



Plain Language Summary for Bill 78: Waste Reduction and Resource Recovery Act

The Government of the Northwest Territories Department of Environment and Natural Resources (ENR) amended the *Waste Reduction and Resource Recovery Act* Bill (the Bill). The Bill modernizes the *Waste Reduction and Recovery Act*, allowing the GNWT to use the most current and comprehensive tools to manage waste reduction and recovery in the Northwest Territories (NWT) and to align with other GNWT legislation and inter-jurisdictional programs and services.

These amendments were identified through the development of the *NWT Waste Resource Management Strategy and Implementation Plan*, which considered perspectives from Indigenous governments and Indigenous organizations, communities, the Waste Reduction and Recovery Advisory Committee, an advisory panel made up of community representatives, industry stakeholders, and the public during community events and online engagement opportunities in 2017 and 2018. ENR conducted public engagement on the Bill from December 2022 to January 2023, and a What We Heard report from this engagement is located on the GNWT website.

The proposed amendments in the Bill would:

- Redefine, clarify and modernize terminology
- Enable Extended Producer Responsibility (EPR) programs
- Clarify Environment Fund contribution, disbursement and administration requirements to avoid conflict with Extended Producer Responsibility programs
- Enable the Minister to create landfill disposal bans
- Expand the Minister's authority to appoint officers and delegate responsibilities
- Expand the Minister's authority to enter into agreements
- Extend how long prosecution can happen after an alleged offense
- Update and modernize the enforcement and inspection provisions
- Enable more responsive surcharges and fees by prescribing through Ministerial regulations
- Enable the GNWT to select operators based on a competitive process
- Enable any new regulations required to implement these amendments

In this Bill, EPR is a policy solution that shifts the physical and/or financial responsibility for managing the 'end-of-life' (i.e. disposal) phase of consumer products or packaging from communities and taxpayers to producers. Producers could include brand owners, manufacturers, first importers, distributors, or retailers. Under an EPR program, producers have full responsibility for designated materials. Considering that municipalities have limited ability to affect the generation of waste, EPR as a concept aims to give producers an incentive to change product design for reuse and to make it easier to recycle materials.

Nothing would change for residents, producers, or communities right away. That's because this change would not immediately create an EPR program – it would simply give the GNWT the legal authority to create regulations to allow EPR programs in the future, if there is a public interest to do so. The GNWT would engage with the public and stakeholders again on any proposed regulations developed for EPR.

In this Bill, a disposal ban is a regulatory tool applied across a jurisdiction such as a municipality or territory. It stipulates that certain materials are not accepted for disposal within that jurisdiction and are only accepted at designated facilities. Disposal bans are used in jurisdictions across Canada in tandem with recycling programs to ensure people bring prescribed materials to recycling depots instead of throwing them away.

If the new Act comes into force, the GNWT would have the authority to create a disposal ban program in regulations, if there was interest to do so. Disposal bans would only be considered for materials that are subject to a territory-wide recycling program. The GNWT would engage with the public and stakeholders again on any proposed regulations developed for disposal bans.

Updated enforcement and investigation provisions have been included in the Bill. These include updates on the responsibilities for enforcement, the authority of inspectors, and punishments for offences.

The GNWT is committed to working with Indigenous governments, Indigenous organizations, stakeholders and the public on the development of future regulations if the Bill is passed.

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