



Summary of Proposed Household Hazardous Waste Regulations

DRAFT

In 2013, the SWRC began an engagement process by contacting potential stakeholders, including industry associations, recyclers and environmental service firms, municipalities and other groups. The SWRC held informal interviews to gather feedback on the structure of the program and the types of materials to be included in an HHW program. Based on the feedback gathered during stakeholder engagement and the results of a jurisdictional scan, the SWRC recommended establishing a mandatory return program for HHW products to be fully funded and overseen by industry stewards. Feedback from the engagement process revealed strong support for a legislated solution for the recycling, re-use or disposal of HHW products in Saskatchewan. In addition, stakeholders strongly supported the harmonization of the regulation with regulations of other Canadian provinces, so as to simplify the administration and standardize the remittances of environmental fees.

In 2014, the ministry worked with the SWRC to engage stewards regarding draft regulations for a Saskatchewan HHW program. The ministry received positive feedback and informative comments regarding the proposed draft regulations. In addition, several outstanding issues regarding the draft regulations were brought forward by stakeholders. These issues will be addressed before taking a decision forward to Cabinet.

Rationale

The Government of Saskatchewan is committed to developing innovative policies and investing in vital programs and services that meet the needs of Saskatchewan residents and ensure the environment is managed for the broadest possible public benefit. The Ministry of Environment's role is to manage the health of Saskatchewan's environment in a respectful, responsible and enforceable manner that balances growth with sustainable development through objective, transparent and informed decision-making and stewardship. The ministry is leading the development of a Solid Waste Management Strategy for Saskatchewan, which will be Saskatchewan's roadmap for waste reduction and management. Consultation on the development of HHW stewardship regulations aligns with the goals of the strategy and the ministry's vision.

Recycling or responsible disposal of HHW products and containers is important to preventing the spread of chemicals in the soil, air and water. When HHW products are disposed of in regular garbage collection, waste workers can be exposed and are at risk of inhaling toxic substances. When HHW products end up in our landfills, they can increase the chance of fires or explosions. In addition, hazardous products may leach out of the landfill and contaminate the surrounding soil and groundwater. When poured down the drain, these hazardous wastes can contaminate septic tanks and wastewater treatment systems. After wastewater has been treated, it is discharged into rivers, lakes and streams. Some hazardous household waste can pass through the system unchanged and thus pollute water downstream. Hazardous wastes poured down the drain may also corrode plumbing or collect in the trap and release fumes. When old or empty HHW products are left at home, they may be hazardous to children and pets. In addition, the recycling of HHW products and containers conserves resources and energy.

Currently, hazardous household products have limited options for disposal or recycling. Due to the environmental impact and the increased demand from local residents, the issue of proper disposal and recycling of this waste needs to be addressed. Several other provinces have already developed HHW stewardship programs which include the products proposed for Saskatchewan's regulation. Developing a program for Saskatchewan will lead to greater harmonization with other provinces, increase Saskatchewan's recycling rate, increase the number of products available to be recycled, and provide a service to meet the needs of Saskatchewan residents. In addition, the effective management of HHW products will assist the ministry in reducing risk and harm from environmental contamination, thereby creating a clean and safe environment for communities and a better quality of life for Saskatchewan residents.

Proposed Household Hazardous Waste Products

The Ministry of Environment is developing HHW stewardship and recycling regulations for the following proposed materials:

- **Waste Household Hazardous Materials**
 - Includes devices, equipment, material, products and substances that meet the criteria for waste household hazardous materials set out in the CSA Standard Z752-03, Definition of Household Hazardous Waste, including, but not limited to, devices, equipment, material, products and substances that meet the criteria for flammable, corrosive, physically hazardous, toxic or environmentally hazardous;
 - But not including medical sharps.

- **Pesticides**
 - Includes control products, as defined in the Pest Control Products Act (Canada), registered under that Act that are required to be labelled with the product class designation "Domestic" and display on the label the symbol shown in Schedule III of the Pest Control Products Regulation (Canada) for the signal word "Poison";
 - But not including insect repellents, sanitizers and disinfectants, products for use on pets, or unpackaged products or products not ordinarily sold to, used or purchased by a consumer without repackaging.

- **Pharmaceutical Products**
 - Includes a substance or mixture of substances manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or its symptoms, or restoring, correcting or modifying organic functions, including, but not limited to, medications available with or without a prescription.
 - But not including contact lens disinfectants, antidandruff products and shampoos, cosmetics, antiperspirants, antiseptic or medicated skin-care

products, sunburn protectants, mouthwashes, fluoridated toothpastes, or veterinary medications and products.

