

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2)

Recovery and reclamation of products by enterprises — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation adds a new category of products covered by the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), namely, the “Household appliances and air conditioners” category. As is the case with the other categories of products referred to in the Regulation, the draft Regulation requires the addition of specific elements of that new category of products to the general elements to be included in the recovery and reclamation program or in the annual report to be submitted by an enterprise that markets, or acquires outside Québec or manufactures such products for its own use. It also introduces monetary administrative penalties and fines for failing to comply with those specific requirements. The draft Regulation also excludes that category of products from the products referred to in section 3 of the Regulation and adds a transitional provision respecting the recovery and reclamation program, the notice of intention and the first report required.

In addition, the draft Regulation postpones to 2020 the application of the recovery rates of the other categories of products referred to in the Regulation.

Study of the matter has shown an economic impact of about \$243.4 million for enterprises for the 2024-2035 period, in 2017 present value. At the end, when all the recovery and reclamation programs have reached maturity, the cost will be \$27.3 million annually in current value. The cost decreases to \$14.7 million when taking into account the greenhouse gas emissions that will be avoided.

Further information on the draft Regulation may be obtained by contacting Nicolas Boisselle, Direction générale des politiques en milieu terrestre, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, 675, boulevard René-Lévesque Est, édifice Marie-Guyart, 9^e étage, boîte 71, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 7090; fax: 418 644-3386; email: nicolas.boisselle@mddelcc.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Nicolas Juneau, Director, Direction des matières résiduelles, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, 675, boulevard René-Lévesque Est, édifice Marie-Guyart, 9^e étage, boîte 71, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 4852; fax: 418 644-3386; email: nicolas.juneau@mddelcc.gouv.qc.ca

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Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

Environment Quality Act
(chapter Q-2, ss. 31, 53.30, 115.27 and 115.34)

1. The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended in section 3 by inserting “, other than a product listed in Division 6 of Chapter VI,” after “Regulation” in the first paragraph.

2. Section 13 is amended by striking out the fourth paragraph.

3. Section 27 is amended by replacing “2015” in the portion before subparagraph 1 of the first paragraph by “2020”.

4. Section 33 is amended by replacing “2015” in the portion before subparagraph 1 of the first paragraph by “2020”.

5. Section 39 is amended by replacing “2015” in the portion before subparagraph 1 of the first paragraph by “2020”.

6. Section 46 is amended

(1) by replacing “the first full calendar year of implementation of a recovery and reclamation program” in the portion before subparagraph 1 of the first paragraph by “2020”;

(2) by replacing “2017” in subparagraph 1 of the first paragraph by “2024”.

7. Section 52 is amended

(1) by replacing “the first full calendar year of implementation of the program, which is increased to 80% as of 2017” in subparagraph 1 of the first paragraph by “2020, which is increased to 80% as of 2024”;

(2) by replacing “2015” in subparagraph 2 of the first paragraph by “2020”.

8. The following is inserted after Division 5 of Chapter VI:

**“DIVISION 6
HOUSEHOLD APPLIANCES AND AIR
CONDITIONERS**

53.0.1. The products covered by this category are electric or gas appliances designed and intended for domestic, commercial or institutional purposes, used for cooking, the conservation or storage of food or beverages, the washing or drying of dishware, cloth or clothing, and those controlling ventilation, the temperature or the humidity in a room or dwelling. The appliances are designated under the name of household appliances and air conditioners.

Household appliances and air conditioners that form an integral part of an immovable within the meaning of article 901 of the Civil Code and appliances and conditioners whose weight is greater than 300 kilograms are excluded from the category. Refrigerators and freezers whose effective volume is less than 2.5 cubic feet and coolers are also excluded.

The category of household appliances and air conditioners is composed of the subcategories provided for in the following subparagraphs and include the types of products listed therein:

(1) refrigerating and freezing appliances, designed and intended for domestic use, for the conservation or storage of food or beverages, in particular, refrigerators, freezers, refrigerating wine cellars, wine coolers and water dispensers;

(2) refrigerating and freezing appliances, designed and intended for commercial or institutional use, for the conservation or storage of food or beverages, in particular, refrigerators, freezers, cooling units, refrigerating wine cellars, wine coolers, refrigerated displays, ice machines, refrigerated automatic food or beverage vending machines and beverage centres;

(3) air conditioners, heat pumps and dehumidifiers;

(4) ranges, built-in ovens, built-in cooking surfaces, dishwashers, washing machines and dryers, which are designed and intended for domestic use.

