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Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

**Kativik Environmental Advisory Committee brief  
concerning Bill 65: Act to amend mainly the Environmental  
Quality Act with respect to deposits and selective collection**

**Presented to the Commission on Transportation  
and the Environment**

**October 29, 2020**

## **About the KEAC**

The Kativik Environmental Advisory Committee (KEAC) was created pursuant to Section 23 of the James Bay and Northern Québec Agreement (JBNQA) and is governed by the Environment Quality Act (EQA) and the James Bay and Northern Québec Native Claims Settlement Act. The KEAC is a consultative body to responsible governments in matters relating to environmental and social protection in Nunavik. It is therefore the preferential and official forum for the Government of Canada, the Government of Québec, the Kativik Regional Government and the northern villages.

In December 2017, the Nunavik Residual Material Management Working Group held their first meeting following recommendations for its establishment by the Chaire en éco-conseil (eco-advisory research chair) at the Université du Québec à Chicoutimi, the KRG and the KEAC. The mandate of the working group, of which the KEAC and KRG are active members, is to facilitate communication between stakeholders in the Nunavik region and representatives of the provincial government. The Working Group also identifies the main issues and challenges in promoting optimal waste management practices, from a public health and environmental protection standpoint and to identify potential solutions. The Working Group also serves as a forum for discussion on matters relating to the objectives set out in the 2011–2015 Action Plan under the Québec Residual Materials Management Policy.

The KEAC would like to provide its feedback on *Bill 65: Act to amend mainly the Environmental Quality Act with respect to deposits and selective collection*.

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## Introduction

Nunavik is the northernmost region of the province of Québec, covering 507,000 km<sup>2</sup> (Map 1) north of the 55<sup>th</sup> parallel. It has a population of 13,188, of whom roughly 90% are Inuit (Statistics Canada, 2017). Residents live in 14 northern villages situated along the coasts of Hudson Bay and Ungava Bay. The lands and the village of the Naskapi Nation of Kawawachikamach, which has over 1,000 members, are situated on the southern border of the region. Pursuant to Section 24 of the JBNQA and Section 15 of the Northeastern Québec Agreement (NEQA), Inuit and Naskapi may practice their hunting, fishing and trapping activities across Nunavik. Pursuant to the NEQA, the Naskapi Nation of Kawawachikamach possesses an exclusive hunting, fishing and trapping territory covering 4,144 km<sup>2</sup>. In the portion of this territory north of the 55<sup>th</sup> parallel, Section 23 of the JBNQA is applicable. Kawawachikamach is the only village of the region accessible by rail. The 14 northern villages are only accessible by air and by sea during the ice-free period. Given this context, the development of waste management initiatives adapted to the region is hindered by a lack of resources, high cost of transportation and access to funding programs adapted to the north.

In Nunavik, the Kativik Regional Government (KRG) is focused on improving residual materials management practices in the region. It published the Nunavik Residual Materials Management Plan (NRMMP) for the period 2015-2019 which was developed with regional and community-specific factors and objectives in mind. In 2019, the KRG produced an assessment report to ensure the continuation of the NRMMP's implementation and renewal. The NRMMP for the period 2021-2027 is currently under development and considers the environmental protection principles of “reduce”, “reuse”, “recycle”, and “reclaim”.

Under the NRMMP, the KRG will also assist in the development of management methods for Nunavik based on the concepts of sustainable development and provide technical support to improve existing drop-off centers and new drop-off centers for products identified under the *Regulation respecting the Recovery and Reclamation of Products by Enterprises* (EPR) and by assisting retailers in the region under the expansion of the Québec deposit-refund program.



Map 1: Map of Nunavik (Makivik Corporation, 1995)

## General Comments

The KEAC has reviewed *Bill 65: Act to amend mainly the Environmental Quality Act with respect to deposits and selective collection and draft regulations* with interest. It recognizes the Québec government's intention to modernize the beverage container deposit and selective collection systems using an extended producer responsibility approach. The KEAC also acknowledges the bill's power to attribute responsibility for developing, implementing and financing said systems to an appointed management body (organisme de gestion désigné, OGD) by the Minister of the Ministry of Environment and the Fight against Climate Change (MELCC) or by Recyc-QUÉBEC, who will act as manager.

The modifications proposed under Bill 65 refer to “Aboriginal communities, as represented by their band councils” in many instances. In this regard, the KEAC would like to point out that the term “band council” does not apply to the organizational and administrative structure of Nunavik. Rather the region's governing entities were created under the JBNQA and include the Northern Village Corporations, the Landholding Corporations, the KRG, and the Makivik Corporation. Pursuant to section 408 of the *Act respecting Northern Villages and the Kativik Regional Government*, the KRG is considered a municipality under the *Environment Quality Act*. It is important that this fact be taken into account when designing or restructuring waste management systems.

Article 53.30 states that “the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec”. The KEAC recommends the application of these regulations in Nunavik. The two systems promise very important advances for Nunavik in terms of waste management, provided that the provisions of Bill 65 and the resulting regulations integrate the entire territory of Québec, do not allow exemption or discriminatory management methods, consider the high operation costs in Nunavik and include a vigorous and transparent monitoring component.

Additionally, considering that a significant source of residual materials in Nunavik is generated by development projects outside the municipal boundaries, such as mining operations, the KEAC recommends that the scope of Bill 65 be broadened to include these activities.

