

**Ministry of  
Water, Land and Air Protection**

**British Columbia  
Industry Product Stewardship  
Business Plan**

**2002/2003 – 2004/2005**

**September 30, 2002**



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Water, Land and Air Protection**



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## 1.0 Introduction

Other jurisdictions and international bodies have recognized British Columbia as a leader in developing innovative product stewardship programs which shift the responsibility of managing specific wastes from general taxpayers to industry and consumers. Over the past 12 years the province has embarked on a number of product stewardship initiatives, at first financed through government levies and operated by government, and later through systems financed and operated by producers and consumers to manage the highest priority wastes. Product categories managed under these systems include scrap tires, lead-acid batteries, ready-to-serve beverage containers and the products that generate the greatest volume of household hazardous wastes.

Despite the success of these programs, British Columbia's solid waste system continues to impose a substantial burden on the environment and on taxpayers through the municipal waste management infrastructure. The strategic objective of this business plan is to guide the development of a waste management system in British Columbia where end-of-life management of a broad range of products is financed and operated by the private sector and consumers under results-based regulations. The plan is consistent with the province's New Era imperatives of broad tax relief, exemplary environmental stewardship, accountability and enhanced reliance on private sector delivery models. Expansion of industry product stewardship programs will also help create jobs and economic opportunity as well as benefit the environment.

This business plan has been developed in light of best practices around the world, advice from a consultant tasked with assessing program delivery options and the knowledge and experience gained during the development of the province's existing industry product stewardship programs. The plan establishes an industry product stewardship framework and process to guide the development of the province's new product stewardship initiatives and specific timelines for realigning existing programs to conform with the framework.

### 1.1 What is Industry Product Stewardship

Industry product stewardship is a waste management system based on the principle of user-pay, whereby responsibility for materials and products in the waste stream is borne by producers and consumers rather than general taxpayers.

In practice, it is either a brand-owner of a product or package located in the province, or the first importer into the province, that is designated as the party responsible for managing the product and packaging at its end-of-life.

### 1.2 Evolution of Product Stewardship in British Columbia

Recognizing that local governments did not have the resources to effectively manage certain waste streams, in 1991 the province implemented and directly operated recycling programs for lead-acid batteries and scrap tires. In 1992, sellers of lubricating oil were required to accept used oil without charge for recycling, either through a collection depot on site or at a nearby local depot under contract to the retailer. In 1994, an independent study<sup>1</sup> recommended a permanent system funded and operated by industry to collect and manage household hazardous waste (HHW). In response, the ministry enacted regulations which established industry stewardship responsibility for roughly 90% of the HHW stream by volume.

In 1998 the province expanded the long standing beverage container deposit-refund system to include containers of all ready-to-serve beverages, except milk and its substitutes.

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1. Greener Homes, Cleaner Communities - Waste Reduction Commission - Soils and Hazardous Waste - Report On A Provincial Strategy To Reduce And Manage Household Hazardous Wastes And Products, Dorothy Caddell, Waste Reduction Commissioner, January, 1994. <http://wlapwww.gov.bc.ca/epd/epdpa/ips/ghcc/>

The various programs are summarized in the following table:

#### Existing Product Stewardship Initiatives:

Program Name	Primary Responsibility
Financial Incentives for Recycling Scrap Tires (FIRST) Program (1991)	Government
Lead-acid battery program (1991)	Government
Used Oil (1992)	Industry (retailers)
Post-consumer paint program (1994)	Industry (brand-owners)
Medications (1996) solvents/ flammable liquids, domestic pesticides gasoline (1997)	Industry (brand-owners)
Beverage container deposit-refund system (1970 under Litter Act, 1998 under current regulation)	Industry (brand-owners)

### 1.3 Federal and International Context

At the federal and international level, the concept of industry product stewardship is generally referred to as Extended Producer Responsibility (EPR). Many jurisdictions around the world are exploring EPR as a policy model to assist in achieving waste reduction and taxpayer relief. In its publication entitled *Extended Producer Responsibility: A Guidance Manual for Governments*, the Organization for Economic Co-operation and Development (OECD) identified four key goals for EPR:

- Source reduction (natural resource conservation/materials conservation)
- Waste prevention
- Design of more environmentally compatible products
- Closure of materials use loops to promote sustainable development

