

*The
Household
Packaging and Paper
Stewardship Program
Regulations, 2023*

being

[Chapter E-10.22 Reg 9](#) (effective March 31, 2023).

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	8	Review of product stewardship program
2	Definitions	9	Changes to product stewardship program
3	Determination of producer	10	Amendment, suspension or cancellation of approvals
4	Prescribed products	11	Annual reporting
5	Guidelines	12	RRS c E-10.21 Reg 5 repealed
6	Product stewardship program required	13	Transitional
7	Approval to operate product stewardship program	14	Coming into force

CHAPTER E-10.22 REG 9

The Environmental Management and Protection Act, 2010

Title

1 These regulations may be cited as *The Household Packaging and Paper Stewardship Program Regulations, 2023*.

Definitions

2(1) In these regulations:

“**Act**” means *The Environmental Management and Protection Act, 2010*;

“**approval**” means an approval of a product stewardship program by the minister pursuant to section 7;

“**brand owner**” means the person who is the owner or licensee of a trademark that is used in association with or marked on packaging or paper;

“**collection rate**” means the total amount of household packaging and paper products collected and sent to a sorting facility for diversion from landfills expressed as a percentage of household packaging and paper products supplied to the market;

“**diversion rate**” means the quantity of household packaging and paper products diverted from landfills calculated as the sum of household packaging and paper products recycled and recovered for energy and expressed as a percentage of household packaging and paper products supplied to the market;

“**end user**” means any person who uses a household packaging and paper product for its intended purpose;

“**household packaging and paper products**” means, subject to subsection (2), the following:

- (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;
- (b) packaging-like products that are:
 - (i) purchased by or supplied to end users expressly for the purpose of containing, protecting or transporting commodities or products; and
 - (ii) ordinarily disposed of after a single use or short-term use;
- (c) paper of any description;

“marketplace facilitator” means a person:

- (a) that makes or facilitates a marketplace for retail sales by marketplace sellers; and
- (b) that, directly or indirectly, collects payment from a consumer or user and remits payment to a marketplace seller;

whether or not that person receives consideration in exchange for its services;

“marketplace seller” means a person that makes retail sales through any physical or electronic marketplace operated, owned or controlled by a marketplace facilitator;

“producer” means the person determined in accordance with section 3;

“producer responsibility organization” means a person that operates a product stewardship program on behalf of producers;

“product stewardship program” means a program for the collection and recycling of residentially generated household packaging and paper products;

“recycle” means household packaging and paper products collected by a product stewardship program 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 as feedstock in the composting process;

“recycling rate” means household packaging and paper products recycled by the program as a percentage of household packaging and paper products in products supplied to the market;

“residence” means:

- (a) a single-unit residential dwelling, including a seasonal residential dwelling; and
- (b) a building that contains more than one dwelling unit, including an apartment building and a condominium, but not including a building used for temporary accommodation such as a hotel;

“trademark” means a trademark as defined in the *Trademarks Act* (Canada).

(2) For the purposes of the definition of “household packaging and paper products”, the following products are not household packaging and paper products:

- (a) containers prescribed in *The Environmental Management and Protection (General) Regulations* for the purposes of clause 39(a) of the Act;
- (b) containers that are part of an operating reuse system;
- (c) containers from products prescribed in *The Waste Paint Management Regulations*, *The Used Petroleum and Antifreeze Products Stewardship Regulations*, or *The Household Hazardous Waste Products Stewardship Regulations* for the purposes of section 46 of the Act;
- (d) health, hygiene or safety products that, by virtue of their anticipated use, could become unsafe or unsanitary to reuse or recycle;
- (e) bound reference books, literary books and text books.

Determination of producer

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:

- (a) if the person is a resident of Canada, the brand owner with respect to the household packaging and paper products;
 - (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
 - (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.
- (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.
- (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.

