



# Amendments to the Waste Reduction and Recovery Act

## Summary of Policy Intentions



If you would like this information in another official language, call us.

English

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Si vous voulez ces informations dans une autre langue officielle, contactez-nous.

French

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Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

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Tłıchq yatı k'èè. Dı wegodı newq dè, gots'ō gonede.

Tłıchq

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ʔerıht'ıs Dēne Sųtıné yatı t'a huts'elkēr xa beyáyatı theʔa ʔat'e, nuwe ts'ēn yóttı.

Chipewyan

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Edı gondı dehgáh got'ıe zhatıé k'éé edat'éh enahddhę nıde naxets'é edahfı.

South Slavey

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K'áhshó got'ıne xədə k'é hederı ʔedjhtl'é yerııwę nıde dúle.

North Slavey

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Jii gwandak izhii ginjik vat'atr'ıjáhch'uu zhit yınohthan jı', diıts'át ginohkhıı.

Gwich'in

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Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqłuta.

Inuvialuktun

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Č'bdı ııı<sup>sb</sup>Δ<sup>c</sup> ʌııLJΔı<sup>c</sup> Δıı<sup>b</sup>ııı<sup>c</sup>ııı<sup>sb</sup>ııı<sup>b</sup>, ııı<sup>c</sup>ııı<sup>a</sup>ııı<sup>c</sup> ııı<sup>sb</sup>ııı<sup>a</sup>ııı<sup>sb</sup>ııı<sup>c</sup>.

Inuktitut

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Hapkua titıqqat pijumagupkit Inuinnaqtun, uvaptınnut hıvajarłutıt.

Inuinnaqtun

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## Overview

The Government of the Northwest Territories intends to introduce a Bill to make amendments to the NWT's *Waste Reduction and Recovery Act* (WRRRA).

These amendments were identified through the development of the GNWT's [Waste Resource Management Strategy and Implementation Plan](#), which considered perspectives from the public, community leadership, and private sector stakeholders during community events and online engagement opportunities last in 2017 and 2018.

This document is intended to summarize and inform the public about these proposed changes and assist in engagement.

## Desired outcomes of proposed amendments

Proposed amendments are intended to ensure that the GNWT can use the most current and comprehensive tools to manage waste reduction and recovery in the NWT, consistent with other GNWT legislation and inter-jurisdictional programs and services.

These amendments would:

- Redefine, clarify and modernize terminology
- Enable Extended Producer Responsibility (EPR) programs
- Clarify Environment Fund contribution, disbursement and administration requirements to avoid conflict with Extended Producer Responsibility programs
- Enable the Minister to create landfill disposal bans
- Expand the Minister's authority to appoint officers and delegate responsibilities
- Expand the Minister's authority to enter into agreements
- Extend how long prosecution can happen after an alleged offense
- Enable the GNWT to select operators based on a competitive process
- Enable any new regulations required to implement these amendments

## Key areas for change

The GNWT is proposing to add to the existing legislation to allow for:

- Extended Producer Responsibility programs; and
- Disposal bans.

We would also take the opportunity to make updates throughout the Act to match current best practices in waste management.

Find the current *Waste Reduction and Recovery Act* here:

## New proposals

### Extended Producer Liability (EPR)

#### *What it means*

EPR is a policy solution which shifts the physical and/or financial responsibility for managing the ‘end-of-life’ (i.e. disposal) phase of consumer products or packaging from communities and taxpayers to producers. Producers could include brand owners, manufacturers, first importers, distributors, or retailers. Under an EPR program, producers have full responsibility for designated materials.

In contrast, a “product stewardship” program, like those in the NWT right now, are operated by government or a delegated authority. Funding for product stewardship programs is either provided by government or collected in fees included on the sales of products in the program. For example, the NWT’s Electronics Recycling Program collects environmental handling fees on the purchase of certain electronic products.

These two types of programs look alike to the consumer, but EPR programs can influence program funding, cost, design, and operations. This provides an incentive for improving product design to be more environmentally friendly.

#### *Why it matters*

Considering that municipalities have limited ability to affect the generation of waste, EPR as a concept aims to give producers an incentive to change product design for reuse and to make it easier to recycle materials.

The creation of more waste reduction and recovery programs is intended to have a net benefit to communities. When waste is prevented or diverted through composting, reuse or recycling, less waste goes to solid waste facilities for communities to manage. Not only does this extend the lifespan of these facilities, but it also means less cost to communities for managing these materials.

- Rethink design –recyclability, dematerialize
- Increase product lifespan –repair, reuse
- Invest in new recycling system processes and technologies
- Use recycled content

These principles encourage producers to design products that are more durable and recyclable so materials and components can remain in the economy for as long as possible.

EPR could also encourage local economic development by expanding the market for waste management services, which could be fostered by the private sector.

