Quebec Extended Producer Responsibility Regulation Changes

Call2Recycle Canada is pleased to share important news about changes to the EPR Regulation in Quebec as it pertains to batteries. Some of these changes come about as the result of our and other organizations work with the provincial government authorities on behalf of our Quebec members.

Background/History

Batteries were designated as a product category in Quebec under the Extended Producer Responsibility (EPR) Regulation of 2011. Since that time, we have consulted with government authorities about various aspects of the regulation requiring review and adaptation to reflect the realities faced by the Program. In October 2021, the Government of Quebec introduced draft legislation changes and Call2Recycle participated in the consultation period, engaging in sustained discussions with government authorities, focused on finding solutions.

Call2Recycle addressed key points in our comments, calling for a fair and equitable regulation system covering online sales, small sealed lead acid (SSLA) batteries and a mechanism to reduce administrative burden.

On June 15, 2022, the Government of Quebec published the final regulation (EN / FRE) that amends the existing Regulation on the Recovery and Reclamation of Products by Businesses, which is the extended producer responsibility legislation in the province. A copy of the press release announcing the changes can be found here (available in French only).

We encourage you to review the critical points below that summarize changes to the end-of-life management responsibilities for specific product categories.

Small sealed lead acid batteries

Effective January 1, 2023, the battery category will be expanded to include small sealed lead acid (SSLA) batteries weighing less than 5 kgs.

The inclusion of SSLA batteries in the legislation ensures fair treatment and a level playing field for producers to assume the costs of end-of-life management of these products.

Products sold with or in products

All categories except for 3 (electronic cigarettes, mobility aid vehicles and electronic personal care devices) are already in the Call2Recycle product guide. These 3 new categories of products will be evaluated for future inclusion in the battery recycling program. Following consultation and analysis, we will communicate shortly thereafter the impact of these new categories.

- Toys
- Drones
- Small lighting appliances
- Smoke and carbon monoxide detectors
- Tools
- Electronic personal care devices
- Electronic cigarettes
- Power-assisted bicycles (eBikes)
- Small means of personal locomotion such as scooters and gyroscopic vehicles
- Mobility aid vehicles
Revision of recovery rates for all categories

The regulation revises the minimum recovery rates to defer their application and slow their progression. Different product categories will have different recovery rate targets, and the deferral of their application will ease pressure on the targets.

In 2020 the minimum recovery rates were established at 25% for rechargeable and 20% for primary with a growth of 5% a year. The minimum recovery rates will revert to 25% for rechargeable and 20% for primary, with a growth of 5% every 2 years until a 50% recovery rate and a growth of 5% every 3 years until 65% has been achieved, starting in 2023.

Reference year to establish recovery rates

For primary batteries, the year of reference shall be 3 years prior to the year for which the rate is calculated.

For rechargeable batteries, the year of reference shall be 5 years prior to the year for which the rate is calculated. In the case of sealed lead-acid batteries weighing less than 5 kg, this may not be prior to 2022.

Transformation of the penalty system into a system of mandatory program reinvestment

According to the current system, penalties must be paid to the Environmental and Water Protection Fund (previously called Green Fund) when the minimum recovery rate is not achieved. According to the regulation, this penalty will be replaced by the obligation to implement a remediation plan and make appropriate investments that are equal to or greater than the penalties that would be applicable. The remediation plan and investments should allow the recovery and reclamation program to be improved so as to achieve the minimum recovery rate in subsequent years.

Inclusion of all online sales; the first importer will be obligated irrespective of domicile location

The new regulation proposes changes to the definition of a covered business to include businesses that do not have an establishment in Quebec, meaning that businesses without an establishment in Quebec but selling through a web platform will now be obligated as of January 1, 2023.

This benefits members as it places businesses on equal footing for sales made in Quebec.

Prohibition of parallel networks

The regulation obligates any company that collects a designated product to do so through a recognized or official program.

Publication of recovery program results/Change of administrative requirements

Many changes relate to reporting, audit information, and product traceability, including the requirement for public release of certain program data.

Additional categories regulated for recycling

Non-battery product categories now subject to end-of-life management include most agricultural plastics, obsolete pesticides, laboratory refrigeration equipment, pharmaceutical products, and pressurized fuel containers.
Should you have any questions regarding information contained in this email, our team is here to address them. Please feel free to reach out to customerservice@call2recycle.ca.

As always, we thank you for your support.

Call2Recycle Canada