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**Extended Producer Responsibility for Packaging, Paper Products and Packaging-Like Products Regulations**  
**made under Section 102 of the**  
***Environment Act***  
**S.N.S. 1994-95, c. 1**

**O.I.C. 2023-209 (effective August 1, 2023), N.S. Reg. 139/2023**

**Table of Contents**

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

[Click here to go to the text of the regulations.](#)

Citation	
Definitions	
Part I: Application and Exemptions	
Application	
Administrator	
Implementation date	
Exemptions	
Part II: Designated Material, Producer Determination, Readiness Report and Administrator	
Designated material	
Producer determination	
Readiness report	
Duties of Administrator	
Identification of Administrator	
Operating agreement	
Annual action plan and annual report	
Cost recovery	
Part III: Registry and Registration	
Registry	
Registration requirement for municipalities	
Registration requirements for producers	
Registration requirements for processors	
Registration requirement for producer responsibility organization	
Change in information	
Part IV: Duty to Collect	
Collection system	
Duty to collect	
Requirement for curbside or depot collection for residential premises	
Requirement for collection at facilities	
First Nations collection	
Part V: Material Management	
Material categories	
Material management requirements	
Part VI: Auditing, Reporting and Record Keeping	
Initial producer reporting requirements	
Annual reporting by producer	
Annual reporting by processors	
Records	
Small producers	
Audit of producer's practices and procedures	
Part VII: Promotion and Education	
Producer promotion and education requirements	
Information on common collection system	
Forms of promotion	

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## Citation

- 1 These regulations may be cited as the *Extended Producer Responsibility for Packaging, Paper Products and Packaging-Like Products Regulations*.

## Definitions

- 2 In these regulations,

“Act” means the *Environment Act*;

“Administrator” means a person appointed by the Minister under Section 4 and includes an acting Administrator;

“beneficial reuse” means reclaiming a material to act as a substitute material in another use because the material cannot be reclaimed to displace the primary or raw material from which it was produced and is practically unrecoverable for the original purpose for which it was created;

“collection system” means a system used to collect designated material from an eligible source;

“common collection system” means a collection system operated by a producer or producer responsibility organization that accepts designated material;

“consumer” means an individual in the Province who is an end user of a product and its packaging and who obtained the product and its packaging for personal, family or household purposes;

“convenience packaging” means material used in addition to primary packaging to facilitate an end user’s handling or transportation of 1 or more products and includes items such as bags and boxes that are supplied to an end user at checkout, whether or not there is a fee for these items;

“eligible source” means a residential premises and a facility;

“energy recovery” means extracting or producing energy, including fuels, from source-separated packaging, paper products and packaging-like products, but does not include incineration;

“facility” means any of the following:

- (i) a building or part of a building in which residential accommodation is provided or made available and contains multiple self-contained residential units, including an apartment building and a condominium, but does not include visitor accommodations,
- (ii) a public school or private school as defined in the *Education Act*;

“First Nation” means a council of the band as defined in the *Indian Act* (Canada);

“flexible plastic” means un moulded plastic, such as a plastic bag, plastic film, plastic wrap, a plastic pouch or plastic laminate;

“implementation date” means the date prescribed in Section 5;

“material management requirement” means the minimum material requirements that a producer must meet under Section 27 and in accordance with the Standard;

“municipality” means a city, an incorporated town, a municipality of a county or district or a regional municipality;

“operating agreement” means the agreement between the Administrator and the Minister required under subsection 12(1);

“packaging” means primary packaging, convenience packaging or transport packaging that is provided with a product and includes an ancillary product that is integrated into the packaging;

“packaging-like product” means a product that is ordinarily used for the protection, containment, handling, delivery, presentation or transportation of a commodity or product and includes items such as aluminum foil, metal trays, plastic film, plastic wrap, food containers, wrapping paper, paper bags, beverage cups, plastic bags, cardboard boxes and envelopes;

