



Extended Producer Responsibility Brief

Introduction/What is EPR

Extended Producer Responsibility (“EPR”) is a waste management model in which responsibility for a product in the post-consumer stage of its life cycle remains with the producer.¹ Traditionally, complete responsibility for collection, landfilling, or recycling has been with municipalities or other levels of government.²

Alberta is relatively new to EPR waste. Although its *Extended Producer Responsibility Regulation* (“EPR Regulation”) was passed under the *Environmental Protection and Enhancement Act* (“EPEA”) in 2022, it is still being implemented.³ Full implementation is anticipated to be complete in 2027.⁴ The regulation designates the Alberta Recycling Management Authority (“ARMA”) as the overseeing body of the EPR system, requires it to enter into an agreement with the Minister of Environmental and Protected Areas, and grants it bylaw making powers.⁵

Extended producer responsibility for waste management of products looks different depending on the structure of the waste management system.⁶ Responsibility may be financial, physical, and informational.⁷

Alberta has chosen to implement EPR through a take-back system. A take-back system requires a producer to physically take back their product at the end of its useful life and to

¹ Allison Boutillier, “Extended Producer Responsibility: Designing the Regulatory Framework” (May 2020) at 2, online (pdf): *Environmental Law Centre* <elc.ab.ca/wp-content/uploads/2025/02/Extended-Producer-Responsibility-May-2020.pdf>, citing “Extended Producer Responsibility: A Guidance Manual for Governments” (20 March 2001) at 18, online (pdf): *Organization for Economic Co-operation and Development* <www.oecd.org/content/dam/oecd/en/publications/reports/2001/03/extended-producer-responsibility_g1gh2874/9789264189867-en.pdf>.

² Boutillier, *supra* note 1 at 2.

³ *Extended Producer Responsibility Regulation*, Alta Reg 194/2022 [EPR Regulation]; *Environmental Protection and Enhancement Act*, RSA 2000, c E-12 [EPEA].

⁴ “EPR in Alberta” (November 2024), online: *Alberta Recycling Management Authority* <www.albertarecycling.ca/epr/> [ARMA, “EPR in Alberta”] (“Bulletins: Phased-in Approach to PPP Designated Materials Collection” section).

⁵ *EPR Regulation*, *supra* note 3, *ss* 2, 5, 7.

⁶ Boutillier, *supra* note 1 at 2, citing Thomas Lindhqvist, “Extended Producer Responsibility in Cleaner Production: Policy Principle to Promote Environmental Improvements of Product Systems” (2000) at iii, online (pdf): *Lund University* <portal.research.lu.se/portal/files/4433708/1002025.pdf>.

⁷ *Ibid*, citing Lindhqvist, *supra* note 6 at iii.

organize and pay for disposal.⁸ Typically, these systems include targets requiring a certain percentage of the products collected to be recycled.⁹ Take-back systems often allow for Producer Responsibility Organizations (“PROs”), which are collective organizations of producers that provide economies of scale and reduce financial risk.¹⁰ Producers pay annual fees to cover the costs of running the PRO and the single, collective take-back program instead of running individual programs themselves.¹¹

Alberta’s EPR system aims to:

- Enhance recycling rates of products across the province.
 - Alberta states that because producers will take responsibility for recycling the products they create, fewer products will end up in landfills.
- Catalyze Alberta’s circular economy
 - Alberta states that products that previously ended up in the waste will be redirected and recycled into new products and that this will lead to more jobs, more economic investment, and larger economies.
- Lessen the burden on municipalities and taxpayers currently covering the cost of recycling products
 - This includes batteries, pesticides, and materials designated as flammable, corrosive, or toxic (with the official symbols), including containers and products.¹²

In this Brief, I describe Alberta’s EPR system and its design, relying on the Environmental Law Centre’s 2020 publication *Extended Producer Responsibility: Designing the Regulatory Framework*.¹³ Specifically, I outline 12 considerations described in the ELC report that are particularly relevant in designing a producer take-back system and summarize how they are reflected in Alberta’s EPR system. In doing so, I point out strengths and missed opportunities in Alberta’s EPR system’s design. These 12 considerations are:

1. Government involvement
2. Defining the producer
3. Defining the product
4. Program responsibility
5. Program design
6. Program implementation
7. Program fees

⁸ *Ibid* at 6.

⁹ *Ibid* at 7.

¹⁰ *Ibid*.

¹¹ *Ibid*.

¹² ARMA, “EPR in Alberta”, *supra* note 4 (“What is Extended Producer Responsibility” section).

¹³ See Boutillier, *supra* note 1.

8. Collection systems
9. Education systems
10. Program targets
11. Reporting requirements
12. Enforcement mechanisms

In describing the design of the system, I also highlight four specific policy considerations:

- Dealing with free riders
- Harmonizing with other jurisdictions
- Encouraging competition
- Incentivizing product redesign

Program Design Considerations

1. Government Involvement

Provincial governments are generally responsible for program design, registration, accreditation, monitoring, and enforcement, either themselves or through an organization designated for that purpose.¹⁴ Alberta has opted to assign the ongoing duties of registration, accreditation, monitoring, and enforcement to ARMA which is a non-governmental organization. ARMA is authorized to define certain legislative standards including augmenting the minimum recycling requirements.¹⁵

ARMA is also empowered to create bylaws, policy, and processes related to registration, reporting, auditing, dispute resolution, thresholds for exemption, and compliance.¹⁶ Many of these powers must be exercised in consultation with the Minister of Environment and Protected Areas.¹⁷ The benefit of assigning these duties to a non-governmental organization is that these government oversight functions can be funded by fees charged to producers.¹⁸ ARMA charges fees to producers to fund its operation.¹⁹

¹⁴ *Ibid* at 25–26.

¹⁵ *EPR Regulation*, *supra* note 3, [s 5\(t\)](#).

¹⁶ *Ibid*, [s 5](#).

¹⁷ “Extended Producer Responsibility Agreement on Administration and Oversight” (26 April 2023), art 15.4, online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_EPA-ARMA-Agreement-on-Oversight-Signed-23-04-27.pdf> [ARMA, “Oversight Agreement”].

¹⁸ Boutillier, *supra* note 1 at 26, citing “Extended Producer Responsibility: Updated Guidance for Efficient Waste Management” (2016) at 42, online (pdf): *Organization for Economic Co-operation and Development* <www.oecd.org/content/dam/oecd/en/publications/reports/2016/09/extended-producer-responsibility_g1g6742c/9789264256385-en.pdf> [OECD, “Updated Guidance”].

¹⁹ *EPR Regulation*, *supra* note 3, [s 5\(j\)](#); “EPR Oversight Fee Guide” (30 September 2024), online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR-Oversight-Fee-Guide.pdf> [ARMA, “Oversight Fee Guide”].

2. Defining the Producer

Three policy considerations should be considered in defining the 'producer', or the party responsible for supplying a product to Alberta.²⁰ First, the producer operating the EPR system should be the one at the highest point on the production chain because they will have greater resources to fund the program and have the most control over product design.²¹ Second, the definition of producer should respect jurisdictional limits.²² Third, it should limit free riders.²³ To meet these considerations, the definition should allow for multiple producer options, helping to ensure there is always a producer responsible for every product.²⁴

In Alberta's EPR system, producers are defined by sections 14 and 23 of the EPR Regulation.²⁵ First, the brand holder resident in Canada is the producer.²⁶ For manufactured products that contain hazardous and special products ("HSP"), the first producer option is the manufacturer rather than the brand holder.²⁷ If no such producer exists, the importer resident in Alberta is the producer (the second producer option).²⁸ Finally, if no brand holder or importer is resident, the retailer is the producer (the third producer option).²⁹ This definition considers who is best placed to fund the program, considers jurisdictional limits, and attempts to ensure that there is always a responsible producer.