## Selective Collection System

At present, a selective collection system does not exist in Nunavik. Domestic and non-residential waste is not sorted at a point of collection or installation at local landfills. Although a few collection and recycling initiatives have been realized in some villages, larger items, such as non-serviceable vehicles and appliances continue to accumulate at the municipal landfills. According to the NRMMP, Nunavik produces 15,742 tonnes of residual materials annually (1,112 t/resident). It is important to note that construction, renovation and demolition waste, representing 50% of all waste, includes bulky items, which are present in large numbers in northern landfills due to the absence of repair services and residual material management practices.

Most waste, regardless of type, is burned according to the requirements of the *Regulation Respecting the Landfilling and Incineration of Residual Materials* prior to being buried: “[c]ombustible residual materials deposited in northern landfills must be burned at least once a

week, weather conditions permitting”. Notwithstanding, open-air burning of residual materials has become increasingly less suitable as a management method, in particular in the region’s largest communities. In these northern villages, the increased volumes of residual materials are exceeding the effective burning capacity of the local landfills. The unique climatic and geophysical constraints of each village also contribute to the problem of mandatory weekly burning (public health and safety risks due smoke in the communities and wildlife intrusions). As such, the KEAC stresses the importance of the recovery and reclamation of residual materials in order to reduce the volume of materials destined for northern landfills and that are burned there because of the obligation provided for in the aforementioned regulation.

In addition, although the businesses that market the categories of products currently covered under the EPR are required to assume collection/transportation costs and establish drop-off centres in every community in Nunavik, there are only 6 of the 14 communities actively participating in the collection program. As such, the organization referred to in 53.30 and that will be attributed the responsibilities for the development and implementation, as a measure, a system to recover or reclaim residual materials will need to be well informed regarding the recovery rate of products currently covered under the EPR for Nunavik. Understanding the successes and shortcomings/limitations of EPR implementation in the region can greatly assist with implementing a more efficient system which obliges companies, via their OGD, to offer efficient, adapted and free recovery services to Nunavimmiut.

In this regard, paragraph 5 of section 53.30.3 allows the government to prescribe “the obligations, rights and responsibilities” of OGDs. This provision is an opportunity to strengthen accountability obligations for isolated regions, such as Nunavik, and put in place transparent compliance and monitoring mechanisms to ensure that OGDs comply with regulations and offer the same services in Nunavik as in the south.

## **Deposit System**

Article 53.30.2 states that a regulation will be established requiring certain persons to develop, implement and contribute financially to a deposit system. Currently, the reclamation of refundable beverage containers in the region entails retail stores<sup>1</sup> that deliver collection services in accordance with the *Act respecting the Sale and Distribution of Beer and Soft Drinks in Non-Returnable Containers*. Although these retailers return refundable beverage containers to recyclers every year (14.3M between 2015 and 2018 according to *Boissons Gazeuses Environnement*), the maintenance of compacting equipment as well as the storage and shipping of refundable beverage containers is both complex and costly to coordinate. The revenue generated through the refund does not fully cover operating expenses.

During the February 2020 meeting of the Working Group, the KEAC and the KRG strongly recommended to Recyc-Québec, that a pilot project under the modernization of the deposit system be implemented in a Nunavik community. This trial would allow retailers, producers and the

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<sup>1</sup> In Nunavik the Northern stores, located in each community, are owned and operated by the Northwest company, a corporation located outside the province. Some products sold at Northern stores also originate from outside the province and the KEAC is of the opinion they should be considered as acceptable materials under the modernized deposit system.

management body (ODG) to have a better understanding concerning the necessary infrastructure, human resources, storage facilities and financial framework needed to implement this new system in a northern context.

## **Agreements**

The 2<sup>nd</sup> and 4<sup>th</sup> paragraphs of articles 53.30.1 and 53.30.2 refer to the terms of conditions of a contract with the appointed management body (ODG), covered by the regulation. The KEAC would like to stress the importance that the regulations to be adopted take into consideration that the terms and conditions of these contracts for Nunavik be adapted to the regional context.

The KEAC would like to stress the importance that the regulations adopted take into account a variety of factors such as long-term storage, infrastructure and equipment suited to a northern climate as well pest/animal control, regulating public access and the high costs of maritime transportation. The KEAC recommends that any agreement be carefully reviewed by the regional authorities before being adopted.

Additionally, article 53.30.3 proposed in Bill 65 authorizes the government to establish in a regulation, the modalities of the transfer of responsibility for program development to a non-profit management body and their obligations under said responsibility. Consequently, the KEAC views the development of this regulation and the resulting agreement(s) as an opportunity to open a discussion among all players, with a view to creating solid collaborations and apply viable solutions. The KEAC is of the opinion that regional organizations be a part of the information sharing and development phases of these modernized systems, and as such, recommends that representatives from the KEAC be invited to participate on the working group under the Administration of the MELCC: Changement légaux et réglementaires et modalités d'application particulières.

The KEAC also understands that article 53.30.4 authorizes the Government to enter into an agreement with any Aboriginal community which decides to develop or implement all or part of a selective collection system on its territory. In Nunavik, we believe that the implementation of these systems on an individual level will only create exceptions, significantly complicate their management and will not benefit the communities of Nunavik as a whole.

## **Conclusion**

The KEAC would like to emphasize that Bill 65 must not exempt companies from serving regions such as Nunavik due to the high cost of operations and logistical complexities. Rather, the implementation of these systems in the region will need to be a concerted effort between the KRG, the northern communities, the appointed management bodies (OG), Recyc-Québec and the Québec government to allow for adapted measures and proper financial allocations to be considered.

The KEAC recommends that all amendments to the bill consider the particularities of aboriginal, northern or isolated communities and that both services and allocated budgets be adapted as such.

Furthermore, should it be possible, the KEAC also recommends the government organize a visit and public hearings in the region as part of the planned consultations for 2021.