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**CONSULTATION DRAFT**

**[Bilingual]**

**ONTARIO REGULATION**

to be made under the

**RESOURCE RECOVERY AND CIRCULAR ECONOMY ACT**

**BLUE BOX**

**Part I**

**INTERPRETATION**

**Definitions**

1. In this Regulation,

“annual allocation table” means the annual allocation table created in accordance with Part III;  
**(French)**

“alcoholic beverage container” means,

- (a) a regulated container within the meaning of Ontario Regulation 13/07 (Ontario Deposit Return Program) made under the *Liquor Control Act*, and
- (b) any packaging that is provided exclusively for the use of a container described in clause (a); **(French)**

“blue box material” has the meaning provided for in section 2; **(French)**

“blue box packaging” means,

- (a) primary packaging, convenience packaging, or transport packaging that is provided with a product,
- (b) ancillary products that are provided with or attached to another product to facilitate that use of the product, and
- (c) products such as disposable straws, cutlery or plates that are supplied with a food or beverage product, that facilitate the consumption of that food or beverage product,

and that are ordinarily disposed of after a single use, whether or not they could be reused; **(French)**

“blue box receptacle” means a container, bin, cart, bag or other receptacle that holds blue box material, and from which blue box material is collected; **(French)**

“Blue Box Transition Schedule” means the document entitled “Blue Box Transition Schedule” dated [XX], as amended from time to time, and available on the Registry; **(French)**

“compostable materials” means materials that are designed to be managed at end of life through composting, anaerobic digestion, or other processes that result in decomposition by bacteria or other living organisms; **(French)**

“consumer”, in respect of blue box material means,

- (a) an individual who obtains blue box material, other than a non-alcoholic beverage container, for personal, family or household purposes and does not include a person who obtains blue box material for business purposes; and
- (b) a person who is the end user of the beverage contained in a non-alcoholic beverage containers and includes a person who uses the beverage for personal, family, household, or business purposes; **(French)**

“eligible community” means,

- (a) a local municipality or local services board that is not located in the Far North, or
- (b) a reserve,
  - (i) that is not located in the Far North, and
  - (ii) that has registered with the Authority in accordance with section 48; (French)**

“eligible source” means any residence, facility, or public space; **(French)**

“facility” means,

- (a) a building that contains more than one dwelling unit but that is not a residence,
- (b) a long-term care home licensed under the *Long-Term Care Homes Act, 2007*,
- (c) a retirement home licensed under the *Retirement Homes Act, 2010*, or
- (d) a public school or private school under the *Education Act*; **(French)**

“Far North” has the same meaning as in the *Far North Act, 2010*; **(French)**

“flexible plastic” means any product or packaging made primarily from un moulded plastic, such as plastic bags, films, wraps, pouches, or laminates; **(French)**

“franchise” has the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*; **(French)**

“franchisor” has the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*; **(French)**

“local municipality” has the same meaning as in the *Municipal Act, 2001*; **(French)**

“management requirement” means the minimum amount of blue box material, determined under section 34, that a producer is required to manage; **(French)**

“marketplace facilitator” means a person who,

- (a) contracts with marketplace sellers to facilitate the supply of the marketplace seller’s products by,
  - (i) owning or operating an online marketplace or forum in which the marketplace seller’s products are listed or advertised for supply, or
  - (ii) transmitting or otherwise communicating the offer or acceptance between the marketplace seller and a buyer, and
- (b) provides for the physical distribution of a marketplace seller’s products to the consumer, such as by the storage, preparation, or shipping of products;

“marketplace seller” means a person who contracts with a marketplace facilitator to supply its products; **(French)**

“material category” means the following categories of blue box material, determined in accordance with the Verification and Audit Procedure:

1. Glass.
2. Flexible plastic.
3. Rigid plastic.
4. Metal.
5. Paper.
6. Compostable material.
- 7. Non-alcoholic beverage containers; (French)**

“municipality” has the same meaning as in the *Municipal Act, 2001*; **(French)**

“non-alcoholic beverage container” means a container that is not an alcoholic beverage container and that is,

- (a) marketed to contain a beverage product,
- (b) made from metal, glass, paper, or rigid plastic, or any combination of these materials, and
- (c) sealed by its manufacturer; **(French)**

“packaging-like product” means any product such as aluminum foil, metal trays, plastic film, plastic wrap, wrapping paper, paper bags, plastic bags, cardboard boxes, and envelopes that,

- (a) is used for the containment, protection, handling, delivery, presentation or transportation of products, and
- (b) is ordinarily disposed of after a single use, whether or not it could be reused; **(French)**

“paper” includes printed and unprinted paper, such as newspapers, magazines, promotional materials, directories, catalogues, and paper used for copying, writing, or any other general use, other than,

- (a) hard or soft cover books,
- (b) hardcover periodicals, and
- (c) any paper that, at the time it is supplied to a blue box consumer, is blue box packaging or a packaging-like product; **(French)**

“permanent establishment” has the meaning,

- (a) assigned by subsection 400 (2) of the *Income Tax Regulations (Canada)*, in the case of a corporation, or
- (b) assigned by subsection 2600 (2) of the *Income Tax Regulations (Canada)*, in the case of an individual; **(French)**

“processor” means a person who processes, for the purpose of resource recovery, blue box material that was supplied to a consumer in Ontario; **(French)**

“producer” means the producer determined in accordance with Part II; **(French)**

“producer’s blue box supply” means blue box material supplied to consumers in Ontario as required to be reported in the previous year pursuant to section 45; **(French)**

“producer responsibility organization” means a person retained by a producer for the purposes of carrying out one or more of the following producer responsibilities relating to blue box material but does not include a processor retained solely for the purposes of processing blue box material:

1. Arranging for the establishment or operation of a collection or management system.

2. Establishing or operating a collection or management system.

**3. Preparing and submitting reports; (French)**

“public space” means any land in any park, playground, or any outdoor area which is owned by, or made available by, a municipality, and that is located in a business improvement area designated under the *Municipal Act, 2001* or by a by-law made under the *City of Toronto Act, 2006*; **(French)**

“reserve” means a reserve within the meaning of the *Indian Act* (Canada); **(French)**

“residence” means,

- (a) a single-unit residential dwelling, including a seasonal residential dwelling, in an eligible community, or
- (b) a building that contains more than one dwelling unit but receives garbage collection at the same frequency as single-unit residential dwellings in an eligible community; **(French)**

“resident in Canada” means having a permanent establishment in Canada; **(French)**

“resident in Ontario” means having a permanent establishment in Ontario; **(French)**

“retailer” means a business that supplies to consumers; **(French)**

“rigid plastic” means product and packaging made primarily from moulded plastic, such as food and product containers; **(French)**

“supplemental collection system” means a collection system in which blue box material supplied to consumers in Ontario is collected, other than a collection system established and operated under Part IV or Part V; **(French)**

“supply” means the provision of a product in any manner and includes sale, transfer, barter, exchange, distribution, rental, lease, gift or disposition; **(French)**

“Verification and Audit Procedure” means the document entitled “Verification and Audit Procedure” published by the Authority and dated [XX], as amended from time to time, and available on the Registry. **(French)**

**Blue box material**

2. (1) Subject to subsection (2), “blue box material” means material that is primarily made from paper, glass, metal, flexible plastic, rigid plastic or compostable material that is,

- (a) blue box packaging,
- (b) paper, or
- (c) a packaging-like product.

