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2017

Responsible Purchasing  
**PRODUCTS COVERED BY EXTENDED  
PRODUCER RESPONSIBILITY**



# Scope

This document presents helpful information for managing issues associated with products covered by the Extended Producer Responsibility (EPR) Regulation, specifically the purchase of products covered by the *Regulation respecting the recovery and reclamation of products by enterprises*:

- Oils, antifreeze, coolants, their containers and filters, as well as other similar products
- Mercury lamps
- Paints and their containers
- Cells and batteries
- Electronic products

Detailed advice is provided on best practices for purchasing products covered by EPR regulations, as well as tools and references to facilitate buyers' task.<sup>1</sup>

## Did you know?

### EPR value chain

The EPR value chain is made up of all interactions between various EPR actors in Québec. View the [video](#) to better understand the EPR approach as well as the role played by RECYC-QUÉBEC and other stakeholders in the system.

Extended Producer Responsibility (EPR) is an approach that aims to transfer responsibility for managing residual materials generated by product consumption to the companies that introduced the items on a given market (MDDELCC 2017a).

When applied within a regulation, law or other legal tool, EPR becomes an instrument to extend companies' obligations for their products beyond their sale and/or after-sale service to the end of each product's useful life. Companies that market EPR-covered products thus become responsible for recovering and reclaiming those items.

In Québec, the government adopted a framework EPR regulation that came into force on July 14, 2011. The [Regulation respecting the recovery and reclamation of products by enterprises](#) (the "Regulation") requires companies that introduce new products on Québec's market to:

- Implement a recovery and reclamation program for their products, or
- Join a RECYC-QUÉBEC-recognized producer responsibility organization (PRO) that has implemented such a program.

Companies targeted by the Regulation include:

- Québec-based manufacturers or producers
- Trademark owners or users
- First suppliers or marketers in Québec












The following is a list of official programs for each category of products covered by the Regulation.

### Main obligations of targeted companies

- Reach prescribed minimum recovery rates
- Implement a recovery structure (drop-off points)
- Respect the 4R hierarchy in the choice of management options
- Opt for local end-of-life product management companies
- Support the dissemination of information, awareness and education
- Support research and development in their business sector
- Report to RECYC-QUÉBEC on an annual basis

<sup>1</sup> This document is provided for information purposes only. Other than the information indicated herein, RECYC-QUÉBEC is not vouching for the organizations mentioned. RECYC-QUÉBEC declines all responsibility regarding the services offered by such organizations.

## COVERED PRODUCTS AND OFFICIAL RECOVERY AND RECLAMATION PROGRAMS

Categories of products covered by the Regulation	PRO recognized by RECYC-QUÉBEC	Private programs <sup>2</sup>
 <p data-bbox="315 306 699 516"> <b>Used oils</b>                      including their containers and filters  <b>Antifreeze and coolants</b>                      including their containers and filters  <b>Aerosol containers for brake cleaners</b> </p>	 <p data-bbox="878 384 1130 470"> <b>SOGHU</b>                      SOCIÉTÉ DE GESTION DES HUILES USAGÉES                 </p>	 <p data-bbox="1224 279 1511 533"> <b>safety-kleen.</b>  <b>Paquet et Fils</b>                      Services et produits pétroliers depuis 1902  <b>CANADIAN TIRE</b>  <b>CREVIER<sup>SM</sup></b> </p>
 <p data-bbox="315 569 651 653"> <b>Mercury lamps</b>                      including fluorescent tubes and compact fluorescent bulbs                 </p>	 <p data-bbox="846 590 1162 676"> <b>RecycFluo</b> </p>	
 <p data-bbox="315 737 675 800"> <b>Paints</b>                      including aerosols and containers                 </p>	 <p data-bbox="773 741 1146 827"> <b>éco-peinture</b>                      Société québécoise de gestion écologique de la peinture                 </p>	
 <p data-bbox="315 884 607 978"> <b>Cells and batteries</b>                      including rechargeable and non-rechargeable batteries                 </p>	 <p data-bbox="761 905 1162 970"> <b>appel à recycler<sup>MD</sup></b> </p>	 <p data-bbox="1289 905 1455 970"> <b>DIXON<sup>3</sup></b> </p>
 <p data-bbox="315 1031 683 1188"> <b>Electronics</b>                      including computers and peripherals, laptops, monitors, cell phones, TV sets, audio and video equipment, etc.                 </p>	 <p data-bbox="800 1035 1118 1188">                     Association pour le recyclage des produits électroniques  <b>arpe</b>                      Québec                 </p>	 <p data-bbox="1252 1052 1536 1188"> <b>QUÉBECOR</b> &gt; <b>VIDÉOTRON<sup>4</sup></b>  <b>Bell</b> </p>

