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BC Hazardous and Special Products Extended Producer Responsibility Program Plan

Feedback on the Draft Plan

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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 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 is expanding. 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. There should be transparency on how governance and advisory bodies are formed, and how decisions are made and implemented. In addition, non-producer interested parties could be added to the Board or given observer status.

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

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

We think that it would be a positive step for Product Care to set a policy statement that as a PRO, with a producer-dominated board, it will not lobby for weakening of regulations nor reductions of requirements that would go against the pollution prevention hierarchy and intention of EPR regulations (as defined in the CCME Canada-wide Action Plan). This would reduce the risk that as more products are regulated in more jurisdictions, that the PROs themselves become roadblocks to further environmental and social benefits of the programs and innovation (as identified in Zero Waste Europe's [Designing EPR to foster the EU's competitiveness and strategic autonomy](#)).

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 **or waiting for a producer to come forward**. Some programs like TSBC have expanded voluntarily to collect additional products (e.g. bike tires). If the program does not want competing programs for only a small subset of a category, contamination of product streams, at collection sites nor broad confusion among the public, it is important to cover the full category range and not wait for a producer to come forward. Non-participating producers can be identified and notified, and then the Ministry alerted if enforcement is required.

Expecting a resident or collection site to navigate through the decision tree on the website with the information provided on the containers (or not) is unreasonable. (If that is the expectation, then the program should increase its requirements and payments to collection sites so that the drop off portions are actively staffed to check each item as it comes in). 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. This could include direct pickup to avoid challenges for collection sites.
- 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, windshield washer fluid, diesel exhaust fluid, items in the plan under 4.2.2, 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 canisters including 20 lb propane tanks, nitrous oxide canisters, CO₂ canisters. It is unclear why a maximum of 680 grams was set nor what range of products that excludes but a quick internet search shows some examples.
- Include refillable containers as well with a goal to actively foster reuse but also to ensure the containers can be collected at the end of their useful lives.
- Include all containers in the program as noted in the *Recycling Regulation*, including empty ones (including gasoline containers which could be evaluated and reused if possible).

Coordination with other EPR programs that might interface with these components is essential. We encourage the Ministry to also fill the gaps for all of the products listed as not part of the program and the products noted in the consultation on the last version of the plan as they are not included in the regulation such as consumer-grade non-domestic pesticides, non-aerosol automotive cleaners, 2-component paints, non-aerosol automotive and craft paints, fiberglass, fillers & resins, caulking compounds, and paste adhesives. etc.

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 for paint. With the addition of these new product categories, Product Care should use this opportunity to complete the network to ensure all communities, including commercial generators, have access for all of the products in the plan. This would require addressing challenges for collection sites.

One challenge for collection sites is adequate storage space. The program can alleviate this by committing to picking up all collected materials within 5 business days of the request by the depot. Another challenge is the need for staff training, especially on what is collected with the range of new products being added. Funding should be provided for infrastructure costs. Providing insurance should be an ongoing commitment from the program.

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 HSP 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.

An analysis using the Product Care collection sites shown in the 2023 annual report shows the following list of communities with no depots (in order of regional district). Note for the communities not shown here, a depot exists but it is not clear if the full range of options for all product types exists or not. For example, in 2023 no flammables nor pesticides were collected in the Regional Districts of Bulkley Nechako, Central Coast, Mount Waddington and Northern Rockies. No pesticides nor aerosol other were collected in the Kitimat Stikine nor North Coast RDs. The variation in what can be collected and where may explain to some degree the difference in collection (CCV) per population from 0 in Stikine to a low of 0.7-0.8 (Bulkley Nechako, Northern Rockies, Mount Waddington) to a high of 5.0 in the Sunshine Coast. There is no data for First Nation communities. Some depots may be listed under a different nearby community name (the North Vancouvers and Langleys for example). Product Care should conduct a fulsome analysis of where gaps exist in its current network and use the addition of the new products to expand its offerings across BC, both in new communities and for all products.

