



Kativik Regional Government
*Renewable Resources, Environment,
Lands and Parks Department*

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Geneviève Rodrigue
Assistant Director of 3RV-E
Ministère de l'Environnement et de la Lutte contre les changements climatiques
Édifice Marie-Guyart
675 René-Lévesque Boulevard East, 9th Floor
Québec, QC
G1R 5V7
genevieve.rodrigue@environnement.gouv.qc.ca

**SUBJECT: Comments from the KEAC and KRG concerning the Draft Regulation to amend the
Regulation respecting the recovery and reclamation of products by enterprises**

Madame Rodrigue,

Since the enactment of the *Regulation respecting the recovery and reclamation of products by enterprises (EPR)* in 2011, both the Kativik Environmental Advisory Committee (KEAC) and the Kativik Regional Government (KRG) have provided comments and recommendations on the application of the Regulation in Nunavik. As you may recall, the KEAC ensures that all laws, policies and regulations applicable in the region are compatible with the provisions of Section 23 of the James Bay and Northern Québec Agreement while the KRG is responsible for planning the management of waste in its territory and providing technical assistance to the 14 northern villages in its day-to-day practices. Both our organizations adhere to the idea that waste management in Nunavik can only be improved by securing the necessary financial and technical support, as well as inclusive legislation from the provincial and federal governments as part of a collaborative commitment from all stakeholders. As such, the KEAC and KRG have cooperated to provide the Ministère de l'Environnement et de la Lutte contre les changements climatiques (the environment and the fight against climate change, MELCC) with comments regarding the proposed amendments to the EPR.

Current Situation

For this brief, the KEAC and KRG will refer to a “producer organization” who will act on behalf of producers to ensure compliance and target achievements under the Regulation.

The current EPR is applicable throughout Nunavik but has only been implemented in 6 of the 14 northern villages and with mixed success. The principal issues in its application are related to limited resources, both financial and human. Currently, the Northern Village of Kuujuaq manages the EPR in its community, in collaboration with KRG, while the Fédération des coopérative Nord-du-Québec (FCNQ) have collaborated with the KRG to install permanent drop-off locations at co-op stores in the 5 other communities. The KRG provides technical support for collection events,

employee training and logistics such as reservations and documentation for marine shipments and securing marine containers. However, a lack of sufficient human resources (either at the community or regional level) results in issues regarding overflow, separation and storage of the products that are collected. The current program offers no consistency for neither the Northern villages, the FCNQ and its employees, nor the people and organizations participating in the collection of the current products under the EPR.

Furthermore, the high cost of transportation is often a deterrent for the Northern Villages, the FCNQ and the producer organization obliged to recover the products under the current EPR. Products are shipped in marine containers, which are difficult to obtain and not always provided by the producer organizations. Additionally, storing the items in the months (and sometimes years) between collection events is also an issue due to a lack of marine containers available in the region and/or practical space within the community that would allow the installation of a more permanent drop-off centre.

To date, the participation rate of both citizens and regional organizations remain relatively low and the awareness campaigns are not effective. Community collection events are inconsistent, and necessitate the assistance of the KRG because the northern villages are not equipped with the technical or financial capacity. Neither the Northern Villages, the FCNQ nor the KRG are compensated for their efforts.

Subparagraph 2 of Section 5 of the current Regulation states that a recovery and reclamation program must, among other things, ensure that the management of recovered products in accordance with the best practices and accepted standards. Considering the need to improve the Regulation's efficiency in the Nunavik region, the KEAC and KRG suggest that best practice and standards be adapted specifically for the northern reality, and done so in collaboration with the northern villages and regional organizations.

