

Multi-Material Stewardship Western (MMSW) Program Plan Consultation – Q & As

The following is a summary of questions received during all in-person and virtual consultation sessions held on the draft MMSW Program Plan between June 27 and July 10, 2023. Questions and answers have been combined and paraphrased, where applicable, for brevity and clarity.

General	
<p>What is the difference between collection rate, recycling rate and diversion rate?</p>	<p>These terms are defined in Section 5.2 Reporting Metrics in the draft Program Plan.</p> <p>The collection rate is defined as the total amount of PPP collected and sent to a sorting facility for diversion from landfills, expressed as a percentage of PPP supplied to the market by producer members.</p> <p>The recycling rate is the total amount of PPP recycled (PPP collected by a product stewardship program that are sold as a commodity for the purposes of being reprocessed into raw materials for use as inputs into new packaging or products or as feedstock in the composting process) by the program, expressed as a percentage of PPP supplied to the market by producer members.</p> <p>The diversion rate is the total amount of PPP diverted from landfills, calculated as the sum of PPP recycled and recovered for energy and expressed as a percentage of PPP supplied to the market by producer members.</p>
National Integration	
<p>How are MMSW and Circular Materials working together? Who will be the Producer Responsibility Organization (PRO) moving forward?</p>	<p>MMSW is working with the national, not-for-profit producer led PRO, Circular Materials, to provide Saskatchewan residents and producers with the benefits of a nationally integrated approach to recycling. This approach is designed to provide residents with a high level of service and enable producers to meet the ambitious requirements outlined within the Regulation while focusing on productivity gains that come with national integration. MMSW and Circular Materials worked together to develop the draft Program Plan and are working together on the consultation process to gather feedback on the draft Program Plan.</p>
<p>Could another organization other than MMSW submit a Program Plan to act as the producer responsibility</p>	<p>MMSW and Circular Materials are working together on the draft program plan and a single Program Plan will be submitted. Another organization could submit a Program Plan, however, MMSW is not aware of efforts by another organization to prepare a fully consulted Program Plan for submission to the</p>

organization (PRO) for household packaging and paper products (PPP)?	Saskatchewan Ministry of Environment by September 27, 2023, as required by the Household Packaging and Paper Stewardship Program Regulations, 2023.
Transition Phases and Timelines	
Why will the transition roll out in three phases? Why can't it all happen at once? It doesn't seem fair that smaller and rural communities must wait until Phase 2 or 3.	There are several parallel and sequential activities that must occur to develop the collection and post-collection systems required to support each transition phase. The timeline set out for the implementation of Transition Phase 1 (6 months) is not sufficient to complete all the activities necessary to transition the entire province of SK. At the same time, we do not want to delay the implementation of a portion of the province until all activities have been completed. We are proposing a phased approach to transition to ensure sufficient time for MMSW and all stakeholders to prepare for the coming changes.
Which transition phase will my community be in? When will you confirm who is included in each phase?	<p>Transition Phase 1 will target logical post-collection flows from one or more clusters of large communities with existing curbside and multi-family PPP programs currently participating in the MMSW program. We will aim to provide formal notice to those communities targeted in this phase as soon as possible after Program Plan approval.</p> <p>Transition Phase 2 will focus on curbside and multi-family collection in smaller communities not targeted in Transition Phase 1, including remote, northern and First Nations and Métis communities. Community eligibility will be determined through the development of Community Curbside and Multi-family Collection Eligibility Criteria, which will include stakeholder consultation.</p> <p>Transition Phase 3 will focus on depot collection. Eligible communities will be determined through the development of Depot Collection Eligibility Criteria, which will include stakeholder consultation.</p>
Does Phase 2 begin one year after the launch or completion of Phase 1?	Phase 2 is intended to start one year after the launch of Phase 1. Phase 3 is intended to start one year after the launch of Phase 2.
In cases where MMSW will be procuring services directly, is it bound by government procurement policies?	MMSW is a non-profit organization. It undertakes best practice approaches to fair procurement but has flexibility to design processes that work best for the program.
How will MMSW monitor the implementation of the Program Plan?	Field services team members will monitor the performance and engage directly with collection and post-collection service providers.

