



Department of  
Environment and Labour

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*Our File Number*

Lorrie Roberts  
Manager, Waste-Resource Management  
Environmental and Natural Areas Management

June 5, 2007

Dear Stakeholders:

In August 2006, the Atlantic Council of Ministers of Environment (ACME) created the Atlantic Solid Waste Resource Committee (ASWRC) to work, in consultation with industry, to identify potential opportunities to harmonize and develop common programs to manage used oil, containers and filters, waste paint and electronic waste products. ASWRC is comprised of senior representatives from the four Atlantic Environment Departments and representatives from the provincial solid waste recycling affiliates.

Under its broad mandate, ASWRC identified as its top priority, the harmonization of waste paint programs. To accomplish this, ASWRC has developed a model regulation that each Province could potentially adapt to suit its specific needs. The model regulation is based upon experience with Nova Scotia regulations and previous work undertaken in the other jurisdictions.

ASWRC now hopes to obtain through consultation, your comments and feedback on the proposed model regulation to ensure it reflects your viewpoints, and your support of recommendations to the ACME to harmonize waste paint regulations in Atlantic Canada.

Also, attached to this letter is a separate and additional component for consultation from Newfoundland and Labrador for your attention and feedback.

Please provide **ALL** your comments in writing by July 1st to:  
Nova Scotia Environment and Labour  
Attn: Waste-Resource Management Branch  
5151 Terminal Road  
P.O. Box 697  
Halifax, N.S. B3J 2T8  
Email: [swrm@gov.ns.ca](mailto:swrm@gov.ns.ca)

For additional information, contact Lorrie Roberts at Nova Scotia Environment and Labour, Waste-Resource Management Branch. Tel: (902) 424-6344 email: [robertla@gov.ns.ca](mailto:robertla@gov.ns.ca).

We thank you for your attention.

Sincerely,

Lorrie Roberts  
Manager Waste-Resource Management

LR/hm  
Attachment

## ATLANTIC REGION MODEL REGULATION FOR CONSUMER PAINT PRODUCT STEWARDSHIP

The following model regulation was created by the Atlantic Solid Waste Resource Committee with an aim to facilitate harmonized policy on management of post-consumer paint products in the Atlantic Provinces. This model regulation can be adapted by each Province to suit their specific needs. By consulting on this “model” regulation the Committee hopes to provide Atlantic Ministers with stakeholder views on the approaches reflected in this document and simplify the process for establishing regulations in each province.

### 1 Definitions

- (a) “Administrator” means a person designated by the Minister;
- (b) “Board” means the [insert proper name of] Board;
- (c) “brand owner” means a manufacturer, distributor or importer of a consumer paint product sold, offered for sale, or otherwise distributed in the Province;
- (d) “consumer paint product” means
  - i. any latex, oil or solvent-based architectural coating,
  - ii. any stain, varnish, lacquer or other wood or masonry treatment product,
  - iii. any type of paint sold in a pressurized aerosol container,for residential, institutional, commercial and/or industrial use; but does not include: a specially formulated industrial, automotive or marine coating; non-latex concrete sealant; or bottled paint for hobby, artistic or cosmetic use;
- (e) “consumer paint product stewardship program” means a program that
  - i. establishes a process for the collection, transportation, recycling and, where no further options exist, disposal of any residual components of post-consumer paint products; and
  - ii. incorporates the principles of extended producer responsibility and internalization of costs;
- (f) “empty container” means a container that holds less than 3% residual by volume;
- (g) “Minister” means the Minister of [insert proper name of Department];

- (h) "post-consumer paint product" means a consumer paint product and its container that are no longer used or required by a consumer, but does not include an empty container;
- (i) "retailer" means a person who sells or offers for sale a consumer paint product to a consumer;
- (j) "return collection facility" means a place operated by or on behalf of a brand owner for the collection of post-consumer paint products.
- (k) "wholesaler" means a person who sells a consumer paint product to retailers, other merchants, or industrial, institutional, and commercial users, for resale or business use.

- 2 The Minister may appoint an Administrator for the purposes of administering a consumer paint product stewardship program.
- 3 (1) No brand owner of a consumer paint product shall sell, offer for sale or otherwise distribute a consumer paint product in or into the Province after [insert date] unless:
  - (a) the brand owner operates a consumer paint product stewardship program; and
  - (b) the consumer paint product stewardship program is authorized by the [Minister/Board] in accordance with criteria outlined by the [Minister/Board].
- (2) The brand owner may designate a third party to operate a consumer paint product stewardship program on its behalf.
- (3) No retailer or wholesaler shall sell, offer for sale, or otherwise distribute a consumer paint product in or into the Province after [insert date] unless the brand owner from whom the product was acquired has a consumer paint product stewardship program authorized by the [Minister/Board].
- (4) The [Minister/Board] may cease sale in or into the Province of any consumer paint products belonging to brand owners not complying with any clause of section 3.