(2) “ Blue box material” does not include the following materials:

1. A material included in another designated class under section 60 of the Act as a material other than blue box material.
2. A pharmaceutical or sharp in respect of which there are collection or disposal obligations prescribed under Ontario Regulation 298/12 (Collection of Pharmaceuticals and Sharps - Responsibilities of Producers) made under the *Environmental Protection Act*.
3. A material included in the Municipal Hazardous or Special Waste Program, if that program is in operation under the *Waste Diversion Transition Act, 2016*.
4. A product designed for the containment of waste.
5. A health, hygiene or safety product that, by virtue of its anticipated use, become unsafe or unsanitary to recycle.
6. Blue box packaging that cannot be easily separated from hazardous waste within the meaning of Regulation 347 of the *Revised Regulations of Ontario 1990 (General - Waste Management)* made under the *Environmental Protection Act*.
7. An alcoholic beverage container.
8. Blue box packaging, paper or a packaging-like product for which Brewers Retail Inc. or the Liquor Control Board of Ontario would be the producer if it were not for this paragraph.

(3) For the purposes of Parts III, IV V, VI, VIII and Part IX, blue box packaging, paper or packaging-like product that would, but for this subsection, be blue box material in the material category that is compostable material is not blue box material.

### **Designated material**

3. For the purposes of section 60 of the Act, blue box material is a designated class of material.

## **PART II**

### **DETERMINATION OF THE PRODUCER**

#### **Producer, blue box packaging**

4. (1) Where blue box packaging for a product is supplied in Ontario to a consumer, the producer of that blue box packaging shall be determined in accordance with the following rules:

1. For the portion of the blue box packaging of a product that was added by a brand holder of the product, the producer is,

- i. the brand holder of the product, if the brand holder is resident in Canada,
  - ii. if there is no person described in subparagraph i, the importer of the product, if the importer is resident in Ontario, or
  - iii. if there is no person described in subparagraph i or ii, the retailer who supplied the product to the consumer.
2. For the portion of the blue box packaging of a product that was added by a person who imported the product into Ontario, the producer is,
  - i. the person who imported the product into Ontario, if that person is resident in Ontario, or
  - ii. if there is no person described in subparagraph i, the retailer who supplied the product to the consumer.
3. For any portion of the blue box packaging not described in paragraph 1 or 2, the producer is the retailer who supplied the product to the consumer.

(2) For the purposes of determining the producer in accordance with subsection (1), the following rules apply:

1. If there are two brand holders resident in Canada, the producer is the brand holder who is most closely connected to the production of the product.
2. Packaging added to a product includes packaging added at any stage of the production, distribution and supply of the product.
3. A person adds blue box packaging to a product if the person,
  - i. makes the blue box packaging available for use by another person who adds the packaging to the product,
  - ii. causes another person to add the blue box packaging to a product, or
  - iii. inserts a product into the blue box packaging or otherwise combines the product and the blue box packaging

### **Producer, paper and packaging-like products**

5. (1) Where paper or packaging-like products are supplied in Ontario to a consumer, the person who is the producer of the paper or packaging-like products shall be determined in accordance with the following rules:

1. The producer is the brand holder of the paper or packaging-like product, if the brand holder is resident in Canada.
2. If there is no person described in paragraph 1, the producer is the importer of the paper or packaging-like product, if the importer is resident in Ontario.

3. If there is no person described in paragraph 1 or 2, the producer is the retailer who supplied the paper or packaging-like product to the consumer.

(2) For the purposes of determining the producer in accordance with subsection (1), if there is more than one brand holder resident in Canada, the producer is the brand holder most closely connected to the production of the paper or packaging-like product.

### **Franchises**

6. Where a producer determined in accordance with section 4 or 5 is a business operated wholly or in part as a franchise, the producer is the franchisor, if that franchisor is resident in Canada.

### **Marketplace sellers**

7. If a marketplace seller is a producer under subparagraph 1 iii or 2 ii of subsection 4 (1), paragraph 3 of subsection 4 (1), or paragraph 3 of subsection 5 (1), the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the producer under those provisions, if the marketplace facilitator is resident in Canada.

## **Part III**

### **ANNUAL ALLOCATION TABLE**

#### **Criteria for rule creators**

8. (1) Persons who meet the criteria in subsection (2) and who register with the Authority in respect of this provision before July 31, 2021 shall create the rules that govern the creation of the annual allocation table in accordance with this Part.

(2) For the purposes of subsection (1), the person must either,

- (a) be a producer of an amount of blue box material supplied to consumers in Ontario that is equal to or greater than the amount published by the Authority in accordance with subsection (4), and have not entered into an agreement with a producer responsibility organization for which they are required to be registered in accordance with section 41, or
- (b) be a producer responsibility organization that has,
  - (i) entered into agreements that are required to be registered under section 41 with persons that combined are producers for an amount of blue box material supplied to consumers in Ontario that is equal to or greater than the amount published by the Authority in accordance with subsection (4), and
  - (ii) agreed to establish and operate a collection system that meets those producers' collection obligations under this Regulation.



(3) The Authority shall determine an amount that is 10 per cent of the total tonnage of blue box material supplied to consumers in Ontario by all producers, as reported by producers under section 40, as of April 2, 2021.

(4) The Authority shall publish the amount in subsection (3) on the Registry on or before April 8, 2021.

