

June 2020

2020 Amendments to the Recycling Regulation Explanatory Notes

Disclaimer: The information in these explanatory notes is guidance only. Please refer to the [Recycling Regulation](#) for specific regulatory requirements.

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Purpose: The purpose of the explanatory notes is to provide potential, new and existing producers with direction and assistance on meeting their obligations under the Recycling Regulation (regulation).

The terms “part”, “section” or “schedule” refer to the regulation, including a section or schedule number.

Background

The intent of the explanatory notes is to provide further clarification regarding amendments to the [regulation](#), as authorised by Order in Council (OIC) 370 published on June 29, 2020. Some amendments will come into effect at a later date - they can be viewed on the BC Laws website at:

http://www.bclaws.ca/civix/document/id/oic/oic_cur/0370_2020

OIC 370 authorises the following amendments to the regulation:

1. Schedule 1 - Beverage Container Product Category is amended to:
 - allow for additional forms of refund payment for beverage containers that are subject to a deposit – effective June 29, 2020;
 - increase the minimum deposit to 10 cents – effective June 29, 2020;
 - amend the definition of “beverage” to remove the exemption for milk and milk substitutes – effective February 1, 2022;
2. Section 5(1)(c)(ii) of the regulation and Schedule 2 – Residuals Product Category are amended to clarify requirements for the management of all empty containers in the Residuals Product Category – effective June 29, 2020;
3. Schedule 5 – Packaging and Paper Product Category is amended to:
 - amend the definition of “paper” to clarify items that are excluded from the product category – effective June 29, 2020;
 - include packaging-like products and single-use products – effective January 1, 2023.

Further clarity about the regulatory intent of amendments to Schedule 1 – Beverage Container Product Category and Schedule 5 – Packaging and Paper Product Category is provided as follows:

The Amendments

1. Schedule 1 – Beverage Container Product Category

a) Deposit Refund Payment

(effective June 29, 2020)

The amendment to allow for additional forms of refund payment (such as e-transfer or cheque) is intended to modernize the deposit refund system while still ensuring cash refunds are available to customers upon request at conventional depot locations and all retailers that sell beverages.

Currently, there are four types of facilities available to accept beverage containers:

- Retailers that sell beverages,
- Conventional depots that have staff present to refund deposits,
- Automated depots that have staff present to supervise and provide customer support, and
- Automated depots that do not have staff present.

The option to receive a refund in cash is preserved at retail locations and conventional depots where staff are present to collect containers and redeem deposits but is not available at automated depot facilities.

b) Definition of Beverage

(effective February 1, 2022)

The definition of “beverage” in Schedule 1 has been amended to state: “‘beverage’ means any liquid that is a ready-to-serve drink”.

The intent of the amendment is to include previously excluded milk and milk substitute beverage containers in Schedule 1 - Beverage Container Product Category. All other containers previously covered under Schedule 5 - Packaging and Paper Product Category will continue to be managed under that schedule.

For the purposes of the regulation, the ministry does not consider the following to be ready-to-serve drinks:

- Infant formula
- Meal replacements or dietary supplements
- “Concentrates” e.g. frozen or unfrozen juice concentrates, etc. that require one or more additives to transform it into a ready-to-serve drink
- Liquids that are primarily used for other purposes or are not meant primarily as a ready-to-serve drink (e.g. coffee cream and other coffee additives, whipping cream, buttermilk, broth, etc.)
- Liquids that are not typically considered to be milk or milk substitutes, but rather are modified, milk-derived or similar products, such as drinkable yogurt, kefir, etc. (typically consumed as a yogurt substitute).

2. Schedule 5 – Packaging and Paper Product Category

(effective January 1, 2023)

a) General

Schedule 5 of the Recycling Regulation has been expanded to add “packaging-like” products and “single-use” products.

Both packaging-like and single-use products are included if they would be ordinarily disposed of after a single use or short-term use, regardless of whether they could be re-used or not. This refers to products that are used and re-used for a short period of time, typically less than five years, before being disposed of or reaching the end of their useful lifespan. The intention of including these products is to ensure items with high turnover rates are captured and responsibly managed.

For example, re-usable plastic food storage containers may be used for several months or years but tend to break and no longer function properly. The five-year timeframe is intended to separate less durable items that are frequently disposed of from sturdy, more durable items with a long lifespan. For example, large plastic totes used for storage purposes are meant to have long life spans.

The intent of the expansion is to include products that lend themselves more easily to the current residential recycling system and that consumers generally expect to place in their residential “blue box” or return to a depot.

Packaging-like and single-use products exclude items that may become unsafe or unsanitary to recycle by virtue of their use or that are ultimately designed for disposal. For the purposes of the regulation, the ministry does not intend to include items that cannot be safely collected and recycled through the existing residential recycling system. Examples include: garbage/compost/leaf bags, vacuum bags, dog waste bags, bio-waste containers, cigarette filters, cotton swabs, feminine hygiene products, and diapers.

b) Packaging-like Products

The addition of packaging-like products to Schedule 5 is intended to capture items that are typically used by the consumer for their own packaging needs and that may be purchased as products. For example, consumers may use these to package, contain or transport their own goods or products that have been removed from their original packaging.

Packaging-like products are often indistinguishable from packaging when recycled and consumers generally expect to recycle them through the residential recycling system (e.g. by placing them in their residential “blue box” or returning to a depot).

Packaging-like products include, but are not limited to, items such as:

- Food bags and films purchased as a product
 - food storage, sandwich and freezer bags,
 - paper lunch bags,
 - aluminum foil wrap,
 - plastic shrink film wrap,
 - paper wrap (e.g. wax paper, parchment paper)

- Disposable food storage containers purchased as a product, i.e. containers intended for short-term use
 - Non-durable plastic, paper or other food containers (e.g. plastic lunch containers)
 - Aluminium foil pie plates and baking trays, etc.
- Household items purchased as a product
 - Corrugated cardboard moving boxes, banking boxes and cardboard boxes
 - Recycling bags, i.e. bags used to collect recyclables
 - LDPE/HDPE film (e.g. used as drop sheets for painting, covering items like furniture or equipment)
 - Bubble wrap
 - Plastic plant pots and saucers

The addition of packaging-like products is not intended to include durable storage containers such as glass or metal food storage containers or long-term storage containers such as heavy-duty plastic boxes or totes but is intended to capture products with short-term reusability and are compatible with the existing residential recycling system.

c) Single-use Products

The addition of single-use products to Schedule 5 is intended to capture items that may not always be thought of as packaging, but similarly serve a single or short-term purpose (e.g. straws, stir sticks, utensils, plates, bowls and cups).

The example of “party supplies” in the regulation is intended to capture items that are similar to the above or to packaging or paper products that can be managed in the current residential recycling system, such as paper party décor. For example, this includes items such as paper streamers, pinwheels and piñatas, but does not include items such as costume wear (e.g. eye glasses), balloons, ribbons, or other items that would contaminate the recycling stream.