For more information on products, targeted companies and PROs, go to [RECYC-QUÉBEC's website](#) and our micro-site [T'en as plus besoin, on en prend soin](#) (in French only).

For more information on the Regulation and its application, go to the government's website at [Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques](#) (MDEELCC) and the Regulation application guide (in French only) at [Guide d'application du Règlement \(PDF, 944 KB\)](#).

<sup>2</sup> Industry-initiated private programs are strictly designed for the products marketed by members and do not necessarily include all sub-categories of products covered by the Regulation.

<sup>3</sup> Dixon Batteries started its own private program on October 2, 2017.

<sup>4</sup> Quebecor's program also includes its subsidiaries Vidéotron, Le Superclub Vidéotron and Microplay, where the company is rolling out its drop-off points.

# Issues

## THE PROBLEM WITH FREE-RIDERS

The efficiency of an EPR approach is based on the premise that all actors in the value chain respect the law. To meet their obligations, targeted companies must implement a recovery and reclamation program or join an organization recognized by RECYC-QUÉBEC that manages such a program.

Of course, running a recovery and reclamation program requires financing. Companies therefore add charges to their products' sale price in order to cover program management costs and can make those charges visible according to certain parameters defined by the government (MDDELCC, 2017b). In certain cases, PROs may apply environmental handling fees (EHFs) in order to finance their program, which are collected by their members when the products are sold to consumers.

Companies that do not meet their obligations under the Regulation, known as free-riders, benefit from recovery and recycling services financed by companies who do comply with the Regulation. By not charging environmental handling fees, free-riders get an unfair competitive advantage on the market, as they can offer equivalent products at a lower cost. What's more, PROs that recover and reclaim products sold by offending companies incur losses, as they do not receive the necessary financing for processing the products sold or acquired by free-riders.

## RISKS FOR CONTRACT GIVERS INVOLVED IN PURCHASING DECISIONS

Sometimes, contract givers unknowingly do business with free-riders or suppliers outside Québec offering products at lower prices.

By doing business with a free-rider, contract givers indirectly harm the viability of the programs in place while associating with companies that do not respect the law. It is therefore important that they take steps to purchase covered products from compliant suppliers.

Contract givers who purchase products from suppliers based outside Québec are targeted by the Regulation and their company must therefore implement their own recovery program or join a PRO. Otherwise, the company itself becomes a free-rider. When companies do not comply with the Regulation, they are subject to penalties.

## PARALLEL NETWORKS AND PRODUCT MANAGEMENT PRACTICES

In order to contribute to system efficiency, contract givers who purchase products covered by the Regulation must ensure that they do business with suppliers verified by official end-of-life product management programs. The Regulation requires PROs and companies with private programs to work with collectors, recyclers and other conditioners who apply industry best practices. By sending their products to official programs instead of "parallel networks," contract givers can rest assured that end-of-life products are properly and safely managed. In so doing, they contribute to program performance by improving recovery rates.

The Regulation also requires that access to recovery or drop-off points be free of charge.<sup>4</sup> It is therefore preferable to do business with a supplier affiliated with an official program in order to avoid additional costs for recovering and transporting end-of-life products.