### 1.4 Advantages and Benefits of an Industry Product Stewardship Approach

Industry product stewardship shifts financial and operational responsibility for managing end-of-life packaging and products from general taxpayers to producers and consumers. Key benefits of the framework identified in this business plan include:

1. **fairness for taxpayers and enhanced accountability** - since producers and consumers bear responsibility for managing wastes that they directly generate, rather than the general taxpayer subsidizing the waste management system. The model recognizes that the local government and provincial tax bases are an economically and environmentally ineffective financing mechanism.
2. **self-enforcing mechanisms** - since participating brand-owners have a financial interest in ensuring compliance to prevent "free riders", a "self-policing" mechanism is embedded in the system. Government enforcement action on non-compliant "free riders" remains important in order to ensure the maintenance of a level playing field within each sector.
3. **reduced overall costs and continuous system innovation** - since producers are provided with market incentives to design, produce and sell packaging and products that can be cost-effectively managed at end-of-life, private sector financial efficiency ensures that unavoidable costs in system delivery are minimized.

## **2.0 British Columbia Product Stewardship Framework**

The “New Era for British Columbia” commitments requires the adoption of principled approaches to environmental management that ensure sustainability, accountability, responsibility and exemplary environmental stewardship. Further, the province has also committed to local governments that provincial government offloading of costs onto municipal governments would not be permitted under the Community Charter legislation. For product stewardship programs, this means that there will be no shifting of legal waste management responsibility to local government without agreement.

The Ministry Service Plan calls for an improved product reuse and recycling business approach and expanded product reuse and recycling programs by end of 2004. The following establishes a framework that will guide the reform of existing programs and development of new product stewardship programs.

This framework has been developed based on best practices around the world including the OECD publication entitled *Extended Producer Responsibility: A Guidance Manual for Governments*.

### **2.1 Ministry Vision for Product Stewardship:**

*End-of-life products and packaging are managed under environmentally sound and effective waste management systems that are financed and operated by producers and users, rather than by general taxpayers.*

### **2.2 Product Stewardship Principles for British Columbia**

In light of the strategic direction toward producer financed and operated programs, the following fundamental principles establish this direction and will guide the process of reviewing existing programs and developing new product stewardship programs.

#### **Producer/User Responsibility**

- Responsibility for waste management is shifted from general taxpayers to producers and users.
- Responsibility is not shifted to other levels of government without consent.

#### **Level Playing Field**

- All brand-owners for a particular product category are subject to the same stewardship responsibilities.
- All consumers have reasonable access to product collection facilities.

#### **Results-based**

- Programs focus on results and provide brand-owners with flexibility to determine the most cost-effective means of achieving the desired outcomes with minimum government involvement.
- Product categories are clearly defined to simplify compliance and enforcement and ensure common understanding among program participants.
- Programs are tailored for individual products and encourage continued innovation by producers to minimise environmental impacts during all stages of the product lifecycle, from product design to end-of-life management.

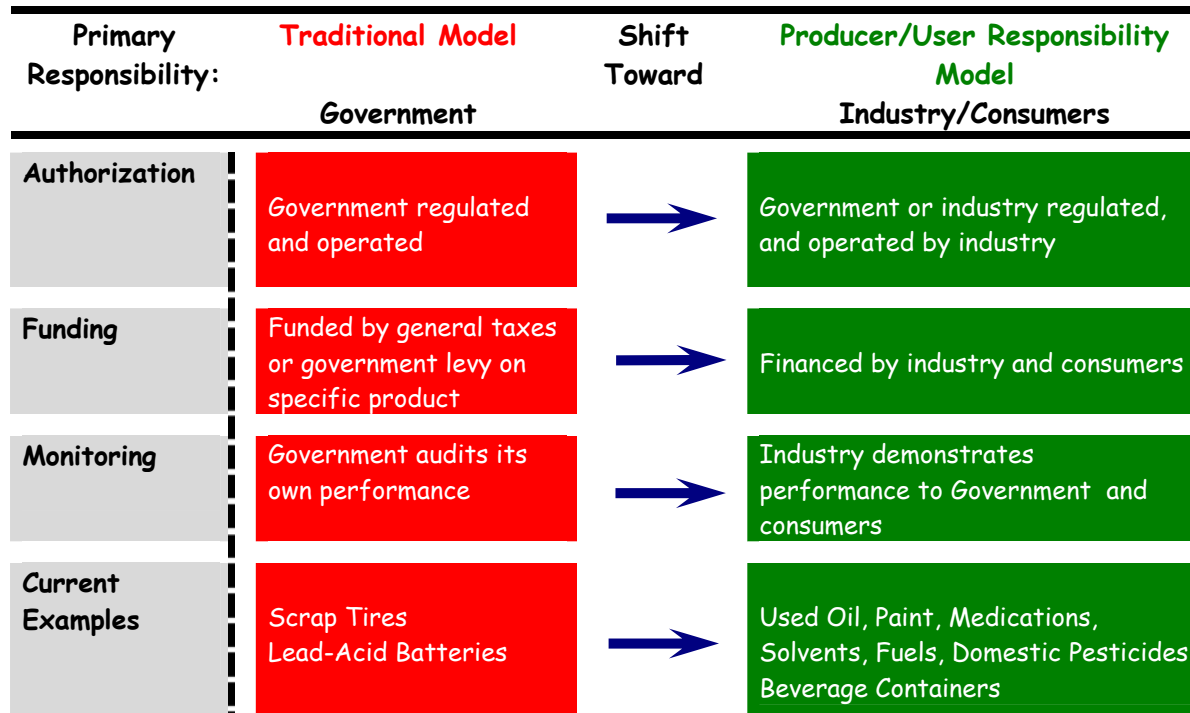
#### **Transparency and Accountability**