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

Regional District/Community	Populatio
Tofino	2,649
Granisle	337
Telkwa	1,545
Central Saanich	18,369
Colwood	21,403
Esquimalt	19,017
Highlands	2,894
Metchosin	5,295
North Saanich	13,228
View Royal	12,584
Wells	229
Castlegar	9,084
Creston	6,002
Nakusp	1,708
New Denver	516
Slocan	407
Lake Country	17,539
Peachland	6,139
Sicamous	2,809
Comox	15,607
North Cowichan	33,873
Canal Flats	860
Elkford	2,942
Radium Hot Springs	1,443
Sparwood	4,450
Harrison Hot Springs	2,029
Kent	7,006
McBride	625
Hazelton	309
Fruitvale	2,063
Midway	690
Montrose	1,071
Rossland	4,311
Warfield	1,814
Anmore	2,606
Belcarra	712
Bowen Island	4,506
Langley, District Municipality	154,099

Lions Bay	1,473
North Vancouver, District Municipality	96,857
Port Moody	37,676
West Vancouver	47,396
White Rock	24,292
Port Alice	761
Lantzville	4,197
Parksville	14,497
Qualicum Beach	9,599
Port Edward	485
Armstrong	5,711
Coldstream	11,552
Lumby	2,225
Spallumcheen	5,798
Keremeos	1,720
Hudson's Hope	986
Pouce Coupe	787
Taylor	1,370
Sechelt Ind Gov Dist (Part-Powell River)	21
Stikine District	779
Sayward	367
Tahsis	385
Zeballos	135
Sechelt Ind Gov Dist (Part-Sunshine Coast)	806
Barriere	1,898
Chase	2,571
Sun Peaks Mountain	1,533

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.

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 (residential waste but as some of the program products are also at industrial, commercial and institutional settings, those should be considered as well). 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 (somewhat like what Washington State does) that are funded by EPR programs collectively with some local government funding as well.

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

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 be⁴ 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% (was 75% in the 2024PCA conducted survey) of

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/recycle/rel-res/consumer_awareness_survey_of_epr_2017.pdf.

⁴ Ibid.

the population aware of the program by 2029 (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. It should also be done annually. This should include surveying for materials in other languages to see if they reached the targeted audience and were effective as well as materials for the commercial sector. With the addition of the new products, there should be separate questions to gauge awareness of: paint reuse, paint collection, existing HSW collection, collection for canisters, collection for automotive chemicals. The new product categories should have rapidly increasing awareness targets and additional comprehensive campaigns to ensure program success. These campaigns should be a mandatory part of the plan, not an add on if awareness does not meet the target. As the plan notes market segments for paint, similar research should be conducted to understand the audience segments for the new products as well; and also insights into the best way to reach these consumers. To get a baseline for paint and HSP, conduct a survey in the fall of 2026. Surveys should be done for non-residential awareness as well for key products for which commercial and large generators also need awareness.

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, options for reuse, use of easy to recycle materials, etc. to drive product design change as intended by the Canadian Council of Ministers of Environment (i.e. not just based on the current costs to manage an item; the differential should be used as a market signal to drive change). 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 program response to previous similar comments had been that it would be hard to determine material type for containers but in setting up new categories and with the advent of the federal plastics

registry which will require knowledge of plastics types, volumes and material flows, now is the time to address this issue.

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. Fees should also include additional cost areas such as research and development, supporting reuse and reusable container systems and litter/illegal dumping, similar to what some programs cover in other jurisdictions. There should be a bonus/malus based on environmental impact.

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, which will be the ultimate method to determine actual costs in a location. Consideration for recent costs increases to depots for retaining staff and inflation should be factored in. A key principle should be that local governments should not be required to subsidize service in order to have service in a region. We also support the suggestion to have a Ministry-led, PRO-funded project to develop a universal framework for cost analyses. There is a consistent need across PROs for a clear, transparent approach to cost analyses and consequences for failing to provide service in a community/region.

With the addition of the new program products, we support the producer organizations collaborating to reconcile costs between programs. The reconciliation process being developed should be made public once it is finalized and ongoing reporting should also make the costs and accounting transparent.

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. The revised program plan offers no new specifics for the additional products but this should be considered.