## **Creation of rules**

**9.** The rules for the creation of the annual allocation table must,

- (a) identify the person or persons that will create the annual allocation table each year, or identify a procedure for identifying this person or persons;
- (b) set out how producers will be allocated residences, facilities or public spaces in the annual allocation table each year, including how the following factors will contribute to this allocation:
  - (i) ensuring that the estimated weight of blue box material that a producer is responsible for collecting from eligible sources is proportionate to the weight of blue box material supplied by the producer in the previous year,
  - (ii) the relative cost of establishing and operating collection systems in different regions of Ontario and in communities with different population levels,
  - (iii) the relative cost of providing curbside or depot collection for residences,
  - (iv) the relative cost of providing collection services for different kinds of facilities and public spaces,
  - (v) a person's registration of an alternative collection system for some of the material categories of the blue box material for which the person is a producer,
  - (vi) the producer responsibility organization that has agreed to establish and operate a collection system for the producer,
  - (vii) the producer's establishment and operation of a collection system for a residence, public space or facility in previous years,
  - (viii) how residences, public spaces and facilities will be allocated between producers during the 2023-2025 transition period;
- (c) subject to clause (d), ensure that every person who is a producer of blue box material in a year is assigned responsibility for one or more residences, public spaces or facilities in the annual allocation table in the following year;
- (d) ensure a person is not included in the annual allocation table for a given year if, in the previous year,

- (i) the person has registered the establishment and operation of an alternative collection system for every material category for which the person is a producer of an amount of blue box material in Ontario supplied to a consumer that exceeds the minimum amount set out in section 37 for the relevant material category, or
  - (ii) the amount of blue box material supplied to consumers in Ontario for which the person was a producer is less than the minimum amounts set out in section 37 for every material category;
- (e) ensure that every residence, public space and facility in a community is assigned a producer that is responsible for the collection of their blue box material,
  - (f) ensure that the annual allocation table for a year is submitted to the Authority by July 1 of the preceding year, so that the Authority can post it on the Registry,
  - (g) provide for any circumstances in which in year adjustments must be made to the annual allocation table and the procedures for these adjustments, including when they would be effective; and
  - (h) include procedures for the amendment of the rules for the creation of the annual allocation table, including the required approval from the persons specified in subsection 11 (2).

### **Conditions for application**

**10.** The rules for the creation of the annual allocation table, if they are made by the persons specified in section 8, apply only if,

- (a) they are submitted to the Registry; and
- (b) every person who registered with the Authority under section 8 registers their agreement with the rules.

### **Amendment**

**11.** (1) Rules made in accordance with section 9 may be amended at any time by the persons specified in subsection (2), in accordance with the amendment procedures made under clause 9 (h).

(2) The persons who may amend the rules are,

- (a) any producer responsibility organization who registered with the Authority to provide collection services in accordance with paragraph 3 of subsection 41 (3); and
- (b) persons who are producers of an amount of blue box material in a material category that exceeds the minimum amounts set out in section 37 for that material category in the previous reporting period and who do not have a contract with a producer responsibility organization for collection services.

(3) Unless the persons referred to in subsection (2) specify a later date, amendments to the rules for the creation of the annual allocation table made by the persons referred to in subsection (2) apply when the amendments to the rules are published on the Registry.

### **Where Minister creates rules**

**12.** (1) If the persons referred to in section 8 have not made the rules for the annual allocation table, the Minister may make the rules for the creation of the annual allocation table.

(2) If the Minister is of the view that the rules for the creation of the annual allocation table must apply by a certain date in order for collection under Part V to commence on January 1, 2023 and for the first annual allocation table to be submitted by the date in subsection 13 (2), and the persons referred to in section 8 have not made the rules apply by that date, the Minister shall make the rules for the creation of the annual allocation table.

(3) The Minister may make the rules for the creation of the annual allocation table and substitute them for some or all of the rules made by the persons referred to in section 8 and that apply in accordance with section 10.

(4) If the Minister creates the rules for the creation of the annual allocation table under subsection (1), (2) or (3),

- (a) the persons referred to in section 8 may not amend the rules for the creation of the annual allocation table that the Minister made, and
- (b) the Minister may amend the rules for the creation of the annual allocation table that the Minister made at any time.

(5) Unless the Minister specifies a later date, the rules for the creation of the annual allocation table made by the Minister apply when the rules are published on the Registry.

(6) Unless the Minister specifies a later date, amendments to the rules for the creation of the annual allocation table made by the Minister apply when the amendments to the rules are published on the Registry

### **Annual application**

**13.** (1) Where rules are in place for the creation of the annual allocation table, an annual allocation table shall be created every year in accordance with those rules.

(2) The first annual allocation table must be submitted to the Registry by March 31, 2022.

(3) Each subsequent annual allocation table must be submitted to the Registry each year by March 31 of the applicable year.

(4) Amendments to an annual allocation table must be submitted to the Registry promptly.

### **Publication, rules**

**14.** (1) The Authority shall make any rules made under this Part available on the Registry.

(2) The Authority shall make amendments to rules available on the Registry promptly.

### **Publication, annual allocation table**

**15.** (1) Every year, the Authority shall make the annual allocation table available on the Registry.

(2) If amendments to an annual allocation table are submitted on the Registry, the Authority shall make the amended annual allocation table available on the Registry.

## **Part IV**

### **COLLECTION UNDER ANNUAL ALLOCATION TABLE**

#### **Joint and several liability**

**16.** A producer responsibility organization that is required to register for collection services in accordance with section 41 in respect of a producer is jointly and severally liable for the following collection requirements in this Regulation with that producer:

1. Section 17.
2. Section 18.
3. Section 19.
4. Section 20.
5. Section 21.
6. Section 22.
7. Section 23.
8. Section 24.
9. Section 25.

#### **Duty to collect**

**17.** Every producer who has been assigned collection responsibilities for residences, public spaces and facilities in the annual allocation table shall establish and operate a collection system for those residences, public spaces and facilities in accordance with this Part.

#### **Curbside collection**

**18.** A producer shall provide curbside collection of blue box material to the residences that are assigned to the producer under the annual allocation table that receive curbside garbage collection from a municipality, local services board or reserve.

## **Depot or curbside collection**

**19.** A producer may provide either depot or curbside collection of blue box material to residences assigned to the producer under the annual allocation table that are not required to be provided curbside collection under section 18.

## **Obligations for curbside collection**

**20.** A producer who provides curbside collection shall,

- (a) collect blue box material at least every other week;
- (b) collect in a single day all blue box material set out for curbside collection at an eligible source; and
- (c) provide blue box receptacles for the storage of blue box material until it is collected, including,
  - (i) ensuring that each residence has a blue box receptable before the day on which the producer commences collecting from that residence, and
  - (ii) providing at least one replacement blue box receptable each year, to any residence, upon request of a person residing at the residence, provided within one week of the request.

## **Obligations for depot collection**

**21.** A producer who provides depot collection in a municipality, local services board or reserve shall,

- (a) provide at least as many depots for the collection of blue box material as there are depots for household garbage in that municipality, local services board or reserve;
- (b) ensure the depots for the collection of blue box material have operating hours that are at least as accessible as the hours for depots for household garbage in that municipality, local services board or reserve;
- (c) collect the blue box material from the depot before the blue box receptacles at the depot are full; and
- (d) provide blue box receptacles for the storage of blue box material until it is collected, including,
  - (i) ensuring that each depot has a blue box receptable before the day on which the producer commences operating the depot, and
  - (ii) providing at least one replacement blue box receptable each year, upon request by an operator of a depot, within one week of the request.

