



Part II
Regulations under the Regulations Act

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 135/2023

Made: July 20, 2023

Filed: July 21, 2023

Prescribed Petroleum Products Prices

Order dated July 20, 2023
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

N.S. Reg. 136/2023

Made: July 27, 2023

Filed: July 28, 2023

Prescribed Petroleum Products Prices

Order dated July 27, 2023
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

N.S. Reg. 137/2023

Made: July 31, 2023

Filed: August 1, 2023

Prescribed Petroleum Products Prices

Order dated July 31, 2023
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed*

Petroleum Products Prices has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

N.S. Reg. 138/2023

Made: August 1, 2023

Filed: August 1, 2023

Solid Waste-Resource Management Regulations—amendment

Order in Council 2023-208 dated August 1, 2023
Amendment to regulations made by the Governor in Council
pursuant to Section 102 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change dated June 19, 2023, and pursuant to Section 102 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Solid Waste-Resource Management Regulations*, N.S. Reg. 25/1996, made by the Governor in Council by Order in Council 96-79 dated February 6, 1996, to add items to the existing extended producer responsibility (EPR) program for electronics and create a new battery EPR program and lamp products EPR program, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after August 1, 2023.

Schedule “A”

**Amendment to the *Solid Waste-Resource Management Regulations*
made by the Governor in Council under Section 102
of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

- 1 Subsection 18M(4) of the *Solid Waste-Resource Management Regulations*, N.S. Reg. 25/1996, made by the Governor in Council by Order in Council 96-79 dated February 6, 1996, is amended by striking out “reduce” and substituting “change”.
- 2 The regulations are further amended by adding the following Sections immediately after Section 18X:

Battery stewardship program**18Y (1)** For the purpose of Sections 18Y to 18AF

“battery” means a container consisting of 1 or more voltaic or galvanic cells in which chemical energy is stored as electricity or converted into electricity and that meets all of the following criteria:

- (i) it is used as a source of power,
- (ii) it weighs 5 kilograms or less,
- (iii) it is 1 of the following:

- (A) a single-use battery,
- (B) a rechargeable battery;

“battery stewardship program” means a program authorized by the Minister under Section 18AC that

- (i) establishes a process for collecting, transporting and processing batteries, and
- (ii) incorporates the principles of a pollution prevention hierarchy by prioritizing the reuse and recycling of batteries;

“brand owner” means 1 of the following:

- (i) a person who is the owner or licensee of the intellectual property rights to batteries sold, offered for sale or otherwise distributed in or into the Province,
- (ii) a manufacturer or distributor of batteries sold, offered for sale or otherwise distributed in or into the Province,
- (iii) for batteries imported into the Province, the first person to sell or offer for sale batteries in the Province;

“rechargeable battery” means a battery that can be recharged and used more than once;

“retailer” means a person who sells, offers for sale or otherwise distributes batteries to a consumer in the Province;

“return collection facility” means a collection facility that

- (i) accepts batteries from persons who wish to return them, and
- (ii) is identified as a return collection facility by an approved battery stewardship program;

“single-use battery” means a battery that cannot be recharged.

- (2) This Section does not apply to a battery that is contained in a device or product that is a designated material under these regulations.
- (3) A battery described in subsection (2) must be managed in accordance with the stewardship program applicable to the device or product in which it is contained.

Appointment of battery stewardship program administrator

18Z The Minister may appoint an administrator to administer a battery stewardship program.

Brand owner must operate battery stewardship program

18AA (1) Effective on and after July 1, 2024, a brand owner must not sell, offer for sale or distribute batteries in or into the Province unless the brand owner, or an agent of the brand owner, operates a battery stewardship program for the batteries.

- (2) Effective on and after July 1, 2024, a retailer must not sell, offer for sale or otherwise distribute batteries to consumers in the Province unless the brand owner, or an agent of the

brand owner, operates a battery stewardship program for the batteries.

No fee for accepting batteries

18AB An operator of a return collection facility must not charge a fee for accepting batteries.

Brand owner proposal for battery stewardship program

18AC (1) Except as provided in subsection (2), no later than January 1, 2024, a brand owner must submit a proposal for a battery stewardship program to the Minister for authorization.

(2) The Minister may extend the deadline in subsection (1) for the submission of a proposal.

(3) On receipt of a proposal for a battery stewardship program submitted under subsection (1), the Minister must do 1 of the following:

(a) authorize the program with or without terms or conditions;

(b) refuse to authorize the program and provide reasons, in writing, for the refusal;

(c) request any additional information about the proposed program that the Minister considers necessary.

(4) Subject to subsection (5), a brand owner whose battery stewardship program is authorized under clause (3)(a) must operate the program in accordance with any terms and conditions of the authorization.

(5) A brand owner who submits a proposal under subsection (1) may designate a third party to operate the battery stewardship program on its behalf, but that proposal must include the name and contact information of the brand owner.

Information in proposal for battery stewardship program

18AD (1) A proposal for a battery stewardship program must include detailed information about all of the following:

(a) the management and structure of the program;

(b) how batteries will be collected, including a list of return collection facilities and their operating hours;

(c) how batteries will be reused, recycled, processed, recovered for energy or otherwise managed;

(d) the quality control and assurance aspects of the program, including tracking and auditing mechanisms;

(e) targets for the recovery rate and how the recovery rate will be measured;

(f) an education and awareness program for consumers of batteries, which must include a description of all of the following:

(i) how the education and awareness program will assess consumer awareness of the battery stewardship program,

(ii) how the brand owner will work with retailers to educate consumers at the point of

sale,

- (iii) the information that the education and awareness program will provide to consumers, which must include information about all of the following:
 - (A) the battery stewardship program and the products accepted by the program,
 - (B) how and when consumers can return batteries, including a list of return collection facilities and their operating hours,
 - (C) the environmental benefits of participating in the battery stewardship program,
 - (D) the methods described in the battery stewardship program proposal for reusing, recycling or engaging in other end of life management options for batteries.
- (2) On receipt of a proposal for a battery stewardship program, the Minister may require the brand owner submitting the proposal to provide any additional information that the Minister requires to consider the proposal.