6 Apr 2023 c E-10.22 Reg 9 s3.

Prescribed products

4 Household packaging and paper products are prescribed as products for the purposes of section 46 of the Act.

6 Apr 2022 c E-10.22 Reg 9 s4.

Guidelines

- 5(1) For the purposes of approving a stewardship program pursuant to these regulations, the minister may establish guidelines respecting any additional terms and conditions that a producer or producer responsibility organization shall comply with.
- (2) If the minister establishes guidelines pursuant to subsection (1), the minister shall cause the guidelines to be made available to the public in any form or manner that the minister considers appropriate including publishing them on the ministry's website.

6 Apr 2023 c E-10.22 Reg 9 s5.

Product stewardship program required

- 6(1) Subject to subsections (4) and (6), no producer shall fail to:
- (a) operate a product stewardship program approved by the minister; or
 - (b) enter into an agreement with a producer responsibility organization to operate a product stewardship program approved by the minister.
- (2) No producer responsibility organization shall fail to operate a product stewardship program in accordance with:
- (a) the program as approved by the minister; and
 - (b) these regulations.

- (3) No producer that has entered into an agreement to have a product stewardship program operated on the producer'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.
- (4) A producer is exempt from complying with subsection (1) if the producer is a business that:
- (a) generates less than \$1 million in gross annual revenue; or
 - (b) annually supplies or distributes less than one tonne of household packaging and paper products.
- (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.
- (6) Subsection (1) does not apply to a charitable organization registered pursuant to the *Income Tax Act* (Canada).

6 Apr 2023 c E-10.22 Reg 9 s6.

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 the form and manner 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.
- (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:
- (a) the management structure of the program;
 - (b) the composition of the board of directors of the program;
 - (c) the creation of an advisory committee to the producer responsibility organization;

- (d) the role of the advisory committee in relation to the implementation and operation of the program;
- (e) the manner in which Saskatchewan interests will be represented on the advisory committee;
- (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;
- (g) the manner in which the product stewardship program will coordinate collection services with other municipal waste management services;
- (h) the public education or public awareness and communication strategy for the product stewardship program;
- (i) the manner in which financial disputes related to the program will be resolved;
- (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;
- (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;
- (l) how the product stewardship program will be funded and how funds under the product stewardship program will be expended;
- (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;
- (n) how program convenience, effectiveness, efficiency, fairness, sustainability, municipal accessibility, participation rates and resident feedback will be determined and measured;
- (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:
 - (i) paper;
 - (ii) plastic, including:
 - (A) rigid plastic;
 - (B) flexible plastic; and
 - (C) bio-based plastics that are:
 - (I) certified compostable; and
 - (II) not certified compostable;

- (iii) metal;
 - (iv) glass;
 - (v) household packaging and paper products made from any combination of the above materials;
- (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:
- (i) takes into consideration the continuous improvement in targets; and
 - (ii) is satisfactory to the minister, for each of the following performance indicators:
 - (A) the overall recycling rate and diversion rate for all of the household packaging and paper products set out in clause (o);
 - (B) recycling rates and diversion rates for each of the categories of household packaging and paper products set out in clause (o);
 - (C) public awareness of the availability and functioning of the program;
- (q) a description of how the schedule of targets mentioned in clause (p) was determined;
- (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;
- (s) 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;
- (t) 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 municipal, provincial and federal laws;
- (u) any other matter the minister considers appropriate.
- (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.

Review of product stewardship program

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:

- (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.

6 Apr 2023 c E-10.22 Reg 9 s8.

Changes to product stewardship program

9 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.

6 Apr 2023 c E-10.22 Reg 9 s9.

Amendment, suspension or cancellation of approvals

10(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 minister's 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 together with 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, with respect 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 together with reasons 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 the producer responsibility organization an opportunity to make written representations within 15 days after the date on which the minister takes any of those actions.