- Program development process is open and provides the opportunity for input to all stakeholders.
- Industry is accountable to both government and consumers for environmental outcomes and allocation of revenue from fees/levies.

### 2.3 Product Stewardship Regulatory Continuum

The Product Stewardship Regulatory Continuum graphically illustrates the strategic direction the ministry intends to follow.

## British Columbia Product Stewardship Regulatory Continuum

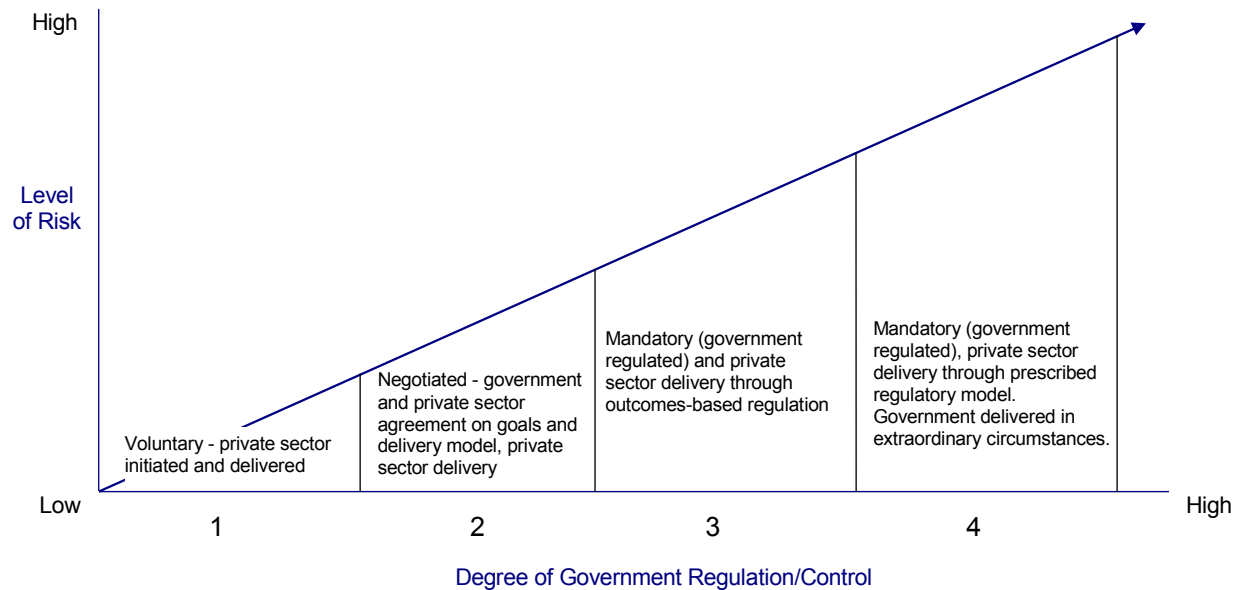


### 2.4 Results-based Regulation

The Ministry Service Plan envisions a shift toward results-based regulation. However, increased risk to the environment and/or costs to municipal waste management systems will require appropriate levels of regulation. This issue was addressed in the report, "Stewardship Options: A Review of Service Delivery Models", submitted by Sucha More & Associates. The report stated that, "...when there is a significant environmental, financial or health risk a mandatory approach may be appropriate, but when the risk is low it may be unnecessary. However, in low risk situations, regulation may be appropriate if an aggressive approach is deemed necessary to address other overarching objectives such as economic issues related to waste management." The following chart from the report illustrates the relationship between risk and degree of regulatory control.