Annual report on battery stewardship program

18AE (1) No later than June 30 in each year, a brand owner must submit to the Minister an annual report detailing the effectiveness of the battery stewardship program during the previous calendar year that includes all of the following information:

- (a) the total number of batteries collected in the Province by the brand owner;
- (b) the percentage of the total number of batteries collected that falls into each of the following categories:
 - (i) reused,
 - (ii) recycled,
 - (iii) processed,
 - (iv) recovered for energy,
 - (v) otherwise managed;
- (c) whether the recovery rate targets set out in the battery stewardship program were achieved;
- (d) a description of the types of processes utilized to reuse, recycle, process, recover energy from or otherwise manage or dispose of batteries;
- (e) a list of return collection facilities and their operating hours;
- (f) the location of processing or containment facilities for batteries;
- (g) the types of consumer information, educational materials and strategies adopted by the brand owner;

- (h) an assessment of consumer awareness of the battery stewardship program;
 - (i) any other information requested by the Minister that relates to the battery stewardship program.
- (2) A brand owner must submit a statement in writing to the Minister regarding the total number of batteries sold by the brand owner during the previous calendar year, together with the annual report described in subsection (1).
- (3) If the Minister is not satisfied with the battery stewardship program after reviewing the annual report submitted under subsection (1), the Minister may require the brand owner to do 1 of the following:
- (a) amend the authorized battery stewardship program;
 - (b) submit a proposal for a new battery stewardship program to the Minister for authorization under Section 18AC.

Submission of false or misleading Sections 18AC to 18AE information, report or record

18AF A person must not submit any information, report or record required by Sections 18AC to 18AE that is false or misleading.

Lamp product stewardship program

18AG (1) For the purpose of Sections 18AG to 18AN,

“brand owner” means 1 of the following:

- (i) a person who is the owner or licensee of the intellectual property rights to lamp products sold, offered for sale or otherwise distributed in or into the Province,
- (ii) a manufacturer or distributor of lamp products sold, offered for sale or otherwise distributed in or into the Province,
- (iii) for lamp products imported into the Province, the first person to sell or offer for sale lamp products in the Province;

“lamp product” means a replaceable light source designed to produce light from electricity and includes, but is not limited to, all of the following:

- (i) fluorescent tubes,
- (ii) compact fluorescent lamps,
- (iii) high-intensity discharge lamps,
- (iv) incandescent lamps,
- (v) light-emitting diode lamps;

“lamp product stewardship program” means a program authorized by the Minister under Section 18AK that

- (i) establishes a process for collecting, transporting and recycling lamp products, and

- (ii) incorporates the principles of a pollution prevention hierarchy by prioritizing the reuse and recycling of lamp products;

“retailer” means a person who sells, offers for sale or otherwise distributes lamp products to a consumer in the Province;

“return collection facility” means a collection facility that

- (i) accepts lamp products from persons who wish to return them, and
- (ii) is identified as a return collection facility by an approved lamp product stewardship program.

Appointment of lamp product stewardship program administrator

18AH The Minister may appoint an administrator to administer a lamp product stewardship program.

Brand owner must operate lamp product stewardship program

- 18AI** (1) Effective on and after August 1, 2024, a brand owner must not sell, offer for sale or distribute lamp products in or into the Province unless the brand owner, or an agent of the brand owner, operates a lamp product stewardship program for the lamp products.
- (2) Effective on and after August 1, 2024, a retailer must not sell, offer for sale or otherwise distribute lamp products to consumers in the Province unless the brand owner, or an agent of the brand owner, operates a lamp product stewardship program for the lamp products.

No fee for accepting lamp products

18AJ An operator of a return collection facility must not charge a fee for accepting lamp products.

Brand owner proposal for lamp product stewardship program

- 18AK** (1) Except as provided in subsection (2), no later than February 1, 2024, a brand owner must submit a proposal for a lamp product stewardship program to the Minister for authorization.
- (2) The Minister may extend the deadline in subsection (1) for the submission of a proposal.
- (3) On receipt of a proposal for a lamp product stewardship program submitted under subsection (1), the Minister must do 1 of the following:
- (a) authorize the program with or without terms or conditions;
 - (b) refuse to authorize the program and provide reasons, in writing, for the refusal;
 - (c) request any additional information about the proposed program that the Minister considers necessary.
- (4) Subject to subsection (5), a brand owner whose lamp product stewardship program is authorized under clause (3)(a) must operate the program in accordance with any terms and conditions of the authorization.
- (5) A brand owner who submits a proposal under subsection (1) may designate a third party to operate the lamp product stewardship program on its behalf, but that proposal must include the name and contact information of the brand owner.