“packaging, paper products and packaging-like products” or “PPP” means packaging, paper products and packaging-like products primarily made from paper, glass, metal or plastic or a combination of these materials, but does not include any of the following materials:

- (i) a material included in the existing industry stewardship program under Part II of the *Solid Waste-Resource Management Regulations* made under the Act,
- (ii) packaging designed to contain pressurized gas or a hazardous product,

- (iii) a product designed for the containment of waste,
- (iv) a health, hygiene or safety product that by virtue of its anticipated use becomes unsafe or unsanitary to recycle,
- (v) packaging designed and used to contain or transport refillable beer containers, provided the producer meets the management requirements of the designated material as defined in Part V;

“paper product” means paper that is used for printing, copying, writing or any other general use, such as for a newspaper, magazine, promotional material, directory or catalogue, but does not include any of the following:

- (i) a hard- or soft-covered book,
- (ii) a reference or literary book or a textbook,
- (iii) a hard-covered periodical,
- (iv) paper that is not suitable to be recycled because it is, or could become, unsafe or unsanitary by virtue of its anticipated use;

“primary packaging” means material that is used to contain, protect, handle, deliver or present a product that is provided with the product to an end user at the point of sale and includes packaging designed to group 1 or more products for the purposes of sale, but does not include convenience packaging or transport packaging;

“processor” means a person who processes, for the purpose of resource recovery, PPP that was supplied to a consumer;

“producer” means a person determined to be a producer in accordance with Section 8;

“producer responsibility organization” means a person who has entered into an agreement with 1 or more producers for the purposes of carrying out 1 or more of the following responsibilities related to the designated material, but does not include a processor retained solely for the purpose of processing the designated material:

- (i) arranging, establishing or operating a common collection system,
- (ii) arranging, establishing or operating a promotion and education program,
- (iii) preparing and submitting a report,
- (iv) representing a producer for another purpose related to these regulations;

“readiness report” means a report submitted by a producer under Section 9;

“registry” means the registry described in Section 15;

“residential premises” means a house, town home and other self-contained premises used by a person for residential purposes and a seasonal dwelling and campground, but does not include visitor accommodations;

“retailer” means a person who supplies packaging, paper products or packaging-like products to a consumer in the Province, whether online or at a physical location;

“rigid plastic” means moulded plastic, such as a food or product container;

“small producer” means

- (i) a producer whose gross annual revenue in the Province is less than \$1 000 000, or
- (ii) a producer who supplies less than 1 tonne of designated material in the Province in a year;

“Standard” means the Packaging, Paper Products and Packaging-Like Products Material Management Standards published by the Minister;

“transport packaging” means material used in addition to primary packaging to facilitate the handling or transportation of 1 or more products by a person other than an end user, such as a pallet, bale wrap or box, but does not include a shipping container designed for transporting products;

“visitor accommodations” means a hotel, motel, resort or other accommodations where a person stays on a temporary basis.

## **Part I: Application and Exemptions**

### **Application**

- 3 (1)** These regulations apply only to the designated material prescribed in Section 7 that is supplied to a consumer.

- (2) Effective on and after the implementation date, a producer must not supply or distribute designated material in or bring designated material into the Province unless the producer or an agent of the producer is registered in the registry and operating in accordance with these regulations.
- (3) A producer may designate a producer responsibility organization to operate on its behalf in accordance with these regulations.

#### **Administrator**

- 4 (1) The Minister may appoint 1 or more Administrators to administer these regulations.
- (2) An Administrator appointed under subsection (1) must administer these regulations and perform the duties and responsibilities assigned.

#### **Implementation date**

- 5 For the purposes of these regulations, the implementation date is December 1, 2025.

#### **Exemptions**

- 6 (1) All of the following persons are exempt from the requirements of these regulations:
  - (a) a society incorporated under the *Societies Act*, except a society incorporated for educational purposes such as a university or college within the Province;
  - (b) a small producer.
- (2) Despite subsection (1), a small producer must comply with the requirements in Section 32.