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<sup>4</sup> The Regulation requires that a minimum number of product drop-off points or in-store collection locations be provided. The program should include product collection services, but if no drop-off point is available in a given area, a free complementary collection service must be offered.

# Purchasing best practices

The following section lists purchasing best practices for EPR-covered products at each step of the purchasing process.

## BEFORE BUYING A PRODUCT

### Tenderer compliance

When developing a call for tenders or code of conduct involving EPR products, contract givers should include a requirement regarding tenderers' compliance with the Regulation. Tenderers must be able to:

- 1) Indicate whether they are targeted by the Regulation: Yes or No
- 2) If so, indicate how they comply with the Regulation:
  - The tenderer has access to a private program
  - The tenderer is a member of a producer responsibility organization recognized by RECYC-QUÉBEC
  - The tenderer is working on attaining compliance
  - The tenderer is not compliant
- 3) If not targeted, indicate whether their own supplier is targeted and whether that supplier complies with the Regulation.

The compliance requirement should be among eligibility criteria for participation in the call for tenders, which could be determined, for example, from their answers to a questionnaire in an appendix to the call for tenders. The questionnaire should be part of required documentation when the tender is submitted. EPR compliance may also be specified in a code of conduct. To help you validate whether tenderers are indeed compliant, see the decision-tree provided in the appendix to this document.

### Clarity with regard to prices and EHF

In the case of a call for tenders, tenderers should be required to indicate whether or not proposed prices include EHF. If EHF are applicable, it is useful to indicate the amount in order to facilitate price comparisons between suppliers. When clear price and EHF information is available, contract givers can avoid unforeseen charges after the contract is awarded.

## DURING TENDERER EVALUATION

### Checking tenderer compliance

In order to confirm tenderers' statements regarding their compliance with the Regulation, you may contact the PRO or look through their membership list:

- [Société de gestion des huiles usagées \(SOGHU\)](#): Motor oils, antifreeze and coolants, filters and brake cleaners
- [Recyc-Fluo](#): Fluorescent tubes, compact fluorescent bulbs and other mercury lamps
- [Éco-Peinture](#): Paints, stains, varnishes, shellacs, primers, etc.
- [Appel à Recycler](#): Single-use and rechargeable batteries, button batteries.
- [EPRA-Québec](#): Electronics (computers, peripherals, monitors, TV sets, laptops, etc.)

### Make EPR a criterion for product purchases

In order to responsibly purchase EPR-covered products, contract givers should include an eligibility criterion requiring suppliers to be compliant with EPR regulations.

You may also contact our EPR team for help in checking tenderer compliance:

- E-mail: [REP@recyc-quebec.gouv.qc.ca](mailto:REP@recyc-quebec.gouv.qc.ca)
- By phone: Greater Montréal area at 514-352-5002, or toll free at 1-800-807-0678

### **Evaluating prices**

Generally, product costs should be evaluated according to the overall price, which includes the sale price and associated EHF, if any.

## **AT CONTRACT SIGNING**

### **Clarity and flexibility regarding prices and EHF**

To avoid all ambiguity, the agreement or contract with the selected supplier should indicate whether prices include applicable EHF.

While EHF are relatively stable, you may wish to include an EHF modulation clause, either upwards or downwards, in long-term supply contracts. You would then be able to adjust prices if, for example, the PRO changes EHF rates. To do so, EHF amounts must be clearly identified in the agreement.

### **Supplier's continued compliance**

Contracts should include a clause indicating that the supplier must remain compliant with the Regulation for the entire contract term.

## **DURING CONTRACT PERFORMANCE**

### **Verification of the supplier's continued compliance**

Contract managers should periodically verify whether the supplier continues to comply with the Regulation as the contract progresses.