6 Apr 2023 c E-10.22 Reg 9 s10.

Annual reporting

11(1) In this section, “**reporting period**” means:

- (a) the period commencing on January 1 in one year and ending on December 31 of that same year;
 - (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 packaging and paper products set out in clause 7(2)(o), the amount of the products that are:
 - (i) supplied for use in Saskatchewan by the producer on whose behalf the program is being operated;
 - (ii) collected and sent to a sorting facility for diversion;
 - (iii) recycled;
 - (iv) recovered for energy; and
 - (v) disposed of in a landfill;
 - (b) the aggregate amount of all household packaging and paper products set out in clause 7(2)(o) that are:
 - (i) supplied for use in Saskatchewan by the producer on whose behalf the program is being operated;
 - (ii) collected and sent to a sorting facility for diversion;
 - (iii) recycled;
 - (iv) recovered for energy; and
 - (v) disposed of in a landfill;
 - (c) for each category of household packaging and paper products set out in clause 7(2)(o):
 - (i) the collection rate;
 - (ii) the recycling rate; and
 - (iii) the diversion rate;

- (d) a comparison of the performance for the year with the performance indicator targets set out in the product stewardship program;
- (e) the number and location of collection services by service type and any changes from the previous reporting period;
- (f) the level of public awareness of the availability and functioning of the program;
- (g) a description of educational materials and educational strategies used to advertise the program and educate the public;
- (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;
- (i) the independently audited financial statements detailing:
 - (i) the fees charged to producers participating in the product stewardship program for each category of household packaging and paper products, including an explanation of any significant changes to those fees;
 - (ii) the total amount of fees collected from producers who are participating in the product stewardship program to fund the program;
 - (iii) the amount spent to operate the program in Saskatchewan;
 - (iv) the amount of recycling incentives paid out, if any;
 - (v) the costs incurred to administer the program; and
 - (vi) the amount spent on public education or public awareness and communication;
- (j) any other information that the minister may reasonably require.

6 Apr 2023 c E-10.22 Reg 9 s11.

RRS c E-10.21 Reg 5 repealed

12 *The Household Packaging and Paper Stewardship Program Regulations* are repealed.

6 Apr 2023 c E-10.22 Reg 9 s12.

Transitional

13(1) In this section:

“former regulations” means *The Household Packaging and Paper Stewardship Program Regulations*, as those regulations existed on the day before the coming into force of these regulations;

“product management program” means a product management program as defined in the former regulations;

“steward” means a steward as defined in the former regulations.

(2) Notwithstanding any other provision of these regulations but subject to subsections (3) and (4), if a product management program was approved pursuant to the former regulations and the approval for that product management program is valid and not under suspension or cancellation on the day on which these regulations come into force:

(a) the product management program is deemed to be an approved product stewardship program for the purposes of these regulations until the minister receives an application pursuant to subsection (3) and approves the product stewardship program that is the subject of that application pursuant to these regulations; and

(b) the product management program may be dealt with pursuant to these regulations as if approved pursuant to these regulations but is subject to the same terms and conditions that were imposed pursuant to the former regulations.

(3) Any steward operating a product management program mentioned in subsection (2) or any person who is operating a product management program mentioned in that subsection on a steward's behalf shall apply to the minister for approval of a product stewardship program pursuant to subsection 7(1) within 180 days after the day on which these regulations come into force.

(4) Any steward required to operate a product management program or any person who has entered into an agreement to operate a product management program on a steward's behalf pursuant to the former regulations shall, if the product management program has not been approved by the minister pursuant to the former regulations before the coming into force of these regulations, apply to the minister for approval of a product stewardship program pursuant to subsection 7(1) within 180 days after the day on which these regulations come into force.

6 Apr 2023 c E-10.22 Reg 9 s13.

Coming into force

14(1) Subject to subsection (2), these regulations come into force on March 31, 2023.

(2) If these regulations are filed with the Registrar of Regulations after March 31, 2023, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

6 Apr 2023 c E-10.22 Reg 9 s14