## Facilities

**22.** A producer shall collect blue box material from every facility that is assigned to the producer in the annual allocation table.

### Obligations for facilities

**23.** A producer who collects blue box materials from facilities shall,

- (a) provide blue box receptacles as required for the storage of blue box material at the facility until it is collected, including,
  - (i) ensuring that each facility has the number of blue box receptacles it requires for the collection of blue box material before the day on which the producer commences collecting from the facility, and
  - (ii) providing any replacement blue box receptacles requested by the owner or operator of the facility, within one week of the request;
- (b) provide receptacles that are appropriate for the facility; and
- (c) collect blue box material from the eligible facility before the blue box collection receptacles are full.

### Collection for public spaces

**24.** A producer shall collect blue box material from every public space that is assigned to the producer in the annual allocation table, but only where an eligible community provides garbage collection at the public space.

### Obligations for public spaces

**25.** A producer who collects blue box materials from public spaces shall,

- (a) ensure that blue box receptacles for the storage of blue box material are placed next to every receptacle for garbage at the public space;
- (b) provide for the collection of blue box material which is in a blue box receptacle located next to a receptacle for garbage;
- (c) provide blue box receptacles for the storage of blue box material until it is collected, including,
  - (i) ensuring that each public space has a receptacle before the day on which the producer commences collecting from the public space,
  - (ii) providing any replacement receptacles requested by the eligible community, within one week of the request, and
  - (iii) providing receptacles that are appropriate for the public space;

- (d) collect blue box material from the public space before the blue box receptacles are full; and
- (e) where the public space is a park or playground,
  - (i) collect blue box material throughout the year, and
  - (ii) locate receptacles at entry or exit points, and other areas where persons congregate

## **Reserves**

**26.** A producer is not required to provide collection services in respect of eligible sources in an eligible community that is a reserve, until that reserve has registered its acceptance of the offer of collection services in accordance with section 49.

## **Part V**

### **ALTERNATIVE COLLECTION SYSTEM**

#### **Producers and alternative collection system**

**27.** This Part applies with respect to producers who register the establishment and operation of an alternative collection system for one or more material categories for which they are a producer of an amount of blue box material in a material category that exceeds the minimum amounts set out in section 37 for the relevant material category.

#### **Registration**

**28.** On or after January 1, 2023, a producer may register its establishment and operation of an alternative collection system for a material category in accordance with section 40, if, immediately before registration,

- (a) the alternative collection system enabled the producer to collect the blue box material that it supplied to consumers in Ontario;
- (b) the alternative collection system would enable the producer to meet its management obligations under Part VI for a material category using only blue box material described in clause (a); and
- (c) any collection sites such as depots or return-to-retail locations included in the alternative collection system were,
  - (i) located in every eligible community where the blue box material in respect of which it is a producer is supplied,
  - (ii) operated year-round, and
  - (iii) open during normal business hours.

## Depot requirements

**29.** A producer who has registered an alternative collection system for a material category that includes collection sites such as depots or return-to-retail locations, shall, during every year that the registration applies, ensure that the collection sites are,

- (a) located in every eligible community where the blue box material in respect of which the person is a producer is supplied;
- (b) operated year-round; and
- (c) open during normal business hours.

## Revocation of registration

**30.** A producer's registration of an alternative collection system for a material category is revoked if, twice in a three-year period, the producer does not meet its management obligation under Part VI for that material category using only blue box material collected through the alternative collection system for which it is registered.

## Multiple producers

**31.** For greater certainty, more than one producer may share in the establishment and operation of an alternative collection system.

## PART VI

### MANAGEMENT

#### Producer obligation

**32.** Every producer shall establish and operate a system for managing blue box material in accordance with this Part.

#### Accounting and reporting

**33.** Each year, beginning in 2026, the producer shall account for, and report on, a weight of recovered resources for each material category that equals or exceeds the producer's management requirement for that material category.

#### How blue box material managed

**34.** (1) . The producer shall determine its management requirement for a material category using the formula,

Management Requirement = (A- B) x C x D

Where,



“A” is the weight of a producer’s blue box supply for a material category, in tonnes, reported in the previous year under section 45;

“B” is the weight of recycled content in the producer’s blue box supply for a material category, reported in the previous year under section 45, subject to the requirements in section 35, in tonnes;

“C” is the recovery percentage for the previous year for a material category, set out in the Table to section 37, in a percentage;

“D” is the redistribution factor for the previous year, calculated and published on the Registry by the Authority in accordance with section 38.

(2) Despite subsection (1), a producer does not have a management requirement for a material category for a year if the weight of a producer’s blue box supply for a material category, in tonnes, reported in the previous year under section 45 is less than the minimum amount for that material category set out in the Table to section 37.

### **Recovered resources**

**35.** (1) A producer may only account for, and report on, recovered resources in accordance with this section.

(2) A producer may only report recovered resources that satisfy subsection (3), and

(a) that the producer recovered, if the producer is a registered processor, or

(b) that a registered processor, other than the producer, recovered, if that registered processor either,

(i) reported the recovered resources on the Registry in the name of the producer, or

(ii) reported the recovered resource on the Registry in the name of a producer responsibility organization that entered into an agreement with the producer and which the producer responsibility organization then allocated between the producers who have contracts with the producer responsibility organization.

(3) The requirements referred to in subsection (2) are the following:

1. The recovered resources must be,

i. marketed for re-use for their original purpose or function, or

ii. marketed for use in new products or packaging.

2. The weight of the recovered resources may only be counted one time by the producer and must not be counted by more than one producer.
3. The recovered resources must be recovered from blue box materials supplied to consumers in Ontario.
4. The recovered resources must have been processed within three months of the registered processor who reported the recovered resources receiving the Blue Box material from which they were recovered.

(4) Recovered resources that meet any of the following conditions shall not be accounted for, or reported on, in respect of a producer's management requirement for a material category:

1. The recovered resources are supplied for use in a product that is land cover, unless the land cover is,
  - i. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
  - ii. a product that supports soil health or crop growth that is,
    - A. created through the combination of the recovered resources with organic matter, and
    - B. the recovered resources used for the product are recovered from paper.
2. The recovered resources are supplied for use in a product that is fuel or a fuel supplement.
3. The recovered resources are supplied to an incinerator for use in incineration.
4. The recovered resources are land filled or land disposed by the processor, producer or the producer responsibility organization.

### **Weight requirements**

**36.** The requirements for calculating the weight of recycled content referred to in section 34 are as follows:

1. The weight of a producer's recycled content for a material category may not exceed 50 percent of the weight of the producer's blue box supply in a material category.
2. Only recycled content derived from blue box materials managed in accordance with this Regulation during the previous year may be counted.
3. The weight of recycled content must be verified in accordance with the Verification and Audit Procedure.