Information in proposal for lamp product stewardship program

- 18AL (1)** A proposal for a lamp product stewardship program must include detailed information about all of the following:
- (a) the management and structure of the program;
 - (b) how lamp products will be collected, including a list of return collection facilities and their operating hours;
 - (c) how lamp products will be reused, recycled, processed or otherwise managed;
 - (d) the quality control and assurance aspects of the program, including tracking and auditing mechanisms;
 - (e) targets for the recovery rate and how the recovery rate will be measured;
 - (f) an education and awareness program for consumers of lamp products, which must include a description of all of the following:
 - (i) how the education and awareness program will assess consumer awareness of the lamp stewardship program,
 - (ii) how the brand owner will work with retailers to educate consumers at the point of sale,
 - (iii) the information that the education and awareness program will provide to consumers, which must include information about all of the following:
 - (A) the lamp product stewardship program and the products accepted by the program,
 - (B) how and when consumers can return lamp products, including a list of return collection facilities and their operating hours,
 - (C) the environmental benefits of participating in the lamp product stewardship program,
 - (D) the methods described in the lamp product stewardship program proposal for reusing, recycling or engaging in other end of life management options for lamp products.
- (2)** On receipt of a proposal for a lamp product stewardship program, the Minister may require the brand owner submitting the proposal to provide any additional information that the Minister requires to consider the proposal.

Annual report on lamp product stewardship program

- 18AM (1)** No later than May 30 in each year, a brand owner must submit to the Minister an annual report detailing the effectiveness of the lamp product stewardship program during the previous calendar year that includes all of the following information:
- (a) the total number of lamp products and the total number of mercury-containing lamp products collected in the Province by the brand owner;

- (b) the total number of lamp products and the total number of mercury-containing lamp products processed;
 - (c) the amount of lamp product materials that were reused, recycled or otherwise managed, including mercury;
 - (d) whether the recovery rate targets set out in the lamp product stewardship program were achieved;
 - (e) a description of the types of processes utilized to reuse, recycle or otherwise manage lamp products;
 - (f) a list of return collection facilities and their operating hours;
 - (g) the location of processing or containment facilities for lamp products;
 - (h) the types of consumer information, educational materials and strategies adopted by the brand owner;
 - (i) an assessment of consumer awareness of the lamp product stewardship program;
 - (j) any other information requested by the Minister that relates to the lamp product stewardship program.
- (2) A brand owner must submit a statement in writing to the Minister regarding the total number of lamp products sold by the brand owner during the previous calendar year, together with the annual report described in subsection (1).
- (3) If the Minister is not satisfied with the lamp product stewardship program after reviewing the annual report submitted under subsection (1), the Minister may require the brand owner to do 1 of the following:
- (a) amend the authorized lamp product stewardship program;
 - (b) submit a proposal for a new lamp product stewardship program to the Minister for authorization under Section 18AK.

Submission of false or misleading Sections 18AK to 18AM information, report or record

18AN A person must not submit any information, report or record required by Sections 18AK to 18AM that is false or misleading.

- 3 The table in Schedule “B”—Designated Materials Banned from Destruction or Disposal in Landfills and Incinerators to the regulations is amended by adding the following rows immediately after the row beginning “Handheld video game systems”:

Floor or carpet care appliances	June 1, 2024
Garment care appliances	June 1, 2024
Appliances for counter-top cooking	June 1, 2024
Devices for cutting food items and opening or sealing containers or packages	June 1, 2024
Devices for measuring time	June 1, 2024

Personal care appliances	June 1, 2024
Scales	June 1, 2024
Portable air treatment appliances	June 1, 2024
Batteries (non-automotive)	January 1, 2025
Lamp products	January 1, 2025

- 4 The table in Schedule “C”—Electronic Products Included in the Electronic Product Stewardship Program to the regulations is amended by adding the following rows immediately after the row beginning “Handheld video game systems”:

Floor or carpet care appliances	June 1, 2024
Garment care appliances	June 1, 2024
Appliances for counter-top cooking	June 1, 2024
Devices for cutting food items and opening or sealing containers or packages	June 1, 2024
Devices for measuring time	June 1, 2024
Personal care appliances	June 1, 2024
Scales	June 1, 2024
Portable air treatment appliances	June 1, 2024

N.S. Reg. 139/2023

Made: August 1, 2023

Filed: August 1, 2023

Extended Producer Responsibility for Packaging, Paper Products and Packaging-Like Products Regulations

Order in Council 2023-209 dated August 1, 2023
Regulations made by the Governor in Council
pursuant to subsection 102(1) of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Climate Change dated July 4, 2023, and pursuant to subsection 102(1) of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to make regulations respecting extended producer responsibility for packaging, paper products and packaging-like products, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after August 1, 2023.

Schedule "A"

**Regulations Respecting Extended Producer Responsibility for Packaging,
Paper Products and Packaging-Like Products
made by the Governor in Council under Section 102
of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

Citation

- 1 These regulations may be cited as the *Extended Producer Responsibility for Packaging, Paper Products and Packaging-Like Products Regulations*.