### Continuum of Stewardship Models

Taken from *Stewardship Options: A Review of Service Delivery Models*



The ministry will develop a comprehensive results-based regulation designed to encompass most if not all of the regulated producer financed and operated product stewardship systems. This new regulation will enable government to establish an appropriate degree of regulation/control depending on the risk posed by the respective product category. Basic elements of such a regulation will include clearly defined outcomes, performance measures and reporting requirements and a clear delineation of the respective roles of the ministry, industry brand-owners, consumers and local governments.

#### 2.4.1 Outcomes

The ministry will work with industry brand-owners and key stakeholders to develop appropriate outcomes for each product category. As a minimum, outcomes will be consistent with the pollution prevention hierarchy of

1. reduce at source
2. reuse
3. recycle
4. recover materials and/or energy
5. manage residuals in an environmentally responsible manner

#### 2.4.2 Performance Measures

Under a results-based regulatory system, clear performance measurement is critical to ensure that desired outcomes are being demonstrably achieved and that strategic aims are being met. The ministry will work with industry brand-owners and key stakeholders to develop appropriate performance measures that indicate industry's progress toward achieving desired outcomes. Important in this respect is the fundamental difference between products such as lead-acid batteries and beverage containers, where maximum diversion from disposal of the end-of-life

product is the primary objective, and products such as paint and medications, where wise purchase decisions and full use of the content by consumers is an additional and very important outcome. While a simple recovery rate calculation will indicate performance in the first case, it would be insufficient in the second case, because achievement of the full use outcome would serve to lower the quantity of residual product available for recovery.

### **2.4.3 Industry Reporting Requirements**

In order for industry to demonstrate that results are being achieved, annual reporting to government and consumers will be required. Reports should include, as a minimum, the following information:

- program performance relative to defined outcomes;
- statement of how end-of-life products were managed after collection, expressed by product type;
- where separately disclosed fees are assessed at the point of sale, independently audited statement of program revenues and expenditures, and
- significant developments in the implementation and operation of the stewardship program including communications efforts, innovation in product management and any departures from stewardship plans.

### **2.4.4 Roles**

A clear delineation of the respective roles is critical to the operation of an effective product stewardship program. The following defines the respective roles under this framework for the ministry, industry brand-owners, consumers and local governments.

#### **Provincial Government**

- Define product stewardship outcomes based on government strategic direction and input from local governments and key stakeholders.
- Deliver the critical monitoring and enforcement functions.
- Approve plans.

#### **Industry**

- Design and implement product stewardship plans and achieve defined outcomes in a cost-effective manner.
- Inform consumers and other stakeholders (i.e. retailers, local governments, NGOs) about stewardship initiatives through effective ongoing communications programs.
- Demonstrate performance to Government and consumers through annual reports.
- Where fees or charges are separately disclosed on consumer sales receipts, publicly release annual independently audited financial statements of all program revenues and expenditures.
- Monitor marketplace and notify government of suspected non-compliance once reasonable efforts have been made to resolve the issue with relevant brand-owners.

#### **Consumers**

- Use products efficiently prior to recycling/disposal.
- Help pay for industry's product stewardship programs through purchase price of products.
- Separate materials and return them to the appropriate venue for environmentally sound end-of-life management.

## Local Government

- Cooperate reasonably with stewardship agencies' efforts to achieve the stewardship outcomes in areas such as municipal land-use zoning.
- At the option of the local government, participate with industry in providing return-collection infrastructure on an independently negotiated basis.

## 2.5 Stakeholder Dialogue

A meaningful dialogue with key stakeholders is critical to provide the province and the respective industry stewards with valuable input on program design, implementation and performance monitoring. The ministry will undertake a consultation program with affected stakeholders prior to amending an existing or enacting a new product stewardship regulation.