# Need help?

Our EPR team is there for you. Contact us:

- E-mail: [REP@recyc-quebec.gouv.qc.ca](mailto:REP@recyc-quebec.gouv.qc.ca)
- By phone: Greater Montréal area at 514-352-5002, or 1-800-807-0678 (toll free)

To obtain an accessible version of this document in accordance with the *Standard sur l'accessibilité d'un document téléchargeable* (SGQRI 008-02), contact us:

- By e-mail: [info@recyc-quebec.gouv.qc.ca](mailto:info@recyc-quebec.gouv.qc.ca)
- By phone: 1-800-807-0678 (toll free)

# References

MDEELCC (2012). [Guide d'application du Règlement sur la récupération et la valorisation de produits par les entreprises](#), viewed in October 2017

MDEELCC (2017a). [Responsabilité élargie des producteurs, questions et réponses](#), viewed in October 2017

MDEELCC (2017b). [Responsabilité élargie des producteurs, questions et réponses, section 4. Internalisation et visibilité des coûts afférents](#), viewed in October 2017.

Publications du Québec (2017). [Règlement sur la récupération et la valorisation de produits par les entreprises](#), viewed in October 2017

RECYC-QUÉBEC (2017a). [Responsabilité élargie des producteurs](#), viewed in October 2017

RECYC-QUÉBEC (2017b). [T'en as plus besoin, on en prend soin](#), micro-site viewed in October 2017.

# Contact information for official programs

## RECOGNIZED PRODUCERS RESPONSIBILITY ORGANIZATIONS

### Éco-Peinture

Tel.: 819-840-6229 (toll free: 1-855-840-6559)

[info@ecopeinture.ca](mailto:info@ecopeinture.ca)

[www.ecopeinture.ca](http://www.ecopeinture.ca)

### Société de gestion des huiles usagées (SOGHU)

Tel.: 450-447-9996 (toll free: 1-877-987-6448)

[soghu@soghu.ca](mailto:soghu@soghu.ca)

[soghu.com](http://soghu.com)

### EPRA-Québec | Recycle my electronics

Tel: 1-888-557-8177

[info@recyclermeselectroniques.ca](mailto:info@recyclermeselectroniques.ca)

<https://www.recyclemyelectronics.ca/>

## PRIVATE PROGRAMS

### Safety-Kleen

Tel.: 1-800-641-0610

<https://www.safety-kleen.com/>

### Paquet et Fils

Tel.: 418-833-9602 (toll free: 1-800-463-1813)

[Info@paquetetfils.com](mailto:Info@paquetetfils.com)

[www.paquetetfils.com/fr/lubrifiants/recuperation](http://www.paquetetfils.com/fr/lubrifiants/recuperation)

### Canadian Tire | Go Eco Program

Tel.: 1-800-565-3356

[Canadian Tire Contact Us page](#)

<http://www.canadiantire.ca/en/go-eco.html>

### Crevier | REVHUC Program

Tel.: 450-679-8866 (Toll free: 1-800-363-0590)

[experts@crevier.ca](mailto:experts@crevier.ca)

<http://lubricants.crevier.ca/ecofriendly-actions>

### Recyc-Fluo

Tel.: 1-888-604-2624

[info@recycfluo.ca](mailto:info@recycfluo.ca)

[www.recycfluo.ca](http://www.recycfluo.ca)

### Appel à Recycler

Tel.: 1-888-224-9764

[wriveti@appelarecycler.ca](mailto:wriveti@appelarecycler.ca)

[www.appelarecycler.ca](http://www.appelarecycler.ca)

### Dixon Batteries | Program under development

Tel.: 514-890-1717

[danny@batteriesdixon.com](mailto:danny@batteriesdixon.com)

<http://www.batteriesdixon.com/en>

### Québecor | We Recycle Program

(Vidéotron, Le Superclub Vidéotron et Microplay)

Tel.: 1-877-512-0911

[Vidéotron Contact Us page](#)

<http://www.videotron.com/werecycle>

### Bell

Tel.: 1-866-301-1942

[Bell Contact Us page](#)

[Link to program](#)



# Appendix: Evaluating Supplier Compliance with the Regulation