However, the definition does not limit free riders because the EPR regulation includes exemptions for small producers.³⁰ Producers of single use products, packaging, and paper products ("PPP") under the revenue threshold of \$1.5 million from all sales in Alberta are exempt from the program.³¹

If the revenue threshold is met, PPP producers are obligated to submit annual supply reports and register with ARMA.³² However, they do not need to pay fees, provide material

²⁰ Boutillier, *supra* note 1 at 28.

²¹ *Ibid*, citing "Canada-Wide Action Plan for Extended Producer Responsibility" (October 2009) at 26, online (pdf): *Canadian Council of Ministers of the Environment* <ccme.ca/en/res/cap-epr_e.pdf> [CCME, "Canada-Wide Action Plan"].

²² *Ibid*.

²³ *Ibid*.

²⁴ *Ibid*.

²⁵ *EPR Regulation*, *supra* note 3, [ss 14, 23](#).

²⁶ *Ibid*, [ss 14\(1\)\(a\), 23\(1\)\(a\)](#).

²⁷ *Ibid*, [s 24\(a\)](#).

²⁸ *Ibid*, [ss 14\(1\)\(b\), 23\(1\)\(b\), 24\(b\)](#).

²⁹ *Ibid*, [ss 14\(1\)\(c\), 23\(1\)\(c\), 24\(c\)](#).

³⁰ *Ibid*, [s 15\(1\)\(b\)](#).

³¹ *Ibid*, [s 15\(1\)\(b\)](#); ARMA, "Oversight Agreement", *supra* note 17, art 15.1.

³² *EPR Regulation*, *supra* note 3, [s 15\(3\)](#).

management reports, or participate in the common collection system unless they also meet one of the designated material thresholds in the bylaws.³³

The thresholds for designated material are:

- 9 tonnes of paper per year.
- 2 tonnes of rigid plastic per year.
- 2 tonnes of flexible plastic per year.
- 1 tonne of glass per year.
- 1 tonne of metal per year.³⁴

In addition, on June 20, 2024, the EPR regulation was amended to exempt small newspaper and magazine producers, those that contribute less than 200 tonnes per year, from fees.³⁵ However, these producers are still required to register and submit reports.³⁶

The revenue threshold of \$1.5 million and the material thresholds are in the agreement between the government of Alberta and ARMA.³⁷ ARMA cannot alter them without first consulting with the Minister.³⁸

Dealing with free riders in EPR systems

A specific consideration in EPR program design is dealing effectively with free riders.³⁹ Free riders can arise in situations where producers fail to participate in the EPR system, intentionally underreport the amount of product sold, are exempted from the system as small producers, or are federal enterprises and therefore have immunity.⁴⁰ Free riders can undermine the financial viability of an EPR system, creating an uneven playing field for

³³ By-law, *Extended Producer Responsibility Single-Use Products, Packaging and Paper Products Bylaws* (27 June 2024), s 10.4, online (pdf): Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Single%E2%80%91Use-Products-Packaging-and-Paper-Products-Bylaws-June-27-2024.pdf> [PPP Bylaws].

³⁴ *Ibid*, s 10.3.

³⁵ *Extended Producer Responsibility Amendment Regulation*, OC 217/2024 (*Environmental Protection and Enhancement Act*) [OC 217/2024]; “PPP Material Type Guide” (20 June 2025) at 3, online (pdf): Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_PPP_Material-Type-Guide.pdf> [ARMA, “PPP Material Type Guide”]; See also *EPR Regulation*, *supra* note 3, s 15.1.

³⁶ OC 217/2024, *supra* note 35; ARMA, “PPP Material Type Guide”, *supra* note 35 at 3; See also *EPR Regulation*, *supra* note 3, s 15.1.

³⁷ ARMA, “Oversight Agreement”, *supra* note 17, arts 15.1–15.2.

³⁸ *Ibid*, art 15.4.

³⁹ Boutillier, *supra* note 1 at 17.

⁴⁰ *Ibid* at 17–18, citing Marbek Resource Consultants Ltd, “Analysis of the Free-Rider Issue in Extended Producer Responsibility Programs” (2007) at 4–5, 11–14, online (pdf): Canadian Council of Ministers of the Environment <https://publications.gc.ca/collections/collection_2007/ccme/En108-4-35-2007E.pdf> [MRC, “Free-Rider Analysis”].

producers which can reduce the goodwill of participating producers, and distort the performance metrics of the system.⁴¹

The following four strategies could help to limit the number of free riders:

1. Defining the producer carefully, with the goal that for every product there is a producer who can be held responsible.⁴²
2. Structuring producers' fees to encourage participation by lowering costs for small producers rather than exempting them, for example.⁴³
3. Implementing a reporting system with checks and balances, including auditing processes, to ensure accurate reporting.⁴⁴
4. Including tools to seek out and identify free riders, as well as enforcement mechanisms to bring them into compliance.⁴⁵

The first strategy, ensuring there is always a producer responsible for a product, is adopted in Alberta's EPR system through Alberta's choice to include multiple options in its definition of the producer. However, the second strategy is not utilized. Because small PPP producers (under the \$1.5 million revenue threshold) are excluded from the system, they are not financially contributing to the operation of PROs, the collection system, or the oversight fees. This is a missed opportunity to address the problems associated with free riders.

The third and fourth strategies are discussed in the Reporting Requirements and Enforcement Mechanisms program design considerations sections below.

3. Defining the Product

In designing an EPR system it is important to carefully define what constitutes an included product.⁴⁶ Guiding considerations for defining the product are clarity for the consumer, clarity for the producer, consistency with other jurisdictions, and avoiding shared responsibility for a product.⁴⁷

Most Canadian systems only include residential waste products.⁴⁸ As well, EPR systems are most often used for toxic substances and high-volume materials.⁴⁹ Other considerations

⁴¹ *Ibid* at 18–19.

⁴² *Ibid* at 20.

⁴³ *Ibid*, citing MRC, "Free-Rider Analysis", *supra* note 40 at 19.

⁴⁴ *Ibid*.

⁴⁵ *Ibid*.

⁴⁶ *Ibid* at 33.

⁴⁷ *Ibid* at 33–34.

⁴⁸ *Ibid* at 32.

⁴⁹ *Ibid*.

may be relevant for choosing the products to be included.⁵⁰ Alberta is no exception: its EPR program focuses on residential high-volume materials and toxic substances.

The products covered by Alberta's EPR system are single use, packaging, and paper products (PPP) and hazardous and special products (HSP) from the residential sector.⁵¹ PPP includes residential stream paper, including newspapers, packaging, and cardboard, plastics, metal, and glass.⁵² HSP includes consumer sized flammable, corrosive, and toxic consumer products, batteries, and pesticides.⁵³

Materials subject to existing regulated stewardship programs (beverage containers, electronics, paint and paint containers, tires, and used oil materials) are not included in the new EPR program.⁵⁴ These stewardship programs share many elements in common with the EPR system.⁵⁵ The programs are funded by environmental handling fees charged to consumers at the point of purchase.⁵⁶ This is similar to EPR because ultimately, producers pass the costs of complying with EPR obligations onto consumers.⁵⁷ Suppliers of the materials are responsible for charging and remitting environmental handling fees to ARMA, which acts in a similar role to a PRO by organizing waste management efforts and related activities (education, research, market development etc.).⁵⁸ However, for stewardship programs it is the government/ARMA rather than producers/PROs who make the design decisions.

While the EPR regulation lists general categories of products, ARMA's bylaws and guidance further define what these products are. ARMA published two material guides, one each for PPP and HSP.⁵⁹ These guides provide clear overviews of included and excluded materials and address overlap. For example, the overlap created due to batteries being considered HSP while electronic goods are excluded from the EPR program due to the existing

⁵⁰ See *ibid*, citing Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, "Liste des produits prioritaires à désigner sous la responsabilité élargie des producteurs" (August 2015) at 6, online (pdf): [Gouvernement du Québec](#) <www.environnement.gouv.qc.ca/matieres/valorisation/Rapport_final_synthese.pdf> [MELCC, "Liste Des Produits"].

⁵¹ *EPR Regulation*, *supra* note 3, ss 13, 22.

⁵² ARMA, "PPP Material Type Guide", *supra* note 35.

