



Used Oil, Oil Filters and Containers Stewardship Regulation

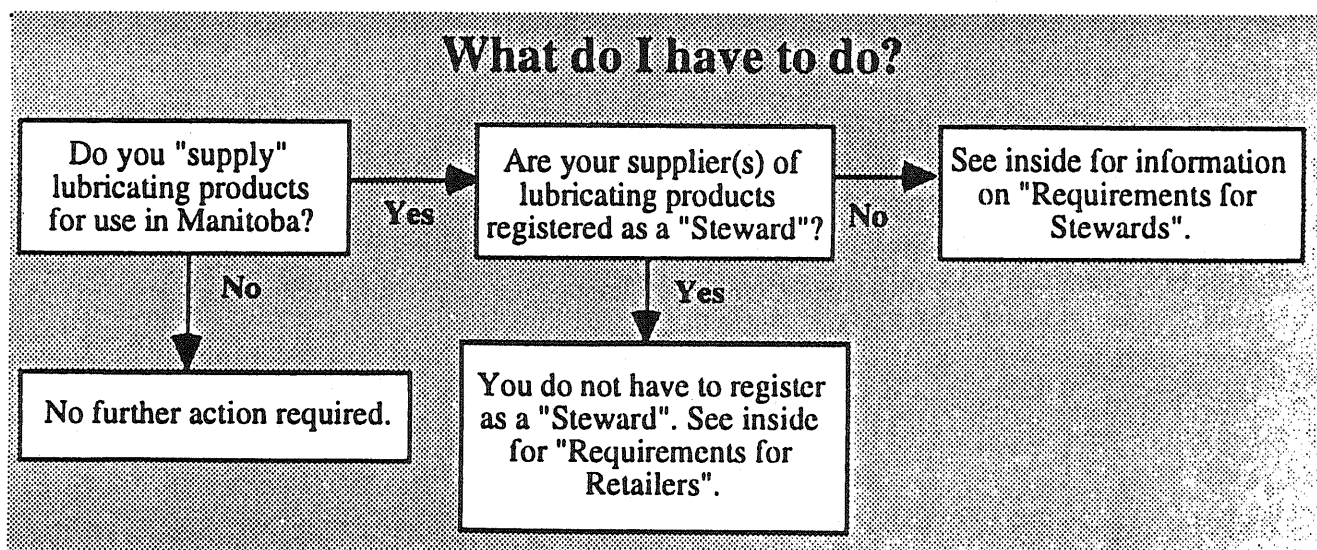
(Regulation 86/97 under the Waste Reduction and Prevention Act)

Compliance Guide

On April 11, 1997, the Used Oil, Oil Filters and Containers Stewardship Regulation came into effect. This new regulation under the Waste Reduction and Prevention Act initiates a process for increasing the recovery of used oil, used oil filters and containers in Manitoba.

After July 11, 1997, it will be illegal to supply lubricating products in Manitoba unless the person supplying the product has registered with Manitoba Environment and indicated how they intend to fulfill their product stewardship obligations. This bulletin will help you determine your responsibilities under the Regulation.

Violations of the Regulation and the *Waste Reduction and Prevention Act* are subject to prosecution in a court of law. Penalties could range as high as a \$250,000 fine, a year in jail, forfeiture of any profits or any combination of the same. In addition, Directors of a Corporation convicted of violating the Act are liable for the payment of any penalties. Manitoba Environment is available to assist you in complying with the Regulation. If you have any questions, please call (204) 945-8443.



Requirements for Stewards

If you :

- supply lubricating products for distribution or sale in Manitoba and your supplier is not registered in Manitoba, or
- import lubricating products for your own use in Manitoba and your supplier is not registered in Manitoba,

you must register with Manitoba Environment as a product steward, and provide or subscribe to an approved product stewardship plan.

Are you a Steward?

Stewards are persons who take responsibility for ensuring that the lubricating products they sell in Manitoba comply with the legal requirements of the Waste Reduction and Prevention Act. While the legal onus to comply with the Regulation is on any person supplying lubricating products for consumption in Manitoba, in practice it is much easier if someone higher in the distribution chain, a steward, takes on the stewardship responsibility. That person is then responsible for complying with the stewardship requirements for products distributed in Manitoba, rather than a number of individual retailers.

Many brand owners and national distributors, regardless of their physical location, accept the responsibility for their products in Manitoba and will comply with the Regulation. Retailers in

Manitoba may choose to deal only with distributors who have accepted this responsibility or take the responsibility on themselves of complying with the Regulation.

The benefit of registering as a steward is that, so long as you operate or maintain a subscription to an approved product stewardship plan, your customers in Manitoba can assume that you are fulfilling the product stewardship obligations on their behalf. This simplifies their life. If you decide not to become a registered steward, then each of your customers in Manitoba must individually meet the product stewardship obligation. They may prefer to deal with another supplier who meets the requirements of the Regulation.

Registering as a Steward

Registering as a product steward involves submitting a form to Manitoba Environment providing basic legal information on your company, describing the oil products and materials you supply and indicating how you intend to meet the stewardship obligations imposed under the Regulation. There are no fees associated with registration.

Remember, if your suppliers have, or will be, registered by July 11, 1997, you do not have to register.

Stewards must provide or subscribe to an approved, province-wide, stewardship program. To be approved, programs are to meet criteria that have been developed in consultation with representatives of the lubricants industry, municipal governments and other stakeholder groups. The Regulation outlines the process and requirements for approval of a stewardship plan. Additional information on the program is available on the back page and from the department.

Requirements for Retailers

- *Ensure that all lubricating products that you offer for sale either at retail or as part of a service are supplied by a registered product steward under the Regulation*
- *Provide point of sale information to your customers on an approved used oil product stewardship program.*

After July 11, 1997, all lubricating products supplied in Manitoba must be supplied by persons registered under the Regulation. Ask your suppliers of lubricating products if they are registered under the Regulation, or ask Manitoba Environment for the current list of stewards under the Regulation. If your suppliers are registered, you do not have to register. In practice, most distributors and brand owners will register as stewards and fulfill the obligations for the product stewardship program. If you are supplying lubricating products which do not come from a person registered under the regulation you will have to register or stop selling those products.

One condition for the approval of a product stewardship program is making point of sale information available to retailers. Approved programs, through your suppliers, will make point of sale information available to you in the fall of 1997. Once this information is available, retailers will be required to make it available to customers.

Any costs associated with supporting an industry run stewardship program are to be incorporated directly into the product price and not identified as a separate item on your cash-register receipts.

LUBRICATING PRODUCTS BEING REGULATED ARE:

This document is for information purposes only. For legal purposes refer to the Regulation directly.

"Oil" means "any petroleum or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other fluid capable of use for lubricating purposes in machinery or equipment". Two cycle engine oils and other oils consumed in a process are exempt.

"Container" means containers of 30 litres or less used for supplying oil.

"Oil Filter" means any spin-on or element style oil filter that is used in hydraulic, transmission or internal combustion engine applications and includes a diesel fuel filter but does not include a gasoline fuel filter.

"Supply" has a very broad definition and includes sale, exchange, barter, lease or rental or gift. It does not matter if supply occurs as part of the provision of a service or from a retailer's shelves.

Approval of a product stewardship plan

This initiative will lead to the establishment of a permanent, convenient system to collect used lubricating products in Manitoba. The costs of expanding the collection system will be borne by the users of the products in relation to the amount they consume. Generators of used lubricating products will see a change in how the used oil management industry operates in Manitoba, once the system is in place. Convenient, free public access to used oil depots will be set up throughout the province to collect lubricant products for recycling. Instead of being based on fee-for-service, the lubricant industry is proposing to move collection of used oil and associated products to a prepaid service basis.

To be approved, a product stewardship plan for lubricating products must meet a number of expectations. These evaluation criteria have been developed with the assistance of a multi-stakeholder group representing industry, government and non-government organizations.

Submission of plans for the program are required by July 11, 1997, and the Department will make copies available through its public registry and world-wide-web page. Comments on proposed plans will be taken until August 8. It is anticipated that full approval of the stewardship plan will be granted later in the fall of 1997. By registering as a steward with Manitoba Environment, you will be kept informed of developments in the approval of a plan for the program.

Stewardship Program

A not-for-profit corporation has been formed by the oil and oil filter industries to prepare and submit a product stewardship plan. The Manitoba Association for Resource Recovery Corp. (MARRC) is working to ensure that Manitoba's program is similar to approved programs in Saskatchewan (SARRC) and Alberta (AUOMA). You may contact this group at the following address:

MARRC
35 – 1313 Border Street
Winnipeg, Manitoba
R3H 0X4

(MARRC)

Phone (204)
632-5255

For additional information, please contact:

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