Where an appliance has more than one function including that of refrigerating or freezing food or beverages, the appliance is classified, as the case may be, in the subcategory referred to in subparagraph 1 or 2 of the third paragraph. If the appliance has, among others, the function of conditioning a room or dwelling, the appliance is classified in the subcategory referred to in subparagraph 3 of that paragraph. In other cases, the appliance is classified in the subcategory referred to in subparagraph 4 of that paragraph if it is designed to be used in particular for the same purpose as one of the types of products listed therein.

53.0.2. For the purposes of this Regulation, every quantity of products referred to in the third paragraph of section 53.0.1 must be calculated in units or equivalent weight.

The quantity must also be accompanied, for each subcategory or type of products, with the conversion factor in units or weight, as the case may be, and the methodology used for establishing the factor.

53.0.3. Every enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in the third paragraph of section 53.0.1 must implement its recovery and reclamation program,

(1) in the case of products referred to in subparagraphs 1, 3 and 4 of the second paragraph, not later than (*insert the date occurring 8 months after the date of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacturing of the product if it is subsequent to that date; and

(2) in the case of products referred to in subparagraph 2 of the second paragraph, not later than (*insert the date occurring 24 months after the date of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

53.0.4. In addition to the elements mentioned in section 5, the recovery and reclamation program of an enterprise referred to in section 2 or 8 must provide, where applicable, measures respecting the recovery and treatment of halocarbons, their isomers and any other alternative substance, which are contained in particular in isolating foams or are used as refrigerant in refrigeration, freezing or air conditioning systems of the products covered by this Division, and any hazardous material in accordance with every applicable environmental standard.

Despite paragraph 10 of section 5, the requirement to provide in the program the modulation of costs for each household appliance or air conditioner applies only as of the fourth calendar year of implementation of the program.

For enterprises referred to in section 2, the recovery and reclamation program of an enterprise must provide, in addition to the drop-off centres provided for in Chapter V, an additional collection service directly at the consumer. The collection service must be offered

(1) at least once per year if all the products referred to in section 53.0.1 that the enterprise markets have a unit weight less than 30 kg;

(2) at least once per season as soon as the unit weight of one of the products marketed by the enterprise is equal to or greater than 30 kg.

In all cases, the service must not be limited to a collection made at the time of delivery of a new appliance.

53.0.5. In addition to the information referred to in section 9, every enterprise referred to in section 2 must indicate in its annual report the total quantity of halocarbons marketed, of their isomers and of any alternative substance.

The mass balance required by subparagraph 5 of the first paragraph of section 9 must indicate every quantity of those recovered materials that have been reused, recycled, otherwise reclaimed, stored or disposed of, by type of halocarbons, their isomers or alternative substances and by type of use.

53.0.6. The minimum rates of recovery that must be attained annually by an enterprise referred to in section 2 that markets the products referred to in the third paragraph of section 53.0.1 must be equivalent to the following percentages as of the periods indicated:

(1) in the case of products referred to in subparagraphs 1 and 4 of the second paragraph, the minimum rate for all the products of each subcategory is 70% as of 2024, which is increased by 5% per year until the rate reaches 90%;

(2) in the case of products referred to in subparagraph 2 of the second paragraph, the minimum rate for all the products of that subcategory is 35% as of 2026, which is increased by 5% per year until the rate reaches 80%;

(3) in the case of products referred to in subparagraph 3 of the second paragraph, the minimum rate for all the products of that subcategory is 25% as of 2024, which is increased by 5% per year until the rate reaches 70%.

The rates are calculated on the basis of the quantity of products marketed during the year preceding by 12 years the year for which the rate is calculated.

In the case where the duration elapsed since the date of the first marketing of such products by an enterprise is less than 12 years, the year of that marketing is considered to be the reference year for those products until 12 years have elapsed.