## Minimum requirements

37. The minimum amount and recovery percentages for the purposes of section 34 are set out in the following Table:

TABLE

Recoverable Material	Minimum (in tonnes)	Recovery percentage 2026 -2029 (expressed as a percentage)	Recovery percentage 2030 onwards (expressed as a percentage)
Paper	9	90	90
Rigid Plastic	2	55	60
Flexible Plastic	2	30	40
Glass	1	75	85
Metal	1	67	75
Non-Alcoholic Beverage Containers	1	75	80

## Redistribution factor

38. (1) The Authority shall calculate the redistribution factor for each material category using the formula,

$$E / (E-F)$$

Where

“E” is the sum of all producers’ blue box supply reported in the previous year for a material category, in tonnes; and

“F” is the sum of the recycled content of all producers’ blue box supply reported in the previous year for that material category, in tonnes.

(2) The Authority shall publish on the Registry its calculation of the redistribution factor for every material category by June 1 of the year the information was reported.

## PART VII

### REGISTRATION, REPORTING, AUDITING, AND RECORD KEEPING

#### Verification and Audit Procedure

39. A person who is required to register or report under this Part shall do so in accordance with the Verification and Audit Procedure.

## Registration, producers

**40.** (1) Every person who is a producer of blue box material supplied to consumers in Ontario on or before April 1, 2021 shall register with the Authority, through the Registry, by submitting the information set out in subsection (3) on or before that date.

(2) If a person becomes a producer of blue box material supplied to consumers in Ontario after April 1, 2021, that person shall register with the Authority, through the Registry, by submitting the information set out in in subsection (3), within 30 days of first becoming a producer.

(3) The information referred to in subsections (1) and (2) is the following:

1. The producer's name and contact information and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar of any producer responsibility organizations retained by the producer, as well as,
  - i. a list of collection services provided by the producer responsibility organization under Part IV,
  - ii. a list of promotion and education services provided by the producer responsibility organization under Part VIII, and
  - iii. a list of any other services provided by the producer responsibility organization to the producer.
3. The name and contact information of an employee of the producer who has authority to bind the producer and who is responsible for ensuring the registration is complete and up to date.
4. If the producer is operating an alternative collection system that satisfies Part V in respect of any material category of blue box material, a description of the alternative collection system, including reference to each material category of blue box material collected in the alternative collection system.
5. If the producer is operating a supplemental collection system, a description of the supplemental collection system.
6. The material categories contained in the producer's blue box material.
7. For producers to whom subsection (1) applies,
  - i. the weight of the producer's blue box material supplied to consumers in Ontario in the previous year,
  - ii. the weight of each material category in the producer's blue box material supplied to consumers in Ontario in the previous year, and

- iii. the weight, if any, of recycled content contained in each material category in the producer's blue box material supplied to consumers in Ontario in the previous year.

### **Registration, producer responsibility organizations**

**41.** (1) A producer responsibility organization that has been retained by a producer on or before June 15, 2021 shall register with the Authority, through the Registry, by submitting the information set out in subsection (3) on or before July 1, 2021.

(2) A producer responsibility organization that is first retained by a producer after June 15, 2021, shall register with the Authority, through the Registry, by submitting the information set out in subsection (3) within 30 days of being retained.

(3) The information referred to in subsections (1) and (2) is the following:

1. The producer responsibility organization's name, contact information and any unique identifier assigned by the Registrar.
2. The name, contact information and any unique identifier assigned by the Registrar each producer who has retained the producer responsibility organization.
3. A list of all collection services under Part IV.
4. A list of services the producer responsibility organization is retained to provide for each producer,
  - i. in respect of Part V,
  - ii. in respect of Part VIII, and
  - iii. in respect of any other Part.
5. The material categories of blue box material in respect of which the producer responsibility organization provides services for each producer.
6. The name and contact information of an employee of the producer responsibility organization who has authority to bind the corporation or entity and who is responsible for ensuring the registration is complete and up to date.

(4) The producer responsibility organization shall submit updated information within 15 days of any change to the information required under this section.

### **Registration, rule creators**

**42.** (1) Every person who registers in respect of section 8 shall submit information demonstrating its compliance with the criteria set out in subsection 8 (2) on or before July 31, 2021.

(2) For greater certainty, a person who has registered in accordance this section may de-register prior to the rules being submitted in accordance with section 9.

### **Registration, blue box processors**

**43.** (1) Every person who registers in respect of section 44 shall submit the information demonstrating its compliance with the criteria set out in subsection 44 (2).

(2) For greater certainty, a person who has registered in accordance with this section may de-register at any time.

### **Information, blue box processors**

**44.** (1) Every processor shall register with the Authority, through the Registry, by submitting the information set out in subsection (2),

- (a) on or before April 1, 2022, if the processor processed blue box material supplied to consumers in Ontario before January 1, 2021, or
- (b) on or before January 31 of the calendar year immediately following the year in which the processor first processed blue box material supplied to consumers in Ontario, if the processor was not required to register under clause (a).

(2) The information referred to in subsection (1) is the following:

1. The name and contact information and any unique identifier assigned by the Registrar of the processor.
2. The name and contact information of an employee of the processor who has authority to bind the processor, and who is responsible for ensuring the registration is complete and up to date.
3. Each material category of blue box material supplied to consumers in Ontario the person processes, the location of each site where the person receives and processes this material and the types of recovered resources that result from the processing.
4. The producers and producer responsibility organizations that have contracts with the processor to process blue box materials supplied to consumers in Ontario.

(3) The processor shall submit updated information within 15 days of any change to the information required under this section.

### **Annual report, producers**

**45.** (1) On or before April 30 of each year, beginning in 2024, every producer who is required to register under section 40 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to the previous calendar year:

1. The weight of blue box material supplied to consumers in Ontario in the previous year for which the person was a producer.
2. The weight of each material category in the blue box material reported under paragraph 1.
3. The weight of recycled content contained in each material category reported under paragraph 2.
4. A description of the actions taken by the producer in the previous year to fulfil their responsibilities relating to the requirements set out under Part IV, Part V, Part VI and Part VIII.
5. A description of the actions undertaken by producer responsibility organizations, on behalf of the producer, to fulfil their responsibilities relating to the requirements set out under Part IV, Part V, Part VI and Part VIII.
6. The following weights in respect of blue box material supplied to consumers in Ontario, with amounts in respect of blue box material collected under Part IV and Part V and pursuant to a supplemental collection system reported separately:
  - i. The total weight of recovered resources from each material category that was allocated by a producer responsibility organization to the producer, in accordance with section 35.
  - ii. The weight of recovered resources for each material category that was reported under subparagraph i that was,
    - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4), or
    - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4).
7. The following weights in respect of blue box material supplied to consumers in Ontario, allocated between each producer to whom a producer responsibility organized is providing services, with the weights in respect of Part VI, and weights in respect of Blue box material collected under Part IV, reported separately:
  - i. The weight of recovered resource for each material category that was,
    - A. used in a product that is land cover, unless the land cover is,
      1. Aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or

2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
  - ii. used in a product that is fuel or a fuel supplement,
  - iii. supplied to an incinerator for use in incineration, and
  - iv. landfilled or land disposed by the processor.

