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SUBJECT: Feedback on the draft regulations respecting a system of selective collection of certain residual materials and the development, implementation and financial support of a deposit system for certain containers

Dear Ms. Rodrigue,

On October 29, 2020 the Kativik Environmental Advisory Committee (KEAC) submitted a brief to the National Assembly's Commission on Transportation and the Environment with its comments on *Bill 65: Act to amend mainly the Environmental Quality Act with respect to deposits and selective collection and draft regulations*. We recognize that a number of our recommendations from the brief and during discussions with various working groups were taken into account in the development of the draft regulations respecting a system of selective collection of certain residual materials and the development, implementation and financial support of a deposit system for certain containers such that they incorporate the issues related to waste management in Nunavik.

Furthermore, we would like to refer to the Bureau d'audiences publiques sur l'environnement's (BAPE) report for the consultation on the current status and management of final waste which addresses remote areas under Guideline #10. It states that residual materials management measures must be consistent and implemented equally throughout Quebec. The government must also consider each region's unique social and territorial particularities and provide the necessary resources to identify optimal solutions for the management of residual materials in these areas in accordance with the concept of a circular economy.

Regulation Coherence

The KEAC acknowledges that the draft regulation respecting a deposit system, includes specific provisions for the return and deposit refund for containers in remote or isolated territories. Article 2 provides a clear

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definition of an “isolated or remote territory”. This includes “the territory governed by the Kativik Regional Government (KRG) as described in paragraph v of section 2 of the *Act respecting Northern villages and the Kativik Regional Government* (chapter V-6.1)”. However, the draft regulation respecting a system of selective collection does not. It simply provides definitions for “aboriginal communities” or “municipal bodies” under Article 2 and the status of regions like Nunavik is unclear. Furthermore, the term “aboriginal community” does not apply to the organizational and administrative structure of Nunavik as the region’s governing bodies were created under the *James Bay and Northern Québec Agreement* (JBNQA) and include the Northern Village and 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*. As such, we would like to emphasize the importance of having consistent vocabulary between both regulations and recommend the definition of an “isolated or remote territory” be provided in both regulations, with a clear explanation of this distinction.

In this respect, Article 56 in the draft regulation respecting a system of selective collection includes a list of nearly twenty important and relevant elements the “Designed Management Body” (DMB) must offer the authorities responsible for the administration of an isolated or remote territory. In Article 25 of the draft regulation respecting a deposit system, the considerations for these territories are far fewer and less detailed. We therefore request that contract content be consistent between the regulations as the management and application issues in regions such as Nunavik are the same for each system.

Another example of inconsistency is when both regulations refer to the membership of monitoring committees that must be established by a DMB. Specifically Article 66 in the draft regulation respecting a deposit system and Article 117 in the draft regulation respecting a system of selective collection. Only the former stipulates that “the authorities responsible for the administration of the isolated and remote territories” will be a member of the monitoring committee whereas it will be essential to have regional representation on the committees established under both regulations.

Contracts

The negotiation of a contract between the DMB and the KRG for services offered in Nunavik communities will be exceptionally important. In Nunavik, the KRG aims to improve residual materials management practices. Its 2021-2027 Nunavik Residual Materials Management Plan (NRMMP) was developed with the consideration of regional and community specific factors and objectives and focuses on the environmental protection principles of “reduce”, “reuse”, “recycle”, and “reclaim”. The KRG provides technical assistance to the Northern Villages and on occasion, to regional organizations with regards to waste management initiatives. Should the KRG be given this role for the implementation of the modernized deposit and selective collection systems, it is essential that access to the necessary resources be included in the contract.

We also recommend that these contracts be flexible enough to permit the effective implementation and transition to a modern selective collection system in a region where none previously existed. The contract may also consider a gradual approach to regulatory application by establishing pilot projects in specific communities and on-site consumption establishments that will allow for a gradual introduction across the 14 communities and to adjust where needed. Moreover, the 2021-2027 NRMMP’s objective is to establish a

pilot project in one community by 2027 in order to test collection methods, the types of recycling bins, and storage as well as transportation systems.

