

EXTENDED PRODUCER RESPONSIBILITY PROGRAM: FREQUENTLY ASKED QUESTIONS

PRODUCER DEFINITIONS

WHAT IS A PPP PRODUCER?

A PPP producer is an entity that supplies materials ordinarily used for the protection, containment, handling, delivery, presentation or transportation of a commodity or product. These items include, aluminum foil, metal trays, plastic film, plastic wrap, food containers, wrapping paper, paper bags, beverage cups, plastic bags, cardboard boxes, and envelopes.

Product packaging can be added at any stage of the production, distribution, and supply of the product. A person adds packaging to a product if they:

- make the packaging available for another person to add the packaging to the product.
- cause another person to add the packaging to a product.
- combine the product and the packaging.

WHO IS CONSIDERED A PRODUCER?

A producer supplies material (packaging, paper producers or packaging-like products) comprised of paper, glass, metal or plastic, or a combination of these materials to consumers. The following may also be considered a producer:

- Brand Holder – of the designated material if the brand holder is a resident of Canada
- Importer – of the designated materials if the importer is a resident of Nova Scotia
- Retailer – if there is no brand holder or importer
- Franchisor – if a business is a franchise, the franchisor is the obligated producer, if that franchisor has one or more franchisees that are located in Nova Scotia

WHAT IS A BRAND OWNER?

A brand owner is an organization or company that is the registrant of a trademark. If the brand/trademark is unregistered, then the organization or company that owns the intellectual property rights to the brand/ trademark is the “brand owner.”

If a brand owner is a resident of Canada, then it is the obligated producer of the PPP associated with its brands supplied to residential consumers in the province of Nova Scotia, regardless of whether the products are supplied by a licensee of the brand owner, a distributor, retailer, or supplied directly by the brand owner to the residential consumer.

WHAT IS AN IMPORTER?

An importer is a company that is the first to take possession or control of products entering Nova Scotia from outside the province. The importer of a brand becomes the obligated producer of PPP associated with imported goods if the brand owner is not a resident of Canada (also see “What is a brand owner”).

WHO IS THE OBLIGATED PRODUCER FOR PPP ON UNBRANDED PRODUCTS?

The supplier of the unbranded product is the obligated producer. Unbranded products are products that do not have any mark, word, name, symbol, design, device or graphical element, or any combination of these, including a registered or unregistered trademark, which identifies a product and distinguishes it from other products.

For example, a cucumber in plastic film sold at a grocery store without stickers, labelling or any other information associated with a brand is considered unbranded. The supplier of the cucumber would be the producer responsible for reporting the plastic film.

IF WE USE A DELIVERY COMPANY TO MAIL OUR PRODUCTS OR CORRESPONDENCE, WHO IS REQUIRED TO REPORT ON THE SHIPPING PACKAGING SUPPLIED TO THE CONSUMER?

Each producer of Packaging, Paper Products and Packaging-Like Products (PPP) is required to report the PPP packaging they add to a product.

For example: a college or university bookstore plans to ship a book to a consumer in Nova Scotia. The bookstore staff packages the book in a small box with the packing slip and inserts the box into a plastic mailer supplied by the delivery service with the

required label affixed. In this scenario, the college or university is the obligated producer of the small box and packing slip and must report these materials in their supply report, whereas the delivery company is the obligated producer of the plastic mailer and label and must report these materials in their supply report.

DOES THE OBLIGATED PARTY HAVE TO HAVE A PHYSICAL PRESENCE IN NOVA SCOTIA?

No, the obligated party does not have to be physically present in Nova Scotia to be an obligated producer under the EPR for PPP program. However, you do need to be a resident brand owner in Canada. Refer to Who is Considered a Producer?

REGISTRATION

WHAT INFORMATION IS REQUIRED TO REGISTER AND HOW MUCH TIME WILL IT TAKE?

The process to register in the EPR Portal will take about 15 or 20 minutes. You will need to provide:

- CRA or Provincial Business Number
- Legal business name
- Operating business name
- Date Business started
- Date Business started supplying designated materials into Nova Scotia
- Business address and phone number
- Contact information

IS THERE A REGISTRATION GUIDE FOR PRODUCERS?

Yes, Divert NS has developed a guide for Producer registration. It is located on the website. <https://divertns.ca/producers-under-extended-producer-responsibility>

IF I AM ALREADY REGISTERED WITH DIVERT NS AS PART OF THEIR BEVERAGE RECYCLING PROGRAM, DO I STILL NEED TO COMPLETE THE REGISTRATION PROCESS FOR EPR FOR PPP?

Yes, producers of PPP must register through our Portal separately, even if they may already be registered through Divert NS' beverage or tire recycling stewardship programs.

WHAT WILL I NEED TO LOG IN TO THE PORTAL AT A LATER DATE?

You will need the email address used to log in and the password created for your account.

ARE THERE FEES REQUIRED TO REGISTER IN THE PORTAL?

No, there are no fees required when producers register through the Portal.

WHY DO I NEED TO PROVIDE THE YEAR MY BUSINESS WAS STARTED?

The Business Start date will allow Divert NS to understand existing and new businesses in Nova Scotia. While it may seem less important for existing producers registering in the Portal now, it becomes important as the program evolves and new businesses start supplying designated materials into Nova Scotia.

EXEMPT PRODUCERS

DOES AN ORGANIZATION NEED TO REGISTER IF THEY MEET THE EXEMPTION CRITERIA?

No, an organization who has determined they are exempt is not required to register. The organization must keep records on hand to verify their exemption status in case Divert NS reaches out to confirm their exemption status.

WHAT YEAR DO I USE TO CALCULATE MY EXEMPTION STATUS?

For registration, organizations can assess their exemption status based on calendar year 2022.

FOR EXEMPT PRODUCERS, DOES THE ONE (1) TONNE OF MATERIAL REFER TO THE WEIGHT OF THE PACKAGING MATERIAL SUPPLIED TO THE NOVA SCOTIA MARKET, OR THE WEIGHT OF THE PACKAGING MATERIAL AND ITS CONTENTS?

It is only the weight of the packaging material that should be measured, not the contents.

OTHER RELATED TOPICS

IS DIVERT NS THE ONLY AGENCY APPOINTED BY THE PROVINCE TO OVERSEE THE EPR for PPP Program?

Yes, Divert NS is the only organization overseeing the EPR for PPP Program in Nova Scotia. Divert NS was appointed in the regulation as the Administrator.