Definitions

- 2 In these regulations,

“Act” means the *Environment Act*;

“Administrator” means a person appointed by the Minister under Section 4 and includes an acting Administrator;

“beneficial reuse” means reclaiming a material to act as a substitute material in another use because the material cannot be reclaimed to displace the primary or raw material from which it was produced and is practically unrecoverable for the original purpose for which it was created;

“collection system” means a system used to collect designated material from an eligible source;

“common collection system” means a collection system operated by a producer or producer responsibility organization that accepts designated material;

“consumer” means an individual in the Province who is an end user of a product and its packaging and who obtained the product and its packaging for personal, family or household purposes;

“convenience packaging” means material used in addition to primary packaging to facilitate an end user’s handling or transportation of 1 or more products and includes items such as bags and boxes that are supplied to an end user at checkout, whether or not there is a fee for these items;

“eligible source” means a residential premises and a facility;

“energy recovery” means extracting or producing energy, including fuels, from source-separated packaging, paper products and packaging-like products, but does not include incineration;

“facility” means any of the following:

- (i) a building or part of a building in which residential accommodation is provided or made available and contains multiple self-contained residential units, including an apartment building and a condominium, but does not include visitor accommodations,
- (ii) a public school or private school as defined in the *Education Act*;

“First Nation” means a council of the band as defined in the *Indian Act* (Canada);

“flexible plastic” means un moulded plastic, such as a plastic bag, plastic film, plastic wrap, a plastic

pouch or plastic laminate;

“implementation date” means the date prescribed in Section 5;

“material management requirement” means the minimum material requirements that a producer must meet under Section 27 and in accordance with the Standard;

“municipality” means a city, an incorporated town, a municipality of a county or district or a regional municipality;

“operating agreement” means the agreement between the Administrator and the Minister required under subsection 12(1);

“packaging” means primary packaging, convenience packaging or transport packaging that is provided with a product and includes an ancillary product that is integrated into the packaging;

“packaging-like product” means a product that is ordinarily used for the protection, containment, handling, delivery, presentation or transportation of a commodity or product and includes items such as aluminum foil, metal trays, plastic film, plastic wrap, food containers, wrapping paper, paper bags, beverage cups, plastic bags, cardboard boxes and envelopes;

“packaging, paper products and packaging-like products” or “PPP” means packaging, paper products and packaging-like products primarily made from paper, glass, metal or plastic or a combination of these materials, but does not include any of the following materials:

- (i) a material included in the existing industry stewardship program under Part II of the *Solid Waste-Resource Management Regulations* made under the Act,
- (ii) packaging designed to contain pressurized gas or a hazardous product,
- (iii) a product designed for the containment of waste,
- (iv) a health, hygiene or safety product that by virtue of its anticipated use becomes unsafe or unsanitary to recycle,
- (v) packaging designed and used to contain or transport refillable beer containers, provided the producer meets the management requirements of the designated material as defined in Part V;

“paper product” means paper that is used for printing, copying, writing or any other general use, such as for a newspaper, magazine, promotional material, directory or catalogue, but does not include any of the following:

- (i) a hard- or soft-covered book,
- (ii) a reference or literary book or a textbook,
- (iii) a hard-covered periodical,
- (iv) paper that is not suitable to be recycled because it is, or could become, unsafe or unsanitary by virtue of its anticipated use;

“primary packaging” means material that is used to contain, protect, handle, deliver or present a

product that is provided with the product to an end user at the point of sale and includes packaging designed to group 1 or more products for the purposes of sale, but does not include convenience packaging or transport packaging;

“processor” means a person who processes, for the purpose of resource recovery, PPP that was supplied to a consumer;

“producer” means a person determined to be a producer in accordance with Section 8;

“producer responsibility organization” means a person who has entered into an agreement with 1 or more producers for the purposes of carrying out 1 or more of the following responsibilities related to the designated material, but does not include a processor retained solely for the purpose of processing the designated material:

- (i) arranging, establishing or operating a common collection system,
- (ii) arranging, establishing or operating a promotion and education program,
- (iii) preparing and submitting a report,
- (iv) representing a producer for another purpose related to these regulations;

“readiness report” means a report submitted by a producer under Section 9;

“registry” means the registry described in Section 15;

“residential premises” means a house, town home and other self-contained premises used by a person for residential purposes and a seasonal dwelling and campground, but does not include visitor accommodations;

“retailer” means a person who supplies packaging, paper products or packaging-like products to a consumer in the Province, whether online or at a physical location;

“rigid plastic” means moulded plastic, such as a food or product container;

“small producer” means

- (i) a producer whose gross annual revenue in the Province is less than \$1 000 000, or
- (ii) a producer who supplies less than 1 tonne of designated material in the Province in a year;

“Standard” means the Packaging, Paper Products and Packaging-Like Products Material Management Standards published by the Minister;

“transport packaging” means material used in addition to primary packaging to facilitate the handling or transportation of 1 or more products by a person other than an end user, such as a pallet, bale wrap or box, but does not include a shipping container designed for transporting products;

“visitor accommodations” means a hotel, motel, resort or other accommodations where a person stays on a temporary basis.

Part I: Application and Exemptions

Application

- 3 (1) These regulations apply only to the designated material prescribed in Section 7 that is supplied to a consumer.
- (2) Effective on and after the implementation date, a producer must not supply or distribute designated material in or bring designated material into the Province unless the producer or an agent of the producer is registered in the registry and operating in accordance with these regulations.
- (3) A producer may designate a producer responsibility organization to operate on its behalf in accordance with these regulations.

Administrator

- 4 (1) The Minister may appoint 1 or more Administrators to administer these regulations.
- (2) An Administrator appointed under subsection (1) must administer these regulations and perform the duties and responsibilities assigned.

Implementation date

- 5 For the purposes of these regulations, the implementation date is December 1, 2025.

Exemptions

- 6 (1) All of the following persons are exempt from the requirements of these regulations:
- (a) a society incorporated under the *Societies Act*, except a society incorporated for educational purposes such as a university or college within the Province;
- (b) a small producer.
- (2) Despite subsection (1), a small producer must comply with the requirements in Section 32.

Part II: Designated Material, Producer Determination, Readiness Report and Administrator

Designated material

- 7 For the purposes of Part IX of the Act, packaging, paper products and packaging-like products are designated material for the purposes of these regulations.

