

February 2, 2021

Proposed Amendments to the Beverage Containers Act (BCA)

Dear Stakeholder:

Environment and Climate Change (ECC) is seeking stakeholder feedback regarding three proposed amendments to the BCA.

The amendments will:

- better align the management of all beverage containers included in the Beverage Container Program, with a goal of enabling long term program efficiencies;
- reflect current legislative trends with respect to the environmental management (recycling) plan submission and approval process, as well as update the list of items to be included in the plan (*i.e.*, more closely align with New Brunswick's other waste diversion programs); and,
- help pave the way for improved consumer experience when returning their beverage containers.

If approved, the proposed amendments are expected to come into effect early 2022.

Although other ongoing Beverage Container Program initiatives are not included in this information, ECC intends to continue to engage with stakeholders on these other BCP initiatives.

For ease of reading, the terms “distributor” also means “producer”.

Proposed Amendment No 1.

Within the Beverage Container Program there are currently two distinct management systems for beverage containers: one for alcohol beverage containers and one for non-alcohol beverage containers. The BCA presently identifies the New Brunswick Liquor Corporation, referred to as Alcohol New Brunswick Liquor (ANBL), as responsible for the management of all alcohol beverage containers in the province, whereas for non-alcohol beverages, individual distributors are identified as responsible for the management of their containers.

The first proposed amendment is to remove the requirement that currently makes ANBL solely responsible for the management of all alcohol beverages in the province, thereby transferring the responsibility for managing alcohol containers under the Beverage Containers Program to the individual distributors of these beverages, similar to the way non-alcohol beverage containers are managed.

This proposed amendment will result in better alignment of the management of all the beverage containers included in the program and may enable long term program efficiencies.

It is expected that this proposed amendment will primarily impact alcohol distributors. Please see below a few anticipated questions and answers from this stakeholder group:

How will this change what I currently do?

The proposed amendment will require alcohol distributors to follow the same requirements as non-alcohol distributors for managing their beverage containers in NB.

The proposed amendment will require alcohol distributors to immediately submit a plan for the refilling or recycling of their beverage containers to ECC for approval and to meet other distributor requirements under the BCA. As an alternative, alcohol distributors may partner with an agent to fulfill these requirements on their behalf.

ANBL will support the process resulting from the proposed amendment with the goal of minimizing the additional administrative requirements to alcohol distributors.

Will there be any additional costs for me?

It is anticipated that there is enough monies through the current deposit/refund system to avoid any additional monetary costs. However, should it be determined that there is not enough money in the deposit/refund system there may be additional costs.

There will be some added administrative requirements and as indicated above, ANBL is prepared to support the process resulting from the proposed amendments with the goal of minimizing the additional administrative requirements to alcohol distributors.

Proposed Amendment No 2.

The BCA presently requires that the distributors, or agent working on behalf of the distributors, submit a plan to the Minister of Environment and Climate Change regarding environmental management (recycling) of the beverage containers for which they are responsible. The BCA also specifies what needs to be included in the plan.

The proposed amendments would:

- i) require the submission of the plan to the Minister of ECC for review and approval, with the approval being limited to a maximum of 5 years;

- ii) require applying for a renewal of the approved plan prior to expiry; and
- iii) add new requirements to be included in the plan which may include, but are not limited to, the following:
 - a description of the performance measures and targets centered around litter abatement, waste diversion, and consumer convenience, as well as how this will be reported annually;
 - a description of how beverage containers will be managed throughout the containers' life cycle to eliminate or reduce impacts to the environment (including greenhouse gas reductions) and public health and safety;
 - a description of improvement initiatives designed to drive efficiencies and cost savings in the program and how distributors (or agents) will work together related to these initiatives;
 - a description of a dispute resolution process for stakeholders;
 - a description of Quality Assurance and Quality Control measures to ensure counting and sorting accuracy
 - a description of a communication plan for informing stakeholders on new initiatives that may impact them;
 - details on research and development activities in the Province related to beverage containers;
 - a description of the process of registering new distributors with ECC; and,
 - a description of the process of registering new container types with ECC.

This proposed amendment reflects current legislative trends with respect to the environmental management (recycling) plan submission and approval process, as well as updating the list of items to be included in the plan (*i.e.*, more closely align with New Brunswick's other waste diversion programs).

It is expected that this proposed amendment will primarily impact agents who represent beverage container distributors. Please see below a few anticipated questions and answers from this stakeholder group:

How will this change what I currently do?

The proposed amendment will require an agent to submit a plan that will meet all requirements in the BCA, which includes the proposed additional plan requirements, for review and approval. The approval will be limited to a maximum of 5 years and require a renewal prior to the plan expiry.

Will there be any additional costs for me?

It is anticipated that the proposed added plan requirements will increase costs and administrative requirements to an agent. However, it is anticipated there is currently enough capacity through the current deposit/refund system to support any additional costs and/or administrative requirements.

Proposed Amendment No. 3

The BCA presently specifies immediate cash payment as the only refunding method for redemption centre operators who accept empty beverage containers from the public. The proposed amendment is to include alternative refunding methods other than immediate cash payments while still ensuring cash refunds are available to customers.

This proposed amendment will allow for more flexibility to the redemption centres and the public on how they are refunded, thereby improving consumer experience and better aligning with current legislative trends as it relates to consumer refunding.

It is expected that this proposed amendment will primarily impact redemption centres. Please see below a few anticipated questions and answers from this stakeholder group:

How will this change what I currently do?

Currently, the BCA requires a redemption centre to pay customers immediately and only in cash. This proposed amendment will allow redemption centres to pay a customer a refund by alternative means (such as e-transfer, cheque).

Will there be any additional costs for me?

It is not anticipated there will be any additional monetary costs or additional administrative requirements to redemption centres as a result of these proposed amendments since it is not mandatory (*i.e.*, only an option and at the discretion of the redemption centre).

Please review and provide comments on the above proposed BCA amendments by **March 3, 2021**. Comments can be provided to the attention of Mark Miller using the following e-mail address mark.miller@gnb.ca.

Should you have questions or require clarification regarding these proposed amendments or the other program improvement initiatives, please contact Mark Miller by telephone at (506) 453-6329 or by using the e-mail address provided above.

Respectfully,

Mike Cormier, P.Eng
Director
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Authorization and Compliance Division