



# Alberta's Extended Producer Responsibility Regulation

## Information for producers

### Introduction

Alberta's Extended Producer Responsibility (EPR) Regulation came into force on November 30, 2022. It requires obligated producers to have systems in place for single-use products, packaging and paper products (PPP) and hazardous and special products (HSP) by April 1, 2025.

This fact sheet is a reference guide for producers, including brand owners, importers and retailers. Please refer to the EPR Regulation and the Alberta Recycling Management Authority (ARMA) bylaws for complete details and requirements specific to your situation. Additional questions can be emailed to [AEP.RecyclingRegulation@gov.ab.ca](mailto:AEP.RecyclingRegulation@gov.ab.ca).

### Overview

EPR shifts the physical and financial burden of collecting, sorting, processing and recycling waste to producers who put materials into the market and away from local governments and taxpayers.

EPR means producers take responsibility for the products and packaging they put on the market at end-of-life. A single, province wide EPR system collecting a consistent list of products will save municipal taxpayers money, make recycling more accessible to communities that do not currently have systems and encourage better product design and innovation by producers.

### Obligated producer

The EPR Regulation defines a producer as the person determined to be the producer of a designated single-use PPP material under section 14, or the producer of a designated HSP material under section 23.

In Alberta, to supply a designated material means to manufacture, distribute, sell or otherwise transfer that material. A supplier of a designated material may be a producer in both the PPP and HSP parts of the regulation. For example, in the case where an HSP product has secondary packaging such as a box or plastic wrap, in addition to a container that is defined in the HSP section 21 of the EPR Regulation.

### Producer

Subject to the EPR Regulation, the person who produces designated PPP and HSP products that are supplied in Alberta to an end user is the obligated producer. The following highlights Alberta's producer hierarchy as set out in the EPR Regulation:

**Brand Holder:** If the brand holder of the designated material is resident in Canada, they are identified as the producer. The brand holder is responsible for fulfilling the obligations under the EPR program for the designated material.

**Importer:** If there is no resident brand holder, the importer of the designated material (resident in Alberta) becomes the identified producer. The importer assumes the responsibilities as the producer under the EPR system for the designated material.

**Retailer:** If no brand holder or resident importer are identified, the retailer who supplied the designated material to the consumer becomes the producer. The retailer is then responsible for fulfilling EPR obligations for the designated material.

**Additional information on producer hierarchy**

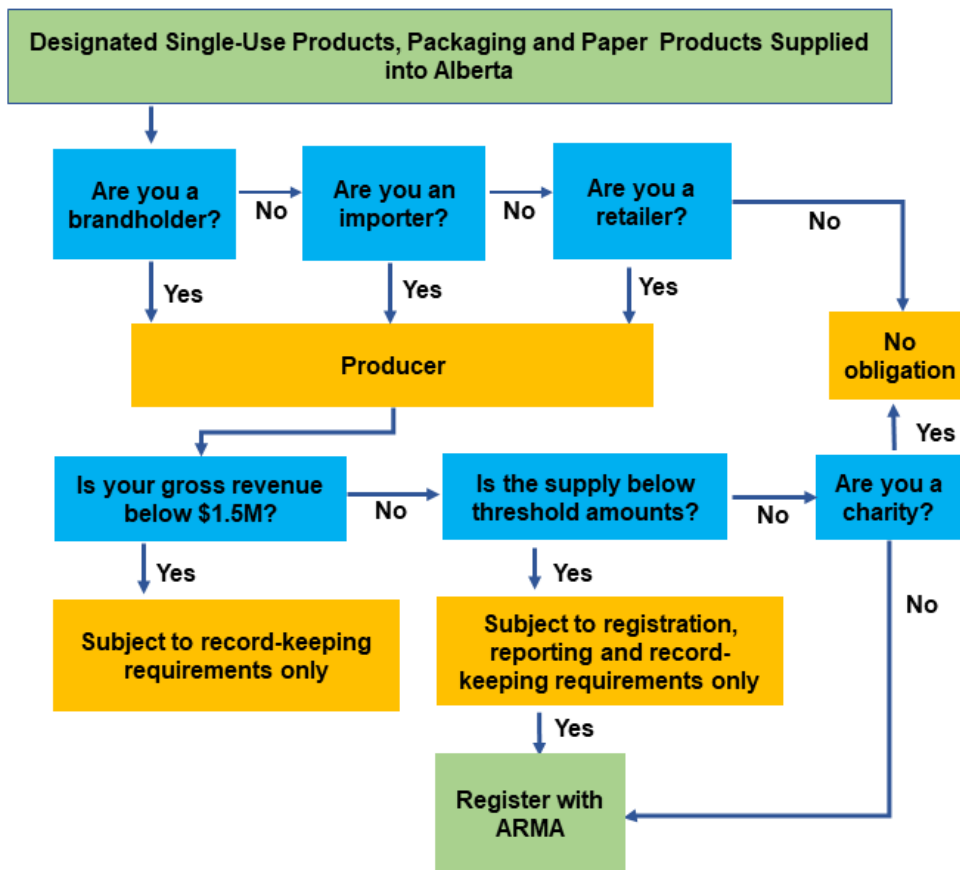
**Franchise operation:** In the case of a franchise business, if the franchisor has franchisees who are residents in Alberta, the franchisor is considered the producer. The franchisor assumes the producer responsibilities for the designated material.