Collection	
<p>Can a municipality be a Collector? Will MMSW provide collection services directly moving forward?</p>	<p>Large communities with existing curbside and multi-family PPP programs currently participating in the MMSW program that are targeted in Transition Phase 1 will have the opportunity to consider an offer to participate as a collection service provider. Given the timelines associated with the transition and the activities outlined in the Program Plan that must first be completed, MMSW is not proposing to provide collection services directly as part of Transition Phase 1.</p> <p>Under Transition Phase 2, MMSW will develop an approach to procuring collection services in smaller communities that will establish scenarios where:</p> <ul style="list-style-type: none"> • Directly contracting private waste companies servicing multiple communities along a collection route can achieve improved administrative, operational, and environmental efficiencies; and • Offers will be extended to municipalities, RWAs, First Nations and Métis communities who wish to maintain operational oversight of curbside and multi-family collection service, where warranted. <p>Under Transition Phase 3, MMSW will complete an assessment, including stakeholder consultation, on whether providing the option for communities included or eligible under Transition Phase 1 to transition to having MMSW provide curbside and/or multi-family collection directly through a competitive procurement process will provide additional system optimization or efficiencies.</p>
<p>How much time will communities have to review and consider an offer and collection agreements? What will the deadlines look like? Will communities be required to transition on a specific timeline if they accept an offer?</p>	<p>MMSW will aim to provide communities as much time as possible to consider an offer, including applicable collection agreements and incentive rates. We invite feedback on what timelines would be required for communities to complete their review and decision-making process once an offer has been provided.</p> <p>Deadlines and a proposed implementation timeline will be provided with associated offers to ensure MMSW can plan for the post-collection, reporting systems and program management systems required to support the transition of applicable communities.</p>
<p>If our community contracts a private company to provide collection services, what do we do about our current contracts?</p>	<p>MMSW will continue to compile information from MMSW collectors which will impact the timing of their possible participation in transition phases, including current contractual arrangements with existing service providers. In many cases, it is expected that communities would be able to accept an offer and sign a new collection agreement with MMSW under a transition phase midway through the term of a service provider contract if there is a mechanism to adjust contract terms.</p>

<p>What are the policies and procedures referenced in the Program Plan for curbside and multi-family collection?</p>	<p>Curbside and multi-family collection policies and procedures will be developed during the design phase of Transition Phases 1 and 2. Many of these procedures will represent current best practices, and will include procedures such as minimum collection frequency, provision of collection containers, receiving facility logistics and reporting requirements.</p>
<p>Our community has a combination of collection services (e.g., curbside and depot). Will both be addressed in a single Transition Phase?</p>	<p>Depot collection is intended to be captured under Transition Phase 3. If a local government accepts an offer from MMSW to act as a curbside or multi-family collection service provider under either Transition Phase 1 or 2 and the local government currently has an agreement with MMSW that covers multiple collection types (e.g., curbside and depot collection), that agreement will be amended to permit depot collection to continue under the shared responsibility model until Transition Phase 3.</p>
<p>If a community has curbside collection but is only eligible for depot service, or if a community is eligible for curbside service but prefers depots, what happens under the Program Plan?</p>	<p>Curbside and multi-family eligibility criteria for communities will be established as part of Transition Phase 2 and depot eligibility criteria will be established as part of Transition Phase 3, both of which will include a dedicated consultation process.</p>
<p>What will the target contamination rate be? Will there be penalties or fines for high rates of contamination?</p>	<p>Certain types of contamination can present significant health and safety issues for both collection and post-collection staff. The presence of contamination in collected materials can also reduce the ability to effectively recycle material or meet the requirements of recycling markets.</p> <p>A target contamination rate will be established under collection policies and procedures as well as collection agreements associated with each transition phase. This rate will be designed to be fair and achievable through the application of best practices. If contamination rates continue to be high after significant collaborative effort by MMSW to work with the Collector, the penalties outlined in the agreement may be applied as a last resort.</p>
<p>What are the policies and procedures referenced in the Program Plan for depot collection? Will depots be required to be staffed and secured?</p>	<p>Depot collection policies and procedures will be developed during the design phase of Transition Phase 3 to ensure sufficient quality of collected material from depot locations.</p>
<p>The intent is to cover the entire province with recycling. For areas</p>	<p>Curbside and multi-family eligibility criteria for rural communities will be established as part of Transition Phase 2 and depot eligibility criteria will be established as part of Transition Phase 3. This will include dedicated consultation to understand how best to design these new systems to ensure they are fair and</p>