Where, for the purposes of the second paragraph, the reference year is prior to (*insert the date of coming into force of this Regulation*), that year is considered to be the reference year until 12 years have elapsed.

53.0.7. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the third paragraph of section 53.0.1 are the following:

(1) in the case of products referred to in subparagraphs 1, 2 and 3, \$60 per unit or equivalent weight;

(2) in the case of products referred to in subparagraph 4, \$10 per unit or equivalent weight.”.

9. Section 53.1 is amended by adding “or 53.0.5” at the end of paragraph 11.

10. Section 53.3 is amended by inserting “, 53.0.3” after “50” in paragraph 8.

11. Section 54 is amended by replacing “or 51” in paragraph 1 by “, 51 or 53.0.5”.

12. Section 56 is amended by replacing “or 50” in paragraph 1 by “, 50 or 53.0.3”.

13. Section 59 is amended by striking out the third paragraph.

14. The following is inserted after section 60:

“61. Where an enterprise referred to in section 2 or 8 must implement a recovery and reclamation program before 1 January 2019 for the products referred to in subparagraphs 1, 3 and 4 of the third paragraph of section 53.0.1, the enterprise may implement its program without the elements provided for in paragraphs 3, 9, 10 and 11 of section 5, but only for the first two calendar years of implementation of the program.

Despite the period provided for in the first paragraph of section 6, that enterprise must notify the Minister of its intent to implement its program not later than 1 month before the date provided for in Chapter VI for its implementation. The enterprise may send in a second notice to the Minister the information referred to in subparagraph 9 of the second paragraph of that section, the information referred to in subparagraph 13 of the second paragraph concerning the description and schedule of the research and development activities and the information referred to in subparagraph 10 of the second paragraph, before the end of the first full calendar year of implementation of the program.

Regarding the first report required, as the case may be, under section 9 or 11, it must be submitted not later than 30 April of the year following the first full calendar year of implementation of the program and must cover the period since the beginning of the program.

That enterprise must ensure at all times that the service providers and subcontractors participating in the implementation of its program comply with every applicable environmental standard.”

15. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

103033

Draft Regulation

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and Family Assistance — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Individual and Family Assistance Regulation, appearing below, may be made on the expiry of 60 days following this publication.

The draft Regulation follows on the amendments to the Individual and Family Assistance Act (chapter A-13.1.1) made by the Act to allow a better match between training and jobs and to facilitate labour market entry (2016, chapter 25), assented to on 10 November 2016. It also proposes measures to better financially support low-income persons and families in order to fight poverty and social exclusion.

Aim for Employment Program

The draft Regulation introduces new provisions into the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), devoted to the Aim for Employment Program. That financial assistance program is intended exclusively for persons whose capacity for employment is not severely limited and who, for the first time, would be eligible for last resort financial assistance. The proposed provisions specify the classes of persons required to participate in the program, as well as those that may be excluded from its application. They state the time at which the individualized labour market entry plan, that the Minister of Employment and Social Solidarity must prepare for every person required to participate in the program, takes effect. The provisions also set out the cases in which a participant is exempt from the commitments provided for in the plan, as well as the circumstances in which a participant may refuse a job offered or leave a job without contravening the commitments. The draft Regulation also prescribes the cases in which participation is interrupted, extended, or terminated before the scheduled time.

The draft Regulation sets out the rules to establish the financial assistance to which the participant or the participant’s family is entitled, in the form of the Aim for Employment benefit and the participation allowance. Under the program, the basic monthly benefit may be increased by certain amounts, including a supplementary amount corresponding to 20% of the work income in excess of the exemption already provided for in the Regulation. The participation allowance will be \$38 or \$60 per week, depending on the type of activities carried out.

The draft Regulation sets out the amounts that may be progressively deducted from the benefit if a participant fails to fulfil the commitments comprised in his or her plan. Those amounts apply only to the month that follows the month in which the Minister notes the failure, and only once during that month. In no case will a reduction entail a cut greater than 50% in the benefits to which the participant or the participant’s family would have been entitled.