Producer determination

- 8 (1) A producer of packaging, paper products and packaging-like products supplied in the Province is a producer for the purposes of these regulations if they are any of the following:
- (a) the brand holder of the designated material, if the brand holder is a resident of Canada;
- (b) if there is no person who meets the description in clause (a), the importer of the designated material, if the importer is a resident of the Province;
- (c) if there is no person who meets the description in clauses (a) and (b), the retailer.
- (2) If a producer of packaging, paper products and packaging-like products is a business operated wholly or in part as a franchise, the producer for the purposes of these regulations is the franchisor if the franchisor has 1 or more franchises located in the Province.

- (3) Despite subsection (2), if an importer adds a designated material to a product for transportation or other purposes, the producer of the added designated material is 1 of the following:
- (a) the importer of the product, if the importer is a resident of the Province;
 - (b) if there is no person who meets the description in clause (a), the retailer.

Readiness report

- 9 (1) No later than October 1, 2024, a producer must consult with every municipality in the Province and submit a readiness report containing all of the following information to the Administrator:
- (a) a description of the consultation with the municipalities and how the feedback was addressed;
 - (b) a description of the actions planned or already undertaken to ensure that the requirements of Part IV will be met by the implementation date;
 - (c) a description of the actions planned or already undertaken to ensure that the requirements of Parts V, VI and VII are met.
- (2) A producer may designate a producer responsibility organization to prepare and submit a readiness report on its behalf.
- (3) After reviewing a readiness report, the Administrator must do 1 of the following:
- (a) send written notice to the producer acknowledging receipt of the readiness report;
 - (b) require the producer to provide any additional information that the Administrator considers necessary to evaluate the readiness report.

Duties of Administrator

- 10 The Administrator's objectives are to do all of the following:
- (a) perform the duties and exercise the powers given to the Administrator under these regulations and in the operating agreement;
 - (b) provide information relating to resource recovery in the Province and the Administrator's activities under these regulations;
 - (c) enforce the obligations of producers, producer responsibility organizations, processors and municipalities under these regulations.

Identification of Administrator

- 11 Unless otherwise revoked in writing by the Minister, the Minister is deemed to have appointed the Resource Recovery Fund Board established under Section 98 of the Act and Section 5 of the *Solid Waste-Resource Management Regulations* as an Administrator in accordance with subsection 4(1).

Operating agreement

- 12 (1) The Minister and the Administrator must enter into an operating agreement respecting the Administrator's activities in accordance with this Section.
- (2) The Administrator must comply with the terms and conditions of the operating agreement respecting their administration and oversight of the matters described in the operating agreement and these regulations, including the delegation of any powers, duties or functions of the Minister under these

regulations to the Administrator.

Annual action plan and annual report

- 13** (1) No later than January 31 of each year, unless otherwise agreed to by the Minister, the Administrator must create, adopt and submit an annual action plan to the Minister.
- (2) No later than July 31 of each year, unless otherwise agreed to by the Minister, the Administrator must submit an annual report and audited financial statements respecting the implementation of its objectives during the previous fiscal year.
- (3) An annual action plan and annual report must be in the form and manner required by the Minister as established in the operating agreement and include all of the information required by the operating agreement.
- (4) The Administrator must make each annual report available to the public promptly after submitting it to the Minister.

Cost recovery

- 14** (1) The Administrator may recover its costs for the administration of these regulations from producers, processors and producer responsibility organizations and any other persons it registers or from whom it receives reports.
- (2) Despite subsection (1), the Administrator must not recover costs from a municipality unless the municipality is also a producer or processor.
- (3) Any methods established by the Administrator for cost recovery must be in accordance with these regulations and the operating agreement.
- (4) The Administrator must consult with the affected parties when establishing methods for cost recovery.
- (5) A person from whom the Administrator is recovering costs related to the administration of these regulations must pay the calculated amount to the Administrator at the times specified by the Administrator.

Part III: Registry and Registration

Registry

- 15** (1) The Administrator must maintain and operate a registry for designated material.
- (2) The Administrator must register a producer, processor, producer responsibility organization and municipality that applies for registration in accordance with these regulations.
- (3) The Administrator may cancel or suspend the registration of a producer, processor or producer responsibility organization who contravenes these regulations and may reinstate the registration of a producer, processor or producer responsibility organization whose registration has been cancelled or suspended.
- (4) The Administrator may cancel the registration of a producer who
- (a) ceases to supply designated material in the Province; or
- (b) after being registered has been exempt under subsection 6(1) in 3 consecutive calendar years.

- (5) The Administrator may cancel the registration of a producer responsibility organization that ceases to exist.

Registration requirement for municipalities

- 16 (1) On and after a submission date specified by the Administrator and no later than January 1, 2024, a municipality must apply for registration in the form and manner required by the Administrator.
- (2) A municipality's information in the registry must be transferred to the producers no more than 30 days after the date the registration period set out in subsection (1) ends.

Registration requirements for producers

- 17 On and after a submission date that is identified by the Administrator, but no later than January 1, 2024, every producer must register in the form and manner required by the Administrator.

Registration requirements for processors

- 18 On or after the implementation date, a processor must register as a processor in the form and manner established by the Administrator if the processor intends to provide services under Part IV to a producer or producer responsibility organization.

Registration requirement for producer responsibility organization

- 19 Within 30 days of entering into an agreement with a producer, a producer responsibility organization must register with the Administrator as a producer responsibility organization in the form and manner required by the Administrator.