### **Part II: Designated Material, Producer Determination, Readiness Report and Administrator**

#### **Designated material**

- 7 For the purposes of Part IX of the Act, packaging, paper products and packaging-like products are designated material for the purposes of these regulations.

#### **Producer determination**

- 8 (1) A producer of packaging, paper products and packaging-like products supplied in the Province is a producer for the purposes of these regulations if they are any of the following:
  - (a) the brand holder of the designated material, if the brand holder is a resident of Canada;
  - (b) if there is no person who meets the description in clause (a), the importer of the designated material, if the importer is a resident of the Province;
  - (c) if there is no person who meets the description in clauses (a) and (b), the retailer.
- (2) If a producer of packaging, paper products and packaging-like products is a business operated wholly or in part as a franchise, the producer for the purposes of these regulations is the franchisor if the franchisor has 1 or more franchises located in the Province.
- (3) Despite subsection (2), if an importer adds a designated material to a product for transportation or other purposes, the producer of the added designated material is 1 of the following:
  - (a) the importer of the product, if the importer is a resident of the Province;
  - (b) if there is no person who meets the description in clause (a), the retailer.

#### **Readiness report**

- 9 (1) No later than October 1, 2024, a producer must consult with every municipality in the Province and submit a readiness report containing all of the following information to the Administrator:
  - (a) a description of the consultation with the municipalities and how the feedback was addressed;
  - (b) a description of the actions planned or already undertaken to ensure that the requirements of Part IV will be met by the implementation date;
  - (c) a description of the actions planned or already undertaken to ensure that the requirements of Parts V, VI and VII are met.
- (2) A producer may designate a producer responsibility organization to prepare and submit a readiness report on its behalf.
- (3) After reviewing a readiness report, the Administrator must do 1 of the following:
  - (a) send written notice to the producer acknowledging receipt of the readiness report;

- (b) require the producer to provide any additional information that the Administrator considers necessary to evaluate the readiness report.

#### **Duties of Administrator**

**10** The Administrator's objectives are to do all of the following:

- (a) perform the duties and exercise the powers given to the Administrator under these regulations and in the operating agreement;
- (b) provide information relating to resource recovery in the Province and the Administrator's activities under these regulations;
- (c) enforce the obligations of producers, producer responsibility organizations, processors and municipalities under these regulations.

#### **Identification of Administrator**

**11** Unless otherwise revoked in writing by the Minister, the Minister is deemed to have appointed the Resource Recovery Fund Board established under Section 98 of the Act and Section 5 of the *Solid Waste-Resource Management Regulations* as an Administrator in accordance with subsection 4(1).

#### **Operating agreement**

- 12** (1) The Minister and the Administrator must enter into an operating agreement respecting the Administrator's activities in accordance with this Section.
- (2) The Administrator must comply with the terms and conditions of the operating agreement respecting their administration and oversight of the matters described in the operating agreement and these regulations, including the delegation of any powers, duties or functions of the Minister under these regulations to the Administrator.

#### **Annual action plan and annual report**

- 13** (1) No later than January 31 of each year, unless otherwise agreed to by the Minister, the Administrator must create, adopt and submit an annual action plan to the Minister.
- (2) No later than July 31 of each year, unless otherwise agreed to by the Minister, the Administrator must submit an annual report and audited financial statements respecting the implementation of its objectives during the previous fiscal year.
- (3) An annual action plan and annual report must be in the form and manner required by the Minister as established in the operating agreement and include all of the information required by the operating agreement.
- (4) The Administrator must make each annual report available to the public promptly after submitting it to the Minister.

#### **Cost recovery**

- 14** (1) The Administrator may recover its costs for the administration of these regulations from producers, processors and producer responsibility organizations and any other persons it registers or from whom it receives reports.
- (2) Despite subsection (1), the Administrator must not recover costs from a municipality unless the municipality is also a producer or processor.
- (3) Any methods established by the Administrator for cost recovery must be in accordance with these regulations and the operating agreement.
- (4) The Administrator must consult with the affected parties when establishing methods for cost recovery.
- (5) A person from whom the Administrator is recovering costs related to the administration of these regulations must pay the calculated amount to the Administrator at the times specified by the Administrator.

### **Part III: Registry and Registration**

#### **Registry**

- 15** (1) The Administrator must maintain and operate a registry for designated material.
- (2) The Administrator must register a producer, processor, producer responsibility organization and municipality that applies for registration in accordance with these regulations.
- (3) The Administrator may cancel or suspend the registration of a producer, processor or producer responsibility organization who contravenes these regulations and may reinstate the registration of a producer, processor or producer responsibility organization whose registration has been cancelled or suspended.
- (4) The Administrator may cancel the registration of a producer who
- (a) ceases to supply designated material in the Province; or
  - (b) after being registered has been exempt under subsection 6(1) in 3 consecutive calendar years.
- (5) The Administrator may cancel the registration of a producer responsibility organization that ceases to exist.

#### **Registration requirement for municipalities**

- 16 (1) On and after a submission date specified by the Administrator and no later than January 1, 2024, a municipality must apply for registration in the form and manner required by the Administrator.
- (2) A municipality's information in the registry must be transferred to the producers no more than 30 days after the date the registration period set out in subsection (1) ends.

**Registration requirements for producers**

- 17 On and after a submission date that is identified by the Administrator, but no later than January 1, 2024, every producer must register in the form and manner required by the Administrator.

**Registration requirements for processors**

- 18 On or after the implementation date, a processor must register as a processor in the form and manner established by the Administrator if the processor intends to provide services under Part IV to a producer or producer responsibility organization.

**Registration requirement for producer responsibility organization**

- 19 Within 30 days of entering into an agreement with a producer, a producer responsibility organization must register with the Administrator as a producer responsibility organization in the form and manner required by the Administrator.

**Change in information**

- 20 A producer, processor or producer responsibility organization must notify the Administrator of any change in the information submitted under this Section and submit updated information to the Administrator no more than 30 days after the date the information changed.

**Part IV: Duty to Collect**

**Collection system**

- 21 (1) On and after the implementation date, a producer must establish and operate a collection system.
- (2) A producer may meet the requirements of subsection (1) by establishing and operating a common collection system with 1 or more other producers that is operated by a producer responsibility organization on their behalf in accordance with subsection (3).
- (3) A common collection system operated by a producer responsibility organization on behalf of a producer must be established by a written agreement between the producer responsibility organization and each producer.
- (4) A single common collection system may be established and operated on behalf of all producers by a single producer responsibility organization.
- (5) A producer responsibility organization that has entered into an agreement with a producer to provide a common collection system must do all of the following:
- (a) establish and operate a collection system in accordance with this Part;
- (b) comply with any requirements under this Part that apply to a producer.

**Duty to collect**

- 22 A producer must ensure that every eligible source in the Province receives collection service in the form of a common collection system for designated material in accordance with these regulations.

**Requirement for curbside or depot collection for residential premises**

- 23 (1) A producer must provide curbside collection of designated material for all residential premises that receive curbside garbage collection in the Province.
- (2) A producer must provide depot collection of designated material for residential premises in the Province that do not receive curbside garbage collection.

**Requirement for collection at facilities**

- 24 (1) A producer must provide collection of designated material for every facility.
- (2) A producer who provides collection for a facility must provide receptacles for the storage of designated material at the facility until it is collected.

**First Nations collection**

- 25 (1) A producer must ensure that an offer is made by or on behalf of the producer to provide a common collection system to eligible sources within the reserve of a First Nation.
- (2) An offer under subsection (1) must meet all of the following requirements:
- (a) it must include details of how collection services will be provided;
- (b) it must be made to the First Nation no later than 6 months before the implementation date.