(2) The only requirement in this section that applies in respect of blue box material that is in the material category of compostable material is the requirement pursuant to paragraph 2 of subsection (1).

### **Annual report, producer responsibility organizations**

**46.** (1) On or before April 30 in each year, beginning in 2024, every producer responsibility organization that is required to register under section 41 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to the previous year:

1. A description of collection services arranged, established or operated on behalf of each producer that retained the producer responsibility organization, including,
  - i. the producer's name, contact information and any unique identifier assigned by the Registrar,
  - ii. if the producer responsibility organization provided collection services to pursuant to Part IV,
    - A. the weight of blue box material collected by the producer responsibility organization on behalf of the producer, and
    - B. the eligible sources allocated to a producer for which the producer responsibility organization provided collection services,
  - iii. if the producer responsibility organization provided collection services on behalf of a producer in respect of an alternative collection system,
    - A. the weight of blue box material by material category collected by the producer responsibility organization on behalf of the producer,
    - B. the location and business hours of all collection sites in the alternative collection system, and
    - C. a description of all methods of collection in the alternative collection system,



- iv. if the producer responsibility organized provided a supplemental collection system on behalf of a producer, a description of the supplemental collection system.
2. A description of the management services, arranged, established or operated on behalf of each producer that retained the producer responsibility organization, including
  - i. a list of every processor that the producer responsibility organization retained to process blue box material supplied to consumers in Ontario,
  - ii. any unique identifier assigned by the Registrar to each processor referred to in subparagraph i, and
  - iii. the weight of recovered resources recovered by each processor referred to in subparagraph i from blue box materials supplied to consumers in Ontario,
  - iv. The following weights in respect of blue box material supplied to consumers in Ontario, allocated between each producer to whom producer responsibility organized is providing services in respect of Part VI , with the weights in respect of blue box material collected under Part IV, Part V, and through a supplemental collection system, reported separately.
    - A. The total weight of recovered resources from each material category
    - B. The weight of recovered resources for each material category that was reported under sub-subparagraph A that was,
      1. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4), or
      - 2 marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4),
  - v. In respect of blue box material supplied to consumers in Ontario, allocated between each producer to whom producer responsibility organized is providing services in respect of Part VI, with the weights in respect of blue box material collected under Part IV and Part V, the weight of recovered resource for each material category reported separately, that was,
    - A. used in a product that is land cover, unless the land cover is,

1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
  2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper,
- B. used in a product that is fuel or a fuel supplement, and supplied to an incinerator for use in incineration, or
- C. landfilled or land disposed by the processor

(2) For greater clarity, a producer responsibility organization does not have a reporting requirement in respect of blue box material that is in the material category that is compostable materials.

### **Reports, processors**

**47.** (1) On or before April 30 every year starting 2024, every processor who is required to register under section 43 shall submit an annual report to the Authority, through the Registry, that contains the following information with respect to the previous calendar year:

1. The following weights, with amounts in respect of blue box material received from collection systems operating under Part IV, Part V and a supplemental collection system reported separately:
  - i. blue box material supplied to consumers in Ontario received by the processor,
  - ii. blue box material supplied to consumers in Ontario processed by the processor,
  - iii. recovered resources recovered from blue box material supplied to consumers in Ontario processed by the processor,
  - iv. recovered resources referred to in subparagraph iii that was recovered from each material category,
  - v. recovered resources from each material category reported in subparagraph iv that the processor is reporting in respect of blue box material for which the processor was the producer
  - vi. recovered resources from each material category reported in subparagraph iv that the processor is reporting pursuant to a contract with a producer and the identification number of that producer assigned by the Registrar,
  - vii. recovered resources from each material category reported in subparagraph iv that the processor is reporting pursuant to a contract with a producer

responsibility organization and the identification number of the producer responsibility organization assigned by the Registrar

- viii. recovered resources for each material category that was reported under subparagraph v, vi or vii that were,
  - A. marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4), or
  - B. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4).
2. The following weights, with amounts in respect of blue box material received from collection systems operating under Part IV and Part V, reported separately:
  - i. The weight of recovered resource for each material category that was
    - A. used in a product that is land cover, unless the land cover is,
      1. aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
      2. a product that supports soil health or crop growth that is created through the combination of the recovered resources with organic matter, and the recovered resources used for the product are recovered from paper.
    - B. used in a product that is fuel or a fuel supplement,
    - C. supplied to an incinerator for use in incineration, and
    - D. landfilled or land disposed by the processor.
  3. If the processor is part of a producer's management system, the name, contact information and any unique identifier assigned by the Registrar of,
    - i. the producer, and
    - ii. any producer responsibility organization retained by the producer.

(2) For greater clarity, a processor does not have a reporting requirement in respect of blue box material that is in the material category that is compostable materials.

### **Registration, local municipalities, local service boards**

**48.** (1) Eligible communities that are local municipalities and local service boards that are included in the Blue Box Transition Schedule shall register with the Authority, through the

Registry, by submitting the following information, on or before April 15, 2021 about the municipality or local services board:

1. Number of residents.
2. A list of residences, including the number and location of each residence, that,
  - i. receive curbside garbage collection, or
  - ii. are serviced by depot garbage collection.
3. A list of depots at which garbage is currently collected, including location.
4. A list of public spaces at which garbage is currently collected, including location.
5. If blue box or waste collection services are delivered in partnership with another municipality, local services board or reserve, details about how the services are provided.
6. A contact person responsible for waste management and that person's mailing address.
7. Information required for a producer to determine the service standards for the blue box program operated in that municipality or local services board, as of August 15, 2019, in accordance with section 62.

(2) An eligible community that is a local municipality or local services board that is not listed in the Transition Schedule shall submit the information in subsection (1), other than the information in paragraph 7, on or before December 31, 2023.

(3) An eligible community that is a local municipality or local services board shall update their registration under section 15 within 30 days of,

- (a) ceasing to provide curbside garbage collection to any residence;
- (b) changing the method of garbage collection for a residence; or
- (c) a new residence becoming occupied.

### **Registration, reserves**

**49.** (1) An eligible community that is a reserve may register with the Authority, through the Registry, by submitting the following information in respect of the reserve:

1. The number of residents.
2. A list of residences, including the number and location of each residence, that,
  - i. receive curbside garbage collection, or

ii. are serviced by depot garbage collection.