Change in information

- 20 A producer, processor or producer responsibility organization must notify the Administrator of any change in the information submitted under this Section and submit updated information to the Administrator no more than 30 days after the date the information changed.

Part IV: Duty to Collect**Collection system**

- 21 (1) On and after the implementation date, a producer must establish and operate a collection system.
- (2) A producer may meet the requirements of subsection (1) by establishing and operating a common collection system with 1 or more other producers that is operated by a producer responsibility organization on their behalf in accordance with subsection (3).
- (3) A common collection system operated by a producer responsibility organization on behalf of a producer must be established by a written agreement between the producer responsibility organization and each producer.
- (4) A single common collection system may be established and operated on behalf of all producers by a single producer responsibility organization.
- (5) A producer responsibility organization that has entered into an agreement with a producer to provide a common collection system must do all of the following:
- (a) establish and operate a collection system in accordance with this Part;
- (b) comply with any requirements under this Part that apply to a producer.

Duty to collect

22 A producer must ensure that every eligible source in the Province receives collection service in the form of a common collection system for designated material in accordance with these regulations.

Requirement for curbside or depot collection for residential premises

- 23** (1) A producer must provide curbside collection of designated material for all residential premises that receive curbside garbage collection in the Province.
- (2) A producer must provide depot collection of designated material for residential premises in the Province that do not receive curbside garbage collection.

Requirement for collection at facilities

- 24** (1) A producer must provide collection of designated material for every facility.
- (2) A producer who provides collection for a facility must provide receptacles for the storage of designated material at the facility until it is collected.

First Nations collection

- 25** (1) A producer must ensure that an offer is made by or on behalf of the producer to provide a common collection system to eligible sources within the reserve of a First Nation.
- (2) An offer under subsection (1) must meet all of the following requirements:
- (a) it must include details of how collection services will be provided;
- (b) it must be made to the First Nation no later than 6 months before the implementation date.
- (3) If an offer to provide collection service is accepted by the First Nation, every eligible source within the reserve of the First Nation is deemed an eligible source to which the collection requirements under Part IV of these regulations apply.

Part V: Material Management**Material categories**

- 26** (1) All of the following are the material categories for designated material for the purposes of these regulations:
- (a) paper;
- (b) rigid plastic;
- (c) flexible plastic;
- (d) glass;
- (e) metal.
- (2) A producer must meet the management requirements specified in the Standard for the material categories listed in subsection (1) in accordance with this Part.
- (3) Subject to subsection (4), designated material must be assigned to a material category and no designated material may be assigned to more than 1 material category.

- (4) Despite subsection (3), designated material may be divided into separate components, and each component may be assigned to its own material category, as long as all of the components of the designated material are assigned to a material category.
- (5) Designated material must be assigned to the material category that best matches its primary characteristic.

Material management requirements

- 27 (1) The material management requirements for the purpose of subsection (2) are specified in the Standard.
- (2) A producer must meet the material management requirements for material categories using the methods specified in the Standard.

Part VI: Auditing, Reporting and Record Keeping**Initial producer reporting requirements**

- 28 (1) No later than October 1, 2024, a producer of designated material supplied to consumers must submit a report to the Administrator that contains all of the following information for the previous calendar year:
- (a) the total weight of designated material in each material category supplied to consumers in the Province for which the person is a producer;
 - (b) if applicable, the total weight of the designated material in each material category in clause (a) that was
 - (i) deposited into a receptacle at a location that is not an eligible source, and
 - (ii) collected from an eligible source at the time the product was installed or delivered;
 - (c) the total weight of designated material in each material category reported in clause (a) minus the total weight of the designated material reported in clause (b).
- (2) If the information is reported by a producer responsibility organization on behalf of a producer, the producer must provide an attestation of the information.

Annual reporting by producer

- 29 (1) On or before May 31 in each year beginning in 2027, a producer of designated material supplied to consumers in the Province must submit an annual report to the Administrator that contains all of the following information:
- (a) the total weight of the designated material in each material category supplied to consumers by the producer;
 - (b) if applicable, the total weight of the designated material in each material category in clause (a) that was
 - (i) deposited into a receptacle at a location that is not an eligible source, and
 - (ii) collected from an eligible source at the time the product was installed or delivered;
 - (c) the total weight of designated material in each material category reported in clause (a) minus

- the total weight of the designated material reported in clause (b);
- (d) a description of the actions taken to meet the producer's requirements under Parts IV, V and VI, including the total weight of materials that were recovered from designated material collected under Part IV;
 - (e) a list of every processor that the producer retained to process designated material supplied to consumers in the Province;
 - (f) the producer's management requirement for each material category calculated in accordance with Part V, including the total weight of recovered resources it accounted for in respect of its management requirement in each material category and whether it met or exceeded its management requirement for each material category;
 - (g) the total weight of recovered resources reported under clause (f) that were
 - (i) marketed for reuse for their original purpose or function,
 - (ii) marketed for use in new products or packaging,
 - (iii) marketed for beneficial reuse, or
 - (iv) marketed for energy recovery.
- (2) If the information in clauses (1)(a) and (b) is reported by a producer responsibility organization on behalf of a producer, the producer must provide an attestation of the information.
- (3) Despite subsection (1), the Administrator may approve an alternative reporting date in writing.
- (4) The information contained in the annual report is for the calendar year before the year the report is required to be submitted.

Annual reporting by processors

30 A processor must submit an annual report to the Administrator, in the form and manner established by the Administrator.