Furthermore, the addition of the following paragraph at the end of Section 5, "Where the program provides for the management of a product marketed in a territory covered by section 17, the measures contained in the program and referred to in subparagraphs 3, 8 and 9 of the second paragraph must be adapted to meet the needs and particular circumstances of that territory" refers only to the operating rules, criteria and requirements that must be complied with by a service provider, the information, awareness and education activities as well as a research and development constituent of a recovery and reclamation program. The KEAC and KRG feel that other elements of the program such as the those referred to in subparagraphs 2 (best practices and accepted standards), 6 (drop-off centres) and 7 (management of containers and other packages not covered by this Regulation and used to bring the products to the drop-off centres and those used to transport them to the treatment centres), if not all elements, be adapted to the territory covered under section 17, including Nunavik.

With that in mind, the KEAC and KRG also recommend that the addition of sub-paragraph 8.1, which ensures for a traceability or monitoring element of the program, includes a specific subset of data for Nunavik to allow for improvements and to highlight successes of the Regulation's implementation in the region.

Minimum requirements offered in northern communities

The amendments to Section 17 of the Regulation are the most interesting to our organizations in terms of its application in the "territory governed by the KRG". The KEAC and KRG agree with emphasizing that an enterprise referred to in Sections 2 or 3 "must set up, for each municipality, city, town, urban agglomeration, locality or Native community in those territories, collection equipment appropriate for those territories, in sufficient quantities to recover the products marketed there, installed in sheltered and developed premises suitable for storing recovered products for several months". However, it should be noted that in Nunavik, the communities are referred to as Northern Villages and not Native communities.

We also agree that the area in which the collection equipment is located be easily accessible to those participating in the program, both physically and at appropriate times throughout the year. However, the sentences that appear in the

first and second paragraphs of Section 17 are confusing. We recommend removing the second paragraph and adjusting the first paragraph to say: "...collection equipment appropriate for those territories, to be installed not later than 1 September of the first full calendar year and in sufficient quantities to recover the products marketed there, installed in sheltered and developed premises suitable for storing recovered products for several months. Those premises must be accessible to consumers or industrial, commercial or institutional clientele at least once each month, including at least 1 week during the summer".

Collection events in the northern villages should not simply consist of 1-day events considering they are condensing the collection, sorting, cleaning and packaging of products normally done throughout the year in southern municipalities. Ultimately the KRG foresees collection equipment be made available on an annual basis, where drop-off centres have a regular opening schedule to create good habits within the population and organizations.

Moreover, the KEAC and KRG support the addition in Section 17 "...when those premises are made accessible, a person who has been adequately trained on the identification, handling and storage of the products, adapted to the type of products received, must be present on site to safely receive, sort and store the products received and prepare them to be transported". The KEAC and KRG recommend that this trained person be provided for, with full financial support, by the producer organizations or that regional persons be trained in this role and that their salaries and travel expenses be provided for by the producer associations.

Finally, the KEAC and KRG agree that recovered products must be transported at least once a year to a treatment location, as stated in Section 17, at the cost of the producer associations.

New Products

Similar to when household appliances and air conditioners were added to the list of products covered under the EPR in 2018, the KEAC and KRG caution the MELCC that adding 3 more categories of products to be collected will necessitate the development of appropriate infrastructure and support for the local actors involved. As a reminder, a selective collection system does not exist in Nunavik. Domestic and non-residential waste are not sorted at a point of collection but are disposed of at local landfills. Most waste, regardless of type, is burned according to the requirements of the *Regulation Respecting the Landfilling and Incineration of Residual Materials*. Although a few collection and recycling initiatives have been realized in some northern villages, larger items, such as non-serviceable vehicles and appliances continue to accumulate at the municipal landfills. Consequently, the KEAC and KRG recognize the MELCC'S efforts to highlight specific conditions for the recovery of products under the EPR in Nunavik in the proposed modified Regulation.

Division 2, Batteries

The addition of single-use batteries under Division 2 of the Act is welcomed by our organizations given the wide-range use for these products throughout the province, including Nunavik. However, Section 32.1. states that an enterprise "must set up a drop-off centre in each regional municipality, other than those referred to in section 17, in the territory of which the products of that enterprise are marketed". The KEAC and KRG disagrees that Nunavik, a territory referred to in section 17, will be excluded from this obligation and question how our communities and organization will be offered a recycling program for products listed in Section 29. Rechargeable and single-use batteries are considered dangerous goods and transporting these from Nunavik is costly and returning these batteries to a recycling facility located outside the region mostly falls on the Northern Villages.

