

The Scrap Tire Management Regulations, 2017

being

Chapter E-10.22 Reg 5 (effective July 1, 2017) as amended by
Saskatchewan Regulations [125/2020](#).

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.

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CHAPTER E-10.22 REG 5

The Environmental Management and Protection Act, 2010

Title

- 1 These regulations may be cited as *The Scrap Tire Management Regulations, 2017*.

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);

“**first seller**” means a person who:

- (a) is a manufacturer, distributor, retailer or owner of a tire that is sold, offered for sale or otherwise distributed into or in Saskatchewan;
- (b) is a vendor of a tire outside of Saskatchewan and who, as an ordinary part of the person’s business, sells tires to consumers in Saskatchewan;
- (c) imports tires into Saskatchewan for resale in Saskatchewan; or
- (d) purchases tires outside of Saskatchewan for use in Saskatchewan;

“**product stewardship program**” means a program that provides for collecting, transporting and recycling of scrap tires;

“**scrap tire**” means a tire that is no longer suitable for its original purpose because of wear, damage or defect;

“**tire**” means a tire that is manufactured for the purpose of being used on the wheel of a vehicle;

“**vehicle**” means a vehicle within the meaning of *The Traffic Safety Act* and includes an all terrain vehicle as defined in *The All Terrain Vehicles Act* but does not include a bicycle.

23 Jne 2017 cE-10.22 Reg 5 s2; 4 Dec 2020 SR
125/2020 s2.

Prescribed product

- 3 Tires are prescribed products for the purposes of clause 46(a) of the Act.

23 Jne 2017 cE-10.22 Reg 5 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.

23 Jne 2017 cE-10.22 Reg 5 s4.

Requirements for product stewardship programs

- 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:
- (a) contains details of the management structure of the product stewardship program; and
 - (b) provides details respecting all of the following:
 - (i) the composition of the board of directors of the operator of the product stewardship program, including details to satisfy the minister that there will be, in the minister's opinion, sufficient Saskatchewan representation;
 - (ii) the creation of an advisory committee to the operator of the product stewardship program;
 - (iii) the role of the advisory committee in relation to the operation of the program;
 - (iv) the manner in which Saskatchewan interests will be represented on the advisory committee;
 - (v) the manner in which scrap tires, including scrap tires that are stockpiled, will be collected, recycled and managed in all areas of Saskatchewan;

- (vi) the manner in which the product stewardship program will accept all types of scrap tires for collection, recycling and management;
 - (vii) the records to be maintained of the number of scrap tires that are collected, transported and recycled by the first seller or the person operating the product stewardship program;
 - (viii) the management of contracts with collectors, processors and other third party contractors, including the policies and procedures to be used to ensure that all contracted parties comply with all municipal, provincial and federal legislation;
 - (ix) the manner in which the program will be funded;
 - (x) the quality control and assurance aspects of the program, including tracking and auditing mechanisms;
 - (xi) the manner in which financial disputes related to the program will be resolved;
 - (xii) the public education or public awareness and communication strategy for the program;
 - (xiii) the manner in which the program will manage greenhouse gas emissions related to the collection and transportation of scrap tires to satisfy the minister that the smallest possible amount of greenhouse gas emissions will result.
- (3) If the minister is satisfied that a proposed product stewardship program complies with the Act and these regulations and is otherwise in the public interest, the minister may approve the product stewardship program on any terms and conditions that the minister considers appropriate.
- (4) The minister shall cause notice of the approval of any product stewardship program to be published on the ministry's website and to be made public in any other manner that the minister considers appropriate.

23 Jne 2017 cE-10.22 Reg 5 s5.

Review of product stewardship program

6 Every 3 years after the date of the approval of the product stewardship program, every first seller operating a product stewardship program, or person operating a product stewardship program on a first seller's behalf, shall review the approved program and:

- (a) seek approval from the minister of any proposed amendments to the approved; or
- (b) notify the minister in writing that no amendments to the approved product stewardship program are expected.