Records

31 Each producer, producer responsibility organization and processor must keep all of the following in a paper or electronic format that can be examined in the Province for a period of 5 years from the date of their creation:

- (a) records related to arranging, establishing or operating a common collection system for the purpose of fulfilling responsibilities relating to designated material;
- (b) records related to information required to be submitted to the registry;
- (c) records related to arranging, establishing or operating a promotion and education program required under these regulations;
- (d) records related to the weight of designated material supplied to consumers in the Province for which the person is a producer;
- (e) any agreements relating to the information described in this Section.

Small producers

- 32 (1) A small producer must keep records that demonstrate that it meets the definition of a small producer in a paper or electronic format that can be examined in the Province for a period of 5 years from the date of their creation.
- (2) The Administrator may request that a small producer submit its records under subsection (1) to the registry to verify that the producer meets the annual financial or tonnage threshold exemption.
- (3) A small producer must provide the records under subsection (2) to the registry no more than 15 days after the date of the request, unless the deadline is extended by the Administrator.

Audit of producer's practices and procedures

- 33 (1) On or before April 30, 2030, and every 4th year afterward, a producer must have its practices and procedures respecting Part V for the 4 immediately preceding years audited.
- (2) On or before April 30, in any year in which an audit is required, a producer must prepare and submit a report on the audit to the Administrator that includes all of the following information:
- (a) a summary of the analysis in the audit of the information submitted by the producer in its annual report under clauses 29(1)(c), (f) and (g);
- (b) a summary of the opinion provided by the auditor on whether the producer complied with its obligations under Part V, including any obligations described in the Standard, during the 4 calendar years subject to the audit.
- (3) The audit must be conducted by a qualified independent auditor.

Part VII: Promotion and Education**Producer promotion and education requirements**

- 34 (1) A producer who is required to establish and operate a collection system for collecting designated material under Part IV must implement a promotion and education program for the purpose of sharing information and promoting the operation of the common collection system in accordance with this Part.
- (2) 1 or more producers and producer responsibility organizations may meet the requirements of this Part through a promotion and education program provided by another person on their behalf.
- (3) In this Part, a reference to a producer includes a producer responsibility organization to which subsection (1) applies.

Information on common collection system

- 35 A promotion and education program established in respect of a common collection system provided by a producer must include all of the following information:
- (a) a list of designated material that must be deposited into designated material receptacles;
- (b) a list of material that must not be deposited into designated material receptacles;
- (c) a description of how to replace a designated material receptacle or obtain an additional designated material receptacle;
- (d) a description of how the producer will fulfil its collection responsibilities, including,

- (i) for a producer who provides curbside collection for an eligible source, the dates on which collection will occur, or
- (ii) for a producer who provides depot collection, the location of every depot collection site and its hours of operation;
- (e) a description of how to prepare designated material for placement in a designated material receptacle, including any direction about rinsing, flattening, sorting or bagging designated material;
- (f) information on how to minimize litter from curbside recycling storage and on collection day;
- (g) any additional information the Administrator may require.

Forms of promotion

36 A promotion and education program must be provided in both of the following forms:

- (a) on a publicly accessible website;
- (b) in print, and available upon request by an eligible source.

N.S. Reg. 140/2023

Made: August 1, 2023

Filed: August 1, 2023

Bayswater Beach Provincial Park Designation of Additional Lands

Order in Council 2023-215 dated August 1, 2023

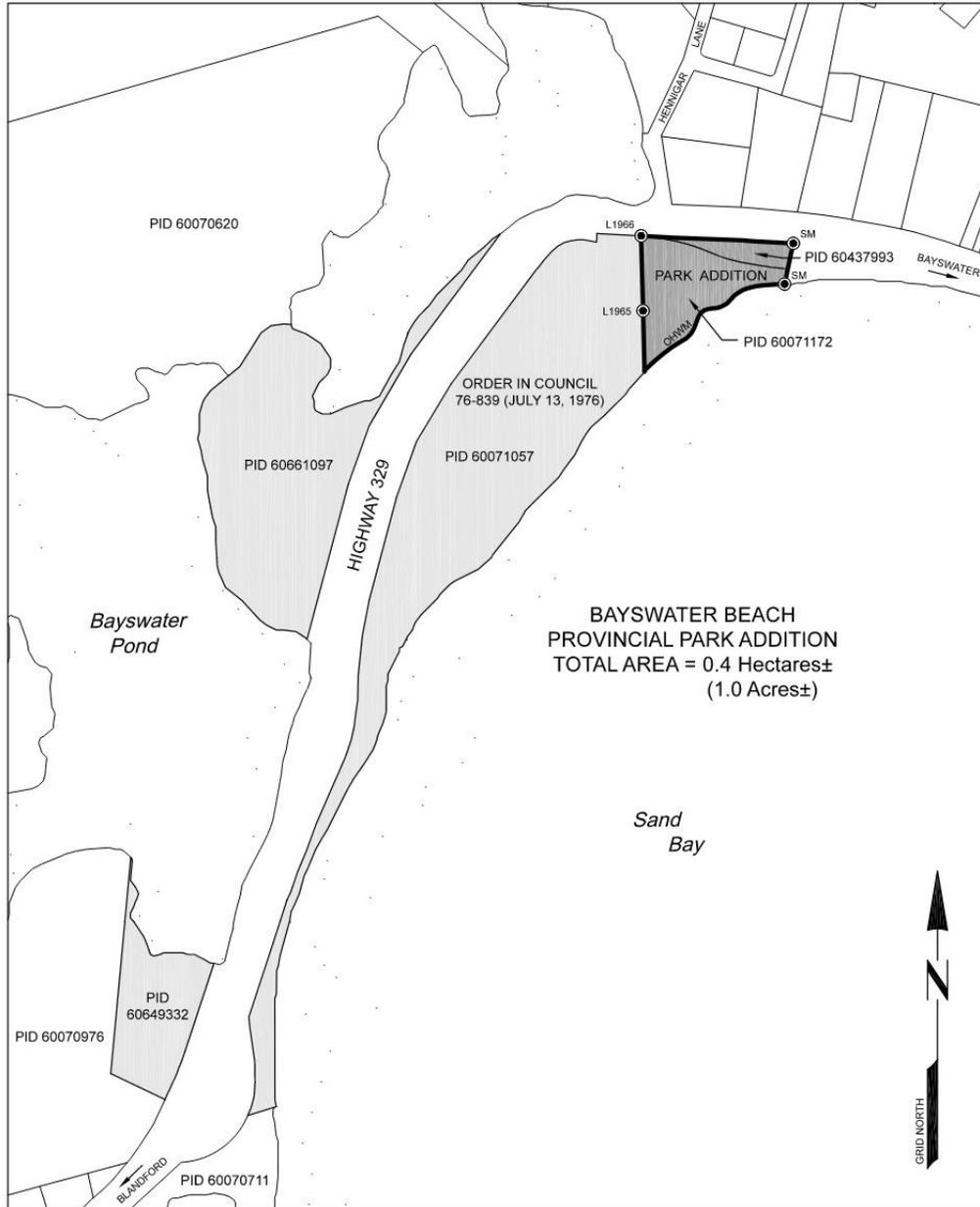
Designation made by the Governor in Council
pursuant to clauses 8(a) and (b) of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated July 4, 2023, and pursuant to clauses 8(a) and (b) of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, effective on and after August 1, 2023, to

