

PRODUCT CLARIFICATION PROTOCOLS

1.0 Background:

Electronics Product Stewardship Canada (EPSC) and the Retail Council of Canada (RCC) provide input to EPRA regarding obligated product in the provinces of British Columbia, Nova Scotia and PEI, Manitoba, Ontario (OES) and Quebec (ARPE), Saskatchewan and Newfoundland and Labrador. The product clarification process is an important set of activities to ensure products are duly considered and appropriately classified as obligated or not, and in the appropriate category, in order to support compliance with the regulations.

Product clarifications refer to requests, typically from the manufacturers or retailers of electronic products, as to whether or not a specific product is included or excluded from the programs (i.e., whether or not a fee should be charged and what that fee should be). Product clarifications may be requested for new or existing products on the market.

EPRA leads monthly reviews on non-standard or new product clarification enquiries with EPSC and RCC. EPSC and RCC work with obligated stewards to provide guidance on which products are included or excluded from the programs, based on their product knowledge. In addition EPRA consults representatives from the provincial programs and other experts through the decision-making process.

The intent of the Product Clarification Protocols is to ensure that all products are suitably classified as intended by the regulation, and product clarifications are communicated to provide a level playing field to all obligated stewards.

2.0 Product Clarification Process:

- 2.1 Product clarification requests can be sent to productinfo@epra.ca. EPRA's product clarification team will consider the product and advise based on the following assessment criteria:
 - 2.1.1 Is the product specifically outlined in the regulation?
 - 2.1.2 Has the product been previously assessed and a clarification been provided?
 - 2.1.3 Is the product a standalone device or integrated into or imbedded in another product, where the primary product is not an obligated product?
 - 2.1.4 What are the product specifications, including form and features?
 - 2.1.5 What is the intended use and function for the product?
 - 2.1.6 Does the product closely resemble, based on form and features, another obligated product for which it is likely to be associated or confused with, or product category it could be captured by?
 - 2.1.7 Do the form and features of the product overlap with another stewardship program?
- 2.2 If the product is not clearly defined in the regulation and has not received a previous clarification, the EPRA will forward their recommendations to EPSC and RCC for review by members.
- 2.3 EPSC, RCC members will make recommendations based on feedback from their members.

3.0 Communication of Clarifications:

- 3.1 Clarifications on whether or not a product is included in the programs and which category it falls under will be communicated by EPRA directly to the inquiring steward as soon as a decision has been made.

- 3.2 Clarifications will be sent by EPRA via a monthly newsletter to all other stewards to ensure a level playing field. This will provide stewards with a centralized source for communications on product clarifications and ensure consistent messaging across the programs.
- 3.3 If the inclusion of a product or a clarification of a definition is considered to be a substantive change to the category, stewards will be given a 90 day time period to make adjustments. Retail blackout periods will also be taken into consideration.
- 3.4 If the product is considered to be associated with a new category or product grouping, not already obligated, it will be considered for inclusion in consultations for a subsequent program Phase.

4.0 Clarification Process Flow:

