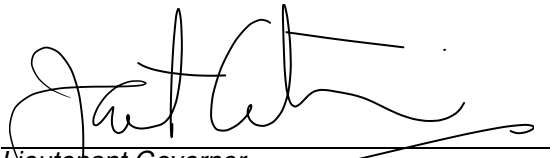


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 370

, Approved and Ordered

June 29, 2020


Lieutenant Governor

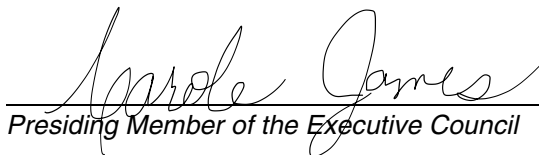
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Recycling Regulation, B.C. Reg. 449/2004, is amended as set out in the attached Appendix 1,
- (b) section 13 (2) of the Administrative Penalties (*Environmental Management Act*) Regulation, B.C. Reg. 133/2014, is amended by striking out “27 (1) (b) to (d), (2) or (3)” and substituting “27 (1) (b) to (d) or (2) to (4)”,
- (c) effective February 1, 2022, section 1 of Schedule 1 of the Recycling Regulation, B.C. Reg. 449/2004, is amended in the definition of “beverage” by striking out “but does not include milk, milk substitutes, rice milk, soya milk, flavoured milk, infant formulas, meal replacements or dietary supplements”, and
- (d) effective January 1, 2023, the Recycling Regulation is amended as set out in the attached Appendix 2.



Minister of Environment and Climate Change Strategy



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 21 and 139

Other: OIC 995/2004, OIC 426/2014

R20358703

APPENDIX 1

- 1 Section 5 (1) (c) (ii) of the Recycling Regulation, B.C. Reg. 449/2004, is repealed.**
- 2 Section 5 of Schedule 1 is amended**
 - (a) by repealing subsection (1) and substituting the following:**
 - (1) A seller must collect from the purchaser, at the time of sale of a beverage in a container, a deposit in an amount not less than \$0.10. , **and**
 - (b) in subsection (3) by striking out “set out in Table 1” and substituting “required by subsection (1)”.**
- 3 Section 6 of Schedule 1 is amended**
 - (a) by repealing subsection (1) and substituting the following:**
 - (1) A container redemption facility or, subject to subsection (2), a retailer whose premises are not identified in an approved plan, must accept containers for return and pay to the person returning the containers a refund in an amount, per container, not less than
 - (a) \$0.10, or
 - (b) the amount of the deposit collected for those types of containers under section 5 (1), if that amount is more than \$0.10. ,
 - (b) in subsection (5) by striking out “cash refund” and substituting “refund”, and**
 - (c) by adding the following subsection:**
 - (6) A refund owing under subsection (1) is payable as follows:
 - (a) the refund must be paid in cash if
 - (i) requested by the person returning the containers, and
 - (ii) the person accepting the containers is a container redemption facility or a retailer whose premises are not identified in an approved plan, and has staff to collect and redeem containers;
 - (b) if paragraph (a) does not apply, the refund may be paid by another method.
- 4 Section 2 of Schedule 2 is amended**
 - (a) by striking out “and” at the end of paragraph (a) (x),**
 - (b) by adding “and” at the end of paragraph (b), and**
 - (c) by adding the following paragraph:**
 - (c) empty containers for the products described in paragraphs (a) and (b).
- 5 Section 3 (1) of Schedule 2 is amended by adding “, and includes empty containers for those products,” after “(Canada)”.**

6 *Section 4 of Schedule 2 is amended by adding “, and includes empty containers for this gasoline” after “container”.*

7 *Section 5 of Schedule 2 is repealed and the following substituted:*

Pharmaceutical product category

5 (1) In this section, “**drug**” has the same meaning as in the *Food and Drugs Act* (Canada), except without reference to animals or paragraph (c) of that definition.

(2) The pharmaceutical product category consists of

(a) all unused or expired drugs except

(i) unused or expired drugs from a hospital, as defined in section 1 of the *Hospital Act*, or the office of a medical practitioner,

(ii) contact lens disinfectants,

(iii) antidandruff shampoo or products,

(iv) antiperspirants,

(v) antiseptic or medicated skin care products,

(vi) sunburn protectants,

(vii) mouthwashes, and

(viii) fluoridated toothpastes, and

(b) empty containers for the drugs to which paragraph (a) applies.

8 *Section 1 (2) (b) of Schedule 5 is repealed and the following substituted:*

(b) bound reference books, literary books and text books.

APPENDIX 2

1 *Schedule 5 of the Recycling Regulation, B.C. Reg. 449/2004, is repealed and the following substituted:*

SCHEDULE 5

PACKAGING AND PAPER PRODUCT CATEGORY

Packaging and paper product category

1 The packaging and paper product category consists of all of the following:

(a) packaging;

(b) packaging-like products as described in section 2;

(c) paper as described in section 3;

(d) single-use products as described in section 4.

Packaging-like products

- 2** (1) For the purposes of this Schedule, the following are packaging-like products, unless excluded under subsection (2), if ordinarily disposed of after a single use or short-term use, whether or not it could be reused:
- (a) food containers;
 - (b) foil and wraps;
 - (c) bags;
 - (d) boxes;
 - (e) objects purchased by or supplied to consumers expressly for the purpose of protecting, containing or transporting commodities or products.
- (2) Health, hygiene or safety products that, by virtue of their anticipated use, could become unsafe or unsanitary to recycle are excluded.
- (3) For greater certainty, nothing in this section is intended to limit the scope of the definition of “packaging” in the Act.

Paper

- 3** (1) For the purposes of this Schedule, the following are paper unless excluded under subsection (2):
- (a) flyers;
 - (b) brochures;
 - (c) booklets;
 - (d) catalogues;
 - (e) telephone directories;
 - (f) newspapers;
 - (g) magazines;
 - (h) paper fibre;
 - (i) paper used for copying, writing or any other general use;
 - (j) paper of any other description.
- (2) The following are excluded:
- (a) paper products that, by virtue of their anticipated use, could become unsafe or unsanitary to recycle;
 - (b) bound reference books, literary books and text books.

Single-use products

- 4** (1) For the purposes of this Schedule the following are single-use products unless excluded under subsection (2):
- (a) a product that is ordinarily disposed of after a single use or short-term use, whether or not it could be reused;
 - (b) without limiting paragraph (a), the following products, if the product is ordinarily disposed of after a single use or short-term use, whether or not it could be reused:
 - (i) straws and items used to stir beverages;

- (ii) utensils, plates, bowls and cups;
 - (iii) party supplies.
- (2) Health, hygiene or safety products that, by virtue of their anticipated use, could become unsafe or unsanitary to recycle are excluded.