3. A list of depots at which garbage is currently collected, including location.
4. A list of public spaces at which garbage is currently collection, including location.
5. If blue box or waste collection services are delivered in partnership with another municipality, local services board or reserve, details about how the services are provided.
6. A contact person responsible for waste management and that person's mailing address
7. A list of languages that communications in respect of waste collection is currently being provided in.
8. Information required for a producer to determine the service standards for the blue box program operated in that reserve, as of August 15, 2019, in accordance with section 62, if that reserve is on the Blue Box Transition Schedule.

(2) A reserve that registered under subsection (1) shall update its registration within 30 days of,

- (a) ceasing to provide curbside garbage collection to any eligible residence;
- (b) changing the method of garbage collection for an eligible residence; or
- (c) new residences becoming occupied.

(3) The producers or producer responsibility organization that is assigned eligible sources in a reserve that has registered under subsection (1) in the first year that that reserve is included in the annual allocation table shall provide an offer of collection services under Part IV to that reserve,

- (a) no less than nine months before the date the reserve is eligible to receive collection services under the Blue Box Transition Schedule, if the reserve is on the Blue Box Transition Schedule and registered on or before April 15, 2021;
- (b) on or before April 1, 2025, if clause (a) does not apply and the reserve registered on or before December 31, 2024; or
- (c) within nine months of registration under subsection (1), if the reserve registered after December 31, 2024.

(4) A reserve that receives an offer under subsection (3) may register its acceptance of this offer with the Authority, through the Registry, by submitting information that,

- (a) identifies the producer or producer responsibility organization that made the offer; and

- (b) provides written consent from the Band Council or another authorized decision-making authority that the residents on reserve will allow a producer or a producer responsibility organization to collect blue box materials from all eligible sources on the reserve in accordance with this regulation.

(5) For greater certainty, a reserve may revoke its acceptance of the offer with the Authority, through the Registry.

### **Registration, facilities**

**50.** (1) A facility that is not eligible to receive collection services during the transition period pursuant to clause 62 (2) (f) shall register with the Authority to receive collection services under Part IV.

(2) Registration under this Part constitutes consent by the facility for a producer or its producer responsibility organization to collect blue box material from the facility.

(3) For greater certainty, a facility that has registered with the Authority may revoke its registration with the Authority, on the Registry.

### **Brewers Retail Inc. and the LCBO**

**51.** (1) Brewers Retail Inc. and the Liquor Control Board of Ontario shall each prepare and submit a report, on or before April 30 of each year that contains the following information:

1. The amount of alcohol beverage containers the Brewers Retail Inc. and the Liquor Control Board of Ontario supplied and diverted in the previous year.
2. The amount of materials that would be blue box material in a material category, but for the exemption in paragraph 8 of subsection 2 (2), for which Brewers Retail Inc. or the Liquor Control Board of Ontario are the producer, that were supplied and diverted in the previous year.
3. A description of how the materials in described in paragraphs 1 and 2 were diverted.

(2) In addition to the information described in subsection (1), the annual report prepared by Brewers Retail Inc. shall contain the following information:

1. A list of all brewers participating in its container return program in the previous year.
2. A list of addresses of the return locations that operated in the previous year.
3. An analysis as to whether the weight of recovered resources that Brewers Retail Inc. caused to be recovered from alcohol beverage containers would equal or exceed 85 per cent of the of the weight of alcohol beverage containers supplied by Brewers Retail Inc.
4. An analysis as to whether the weight of recovered resources for any glass, flexible plastic, rigid plastic, metal, paper, compostable material, or non-alcoholic beverage container for which Brewers Retail Inc. would be the producer, but for the exception

in paragraph 8 of subsection 2 (2), equals or exceeds the applicable management requirement as set out in section 34.

(3) In addition to the information described in subsection (1), the annual report prepared by the Liquor Control Board of Ontario shall contain the following information,

1. An analysis as to whether the weight of recovered resources from alcohol beverage containers managed through the Ontario Deposit Return Program equals or exceeds 85 per cent of the weight of the total supply of alcohol beverage containers in the Ontario Deposit Return Program
2. An analysis as to whether the weight of recovered resources for any glass, flexible plastic, rigid plastic, metal, paper, compostable material, or beverage container for which Liquor Control Board of Ontario would be the producer, but for the exception in paragraph 8 of subsection 2 (2), equals or exceeds the applicable management requirement as set out in section 34.

(4) Despite the definition of “alcoholic beverage container” in section 1, a reference to “alcohol beverage container” in this section only refers to the containers described in clause (a) of that definition.

(5) The Liquor Control Board of Ontario may consent to Brewers Retail Inc. preparing and submitting the Liquor Control Board of Ontario’s annual report.

(6) The Authority may not recover its costs by requiring Brewers Retail Inc. or the Liquor Control Board of Ontario to pay fees, costs and charges imposed under section 41 of the Act.

(7) The annual reports under subsection (1) must be prepared in accordance with the Verification and Audit Procedure and, before submission must be audited by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004*.

## **Records**

**52.** Every producer, producer responsibility organization, and processor shall keep the following records in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation, as applicable:

1. Records related to arranging for the establishment or operation of a collection and management system for the purpose of fulfilling responsibilities relating to Blue Box material.
2. Records related to information required to be submitted to the Authority through the Registry.
3. Records related to implementing a promotion and education program required under this Regulation.

4. Records related to the weight of blue box material supplied to blue box consumers in Ontario for which the person is a producer.
5. Any agreements that relate to the information described in this section.

### **Small producers**

**53.** If section 65 applies to a producer, the producer shall keep any records which demonstrate that its annual revenue from products and services is less than \$2,000,000 in a paper or electronic format that can be examined or accessed in Ontario for a period of five years from the date of creation.

### **Audit, management systems**

**54.** (1) On or before April 30, 2026, and every third year after that, every producer shall cause an audit to be undertaken of the practices and procedures the producer implemented in respect of Part VI, with respect to each material category of Blue Box material for which the producer was responsible in the three immediately preceding calendar years.

(2) On or before April 30 in any year in which an audit is required under subsection (1), the producer shall prepare and submit a copy of a report on the audit to the Authority, through the Registry, that includes the following for each material category of blue box material supplied to consumers in Ontario, for which the producer was responsible:

1. The weight of each material category of blue box material supplied to consumers in Ontario for which the person was a producer.
2. The following weights in respect of blue box material supplied to consumers in Ontario, with amounts material collected under Part IV, Part V, and pursuant to a supplemental collection system, reported separately:
  - i. . marketed for re-use for their original purpose or function in accordance with subparagraph 1 i of subsection 35(3), excluding recovered resources referred to in subsection 35 (4), or
  - ii. marketed for use in new products or packaging in accordance with subparagraph 1 ii of subsection 35 (3), excluding recovered resources referred to in subsection 35 (4),
  - iii. landfilled or land disposed,
  - iv. used in a product that is land cover, unless the land cover is,
    - A. Aggregate and the recovered resources in the aggregate do not account for more than 15 per cent of the producer's management requirement for any material category, or
    - B. a product that supports soil health or crop growth that is,



1. created through the combination of the recovered resources with organic matter, and
2. the recovered resources used for the product are recovered from paper,
  - v. supplied for use in a product that is fuel or a fuel supplement, and
  - vi. supplied to an incinerator for use in incineration.
3. A statement confirming whether the producer satisfied their management requirement.

