



AMENDMENTS TO THE DESIGNATED MATERIALS REGULATION TO INCLUDE PACKAGING AND PAPER PRODUCTS (PPP)

Guidance Document

On October 14, 2021, the Government of New Brunswick amended the Designated Materials Regulation under the Clean Environment Act to include Packaging and Paper Products (PPP).

This is a full Extended Producer Responsibility (EPR) program whereby brand owners of eligible materials are obligated to manage them from manufacture through to end-of-life. Materials include packaging, paper and packaging-like products.

Brand Owner

Any person who is a brand owner is considered obligated under the Designated Materials Regulation and is required to register with Recycle NB. According to the Regulation, with respect to packaging and paper sold, offered for sale or distributed in or into the Province, a brand owner:

- is a manufacturer of packaging or paper,
- is a distributor of packaging or paper,
- is an owner or licensee of a registered or unregistered trademark under which packaging or paper is sold, offered for sale or distributed, or
- if packaging or paper is imported into the Province, is the first person to sell the packaging or paper.

The Regulation does not apply to a brand owner who:

- generates less than two million dollars in gross annual revenue in the Province of New Brunswick,
- manufactures, distributes, sells, or offers for sale less than one tonne of applicable product annually in New Brunswick, or
- is a charitable organization registered under the Income Tax Act (Canada).

In the case of a franchise agreement, the Regulation does not apply to a person who is a franchisee. It applies to the franchisor who owns the intellectual property, patents, and trademarks of the brand or business being franchised.

Registration

According to the Regulation, no brand owner shall sell, offer for sale or distribute packaging or paper within the Province unless they are registered with Recycle NB. As part of transitional provisions, brand owners who sold, offered for sale or distributed packaging or paper within the Province prior to the Regulation amendment date of October 14, 2021 are required to register before February 11, 2022.

Brand owners or designated agents can register by completing an online form at <https://www.recyclenb.com/register>. They can also download registration forms at <https://www.recyclenb.com/downloads> and submit them by e-mail, mail or fax.

Stewardship Plan

Brand owners or agents acting on behalf of brand owners are required to submit a stewardship plan for packaging and paper to the Recycle NB Board upon registration. The requirements for a stewardship plan are outlined in the Regulation. As part of transitional provisions, brand owners who sold, offered for sale, or distributed packaging and paper within the Province before October 14, 2021 are required to submit a stewardship plan by October 14, 2022. Brand owners may also designate an agent to submit a stewardship plan on their behalf.

During the transition, brand owners who will be designating an agent to act on their behalf are encouraged to contact them to determine if they intend to submit a stewardship plan by the deadline.

Packaging

Packaging includes any material that is used for the containment, protection, handling, delivery, or presentation of a product that is provided to a consumer. Packaging includes, but is not limited to, items such as cereal boxes, chocolate wrappers, vegetable cans, boxboards for board games and puzzles, CD/DVD cases, jars, etc.

Packaging does not include:

- items that are unsafe or unsanitary or could become unsafe or unsanitary by virtue of their anticipated use and are as such not suitable to be recycled;
- items that are listed as designated materials in other sections of the Designated Materials Regulation, and
- items that are covered under the Beverage Containers Act.

The following are examples of packaging products that are not included: paint cans, oil and glycol containers, water bottles, business to business packaging, etc.

Paper

Paper includes any product that is provided to a consumer that is printed or intended to be used for printing. Paper products include, but are not limited to, items such as flyers, magazines, telephone directories, newspaper, catalogues, calendars and posters and paper used for printing or writing.

Paper products do not include items that are unsafe or unsanitary or could become unsafe or unsanitary by virtue of their anticipated use and are therefore not suitable to be recycled. It also does not include items such as reference books, literary books, and textbooks.

Packaging-like products

Packaging-like products are containers or coverings that are sold as a product and used by a consumer for their own packaging needs. They include single-use products, as well as those realistically intended to be used for a short term, typically for a period of five years or less,

regardless of whether they can be re-used or not.

For example, some reusable plastic food storage containers are made with plastic materials that are less durable and tend to break easily. The five-year time frame is intended to separate these items from more durable types of plastic materials, such as large plastic storage totes, which are designed for durability and tend to have much longer life spans.

Packaging-like products include, but are not limited to food storage, sandwich and freezer bags, foils and wraps, parchment paper, bags, boxes, Styrofoam and paper cups, plates and bowls, etc.

Packaging-like products do NOT include those designed for long-term use, for containment of waste, and those that are unsafe or unsanitary, or could become unsafe or unsanitary by virtue of their anticipated use. Following are examples of packaging-like products that are not included: totes and buckets, garbage bags, dog waste bag, biohazard waste bins and bags, etc.

***** Please note that these lists aim to provide examples but are not exhaustive and are not intended to limit the scope of definitions set in Regulation. In the event of an inconsistency between this document and the Regulation, the statute prevails. RNB is committed to working with the industry to clearly identify products that are part of the program, based on definitions set in the Regulation.***

The Packaging and Paper Products EPR Program aims to support circular economy efforts in the Province by keeping valuable materials in the economy and out of landfills. This reduces greenhouse gas emissions and helps protect our communities and our environment.

Recycle New Brunswick

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