Reuse

The program is to be congratulated for being one of the few that actually has a reuse system, though limited (paint). The program should work to increase the number of sites offering this service, the volume of paint handled this way and look for options to increase the reuse of other materials in a way that limits potential harms. The website should show all locations at once on the map so it is possible to evaluate its reach. Reuse of paint aerosols should be considered using checks to ensure the uses are valid. In addition, paint for reuse should be collected at all locations with material shipped to sites that can offer the public a selection.

The program should reinstate its 2007 goal to have 90% of all depots offering paint reuse with a date of 2030

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.

There are significant opportunities to increase reuse in the canister sector. There needs to be a commitment that in 2027 Product Care will study and establish a plan to foster reuse and a switch from single use canisters to refillable ones (such as fire extinguisher refurbishment or use of refillable propane canisters instead of disposable ones). In addition, collectors of items such as the single use propane bottles should be encouraged to offer eth partially full ones to the public.

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. This could include differential fees.

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.

Propellants and gases

With the addition of canisters, the program needs to capture and manage the propellants and gases. Reporting should be set up to outline the volumes and end fates as well as the GHG impact of collection.

Other Newly added product categories

There is too heavy a reliance on energy recovery and disposal. The program should commit to study the key materials being returned and develop a plan to separate and put those materials back into the useful loop. This could involve sorting by chemical type.

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.

If specialized equipment is needed to sort the mixed material packaging, the program should fund it and appropriately charge the producers using that type of container. If no existing company can recycle the containers, then Product Care should be responsible for either creating the system themselves or paying for it to be set up (similar to how Circular Materials is building its own sorting and recycling plants). It is not sufficient to say the infrastructure does not exist, as if it is possible, then producers should be paying to build it.

In addition, the reimbursement for gas jerry cans should be at least the costs of a small container at local retailers (for example, \$12 at Canadian Tire).

GHGs

Overall, the program should work to have a full analysis of the GHG impact of its activities, by product type and develop an action plan to decrease GHG emissions.

Section 10 Dispute Resolution

The equity of this system needs to be restored. Depots have very little clout. Service providers cannot take a PRO to arbitration. It's too expensive and takes too long. They risk going bankrupt or losing market access. The monopsonies (PROs) are 'too big to fail'. Many contracts can be cancelled if a depot files a dispute because there is a reputation clause. Some PROs use their monopsony power to silence its service providers with a threat of ending market access. Programs should make their contracts public and there should be no clauses that restrict a depot's ability to dispute an issue. There is a model for dispute with power imbalances for First Nations model and this model should be adapted.

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/environmental-assessment-process/guidance-materials/indigenous-nation-guidance/dispute-resolution>

Section 11 Performance Management

In general the recommendations for targets and reporting measures have been detailed above but here are the details:

- cover the full category range of products
- 100% of paint depots to offer reuse options for paint (as a minimum offering collection for reuse)
- a goal of 100% collection of residuals
- target for collection coverage should be that 100% of the total population (not an SABC-derived subset) has access to either a collection depot, pick up option or a mail-back system (free of charge to the end user). This should apply to other types of generators as well.
- 95% of the population aware of the program by 2027 (and by 2030 100%) with work done to increase awareness of the full range of products, with specific metrics for the new ones (75% by 2028, 95% by 2030).
- participate in all waste composition studies requested by local governments (not just through SABC). Provide all data from the waste composition studies on the website.

Any reporting that can be third party audited should be to assure accountability and transparency.

There should be a list of all collection sites, what they collect, if they are local government/non-profit or private, which customer types they collect from (such as large volume generators), if reuse is offered, plus showing areas of province where there is no collection depot for reuse, or for specific product categories. The changes to collection sites should also note which regional district they are in. The program should report annually on the gaps and length of time a community has had no service. Collection events should not count as coverage. 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 IZW TAG is a good step.

Training for collection site staff should be a key performance indicator with secret shopper audits conducted to see if training is sufficient.

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.

Program costs should also be reported compared to the value of product introduced into the market annually (ask producers to report on the estimated sales value). This can show how relevant the fees are to producers and consumers. 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. The annual fees and changes since program inception should be included in each report.

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. There should be clear, ambitious targets for the new products set by the end of 2027.

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 expanded plan.

Sincerely,
Sue Maxwell

Chair,
Zero Waste BC