<p>that do not currently have services, will MMSW set up a program?</p>	<p>reasonable for the producers who are paying for them while also effective for residents to access. Not everyone will have a curbside service and not every community will have a depot, but the intent is to provide reasonable collection services to all regions of the province.</p>
<p>What happens to existing recycling carts if MMSW takes over collections?</p>	<p>There is opportunity to leverage resources already deployed within the supply chain, as there are potential environmental and cost impacts that could be avoided by retaining existing carts. What to do with existing carts specifically will be determined following investigation and discussion with relevant stakeholders as part of the design phase of each Transition Phase.</p>
<p>Will regional service approaches be considered?</p>	<p>MMSW will be procuring post-collection services and then determine catchment areas and existing agreements within those areas). Agreements with Regional Waste Authorities already consider regional approaches, and this can continue under the Program Plan.</p>
<p>How will MMSW address existing curbside subscription services offered to farms today?</p>	<p>MMSW will investigate and determine curbside eligibility criteria for rural areas through the criteria-setting process in outlined in Transition Phase 2.</p>
<p>Collection Incentives</p>	
<p>With a shift from 75% to 100% funding, what happens to program fees paid through incentives?</p>	<p>As MMSW last conducted a cost study in 2022, the study’s data will be used to guide the curbside and multi-family incentive rates for Transition Phases 1 and 2. As the roles and responsibilities of collection service providers under Transition Phase 1 and 2 will differ from the services provided under current service agreements (e.g., collection service providers will no longer be required to procure post-collection services), the incentive rates offered will reflect this new outcome. It is therefore difficult to predict at this time what the incentive rates might look like.</p> <p>During the design stage of Transition Phase 3, MMSW will engage a third-party accounting firm and undertake a collection cost study and associated analyses to develop depot incentive rates as well as to assess the curbside and multi-family incentives applied in Transition Phases 1 and 2 in the current market context.</p>
<p>Post Collection</p>	
<p>Who will be responsible for post-collection services? What role will local governments play in processing? If our municipality has an existing contract for post-</p>	<p>Moving forward, MMSW will be responsible for all aspects of post collection, including receiving, processing and marketing PPP collected under the transition phases outlined. Collection service providers accepting an offer from MMSW and participating in one or more transition phases will no longer be responsible for post-collection services.</p>

<p>collection services, what happens to these?</p>	<p>MMSW will continue to compile information from MMSW collectors which will impact the timing of their possible participation in transition phases, including current contractual arrangements with existing service providers. In many cases, it is expected that communities would be able to accept an offer and sign a new collection agreement with MMSW under a transition phase midway through the term of a service provider contract if there is a mechanism to adjust contract terms.</p>
<p>Collection routes are currently designed in consideration of the location of post-collection facilities. What impacts will transition have on routes?</p>	<p>Any agreement offer (whether directly to a private waste company or to a municipality) will either provide the location of the post-collection facility or language describing distance parameters (e.g., within a certain distance of the service area).</p>
<p>How will you consider existing facilities and infrastructure currently operating in the province?</p>	<p>As noted in the Program Plan, Transition Phase 1 Design will include a market sounding exercise with private companies involved in the collection, transportation, receiving and processing of PPP to ensure the interests of those that have invested social and capital infrastructure into the province’s recycling system can be considered. Social enterprise organizations that provide recycling services in SK will be included in this process. This will include one-on-one meetings with applicable companies and organizations over the coming months. MMSW will be reaching out to companies and organizations directly, but if you are interested in participating in this process, please let MMSW know.</p>
<p>Accepted Materials</p>	
<p>What materials will be accepted for collection? Why is the list not yet available?</p>	<p>MMSW will work to expand and harmonize the list of accepted materials across all applicable collectors concurrent with the implementation of each transition phase. A detailed accepted material list will be developed during the design phase of each of the transition phases. As the list of accepted materials differs across processing facilities at present, MMSW must first engage with processors and procure processing capacity before the exact accepted material list can be confirmed.</p>
<p>There are currently inconsistencies with what items municipalities accept. How will items within the program be harmonized across Saskatchewan?</p>	<p>Ensuring appropriate post-collection capacity to handle each material is critical prior to adding a material into the program. MMSW will procure these services prior to implementing a Transition Phase. Once the transition process has been completed, consistent messaging about accepted materials will occur on a provincial basis.</p>

