
DATE: December 10, 2018

TO: BCMB Registrants

RE: **Summary of key changes to By-laws effective February 1, 2019**

This is a follow-up to our initial communication of November 30 regarding the amendments to the BCMB by-laws which will become effective as of **February 1, 2019**.

Retailers who are not performing their own registrations will not notice any changes as a result of these amendments.

The following is a brief summary of the changes affecting all Manufacturers including retailers who perform their own registrations:

1. When registering a product under the new by-laws:
 - a. in addition to the existing requirements, containers will now also be distinguishable by Container Composition or UPC, which were not included in the previous by-laws.
 - b. an application submitted to register a container must now include pictures or digital artwork showing the recycling number/symbol on the container if applicable, the brand name, type of beverage, flavour, size and UPC if applicable.
 - c. a manufacturer now initially has 30 days to register a container if a warning letter is sent, compared to five days previously.
2. A new compliance framework has been established to ensure manufacturers properly register containers and provide required information. This framework consists of four Levels. After the first failure to register or report, a Level 1 warning letter will be sent. If the failure is not remedied after 30 days, a Level 2 warning letter will be sent, and a compliance fee will be levied. Should the failure still not be remedied after an additional 30 days, a Level 3 warning letter will be sent, and a further compliance fee will be levied. If there is no compliance after another 15 days, it will be forwarded to the Complaints Director for further action. (The framework for retailer advertising compliance is unchanged)
3. The fee to register each product remains \$10 unless that product requires a new sort. An application fee of \$2,500 has been established if a new sort is required. A new sort would be a separate material stream not currently available and would apply to new refillable containers or new package material for one-way containers.



4. The appeal process for compliance fees and the grounds for making an appeal have now been specified. These include:
 - The BCMB did not have the authority to issue the notice;
 - The BCMB failed to follow its own procedures, and this failure had, or may reasonably have had, a material effect on the decision to issue the notice;
 - The issuance of the notice was influenced by bias; and
 - The BCMB failed to consider relevant information or took into account irrelevant information in issuing the notice.

In addition, the decision of the appeal panel is now final and binding.

All new By-laws and BCMB communications can be found on our website at www.bcmb.ab.ca.

If you have any questions, please contact:

Melissa Malin, BCMB
780-424-3193, ext. 221 OR 1-888-424-7671
mmalin@bcmb.ab.ca