(3) The audit referred to in subsection (1) must be conducted by an independent auditor who is licensed or holds a certificate of authorization under the *Public Accounting Act, 2004* and in accordance with the procedures set out in the Verification and Audit Procedure.

### **Access to information and privacy**

**55.** Information and data submitted under this regulation to the Authority through the Registry shall not be posted on the Registry unless it is posted in a manner that is consistent with the “Access and Privacy Code” published by the Authority and dated December 14, 2017, as amended from time to time, and available on the website of the Registry.

## **PART VIII**

### **PROMOTION AND EDUCATION**

#### **Promotion and education, producers**

**56.** Producers who are required to establish and operate a system for collecting blue box material under Part IV, or who register the establishment and operation of an alternative collection system for a material category under Part V, shall implement a promotion and education program in accordance with this Part.

#### **Information to be included**

**57.** (1) A promotion and education program must include the dissemination of the following information:

1. A complete list of blue box materials that may be included in blue box receptacles.
2. A list of materials that cannot be included in blue box receptacles.
3. A description of how blue box receptacles can be replaced, or how additional blue box receptacles can be requested.
4. A description of how the producer will fulfil its collection responsibilities, including,

- i. if the producer provides collection for a residence, facility, or public space, the dates on which collection will occur for specified eligible sources, and
  - ii. If the producer provides depot collection, the location of every depot, and its hours of operation.
5. Contact information of the producer, or its producer responsibility organization, including a telephone number and email address, at which persons may,
  - i. receive responses to questions or issues relating to collection, and
  - ii. request additional or new blue box receptacles.
6. If the information is being disseminated in print form, a website at which the information in described in paragraphs 1 through 5 is provided.

(2) During the period beginning on January 1, 2023 and ending on December 31, 2026, the promotion and education program must also include the dissemination of the following information:

1. A description of any significant change from the collection service that was previously provided by a municipality, including any change to what material may be included in the blue box receptacle, and any change in sorting procedures.
2. A description about how to prepare materials for placement in the blue box receptacle, including any direction about rinsing or flattening blue box material.
3. A description about how materials should be sorted or bagged

(3) Where a producer operates an alternative collection system in accordance with Part X, the producer must disseminate the following additional information in its promotion and education program:

1. A description of which blue box materials are collected by the alternative system.
2. A description of how the alternative collection system will operate, including,
  - i. The date and time of any collection events or other initiatives to collect blue box material
  - ii. How persons can arrange for pick up of blue box material
  - iii. If the producer operates a depot or a return-to-retail location, the location and hours of operation.

(4) Despite subsection (2), after the conclusion of its first year of operation, the producer is not required to disseminate the information specified in in paragraphs 2 and 3 of that subsection.

(5) The promotion and education program shall be provided in the following forms:

1. On a publicly accessible website.
  2. In print, and delivered by mail to each eligible source for which the producer has collection responsibilities, at least once per year.
- (6) The promotion and education program shall be provided in French and English.

### **Joint and several liability**

**58.** A producer responsibility organization that is required to register under section 41 in respect of a producer is jointly and severally liable for the requirements in this Part with that producer.

## **Part IX**

### **TRANSITION**

#### **Definition**

**59.** In this Part,

“transition period” means the years 2023, 2024 and 2025.

#### **When community included**

**60.** If an eligible community is included in the Blue Box Transition Schedule, the person or persons who are required to prepare the annual allocation table shall include that eligible community in the annual allocation table beginning in the year in which the Blue Box Transition Schedule states that eligible community will start to receive collection services under this regulation.

#### **First year**

**61.** A producer who is assigned collection responsibilities in respect of an eligible community the first year it is included in the annual allocation table is not required to provide collection services before,

- (a) the date specified in the Blue Box Transition Schedule, if the eligible community is a local municipality or local services board, or
- (b) if the eligible community is a reserve that has registered under section 48, the later of the following,
  - i. the date specified in the Blue Box Transition Schedule,
  - ii. the date the reserve registered its acceptance of the offer of collection under subsection 49 (3).

## Service standards

**62.** (1) A producer that is assigned collection responsibilities in respect of an eligible community during the transition period is required to provide service standards described in subsection (2) that equal or exceed the service standards applicable in that community on August 15, 2019.

(2) The service standards referred to in subsection (1) are,

- (a) collecting blue box materials that were collected under the eligible community's blue box system;
- (b) collecting blue box materials at the frequency they were collected under the eligible community's blue box system;
- (c) collecting blue box materials in the same number of streams as they were collected under the eligible community's blue box system;
- (d) providing curbside collection to all the residences that received curbside collection under the eligible community's blue box system;
- (e) providing depot collection at all the locations available under the eligible community's blue box system;
- (f) providing collection to all the facilities that received collection services under the eligible community's blue box system;
- (g) providing collection to all public spaces that receive collection services under the eligible community's blue box system;
- (h) providing collection to any residence or facility that was not occupied on August 15, 2019 as if that residence or facility was occupied on August 15, 2019; and
- (i) providing promotion and education communications, in accordance with Part VIII to residents of the eligible community using the languages used in the eligible community's blue box system.

## Best efforts

**63.** During the transition period, a producer shall use best effort to comply with Part VI, as it would read if,

- (a) that Part applied during the transition period;
- (b) the management target for 2023 for a producer is reduced by two thirds;
- (c) the management target for 2024 for a producer is reduced by one third; and
- (d) the management target for 2025 is not reduced.

## **Information**

**64.** The Authority shall provide the information in sections 48 and 49 in respect of eligible communities contained in the Transition Schedule to the persons who are required to prepare the annual allocation table no later than July 1, 2022.

### **Part X**

#### **GENERAL**

## **Exemption, small producers**

**65.** Any producer whose annual revenue from products and services is less than \$2,000,000 is exempt from the following parts of this Regulation:

1. Part IV.
2. Part VI.
3. Part VII, other than section 53.
4. Part VIII.

## **Ownership**

**66.** Unless otherwise set out in an agreement with an applicable producer or producer responsibility organization, the owner or operator of a residence, public space or facility does not own the receptacles for the collection of blue box material provided under this Regulation.

### **Part XI**

#### **COMMENCEMENT**

## **Commencement**

**67. [ Commencement]**