- (3) If an offer to provide collection service is accepted by the First Nation, every eligible source within the reserve of the First Nation is deemed an eligible source to which the collection requirements under Part IV of these regulations apply.

## **Part V: Material Management**

### **Material categories**

- 26 (1) All of the following are the material categories for designated material for the purposes of these regulations:
- (a) paper;
  - (b) rigid plastic;
  - (c) flexible plastic;
  - (d) glass;
  - (e) metal.
- (2) A producer must meet the management requirements specified in the Standard for the material categories listed in subsection (1) in accordance with this Part.
- (3) Subject to subsection (4), designated material must be assigned to a material category and no designated material may be assigned to more than 1 material category.
- (4) Despite subsection (3), designated material may be divided into separate components, and each component may be assigned to its own material category, as long as all of the components of the designated material are assigned to a material category.
- (5) Designated material must be assigned to the material category that best matches its primary characteristic.

### **Material management requirements**

- 27 (1) The material management requirements for the purpose of subsection (2) are specified in the Standard.
- (2) A producer must meet the material management requirements for material categories using the methods specified in the Standard.

## **Part VI: Auditing, Reporting and Record Keeping**

### **Initial producer reporting requirements**

- 28 (1) No later than October 1, 2024, a producer of designated material supplied to consumers must submit a report to the Administrator that contains all of the following information for the previous calendar year:
- (a) the total weight of designated material in each material category supplied to consumers in the Province for which the person is a producer;
  - (b) if applicable, the total weight of the designated material in each material category in clause (a) that was
    - (i) deposited into a receptacle at a location that is not an eligible source, and
    - (ii) collected from an eligible source at the time the product was installed or delivered;
  - (c) the total weight of designated material in each material category reported in clause (a) minus the total weight of the designated material reported in clause (b).
- (2) If the information is reported by a producer responsibility organization on behalf of a producer, the producer must provide an attestation of the information.

### **Annual reporting by producer**

- 29 (1) On or before May 31 in each year beginning in 2027, a producer of designated material supplied to consumers in the Province must submit an annual report to the Administrator that contains all of the following information:
- (a) the total weight of the designated material in each material category supplied to consumers by the producer;
  - (b) if applicable, the total weight of the designated material in each material category in clause (a) that was
    - (i) deposited into a receptacle at a location that is not an eligible source, and
    - (ii) collected from an eligible source at the time the product was installed or delivered;
  - (c) the total weight of designated material in each material category reported in clause (a) minus the total weight of the designated material reported in clause (b);

- (d) a description of the actions taken to meet the producer's requirements under Parts IV, V and VI, including the total weight of materials that were recovered from designated material collected under Part IV;
  - (e) a list of every processor that the producer retained to process designated material supplied to consumers in the Province;
  - (f) the producer's management requirement for each material category calculated in accordance with Part V, including the total weight of recovered resources it accounted for in respect of its management requirement in each material category and whether it met or exceeded its management requirement for each material category;
  - (g) the total weight of recovered resources reported under clause (f) that were
    - (i) marketed for reuse for their original purpose or function,
    - (ii) marketed for use in new products or packaging,
    - (iii) marketed for beneficial reuse, or
    - (iv) marketed for energy recovery.
- (2) If the information in clauses (1)(a) and (b) is reported by a producer responsibility organization on behalf of a producer, the producer must provide an attestation of the information.
- (3) Despite subsection (1), the Administrator may approve an alternative reporting date in writing.
- (4) The information contained in the annual report is for the calendar year before the year the report is required to be submitted.

#### **Annual reporting by processors**

**30** A processor must submit an annual report to the Administrator, in the form and manner established by the Administrator.