⁵³ "HSP Material Type Guide" (29 February 2024), online (pdf): [Alberta Recycling Management Authority](#) <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_HSP_Material-Type-Guide.pdf> [ARMA, "HSP Material Type Guide"].

⁵⁴ *EPR Regulation*, *supra* note 3, ss 13(3), 22(3).

⁵⁵ Boutillier, *supra* note 1 at 62.

⁵⁶ *Ibid*.

⁵⁷ *Ibid* at 41.

⁵⁸ *Ibid* at 62, citing *Designated Material Recycling and Management Regulation*, Alta Reg 93/2004, s 6.

⁵⁹ See ARMA, "PPP Material Type Guide", *supra* note 35; ARMA, "HSP Material Type Guide", *supra* note 53.

Electronics Recycling Program is specifically addressed: batteries embedded in electronics remain part of the Electronics Recycling Program and are not included as HSP.⁶⁰

Although generally clear, there are some points of potential confusion. Of note is the exclusion of lead-acid batteries from the HSP program, potentially causing confusion because consumers have difficulty distinguishing between consumer battery types.⁶¹ Additionally, on March 26, 2025, the regulation was amended to exclude “packaging-like product made wholly of flexible plastic or that portion of a packaging-like product made of flexible plastic” from the category of flexible plastics under the PPP program.⁶² This includes cling wrap and sandwich and freezer bags.⁶³ This may be confusing for residents as other types of flexible plastics are included. A third example is the inclusion of recycling bags but the exclusion of garbage and compost bags.

The HSP part of the program replaced the Household Hazardous Waste (“HHW”) program in Alberta, and covers a smaller subset of materials.⁶⁴ Under the HHW program municipalities and indigenous communities voluntarily collected materials at their own cost.⁶⁵ Alberta paid the costs for treatment and disposal of the waste collected.⁶⁶ While most communities will continue to collect the larger subset of HHW products, those communities are now presumably covering the costs of the treatment and disposal of the HHW materials that fall outside of HSP.

Harmonizing an EPR system with other jurisdictions

There are several benefits to the harmonization of EPR programs across Canadian jurisdictions. Harmonization has the potential to:

- Reduce leakage (industry moving to jurisdictions with lower requirements);⁶⁷

⁶⁰ ARMA, “HSP Material Type Guide”, *supra* note 53 at 3.

⁶¹ *Ibid* at 4; Boutillier, *supra* note 1 at 34 citing Andrée Gendron et al, “Extended Producer Responsibility (EPR): Current status, challenges and perspectives” (March 2008), Part VII at 20, online (pdf): [Gouvernement du Québec <www.environnement.gouv.qc.ca/matieres/valorisation/0803-REP_en.pdf>](http://www.environnement.gouv.qc.ca/matieres/valorisation/0803-REP_en.pdf).

⁶² *Extended Producer Responsibility Amendment Regulation, OC 069/2025 (Environmental Protection and Enhancement Act)*.

⁶³ ARMA, “PPP Material Type Guide”, *supra* note 35 at 10.

⁶⁴ “Recycling in Alberta”, online: *Product Care Recycling* <www.productcare.org/province/alberta/> [PCR, “Recycling in Alberta”].

⁶⁵ “Household Hazardous Waste Round-Ups: A Guide for Municipalities participating in the Household Hazardous Waste Program” (4 May 2001) at 3, online (pdf): *Alberta Environment* <open.alberta.ca/dataset/12eda198-153a-427e-9f9c-6caa43ac83b4/resource/fab4e74b-1954-4e4c-b940-b949320dfe20/download/householdhazardouswasteroundup-may04-2001.pdf>.

⁶⁶ *Ibid* at 3.

⁶⁷ Boutillier, *supra* note 1 at 23, citing OECD, “Updated Guidance”, *supra* note 18 at 88.

- Create economies of scale;⁶⁸
- Create efficiencies for producers and PROs operating across jurisdictions;⁶⁹
- Provide convenience for consumers;⁷⁰ and
- Allow for better data.⁷¹

Unfortunately, Alberta's EPR system does not advertise or provide any data on harmonization across Canadian jurisdictions. While many provinces utilize or plan to utilize EPR for PPP, the accepted products and the way the systems function do not necessarily align. Alberta could participate in efforts to improve harmonization as its EPR program matures to realize the benefits listed above.

4. Program Responsibility

All Canadian EPR programs, including Alberta's, allow individual producers to choose between running their own program or joining a PRO.⁷² Usually, PROs are preferred over individual EPR programs because of the economic benefits for producers.⁷³ PROs simplify monitoring and enforcement measures, provide opportunities for producer peer pressure on free riders, and can help deal with orphan and historical products.⁷⁴ However, they also reduce the incentive to redesign and reduce free market competition.⁷⁵

Notably, although Alberta allows for PROs to take on producer responsibilities, each individual producer retains legal responsibility for ensuring regulatory requirements are met.⁷⁶

⁶⁸ *Ibid*, citing Laurie Giroux, "State of Waste Management in Canada" (2014) at E-3, online (pdf): *Canadian Council of Ministers of the Environment* <[ccme.ca/en/res/state_waste_mgmt_in_canada-secured.pdf](https://www.ccme.ca/en/res/state_waste_mgmt_in_canada-secured.pdf)>.

⁶⁹ *Ibid* at 24, citing CCME, "Canada-Wide Action Plan", *supra* note 21 at 6.

⁷⁰ *Ibid*.

⁷¹ *Ibid*, citing OECD, "Updated Guidance", *supra* note 18 at 87.

⁷² *Ibid* at 36.

⁷³ *Ibid* at 35, citing OECD, "Updated Guidance", *supra* note 18 at 28; Also citing Margaret Walls, "EPR Policies and Product Design: Economic Theory and Selected Case Studies" (2006) at 11, online (pdf): *Organization for Economic Co-operation and Development* <[one.oecd.org/document/ENV/EPOC/WGWPR\(2005\)9/FINAL/en/pdf](https://one.oecd.org/document/ENV/EPOC/WGWPR(2005)9/FINAL/en/pdf)>.

⁷⁴ *Ibid*, citing Walls, *supra* note 73 at 11 and OECD, "Updated Guidance", *supra* note 18 at 44, 166.

⁷⁵ *Ibid* at 36, citing Stephen Smith, "Analytical Framework for Evaluating the Costs and Benefits of Extended Producer Responsibility Programmes" (2005) at 41, online (pdf): *Organization for Economic Co-operation and Development* <[one.oecd.org/document/ENV/EPOC/WGWPR\(2005\)6/FINAL/en/pdf](https://one.oecd.org/document/ENV/EPOC/WGWPR(2005)6/FINAL/en/pdf)>; Also citing Walls, *supra* note 73 at 11.

⁷⁶ *PPP Bylaws*, *supra* note 33, s 3.13; By-law, *Extended Producer Responsibility Hazardous and Special Products Bylaws* (27 June 2024), s 3.13, online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Hazardous-and-Special-Products-Bylaws-June-27-2024.pdf> [*HSP Bylaws*].

Encouraging competition within EPR systems

Another specific consideration for EPR system design is encouraging competition and preventing monopolies.⁷⁷ Typically, the use of PROs creates monopolies.⁷⁸ PROs that are monopolies could engage in non-competitive contracting and are not incentivized to run more efficiently because producers have no choice but to join.⁷⁹ They may also distort product markets.⁸⁰ Governments may combat these impacts by creating governance requirements to ensure transparency and accountability towards producers, demanding more detailed financial accounting, instituting an open tendering process for contracts, and/or encouraging or requiring the existence of multiple PROs.⁸¹

There are three PROs currently registered with Alberta’s EPR system, each responsible for a subset of the materials covered by the program with no competition from another PRO.⁸² Circular Materials is the PRO for PPP materials, Product Care Recycling is the PRO for HSP materials excluding batteries, and Call2Recycle is the PRO for batteries.⁸³

Neither the Government of Alberta nor ARMA has required more detailed financial accounting, an open tendering process for contracts, or the existence of multiple PROs. Neglecting to encourage competition is a missed opportunity to create a fairer and more efficient EPR system.