<p>Will there be a policy or messaging for products that can go in both the blue (recycling) and green (organics) carts? This can be confusing.</p>	<p>MMSW will be developing extensive resident-facing education materials and will make messaging clear on this point. While MMSW is managing resident communications for packaging and paper material, it will be collaborating with municipalities to streamline and manage resident communication on other material streams.</p>
<p>SARCAN accepts glass today and some municipalities include glass in their program. Will glass have to be removed from programs in Phase 1?</p>	<p>Under the draft Program Plan, glass is envisioned to be addressed as part of Phase 3. MMSW welcomes input on this issue. The intention is to not accept glass mixed with other materials in curbside programs under the transition.</p>
<p>In the news there are stories about materials that don't make it to market and are landfilled or dumped. What will MMSW do to ensure this does not occur?</p>	<p>MMSW will regularly conduct due diligence on end markets it approves for its material to ensure the material is recycled and managed in a responsible manner. MMSW will also ensure the complete chain of custody of the material managed under each transition phase by recording and tracking the material from the point it is received from a collector until its shipment to an approved end market. A system of field inspections and audits to oversee the work completed by collection and post-collection service providers will be developed to ensure compliance with all relevant policies and procedures.</p>
<p>How will MMSW use the waste management hierarchy to make decisions about how to manage collected materials?</p>	<p>MMSW will seek to manage collected material as high on the waste management hierarchy as possible. Upon completion of Transition Phase 3, MMSW will be establishing and consulting on proposed performance targets, which will include recycling rate and diversion rate targets for the program.</p>
<p>What is the anticipated timeline for discussing and deciding what to do with 'bio-plastics'?</p>	<p>At present, MMSW does not have the capability to report the amount of PPP supplied by producer members by certified compostable bio-based plastics and not certified compostable bio-based plastics. As the categories of PPP that producer members report to MMSW are harmonized across multiple provinces, adding additional categories is a significant undertaking requiring sufficient review and consultation with producer members. In addition, there are expected to be meaningful operational barriers to establishing collection numbers for these categories, given the difficulty in identifying the difference through composition audits of unlabelled materials at end-of-life. MMSW will engage with producer members on this issue, study what reporting of these categories will be feasible and seek to add them as PPP categories for the purposes of reporting metrics and performance targets if this is deemed achievable and practical.</p>

Resident Communications

<p>Who will be responsible for providing resident education?</p>	<p>Communities acting as collection service providers for curbside, multi-family and/or depot collection (including municipalities, RWAs and First Nations and Métis communities) will retain primary responsibility for delivering resident communication strategies associated with the collection of PPP (e.g., accepted material list, service details, missed pick-ups, operating hours, collection schedules). MMSW will employ a number of province-wide strategies, including education and awareness campaigns, the development of collector resources, high-level resident support services and research.</p>
<p>If there are resident complaints about changes to recycling, they always contact the municipality (and often, a councillor). What will MMSW do in this instance?</p>	<p>MMSW will develop detailed collector resources for any municipalities acting as collection service providers under the MMSW program. Messaging support will be provided to assist in the handling of resident complaints.</p>
<p>Who is responsible for bylaw enforcement if residents are not following program policies and procedures?</p>	<p>Expectations for bylaw enforcement and resident education / awareness to address collection and contamination related issues will be included in the offer made to municipalities by MMSW. In general, bylaw enforcement is outside the scope of MMSW's mandate.</p>
<p>Producer Fees and Agreements</p>	
<p>Will producers have to enter into a new membership agreement?</p>	<p>While no major changes are anticipated, some revisions to the membership agreement may be necessary; however, producers will not need to sign a new membership agreement. MMSW will proactively reach out to producers with changes to existing agreements as may be necessary.</p>
<p>Will producers have to register with a new regulator?</p>	<p>Obligated producers will need to be a member of a PRO with an approved program plan. There is no requirement under the Regulation to register with the province or with a regulatory body, as exists in other provinces.</p>
<p>How will producer fees be determined? What will be the impact of the transition on producer fee rates? When will updated producer fee rates be provided to producer members?</p>	<p>Section 2.3 Program Financing provides details on the methodology of how producer fees are established. The fee rates for a given year will reflect the estimated costs of all program elements for that year, including the applicable transition phases. MMSW completes its budgeting process in the summer of each year and provides the fee rates to producer members in October for the coming calendar year.</p>
<p>How does the \$1 million exemption threshold outlined in the Regulation apply?</p>	<p>Producers are exempted under the Regulation if they generate less than \$1 million in gross annual revenue.</p>

<p>Will this program require Stewards to gradually phase in the use of recycle-friendly packaging to remain compliant? Will there be fines and penalties for not doing so?</p>	<p>As per the regulation, Annual Reporting 11(3)(h), MMSW is to include in its annual report to the ministry “...efforts taken by or on behalf of the producer to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle;”</p> <p>The regulation does not provide measurements, nor set targets for ‘reusability’ or ‘recyclability’ and does not set out any schedule, fines or penalties. As such, these are not included in the draft Program Plan.</p>
<p>Who is considered the producer when a company, resident in Canada, sells through a third-party marketplace distributor?</p>	<p>As per the regulation, the producer obligation hierarchy is as follows:</p> <ul style="list-style-type: none"> (a) If a business or organization supplies packaging to consumers in Saskatchewan and is the brand owner resident in Canada, that business is the obligated producer as the brand holder. (b) If a business or organization is resident in Saskatchewan and imports packaging for which there is no brand holder resident in Canada, that business is the obligated producer as the importer. (c) If these two situations do not apply, then the obligated producer is the retailer. <p>However, if the producer determined in accordance with the above is a retailer and that retailer is a marketplace seller, the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the producer.</p>