments) and communities of different sizes in various geographic locations. The rationale for the proposed collection system; and How remote, northern and First Nations communities will be included in the program and how the program will work collaboratively with these communities to provide access to waste diversion.
(k) the policies and procedures to be followed by any person collecting or processing household packaging and paper products collected pursuant to the product stewardship program;	Provide details on the provisions to ensure all federal, provincial and municipal laws are followed by the producer responsibility organization, processors, collectors and contractors. The PSP must include inspection and auditing processes for the collection and processing of the waste.
(l) how the product stewardship program will be funded and how funds under the product stewardship program will be expended;	<p>Provide details on a funding formula for program management costs that includes:</p> <ul style="list-style-type: none"> How the funding formula is developed with inputs from the producers; The funding formula’s review period and input process from the membership and users; and How the annual budget will be developed, including budget links to the formula, and the engagement with the membership to ensure the

	<p>members are aware and had a chance to comment on any changes in fees.</p>
<p>(m) the quality control and quality assurance aspects of the program, including the mechanisms to collect, track and audit information for the purposes of the product stewardship program;</p>	<p>Provide details on:</p> <ul style="list-style-type: none"> • The measurement, monitoring and reporting of program performance; • The development of a performance matrix to ensure an efficient and effective program; • The commitment to an audit cycle of members; and • The consideration of other mechanisms to ensure quality control throughout the collection and processing program.
<p>(n) how program convenience, effectiveness, efficiency, fairness, sustainability, municipal accessibility, participation rates and resident feedback will be determined and measured;</p>	<p>Residential curbside collection should be offered in communities that meet clearly defined criteria, which could include numerical thresholds or the existence of similar municipal services.</p> <p>For residents living in areas under the threshold there should be drop-off locations within a maximum distance of most residents.</p> <p>For residents living in remote communities, the program should work collaboratively with communities and other stakeholders to provide access to waste diversion.</p>
<p>(o) the manner in which each of the following categories of household packaging and paper products will be managed by the product stewardship program in accordance with the order of preference in the waste management hierarchy set out in the guidelines established by the minister pursuant to section 5, including providing evidence satisfactory to the minister that the options chosen will minimize the impact of household packaging and paper products on the environment:</p> <p style="padding-left: 40px;">(i) paper;</p> <p style="padding-left: 40px;">(ii) plastic;</p>	<p>The PSP must contain details about how each category of household packaging and paper will be managed by the program in accordance with the waste management hierarchy provided on page 10.</p> <p>Efforts to reduce, reuse and recycle should be considered before recovery. The ministry understands quantitative reporting on reduction and reuse is impractical. Therefore, the ministry will accept a qualitative description of efforts taken by producers to reduce waste and/or redesign for recyclability or reusability. The ministry will expect quantitative data and explanations for materials recycled, recovered and disposed.</p>

<p>(A) rigid plastic;</p> <p>(B) flexible plastic;</p> <p>(C) bio-based plastics that are;</p> <p style="padding-left: 40px;">(I) certified compostable;</p> <p style="padding-left: 40px;">(II) not certified compostable; and</p> <p>(iii) metal;</p> <p>(iv) glass;</p> <p>(v) household packaging and paper products made from any combination of the above materials;</p>	<p>Bio-based plastics refer to plastics or plastic-like materials that are synthesized from biomass or renewable resources.</p> <p>Certified compostable means packaging or products certified as compostable by the Biodegradable Products Institute, the Bureau de normalisation du Québec or an equivalent third-party certification.</p>
<p>(p) a schedule of targets set by the producer or the producer responsibility organization operating the program, as the case may be, to be achieved each year for the product stewardship program period that:</p> <p style="padding-left: 40px;">(i) takes into consideration the continuous improvement in targets; and</p> <p style="padding-left: 40px;">(ii) is satisfactory to the minister, for each of the following performance indicators:</p> <p style="padding-left: 80px;">(A) the overall recycling rate and diversion rate for all of the household packaging and paper products set out in clause (o);</p> <p style="padding-left: 80px;">(B) recycling rates and diversion rates for each of the categories of</p>	<p>The producer responsibility organization or producer operating the program will propose in the PSP overall targets for the program’s recycling rate and diversion rate, as well as recycling rate and diversion rate targets for each category of household packaging and paper products set out in subsection 7(2)(o). Targets should be ambitious, yet achievable and will be finalized in collaboration with the ministry. Targets should be proposed for each year and improve over time.</p>