- **Natural Health Products**
 - Includes natural health products as defined in The Natural Health Products Regulation under The Food and Drugs Act (Canada) and is limited to household quantities of natural health product.

- **Fluorescent Lighting Tubes and Compact Fluorescent Lights**
 - Includes fluorescent tubes of different lengths or may also be in curved or circular shapes and fluorescent light bulbs that are typically used to replace traditional incandescent light bulbs.

- **Batteries**
 - Includes rechargeable batteries and lead-acid automotive batteries, as well as zinc-air, zinc-carbon, lithium, silver-oxide or alkaline-type batteries.

- **Smoke Detectors and Carbon Monoxide Detectors**
 - Includes all smoke and carbon monoxide alarms including those that are hard wired into the household, that are generated for use in residential homes

- **Historically Obsolete Household Hazardous Products**
 - Includes historically obsolete residential products that are hazardous to human health or the environment, but are no longer manufactured. These include, but are not limited to, light ballasts containing PCBs and mercury-containing thermostats and thermometers.

Outstanding Issues

Based on the 2014 engagement conducted by the Ministry and the SWRC, several outstanding issues regarding the draft regulations have been brought forward by stakeholders and have been outlined below.

HOUSEHOLD HAZARDOUS WASTE PRODUCTS	
Issue	Ministry Response
<p><u>Automotive Batteries</u> Should automotive batteries be included in a regulated HHW program?</p>	<p>Automotive batteries are included in the HHW regulations of other Canadian jurisdictions including British Columbia, Manitoba, and Ontario.</p>

<p><u>Drain-Friendly Products</u> Should products that are intended for use in sinks and drains be included in a regulated HHW program?</p>	<p>The containers of these products are not currently recycled through regulated recycling programs or municipal blue box recycling programs. These containers may still contain hazardous substances and should be recycled as part of an HHW program.</p> <p>These products are included in the HHW regulations of other Canadian jurisdictions including British Columbia, Manitoba, and Ontario.</p>
<p><u>Unknown, Unlabeled and Orphaned Products</u> Should unknown, unlabeled and orphaned products be included in a regulated HHW program?</p>	<p>Unknown, unlabeled and orphaned HHW products require responsible disposal. Appropriate protection of the environment should be a key aim of an HHW program. However these unknown products can represent a hazard for collection sites and could account for additional costs for stewards.</p>
<p><u>Multi-Material Recycling Program (MMRP) Interaction: Products and Containers</u> How do we determine if a product and/or product container is covered in the HHW program, MMRP, or another stewardship program?</p>	<p>Language used in the proposed HHW regulation will define HHW products according to specific categories and will define ‘HHW containers’ as those that are manufactured for the purpose of holding household hazardous material or prescribed material or in which that material is supplied. The HHW regulations will not apply to containers as defined in any other waste stewardship program under the Environmental Management and Protection Act, 2010 (the Act).</p> <p>In addition, the program operator (acting on behalf of first sellers) will be required to work in cooperation with existing provincial waste stewardship programs and municipal residential waste diversion programs to maximize recycling rates.</p>

PRODUCT STEWARDSHIP PROGRAM REQUIREMENTS	
Issue	Ministry Response
<p><u>Saskatchewan Representation</u> The product stewardship program to provide details with respect to:</p> <ul style="list-style-type: none"> the creation of an advisory committee to the operator of the program, including details that there will be sufficient Saskatchewan representation from the public and municipal stakeholders on the advisory committee; the board of directors of the operator of the program including that there will be sufficient Saskatchewan representation on the board of directors. 	<p>The ministry believes it is important for provincial stewardship programs to represent the interests and needs of Saskatchewan residents. A successful HHW program will reflect the inter-community and regional differences of all Saskatchewan communities.</p>
<p><u>Interests of Recycling Providers</u> The product stewardship program to provide details with respect to the manner in which the interests of existing recycling providers will be considered.</p>	<p>The ministry believes it is important for provincial stewardship programs to engage with existing recycling providers. A successful HHW program will take into consideration the social and capital infrastructure value of existing recycling operations in Saskatchewan.</p>
<p><u>Dispute Resolution</u> The product stewardship program to provide details with respect to the manner in which disputes related to the program will be resolved.</p>	<p>This clause is included in Saskatchewan’s <i>Household Packaging and Paper Stewardship Program Regulations</i> and helps to provide program transparency to stakeholders and residents.</p> <p>A similar clause is included in the HHW regulations of other jurisdictions including British Columbia and Manitoba.</p>
<p><u>Funding and Expenses</u> The product stewardship program to provide details with respect to how the product stewardship program will be funded and how the funds will be expended.</p>	<p>This clause is included in several Saskatchewan stewardship regulations and helps to provide program transparency to stakeholders and residents.</p> <p>A similar clause is included in the HHW regulations of other jurisdictions including British Columbia and Manitoba.</p>

