

*The
Agricultural
Packaging Product
Waste Stewardship
Regulations*

being

Chapter E-10.22 Reg 4 (effective July 28, 2016).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-10.22 REG 4

The Environmental Management and Protection Act, 2010

Title

1 These regulations may be cited as *The Agricultural Packaging Product Waste Stewardship Regulations*.

Interpretation

2 In these regulations:

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

“**agricultural packaging product**” means a large, bulky, single-use bag, commonly known as a grain bag, made from plastic and used to protect and temporarily store grains, pulses, silage and other agricultural produce;

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

(a) is a manufacturer, distributor, owner or licensee of intellectual property rights of an agricultural packaging product that is sold, offered for sale or otherwise distributed into or in Saskatchewan;

(b) is a vendor of an agricultural packaging product outside of Saskatchewan and who, as an ordinary part of his or her business, sells agricultural packaging products to consumers in Saskatchewan;

(c) imports agricultural packaging products into Saskatchewan for resale in Saskatchewan; or

(d) purchases agricultural packaging products outside of Saskatchewan for use in Saskatchewan;

“**product stewardship program**” means a program for the collection and recycling of waste agricultural packaging products;

“**waste agricultural packaging products**” means agricultural packaging products that the consumer no longer wants.

12 Aug 2016 cE-10.22 Reg 4 s2.

Prescribed product

3 Agricultural packaging products are prescribed products for the purposes of clause 46(a) of the Act.

12 Aug 2016 cE-10.22 Reg 4 s3.

Product stewardship program required

4(1) No first seller shall fail to:

(a) operate a product stewardship program approved by the minister; or

(b) enter into an agreement with a person to operate, on the first seller’s behalf, a product stewardship program approved by the minister.

(2) No first seller who operates a product stewardship program shall fail to operate the product stewardship program in accordance with:

- (a) the program as approved by the minister; and
- (b) these regulations.

(3) No person who has entered into an agreement to operate a product stewardship program on a first seller's behalf shall fail to operate the product stewardship program in accordance with:

- (a) the program as approved by the minister; and
- (b) these regulations.

(4) No first seller who has entered into an agreement to have a product stewardship program operated on the first seller's behalf shall fail to ensure that the product stewardship program is operated in accordance with:

- (a) the program as approved by the minister; and
- (b) these regulations.

12 Aug 2016 cE-10.22 Reg 4 s4.

Approval to operate product stewardship program

5(1) A first seller who operates or intends to operate a product stewardship program, or a person who operates or intends to operate a product stewardship program on a first seller's behalf, shall:

- (a) apply to the minister for approval of the program, in a form acceptable to the minister; and
- (b) submit any additional information or material to the minister that the minister requests and considers relevant to the application.

(2) The minister shall not approve a product stewardship program unless the program description set out in the application:

- (a) contains details of the management structure of the program;
- (b) provides details respecting:
 - (i) the creation of an advisory committee to the operator of the product stewardship program;
 - (ii) the role of the advisory committee in relation to the operation of the program; and
 - (iii) the manner in which Saskatchewan interests will be represented on the advisory committee; and
- (c) provides details respecting:
 - (i) how waste agricultural packaging products will be collected in all areas of Saskatchewan;
 - (ii) recycling options for waste agricultural packaging products, listed in descending order of preference;

- (iii) the policies and procedures to be followed by any person processing waste agricultural packaging products collected pursuant to the program;
- (iv) how the program will be funded;
- (v) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (vi) the public education or public awareness and communication strategy for the program.

(3) If the minister is satisfied that a proposed product stewardship program complies with the Act and these regulations and is otherwise in the public interest, the minister may approve the product stewardship program on any terms and conditions that the minister considers appropriate.

12 Aug 2016 cE-10.22 Reg 4 s5.

Changes to product stewardship program

6 No person operating a product stewardship program shall make any changes to the program without obtaining the minister's prior written approval of the proposed changes.

12 Aug 2016 cE-10.22 Reg 4 s6.

Amendment, suspension or cancellation of approvals

7(1) Subject to subsection (2), if, in the minister's opinion, a product stewardship program is not being operated in accordance with the Act, these regulations or the terms and conditions of the approval, or if, in the minister's opinion, it is in the public interest to do so, the minister may:

- (a) amend the approval by imposing new or additional terms and conditions; or
- (b) suspend or cancel the approval.

(2) Before amending, suspending or cancelling an approval pursuant to subsection (1), the minister shall provide the person operating the product stewardship program with:

- (a) written notice of the minister's intended action and the reasons for that intended action; and
- (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served or a longer period set by the minister, as to why the intended action should not be taken.

(3) The minister is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (2).

(4) After considering the representations mentioned in subsection (2), the minister shall issue a written decision and shall serve a copy of the decision on the person operating the product stewardship program.

(5) Notwithstanding subsection (2), if the minister considers that it is necessary in order to protect the public interest, the minister may immediately amend, suspend or cancel an approval without giving the person mentioned in subsection (2) an opportunity to make written representations, but the minister shall give that person an opportunity to make written representations within 15 days after the date on which the minister takes any of those actions.

12 Aug 2016 cE-10.22 Reg 4 s7.

Annual reporting

8(1) In this section, “**reporting period**” means the period commencing on January 1 in one year and ending on December 31 of that same year.

(2) On or before June 30 in each year, every first seller operating a product stewardship program, or every person operating a product stewardship program on the first seller’s behalf, shall prepare and submit to the minister a written annual report describing the activities of the product stewardship program during the previous reporting period, including:

- (a) the types and amount of waste agricultural packaging products collected;
- (b) the types and amount of waste agricultural packaging products diverted to each of the program’s recycling options as identified pursuant to subclause 5(2)(c)(ii);
- (c) the total amount of recycling fees collected to fund the program in Saskatchewan;
- (d) the amount spent to operate the program in Saskatchewan;
- (e) the amount of recycling incentives paid out, if any;
- (f) the costs incurred to administer the program;
- (g) the amount spent on public education or public awareness and communication;
- (h) any other information that the minister may reasonably require.

12 Aug 2016 cE-10.22 Reg 4 s8.

Transitional

9 No first seller or person who has entered into an agreement to operate a product stewardship program on a first seller’s behalf shall fail to apply to the minister for approval of a product stewardship program pursuant to subsection 5(1) within 180 days after the day on which these regulations come into force.

12 Aug 2016 cE-10.22 Reg 4 s9.

Coming into force

10 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

12 Aug 2016 cE-10.22 Reg 4 s10.