

The Waste Paint Management Regulations

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Chapter E-10.21 Reg 3 (effective November 1, 2005).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-10.21 REG 3

The Environmental Management and Protection Act, 2002

Title

- 1 These regulations may be cited as *The Waste Paint Management Regulations*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Environmental Management and Protection Act, 2002*;
- (b) **“first seller”** means a person who:
 - (i) manufactures paint in Saskatchewan;
 - (ii) imports paint into Saskatchewan for sale to vendors or consumers of paint in Saskatchewan; or
 - (iii) imports paint into Saskatchewan for use in Saskatchewan;
- (c) **“paint”** includes any of the following:
 - (i) any latex, oil or solvent-based coating;
 - (ii) any stain, varnish, lacquer or other wood or masonry treatment product;
 - (iii) any type of paint sold in a pressurized aerosol container;but does not include:
 - (iv) paint manufactured for automotive or marine use;
 - (v) non-latex concrete sealant; or
 - (vi) bottled paint for hobby, artistic or cosmetic use;
- (d) **“product management program”** means a program for the collection and recycling of waste paint;
- (e) **“waste paint”** means paint that the consumer no longer wants, and includes the original container in which the paint was purchased.

16 Sep 2005 cE-10.21 Reg 3 s2.

Prescribed product

- 3 Paint is a prescribed product for the purposes of clause 81(1)(aa) of the Act.

16 Sep 2005 cE-10.21 Reg 3 s3.

Product management program required

- 4(1) Every first seller must:
- (a) operate a product management program approved by the minister; or
 - (b) enter into an agreement with a person to operate, on the first seller's behalf, a product management program approved by the minister.
- (2) No first seller who operates a product management program shall fail to operate the product management program in accordance with:
- (a) the program as approved by the minister; and
 - (b) these regulations.
- (3) No person who has entered into an agreement to operate a product management program on a first seller's behalf shall fail to operate the product management program in accordance with:
- (a) the program as approved by the minister; and
 - (b) these regulations.
- (4) No first seller who has entered into an agreement to have a product management program operated on the first seller's behalf shall fail to ensure that the product management program is operated in accordance with:
- (a) the program as approved by the minister; and
 - (b) these regulations.

16 Sep 2005 cE-10.21 Reg 3 s4.

Approval to operate product management program

- 5(1) A first seller who operates or wishes to operate a product management program, or a person who operates or wishes to operate a product management program on a first seller's behalf, must:
- (a) apply to the minister for approval of the program, in a form acceptable to the minister; and
 - (b) submit any additional information or material to the minister that the minister requests and considers relevant to the application.
- (2) The minister shall not approve a product management program unless the program:
- (a) contains details of the management structure of the program;
 - (b) provides details respecting:
 - (i) the creation of an advisory committee to the operator of the product management program;
 - (ii) the role of the advisory committee in relation to the operation of the program; and
 - (iii) the manner in which Saskatchewan interests will be represented on the advisory committee; and

- (c) provides details respecting:
 - (i) how waste paint will be collected in all areas of Saskatchewan;
 - (ii) recycling options for waste paint, listed in descending order of preference;
 - (iii) how the program will be funded;
 - (iv) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
 - (v) the public education or public awareness and communication strategy for the program.

(3) If the minister is satisfied that a proposed product management program complies with the Act and these regulations and is otherwise in the public interest, the minister may approve the product management program on any terms and conditions that the minister considers appropriate.

16 Sep 2005 cE-10.21 Reg 3 s5.

Changes to product management program

6 No person operating a product management program shall make any changes to the program without obtaining the minister's prior written approval of the proposed changes.

16 Sep 2005 cE-10.21 Reg 3 s6.

Suspension or cancellation of approvals

7(1) Subject to subsection (2), if, in the minister's opinion, a product management program is not being operated in accordance with the Act, these regulations or the terms and conditions of the approval, or if, in the minister's opinion, it is in the public interest to do so, the minister may:

- (a) amend the approval by imposing new or additional terms and conditions;
or
- (b) suspend or cancel the approval.

(2) Before amending, suspending or cancelling an approval pursuant to subsection (1), the minister shall give the person operating the product management program an opportunity to be heard.

(3) Notwithstanding subsection (2), if the minister considers that it is necessary in order to protect the public interest, the minister may immediately amend, suspend or cancel an approval without giving the person mentioned in subsection (2) an opportunity to be heard, but the minister shall give that person an opportunity to be heard within 15 days after the date on which the minister takes any of those actions.

16 Sep 2005 cE-10.21 Reg 3 s7.

Annual reporting

8(1) In this section, “**reporting period**” means the period commencing on January 1 in one year and ending on December 31 of that same year.

(2) On or before June 30 in each year, every first seller operating a product management program, and every person operating a product management program on the first seller’s behalf, must prepare and submit to the minister a written annual report describing the activities of the product management program during the previous reporting period, including:

- (a) the types and amount of waste paint collected;
- (b) the types and amount of waste paint diverted to each of the program’s recycling options as identified pursuant to subclause 5(2)(c)(ii);
- (c) the total amount of recycling fees collected to fund the program in Saskatchewan;
- (d) the amount spent to operate the program in Saskatchewan;
- (e) the amount of recycling incentives paid out, if any;
- (f) the costs incurred to administer the program;
- (g) the amount spent on public education or public awareness and communication;
- (h) any other information that the minister may reasonably require.

(3) For 2005, the report required pursuant to subsection (2) shall cover the period commencing on November 1, 2005 and ending on December 31, 2005.

16 Sep 2005 cE-10.21 Reg 3 s8.

Coming into force

9 These regulations come into force on November 1, 2005.

16 Sep 2005 cE-10.21 Reg 3 s9.