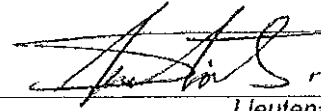


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

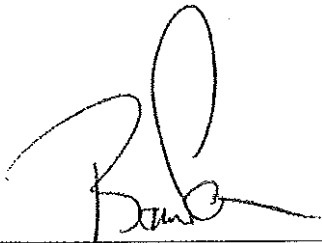
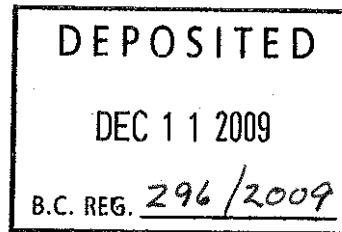
Order in Council No. 691, Approved and Ordered DEC 10 2009



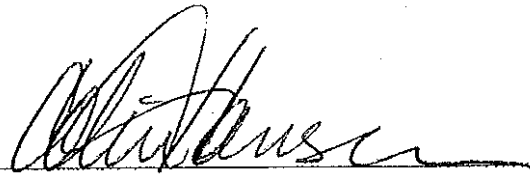
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Recycling Regulation, B.C. Reg. 449/2004, is amended as set out in the attached Schedule, the amendments to come into effect on the date of deposit unless otherwise indicated in the Schedule.



Minister of Environment



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Environmental Management Act, S.B.C. 2003, c. 53, ss. 21 and 138

Other (specify):- OIC 995/2004

November 9, 2009

R/853/2009/27

SCHEDULE

1 *Paragraph (b) (iii) of the definition of "producer" in section 1 of the Recycling Regulation, B.C. Reg. 449/2004, is amended by striking out "sale or distribution" and substituting "sale, distribution or use in a commercial enterprise".*

2 *Effective July 1, 2011, the definition of "product category" in section 1 is repealed and the following substituted:*

"product category" means any of the following categories described in the Schedules:

- (a) antifreeze product category;
- (b) beverage container product category;
- (c) solvent and flammable liquids product category;
- (d) pesticide product category;
- (e) gasoline product category;
- (f) lead-acid battery product category;
- (g) pharmaceutical product category;
- (h) lubricating oil product category;
- (i) empty oil container product category;
- (j) oil filter product category;
- (k) paint product category;
- (l) electronic and electrical product category;
- (m) tire product category;

3 *Section 2 is amended*

(a) by repealing subsection (2) and substituting the following:

(2) If a producer appoints an agency to carry out duties of the producer under Part 2 on behalf of the producer, the producer, before the agency begins to carry out those duties, must notify the agency in writing of the appointment, specifying the duties under Part 2 that the agency will perform on behalf of the producer, *and*

(b) by adding the following subsection:

(4) On the request of a director, an agency must provide the director with either or both of the following:

- (a) a list of producers the agency currently represents;
- (b) a copy of any notification the agency received under subsection (2) (a).

4 *Section 5 (1) (a) (i) is amended by striking out "a higher recovery rate" and substituting "another recovery rate".*

5 *Section 9 is amended by adding the following subsection:*

(4) A producer must notify a director in writing of the producer's intention to meet the requirements of this Part.

6 *Schedule 2 is amended by adding the following sections:*

Lead-acid battery product category

- 10** Effective July 1, 2011, the lead-acid battery category consists of lead-acid batteries weighing more than 2 kg, and includes, without limitation, lead-acid batteries for automobiles, motorcycles, recreation vehicles, marine vehicles and locomotives.

Antifreeze product category

- 11** Effective July 1, 2011, the antifreeze product category consists of automotive antifreeze and includes empty containers for this antifreeze.

Transitional – July 1, 2011

- 12** A producer that wishes to be covered by Part 2 [*Product Stewardship Plans*] of this regulation on July 1, 2011 in relation to the lead-acid batteries set out in section 10 of this Schedule must submit, on or before October 1, 2010, a product stewardship plan under section 4 [*submission of product stewardship plan*] of this regulation respecting those lead-acid batteries.

Transitional – July 1, 2011

- 13** A producer that wishes to be covered by Part 2 [*Product Stewardship Plans*] of this regulation on July 1, 2011 in relation to the automotive anti-freeze or empty automotive anti-freeze containers set out in section 11 of this Schedule must submit, on or before October 1, 2010, a product stewardship plan under section 4 [*submission of product stewardship plan*] of this regulation respecting that anti-freeze or those containers.

7 *Sections 2.1, 2.2 and 3.2 of Schedule 3 are repealed and the following substituted:*

Electronic and electrical product category – July 1, 2010

- 2.1** Effective July 1, 2010, the electronic and electrical product category is expanded to include the following products:
- (a) all of the following, if for desktop or portable use:
 - (i) scanners;
 - (ii) fax machines;
 - (iii) copying equipment;
 - (b) telephones and telephone answering systems;
 - (c) mobile devices designed primarily to connect to a cellular or paging network, including, without limitation, phones, cellular personal digital assistants and pagers;
 - (d) electronic or electrical audio visual and consumer equipment, including, without limitation, radio sets, cameras and video recorders designed for non-professional use, projectors, audio players, recorders, headphones, microphones, amplifiers, equalizers and speakers;
 - (e) fluorescent light bulbs and lamps sold for residential use;
 - (f) thermostats;

- (g) batteries for use in an electronic or electrical product referred to in this section, including primary and rechargeable batteries.