- 4 (1) A consumer paint product stewardship program proposal shall be submitted to the [Minister/Board] for authorization by [insert date].
  - (2) Upon receipt of a proposal for a consumer paint product stewardship program, the [Minister/Board] shall:
    - (a) authorize the program with or without terms or conditions;
    - (b) refuse to authorize the program and provide reasons, in writing, for the refusal; or
    - (c) request any additional information that the [Minister/Board] considers necessary to make a decision on program authorization.
  - (3) All consumer paint product stewardship programs shall be operated in accordance with the terms and conditions of the authorization made pursuant to clause 4(2)(a).
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- 5 (1) A consumer paint product stewardship program shall include:
    - (a) An education and awareness program for consumers of consumer paint products that includes information respecting
      - (i) the consumer paint product stewardship program,
      - (ii) consumer access to return collection facilities, and
      - (iii) the environmental benefits of participating in the consumer paint product stewardship program;
    - (b) A list of return collection facilities and their operating hours;
    - (c) A description of the proposed methods to reuse or recycle post-consumer paint products and components.
  - (2) Every retailer shall provide information pursuant to clause (b) above, at the point of display or sale.
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- 6 (1) Every brand owner operating a consumer paint product stewardship program shall, on or before June 30 of each year or on some other date required by the Administrator, inform the Administrator in writing of the total quantity of post-consumer paint products collected.
  - (2) Every brand owner operating a consumer paint product stewardship program shall, upon request in writing by the [Minister/Board], provide the

[Minister/Board] with information on any of the following aspects related to their consumer paint product stewardship program including:

- (a) the types of processes used to reuse, recycle and/or recover post-consumer paint products;
  - (b) the location of return collection facilities;
  - (c) the location of any long-term containment or final treatment and processing facilities for post-consumer paint products;
  - (d) adherence to established vendor qualification standards or provide information demonstrating that post-consumer paint products collected were managed in a manner that employs environmental and occupational health and safety standards meeting or exceeding applicable federal, provincial, and local regulations;
  - (e) efforts made to improve the environmental design of the brand owner's consumer paint products;
  - (f) the total amount of consumer paint products sold
  - (g) copies of the annual financial statements prepared by an independent auditor of the revenues received and the expenditures incurred.
  - (h) any other information requested by the [Minister/Board].
- (3) On receipt of the information submitted pursuant to subsection 6(2), the [Minister/Board] may require the brand owner to submit a revised proposal for a new consumer paint product stewardship program to the [Minister/Board] for authorization.

7 An operator(s) of a return collection facility which collects post-consumer paint products shall not charge a fee for accepting post-consumer paint products.

8 Brand owners, retailers and wholesalers are prohibited from visibly charging consumers for administrative fees or for any other costs associated with their respective obligations under the regulation.

9 No person shall falsify, render misleading or fail to provide any information, report or record required.

10 No person shall fail to follow the conditions of an approval to operate a consumer paint products stewardship program.

May 22, 2007

Dear Stakeholder:

The Province of Newfoundland and Labrador is considering incorporating some or all of the following options in the regulations and would also request your input on these points:

- the mandating of a single industry stewardship organization to take responsibility for paint recovery and recycling on behalf of all brand owners in Newfoundland and Labrador, rather than allowing individual brand owners the right to operate their own recovery and recycling programs separate from one another which, in our view, could cause confusion among consumers as well as inefficiencies in the operation of a province-wide initiative;
- the establishment of specific performance targets over agreed upon time lines for the recovery and recycling of post-consumer paint products, as a key accountability measure for industry stewards (e.g. 50% recovery of waste products by the year 2010);
- a requirement for industry stewards to make investments in R &D and market development activities as appropriate to maximize recycling opportunities on a sustainable long-term basis, as a means in turn of maximizing local economic benefits; and
- the incorporation of financial penalties for non-compliance by industry, including penalties for failure to meet specific performance targets set in a approved industry stewardship program plan, both of which would serve as an "incentive" for industry to meet their obligations under an Extended Producer Responsibility (EPR) model.

It is not necessary for you to submit your comments on these points separately. Your input can be submitted along with your comments on the broader issues raised in the covering letter.

Sincerely,

**DERRICK MADDOCKS, P. Eng.**  
**Director**