5. Program Planning

Typically, producers are required to design a take-back program to meet minimum requirements set out by governments and must submit a program plan.⁸⁴ More or less, Canadian EPR systems call for the requirements recommended by the Canadian Council of Ministers of the Environment in the Canada-Wide Action Plan for Extended Producer Responsibility (“CCME”).⁸⁵ CCME recommended requirements include:

- a collection plan;
- a processing plan;
- product information;

⁷⁷ Boutillier, *supra* note 1 at 21.

⁷⁸ *Ibid*, citing Chris Busuttill, Glenda Gies & Usman A Valiante, “Competition in Select Extended Producer Responsibility Programs: Phase 1 – Jurisdictional Scan” (2016) at 5, online (pdf): *Government of British Columbia* <www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/rel-res/competition_under_epr_in_bc_2018.pdf>.

⁷⁹ *Ibid*, citing Walls, *supra* note 73 at 11.

⁸⁰ *Ibid* at 22, citing OECD, “Updated Guidance”, *supra* note 18 at 50.

⁸¹ *Ibid*, citing OECD, “Updated Guidance”, *supra* note 18 at 47.

⁸² “Registry: EPR” (2025), online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/registry/epr/>.

⁸³ See “Recycling in Alberta”, online: *Circular Materials* <www.circularmaterials.ca/resident-provinces/alberta/>; PCR, “Recycling in Alberta”, *supra* note 64; “About Call2Recycle”, online: *Call2Recycle* <call2recycle.ca/>.

⁸⁴ Boutillier, *supra* note 1 at 37.

⁸⁵ *Ibid* at 37–38, citing CCME, “Canada-Wide Action Plan”, *supra* note 21.

- performance targets;
- reporting protocols;
- an education plan;
- environmental policies; and
- an implementation plan.⁸⁶

Additionally, common Canadian requirements include a plan for consultations, a dispute resolution procedure, and social and economic policies.⁸⁷

Alberta's EPR system has some program planning requirements. First, as a part of mandatory registration with ARMA, producers are required to submit information about their products, including the brand names of the designated material, the weight of the material for the previous calendar year, and a third-party report confirming this weight information.⁸⁸

Second, producers were required to submit a verification by April 1, 2024 (PPP producers) or October 1, 2024 (HSP Producers) that includes elements of planning.⁸⁹ The verification is intended to ensure that the producer has made the necessary arrangements to meet its obligations under the EPR Regulation.⁹⁰ Verification for a producer using the common collection system includes:

- (a) confirmation that Registered Communities are to be serviced through the common collection system;
- (b) a description of how PPP Designated Material will be collected in the common collection system;
- (c) a description of how the common collection system will adhere to the common collection system standards;
- (d) a description of how collected material will be processed to meet the material management requirements identified in section 19 of the EPR Regulation;
- (e) evidence the PPP Producer has agreements, or a workplan with key milestones to establish agreements, to fulfill its obligations under Part 1 of the EPR Regulation, including, but not limited to:
 - (i) its undertakings and commitments identified in subsection (a) through (c);
 - (ii) agreements with service providers to collect PPP Designated Material from residents with household collection;
 - (iii) agreements with service providers to collect PPP Designated Material from residents with depot collection;

⁸⁶ *Ibid*, citing CCME, "Canada-Wide Action Plan", *supra* note 21 at 28.

⁸⁷ *Ibid* at 38–39.

⁸⁸ *PPP Bylaws*, *supra* note 33, ss 3.7(d), (g), (i); *HSP Bylaws*, *supra* note 76, ss 3(d), (e), (i).

⁸⁹ *PPP Bylaws*, *supra* note 33, s 13.1; *HSP Bylaws*, *supra* note 76, s 12.1.

⁹⁰ *PPP Bylaws*, *supra* note 33, s 13.1; *HSP Bylaws*, *supra* note 76, s 12.1.

- (iv) agreements with Registered Processing Facilities to manage collected material;
- (f) a plan for promotion and education which includes consideration of the appropriate method for providing promotion and education material to residential dwellings to be serviced under the common collection standards.⁹¹

However, Alberta's EPR Regulation does not require producers to establish a timeline for implementation, explain how they will monitor their program's performance, or detail any environmental initiatives/confirm adherence with environmental regulations. Additionally, Alberta does not require that producers submit a plan for consultation with stakeholders, a dispute resolution procedure, or social and economic policies.

6. Program Implementation

Important considerations for EPR program implementation include setting achievable deadlines for producers to develop and implement their program plans and effectively managing the transition from government run programing to EPR programing.⁹²

Alberta is currently undergoing its transition to EPR. The deadline for PPP producers to provide verification of collection and management plans to ARMA was April 1, 2024, one month after the producer registration deadline of March 1, 2024, and approximately two years after the EPR regulations entered into force.⁹³ HSP producers had until October 1, 2024, to submit plans.⁹⁴ ARMA has not published information to indicate whether these initial planning deadlines were met by registered producers.

HSP producers were required to implement their collection system for registered communities by April 1, 2025.⁹⁵ Implementation of the PPP collection system in Alberta is broken down into phases. The first phase is for communities that registered before December 31, 2023, who had recycling services in place as of November 30, 2022.⁹⁶ PPP producers were required to provide these communities with cost recovery or collection services starting on April 1, 2025.⁹⁷ There was an interim phase that launched on July 1, 2025, for communities that register before December 31, 2023, but are not ready for an April 1, 2025, launch.⁹⁸ The second phase is scheduled to launch on October 1, 2026.⁹⁹

⁹¹ *PPP Bylaws*, *supra* note 33, s 13.2; *HSP Bylaws*, *supra* note 76, s 12.2 (HSP Bylaws contain similar requirements to the PPP Bylaws quoted).

⁹² *Boutillier*, *supra* note 1 at 54–55.

⁹³ *PPP Bylaws*, *supra* note 33, s 13.1.

⁹⁴ *HSP Bylaws*, *supra* note 76, s 12.1.

⁹⁵ ARMA, "EPR in Alberta", *supra* note 4 ("Timeline" section).

⁹⁶ *Ibid* ("Timeline" section).

⁹⁷ *Ibid* ("Timeline" section).

⁹⁸ "Extended Producer Responsibility: The Evolution in Alberta Recycling, Incentivizing Businesses to Reduce Waste", online: *Government of Alberta* <www.alberta.ca/extended-producer-responsibility>.

⁹⁹ *Ibid*.

Communities that registered after December 31, 2023, and before March 21, 2025, and communities without recycling services fall into the second phase.¹⁰⁰ There may be more intake phases scheduled in the future.

The transition from government run programs to EPR programs can be complex, especially for PPP.¹⁰¹ This is because communities have existing contracts with service providers and may have made investments in processing infrastructure.¹⁰²

For EPR implementation in Alberta, communities can choose between three options. One option for communities is to choose not to register with ARMA and continue to provide any recycling services at their own cost. If communities choose to register, they must decide between two service models for their transition to EPR:

1. The community continues to provide recycling (i.e. through their current recycling contract) and is reimbursed by the PRO for the costs (opt in).¹⁰³ Communities that choose this option must negotiate with the PRO for their role in the system, perhaps as service providers such as collectors.
2. The PRO takes over collection responsibilities and promotion and education requirements (opt out).¹⁰⁴ The PRO is responsible for the full costs of the service.

Communities can choose to opt in now, and in the future opt out.¹⁰⁵ However, communities that choose to opt out cannot later opt in.¹⁰⁶

Some of the reasons communities may choose the first service model (opt in) include because they have existing contracts in place, they have expertise, and they may wish to efficiently collect and process materials that are not covered by the EPR system or do so more often than producers are obligated to under the EPR Regulation and bylaws.¹⁰⁷ For example, in Calgary, collection service to single family households for PPP materials is weekly, whereas producers are only obligated to collect biweekly.¹⁰⁸ If communities choose

¹⁰⁰ "EPR: Communities", online: *Alberta Recycling Management Authority* <www.albertarecycling.ca/epr/communities/>.