In terms of the deposit system, particular attention must be paid to return locations, equipment and storage infrastructure. In order to ensure the participation of community residents, we recommend that return locations be situated in close proximity to retailers and easily accessible. Storage infrastructure must also be appropriate for long-term use, northern weather conditions, the reduction of odors and be resistant to human and wildlife intrusions. Contracts should also consider factors such as seasonal delivery of material by boat and training of local retailers and municipal employees so as to apply the systems in a timely manner.

Furthermore, the draft regulations propose that collections from multi-dwelling units, Industrial, Commercial & Institutional (ICI) workplaces, including educational facilities, as well as out-of-home service be offered in the region, in such a way that it accounts for isolated and sparsely populated areas. In addition, the draft regulation would require ICI and multi-unit building managers to recover the materials targeted by the selective collection system. On-site consumption establishments would also be required to provide adequate facilities on their premises to handle curbside materials and deposit containers. As mentioned above, at present no selective collection system exists in Nunavik's Northern Villages, and so the participation of these parties will also require a degree of flexibility in terms of implementation, infrastructure, and schedule.

An additional factor to consider would be the realization of an economic analysis for the implementation of this system in Nunavik that takes into account the significantly higher cost of waste management per citizen when compared to southern Québec. Factors such as infrastructure, equipment and transportation must be appropriately assessed in order for the DMB to adapt its activities to the regional context.

Compliance and Monitoring

Currently, the *Regulation respecting the recovery and reclamation of products by enterprises* obliges businesses to assume the recovery and recycling costs of their products according to the principle of extended producer responsibility (EPR). Despite the requirement to cover collection/transportation costs and establish drop-off centers in each Northern Village, only 6 of the 14 communities in Nunavik actively participate in the collection program since its introduction 10 years ago. Currently, there are no obligations placed on the organizations responsible for the products covered by the EPR regulation to comply with their legal obligations. As a result, there is an overall lack of appropriate services, community participation and the KRG provides the only technical support in the region, without compensation from these organizations. The KEAC questions how the Ministry of Environment and the Fight Against Climate Change and RECYC-QUÉBEC will succeed in ensuring that the new DMBs respect their legal obligations. A possible solution may be to combine the multiple programs under a single DMB for the Nunavik region.

In its October 2020 brief, the KEAC observed that certain provisions in Bill 65 would provide an opportunity to strengthen accountability obligations for isolated regions such as Nunavik, and implement transparent compliance and monitoring mechanisms to ensure that DMBs comply with the regulations and offer support comparable to southern Quebec. As such, we would like to further guarantee fair, equitable and adapted services provided to Nunavik communities by recommending that the KRG and the KEAC be members of

the monitoring committees under each system. As part of its mandate, the KEAC ensures that all laws, policies and regulations related to waste management and applicable in the region are compatible with the provisions of Section 23 of the JBNQA.

Additionally, the KEAC recommend that regional data regarding traceability, reclamation and recycling rates, community participation levels and final reports produced by the DMBs be provided to the KRG to enhance transparency and improve the systems' implementation.

Community Participation

Both draft regulations set out the obligation for DMBs to establish information, awareness and education campaigns. These will be extremely important in Nunavik, where the concept of selective collection is completely unfamiliar. In order to effectively disseminate information, it must be simplified, well-illustrated and presented in Inuktitut and English and transmitted through a medium commonly used by community residents to include community radio, social media, online or in-person presentations, school visits and training workshops.

Conclusion

Considering the risks and concerns with regards to open-air burning addressed at the BAPE's regional consultation of the current status and management of final waste, we acknowledge that the regulations concerning deposit and selective collection systems will reduce the amount of waste being treated in this manner in community landfills across Nunavik. We also support the application of the regulations; however, they must be adapted to the regional context.

To conclude, we recognize that implementing the proposed container deposit and selective collection systems in Nunavik's communities will be a challenge and we would like to emphasise that it will require both the expertise of specialists who are familiar with the northern context and regional representatives who can guide the application of both regulations and systems.

Respectfully,



Tunu Napartuk
Chairperson, KEAC