## 3.0 Assessment of Current Product Stewardship Initiatives

The following summarises the assessment of the ministry's existing programs against the product stewardship framework established in section 2 above.

### 3.1 Scrap Tires

The province introduced the Financial Incentives for Recycling Scrap Tires (FIRST) program in June, 1991, to divert scrap tires from landfills and illegal dumping. The program is partially administered by a private sector contractor under contract to government and is funded through the Sustainable Environment Fund, which receives contributions from a provincial levy of \$3 per tire on the sale of new tires. The ministry pays transportation and end use credits through registered processors to ensure transporters and processors can manage scrap car and light-medium truck tires.

#### Assessment against principles:

<b>Producer/User Responsibility</b>	Producers are not involved in the financing or operation of the program.
<b>Level Playing Field</b>	A level playing field regulation is not in place. Moreover, the levy on medium truck tires does not cover the cost of processing such tires, and there is no provision for large off-road tires.
<b>Results-based</b>	The system is not results-based under the current government model.
<b>Transparency and Accountability</b>	The Office of the Comptroller General, Ministry of Finance identified concerns regarding accountability for the attribution of revenue from the levy and recommended an industry product stewardship approach.

The FIRST program is not consistent with the ministry's product stewardship vision and principles. The ministry intends to replace the FIRST program with an industry product stewardship program consistent with the framework in Section 2, by March 31, 2003.

### 3.2 Lead Acid Batteries

The province introduced the British Columbia Lead-Acid Battery Program in June, 1991, to ensure that all lead-acid batteries, regardless of where they are purchased within the province can be

transported to battery processors. The program is partially administered by a private sector contractor under contract to government and is funded through the Sustainable Environment Fund, which receives contributions from a provincial levy of \$5 on each new battery purchased. The ministry pays processors and brokers an incentive, based on the London Metal Exchange price of lead, to cover battery transportation costs from generators to processors.

British Columbia is the only jurisdiction in North America where the government is involved in collecting an environmental levy to fund a lead-acid battery collection program. Over 40 US States successfully collect and recycle lead-acid batteries under a deposit-refund system that has been developed and endorsed by Battery Council International, which represents most major lead-acid battery brand-owners in North America.

#### Assessment against principles:

<b>Producer/User Responsibility</b>	Producers are not involved in the financing or operation of the program.
<b>Level Playing Field</b>	Similar to the scrap tire program, a level playing field regulation is not in place.
<b>Results-based</b>	The system is not results-based under the current government model.
<b>Transparency and Accountability</b>	The Office of the Comptroller General, Ministry of Finance identified concerns regarding accountability for the attribution of revenue from the levy and recommended an industry product stewardship approach.

The lead-acid battery program is not consistent with the ministry's product stewardship vision and principles. The ministry intends to replace the lead-acid battery program with an industry product stewardship program consistent with the framework in Section 2, by March 31, 2003.

### 3.3 Used Lubricating Oil

In 1992, the province enacted the Return of Used Lubricating Oil Regulation which requires retailers of engine oil, transmission fluid and gear oil to provide take back facilities for used residuals of these oil products, at no charge to the consumer.

#### Assessment against principles:

<b>Producer/User Responsibility</b>	Retailers, rather than producers are responsible for collection of used lubricating oil.
<b>Level Playing Field</b>	A level playing field regulation is in place, however, some retailers do not provide this service and enforcement is very challenging.
<b>Results-based</b>	The system is not results-based under the current model.
<b>Transparency and Accountability</b>	Low program visibility makes degree of retailer participation unclear and product collection and management results are not routinely disclosed.

The program is generally not effective or consistent with the ministry's product stewardship vision and principles. The ministry intends to support the Canadian Petroleum Products Institute's (CPPI) proposal to implement a product stewardship program for used oil, filters and containers similar to the successful programs in Alberta, Saskatchewan and Manitoba. The proposed CPPI system will

overcome the shortfalls of the current regulation and will also provide return-collection facilities for lubricating oil containers and filters. In order to facilitate the CPPI proposal and align the lubricating oil product stewardship program with the ministry's product stewardship framework, the ministry will include these product streams within the Post-Consumer Residual Stewardship Program Regulation by December, 2002.