<p><u>Tracking GHG Emissions</u></p> <p>The product stewardship program to provide details with respect to the development of a measurement tool that:</p> <ul style="list-style-type: none"> • measures and tracks the greenhouse gas emissions reduced or avoided as a result of the recycling of Saskatchewan’s household hazardous waste products; and • is implemented not later than three years after commencement of the product stewardship program. 	<p>The product stewardship program may be required to provide details with respect to the development of a measurement tool that measures and tracks the reduction of greenhouse gas emissions as a result of the program.</p> <p>The CCME suggests using national performance measures, including greenhouse gas emissions reduced or avoided by extended producer responsibility (EPR) programs, as indicators of the overall performance of waste diversion strategies.</p> <p>This clause is also included in other Saskatchewan stewardship regulations.</p>
<p><u>Performance Measures</u></p> <p>The product stewardship program to provide details with respect to performance measures for public awareness, collection system access, effectiveness, efficiency, program financial sustainability, management of collected materials, and other improvements in program performance.</p>	<p>The product stewardship program may be required to provide details with respect to the public education or public awareness and communication strategy for the product stewardship program including details with respect to:</p> <ul style="list-style-type: none"> • the manner in which consultation will take place during the development of the program and after the program is operational; • a description of how municipalities and First Nations will be encouraged to participate in the program; and • a description of how the public will be informed about the product stewardship program and any changes to that program.

<p><u>Collection and Transportation</u></p> <p>The product stewardship program to provide details with respect to the approach in which materials are to be collected (i.e. depots, events, etc.)</p>	<p>The product stewardship program may be required to provide details with respect the manner in which the household hazardous waste products will be:</p> <ul style="list-style-type: none"> • collected in all areas of Saskatchewan including, how collection, recycling and safe disposal of household hazardous waste products will be managed through the product stewardship program; and • collected and transported for processing in the Northern Administration District. <p>In addition, the annual report may be required to describe the activities of the product stewardship program, including the description of the collection system including the locations of any of the following:</p> <ul style="list-style-type: none"> • permanent return locations; • return to retail locations; and/or • mobile collection event locations.
<p><u>Recovery Rate</u></p> <p>The product stewardship program to provide details with respect to the product recovery rate and how it is measured (e.g. kilograms, litres, etc.).</p>	<p>The draft regulations utilized during previous HHW program engagement efforts conducted by the SWRC required product stewardship programs to provide details about product recovery rate and how it would be measured; however, the current proposed draft regulation does not contain a recovery rate requirement.</p> <p>The proposed regulation may require the product stewardship program to provide details with respect to how each category of household hazardous waste product will be determined and measured:</p> <ul style="list-style-type: none"> • the amount of HHW products collected; • the amount of HHW products collected per capita; and • the amount of HHW product that is sold in Saskatchewan.

OTHER ISSUES	
Issue	Ministry Response
<p><u>MMRP Interaction: EHF Collection</u> If HHW containers are deposited in municipal blue box recycling programs or other recycling programs, how do we ensure these containers and the Environmental Handling Fees (EHF) paid on these containers are returned/reimbursed back to the HHW program operator(s)?</p>	<p>The HHW program operator(s) may be required to work with municipalities and program operators from other existing product stewardship programs (i.e. MMRP, used oil program, paint program) to coordinate the collection of HHW products and the reimbursement of EHF's.</p>
<p><u>Confidential Information</u> Adding a clause for the protection of confidential business information.</p>	<p>The addition of a provision for confidential information would contravene section 83 of the Act. The Act allows a person to request in writing that information be kept confidential for up to five years, if the information is financial in nature or would reveal business information.</p>
<p><u>Harmonization</u> Harmonizing the regulations with those of the Canadian jurisdictions.</p>	<p>The ministry is striving to develop regulations that will meet the needs of Saskatchewan residents and are consistent with other jurisdictions. The proposed regulations and HHW product list have been developed from research and review of other provincial HHW recycling programs.</p>