**Added designated material:** If an importer adds a designated material to a package (e.g., cardboard box or plastic) for other purposes, then:

- If the importer is resident in Alberta, they become the producer of the added designated material.
- If no resident importer is identified, the retailer who supplied the product to the consumer becomes the producer of the added designated material.

**Figure 1** below outlines the sequence in which producers are identified for designated PPP materials, considering factors such as residency, brand ownership, importation and retail supply in Alberta.

**FIGURE 1: PRODUCER HIERARCHY FLOWCHART**



Using the flowchart above, here is an example: a pizza company distributes flyers to residents and provides PPP designated packaging (e.g., cardboard and plastics) for food sales. The company is not a franchise or an importer and is therefore a producer (as a retailer). In this case, the pizza company is obligated under the EPR Regulation and is also required to register with ARMA. Information about the volume of flyers and food packing will need to be tracked and reported to the ARMA, and the producer will be obligated to collect and recycle the material through a common collection system.

## Marketplace facilitators

A marketplace facilitator is a company or platform that operates an online marketplace where third-party sellers can list and sell their products. These platforms can include e-commerce websites, online marketplaces and other digital platforms that enable sellers to reach a wide audience. Examples of marketplace facilitators include Amazon, eBay and Shopify. Online platforms that facilitate the sale and distribution of products are included as obligated producers. If a producer is a marketplace seller, the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the producer for the purposes of the EPR Regulation.

## Producer responsibility organization

While producers are individually responsible for their regulatory obligations, they may choose to join one or more producer responsibility organizations (PROs) to act on their behalf to administer the system to collect, process and market their designated materials. Producers can join existing PROs or create a new PRO to efficiently discharge their regulatory obligations by working with other producers.

PROs will be responsible for signing-up individual producers, developing and entering material collection contracts, and providing performance reporting to the ARMA. More than one PRO can operate in Alberta for any designated material.

PROs must be not-for-profit and unaffiliated with recycling services or waste management services to register with the ARMA.

## Exemptions

The term "de minimis" or "de minimis threshold" refers to a minimum threshold or exemption level for producer obligations under the EPR program. The threshold sets a limit below which producers are exempt from contributing financially for the management and recycling of their designated materials, and other requirements such as reporting, registration, or record keeping. These thresholds are intended to reduce the administrative burden and costs for smaller businesses and those whose materials have a minimal impact on the system.

**Gross annual revenue threshold:** A gross annual revenue threshold is set at \$1.5 million and exempts small businesses from paying for recycling the materials the business puts into the Alberta market. Exempted small businesses will be required to maintain records, which can be audited or inspected to ensure compliance with the EPR Regulation and bylaws. There are no submission obligations of records by small businesses to the ARMA or provincial government in the EPR Regulation.

**Volume threshold:** Where a business' revenue threshold exceeds \$1.5 million, but the volume of material supplied into Alberta is below the following thresholds, the business is exempt from paying for managing their designated materials:

- 9 tonnes per year paper
- 2 tonnes per year ridged plastic
- 2 tonnes per year flexible plastic
- 1 tonne per year glass
- 1 tonne per year metal

Producers eligible under this exemption remain subject to registration, reporting and record-keeping requirements.

The preceding exemption values can be found in the agreement on [oversight and bylaws](#), and the ARMA can pursue changes over time, as needed (e.g., as economic factors change). Any changes to these thresholds will require the ARMA to consult with stakeholders and government.

## Producer obligations and registration

Producers can find more detailed information about the registration process in fact sheets on Alberta.ca. The Government of Alberta and the ARMA recognize it will take time for producers to develop their EPR systems, including considerations for collection and material management.

Most producers will be required to provide verification of collection and management plans to the ARMA by April 1, 2024. EPR systems for PPP will be operational by April 1, 2025. Producers should stay tuned to the [ARMA's website](#) for further information.

## **Additional information**

### **Common collection system**

A common collection system is a system that accepts all designated material that is designated under the EPR Regulation. Producers will be developing a common collection system with guidance from the EPR Regulation and the ARMA's bylaws. This allows producers flexibility to determine the most effective and efficient approach.

Specific details on individual products will be available from the ARMA once the system is closer to being fully operational. The ARMA's bylaws will define the registration process, provide details on exemptions and further classify designated materials.

### **Alternative collection systems (e.g. reverse logistics and reuse)**

EPR programs generally consider producers with reverse logistic systems in place in a positive light. These producers are often recognized for their efforts in implementing alternative collection systems in the form of take-back and recycling systems and enabling higher return rates for designated materials. Recognizing and supporting producers with reverse logistic systems incentivizes responsible waste management practices and facilitates the transition towards a more circular economy.

The ARMA is granted authority to consider and review the sufficiency of any alternative collection system for designated material (such as a mail back or return to retail system) before they are approved. The specifics of alternative collection systems will be clarified by the ARMA. Refer to the ARMA's website for up-to-date information.

### **Resale or reuse**

While resale and reuse can be effective circular economic strategies, they may not be applicable or feasible for all products or materials covered by EPR. The ARMA may have specific guidelines and requirements for material management, including considerations for resale and reuse practices. Producers should consult the ARMA's bylaws and the EPR Regulation to understand how resale and reuse can fit into the material management requirements.

### **Contact**

Alberta is committed to supporting producers in implementing the EPR regulatory framework in the province. For more information, contact [AEP.RecyclingRegulation@gov.ab.ca](mailto:AEP.RecyclingRegulation@gov.ab.ca).