<p>household packaging and paper products set out in clause (o);</p> <p>(C) public awareness of the availability and functioning of the program;</p> <p>(q) a description of how the schedule of targets mentioned in clause (p) was determined;</p>	
<p>(r) the manner in which the program will manage greenhouse gas emissions related to the collection, transportation, recycling and recovery of household packaging and paper products;</p>	<p>Contact the ministry for more information on the <i>Greenhouse Gas Measurement and Management Guidelines</i>.</p>
Review of product stewardship program	
<p>8 Every 5 years after the date of approval of the product stewardship program, every person who operates a product stewardship program shall review the approved program and:</p> <p>(a) request approval from the minister of any proposed amendments to the approved program; or</p> <p>(b) notify the minister, in writing, if no amendments to the approved program are proposed.</p>	<p>The <i>Product Stewardship Program Review Guidelines</i> contain several requirements such as demonstrating that public and stakeholder consultation has been completed and providing a description of the processes undertaken to verify the accuracy of the data collected in reference to the performance indicators.</p>
Annual Reporting	
<p>11(1) In this section, “reporting period” means:</p> <p>(a) the period commencing on January 1 in one year and ending on December 31 of that same year;</p> <p>(b) if a product stewardship program has not been operated for the period set out in clause (a), the period</p>	<p>In addition to Section 11(3) of the regulations, which provides the minimum requirements for an annual report, the producer responsibility organization shall:</p> <ul style="list-style-type: none"> • post a copy of the report on the program website; and • document the activities and program performance in adherence to the product stewardship plan.

<p>commencing on the date on which the minister approved the program and ending on December 31 of that year.</p> <p>(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:</p> <p>(a) describes the activities of the product stewardship program during the previous reporting period; and</p> <p>(b) contains the information set out in subsection (3).</p>	
<p>(3) A written annual report mentioned in subsection (2) must be in a form satisfactory to the minister and include the following information:</p> <p>(a) for each category of household packaging and paper products set out in clause 7(2)(o), the amount of the products that are:</p> <p>(i) supplied for use in Saskatchewan by the producer on whose behalf the program is being operated;</p> <p>(ii) collected and sent to a sorting facility for diversion;</p> <p>(iii) recycled;</p> <p>(iv) recovered for energy; and</p> <p>(v) disposed of in a landfill;</p> <p>(b) the aggregate amount of all household packaging and paper products set out in clause 7(2)(o) that are:</p> <p>(i) supplied for use in Saskatchewan by the producer</p>	<p>The annual report must include for each category of household packaging and paper products set out in clause 6(2)(o) and the total aggregate amount for each of the following:</p> <ul style="list-style-type: none"> • Supplied by producer responsibility organization members; • Collected by the program; • Managed through recycling or composting; • Managed through energy recovery; and • Disposed of in a landfill.

<p>on whose behalf the program is being operated;</p> <p>(ii) collected and sent to a sorting facility for diversion;</p> <p>(iii) recycled;</p> <p>(iv) recovered for energy; and</p> <p>(v) disposed of in a landfill;</p> <p>(c) for each category of household packaging and paper products set out in subsection 7(2)(o):</p> <p>(i) the collection rate;</p> <p>(ii) the recycling rate; and</p> <p>(iii) the diversion rate;</p> <p>(d) a comparison of the performance for the year with the performance indicator targets set out in the PSP;</p>	<p>The annual report must include the collection rate, recycling rate and diversion rate for the overall program and for each category of household packaging and paper products.</p> <p>The annual report must compare the achieved targets with the schedule of targets in the PSP.</p>
<p>(e) the number and location of collection services by service type and any changes from the previous reporting period;</p> <p>(f) the level of public awareness of the availability and functioning of the program;</p> <p>(g) a description of educational materials and educational strategies used to advertise the program and educate the public;</p>	<p>The annual report must include the location of the program’s collection services by service type (i.e., curbside, depot, etc.) and any changes from the previous annual report.</p> <p>Determining the level of public awareness may be completed through public awareness surveys.</p> <p>The annual report must also include descriptions of public awareness, communication and education campaigns.</p>
<p>(h) a description of the efforts taken by or on behalf of the producer to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle;</p>	

Waste Management Hierarchy under 6(2)(o)	
Waste Management Hierarchy	<p>For the purposes of clause 6(2)(o), the waste management hierarchy is as follows in descending order of preference, such that management of household packaging and paper products is not undertaken at one level unless or until all feasible opportunities for management at a higher level have been taken.</p> <ol style="list-style-type: none"> 1. Reduce – reducing the amount of material used to produce the packaging and paper product or redesign the packaging or paper product to improve recyclability. 2. Reuse – developing durable, reusable alternatives. 3. Recycle – defined in Section 2 as household packaging and paper products collected by a PSP that are sold as a commodity for the purposes of being reprocessed into raw materials for use as inputs into new packaging or products or used as a feedstock in the composting process. 4. Recover – includes recovering material or energy from the household packaging and paper product. 5. Dispose – includes disposing of the waste from the household packaging and paper product in a landfill.