### 3.4 Post Consumer Paint

The Post-Consumer Paint Stewardship Program Regulation ("paint regulation") requires producers of consumer paint products to establish a province-wide return collection and management system for unwanted post-consumer paints.

#### Assessment against principles:

<b>Producer/User Responsibility</b>	Producers are responsible for operating the paint return-collection system while users are responsible for paying for the system through industry imposed charges at the point of sale.
<b>Level Playing Field</b>	A level playing field regulation is in place.
<b>Results-based</b>	The regulation is not entirely results-based.
<b>Transparency and Accountability</b>	The industry system is accountable to government and consumers.

The paint regulation is generally consistent with the ministry's product stewardship vision and principles, except for the results-based criterion. Discussions and consultations are underway with a view to regulating paint under the Post-Consumer Residual Stewardship Program Regulation, and rescinding the paint regulation. This amendment, targeted for completion by December, 2002, would achieve a more level playing field for all regulated HHW product categories and transform paint stewardship into a results-based program.

### 3.5 Solvents/Flammable Liquids, Domestic Pesticides, Gasoline and Pharmaceuticals

The Post-Consumer Residual Stewardship Program Regulation ("residuals regulation") requires producers of solvents/flammable liquids, domestic pesticides, gasoline and medications to establish province-wide return collection and management systems for unwanted residuals of these products.

#### Assessment against principles:

<b>Producer/User Responsibility</b>	Producers are responsible for operating the residuals return-collection system while users are responsible for paying for the system through industry imposed charges at the point of sale.
<b>Level Playing Field</b>	A level playing field regulation is in place.
<b>Results-based</b>	The regulation is results-based, provided brand-owners assume responsibility under stewardship plans.
<b>Transparency and Accountability</b>	The industry systems are accountable to government and consumers.

The residuals regulation is generally consistent with the ministry's product stewardship vision and principles. In the short term, the residuals regulation will be utilized to consolidate existing non-conforming stewardship programs and to regulate any new or expanded stewardship programs. This regulation will also serve as a model for a comprehensive product stewardship regulation, which the ministry intends to develop by September, 2003.

### 3.6 Beverage Containers

Effective October 1, 1998, the Beverage Container Stewardship Program Regulation replaced the Litter Act. The regulation establishes a deposit-refund system for all containers of ready-to-serve beverages but exempts containers for milk, milk substitutes, flavoured milk, infant formulas, meal replacements and dietary supplements.

#### Assessment against principles:

<b>Producer/User Responsibility</b>	Producers are responsible for financing and operating the beverage container return-collection systems.
<b>Level Playing Field</b>	Except for the exempted beverage container categories, a level playing field regulation is in place.
<b>Results-based</b>	Aside from mandatory container deposits and refunds, the regulation is generally results-based.
<b>Transparency and Accountability</b>	The industry systems are accountable to government and consumers.

The beverage container stewardship program is generally consistent with the ministry's product stewardship vision and principles, except as noted respecting a level playing field. In this respect, the ministry has received a citizen petition indicating substantial public support for inclusion of dairy products within the existing deposit-refund system. The dairy industry has implemented a pilot milk container collection in partnership with taxpayer supported blue-box programs in Abbotsford and Mission, which will be completed in October, 2002. Following the completion of these pilot programs, the ministry will make a decision in consultation with key stakeholders on the issue of an appropriate return collection system for currently exempted containers by March, 2003. From September, 2002 onward, the ministry will also work with the Beverage Container Management Board and other stakeholders to identify opportunities to make the deposit-refund system more cost-effective and efficient, while maintaining high environmental standards. Appropriate changes will then be made to the program, either by amendments to the existing regulation or incorporation into the comprehensive stewardship regulation.

### 4.0 Expansion of Industry Product Stewardship

Significant interest has been expressed by local governments and other stakeholders in expanding industry product stewardship to include a broader range of product categories to further reduce demands on the municipal waste management infrastructure. The ministry intends to proceed with a phased expansion of industry product stewardship programs based on need, as determined through consultations with key stakeholders.

#### 4.1 Identifying Candidate Products

Identification of candidate products will require discussions with key stakeholders to identify and prioritise candidate products for consideration. The ministry is undertaking a review of potential products for new programs. The review is expected to be completed in the Fall of 2002. The ministry will also support industry product stewardship proposals where the relevant industry brand-owners approach the ministry with a product stewardship proposal consistent with the stewardship framework in section 2 of this plan.