Division 6, Household Appliances and Air Conditioners

Section 53.0.4. states that in addition to drop-off centres, the enterprises must provide an additional collection service directly to the consumer. However, a proposed addition to the end of that section states that "...an enterprise referred to in section 2 is not required to offer an additional collection service directly at the consumer in the territory of a regional

municipality or territory referred to in section 17". The KEAC and KRG wishes to underline that these types of domestic products are as much a part of mainstream life in the north as they are in the rest of the province. However, unlike the majority of Québec municipalities, Northern Villages do not have eco-centres or special curbside pickups meant to recycle and reduce landfill volumes. Nor does the region have a repair service or stores to buy replacements for defective part. In Nunavik, the majority of these products, along with most residual and hazardous materials, are deposited in the community landfills where they are burned, buried or stored. As such, with the absence of a direct collection event provided to the customer, any recovery program for these products must consider the added logistics that will be required to collect, sort and prepare for transportation the products already found at local landfills as well as any newly created drop-off centres.

Division 8, Pressurized Fuel Containers

The KEAC and KRG support the addition of pressurized fuel containers used to hold liquids or gases under pressure that are to be used as fuel, such as propane, butane, isobutane or propylene to the list of products covered by the EPR. These types of containers, especially empty propane tanks, are very commonly disposed of in the region's landfills. Indeed, the lack of a container filling services and the high costs of transporting them to a recycling facility mean that most empty propane tanks in the North are not collected by retailers and are sent directly to the local landfill or accumulate in designated areas if available. As such, the KEAC and KRG also support the proposed addition in Section 53.0.17 that states the category of pressurized fuel containers includes the subcategory "refillable containers marketed in a territory referred to in section 17". However, the KEAC and KRG want to be assured that the list of gases includes oxygen and acetylene and that pressurized fuel containers of all sizes marketed in the region are also included since many smaller, non-refillable containers are sold and disposed of in the territory.

In the MELCC's analysis document, it is stated that four tonnes of these containers are generated annually in northern Québec and based on that volume the document estimates costs associated with transporting these to a treatment facility. However, the KEAC and KRG want to point out the important accumulation of pressurized fuel containers in the local landfills and residual sites related to former and active mining, archaeological, outfitting, vacation or military operations, located outside municipal boundaries. This issue should be considered in any recovery and reclamation programs for these products. Moreover, empty pressurized fuel containers are treated as dangerous goods, increasing the transportation costs, unless their valves are removed at which point they can be treated as metal. However, the removal of valves requires a certified individual, none of which are found in Nunavik. The KEAC and KRG therefore recommends that the recovery and reclamation programs for these products also include an opportunity to provide the training on a regional level but that these containers are nonetheless transported to a facility outside the region.

We also note with interest that drop-off centres will be established at the entrance to national parks and outfitting operations (Section 53.0.21), both of which are found in the Nunavik region. In fact, there are currently eight proposed biodiversity reserves, one proposed aquatic reserve, three territories reserved for the creation of protected areas, four national parks, and four national park reserves. All these territories are developed and managed by the KRG, in cooperation with the MELCC and the Ministère des Forêts, de la Faune et des Parcs (forests, wildlife and parks, MFFP). Parks operations differ from southern Québec in that tourist numbers are much lower and the principal users of these containers are the employees. Empty containers are temporarily stored near small airstrips in parks and returned to communities on a regular basis.

Firstly, the KEAC and KRG question whether all of the above-mentioned territories will have access to the drop-off centres to be established for the collection of pressurized fuel containers. Secondly, all of these territories, including the four national parks, are located a significant distance from nearby communities and are mostly accessible by boat, airplane, helicopter or snowmobile, meaning there are no road networks connecting the parks to the communities. As such, having the drop-off centres located at the entrance of the parks may not be convenient for their operations. We recommend the MELCC ensure that these circumstances are considered by the producer organization and that the KRG be part of the discussion for the implementation of the recovery and reclamation program within Nunavik.