#### **Records**

**31** Each producer, producer responsibility organization and processor must keep all of the following in a paper or electronic format that can be examined in the Province for a period of 5 years from the date of their creation:

- (a) records related to arranging, establishing or operating a common collection system for the purpose of fulfilling responsibilities relating to designated material;
- (b) records related to information required to be submitted to the registry;
- (c) records related to arranging, establishing or operating a promotion and education program required under these regulations;
- (d) records related to the weight of designated material supplied to consumers in the Province for which the person is a producer;
- (e) any agreements relating to the information described in this Section.

#### **Small producers**

- 32** (1) A small producer must keep records that demonstrate that it meets the definition of a small producer in a paper or electronic format that can be examined in the Province for a period of 5 years from the date of their creation.
- (2) The Administrator may request that a small producer submit its records under subsection (1) to the registry to verify that the producer meets the annual financial or tonnage threshold exemption.
- (3) A small producer must provide the records under subsection (2) to the registry no more than 15 days after the date of the request, unless the deadline is extended by the Administrator.

#### **Audit of producer's practices and procedures**

- 33** (1) On or before April 30, 2030, and every 4th year afterward, a producer must have its practices and procedures respecting Part V for the 4 immediately preceding years audited.
- (2) On or before April 30, in any year in which an audit is required, a producer must prepare and submit a report on the audit to the Administrator that includes all of the following information:
- (a) a summary of the analysis in the audit of the information submitted by the producer in its annual report under clauses 29(1)(c), (f) and (g);
  - (b) a summary of the opinion provided by the auditor on whether the producer complied with its obligations under Part V, including any obligations described in the Standard, during the 4 calendar years subject to the audit.
- (3) The audit must be conducted by a qualified independent auditor.



## **Part VII: Promotion and Education**

### **Producer promotion and education requirements**

- 34** (1) A producer who is required to establish and operate a collection system for collecting designated material under Part IV must implement a promotion and education program for the purpose of sharing information and promoting the operation of the common collection system in accordance with this Part.
- (2) 1 or more producers and producer responsibility organizations may meet the requirements of this Part through a promotion and education program provided by another person on their behalf.
- (3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (1) applies.

### **Information on common collection system**

- 35** A promotion and education program established in respect of a common collection system provided by a producer must include all of the following information:
- (a) a list of designated material that must be deposited into designated material receptacles;
  - (b) a list of material that must not be deposited into designated material receptacles;
  - (c) a description of how to replace a designated material receptacle or obtain an additional designated material receptacle;
  - (d) a description of how the producer will fulfil its collection responsibilities, including,
    - (i) for a producer who provides curbside collection for an eligible source, the dates on which collection will occur, or
    - (ii) for a producer who provides depot collection, the location of every depot collection site and its hours of operation;
  - (e) a description of how to prepare designated material for placement in a designated material receptacle, including any direction about rinsing, flattening, sorting or bagging designated material;
  - (f) information on how to minimize litter from curbside recycling storage and on collection day;
  - (g) any additional information the Administrator may require.

### **Forms of promotion**

- 36** A promotion and education program must be provided in both of the following forms:
- (a) on a publicly accessible website;
  - (b) in print, and available upon request by an eligible source.

# Legislative History Reference Tables

Extended Producer Responsibility for Packaging, Paper Products and Packaging-Like Products Regulations  
Environment Act

N.S. Reg. 139/2023

*Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.*

## Source Law

The current consolidation of the *Extended Producer Responsibility for Packaging, Paper Products and Packaging-Like Products Regulations* made under the *Environment Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
139/2023	Aug 1, 2023	date specified	Aug 11, 2023

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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\*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

## Amendments by Provision

ad. = added  
am. = amended

fc. = fee change  
ra. = reassigned

rep. = repealed  
rs. = repealed and substituted

Provision affected	How affected
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Note that changes to headings are not included in the above table.

## Editorial Notes and Corrections

Note	Effective date
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## Repealed and Superseded

N.S. Regulation	Title	In force date	Repealed date
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