¹⁰¹ Boutillier, *supra* note 1 at 55.

¹⁰² *Ibid.*

¹⁰³ See "Recycling in Alberta: Community Information" (2025), online: *Circular Materials* <www.circularmaterials.ca/provincial-programs/albertas-recycling-program/>.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ See Jason London & Lee-Anne Bell, "Operational Services Briefing to Community Development Committee" (26 June 2024) at 2, online (pdf): <pub-calgary.escribemeetings.com/filestream.ashx?DocumentId=293148>.

¹⁰⁸ "Extended Producer Responsibility (EPR) in Calgary" (2025), online: *City of Calgary* <www.calgary.ca/waste/residential/extended-producer-responsibility.html?redirect=/epr>; "Common Collection System Standards for Single-Use Products, Packaging and Paper Products" (29 February 2024) at 9, online (pdf):

the second service model (opt out), they no longer have any control over the PPP or HSP recycling services provided to their members.

However, the opt in option relies on negotiation between PROs and communities about compensation. This type of transition has led to conflict related to whether the compensation paid by PROs to communities as service providers cover the actual costs of collection.¹⁰⁹ One way to deal with this issue is for the government or oversight body to be involved in determining the fees paid by PROs to communities, either through fee reviews or by providing dispute resolution.¹¹⁰ In Alberta, there is no provision for any oversight by ARMA or the province of the amount of compensation paid to communities.

7. Program Fees

Governments typically charge PROs or producers annual fees.¹¹¹ Alberta's EPR regulation provides that ARMA may charge oversight fees to cover their costs regulating the program.¹¹² ARMA implemented oversight fees in accordance with its Fee Setting Policy.¹¹³ All HSP producers and PPP producers who are not exempt must pay an annual flat fee and a variable fee, by weight, if they exceed the material thresholds (50,000kg for PPP and 2,000kg for HSP).¹¹⁴ ARMA's fee setting policy also provides for charging additional levies to specific registrants for cost recovery and interest and penalties and other fees for bylaw contraventions.¹¹⁵

Additionally, governments may directly intervene in the fee structure design of EPR programs in the following four ways, used to various extents in Canada:

Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_PPP-Collection-Service-Standards.pdf> [ARMA, "CCS Standards for PPP"].

¹⁰⁹ Boutillier, *supra* note 1 at 43, 56.

¹¹⁰ *Ibid* at 43.

¹¹¹ *Ibid* at 41.

¹¹² *EPR Regulation*, *supra* note 3, s 5(i).

¹¹³ See "Fee Setting Policy" (1 April 2024), online (pdf): Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Fee-Setting-Policy.pdf> [ARMA, "Fee Setting Policy"]; See also ARMA, "Oversight Fee Guide", *supra* note 19.

¹¹⁴ "EPR Fee Consultation 2024 & 2025 Oversight Fees" (1 October 2024), online (pdf): Alberta Recycling Management Authority <files.albertarecycling.ca/EPR_Fee-Consultation-Oversight-Fees-Presentation-Post-Consultation.pdf>; See *PPP Bylaws*, *supra* note 33, ss 10.2–10.3 (exempt PPP Producers are those whose revenue is under \$1.5 million, or those whose revenue is over \$1.5 million but they do not supply PPP materials above the designated material thresholds).

¹¹⁵ ARMA, "Fee Setting Policy", *supra* note 113 at 5.

1. Prohibiting producers from charging consumer fees at the point of collection.¹¹⁶ This is done to avoid discouraging consumers from utilizing the EPR system as charging for collection tends to reduce collection rates.¹¹⁷

Like most Canadian EPR systems, Alberta's EPR Regulation explicitly provides that consumers should not be charged for collection services.¹¹⁸

2. Requiring PROs to modify fees based on how easy it is to recycle producers' products.¹¹⁹ This creates a financial incentive to redesign products.¹²⁰

Alberta's EPR system does not require any modification of the fees that PROs charge producers and thereby misses an opportunity to incentivize product redesign, discussed below.

3. Prohibiting producers from charging visible fees to consumers.¹²¹ Visible fees are charged at the point of purchase and are identifiable as fees related to the cost of managing waste, as opposed to being integrated into the price of the product

Alberta does not ban visible fees on products. Where visible fees are charged, producers are required to submit an audited financial statement regarding the receipt and disbursement of the fees as a part of their annual report.¹²²

4. Regulating the fees PROs pay to communities when they are acting as collectors for printed paper and packaging.¹²³

Alberta does not regulate the amount that PROs and producers reimburse communities when they negotiate a role as a service provider in the collection or processing of EPR designated materials. For more details about the role of communities in Alberta's EPR system, please see the Program Implementation section above.

Incentivizing product redesign

A specific consideration for EPR system design is incentivizing product redesign so that products are more environmentally friendly and easier to recycle.¹²⁴ This is challenging because the economic signals created by EPR are weak and therefore the incentive to

¹¹⁶ Boutillier, *supra* note 1 at 41–42.

¹¹⁷ *Ibid*, citing Smith, *supra* note 75 at 16.

¹¹⁸ *EPR Regulation*, *supra* note 3, [ss 17, 18, 25](#); Boutillier, *supra* note 1 at 42.

¹¹⁹ Boutillier, *supra* note 1 at 42.

¹²⁰ *Ibid*.

¹²¹ *Ibid*.

¹²² *PPP Bylaws*, *supra* note 33, s 11.4; *HSP Bylaws*, *supra* note 76, s 10.4.

¹²³ Boutillier, *supra* note 1 at 43.

¹²⁴ *Ibid* at 13.

redesign products is limited.¹²⁵ The economic signals may be weak because the cost of waste management might not be high enough, the benefits of investing in redesign may be too delayed to be an incentive, and/or the Canadian population may not be large enough to influence international producers.¹²⁶

Additionally, participation in PROs mute economic signals.¹²⁷ This is because the costs of waste management are typically divided amongst member producers based on market share.¹²⁸ There is almost no relationship between how much a producer pays to the PRO and how easy it is to recycle that producer's subset of the total products the PRO is responsible for.¹²⁹ Costs of redesign lie with the producer while benefits of redesign, in reduced recycling cost, are divided among the members of the PRO.¹³⁰ Fee modifications (with lower fees for more recyclable products) may be used to address this issue and may be based on after-the-fact costs or on product characteristics.¹³¹

Alberta's EPR system does not mandate that fees paid by producers to PROs be modified in any way to address the recyclability of a producer's products. This is a missed opportunity to form a stronger economic connection between the design of a producer's product and their financial obligations under the EPR system.

8. Collection Systems

It is common for governments to set minimum requirements for collection systems in producer take-back programs.¹³² Three common examples are:

- Requiring producers to collect all products of the same type regardless of who produced them.¹³³
- Setting minimum service requirements for collection depots.¹³⁴
- Requiring PPP EPR programs to provide curbside pick-up.¹³⁵

Alberta's EPR System requires producers to meet the common collection system standards.¹³⁶ For PPP, standards include providing curbside collection by certain dates

¹²⁵ *Ibid*, citing OECD, "Updated Guidance", *supra* note 18 at 31–32; Also citing Walls, *supra* note 73 at 5–6.

¹²⁶ *Ibid*, citing CCME, "Canada-Wide Action Plan", *supra* note 21 at 19.

¹²⁷ *Ibid*.

¹²⁸ *Ibid* at 14, citing Smith, *supra* note 75 at 41.

¹²⁹ *Ibid*.

¹³⁰ *Ibid*.

¹³¹ *Ibid* at 14–17.

¹³² *Ibid* at 43.

¹³³ *Ibid*.

¹³⁴ *Ibid* at 44.

¹³⁵ *Ibid* at 45.

¹³⁶ See *EPR Regulation*, *supra* note 3, [ss 17, 18, 25](#).

based on existing collection services, date of community registration, and the type of dwelling.¹³⁷ Producers must also meet collection frequency requirements, accept all designated materials, and provide receptacles, among other requirements.¹³⁸ To minimize disruption, ARMA requires that communities' current materials collection for PPP is maintained, with designated materials phased in and incorporated fully by 2027.¹³⁹

For HSP, the standards include providing a number of depots in a community based on population, collecting all HSP designated materials at depots, and maintaining certain depot hours, among other requirements.¹⁴⁰

Finally, both PPP and HSP producers have the option of requesting an alternative system for collection/education.¹⁴¹ ARMA has discretion whether to approve a proposed alternative.¹⁴² To be approved, an alternative collection system must offer:

- similar accessibility as the common collection system through the same or other means;
- similar levels of promotion and education as the common collection system;
- data which substantiates that the alternative collection system will meet or exceed the material management requirements;
- collection provided at no additional cost to Albertans; and
- any other requirement or requirements that, in the opinion of the Authority, are relevant.¹⁴³

9. Education Programs

Common government-set requirements for education and awareness programs include providing information about the location and operation of collection sites, how the EPR program works, and the environmental benefits of the program, as well as posting information at retail sites where the products are sold.¹⁴⁴ In some cases, provinces require producers to submit their education materials for approval, to provide information

¹³⁷ ARMA, "CCS Standards for PPP", *supra* note 108.

¹³⁸ *Ibid* at 9.

¹³⁹ ARMA, "EPR in Alberta", *supra* note 4 ("Bulletins: Phased-in Approach to PPP Designated Materials Collection" section).

¹⁴⁰ "Common Collection System Standards for Hazardous and Special Products" (29 February 2024), online (pdf): Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_HSP-Collection-Service-Standards.pdf>.

¹⁴¹ *EPR Regulation*, *supra* note 3, [ss 16\(2\), 25\(4\)](#).

¹⁴² *Ibid*, [ss 16\(2\), 25\(4\)](#).

¹⁴³ *PPP Bylaws*, *supra* note 33, s 8.1; *HSP Bylaws*, *supra* note 76, s 8.1.

¹⁴⁴ Boutillier, *supra* note 1 at 45–46.

alongside any visible fees, and/or to provide information on how to safely handle the toxic components of their products.¹⁴⁵

Alberta's EPR Regulation does not require producers to promote or educate but does enable ARMA to create bylaws on this subject.¹⁴⁶ Producers were required to submit a plan for promotion and education as a part of the verification process by April 1, 2024.¹⁴⁷ They are required to provide free promotion and education materials based on their plan, and include, among other things, a list of designated materials, information on proper management of materials at end of life (for HSP), information on collection container replacement and additional container requests (for PPP), the form of collection service available, and contact information.¹⁴⁸ Additionally, producers must provide contact information to communities for referrals and make a description of the common collection system publicly available.¹⁴⁹

10. Program Targets

Most producer take-back systems in Canada allow producers to set their own performance targets, although CCME recommends that governments set targets.¹⁵⁰ The basic performance targets are recovery rate and recycling rate, although other metrics may be appropriate.¹⁵¹ Careful attention must be paid to the data used to calculate these performance targets to ensure accurate measurement.¹⁵²

Alberta's EPR system for PPP requires producers to meet material management requirements that incrementally increase over time.¹⁵³ These targets refer to the amount of a designated material that is recycled in one of the ways accepted in the regulation divided by the amount of that material that the producer supplies in Alberta for residential use.¹⁵⁴ The batteries portion of the HSP program must also adhere to material management requirements.¹⁵⁵

¹⁴⁵ *Ibid* at 46–47.

¹⁴⁶ *EPR Regulation*, *supra* note 3, [s 5\(d\)](#).

¹⁴⁷ *PPP Bylaws*, *supra* note 33, s 13.2(f); *HSP Bylaws*, *supra* note 76, s 12.2(f).

¹⁴⁸ *PPP Bylaws*, *supra* note 33, ss 14.1–14.2; *HSP Bylaws*, *supra* note 76, ss 13.1–13.2.

¹⁴⁹ *PPP Bylaws*, *supra* note 33, ss 14.3–14.4; *HSP Bylaws*, *supra* note 76, ss 13.3–13.4.

¹⁵⁰ Boutillier, *supra* note 1 at 47, citing CCME, “Canada-Wide Action Plan”, *supra* note 21 at 10.

¹⁵¹ *Ibid* at 48–49, citing Smith, *supra* note 75 at 45.

¹⁵² See *ibid* at 49–50, citing Deloitte LLP, “Performance Measurement for Extended Producer Responsibility in British Columbia” (March 2017) at 30, online (pdf): www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/rel-res/performance_measurement_assessment_for_extended_producer_responsibility_bc.pdf.

¹⁵³ *EPR Regulation*, *supra* note 3, [s 19\(1\)](#).

¹⁵⁴ *Ibid*, [ss 19\(2\)–\(3\)](#) (materials must be recycled, advanced chemical recycled, or downcycled, as defined by the *EPR regulation* and *EPEA*, with no more than 15% downcycled).

¹⁵⁵ *Ibid*, [s 26](#).

The material management requirements are a recycling rate target. Alberta's EPR system does not set a recovery rate target (the portion of products collected out of the total sold). The material management requirements take recovery into account to some extent because the amount of material recycled necessarily counts a portion of the amount recovered (material needs to be recovered in order to be recycled). However, the lack of recovery rate target makes program efficiency and effectiveness harder to compare across jurisdiction and exempts producers who do not need to meet material management requirements from meeting any EPR system performance targets.¹⁵⁶ Specifically, producers of HSP other than batteries do not need to meet any recovery targets under the EPR regulation.

Additionally, Alberta's EPR system does not require producers to prefer any methods of processing over others, aside from meeting the targets. Most provinces require producers to prefer the processing methods in the following order: reduce, reuse, recycle, recover, disposal.¹⁵⁷ This is a missed opportunity to improve environmental outcomes where feasible beyond absolute requirements.

Alberta's material management targets take effect in October 2027, with producers having until then to set up and fine tune their collection and processing systems.¹⁵⁸ As for measurement, there may be a mismatch between supply reporting (by weight) and processing reporting for facilities that are not able to weigh materials after sorting. ARMA states it will develop ways to model or estimate the volumes in a reporting policy (not yet published).¹⁵⁹

ARMA has the discretion to set collection rate targets, or more stringent material management requirements, but has not exercised this discretion to date.¹⁶⁰

11. Reporting Requirements

The CCME recommends that EPR programs include the following reporting requirements:

- A baseline report;
- Regular reports regarding operations;
- Regular plans included in the reports; and
- Relevant records to be made available upon request.¹⁶¹

¹⁵⁶ See CCME, "Canada-Wide Action Plan", *supra* note 21 at 29.

¹⁵⁷ Boutillier, *supra* note 1 at 37–38, citing CCME, "Canada-Wide Action Plan", *supra* note 21 at 9.

¹⁵⁸ *EPR Regulation*, *supra* note 3, [ss 19, 23](#).

¹⁵⁹ "EPR FAQs" (2025), online: *Alberta Recycling Management Authority* <www.albertarecycling.ca/epr/fag/> [ARMA, "EPR FAQs"].

¹⁶⁰ *EPR Regulation*, *supra* note 3, [ss 5\(t\), 19\(4\), 26\(4\)](#).

¹⁶¹ Boutillier, *supra* note 1 at 51, citing CCME, "Canada-Wide Action Plan", *supra* note 21 at 28–29.

Most Canadian EPR systems include requirements for the annual reports' contents.¹⁶² Additionally, some jurisdictions require the following:

- More onerous financial reporting, such as the amount spent operating a program, the costs of administration, or the amount spent on public education;
- Annual third-party audits to ensure compliance and alignment with the goals of the EPR system; and/or
- Reports from service providers.¹⁶³

There are no obligations under Alberta's EPR program to establish a baseline describing the state of recycling prior to the operation of the program, however Alberta Municipalities, the City of Edmonton, the City of Calgary, and the Canadian Stewardship Services Alliance contracted consulting firms to conduct a study on EPR for PPP including providing "an overview of the current state of the residential PPP recycling system and supply chains and their related costs across the province of Alberta".¹⁶⁴

Producers in Alberta are required to provide an annual report which must include:

- A third-party audited financial statement of the receipt and disbursement of any visible fees.¹⁶⁵
- The amount (by weight) of each type of designated material supplied to consumers in Alberta in the previous year (the "Supply Report");¹⁶⁶
- The actions taken in the previous year by the producer and any PRO it has an agreement with to meet EPR requirements under the regulation;¹⁶⁷
- The Registered Processing Facility(s) that received the producer's materials, the weight of materials they processed, and weights by certain types of processing;¹⁶⁸
- A statement confirming compliance with the material management requirements;¹⁶⁹
- A third-party report confirming the accuracy of information in the annual report;¹⁷⁰
- Any other information required by ARMA.¹⁷¹

¹⁶² *Ibid.*

¹⁶³ *Ibid* at 52–53.

¹⁶⁴ Eunomia, "Extended Producer Responsibility for Residential Packaging and Paper Products: Alberta Collaborative Extended Producer Responsibility Study" (6 December 2019) at 4, online (pdf): *Recycling Council of Alberta* <recycle.ab.ca/wp-content/uploads/2020/03/ACES-Summary-Report-Final-For-release-March-10-2020.pdf>.

¹⁶⁵ *PPP Bylaws*, *supra* note 33, s 11.4; *HSP Bylaws*, *supra* note 76, s 10.4.

¹⁶⁶ *PPP Bylaws*, *supra* note 33, s 11.5(a); *HSP Bylaws*, *supra* note 76, s 10.5(a).

¹⁶⁷ *PPP Bylaws*, *supra* note 33, ss 11.5(d)–(e); *HSP Bylaws*, *supra* note 76, ss 10.5 (b)–(c).

¹⁶⁸ *PPP Bylaws*, *supra* note 33, ss 11.5(f)–(g); *HSP Bylaws*, *supra* note 76, ss 10.5(d)–(e).

¹⁶⁹ *PPP Bylaws*, *supra* note 33, s 11.5(h); *HSP Bylaws*, *supra* note 76, s 10.5(f).

¹⁷⁰ *PPP Bylaws*, *supra* note 33, s 11.5(i); *HSP Bylaws*, *supra* note 76, s 10.5(g).

¹⁷¹ *PPP Bylaws*, *supra* note 33, s 11.5(j); *HSP Bylaws*, *supra* note 76, s 10.5(h).

ARMA's bylaws also specify that ARMA will publish a Reporting Policy, which has not been published to date, but which may include additional reporting requirements.¹⁷²

ARMA has published a PPP and an HSP guide for producer Supply Reports.¹⁷³ The Supply Report details the weight of designated materials each producer has supplied in Alberta. PPP producers that meet the revenue threshold of \$1.5 million must submit supply reports whether or not they meet any of the Designated Material Thresholds.¹⁷⁴ These reports may be submitted by PROs on behalf of producers.¹⁷⁵ ARMA reported that 83% of PPP producers and 73% of HSP producers completed their supply reporting obligations for 2024 as of August 5, 2025.¹⁷⁶

A Material Management Report is the portion of the annual reporting requirements confirming that the producer has met their material management requirements. It includes data on collection, recycling, recovery, and disposal of each designated material.¹⁷⁷ Unlike with supply reporting, there is no guide yet available for Material Management Reports.

Processing facilities also have reporting obligations under Alberta's EPR system.¹⁷⁸ This reporting obligation includes the quantity of designated materials that the facility has received, processed, not processed, and exported.¹⁷⁹ This separate report could serve to confirm information received in a producer's Material Management Report.

The data reported by producers is required to be verified by an accredited third party.¹⁸⁰ This includes Supply Report data, Material Management Report data, CCS system reporting, and financial statements for any visible fees charged on designated materials.¹⁸¹ ARMA has published a verification procedure for supply reporting and collection.¹⁸² This verification

¹⁷² *PPP Bylaws*, *supra* note 33, ss 11.1, 15.1; *HSP Bylaws*, *supra* note 76, ss 10.1, 14.1.

¹⁷³ See "Supply Report Guide: Single-Use Products, Packaging and Paper Products" (5 December 2024), online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/PPP-Supply-Report-Guide_2024.pdf> [ARMA, "PPP Supply Report Guide"]; "Supply Report Guide: Hazardous and Special Products" (17 May 2024), online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/HSP-Supply-Report-Guide_June324.pdf> [ARMA, "HSP Supply Report Guide"].

¹⁷⁴ *PPP Bylaws*, *supra* note 33, s 10.4; *PPP Supply Report Guide*, *supra* note 173 at 3.

¹⁷⁵ *PPP Bylaws*, *supra* note 33, s 3.12; *HSP Bylaws*, *supra* note 76, s 3.12; See also *PPP Supply Report Guide*, *supra* note 173 at 4; *HSP Supply Report Guide*, *supra* note 173 at 3.

¹⁷⁶ ARMA, "EPR in Alberta", *supra* note 4 ("Compliance" section).

¹⁷⁷ ARMA, "EPR FAQs", *supra* note 159.

¹⁷⁸ *PPP Bylaws*, *supra* note 33, s 7.2; *HSP Bylaws*, *supra* note 76, s 7.2.

¹⁷⁹ *PPP Bylaws*, *supra* note 33, s 7.2; *HSP Bylaws*, *supra* note 76, s 7.2.

¹⁸⁰ *PPP Bylaws*, *supra* note 33, s 11.5(i); *HSP Bylaws*, *supra* note 76, s 10.5(g).

¹⁸¹ *PPP Bylaws*, *supra* note 33, ss 11.4–11.5; *HSP Bylaws*, *supra* note 76, ss 10.4–10.5.

¹⁸² "Verification Procedures for Single-Use Products, Packaging and Paper Products (PPP)" (20 November 2024), online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Verification-Procedure-PPP-Supply-Collection.pdf> [ARMA, "PPP Verification Guide"]; "Verification Procedures for Hazardous and Special Products (HSP)" (20 November 2024), online (pdf):

procedure covers, in addition to the requirements of proper Supply Report verification, requirements that producers provide evidence that they are meeting their obligation to operate a CCS or alternative collection system.¹⁸³

The requirement to verify supply data was paused for the 2025 report, meaning that 2024 supply data did not need to be verified in time for the 2025 report, and 2023 supply data does not need to be verified at all.¹⁸⁴ For the 2026 report, producers will be required to verify their 2024 and 2025 data.¹⁸⁵

Although ARMA's website states that a Verification Procedure will comprehensively explain the material management reporting obligations, there is no published verification procedure for material management reporting available.¹⁸⁶ This could be because the material management reporting obligation does not begin until October 2027, as producers have until then to integrate all designated materials into their EPR operations.¹⁸⁷

PPP producers that do not meet the threshold of \$1.5 million, and are therefore exempt from fees, obligations to participate in an EPR system, and other reporting requirements, must nevertheless maintain financial records that include fiscal information that demonstrates their gross annual revenue in Alberta and make them available for audit or inspection by ARMA.¹⁸⁸

Annual reports do not include an obligation to plan for future improvement in Alberta. Nor do they include more detailed financial reporting for PROs, intended to increase transparency.

In addition to reporting requirements, producers must maintain records, including supply records respecting the weight of designated materials, and make those records available for inspection.¹⁸⁹

12. Enforcement Mechanisms

A robust enforcement system is key to a successful EPR system because they help to achieve targets and ensure a level playing field.¹⁹⁰ Three minimum areas of focus for enforcement

Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Verification-Procedure-HSP-Supply-Collection.pdf> [ARMA, "HSP Verification Guide"].

¹⁸³ ARMA, "PPP Verification Guide", *supra* note 182; ARMA, "HSP Verification Guide", *supra* note 182.

¹⁸⁴ ARMA, "EPR in Alberta", *supra* note 4 ("Bulletins: Pause of the 2025 Supply Report Verification" section).

