



ASSOCIATION DES PRODUCTEURS RESPONSABLES/
PRODUCT CARE ASSOCIATION



July 23, 2012

Important Notice to Producers, Distributors and Retailers of Mercury Containing Lamps in Québec

Immediate Action required in order to comply with Québec product stewardship Regulation

Québec Regulation requires industry product stewardship program for mercury-containing lamps:

The Quebec [Regulation respecting the recovery and reclamation of products by enterprises](#) obligates all “brand owners/first suppliers” (including manufacturers, distributors and retailers of mercury-containing lamps) to either operate or be a member of an approved program to recover and reclaim end-of-life mercury-containing lamps in Quebec. See section 2 of the Regulation for the determination of the obligated party, which includes, generally, the brand owner (e.g. private label) or first supplier of lamps in Quebec. The program must be funded by these enterprises to provide a collection and recycling option for all generators of mercury-containing lamps in Quebec, pursuant to the collection system requirements outlined in the regulation.

Each company that is obligated under the regulation was required to notify Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) by April **14, 2012** of their intention to start their own program or to join an accredited industry managed program such as the Product Care program. **It is not too late to act. Obligated companies must inform MDDEP of their intention as soon as possible and complete Product Care's membership process, unless they are operating their own program accredited by RECYC-QUÉBEC.** See below for more information on how to join the Product Care program to fulfill this regulatory requirement.

Product Care Program:

Product Care Association (PCA) is a non-profit association and has registered in Quebec under the name Association des Producteurs Responsables (APR). Product Care finalized an agency agreement in June with [RECYC-QUÉBEC](#), the oversight agency in Quebec for product stewardship programs, as an organization that can implement a “recovery and reclamation system” for mercury-containing lamps on behalf of its members, pursuant to the [Regulation](#).

How will the Product Care program operate?

Product Care's recycling program will launch in Quebec on July 14, 2012 for mercury-containing lamps from the residential sector, and on October 1, 2012 will expand to include the institutional, commercial and industrial sectors. The program will be funded by "eco-fees" applied to the sale or supply of new mercury-containing lamps on a per-unit sold basis. These fees will be paid to PCA/APR's program by the program members (manufacturers, distributors, retailers etc). Member eco-fee obligations will commence on **October 1, 2012**. Under no circumstances should members apply eco-fees to products sold between July 14 and October 1. The eco-fee rates for this program have been finalized and are available at www.recycaqr.ca

What types of lamps are captured by the regulation and included in the Product Care program?

The program will include:

- All **mercury-containing lamps**, including:
 - Fluorescent Tubes
 - Compact Fluorescent Lamps (CFL)
 - Other mercury containing lamps - High Intensity Discharge (HID) including mercury vapour, metal halide, and sodium vapour, etc.
- Supply/sales to all users, including the **residential, institutional, commercial and industrial sectors**



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- Sales through **all channels of distribution**, including internet sales and drop shipments

How do I join the PCA program and inform MDDEP of my intention to participate in this program?

Any enterprise that is obligated under the Regulation is invited to join the Product Care program in order to satisfy the requirements of the Regulation. It is not necessary to act a return collection site to become a member of Product Care.

Companies which are not already a member of Product Care for another program must

- (1) file an “enterprise information form” with the Quebec Ministry (MDDEP) and
- (2) complete Product Care’s “Product Care membership form”, and indicate that the membership is for the QC lamps program and any other programs that apply.

Who in the supply chain will report sales/remit fees to the program?

The Regulation places financial responsibility for the program on the brand owner or “first supplier” in Quebec. Accordingly, the legally obligated enterprise is required to report sales/remit fees to the program, except in cases where another member (either “upstream” or “downstream”) has agreed to report these sales/remit eco-fees on behalf of the first supplier. Product Care permits flexibility in terms of which company in the supply chain will report sales/remit ecofees to the program, **although all legally obligated enterprises must join the program as a member**. Product Care recommends the use of a “Remitter Agreement” between members in order to clarify which company will remit eco-fees to the program. Additional information and sample of a Remitter Agreement can be found at www.recycapr.ca

What to do next:

Please visit www.recycapr.ca to find out more about the Product Care program and how to join, the products captured, your potential obligations, eco-fee rates and information about who in the supply chain should join the program. **If you determine that you are not obligated under the QC Regulation for these products, we request that you email and advise us of the basis for your decision.**

For more information or to obtain PCA membership forms, please contact Louis Duvivier at the details below.

Louis Duvivier

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