Electronic and electrical product category – April 1, 2011

2.2 Effective April 1, 2011, the electronic and electrical product category is expanded to include the following products:

- (a) small electronic or electrical appliances, including, without limitation,
 - (i) floor and carpet care appliances,
 - (ii) garment care appliances, including, without limitation, irons and mangles,
 - (iii) appliances for counter top cooking, including, without limitation, toasters, toaster ovens, fryers, hot plates, microwave ovens, coffee makers, coffee grinders, kettles, blenders, mixers and food processors,
 - (iv) knives,
 - (v) devices for opening or sealing containers or packages,
 - (vi) devices for measuring time,
 - (vii) personal care appliances, including, without limitation, hair cutting and drying appliances, tooth care appliances, shavers and massagers,
 - (viii) scales, and
 - (ix) portable air treatment appliances, including fans, air purifiers and humidifiers, but not including air conditioners;
- (b) smoke detectors;
- (c) batteries for use in an electronic or electrical product referred to in this section, including primary and rechargeable batteries.

Electronic and electrical product category – July 1, 2012

2.3 Effective July 1, 2012, the electronic and electrical product category is expanded to include the following products:

- (a) large electronic or electrical appliances, including, without limitation,
 - (i) large cooling appliances, including, without limitation, refrigerators, freezers and coolers,
 - (ii) clothes washing machines and dryers,
 - (iii) dishwashing machines, whether or not portable,
 - (iv) large heating or cooking appliances for food, including, without limitation, stoves, ranges, ovens and warming drawers,
 - (v) radiators,
 - (vi) large air treatment appliances, including, without limitation, furnaces and large heaters, dehumidifiers and air conditioners,
 - (vii) large fans and exhaust ventilation equipment,
 - (viii) water purifiers,
 - (ix) trash compactors and food waste disposal appliances,
 - (x) air conditioners, and

- (xi) microwave ovens other than counter top microwave ovens;
- (b) electronic or electrical tools, other than large-scale stationary industrial tools, including, without limitation,
 - (i) drills, saws and welding and soldering tools,
 - (ii) equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, punching, folding, bending or otherwise processing wood, metal or other materials,
 - (iii) tools for riveting, nailing or screwing or removing rivets, nails or screws,
 - (iv) sewing machines, knitting machines and other appliances for weaving or processing textiles,
 - (v) snow blowers and mowers and other gardening tools,
 - (vi) slot machines, and
 - (vii) bar code and point-of-sale scanners;
- (c) electronic or electrical appliances that automatically dispense money or products on demand;
- (d) electronic or electrical medical devices or equipment for detecting, preventing, monitoring, treating or alleviating illness, injury or disability, other than a medical device that has been implanted in a person or that has been exposed to infectious matter;
- (e) all electronic or electrical lighting equipment, parts and bulbs, including lamps, fixtures and flashlights, but not including fluorescent light bulbs or lamps sold for residential use;
- (f) electronic or electrical information technology or telecommunication devices, equipment or media, including
 - (i) typewriters,
 - (ii) pocket and desk calculators,
 - (iii) printers, scanners, fax machines, and copying equipment,
 - (iv) network and telecommunication equipment,
 - (v) devices, equipment or media for collecting, storing, processing, presenting or communicating information, including, without limitation, sounds and images,
 - (vi) telex machines, and
 - (vii) computer terminals or systems,but not including anything described in section 2 or 2.1;
- (g) electronic or electrical toys, leisure and sports equipment, including, without limitation, trains, car racing sets, cars and trucks, including remote control and ride on toys, video games and video gaming equipment and consoles, electronic or electrical biking, diving, running and rowing machines or computers and other sports equipment with electronic or electrical components, and electronic or electrical devices for arts, hobbies or crafts;

- (h) electronic or electrical monitoring and control instruments, including, without limitation, alarm systems, heating regulators and appliances for measuring, weighing or adjusting, but not including thermostats or smoke detectors;
- (i) electronic or electrical audio visual and consumer equipment or media, including, without limitation, musical instruments, products, equipment or media for recording, reproducing or distributing sound or images;
- (j) accessories for use with any products referred to in this Schedule, including cables, adapters, connection cords and chargers;
- (k) batteries for use in an electronic or electrical product referred to in this section, including primary and rechargeable batteries.

Transitional – April 1, 2011

- 3.2 A producer that wishes to be covered by Part 2 [*Product Stewardship Plans*] of this regulation on April 1, 2011 in relation to the electronic and electrical products set out in section 2.2 of this Schedule must submit, on or before July 1, 2010, a product stewardship plan under section 4 [*submission of product stewardship plan*] of this regulation respecting those electronic and electrical products.

Transitional – July 1, 2012

- 3.3 A producer that wishes to be covered by Part 2 of this regulation on July 1, 2012 in relation to the electronic and electrical products set out in section 2.3 of this Schedule must submit, on or before October 1, 2011, a product stewardship plan under section 4 of this regulation respecting those electronic and electrical products.