¹⁸⁵ *Ibid* ("Bulletins: Pause of the 2025 Supply Report Verification" section).

¹⁸⁶ ARMA, "EPR FAQs", *supra* note 159.

¹⁸⁷ *EPR Regulation*, *supra* note 3, [ss 19, 23](#).

¹⁸⁸ *PPP Bylaws*, *supra* note 33, s 10.2.

¹⁸⁹ *Ibid*, s 17; *HSP Bylaws*, *supra* note 76, s 16; See ARMA, "PPP Verification Guide", *supra* note 182, s 3.1(a).

¹⁹⁰ Boutillier, *supra* note 1 at 57, citing OECD, "Updated Guidance", *supra* note 18 at 89.

determined in accordance with the provisions of the *Administrative Penalty Regulation*. The maximum penalty is \$5,000 (or \$5,000 per day or part of a day in the case of a continuing contravention), generally reserved for major offences.¹⁹⁶

Additionally, under the EPR Regulation, ARMA has the authority to make bylaws about inspection and audits to verify compliance as well as about the enforcement of bylaws, including:

- that a person who contravenes a bylaw must pay an amount established by bylaw,
- the amounts payable by such persons,
- the time within which such amounts must be paid,
- the payment of interest on unpaid amounts, and
- any other matter relating to the enforcement of bylaws.¹⁹⁷

EPR enforcement is thus split between the province, which has sole responsibility for the enforcement of EPEA and the EPR Regulation, and ARMA, which is responsible for enforcement of its bylaws.¹⁹⁸ ARMA is obligated to “align its compliance and enforcement objectives and activities with the compliance and enforcement activities of the Government” and to report any alleged contraventions of the EPEA or EPR Regulation through the Alberta Ministry of Environment and Protected Areas’ Compliance Assurance Program.¹⁹⁹

Although ARMA has an Inspection Policy, it is unclear if there are systems in place to identify producers that have failed to register as required.²⁰⁰ ARMA’s website indicates that it continues to work with potential producers to bring them into compliance and includes an email for members of the public to use to report a potential producer.²⁰¹ The Inspection Policy outlines the risk-based approach with which inspections will be carried out, including the consideration of the potential level of environmental and financial harm, the level of knowledge and understanding of the participant failing to comply, and the reason for the non-compliance.²⁰² ARMA is obligated under its agreement with the Ministry to follow a risk-based approach to enforcement.²⁰³

¹⁹⁶ *Ibid*, s 3.

¹⁹⁷ *EPR Regulation*, *supra* note 3, ss 5(m), (r).

¹⁹⁸ ARMA, “Oversight Agreement”, *supra* note 17, arts 22.1, 22.3.

¹⁹⁹ *Ibid*, arts 6.2(h), 22.2.

²⁰⁰ “Inspection Policy” (1 April 2024), online (pdf): Alberta Recycling Management Authority <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Inspection-Policy.pdf> [ARMA, “Inspection Policy”].

²⁰¹ ARMA, “EPR in Alberta”, *supra* note 4 (“Compliance” section).

²⁰² ARMA, “Inspection Policy”, *supra* note 200, s 2.

²⁰³ ARMA, “Oversight Agreement”, *supra* note 17, art 22.4.

ARMA is authorized under the EPR Regulation to suspend or cancel a registration (deregulate) for a contravention of EPEA, the regulation, or any bylaws.²⁰⁴ In addition to deregulation, ARMA has outlined its progressive compliance approach to the enforcement of bylaws with the following compliance tools:

- proactive education and awareness;
- inspections;
- communication;
- compliance orders; and
- administrative penalties.²⁰⁵

ARMA's bylaws and Procedural Fairness Policy specify its powers to assess fees. The Procedural Fairness Policy outlines the following considerations to determine the appropriate enforcement tool or the quantum of an administrative penalty:

- the type and risk of the EPR Participant's non-compliance;
- the level of knowledge and understanding of the EPR Participant;
- the EPR Participant's capacity to comply with the bylaws;
- the EPR Participant's history of non-compliance with the bylaws; and
- the reason for the EPR Participant's non-compliance.²⁰⁶

The quantum is then determined in accordance with the table in the Procedural Fairness Policy, which matches the table in EPEA's Administrative Penalty Regulation with the same maximum penalty of \$5,000.²⁰⁷

ARMA's and the Province's enforcement tools have yet to be tested under this new system and may experience change going forward.

Conclusion

Alberta's EPR system is undergoing the process of becoming operational, with several requirements coming into effect over the next few years. Further analysis in the future will be needed to determine whether the system is effective in meeting its goals.

The design of the EPR system, as described above, can set it up for success or hurt its effectiveness. Alberta has incorporated many of the design considerations covered in this Brief in a way that is expected to contribute to a strong EPR system, with some exceptions.

²⁰⁴ *EPR Regulation*, *supra* note 3, s 4(3).

²⁰⁵ "Procedural Fairness Policy" (1 April 2024), s 13, online (pdf): *Alberta Recycling Management Authority* <www.albertarecycling.ca/wp-content/uploads/2025/03/EPR_Procedural-Fairness-Policy.pdf>.

²⁰⁶ *Ibid*, s 12.

²⁰⁷ *Ibid*, ss 15, 16, 17.

The following are some missed opportunities in the program design that could be addressed through amendment of the EPR Regulation, bylaws, or practice going forward:

- Alberta could strengthen its EPR system by removing the exemption for small producers (who fall under the revenue threshold of \$1.5 million). The threshold increases the number of free rides, which in turn may undermine the financial viability of the system, reduce the goodwill of participating producers, and distort performance metrics. Instead, reduced fees could be used to address the financial burden of EPR obligations on small producers.
- Alberta could incorporate feedback regarding the products captured under the EPR program with an aim to increase clarity for consumers and producers, improve consistency with other jurisdictions, and avoid any areas of shared responsibility, in addition to other considerations.²⁰⁸
- Alberta could participate in efforts to improve harmonization of EPR systems across provinces to reduce leakage, create economies of scale, and create efficiencies for producers and PROs operating in multiple jurisdictions.
- Alberta could incorporate one or more of the options available to increase competition within its EPR system in order to increase its fairness and efficiency. For example, Alberta could require PROs to provide detailed financial accounting.
- Alberta could strengthen its planning requirements for producers, including for example, explanations for how producers will monitor their program's performance, what environmental initiatives they have incorporated, if any, and how they will consult stakeholders. These planning requirements may be tied to specific goals of Alberta's EPR program, such as increasing participation in order to reduce waste going to landfills or creating jobs.
- The Government of Alberta or ARMA could assume an oversight role over the compensation that PROs pay to communities when the communities act as service providers in the EPR system. This involvement could involve fee review or dispute resolution and could contribute to more fair compensation should issues arise.
- Alberta could require PROs to modify the fees that they charge to their member producers based on how easy it is to recycle their products. This would financially motivate producers to design their products to be more environmentally friendly and easier to recycle.
- Alberta could set a recovery target, which could motivate producers to encourage consumer use of the EPR system.

²⁰⁸ See Boutillier, *supra* note 1 at 32, citing MELCC, "Liste Des Produits", *supra* note 50 at 6 (other considerations for product inclusion in an EPR system include the hazardous nature of the product, the volume of waste material that the product generates, the rarity of the natural resources used in the product etc.).

- Alberta could require producers to prefer certain methods of processing the collected products over others in order to improve environmental outcomes.
- Alberta could require producers to provide plans for EPR system improvement in their annual reports, as well as more detailed financial reporting reflecting the costs of running the EPR program to increase transparency.
- Alberta and ARMA could develop a system to seek out producers required to participate in the EPR system that have not registered with ARMA and bring them into compliance.

Ultimately, how these choices impact the program's success will be up to implementation, enforcement, and iterative review. As Alberta's EPR system comes into effect and matures, its success will be furthered by careful review of the elements of program design commented on in this Brief, with a view to adjust program design over time to better achieve the system's goals.