#### *What would change*

If amendments are made to the Act, nothing would change for residents, producers, or communities right away. That’s because this change would not immediately create an EPR program – it would simply give the GNWT the **legal authority** to create regulations to allow EPR programs in the future, if there is a public or producer interest to do so.

Additional program design as well as associated regulations would need to be done before

implementing EPR.

The GNWT would engage with the public and stakeholders again on any proposed regulations developed for EPR.

## Disposal bans

### *What it means*

A disposal ban is a regulatory tool applied across a jurisdiction such as a municipality or territory. It stipulates that certain materials are not accepted for disposal within that jurisdiction and are only accepted at designated facilities. Disposal bans are used in jurisdictions across Canada in tandem with recycling programs to ensure people bring prescribed materials to recycling depots instead of throwing them away.

Bans on materials are usually enforced at the point of access – meaning at solid waste facilities and landfills – through inspections by officials. Bans would only be created when there is already a recycling program in place for that material.

### *Why it matters*

Disposal bans could benefit NWT communities by keeping the banned material out of landfills and solid waste facilities, meaning the cost and space associated with managing that material would no longer be the responsibility of community governments. This includes helping to keep dangerous waste out of landfills and solid waste facilities.

### *What would change*

If amendments are made to the Act, nothing would change for residents, producers, or communities right away.

That's because this change would not immediately create a disposal ban program – it would simply give the GNWT the **legal authority** to create regulations to allow for such programs in the future, if there was interest to do so.

A well-designed program in the NWT would need to consider the realities of recycling on a community-by-community basis – knowing that the accessibility of recycling and waste reduction programs and transportation options are much more limited in some areas and regions.

This would take time, consideration, additional public and stakeholder engagement, and significant public awareness efforts before putting any ban into effect.

## General Updates

### Offense and Punishment

#### *Background*

Today, if a law is broken under the *Waste Reduction and Recovery Act*, it cannot be prosecuted if it happened more than two years ago.

#### *Proposed changes*

The government is proposing to change that limit to three years after the Chief Environmental Protection

Officer becomes aware, or should have become aware, of the violation.

#### *Rationale*

These proposed changes would be in-line with other GNWT legislation such as the NWT's *Environmental Protection Act* and it would allow the government to hold those who violate the law to account for longer.

## **Administration**

#### *Appointment of officers*

##### *Background*

Today, the Act allows for the Minister to appoint "Officers" for the administration and enforcement of the Act and its regulations.

Officers are a specialized position requiring significant training and expertise.

##### *Proposed changes*

We are proposing to update the Act to allow the Minister to appoint people into a statutory position other than an Officer to do just the administration of the Act, but not enforcement.

Officers would keep their existing powers for the purpose of administration and enforcement.

##### *Rationale*

Administration and enforcement activities do not necessarily all need to be performed by specially trained officers. Allowing the Minister to appoint others to take on administrative functions will support orderly, effective, and efficient administration of the Act and its regulations.

#### *Agreements with other governments and organizations*

##### *Background*

The Act allows the Minister to enter into agreements with the Government of Canada respecting the reduction and recovery of waste but limits the Minister's ability to enter into similar agreements with territorial and provincial governments.

##### *Proposed changes*

We propose allowing the Minister to enter into agreements with territorial and provincial governments, Indigenous governments, Indigenous organizations, municipal governments, and non-government organizations respecting all aspects of waste reduction and recovery.

##### *Rationale*

Allowing agreements to be entered into with other governments and organizations could allow for more innovative and effective approaches to reducing and managing waste in the NWT.

## **Regulations**

#### *Competitive processes for selecting operators*

##### *Background*

Today, the Act requires a non-flexible licencing process for the GNWT to select operators for waste management and recycling programs in the NWT.

### *Proposed changes*

We propose to amend the Act to allow the GNWT to create regulations that would allow for a competitive process to select operators in addition to the current provisions guiding operator licensing.

The amendments could also provide the authority to set limits to the number of depots that could operate in each community.

### *Rationale*

This change would allow for more competition and, ideally, better value for taxpayers when selecting contractors to run programs like beverage container collection and electronics recycling. This would be especially relevant in larger centres like Yellowknife and Hay River where demand for the service is highest. The proposed updates are intended to support the viability of recycling programs and operator businesses.

## Have Your Say

Do you agree with these proposed changes? Is there anything we missed? **Have your say!**

**Leave your comments in the “guestbook” online.** [https://haveyoursay.nwt-tno.ca/waste-reduction-and-recovery-act/guest\\_book](https://haveyoursay.nwt-tno.ca/waste-reduction-and-recovery-act/guest_book)

## What’s next?

The process for introducing these proposed changes is:

- **December 2022 – January 2023:** Public engagement on proposed changes
- **January/February 2023:** Report on What We Heard is released online
- **Spring 2023:** Bill introduced in Legislative Assembly

Should a Bill be introduced, it would likely be referred to a Standing Committee of MLAs, which may further engage with the public about the Bill.

## For more information

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