In Nunavik, there are numerous active and abandoned outfitting operations scattered throughout the region. These sites are often located important distances from nearby communities. Considering the current efforts under the MFFP's *Strategy to Promote the Vitality and Enhancement of the Northern Heritage* to dismantle, cleanup and remediation mobile outfitting camps in the region have shown that the accumulation of residual and dangerous goods is a reality outside municipal boundaries, it suggests that drop-off centres or collection vessels are indeed required for outfitting operations. To ensure proper compliance and access to all operations, the KEAC and KRG recommend the producer organization consider collaborating with the Association of Outfitters in Québec.

Division 9, Pharmaceutical Products

The KEAC and KRG support the proposed addition of pharmaceutical products to the Regulation. Currently there are both hospital and community pharmacies located in the Ungava Tulattavik Health Centre in Kuujuaq, and the Inuulitsivik Health Centre in Puvirnituk. The other 12 northern villages are serviced by local community service centres, or CLSCs, where short-term medication treatment is distributed to patients by nurses and doctors from stock medication. All long-term medication treatment is delivered monthly, via air cargo, by a pharmacy partner in Montreal.

All pharmaceutical waste (residues, materials and substances or debris released as a result of the production, preparation, use or consumption of a pharmaceutical product) from the pharmacies, the hospital care units, and the CLSCs are treated as follows:

- By incineration in those establishments on the Ungava Coast;
- By hydroclave in those establishments on the Hudson Coast. The remaining of the containers are then "crushed" in a grinder and sent to a specific place of the local landfill not accessible to the population to be open-air burned;
- All "regular" expired medication and pharmaceutical waste in the pharmacies are disposed in a STERICYCLE waste container and sent to STERICYCLE.

Pharmacies, CLSC nurses and home care nurses use a container also called a collector (red or yellow) to dispose of biohazardous waste. When the container is full, it is returned from the CLSCs to the health centres in Puvirnituk and in Kuujuaq by MEDEVAC. Chronic oral medications prepared by the partner pharmacy in Montréal for the supply of long-term treatment drugs that are not used or claimed by patients, are returned to Montréal by CLSC nursing staff for safe disposal by the medical waste company STERICYCLE.

Section 53.0.33 notes that an enterprise must set up a permanent drop-off centre in at least 80% of the business establishments in Nunavik where the products of that enterprise are marketed. In Nunavik, these establishments should be considered as the 2 health centres and 12 CLSCs in the region and given that there is only one pharmaceutical distribution centre in each community, the KEAC and KRG recommend the Regulation note that 100% of these establishments be allocated a drop-of centre.

Furthermore, given the complexities and costs for transporting pharmaceutical waste, it is recommended the producer organization develops the recovery and reclamation plan for the region initiate an open communication with the Nunavik Regional Board of Health and Social Services whose principal mandate is to organize health and social service programs in the region), evaluate those programs' effectiveness and ensure the users receive services of good quality appropriate to their needs.

Conclusion


Waste management in general remains a challenge in Nunavik. High costs associated with infrastructure, management and transportation coupled with the lack of adequate financial support and human resources has made it difficult for the region to adhere to many new policies and regulations that have mostly been established for more industrial, modern communities in the southern part of the province.

In order for the current and proposed EPR programs to succeed in the region, they must be adapted to the regionally realities. Furthermore, both enterprises and governments must adapt their obligations and expectations to regional capacities but without ignoring the needs and potential for improved waste management in Nunavik.

Respectfully,



Tunu Napartuk
President, KEAC



Véronique Gilbert
Assistant Director, Renewable Resources, Lands,
Environment and Parks Department, KRG

cc. Mr. Croteau, Deputy Minister, MELCC and Provincial Administrator, JBNQA