

Draft OPEIC Extended Producer Responsibility Program Plan

Brandon Martin
Vice President of Battery and Electric Products and Industry Affairs
Outdoor Power Equipment Institute of Canada (OPEIC)

Re: Feedback on the Draft Plan

Dear Mr. Brandon Martin,

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 exists. We commend the program for its shift to permanent collection sites, implementing a service provider partnership for collection, transportation and processing, increasing consumer awareness and partnering on community collection events.

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. As programs should strive for continuous improvement and to create higher targets for each plan, we do not recommend a permanent plan or “evergreen plan, but rather updated plans each time that reflect the drive for excellence, the current context and the learnings from the previous actions.

We appreciate that webinars were held on the program's plan but recommend that the records of those sessions be made available online for those who were unable to attend those two dates and times.

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

Please see our comments by section below:

Section 3. Appointment of Steward Agency

A Board with industry representatives 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. This committee should be empowered to effect change for the BC program.

Section 4. Products Covered Under the Stewardship Plan

The intention behind regulating these products was to prevent them from being improperly disposed and to make it easy for the end users to responsibly dispose of them (as well as to foster design change). We appreciate that OPEIC accepts a range of products regardless of type of end user or if the manufacturer no longer exists or makes those products.

Though not in the regulation, we encourage OPEIC to accept the full suite of products that its producers sell (i.e. those that are powered by fossil fuels and not just electric ones).

Section 5: Stakeholder Consultation

The draft program plan should be updated. It is unclear if the general public is encouraged to participate in the stakeholder consultation. An effort should be made to meet the people where they use or buy 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 should capture populations that are underserved by the program, and engage with those that do not speak English as a first language.

Section 6. Collection System and Consumer Accessibility

The creation of a one-stop shop collection network is appreciated. We support collection locations being available in all urban and suburban communities as well as all rural communities where these products are sold. We do not agree with the Stewardship Association of BC's (SABC) definition of rural community being populations of 4,000 -30,000 and exclusion of smaller communities (those under 4,000). 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 OPEIC 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. The 2022 Annual report shows only 5 regional districts out of 27 even have one location that

will accept lawn tractors. **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) for all types of products (handheld, bulky and lawn tractors).**

We concur with the Ministry that “OPEIC must also work with the producers and retailers to meet this provision for direct on-line sales to rural locations” . The plan should analyze its accessibility with full coverage in mind and that should identify the current gaps. **A target of 2026 for full coverage is recommended** given the program has already had four years to fill in current gaps.

We recommend that collections and sales should be measured per unit. This will avoid issues where products change weight (usually becoming lighter) and allow for a more accurate measurement of recovery rate. **OPEIC should clearly state unit sales per category, units collected per category and should also publish the average lifespan of each product category in annual reports.** Data on battery collection should be tracked and published.

OPEIC should participate and fund appropriately all solid waste composition studies that local governments and First Nations conduct, not just the few that SABC commits to.

The program should list all of its sites in the plan. 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 of other programs 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.

The program should set a goal of 100% collection of end of life EOPE and work towards it with interim targets.

OPEIC should assess the convenience of accessing depots through surveys similar to the one conducted by the Ministry in 2018. The 2018 BC survey noted 20% of the public had recycled their EOPE and 5% had thrown it in the garbage; 37% of residents found recycling outdoor power equipment very convenient and another 39% found it somewhat convenient.² While OPEIC has developed contracted sites and increased that number since 2018, a target to raise this number as well as a commitment to conduct an annual survey to measure it would be useful. When asked why these items may have been thrown in the garbage, 32% did not know the item was recyclable), 34% did not know where to take it and a significant 23% said there was nowhere to take it or no way to get it there. This shows some key areas the program plan should address.

² 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.

Section 7 Consumer Awareness

It is good news that OPEIC has improved its consumer awareness through the actions noted in its annual report but a goal of 70% is no longer suitable. Given the rise from 29% in 2017 to 67% in 2022, the **goal should be to get 95% of the population aware** of the program by 2029 (and later 100%) with work done to increase awareness of the full range of products accepted. 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 an annual survey with 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. This should include for materials in other languages to see if they reached the targeted audience and were effective.

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, or ecomodulated, fee system based on certain criteria such as lifespan, repairability, use of easy to recycle materials, etc. to drive product design change as intended by the Canadian Council of Ministers of Environment. Differential fees should be part of the product cost and a driver 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.

The key way to measure if the contracted service provider is offering suitable fees for service is whether or not the program is able to offer service in each community with service providers that are not required to subsidize the program themselves (as many local government depots do to ensure service exists). The studies conducted on costs failed to factor in the need to be open a certain number of hours for consumers to see it as a viable option. Just like stores are not only open for the number of hours in which all sales occur, return facilities also need to be open more than the time it takes to collect items in order to be convenient to those returning items. We recommend the same hours be provided as noted in the Recycling Regulation for

producers choosing not to join a collective plan. Consideration for recent costs increases to depots for retaining staff and inflation should be factored in.

If OPEIC 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.

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. This should be a key role of the program.

Reuse, Repair and Refurbishment

The program should work to encourage and report back on the actions the producers are taking to use reusable packaging (report on number and amount of packaging, percentage of total sales of EOPE using this, etc.).

The program should work to recover parts from returned items and use them or make them available for repair. Support for repair and maintenance should be part of the program plan and the barriers noted can be overcome with support of the program.

Should the program not take the lead in redesigning its products, the provincial government (themselves or with senior 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. The program plan should advance upon what was stated in the 2020 program plan assuming the actions noted in that plan have occurred.

A suitable process for safe management *by the program* of batteries in all products, including bulky items, should be mapped out.

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.

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,
Board Chair,
Zero Waste BC