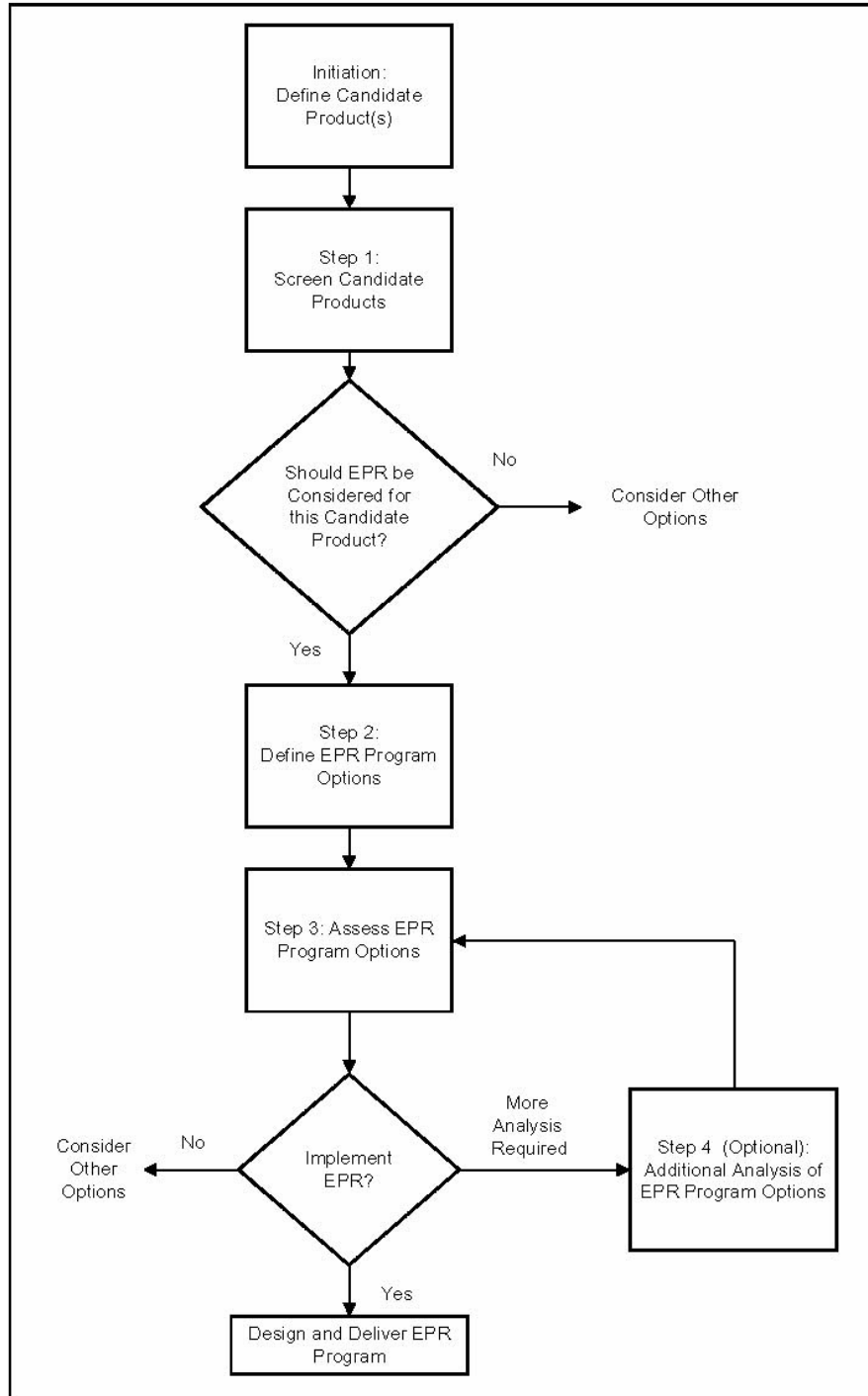
The following considerations will also be employed by the ministry in the process of identifying candidate products for industry product stewardship programs:

- **Local Government Needs and Support**
  - risks and costs to local government to manage waste stream in absence of industry program
- **Industry Receptiveness**
  - acceptance of the relevant industries
  - industry capabilities
  - availability of management/recycling technology
  - similar programs implemented in other jurisdictions
- **Public support**
  - public expectations and support
- **Ministry Resources**
  - short term development and implementation costs
  - ongoing compliance monitoring and enforcement costs
- **Relationship to Key Ministry and Provincial Priorities**
  - vibrant economy
  - sustainable environment

#### 4.2 Decision Making Tool

The January, 2002 report, “Assessing When to Implement Extended Producer Responsibility”, by Marbek Resource Consultants (available on the Ministry website), provides guidance on screening potential products and on program design. The process defined in the Marbek report will be used by the ministry to assess proposals for including new product categories under industry product stewardship regulations. The ministry encourages stakeholders wishing to propose candidate products for industry product stewardship to utilise the Marbek process in preparing the proposal.

The graphic on the following page illustrates an outline of the Marbek process:



### 5.0 Program Evaluation

Regular program evaluation is important to ensure ongoing system effectiveness. Under the results-based regulatory system this plan envisions, each program will be evaluated against defined outcomes, based on industry annual reports. The ministry will publish the results of its evaluation annually to assure government transparency to the public and industry. The ministry

reports will also identify actions that will be taken to improve system performance, including regulatory changes, where outcomes are not being achieved.

## **6.0 Work Plan**

This work plan is based on the assessment in section 3 above and the process to identify candidate products in section 4.

Notwithstanding the timelines described below, the ministry will also consider product stewardship for new products at any time if the relevant industry brand-owners approach the ministry with a product stewardship proposal that is consistent with the stewardship framework in Section 2 of this plan.

### **Short term (October - December, 2002)**

- Prepare an Order in Council to regulate consumer paint and lubricating oil, filters and containers under the Post-Consumer Residual Stewardship Program Regulation and repeal the Return of Used Lubricating Oil Regulation and the Post-Consumer Paint Stewardship Program Regulation.
- Continue working with other provinces, the federal government and industry to support implementation of a national, industry-led stewardship program for IT/Telecom refuse.
- Begin working with participants at all levels of the lead-acid battery product lifecycle to shift primary responsibility for this program from government to industry.
- Begin working with participants at all levels of the tire product lifecycle to shift primary responsibility for this program from government to industry, and consider an expansion to include all tire types.
- Assess new product categories (e.g. plastics, packaging, IT/Telecom and other electrical and electronic equipment, end-of-life autos) with respect to suitability for industry product stewardship according to the Marbek assessment matrix described in section 4.2, and begin program development as required, over the next two years.

### **Medium term (January - September, 2003)**

- Develop a comprehensive product stewardship regulation modelled on the Post-Consumer Residual Stewardship Program Regulation.
- Complete shift of primary responsibility for the battery program from government to industry.
- Complete shift of primary responsibility for the tire program from government to industry.
- Assess results of the dairy industry pilot milk container collection programs in Abbotsford and Mission and make a decision in consultation with key stakeholders on the issue of an appropriate return collection system for exempted containers.
- Complete work with the Beverage Container Management Board and other stakeholders to identify opportunities to make the deposit-refund system more effective and efficient, while maintaining high environmental standards.

### **Long term (October, 2003 - December, 2004)**

- Prepare an Order in Council to modify the beverage container program, either by amendment of the existing regulation or inclusion in a comprehensive stewardship regulation.
- Carry out review and audit of programs to ensure effective program delivery.

## References and Information Sources

1. **Assessing When to Implement Extended Producer Responsibility**, Marbek Resource Consultants, January 2002

[http://wlapwww.gov.bc.ca/epd/epdpa/ips/marbek\\_reports/finalrpt\\_2002.pdf](http://wlapwww.gov.bc.ca/epd/epdpa/ips/marbek_reports/finalrpt_2002.pdf)

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3. **Extended Producer Responsibility: A Guidance Manual for Governments**, Organization for Economic Co-operation and Development, October 2000

The OECD has provided Environment Canada with the executive summary of *Extended Producer Responsibility: A Guidance Manual for Governments* for downloading on the Environment Canada website.

<http://www.ec.gc.ca/epr/pdf/EPRGuideEng.pdf>

To preview the complete document:

<http://www1.oecd.org/publications/e-book/9701041e.pdf>

To purchase the complete document:

<http://www1.oecd.org/scripts/publications/bookshop/redirect.asp?pub=972001041P1>

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