23 Jne 2017 cE-10.22 Reg 5 s6.

Approval not transferable

7 No product stewardship program approval is transferable without the prior written consent of the minister.

23 Jne 2017 cE-10.22 Reg 5 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:

- (a) issue a written decision, with reasons for the decision; and
- (b) 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.

(6) The minister shall cause notice of the suspension or cancellation of any product stewardship plan to be published on the ministry's website and to be made public in any other manner that the minister considers appropriate.

23 Jne 2017 cE-10.22 Reg 5 s8.

Quarterly reporting

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

- (a) the period commencing on January 1 and ending on March 31;
- (b) the period commencing on April 1 and ending on June 30;
- (c) the period commencing on July 1 and ending on September 30; and
- (d) the period commencing on October 1 and ending on December 31.

(2) On or before the fifth business day of the month following the reporting period, every first seller operating a product stewardship program, or person operating a product stewardship program on a first seller's behalf, shall prepare and send to the minister a written quarterly report that describes the activities of the product stewardship program during the previous reporting period and that contains the information set out in the subsection (3).

(3) The quarterly report must include a description of tire shipments, including the following:

- (a) the volume and type of tires shipped to each shipping destination;
- (b) the manner in which the tires are used at each shipping destination;
- (c) any other information that the ministry may reasonably require.

23 Jne 2017 cE-10.22 Reg 5 s9.

Annual reporting

10(1) In this section, "**reporting period**" means:

- (a) the period commencing on January 1 in one year and ending on December 31 of that year; or
- (b) if a product stewardship program was approved after January 1 and the product stewardship program has not been operated for a complete reporting period, the period commencing on the date on which the minister approved the program and ending on December 31.

(2) On or before April 30 in each year, every first seller operating a product stewardship program, or person operating a product stewardship program on a first seller's behalf, shall prepare and send to the minister a written annual report that describes the activities of the product stewardship program during the previous reporting period and that contains the information set out in the subsection (3).

(3) A written annual report mentioned in subsection (2) must include:

- (a) the number of tires sold in the reporting period by:
 - (i) in the case of a product stewardship program operated by a first seller, the first seller;
 - (ii) in the case of a product stewardship program operated by a person on behalf of one or more first sellers, those first sellers on whose behalf the product stewardship program is being operated;
- (b) the number of scrap tires recycled in the reporting period and the manner and location in which the tires were recycled by:
 - (i) in the case of a product stewardship program operated by a first seller, the first seller;
 - (ii) in the case of a product stewardship program operated by a person on behalf of one or more first sellers, the person who is operating the product stewardship program;

- (c) the number of scrap tires in stockpiles that were recycled in the reporting period and the manner in which the tires were recycled by:
 - (i) in the case of a product stewardship program operated by a first seller, the first seller;
 - (ii) in the case of a product stewardship program operated by a person on behalf of one or more first sellers, the person who is operating the product stewardship program;
- (d) in the case of a product stewardship program operated by a person on behalf of one or more first sellers, the names of the first sellers on behalf of whom the product stewardship program is operated; and
- (e) any other information that the minister may reasonably require.

23 Jne 2017 cE-10.22 Reg 5 s10.

Transitional

11 Notwithstanding any other provision of these regulations, if a product management program was approved pursuant to *The Scrap Tire Management Regulations*, as those regulations existed on the day before the coming into force of these 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 December 31, 2017; and
- (b) the product management program may be dealt with pursuant to these regulations as if approved pursuant to these regulations and is subject to the same terms and conditions that were imposed pursuant to *The Scrap Tire Management Regulations* and were in place on the day on which these regulations come into force.

23 Jne 2017 cE-10.22 Reg 5 s11.

RRS c E-10.2 Reg 9 repealed

12 *The Scrap Tire Management Regulations* are repealed.

23 Jne 2017 cE-10.22 Reg 5 s12.

Coming into force

- 13(1)** Subject to subsection (2), these regulations come into force on July 1, 2017.
- (2) If these regulations are filed with the Registrar of Regulations after July 1, 2017, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

23 Jne 2017 cE-10.22 Reg 5 s13.