

Extended Producer Responsibility Compliance Framework

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Who does the Regulation affect?

Cascading definition of ‘producer’



“First point of import or sale”



What are a producer's obligations?

'Duty of a producer'

**Part 2:
Stewardship Plan
One or many producers**

OR

**Part 3:
No Stewardship Plan
Prescriptive requirements
One or many producers**



Stewardship plan



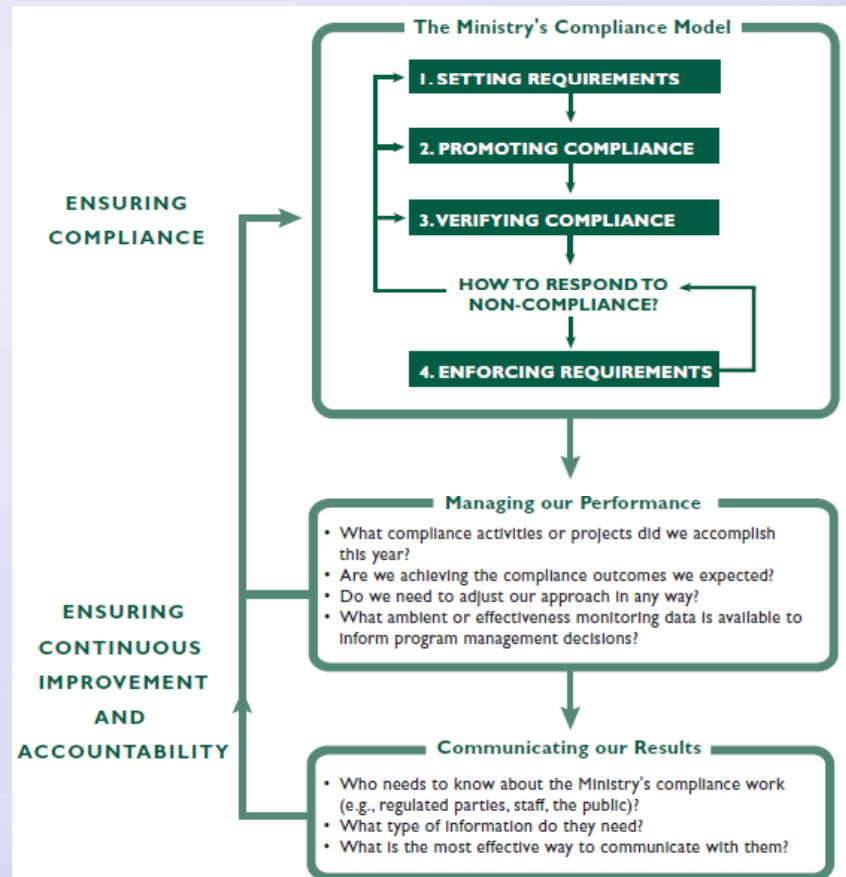
Notification obligation

How do we manage compliance & enforcement?

Compliance Management Framework

COMPLIANCE MANAGEMENT FRAMEWORK

The Ministry of Environment's Approach to Ensuring Compliance





What is the range of compliance and enforcement tools?

Compliance promotion

- Communications material for public and regulated community
- Stakeholder liaison

Audit and inspection

- Third party testing (“auditing”) of industry stewardship agency reports
- Inspections of material processors of industry stewardship materials

Admin. advisory and warning letters

- In response to alleged non-compliance

Achieving compliance is the primary objective



What is the range of compliance and enforcement tools?

Violation Ticket Fines

- Duty of producer
- Annual reporting
- Beverage container refunds

Public disclosure of non-compliance

- Public identification of non-compliant parties

Rescind plan approval

- May place producers in non-compliance

Charges under the Act

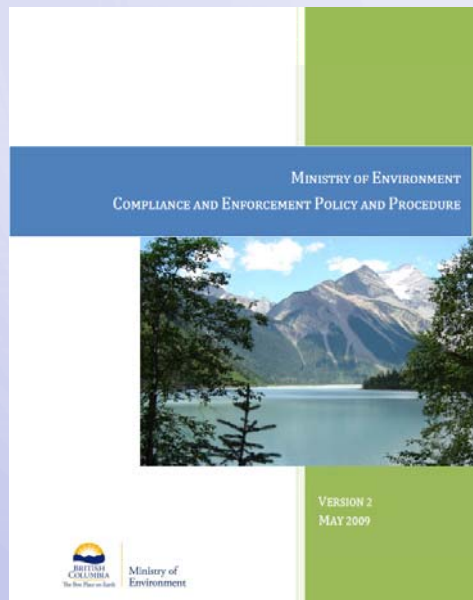
- Up to \$200,000 fine upon conviction

Enforcement action may be necessary in some cases



What guides decision making in the event of alleged non-compliance?

Compliance and Enforcement Policy and Procedure



		ESCALATING ENVIRONMENTAL, HUMAN HEALTH OR SAFETY IMPACTS (ACTUAL OR POTENTIAL)				
		LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
DIMINISHING LIKELIHOOD OF COMPLIANCE (COMPLIANCE HISTORY/WILLINGNESS AND CAPACITY TO COMPLY)	CATEGORY A (HIGH)	ADVISORY	ADVISORY WARNING	WARNING ORDER ADMINISTRATIVE SANCTION	ORDER ADMINISTRATIVE SANCTION INVESTIGATION	INVESTIGATION
	CATEGORY B	ADVISORY WARNING	WARNING	ADMINISTRATIVE SANCTION INVESTIGATION	INVESTIGATION	
	CATEGORY C	WARNING	WARNING ORDER ADMINISTRATIVE SANCTION	INVESTIGATION		
	CATEGORY D	WARNING ORDER ADMINISTRATIVE SANCTION	ADMINISTRATIVE SANCTION INVESTIGATION			
	CATEGORY E (LOW)	ORDER ADMINISTRATIVE SANCTION INVESTIGATION				

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	CATEGORY B	ADVISORY - WARNING	WARNING	ADMINISTRATIVE SANCTION - INVESTIGATION	INVESTIGATION	
	CATEGORY C	WARNING	WARNING - ORDER	ADMINISTRATIVE SANCTION - INVESTIGATION		
	CATEGORY D	WARNING - ORDER - ADMINISTRATIVE SANCTION	ADMINISTRATIVE SANCTION - INVESTIGATION			
	CATEGORY E (LOW)	ORDER - ADMINISTRATIVE SANCTION - INVESTIGATION				

Third party testing of non-financial information

Test procedures for “in scope” information		MOE Objective
1. Location and number of collection facilities	➔	Confirm number and locations of facilities
2. Recovery rate or collection quantity	➔	Confirm recovery/collection rate
3. Product management	➔	Confirm management strategies for collected materials



What are expected stakeholder roles?

Producers & agencies

- Monitor marketplace
- Make reasonable effort to solicit producer membership
- Monitor performance of alternate agencies/producer plans

Consumers & local governments

- Monitor performance of stewardship plans

Request government assistance/Advise of potential non-compliance

Ministry of Environment

- Compliance promotion
- Respond to potential non-compliance on advice of producers/local governments
- Audit, inspect, enforce

Achieving compliance is the primary objective



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