- (a) increase the size of the Bayswater Beach Provincial Park, originally designated by Order in Council 76-839 dated July 13, 1976, by adding approximately 0.4 hectare (1 acre) of Crown lands in Lunenburg County currently identified as PIDs 60437993 and 60071172 as shown outlined in bold on the plan marked Schedule "A" attached to and forming part of the report and recommendation; and
- (b) authorize the Minister of Natural Resources and Renewables to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"

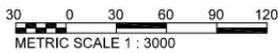
Addition to Bayswater Beach Provincial Park



SCHEDULE "A"
**BAYSWATER BEACH
 PROVINCIAL PARK ADDITION**
 BAYSWATER
 LUNNENBURG COUNTY

LEGEND:

- Bayswater Beach Provincial Park
(Existing) 4.6 Hectares±
- Bayswater Beach Provincial Park
(Addition) 0.4 Hectares±



PID 60437993 & 60071172
 C.L.F.S. No. N20
 INDEX SHEET No. 47
 ORTHOPHOTO MAP INDEX No. M4450640 & M4445640

NOTE:

Boundaries shown on this plan are a graphic representation only and do not necessarily represent the true shape or position of lot boundaries. The true location of the boundaries shown are subject to a field survey.
 Public roads are excluded from the park addition
 Area shown on this plan is approximate only and is subject to a boundary survey.
 This plan was compiled from Nova Scotia Department of Natural Resources and Renewables Field Plots P-112/91, P-103/00, P-065/00, Crown Land Record Centre plan No. E-5-33, GIS mapping and Land Registration Office plan no. 87631496.

N.S. Reg. 141/2023

Made: August 1, 2023

Filed: August 1, 2023

Proclamation of repeal of Act, S. 2, S.N.S. 2018, c. 40

Order in Council 2023-219 dated August 1, 2023

Proclamation made by the Governor in Council

pursuant to Section 2 of

An Act to Repeal Chapter 7 of the Acts of 2015, the Nova Scotia Provincial Exhibition Commission Act

The Governor in Council on the report and recommendation of the Minister of Agriculture dated June 3, 2023, [and] pursuant to Section 2 of Chapter 40 of the Acts of 2018, *An Act to Repeal Chapter 7 of the Acts of 2015, the Nova Scotia Provincial Exhibition Commission Act*, is pleased to order and declare by proclamation that Chapter 40 of the Acts of 2018, *An Act to Repeal Chapter 7 of the Acts of 2015, the Nova Scotia Provincial Exhibition Commission Act*, do come into force on and not before August 1, 2023.

L.S.

Canada
Province of Nova Scotia

Charles the Third, by the Grace of God, of the United Kingdom, Canada, and His Other Realms and Territories, KING, Head of the Commonwealth, Defender of the Faith.

To all [to] whom these presents shall come, or whom the same may in any wise concern,

Greeting!

A Proclamation

Whereas in and by Section 2 of Chapter 40 of the Acts of 2018, *An Act to Repeal Chapter 7 of the Acts of 2015, the Nova Scotia Provincial Exhibition Commission Act*, it is enacted as follows:

- 2** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Chapter 40 of the Acts of 2018, *An Act to Repeal Chapter 7 of the Acts of 2015, the Nova Scotia Provincial Exhibition Commission Act*, do come into force on and not before August 1, 2023;

Now Know Ye That We, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 40 of the Acts of 2018, *An Act to Repeal Chapter 7 of the Acts of 2015, the Nova Scotia Provincial Exhibition Commission Act*, do come into force on and not before August 1, 2023, of which all persons concerned are to take notice and govern themselves accordingly.

In Testimony Whereof We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

Witness, Our Trusty and Well Beloved, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 1st day of August in the year of Our Lord two thousand and twenty-three and in the First year of Our Reign.

By Command:

**PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE**