



June 6, 2022

BC Paint and HHW Extended Producer Responsibility Program Plan

Feedback on the Draft Plan

To Whom It May Concern:

Thank you for the opportunity to comment on the draft plan. Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste Canada is a non-profit grassroots organization, dedicated to ending our age of wastefulness through improved industrial design and education. Zero Waste is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health. Our current resource consumption systems of linear take-make-waste not only create waste but also generate a huge amount of greenhouse gases which constitute some of the discharges that threaten the environment and human health. EPR programs can play a key role in changing these consumption systems. For more information on Zero Waste, please see the Zero Waste Hierarchy.¹

We are pleased that BC has regulated these products and that this EPR program exists. The program has evolved since it first began which is to be commended. However, as the program plan goes for its next renewal, we submit these comments in hope that the program will show leadership in the realm of EPR to move it beyond mere collection and recycling to actually changing the nature of the products and how the service is delivered, as envisioned in the Canadian Council of Ministers of Environment Canada-wide Action Plan for EPR.

Please see our comments by section below:

Section 3. Appointment of Steward Agency

A Board with industry representatives from across Canada is an efficient system for many aspects of governance but the program lacks a mechanism that is BC-specific looking at both the level of service offered in BC and the achievement of environmental outcomes. We recommend the creation of a committee with a wide range of stakeholders including reuse and repair organizations, recyclers, local governments, First Nations and environmental NGOs. A committee is noted under performance management and hopefully can include this range of stakeholders.

This committee should be empowered to effect change for the BC program.

¹ Zero Waste Hierarchy: <https://zerowastecanada.ca/zero-waste-hierarchy/>.

Section 4. Program Products

The intention behind regulating these products was to prevent them from being improperly disposed and to make it easy for the end users to safely dispose of them. When items are excluded or not accepted, this leads to improper disposal or a burden on the depots who may end up with the materials. The program should have a philosophy of meeting the intent of the regulation rather than trying to minimize costs and responsibility for the producers. Expecting a resident to navigate through the Step 3 of Appendix A with the information provided on the containers (or not) is unreasonable. Information for residents and small businesses should be based on a much easier to understand system and possibly could drive changes to labelling laws to make it so. Considering this, we make the following recommendations

- Set up systems to handle bulging containers, unidentified or unlabelled containers, and leaking or improperly sealed containers.
- Expand the range of products accepted to include all of the HHW that gets left at depots or for which pose a risk to the environment and for which a resident or small business would be unlikely to have access to suitable disposal means (this should include pool chemicals, items in the plan under 4.1.2, other fuels and other pesticides and intend to prevent hazardous waste from entering the solid and liquid waste streams). The program should work with depots, local governments and the Ministry to add these other products that are problematic for consumers to the *Recycling Regulation*.
- Include all containers in the program as noted in the *Recycling Regulation*.

Coordination with other EPR programs that might interface with these components would be beneficial.

Section 5: Stakeholder Consultation

Product Care should ensure the general public is participating in the stakeholder consultation, as well as provide details on how they will target and include both residential users, small businesses and large volume generators in the consultation process. An effort should be made to meet the people where they use the products, not just at the collection sites, since limiting consultation to the collection site, they are only capturing people who already know of, and use, the program.

The current engagement process does not capture populations that are underserved by the program, nor does it engage with those that do not speak English or are under-accessed, resulting in Product Care missing the opportunity to receive a true picture of the program's success.

Section 6. Collection System and Consumer Accessibility

Product Care has many depots for paint but not as many for HHW and far , far fewer for reuse. The program does not own or manage depots of its own but should create them for communities where no other options exist and a suitable timeframe put in the plan for when

these gaps will be eliminated. This is a long-standing program that has had ample time to address weakness in the collection system. The target should be for 100% of depots to offer reuse options.

Collaboration on a collection event should be seen as a method of raising awareness of the program but not as a meaningful method of collection for ongoing service to a community. All costs associated with the event for Paint and HHW should be paid by the program. Collaboration between programs and setting up of events could be coordinated through SABC.

The program should engage with potential large volume generators and existing large volume generators to enhance the services and make it easier for correct disposal.

The SABC standard has not been developed in consultation with local governments nor the public, nor does it meet the intent of the Recycling Regulation and so should not be used as a measure of accessibility. We do not agree with the Product Care criteria for reasonable access. Instead, programs should provide service in all municipalities and if no service provider can be contracted, the program itself should set up the collection depot. The program should work with the BC Product Stewardship Council and the Indigenous Zero Waste Technical Advisory Group to determine the underserved communities.² The target for coverage should be that 100% of the total population has access to either a collection depot, pick up option or a mail-back system (free of charge to the end user). In addition to this, a survey of commercial users should be done to understand where gaps in services may be (and this survey could also assess awareness among this important stakeholder group). The RCBC survey of local government services quoted in the plan is irrelevant as the requirements of local governments are not the same as producers who are required under the Recycling Regulation to provide services across the province based on product type.

In addition to having listed sites, the program should use a secret shopper service to see if the listed sites are actually accepting the materials. Users have had experiences where staff at listed sites have said they do not accept the materials, showing the need for better coordination and possibly staff training, particularly for the retail locations. Customer experience should also be evaluated.

Evaluating collections and waste audits

One way to measure success would be to count containers sold and containers returned. By asking end users to return the containers (including empty ones), the program would have a sense of how much product is unused. This could be complemented by surveys of product purchasers to understand how much of the product they used and how they disposed of the residual (if any). The program should set a goal of 100% collection of residuals and containers and work towards it.

² Product Care's work with IZWTAG is commendable and should continue and expand.

The use of waste composition audits is good but if PCA is unable to calculate the collection rate then PCA should be required to calculate its effectiveness using waste composition studies done annually across BC. The results should be published on the PCA website, and all of the details of the studies should be included in the annual report to the BC Government and made public. This data should be used to understand the degree of success of collection given the challenges noted in the plan. To achieve this, PCA should work with other producers to take a comprehensive and methodical approach to identifying when and where waste composition audits are being conducted. It is currently up to the local governments to reach out to SABC to see if there is interest to participate in a waste composition and it is not guaranteed that they will work with the local government. As waste composition data provides a rich source of insight into whether a program product is/ or isn't ending up in a landfill or transfer station in an area, there should be more effort on behalf of the EPR programs to be involved in waste composition studies and to provide financial assistance to those areas where they aren't conducted. Given the challenges organizing waste audits, the lack of data for many parts of the province and the different methodology noted in the plan, a better system may be for the province to coordinate a rotating series of comprehensive, method-standardized waste composition audits that are funded by EPR programs collectively with some local government funding as well.

Many of these products are liquid and could also be getting put into the liquid waste systems. PCA should work to develop testing systems and a protocol for evaluating the degree to which materials are put down the drain.

Another measure that may be useful is the convenience of accessing depots. The 2018 BC survey noted that 45% of residents found recycling paint products very convenient and another 35% found it somewhat convenient.³ This was 35% and 40% respectively for solvents, flammable liquids, gasoline and pesticides. A target to raise this number as well as an annual survey to measure it would be useful. The survey also noted that up to 13% of respondents may throw paint in the garbage; and 12% for solvents, flammable liquids, gasoline and pesticides. When asked why these items may have been thrown in the garbage, 29% did not know the item was recyclable for paint (32% for HHW), 31% did not know where to take it (27% HHW) and a significant 20% said there was nowhere to take it or no way to get it there (21% HHW). These results could be better for a program that has existed for so long. This shows some key areas that this program plan should address.

Section 7 Consumer Awareness

It is good news that the 2020 annual report noted an increase since 2018 and there are definitely more communications methods and strategies in uses than previously but it is still

³ BC Ministry of Environment and Climate Change Strategy (2018). Consumer Awareness Survey of Extended Producer Responsibility Programs in BC. Accessed at https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/rel-res/consumer_awareness_survey_of_epr_2017.pdf.

very low for this program.⁴ In 2018, only 68% of BC residents were aware paint could be collected and even fewer (50%) knew that solvents, flammable liquids, gasoline and pesticides could be⁵ so it can be assumed that the collection rate is lower than that. It should be noted that the survey did not ask about the option for reuse (which should be reported on and have its own targets throughout the program plan). The goal should be to get 95% (not 70%) of the population aware of the program by 2024 (and later 100%) with work done to increase awareness of the full range of products. To do otherwise is to continue to externalize costs to the public and the environment.

Also note that many EPR programs do not have, or do not have easily accessible, materials in languages other than English that address different users of their program. Any residents who do not speak English are not able to easily participate in the programs. Based on the 2016 Census, 15% of BC Households speak a non-official language at home, so would need EPR materials and information to be translated into a different language to be aware of a program (let alone participate). This is especially important for the programs that need consumer/resident participation such as this one.

The use of the biannual survey is a good start but more detailed analysis for certain products or audiences should be done after new campaigns to determine if they were effective or if they should be adjusted, particularly if the program plan is to “go a mile deep, not an inch wide”. It should also be done annually. This should include for materials in other languages to see if they reached the targeted audience and were effective as well as materials for the commercial sector.

Programs should adequately fund RCBC’s hotline and app with additional funds to help streamline and correct information. No strings should be attached to this funding with regards to RCBC’s other activities to work towards zero waste, which should be supported.

Section 8 Management of Program Costs

The program should plan to enhance its differential fee system based on certain criteria such as lifespan, use of easy to recycle materials, etc. to drive product design change as intended by the Canadian Council of Ministers of Environment. The concern that more categories of differential fees would cause consumer confusion is a result of the program’s choice to have visible fees. Differential fees should be part of the product cost and a drive for producers to make changes. There is no need for them to be visible to the consumer just as many other producer costs are not itemized on a receipt. The fees should also be set at a higher level to pay for the improvements needed in understanding collection rates, providing more comprehensive collection networks, enhancing awareness and fulfilling the mandate for redesign and reuse.

⁴ The 2020 Annual report shows a higher level of awareness but combines both paint and HHW and does not show how the question was asked. Going forward, results for paint and HHW should be asked separately as the depot network is different.

⁵ Ibid.

We appreciate that PCA worked with BDO to determine depot costs but note that it is difficult to factor in the need to be open a suitable number of hours in order to be considered accessible by the end user. A retail store, for example, would not succeed if it were only open 3 hours a week, even if on average that was the sum of the time to service customers in an average week. The program-specific operating costs are one aspect to consider but there are also considerations around hours of operation. If PCA cannot find a partner willing to provide a service in a community, it should set up its own depot in that location and pay the costs that are required. Consideration for recent costs increases to depots for retaining staff and inflation should be factored in.

Section 9 Management of Environmental Impacts

Reduce and Redesign

The program should work on the use of differential fees to drive product design change. While the work the industry is doing to improve products is noted in the program plan, it is unclear what feedback mechanisms and engagement strategies, if any, the program is pursuing to actively shape changes and have producers understand the barriers to moving some of the products up the hierarchy. The program should also report on what changes happened *as a result* of program advocacy and actions, not just what is happening in general, often as a result of legislation and regulation. For example, there should be some evaluation measurement of promotion of the Buy/Use/Dispose messaging and then refinement of the tools. This should be a key role of the program.

Reuse

The program is to be congratulated for being one of the few that actually has a reuse system. The program should work to increase the number of sites offering this service, the volume of pain handles this away and look for options to increase the reuse of other materials in a way that limits potential harms.

Should the program not take the lead in redesigning its products, the provincial government may wish to explore regulations being pursued in other jurisdictions that require products to last a certain length of time, come with mandatory warranties of longer terms, have availability of parts, are designed for repair, and have access to repair or servicing.

Recycle

The program should aim to increase the amount of materials that are recycled, including working with producers to address issues that limit recycling of products.

Energy Recovery and Disposal

The program should investigate more options other than waste to energy for the collected products currently being incinerated and other than disposal. Fees should reflect when options are limited to drive design change.

Containers

The issues noted under containers serve to underline the importance of collecting all of the containers and the program developing program specific ways to address recycling them. When more containers are collected, the metrics of CCV versus residuals will need to be adjusted.

There is also a noticeable shift from recyclable metal containers to plastic containers that might have challenges due to dried residual product inside the container. It should be mandatory for all containers to be 100% recyclable and there should be a concerted effort to research solution for refillable containers.

Section 11 Performance Management

In general the targets and reporting measures have been detailed above. Any reporting that can be third party audited should be to assure accountability and transparency.

Reporting should include all events and engagement with producers that aim to change design and product delivery systems to reduce the environmental impacts. Results of the engagement should be reported as well.

The number and location of contracted sites by municipality and RD should be provided as well as a list of any municipalities that do not have a permanent depot. The population with access to collection should have a target of 100%, with all municipalities served as well as any First Nations locations as determined in conjunction with the First Nations. The commitments to work with IZWTAG is a good step.

Program costs should also be reported compared to the value of product introduced into the market annually. Efforts should be made to quantify the costs that remain externalized to others (such as depot operators, local governments, illegal dumping clean up efforts, and the environment) and attempts made to rectify this.

As noted, efforts to reduce environmental impacts should be significantly strengthened and then targets set for the amount of reuse, repair, refurbishment and use of parts.

The program plan should provide significant advances needed to reach the potential of EPR programs as envisioned in the CCME plan. We hope that this information is helpful in crafting the renewed plan.

Sincerely,
Sue Maxwell
On behalf of Zero Waste BC

And Jamie Kaminski
On behalf of Zero Waste Canada