



Empty Pesticide and Fertilizer Container
Program in Manitoba (2017 - 2021)
Renewal & Amendment
Version 3 - submitted June 16, 2017

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1.0 INTRODUCTION

In 2011, CleanFARMS' Empty Pesticide Container Program (EPCP) was approved as a stand-alone program under the Packaging and Printed Paper Stewardship Regulation of the Waste Reduction and Prevention (WRAP) Act. This approval expires on December 31, 2016.

In the fall of 2015, CleanFARMS began working with Green Manitoba, a special-operating agency of the Manitoba government, to renew the Empty Pesticide Container Program (EPFPCP) and expand it to include fertilizer containers.

CleanFARMS proposes that the Empty Pesticide Container Program be renamed the 'Empty Pesticide and Fertilizer Container Program' and will refer to the program by this name throughout this document.

The purpose of this document, known as the Program Plan, is to outline how the program will continue to operate and allow stakeholders to provide input.

CleanFARMS conducted public consultations in October 2015 to facilitate feedback from stakeholders. Following these consultations, CleanFARMS submitted version 1 of the Program Plan to Green Manitoba for approval in November 2015. Feedback was received from Green Manitoba in April 2016. Version 2) was submitted back to Green Manitoba in September 2016. Since the dissolution of Green Manitoba in 2017 and at the request of Manitoba Sustainable Development, Version 3 was submitted to Manitoba Sustainable Development in June 2017.

About CleanFARMS

CleanFARMS is a not-for-profit industry stewardship organization, best known for its empty container recycling program. CleanFARMS is led by a private-sector Board. CleanFARMS works primarily with the crop protection industry, but its programs have recently been adapted to meet the needs of the fertilizer, seed and animal health medication industries. The programs that CleanFARMS manages on behalf its members are a key component of the agricultural industry's commitment to full lifecycle stewardship and a model for industry-led responsibility.

1.1 Background

Since 1989, the crop protection industry has managed an empty pesticide container recycling program across Canada. This program was developed as part of the industry's commitment to full-lifecycle stewardship and is now a model for industry-led stewardship.

During the early years of the program, the program's goals were to ensure the safe collection and disposal of the empty containers through energy recovery in cement kilns or waste-to-energy incinerators. However, as markets developed for recycled plastic materials, the collected plastic became more valuable for use in the production of structural products. For health and safety reasons, the collected plastic is to be used only in products that have minimal human handling. Currently, the majority of the plastic collected in Canada is made into thin-walled drainage pipe.

In February 2010, CleanFARMS assumed control of the program (which was operated by CropLife Canada, the pesticide industry's trade association) with a mandate to manage the empty pesticide container recycling program and examine other waste streams. CleanFARMS' programs have now been adapted to meet the end of life stewardship needs of the animal health medication, seed and fertilizer sectors.

When the province of Manitoba expanded its Packaging and Printed Paper Stewardship Regulations, CleanFARMS responded by submitting its EPCP (also referred to as the Program Plan) for approval. The EPCP was approved in August 2011. This approval expires on December 31, 2016.

Program renewal:

In accordance with the Packaging and Printed Paper Stewardship Regulation, CleanFARMS is applying to renew the province’s approval of the EPCP. With the exception of adding fertilizer containers to the program, operations have remained steady since it was approved in August 2011.

Program amendment/expansion:

CleanFARMS conducts regular non-program material audits as part of its ongoing best practices. These audits showed that fertilizer containers were entering its recycling stream. At the same time, research showed that both farmers and municipalities were keen to recycle and conserve valuable landfill space. This led CleanFARMS to explore the expansion of its EPCP to include fertilizer containers in 2011.

In the fall of 2012 fertilizer manufacturers started to join CleanFARMS as members in preparation for an official launch in January 2013. As of October 2015, eight fertilizer manufacturers have voluntarily joined CleanFARMS and are funding their portion of the program costs.

The addition of fertilizer containers to the empty pesticide container program is a good fit. It offers convenience to farmers and municipalities and allows stewards to take advantage of CleanFARMS’ mature recycling infrastructure, health and safety procedures, communication materials and channels and administrative policies.

CleanFARMS and its members look forward to ongoing work in Manitoba to support the province’s waste diversion efforts.

1.2 CleanFARMS Mission and Vision

CleanFARMS’ mission is to enable environmental sustainability through effective stewardship of waste agricultural plastics and packaging.

CleanFARMS’ vision is to be the leading Canadian stewardship organization for recycling agricultural plastics and packaging.

1.3 Guiding Principles

To ensure acceptable performance and the efficacy of the EPFCP in terms of sustainability and safety, it is important to establish Guiding Principles for the program. The following table outlines the six Guiding Principles upon which the EPFCP has been designed. These principles will be applied throughout the stewardship process.

| No. | Guiding Principle |
|-----|---|
| 1 | The program must be operated in a manner that ensures there is no unacceptable health and safety risk. |
| 2 | The program must be managed by the manufacturers/brand owners of the products. |
| 3 | The program must strive to achieve the highest and most practical end use of products while following the 3Rs (reduce, reuse, recycle) hierarchy. |
| 4 | The program must achieve reasonable, high participation rates. While they may never actually achieve this goal for practical reasons, programs should still strive towards 100 per cent recovery. |
| 5 | The program must provide reasonable accessibility for all users of the products to facilitate and promote their full participation in the program. |
| 6 | The program must strongly encourage participation by all manufacturers and brand owners. |

It is necessary to highlight that the first of these Guiding Principles is the most important. At all times, the collection, transportation and processing of the empty pesticide and fertilizer containers must be done in a way that minimizes the health and safety risks of those who may come into contact with them.

2.0 DESCRIPTION OF PROGRAM

2.1 Definition of Program Containers

Pesticide and fertilizer containers are very similar in size, composition, and end user of the product that was contained in the container.

Pesticide containers

For the purposes of the EPFCP, pesticide containers are defined as containers that contain, or originally contained, pesticides classified and labeled as 'COMMERCIAL' pesticides as defined under the Pest Management Regulatory Agency's Pest Control Products Act.

By definition, the EPFCP excludes containers used for products bearing a 'DOMESTIC' classification.

The EPFCP focuses mainly on pesticide containers used in the agricultural, horticultural, public health and golf course industries. However, pesticides are tools used in other settings like structural pesticide management and forestry. The EPFCP includes all containers labeled as 'COMMERCIAL', which would include containers used in all of the sectors noted in this paragraph.

Fertilizer containers

For the purposes of the EPFCP, fertilizer containers are defined as containers that contain, or originally contained liquid registered products as defined under the Canadian Food Inspection Agency's Fertilizers Act and/or liquid fertilizer product with a nutrient analysis claim or guarantee.

For the purpose of the EPFCP, this includes micronutrients, supplements and low analysis farm fertilizer. Some micronutrients and supplements are not registered with the Canadian Food Inspection Agency.

This EPFCP excludes fertilizer containers that are used by homeowners or contained dry granular product.

2.2 Container sizes

The EPFCP focuses on containers that are less than 23 litres in size.

Pesticide containers

Prior to the 1980s, commercial pesticide containers were primarily manufactured from steel. However, during the 1980s and 1990s, the industry gradually shifted to the use of containers made from high density polyethylene (HDPE). About 13.5 million pesticide packages of all material types and size are shipped by pesticide manufacturers for use in Canada each year. About 7 million of these packages* are delivered in HDPE containers under 23 litres in volume (most being in the 10 litre volume range). The other packages are delivered in larger sized (50 to 1,000 litres) plastic containers, both refillable and non-refillable. The remaining packages were multiwall paper containers.

* A package is defined as follows: Pesticides below 23 litres are counted as one package, regardless of the size. Pesticides delivered in containers over 23 litres are counted as 10:1 – i.e. a 1000 litre container is 100 packages.

Fertilizer containers

The majority of containers are made from high density polyethylene (HDPE) and are under 23 litres in volume. Some product is delivered in larger sized (50 to 1,000 litres) plastic containers, both refillable and non-refillable.

CleanFARMS members reported 8,656,857, and 7,541,700 <23L containers in 2013 and 2014 respectively.

2.2.1 Containers less than 23 Litres

Under this program, CleanFARMS is responsible for the collection, transportation, processing and recycling of all HDPE containers under 23 litres in size. Containers greater than 23 litres in size are also made from HDPE, but usually with different molecular weights and melting points. Maintaining a separation of these container sizes ensures the recyclability of all containers. If the containers are mixed, separating the containers can be very expensive and/or nearly impossible with today's technology, thereby rendering them economically non-recyclable.

The average weight of an empty container in this size category is approximately 370 grams.

Each container has a 50 mm cap (typical size) made from polypropylene. Most containers also have an aluminum foil seal below the cap that is removed by the user upon use. However, many users are using a 'chemical handler'. With a chemical handler, the container is emptied through a hole made in the bottom of the container. The foil seal is not punctured or removed.

Many pesticide containers also have a paper label glued to the surface of the container although some manufacturers utilize a printed low density polyethylene sleeve that wraps around the entire container. Finally, the Pest Control Products Act mandates that each container must have an instruction 'booklet', printed in both French and English, attached to the container.

Some fertilizer containers are best described as a pail and include a metal handle.

2.2.2 Containers greater than 23 Litres

Containers that are greater than 23 litres are generally outside the scope of the EPFCP.

Pesticide containers

For containers greater than 23 litres, the Registrant (i.e. pesticide steward or CleanFARMS member) is responsible for arranging for the collection, preparation, shredding and end of life management of these containers. The Registrant is also required to manage the containers utilizing the same, or better, health, safety and environmental standards used by CleanFARMS.

As a service to these Registrants, and in order to ensure appropriate management of these larger containers, CleanFARMS will, upon request, take possession of the shredded containers through CleanFARMS contractors and arrange for the end of life management of the material. If a Registrant chooses not to utilize the services of CleanFARMS, it must still abide by similar or higher health, safety and environmental standards as employed by CleanFARMS and must ensure that the material is appropriately destroyed through incineration.

Containers greater than 23 litres in volume vary substantially in size. They include 115 litre and 205 litre drums, 450 litre totes, 1,000 litre totes and many others. Many of these larger containers can be refilled a number of times before they are taken out of service.

Fertilizer containers

CleanFARMS does not manage fertilizer containers that are greater than 23 litres in size. Individual fertilizer stewards take responsibility for the collection, preparation, shredding and end of life management of these containers outside of CleanFARMS' systems.

2.2.3 Other program materials

The EPFCP focuses on the collection of the container itself. There are other packaging items that are also generated with these containers. These include:

- Polyethylene container caps;
- Labels;
- Booklets (generally affixed to pesticide containers only);
- Metal handles (sometimes affixed to a fertilizer containers only) and,
- Corrugated cardboard.

Users are asked to remove caps, labels, booklets and handles before returning their containers to a collection site. Where recycling options are not available, these materials are disposed of in the waste stream.

Corrugated cardboard is used for smaller containers that are shipped to dealers (and then to users), in corrugated boxes. This corrugated cardboard is usually disposed and not recycled because of a perception, in many locales, that this cardboard contains residuals. Until this perception is altered, disposal is currently the only option for this material.

2.3 Program Delivery

This program currently operates in nine provinces and with about 950 collection sites across Canada.

2.3.1 Cost to consumer at the point of collection

There is no additional cost to the consumer at the point of collection.

2.3.2 Manitoba collection network

In Manitoba, users can return their empty containers to any one of about 110 municipal sites. Most of these collection sites have been offering the program since its inception in 1989. A list of collection sites is available in Appendix B.

2.3.3 Evaluating the collection network

CleanFARMS periodically evaluates and reviews its collection site network to determine if changes are required based on data like:

- Stakeholder inquiries and feedback;
- Collection volumes at individual sites; and,
- Outreach to municipal officials at events hosted by organizations like the Federation of Canadian Municipalities (FCM) and Manitoba Association of Regional Recyclers.

From time to time, a stakeholder may suggest the establishment of a new collection site. These suggestions are evaluated on a case-by-case basis. As a general rule, CleanFARMS recommends setting up a new site if there are users (like farmers or golf courses) within the area and if there is municipal support for providing the required infrastructure described below.

Municipalities must supply an area where the containers can be segregated and fenced in. A roof over the site is preferred and the ground needs to be prepared and kept well drained. Manned sites are also preferred. Development and operation of the site is the responsibility of the municipality.

2.3.3.1 Evaluating the collection network (2017 – 2021)

CleanFARMS was asked to explore accessibility in two areas: Northern & Remote Regions and the City of Winnipeg.

Northern & Remote Regions - There is some farming in The Pas. CleanFARMS will work with The Pas to explore offering collections in this area.

City of Winnipeg - There are two distinct user groups that may use commercial pesticides & liquid fertilizer in this area: golf courses and the City of Winnipeg's Insect Control Branch. CleanFARMS will work directly with these user groups to evaluate and ensure accessibility. CleanFARMS' program targets commercial pesticide containers only (not domestic) and therefore it is unlikely that the majority of residents within an urban area like Winnipeg require access to CleanFARMS' program. In this case, blitz-style or private-collections may be an ideal option to ensure accessibility. CleanFARMS is presently working with its contractor to pilot a blitz style collection in Winnipeg to service these user groups.

2.3.4 Container storage, transportation and processing

The containers are stored in large corrals that are surrounded by a fence. A contractor collects the empty containers and transports them back to its facility to be shredded, spray washed and stored in poly-woven bags. Full truckloads are sent to a recycler that makes approved plastic products.



Bags of shredded plastic ready for shipment to the recycler

Seed treatment containers

For the purpose of this document, seed treatment is defined as a liquid ready-to-use pesticide that is very strongly coloured so that the seed it is applied to is easily identified. The product is very sticky and when the container is emptied, some product will stick to the wall of the container. These containers make up approximately one to two per cent of all containers put into the market. Upon shredding, this residue may contaminate other plastic and lower the quality of the recyclable material.

Starting in 2012, CleanFARMS begin using a specialized process for managing seed treatment containers. Once the containers reach the processing site, all seed treatment containers are separated from non-seed treatment containers, shredded, and sent for high temperature incineration. This practice is accepted by the industry and used by other international container management programs.

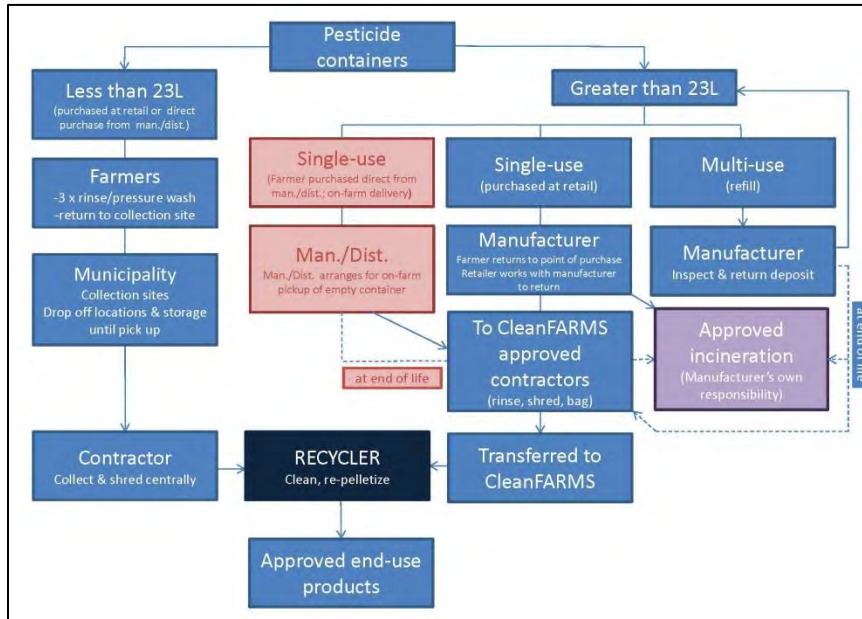
3.0 TARGETS FOR ACCESSIBILITY AND RECOVERY

3.1 General

As discussed in section 2.3, CleanFARMS operates this program in nine provinces in Canada and fertilizer containers were formally added to the program starting in 2013. CleanFARMS contractors collect from the majority of these locations on a pre-determined collection schedule and will adjust collection schedules if necessary to accommodate increased collections.

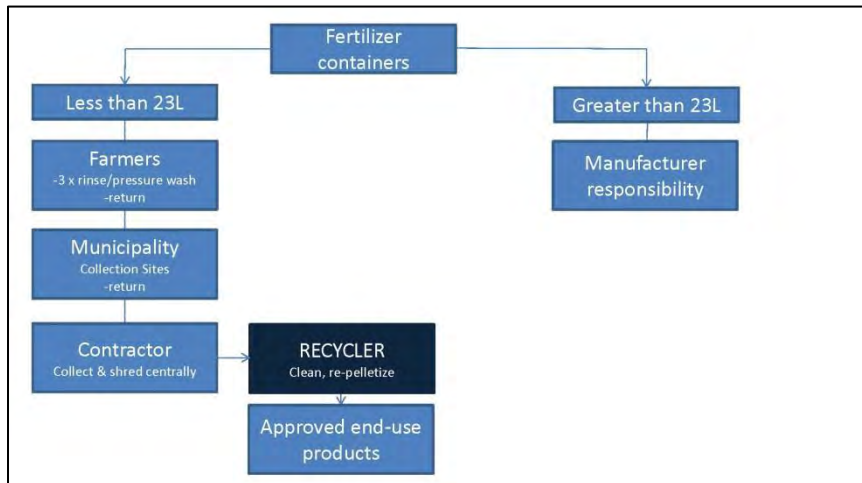
Pesticide containers

There are two different systems used for the management of pesticide containers based on the container size. The following schematic shows the system for each of the two sizes of pesticide containers.



Fertilizer containers

There are two different systems used for the management of fertilizer containers based on the container size. The following schematic shows the system for each of the two sizes of fertilizer containers.



3.2 Containers less than 23 litres

3.2.1 Historical Sales and Collection Data

The following table summarizes national sales and collection data from 2010 to 2015.

| Year | National figures | | Kilograms of plastic collected in Manitoba |
|------|--------------------------------|----------------------|--|
| | Kilograms of plastic collected | Collection Rate* (%) | |
| 2010 | 1,732,109 | 64 | 234,609 |
| 2011 | 1,684,753 | 66 | 275,947 |
| 2012 | 1,746,701 | 65 | 248,998 |
| 2013 | 1,974,605 | 62 | 256,022 |
| 2014 | 1,664,930 | 60.5 | 227,473 |
| 2015 | 1,775,050 | 62 | 211,255 |

**three-year rolling average*

The collection rate has decreased in recent years. One of the reasons for this decrease may be related to more judicious data collection. Starting in 2012 CleanFARMS began accounting for non-program material (material from stewards who are not part of CleanFARMS that end up in the collection stream) when calculating its collection rate. CleanFARMS estimates that 3% of the plastic collected can be attributed to non-program material.

The sale of containers can vary substantially from year to year. There are a number of variables that may affect the sale and end use of containers. These include:

- Weather;
- Local economic conditions;
- Availability of product;
- The introduction of new pesticide chemistries and seed technologies into the marketplace; and,
- Dealer purchasing decisions during a given season.

3.2.2 Forecast Sales and Collection Data

Despite the fact that market research shows that the majority of farmers are satisfied with the accessibility of the container collection program, CleanFARMS continues to strive for higher collection targets to support farmer satisfaction measures.

Section 3.2.1 outlines the recovery rates since 2010, which shows some improvement but also a decline in return rates. Compared to other voluntary initiatives (CleanFARMS operates on a voluntary basis in other regions of the country), the return rate remains competitive. CleanFARMS will embark on a new marketing plan in 2017 to improve collection figures along with additional outreach to stakeholders involved in the program.

As discussed earlier, one of the Guiding Principles for this program states that “*Programs must achieve reasonable, high participation rates. While they may never actually achieve this goal for practical reasons, programs should still strive towards 100 per cent recovery.*” CleanFARMS embraces this Guiding Principle and is committed to working with its partners to improve collection rates.

The following forecasts recovery rates and collection targets for 2017 – 2021:

| Year | Forecasted recovery rate (%) | Collection target (kilograms) |
|------|------------------------------|-------------------------------|
| 2017 | 64.6 | 216,748 |
| 2018 | 67.2 | 222,383 |

| | | |
|------|------|---------|
| 2019 | 69.8 | 228,165 |
| 2020 | 72.4 | 234,097 |
| 2021 | 75 | 240,184 |

3.3 Barriers to Reaching Target Rates

Market research will be conducted to better determine participation barriers. Market research is generally conducted on a three year cycle.

Data from past research suggests that size of operation, distance to collection sites and cultural differences may impact a farmer's willingness to participate in a recycling program. Market research and communications that target these groups may be implemented.

4.0 PROCESSING AND TESTING STANDARDS

This section focuses largely on the processing and testing standards for pesticide containers, and not fertilizer containers, because fertilizers containers that are part of the program are non-hazardous.

The first Guiding Principle of the program states that the program must be operated such that there are no unacceptable health and safety risks for those who are required to handle empty pesticide containers.

Immediately prior to the establishment of CleanFARMS, CropLife Canada had completed an extensive review of the health, safety and environmental requirements for its container management program. The results of this review subsequently led to the development of a number of controls designed to ensure the proper collection, processing and end use of the collected containers.

The controls have the following key elements including:

- collection standards
- rinse rate monitoring
- testing of shredded plastic for pesticide residuals
- field contractor compliance reviews
- end product manufacturing reviews
- end use product restrictions
- contractor health, safety and environmental best practices

This ensures the safe management of containers. These controls have been in place since the second half of 2008 and are described in more detail below.

4.1 Collection Standards

For the protection of the collection sites and the workers that must handle the containers, CleanFARMS has adopted handling procedures for all workers. A document entitled 'Best Practices for Protecting Health & Safety of Workers and the Environment' was developed for the container management program (Appendix E). This best practices document is attached to all contracts with both the provincial contractors and processors (i.e. recyclers).

4.2 Rinse Rate Monitoring

It is very important, for the ongoing integrity of the program, that containers are triple rinsed or pressure rinsed by users prior to their return to collection sites. This cannot be corrected at the point of collection.

To ensure proper rinsing of the containers, the program will continue to rely on strong educational messaging to farmers that emphasizes the importance of container rinsing prior to their return to a collection point. To

monitor this, CleanFARMS measures 'rinse rates' (the percentage of containers that come into the system that have been triple rinsed, pressure rinsed or rinsed using a chem handler) on an annual basis.

4.3 Testing of Plastic Shred

Plastic shred is tested annually in each province for 19 of the most common pesticides used across Canada. This testing is done primarily for two reasons. First, it is a way for CleanFARMS to quantitatively assess how well containers are being rinsed by users prior to their return to a collection point. Second, any shred shipped into the U.S. markets must meet specific regulations that apply to the importation of hazard wastes and hazardous recyclable materials. These regulations set maximum limits for pesticide residuals in the plastic shred sent to the U.S.

4.4 Field Contractor Compliance Reviews

CleanFARMS has developed a checklist for use in reviewing health, safety and environmental controls employed by field contractors. A review is completed on an annual basis to ensure adherence to CleanFARMS' health, safety and environmental control standards.

Some of the key things that are verified include:

- Completion of depot inspections by contractor as per CleanFARMS' prescribed checklist;
- Contractor's facility has documented procedures for those activities relating to handling empty containers; and,
- Evidence of the completion of annual training or testing; and,
- Containers stored outside are all in plastic bags.

4.5 End Product Manufacturer Reviews

CleanFARMS has also developed a checklist for use in reviewing health, safety and environmental controls employed by end product manufacturers. An audit is completed by CleanFARMS' consultants to ensure adherence to the health, safety and environmental control standards.

Some of the key things that are verified by the auditor include:

- Written procedures exist for handling materials from CleanFARMS;
- Employees handling these materials have received adequate training; and,
- Processor can validate that materials processed have been sold for end uses approved by CleanFARMS.

4.6 End Use Product Testing and Use Restrictions

CleanFARMS limits the use of plastic only to products that have limited human contact. Currently, plastic can only be used in farm drainage tile and industrial garbage bins. Other future uses may include automotive battery trays, automotive mud flaps and pesticide containers.

CleanFARMS periodically tests the end products for 19 pesticide residuals to ensure no unsafe levels of pesticides leach into the environment from the use of these products. The Canadian Water Quality Guidelines are used as the basis for this testing.

4.7 Contractor Health, Safety and Environmental Best Practices

In 2008, the container management program implemented additional requirements for all contractors and customers. Attached to every contract managed by CleanFARMS is a 'Best Practices for Protecting Health & Safety of Workers and the Environment 2008'. This document prescribes 'best practices' to ensure health and safety of workers and the environment for all aspects of the collection and recycling program. The table of contents for the document is included in Appendix E.

5.0 PROMOTION AND EDUCATION PLAN

This section describes the promotional and educational activities that are completed to support the program and help to continue improving its overall performance. Some examples of the communication materials are presented in Appendix D.

The key elements for the development and promotion of any education program include the following:

- Who - Identifying the target audience
- What - Understanding the needs of the audience
- How - Testing and developing appropriate tools to reach the audience effectively
- Implementation - Implementation of the tools
- Measuring success– Measuring and monitoring success and adjusting the tools to address feedback from the measurement tools
- Annual report – An annual report to communicate the CleanFARMS' Programs to its members, governments and the general public

Each of the above elements will be addressed in this Program Plan and are described in the next sections.

5.1 Who – Target audiences

Pesticide and fertilizer users – Pesticide and fertilizer users are the primary focus of this program. Users include farmers, the horticultural industry, golf course operators and users. Promotion and education activities will be targeted towards the users of this program to ensure awareness and encourage participation in the program.

Key agricultural stakeholders – Manufacturers, agricultural retailers, grower groups and municipal waste officials play an important role in encouraging farmers to properly manage their containers. Activities will be directed towards these stakeholders to ensure their support and sharing of messages for the program.

Canadian consumers – Canadians must be aware of users' and industry's commitment to the environment.

5.2 What – Understanding the needs of the audience

5.2.1 Background Research

CleanFARMS conducts a great deal of market research aimed at better understanding recycling behaviours and attitudes. A summary of recent Manitoba-specific and Western Canadian research is below.

Pesticide users

A survey conducted in Manitoba in 2011 showed the following:

- Among those farmers who generate 10L size-range containers, 94% are aware that there is a collection and recycling program for these containers. This is up slightly from a 2009 survey that showed that 88% respondents were aware of the program.
- Three-quarters of farmers generate 10L size-range plastic pesticide containers on their farms. Of these farmers, 92% return at least some jugs for recycling.
- Just over two-thirds (67%) of farmers return 100% of their jugs. However, about a third return less than 100% and 7% don't return any.

Fertilizer users

Research was conducted in the summer of 2012 to develop a better understanding of the quantity of plastic fertilizer containers being generated by farmers and current practices for managing empty fertilizer containers. The research indicated that:

- Just over a quarter generated between 1 and 10 containers, while about a fifth generated between 11 and 20.
- About half generated more than 20 containers in the most recent year they used liquid fertilizer, with 30% generating more than 50 containers.
- The majority take their empty fertilizer containers to a pesticide container recycling depot or to their retailer (70%).
- Another one-in-ten put their fertilizer containers in municipal recycling.

With 70% of users currently returning their containers to a pesticide container collection site suggests that farmers are already 'on board' to fully participate in the expanded program.

Overarching themes

Additional research suggests the following attitudes/feelings that are relevant to the agricultural community:

- Overwhelmingly, there is a sense that growers want to be good stewards and want to take care of the environment. Growers believe that responsibly disposing of agricultural waste is the right thing to do – for their farm, for their family, for future generations and for their part in the industry.
- The ease of participating in container recycling is important – the vast majority of farmers do participate, and most return all of their <23L containers. They do so because it's the right thing to do and because many feel it is as easy or easier to return the jugs, compared to other ways of getting rid of them.
- Another theme is the desire to contribute to a positive image of farming. With the feeling that the opinions of the urban public are worsening, growers want ways that they can responsibly dispose of waste.

5.2.2 Key messages

Based on CleanFARMS' library of market research, the following messages are used, and will be used, to promote the program. Key messages are reevaluated annually.

Industry commitment

- The proper management of agricultural waste is a key step in ensuring the sustainability and viability of Canadian agriculture;
- The industry has adopted initiatives to further protect people and the environment above and beyond the strict regulations set by federal and provincial governments; and,
- Canada's pesticide industry is committed to full-lifecycle stewardship. CleanFARMS' programs play an important role in the end-of-life management of their products.

There are many benefits to returning your containers

- Returning your containers helps to keep both your farm or industry and our environment cleaner;
- Burning containers is harmful to the environment;
- Farmers care about the environment and CleanFARMS' programs help them act on their commitment by offering ways to manage their on-farm, non-organic waste.
- Farmers often see themselves as caretakers of the land. CleanFARMS is proud to help Canadian farmers find ways to pass a strong and healthy environment on to the next generation.
- Returning your containers is easy to do. Just return them to your local collection site and we will ensure that they are safely recycled into new products. Containers are recycled into a range of products including farm drainage tile;
- Returning empty containers 'makes sense' and is 'the right thing to do'; and,
- Be respectful as a good neighbour - do your part.

Action required by users

- Rinse your containers to ensure you use the entire product. Rinsing ensures you get the entire product you've paid for;
- Remove the paper booklets from the containers and recycle them in your blue box;
- Remove your caps and dispose of them in the waste stream;
- Return your containers to your local collection site; and,
- Bring your fertilizer containers along when you are taking back your pesticide containers.

Success of program

- The industry's container management program has been particularly successful. Since the program's inception, over 100 million containers have been returned for recycling; and,
- The fertilizer industry is proud to step up its stewardship initiatives by helping farmers recycle their empty containers.

5.2.3 Benefits of program participation

To instill the key messages in farmers, the tools used will supplement the messages with education and knowledge about the benefits of participating in the program as well as the key steps needed to participate. Some of the benefits associated with participating in the program include:

- Participating cleans your farm;
- It's good for the health of your family;
- It's a safe alternative to harmful effects of burning;
- It's easy to do and not time consuming;
- Containers are recycled into a range of products;
- It's easy to return your fertilizer containers along with your pesticide containers;
- Rinsing ensures you get all the product you've paid for; and,
- You are doing your part.

5.2.4 Key steps to maximize program participation

It's well established in the recycling industry that directions should be simple and straightforward in order to enable participants to do it right. For the pesticide and fertilizer container recycling program, properly rinsing the containers and removing the caps, booklets, and metal handles are important key steps for the containers to be recycled.

To that extent, the following *Key Steps to Participating* will be used in the communications tools:

- Triple rinse or pressure rinse all containers;
- Remove the cap;
- Remove the booklet;
- Remove the handle; and,
- Return all of the empty containers.

5.3 How – Developing appropriate tools to reach the audience

Research shows that agricultural retailers and farm newspapers are considered the most useful sources of information that farmers use to learn about issues that can affect their farm operation. The materials described below are regularly distributed through the 1,000 (approximate) agricultural retail locations across Canada where they are purchasing and picking up their inputs. This is also the opportunity to demonstrate that retailers are supportive of the program. The major farm newspapers will also be used to distribute messages through paid and earned media.

Trade publications and industry associations will also be used to reach the horticultural, golf course and structural pesticide industries.

Brochures/point of purchase – Program information brochures, magnets, point of purchase material, and signage will be distributed to the 1,000 (approximate) collection sites across Canada. These materials will emphasize that returning empty containers makes sense, is easy, and is the right thing to do. In 2013, these materials carried an additional message that notified the user that fertilizer containers can now be returned through CleanFARMS' collection sites.

Paid print media – A variety of print ads will be developed as a core tactic to increase awareness and provide key information messages such as how to properly prepare the container for return. Templates will be created in both colour and in black and white so that they can be adapted to rural weekly newspapers, various grower association newsletters, agriculture, golf course and structural trade press.

Earned media – Articles and news releases promoting the Empty Pesticide and Fertilizer Container Recycling Program will be produced and made available to local and trade media. The articles will be fact and benefit based (as opposed to promotional) and accompanied by print-ready photography. Subject matter could include: what happens to recycled plastics.

Collection signage/posters – Collection signage will be made available to all collection locations. Having good quality signs at recycling depots (retailers and municipal collection sites) serves to not only communicate the depot location, but also demonstrates the formality/seriousness of the program. Collection signage could include a positive message reinforcing farmers as good stewards, as well as a positive reminder for proper rinsing and removal of booklet and caps.

Website – The CleanFARMS website, www.cleanfarms.ca, will provide information on how to participate in the program, the location of collection sites, and the benefits of recycling.

Electronic tools – Web banners and other artwork is available on CleanFARMS' website, www.cleanfarms.ca/educationandpromotion.html, to allow ag-retailers to promote their involvement in the program and educate farmers on the program.

Tradeshows - CleanFARMS will also take advantage of tradeshows and industry meetings to communicate the importance and availability of its programs.

Letters to ag-retailers – Since ag-retailers are such an important source for farmers, a series of letters to ag-retailers were used to educate retailers about the expansion of the program to include fertilizer containers.

5.4 Implementation – Implementing the tools

Each of the tools described above will be utilized in order to judiciously expend resources where the most benefit from those tools will be achieved.

5.5 Measuring success – Measuring, monitoring and adjusting

It is well established that 'if you don't measure it, you can't change it'. Measuring the success of the program is therefore paramount to ensure its success and to establish a process of continuous improvement. To that end, the following elements will be employed in measuring success for the program

- Telephone surveys (3 year cycle);
- Focus Group Research (3 year cycle); and,
- Container recovery rates.

The overall objectives of the promotion and education program are to contribute to the increased success of the container return program and will be measured against return rates and the quality of returned containers (properly rinsed with booklets removed). Additional research may be commissioned to determine the success of the tools and tactics described in this section.

5.6 Annual Report

CleanFARMS will produce an Annual Report in accordance with the requirements under the Packaging and Printed Paper Stewardship Regulation of the Waste Reduction and Prevention (WRAP) Act. The Annual Report will include the following key elements:

- Education Materials and Strategies
- Collection Facilities
 - Descriptions
 - Accessibility
- Reducing Environmental Impacts
 - Recovery rates
 - Environmental benefits of program
- Updates on Northern and Remote Collection Initiatives

6.0 STEWARD MANAGEMENT

6.1 Key Definitions

| Term | Definition |
|------------------------------|---|
| Steward | Any Brand Owner or First Importer that supplies commercial pesticides and fertilizers for sale and use in Canada. |
| Brand Owner | For pesticides - Pesticide registrant For fertilizers - Fertilizer registrant or the owner or licensee of a trademark under which the product is sold, whether or not the trademark is registered. |
| First Importer | A person/company who is not a Brand Owner but who imports a pesticide or fertilizer into the Canadian market. |
| Member or Registered Steward | A steward that is registered with CleanFARMS. |
| Non-compliant steward | A steward that is not registered with CleanFARMS. |

6.2 Membership in the CleanFARMS Program

Membership in CleanFARMS is open to all companies involved in the sale and/or distribution of commercial pest control products and fertilizers in Canada.

Membership is subject to Board approval and is conditional on payment of the required membership dues. All members are bound by CleanFARMS' By-Laws and required to abide by the corporation's Code of Conduct.

CleanFARMS operates across Canada. Under its current structure and due to the relatively small size of the industry, it is not possible to separate the Manitoba program from the other provinces. As such, a

CleanFARMS member must commit to participating in the national program for the empty container collection program and other relevant programs.

The majority of suppliers of commercial pesticides into the Canadian market have participated in an empty pesticide container management program for many years. However, new companies have recently entered the Canadian marketplace and are selling pesticides without any comprehensive container management program. CleanFARMS is targeting these new market entrants to strongly encourage them to register with the existing program.

The majority of suppliers of liquid fertilizers into the Canadian market are aware that CleanFARMS has expanded its empty pesticide container management program to include fertilizer containers and eight manufacturers have joined the organization already. There are some companies who may not be familiar with current stewardship practices and CleanFARMS is in regular contact with these companies to secure their support.

6.3 Registration of Stewards

A Steward is considered to be registered with CleanFARMS after (i) completing and submitting a membership application, (ii) approval of the application by the Board of Directors of CleanFARMS and (iii) payment of the first year of steward fees.

6.4 Obligation of Stewards in Manitoba

In December 2008, the Province of Manitoba enacted the Packaging and Printed Paper Regulation 195/2008 under the *Waste Reduction and Prevention (WRAP) Act*.

This regulation defines “steward of designated material” as:

“(a) The first person who, in the course of business or a prescribed activity in Manitoba, supplies a designated material to another person; or (b) a person who, in the course of business or a prescribed activity in Manitoba, uses a designated material obtained in a supply transaction outside of Manitoba.”

Any steward selling commercial pesticides and fertilizers into the province in a designated package who is *not* registered with CleanFARMS is obligated to either (i) join CleanFARMS and be in ‘good standing’ or (ii) operate their own program, approved by the Ministry of Sustainable Development for the obligated materials (pesticide containers).

6.5 Identification and Engagement with Stewards

6.5.1 Identification of Brand Owners

CleanFARMS uses data made available by the federal government (Health Canada and the Canadian Food Inspection agency) along with outreach to trade associations and waste characterization studies to help identify stewards.

Pesticide containers

The sale of pesticides in Canada is regulated under the Pest Control Products Act (S.C. 2002, c.28). All pesticides must be registered by Health Canada before they can be sold or used in Canada. The Pest Management Regulatory Agency (PMRA) of Health Canada is responsible for registering pesticides. The company that registers the pesticide is known as the ‘pesticide registrant’ and, for the purpose of this plan, the Brand Owner.

Fertilizer containers

The sale of fertilizers in Canada is regulated under the Fertilizers Act and Regulations. All fertilizers must be registered by the Canadian Food Inspection Agency before they can be sold or used in Canada. The company that registers the fertilizer is known as the registrant and, for the purpose of this plan, the Brand Owner.

Some micronutrients and supplements are not registered with the Canadian Food Inspection Agency and therefore the Brand Owner is defined as the owner or licensee of a trademark under which the product is sold, whether or not the trademark is registered.

6.5.2 Identification of First Importers

The First Importer is a person/company who is not a Brand Owner but who imports a pesticide or fertilizer into the Canadian market.

6.5.3 Engagement of Stewards

Once a Brand Owner or First Importer has been identified, CleanFARMS usually follows the process outlined below (See 6.1 for definitions).

Phase 1 – confirmation and identification

- CleanFARMS contacts the Brand Owner or First Importer by phone or email to confirm that the company is doing business in Canada. (The resources noted in 6.5.1 suggest that a product can be sold in Canada or has been returned to a collection site. It does not mean that it is currently being sold in Canada.)
- If the Brand Owner or First Importer does business in Canada, CleanFARMS attempts to identify a key contact and classifies this company as a Steward.
- Once a key contact is identified, CleanFARMS proceeds with Phase 2.

Phase 2 – education and awareness

- CleanFARMS emails the Steward informing them of the benefits of CleanFARMS' programs and their stewardship obligations. A meeting by phone or in-person is requested.
- Repeated attempts by phone or email are made to set up a phone or in-person meeting.
- CleanFARMS will engage with the steward at least five times over 40 business days before the steward is classified as a Non-compliant Steward.

Phase 3 – steward meeting

- CleanFARMS and the Steward meet to review program benefits, pricing, key policies and registration procedures.
- CleanFARMS will engage with the steward at least five times over 40 business days after the steward meeting before the steward is classified as a Non-compliant Steward.

Phase 4 – Manitoba Sustainable Development engagement with non-compliant stewards

- If a steward does not register with CleanFARMS following the outreach outlined above, CleanFARMS classifies the company as a Non-compliant Steward. CleanFARMS provides Manitoba Sustainable Development with contact information of the Non-compliant Steward for additional outreach.

6.5.4 Member withdrawal

There are a number of valid reasons (e.g. company mergers or sales, changes in product lines, etc.) for a Member to withdraw from CleanFARMS.

In the event that a Member withdraws from the organization and CleanFARMS classifies them as a Non-compliant Steward, CleanFARMS will inform Manitoba Sustainable Development of this withdrawal and provide Manitoba Sustainable Development with contact information for additional outreach.

6.6 Sales Survey and Calculation of Steward Fees

CleanFARMS collects industry data confidentially from stewards on an annual basis. The data is collected by an independent certified accounting firm. It is made available to the organization's Board and Executive Committee in a consolidated format.

Pesticide stewards

Stewards are required to report the quantity of containers sold into the marketplace, including the following:

- Plastic (HDPE) containers, less than 23 L in volume
- Plastic (HDPE) containers, greater than 23 L in volume
- Metal containers, any volume
- All bags (multi-wall, plastic, paper) containers, any volume
- Misc. containers – to ensure all data is captured

Additional comments for pesticide stewards:

- Stewards who sell only plastic containers that are less than 23L are charged a per container fee.
- Stewards that sell only plastic containers that are greater than 23L are charged a flat annual fee.
- Stewards that sell both sizes of plastic containers pay a fee based on the small container fee, but are subject to a minimum of the flat annual fee for larger plastic containers.
- Stewards that sell either metal and/or multi-wall bags are charged per container fees.

The data gathered from pesticide stewards is extensive in order to ensure appropriate and fair funding of programs.

Fertilizer stewards

Stewards are required to report the quantity of plastic (HDPE) containers, less than 23 L in volume, into the marketplace.

6.7 Point of Sale Fees

The EPCP has operated for more than 20 years in Manitoba and has been funded by the pesticide manufacturers. With the expansion of the program to include fertilizer containers, the program is now funded by both the manufacturers of pesticides and fertilizers.

Presently, to the best of CleanFARMS' knowledge, both sectors follow the practice where there is no visible fee at the point of sale. CleanFARMS recommends this practice, but the final decision on point of sale fees rests with the steward.

CleanFARMS' understanding is that the Manitoba government expects to be notified in advance of planned program changes related to fee visibility. CleanFARMS will endeavor to provide this notification as soon as it is aware of any changes in the current approach.

6.8 Dispute Resolution

All CleanFARMS members must abide by a very explicit Code of Conduct. The Code of Conduct comprises a number of important policies that include a code of business ethics, lobbying, privacy, complaints from public and a dispute resolution process. The dispute resolution process is described in the Code as follows:

6.8.1 Complaints from the public regarding Members

- 6.8.1.1 Complaints made to CleanFARMS by a member of the public concerning the conduct of a Member must be addressed in writing to the official representative of the company and the General Manager of CleanFARMS. On receipt of such a complaint, the General Manager will refer the matter to the Member involved for resolution of the issue.
- 6.8.1.2 Members hereby agree to indemnify and hold CleanFARMS and its Members, Directors, Officers, Representatives, Agents and employees (collectively, the “Indemnified Parties”) harmless of and from and against all costs, charges and expenses, including all amounts paid to settle any action or satisfy any judgment reasonably incurred by or on behalf of the Indemnified Party in respect of any civil, criminal or administrative action, private arbitration, or other proceeding, to which any Indemnified Party is or may become a party (or any such proceeding which might be threatened and in respect of which any Indemnified Party is threatened to be made a party) provided that in the case a Member, Director, Officer, Representative, Agent or employee, such person becomes a party or is threatened to be made a party as a result of being or having been a Member, Director, Officer, Representative, Agent or employee of CleanFARMS by reason of any negligence or wilful misconduct of the Member or by reason of a failure by the Member or any of its representatives to conduct itself in accordance with this Code of Conduct or with any requirements prescribed by CleanFARMS with respect to its stewardship programs.

6.8.2 Complaints or disputes among Member

- 6.8.2.1 Members consent and agree that disputes or controversies among Members, Directors, Officers, committee members, or volunteers of CleanFARMS concerning matters relating to CleanFARMS’ articles, by-laws, Code of Conduct, approved corporate policies or operations (“**Eligible Disputes**”) are to be resolved in accordance with mediation and/or arbitration as provided in Section 6.8.2.2.

6.8.2.2 Dispute Resolution Mechanism

In the event that an Eligible Dispute is not resolved in private meetings between the affected parties within 30 days of the written notice of an Eligible Dispute delivered by one of the parties to CleanFARMS and the other affected parties, then such Eligible Dispute shall be settled by a process of dispute resolution as follows:

- 6.8.2.2.1 The dispute or controversy shall first be submitted to a panel of mediators whereby the one party appoints one mediator, the other party (or if applicable the board of the organization) appoints one mediator, and the two mediators so appointed jointly appoint a third mediator. The three mediators will then meet with the parties in question in an attempt to mediate a resolution between the parties.
- 6.8.2.2.2 The number of mediators may be reduced from three to one or two upon agreement of the parties.
- 6.8.2.2.3 If the parties are not successful in resolving the dispute through mediation, then the parties agree that the dispute shall be settled by arbitration before a single arbitrator, who shall not be any one of the mediators referred to above, in accordance with the provincial or territorial legislation governing domestic arbitrations in force in the province or territory where the registered office of CleanFARMS is situated or as otherwise agreed upon by the parties to the dispute. The parties agree that all proceedings relating to arbitration shall be kept confidential and there shall be no disclosure of any kind. The decision of the arbitrator shall be final and binding and shall not be subject to appeal on a question of fact, law or mixed fact and law.
- 6.8.2.2.4 All costs of the mediators appointed in accordance with this section shall be borne equally by the parties to the dispute or the controversy. All costs of the arbitrators appointed in accordance with this section shall be borne by such parties as may be determined by the arbitrators.

7.0 CONSULTATION

CleanFARMS is interested in hearing from stakeholders who use, help deliver, and are impacted by this program to ensure it continues to meet the needs of all involved and helps Manitoba meet its waste diversion goals. This type of outreach is ongoing.

For the purpose of this plan, public consultations took place in October 2015 to facilitate stakeholder feedback. Feedback from these two consultations is summarized in a Consultation Report (Appendix F). Feedback received from Green Manitoba is available in Appendix G.

8.0 NORTHERN AND REMOTE COLLECTION INITIATIVE

CleanFARMS supports working collaboratively with all communities where there is a need for CleanFARMS' programming including Northern and Remote Communities.

The containers collected by the EPFCP are very specialized and, in most cases, used in agricultural-intensive areas only.

8.1 Assessing and meeting the needs of Northern communities

The organization applies the process outlined in Section 2.3.3 to determine if there is a need for a collection system/site in Northern and Remote Communities.

8.2 Number of Northern communities targeted (2017 – 2021)

CleanFARMS has been asked to provide a forecast or number of Northern communities targeted to get access to CleanFARMS' services during the plan's duration.

Currently, the only 'northern' area noted to require CleanFARMS' programming is in the region around The Pas. As part of this plan, CleanFARMS will reach out to The Pas municipal staff and ag retail locations to evaluate and/or establish a container collection program.

9.0 PROGRAM BUDGET FORECAST

The following table summarizes CleanFARMS budget forecasts for managing The EPFCP from 2017 to 2021.

| Element | 2017 | 2018 | 2019 | 2020 | 2021 |
|-------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Revenue | \$516,640 | \$526,973 | \$537,512 | \$548,262 | \$559,228 |
| Expenditures: | | | | | |
| Program operations | \$447,622 | \$470,003 | \$493,503 | \$518,178 | \$544,087 |
| Program implementation and delivery | \$65,956 | \$69,254 | \$72,717 | \$76,352 | \$80,170 |
| Administrative and corporate | \$109,006 | \$114,457 | \$120,179 | \$126,188 | \$132,498 |
| Total | \$622,584 | \$653,713 | \$686,399 | \$720,719 | \$756,755 |

Expenditures:

- Program operations includes: Collection and processing (including storage and transport)
- Program implementation/delivery includes: promotion & education
- Administrative and corporate includes: board costs; salaries & benefits, professional fees, government cost recovery, travel, office costs

Appendix A – Approval Letter - Empty Pesticide Container Program



MINISTER OF CONSERVATION

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

AUG 10 2011

Mr. Barry Friesen, P. Eng
General Manager
CLEANFARMS™ Inc.
627 - 21 Four Seasons Place
Etobicoke ON M9B 6J8

Dear Mr. Friesen,

I am pleased to issue an Approval to CLEANFARMS™ Inc. for the Manitoba Industry Stewardship Plan, Empty Pesticide Container Management submitted to me on March 24, 2011. Pursuant to Section 7(4) of the *Packaging and Printed Paper Stewardship Regulation of The Waste Reduction and Prevention (WRAP) Act*, this Approval expires on December 31, 2016.

This Approval is issued under Section 7 of the *Packaging and Printed Paper Stewardship Regulation of The WRAP Act* and is subject to CLEANFARMS™ INC. (CleanFarms) meeting the following conditions:

1. That CleanFarms implement the Empty Pesticide Container Management Program substantially in accordance with its intent, consistent with the requirements of *The WRAP Act*, the Regulation, and the *Packaging and Printed Paper Stewardship Guideline*, as approved and amended from time to time.
2. That CleanFarms identify a senior official as a contact person to work with my officials throughout the term of this Approval to ensure continued compliance with the conditions of this Approval.
3. That CleanFarms cooperate with my officials and provide such assistance as they may deem necessary so that my officials are able to prepare reports and provide me with information assessing whether CleanFarms has implemented the Empty Pesticide Container Management Program substantially in accordance with its intent and in accordance with the conditions of this Approval.
4. That CleanFarms advise my officials about any proposed changes to the details of the plan, prior to making any changes to the Empty Pesticide Container Management Program so that my officials may consider whether the proposed changes are consistent with the conditions of this Approval and in particular, whether the proposed changes may impact on the continued effectiveness of the Empty Pesticide Container Management Program.
5. That pursuant to 4(2) of the Regulation, CleanFarms continue to consult with my officials with regard to the communication strategies used to promote and encourage participation in the Empty Pesticide Container Management Program.

6. That CleanFarms negotiate an agreement with Green Manitoba for support services related to operation of the Program.
7. That CleanFarms establish working relationships with other stewardship programs in Manitoba to facilitate public and stakeholder education and awareness and maximize recovery of designated materials.
8. That CleanFarms submit an application for renewal of this Approval by May 1, 2016, so as to ensure adequate time for public review.

If I am not satisfied that CleanFarms is implementing the plan substantially in accordance with its intent or where I have concluded, based on such other factors as I or my officials have determined to be relevant in the circumstances, that the plan or the terms of this Approval should be amended, then amended conditions may be imposed as deemed appropriate.

I also wish to remind you that under Section 11(1) of the *Packaging and Printed Paper Stewardship Regulation*, as Minister, I have the authority to suspend or cancel the Approval of the Empty Pesticide Container Management Program at any time if there is a breach by CleanFarms as operator of the Program, of either *The WRAP Act* or the Regulation.

Any notices to be provided to department officials pursuant to this Approval shall be submitted in writing to: Laurie Streich, Director, Pollution Prevention Branch, Manitoba Conservation, 160 - 123 Main Street, Winnipeg, Manitoba, R3C 1A5.

I look forward to the continued operation of the Empty Pesticide Container Management Program.

Yours sincerely,

ORIGINAL SIGNED BY

BILL BLAIKIE

Bill Blaikie
Minister

cc: Laurie Streich

Appendix B – List of Municipal Collection Sites in Manitoba

| Site Name | Location * | Site Name | Location * | Site Name | Location * |
|---------------|---------------------------|----------------------|-----------------------------|---------------------|---------------------------|
| Alexander | RM Whitehead | Gilbert Plains | RM Gilbert Plains/Grandview | Ochre River | RM Dauphin/Ochre River |
| Altona | RM Rhineland | Gladstone | Town of Gladstone | Pierson | RM Arthur/Edward |
| Arborg | WD Interlake | Glenboro | WD South Cypress | Pilot Mound | WD Louise/Roblin |
| Baldur | WD Argyle/Lorne | Glenella | RM Glenella | Plumas | WD Westbourne |
| Balmoral | RM Rockwood/Rosser | Grandview | RM Grandview | Portage La Prairie | RM Protage La Prairie |
| Bellsite | RM Mountain | Grosse Isle | RM Rosser | Rapid City | RM Saskatchewan |
| Belmont | RM Strathcona | H & A Double Diamond | RM of Pembina | Rathwell | WD South Norfolk/Victoria |
| Bield | WD Shell River/Roblin | Hamiota | RM of Hamiota | Reston | WD Pipestone |
| Blashard | RM of Blanshard | Hargrave | WD Wallace | Rivers | RM Daly |
| Boissevain | RM Morton | Hartney | WD Cameron/Sifton | Roblin | RM Shell River/Roblin |
| Bowsman | RM Miniota | Holland | WD South Norfolk/Victoria | Roland | RM Roland |
| Brandon | RM of Cornwallis | Ile des Chenes | RM Richot | Rorketon | RM Lawrence |
| Carman | Town of Carman | Inglis | RM Boulton/Shellmouth | Rosenort | RM Morris |
| Cartwright | WD Louise/Roblin | Kenton | WD Blanshard | Rosburn | RM Rosburn |
| Clandeboye | WD St. Andrews/Clements | Killarney | RM Turtle Mountain | Russell | RM Russell |
| Cypress River | WD South Norfolk/Victoria | Letellier | RM Montcalm | San Clara | RM Park |
| Dauphin | WD Dauphin/Ochre River | Libau | RM St. Clements | Sandy Lake | RM Harrison |
| Deleau | RM Cameron/Sifton | Lorette | RM Springfield/Tache | Sanford | RM MacDonald |
| Deloraine | RM Brenda | Lowe Farms | RM Morris | Shoal Lake | RM Shoal Lake |
| Dominion City | WD Franklin | MacGregor | RM North Norfolk | Sifton | RM Dauphin/Ochre River |
| Dunrea | RM Riverside | Medora | RM Brenda | Sinclair | Sinclair |
| Durban | RM Swan River | Melita | Town of Melita | Snowflake | RM of Pembina |
| Earl Grey | WD St. Andrews/Clements | Miami | RM of Thompson | Somerset | RM Lorne |
| Elie | RM Cartier | Miniota | RM Blanshard | Souris | RM Glenwood |
| Elm Creek | RM Grey | Minitonas | RM Minitonas | Sperling | RM of Morris |
| Erickson | RM of Clanwilliam | Minto | RM of Minto | St. Francois Xavier | RM St. Francois Xavier |
| Fairfax | RM Whitewater | Morden (SWAMP) | RM Stanley | Tilston | RM of Pipestone |
| Fairview | WD North Cypress | Neepawa | RM Langford/Rosedale | Treherne | WD South Norfolk/Victoria |
| Fisher Branch | RM Fisher | Nesbitt | RM Oakland | Waskada | RM Brenda |
| Fork River #1 | Fork River | Newdale | RM Harrison | Wellwood | RM North Cypress |
| Forrest | RM Elton | Oak Lake | RM Cameron/Sifton | Westbourne | WD Westbourne |
| Foxwarren | RM Birtle | Oak River | WD Blanshard | Whitemouth | RM Whitemouth |
| Garland | RM Ethelbert | Oakbank | RM Springfield/Tache | Whytewold | RM St. Andrews/Clements |
| | | | | Winnipeg | RM Mossey River |

**Some municipalities have more than one collection location.*

Appendix C – Public Consultation Invitation



Forum

Notice of public consultation: commercial pesticide and fertilizer container recycling in Manitoba

In Manitoba, CleanFARMS operates its empty pesticide container program as a stand-alone, approved program under the Packaging and Printed Paper Stewardship Regulation of the Waste Reduction and Prevention (WRAP) Act. This approval expires on December 31, 2016.

CleanFARMS is applying to renew its program plan and amend it to include commercial liquid fertilizer containers.

We want to hear from you

CleanFARMS will be holding two public consultations to facilitate stakeholder feedback:

Consultation #1: October 21, 2015 1:00pm - 2:30pm CDT

Where: Green Manitoba, Confederation Room, [123 Main Street](#), 3rd floor, Winnipeg (the Via Rail Station)
Attendees can participate in person or by phone/webinar.

Consultation #2: October 22, 2015 1:20pm - 1:50pm CDT

Where: Best Western Airport Plus, [1715 Wellington Ave](#), Winnipeg

This consultation takes place in conjunction with the Manitoba Association of Regional Recyclers' Waste and Recycling Forum. Attendees can only participate in person.

To attend a consultation and share your views

RSVP by phone, 1-877-622-4460 ext. 2225 or [email](#).

Please tell us which Consultation you will attend. If you are attending Consultation #1, please indicate if you will attend in person or by phone/webinar.

All stakeholders are welcome to submit written comments by November 13, 2015 at 5:00pm CST to skrtl@cleanfarms.ca

Program plan

A draft program plan, which will outline the program's operations, goals, and administration, will be available [online](#) by October 6, 2015.

Additional details about Manitoba's guidelines for packaging and printed paper stewardship are [here](#).

For more information

Lydia Skrt, skrtl@cleanfarms.ca, 1-877-622-4460 ext. 2225

About CleanFARMS

CleanFARMS is a not-for-profit industry stewardship organization, best known for its empty container recycling program and obsolete pesticide collection campaign. In Manitoba, CleanFARMS works closely with over 110 municipalities to make its empty container program convenient and accessible to farmers and other users.

CleanFARMS wants to hear from those who use, help deliver, and are impacted by its programs to ensure it continues to meet the needs of all involved and helps Manitoba meet its waste diversion goals.

Appendix D – Promotion and Educational Tools

1. This advertisement was used to announce the expansion of the empty pesticide container to include fertilizer containers and can still be used by stakeholders who want to highlight this change.



**Take your
fertilizer
containers
along for the ride.**

3 easy preparation steps...

- 1. Rinse**
the container
- 2. Remove**
labels & caps
- 3. Return**
to collection site

In partnership with the Canadian Fertilizer Institute, CleanFARMS is pleased to introduce a new stewardship initiative for Canadian farmers. The Fertilizer Container Collection Program mirrors the existing Pesticide Container Collection Program that growers have made so successful.

The process is simple and includes plastic fertilizer jugs and pails up to 23 litres. Just like the pesticide container program, simply triple or high-pressure rinse, remove the caps and booklets and then return the containers to the same local collection site that you use for pesticide containers.

Visit cleanfarms.ca to find a collection site near you.

CleanFARMS

2. This advertisement highlights the importance of rinsing containers prior to drop off:

> Empty Pesticide Container Recycling Program

There are many reasons to rinse.

- #1 Only rinsed containers can be recycled
- #2 Helps keep collection sites clean
- #3 Use **all** the chemicals you purchase
- #4 Keeps collection sites safe for workers
- #5 Maintain your farm's good reputation

No excuse not to!

[For more information or to find a collection site near you visit cleanfarms.ca

Now, take your empty fertilizer containers along for the ride! 

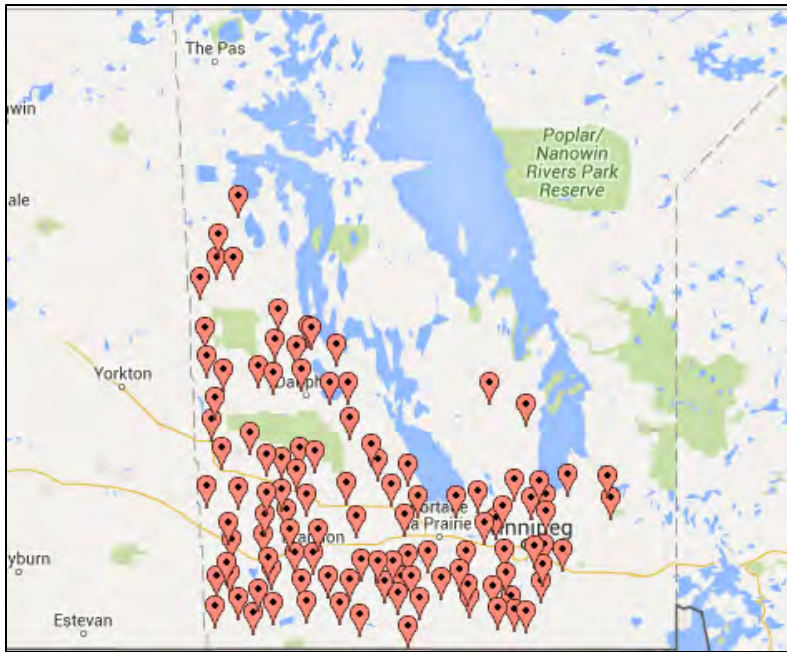


3. Website tools (1)



The screenshot shows the CleanFARMS website homepage. At the top is a green navigation bar with the CleanFARMS logo and menu items: About us, Contact us, Resources, Programs, News, and Become a member. Below the navigation bar is a large banner image of a woman in a pink shirt standing in front of a willow tree. To the left of the woman, text reads: "We recycle empty pesticide containers through CleanFARMS' programs, as part of our efforts to keep our farm safe and viable for future generations." To the right of the woman are three small green buttons labeled 1, 2, and 3. Below the banner are two main content sections. The first section is titled "Agricultural waste programming" and contains three sub-sections: "Pesticide & fertilizer containers" with an image of a white jug, "Obsolete pesticide & livestock medications" with an image of a metal bucket, and "Seed & pesticide bags" with an image of several bags. The second section is titled "Pilot and special projects" and features a sub-section for the "2016 seed bag collection program" with a small image and the text "Important information for seed companies." followed by a "READ MORE" link.

4. Website tools (2) – online map for finding collection sites



5. Collection site signage

**Pesticide & Fertilizer
CONTAINER RECYCLING**

RINSE + REMOVE + RETURN

- 1. Triple or pressure RINSE** containers to ensure no product is wasted
- 2. REMOVE caps and booklets**
Without these simple steps, your containers cannot be properly recycled
- 3. RETURN** to your local collection site
Thank you for doing your part.

A proud CleanFARMS recycling partner



For information, call 877-622-4460

cleanfarms.ca

Appendix E
Health, Safety and Environmental Standards – PESTICIDE CONTAINER COLLECTION & SHREDDING PROGRAM
Best Practices for Protecting Health & Safety of Workers and the Environment 2008
TABLE OF CONTENTS

SCOPE

FACILITY PROVISIONS

- Security
- Fire Protection

POLICY & PROCEDURE

OPERATIONS

- Dealing with Drums & Totes
- Maintenance of Equipment

CHEMICAL HEALTH & SAFETY

- Personal Hygiene
- Health Surveillance
- Assessment of Fitness to Wear Respirators

PERSONAL PROTECTIVE EQUIPMENT

- Clothing
- How to Treat Contaminated Clothing

GLOVES

- Glove Selection
- Wearing Gloves
- Cleaning gloves

FOOTWEAR

EYE and FACE PROTECTION

RESPIRATORY DEVICES

- Proper Use of APR Respiratory Devices
- Fit Testing Respirators
- Cleaning Respirators

TRAINING

UNDERSTANDING CROP PROTECTION CHEMICALS

- What Are Crop Protection Chemical Formulations?
- How is Chemical Toxicity Evaluated?
- Label Symbols
- How Can Crop Protection Chemicals Enter the Body
- Indicators of Overexposure to Crop Protection Chemicals
- Poisoning Symptoms
- What to Do When Poisoning Symptoms Appear
- What Other Health Risks Do Crop Protection Chemicals Present

EMERGENCY PREPAREDNESS

- Worksite Emergency Preparations
- First Aid for Crop Protection Chemical Poisoning
- Road Crew Emergency Preparations

ENVIRONMENTAL PROTECTION

- Central Facility
- On the Road
- Parking the Unit
- Guidelines for Mobile Pesticide Storage Facilities (adapted from Alberta Environment)
- Dealing with Waste
- Labels

Appendix 1: Symptoms of Exposure to Select Products

Appendix 2: Summary of Safety Properties of Some Fabric Coatings

Appendix F – Consultation Report

1.0 PURPOSE

Since 1989, the crop protection industry has managed an empty pesticide container recycling program across Canada.

In 2011, this recycling program, also known as CleanFARMS' Empty Pesticide Container Program (EPCP), was approved as a stand-alone program under the Packaging and Printed Paper Stewardship Regulation of the Waste Reduction and Prevention (WRAP) Act. This approval expires on December 31, 2016.

In the fall of 2015, CleanFARMS began working with Green Manitoba, a special-operating agency of the Manitoba government, to renew the Empty Pesticide Container Program and expand it to include fertilizer containers.

As part of this process, CleanFARMS conducted a series of public consultations to ensure that the program is meeting the needs of stakeholders. This report summarizes these consultations.

2.0 CONSULTATIONS

Public consultations

CleanFARMS held two public consultations in Winnipeg in October 2015. Both consultations were open to the general public:

Consultation #1

Date and time: October 21, 2015 1:00pm - 2:30pm CDT

Location: Green Manitoba, Confederation Room, 123 Main Street, 3rd floor

Attendees had the option of participating in person or by phone/webinar.

Consultation #2

Date and time: October 22, 2015 1:20pm - 1:50pm CDT

Location: Best Western Airport Plus, 1715 Wellington Ave

This consultation took place in conjunction with the Manitoba Association of Regional Recyclers' (MARR) Waste and Recycling Forum. MARR brings together individuals who are responsible for recycling and waste management in municipalities. Attendees participated in person.

The following format was used for both consultations:

- Barry Friesen, general manager, walked participants through a PowerPoint presentation. See Appendix I.
- Participants had the opportunity to ask questions both during and at the end of the presentation.
 - Kim Timmer, manager, stakeholder relations, documented questions and responses.
- Participants were reminded that they could provide additional feedback by way of written comments.

Invitation lists:

Invitations lists used for the consultations can be found in Appendix II. Appendix II also lists the names of groups that attended Consultation #1 and the registration list for the MARR Forum.

Outreach to Keystone Agricultural Producers

Due to scheduling conflicts, representatives from Keystone Agricultural Producers (KAP), Manitoba's general farm policy organization, were unable to attend the public consultations. Kim Timmer presented the program plan to KAP's environment committee on October 27, 2015.

3.0 WRITTEN SUBMISSIONS

All stakeholders were invited to submit written comments by November 13, 2015 at 5:00pm CST. One submission was received (Appendix III).

4.0 SUMMARY OF QUESTIONS RAISED DURING CONSULTATIONS

Question: Who sits on the CleanFARMS Board?

Response: CleanFARMS has a private sector Board made up of its members.

Question: Why aren't granular fertilizer containers included in the program?

Response: Based on ongoing waste characterization studies, the types of fertilizer containers found in the collection stream held liquid fertilizer, not granular fertilizer.

Question: Is there any residue when the containers are cleaned at the contractor's processing facility?

Response: Yes. Once the containers reach the processing facility, the containers (minus seed treatment containers) are then shredded and spray washed. Spray wash liquid is treated and used by Miller in other approved processes. Any sludge generated through the process is contained and sent for high temperature incineration in Swan Hills, Alberta.

Question: Is there any plastic waste that can't be returned or recycled through the program?

Response: Yes. Containers come with a cap and booklet. These items are made of a different type of plastic. They must be removed and disposed of as solid waste in approved landfills.

Question: Why aren't larger (>23 litre) containers included in the program?

Response: There are a couple of reasons for this. Larger containers are usually made up of a different plastic than smaller (<23 litre) containers. In order to ensure that collected plastic can be recycled, it is important to ensure that different types of plastics are separated, primarily because they have different melting temperatures or rates. Some larger containers are reusable, so they need to be handled separately. Currently, manufacturers work with retailers to ensure that these containers are properly managed.

Question: Do companies that are supplying product in the golf or structural management industries pay into the program?

Response: Yes. The CleanFARMS program is open to all manufacturers of commercial pesticides and fertilizers used in these sectors.

Question: How are seed treatment containers managed?

Response: Seed treatment containers contain a product that is very sticky and when the container is emptied, some product will stick to the wall of the container. Once containers reach the processing facility, seed treatment containers are separated from non-seed treatment containers. Seed treatment containers are then shredded, and sent for high temperature incineration. This practice is accepted by the industry and used by other international container management programs.

Question: Are collection sites located at Rural Municipalities?

Response: Yes.

Question: Who manages bulk containers in Manitoba?

Response: Individual manufacturers make arrangements on their own to manage bulk containers.

Question: How much of your promotion and education budget is directed towards non-ag communities?

Response: All of the communication tools are available and accessible to all. When it comes to non-ag groups, CleanFARMS members are a key resource for educating these groups about stewardship programming.

Question: Why is it that some containers were landfilled instead of being recycled this year?

Response: In one particular area of Manitoba, weather was particularly challenging. When the contractor arrived to service the collection site, many of the containers were caked in dirt. This high level of

contamination is unusual and in this instance, the best solution was to landfill the containers to avoid contaminating the collection stream. This is a rare situation. To prevent this, CleanFARMS recommends that the collection site be re-graded and serviced more frequently.

Question: Do all retailers take back the >23L containers, the one-way containers in particular?

Response: Yes. This is the industry-wide practice that is used.

Question: When will the Eastern Canadian seed and pesticide bag collection program be expanded to Manitoba?

Response: A firm date has not been set.

Question: What is the best way to manage the reusable hard totes that are sometimes used for seed?

Response: The best way to manage these types of totes is to work with a local retailer or seed dealer.

Question: When the seed bag collection program moves to Western Canada, will inoculant bags be included?

Response: CleanFARMS programs have been adapted to manage different types of materials, where it makes sense. For example, the obsolete pesticide collection program now includes obsolete livestock/equine health medications. Similar arrangements may work with the seed and pesticide bag program. Bags used for inoculants and fertilizer may be a suitable addition to this program.

Additional comments:

Additional comments and suggestions were made throughout the consultations:

- Many participants had suggestions for additional outreach opportunities such as engaging groups like the Manitoba Golf Superintendent's Association and local 4-H groups.
- Additional effort should be made to make the program more convenient for farmers. For example, the removal of caps and booklets is quite time consuming.
- CleanFARMS should continue to work with manufacturers to ensure that all containers can be returned easily through the CleanFARMS programs. For example, some containers can be difficult to puncture (puncturing makes rinsing containers more efficient) and some smaller three litre containers can be difficult to rinse.

5.0 SUMMARY


The consultations gave stakeholders the opportunity to present ideas and provide input into the program plan. The consultations did not lead CleanFARMS to make any significant changes to the program plan. Overall, the addition of fertilizer containers to the program plan did not generate much discussion with stakeholders, likely because:

- fertilizer containers have been included in the program, on a voluntary basis, since 2013,
- fertilizer containers are already being returned through the program,
- the addition of the fertilizer containers to the program is a relatively simple and straightforward change, and
- many of the impacted stewards are already CleanFARMS members.



Public consultation: empty pesticide and fertilizer container recycling

Barry Friesen, P. Eng.
October 2015



A greener alternative to agricultural waste management



Agenda

1. About CleanFARMS
2. Program plan renewal & amendment
What is new?
3. How to respond

A greener alternative to agricultural waste management



About CleanFARMS

- Industry Stewardship Organization
 - Federally incorporated not-for-profit
 - Private sector board
 - Operate across the country
- Our mission: Enable environmental sustainability through effective stewardship of waste agricultural plastics and packaging

A greener alternative to agricultural waste management



Our members – manufacturers, developers, distributors of crop protection products, fertilizers, and seed.



A greener alternative to agricultural waste management

Our programs

Pesticide & fertilizer containers



Since the program began in 1989, more than 100 million empty containers have been collected.

89 - 12: pesticide only
13: fertilizer added

Obsolete pesticide & livestock medications



CleanFARMS collects and safely disposes of these obsolete or unwanted materials.

98 - 08: pesticide only
09: livestock med. pilots
13: livestock med. added

Seed & pesticide bags



This program is offered in the Maritimes and select regions of Ontario and Quebec.

06 - 12: pesticide bags
13 - 15: seed bags pilots
16: Eastern Canada bag program

A greener alternative to agricultural waste management

Empty container recycling

- 25 years of collections... 105 million containers collected
- Adapted for the GROU program
 - farmers who import pesticides from the U.S. support & use the program
- Approved Industry Stewardship Plan for pesticide containers in Manitoba (2011 – 2016)
 - arrangements in Quebec & Alberta

A greener alternative to agricultural waste management

How the program works

- Containers collected at approximately 100 municipal sites in Manitoba
- Local partner: Miller Environmental
- Containers recycled into farm drainage tile



What is new?

- Fertilizer containers, in addition to pesticide containers, will be included in the program

What containers are included?

Pesticide

- < 23L in size, most are 10L
- Containers used primarily in agriculture, but also golf, turf, forestry, structural pest mgt
- Containers used for:
 - Commercial class pesticides

Fertilizer

- < 23L in size, most are 10L or 20L
- Containers used primarily in agriculture, but also golf and turf settings.
- Containers used for:
 - Registered liquid products as defined under the CFIA's Fertilizers Act; and/or
 - Liquid fertilizer product with a nutrient analysis claim or guarantee

What containers are not included?

Pesticide

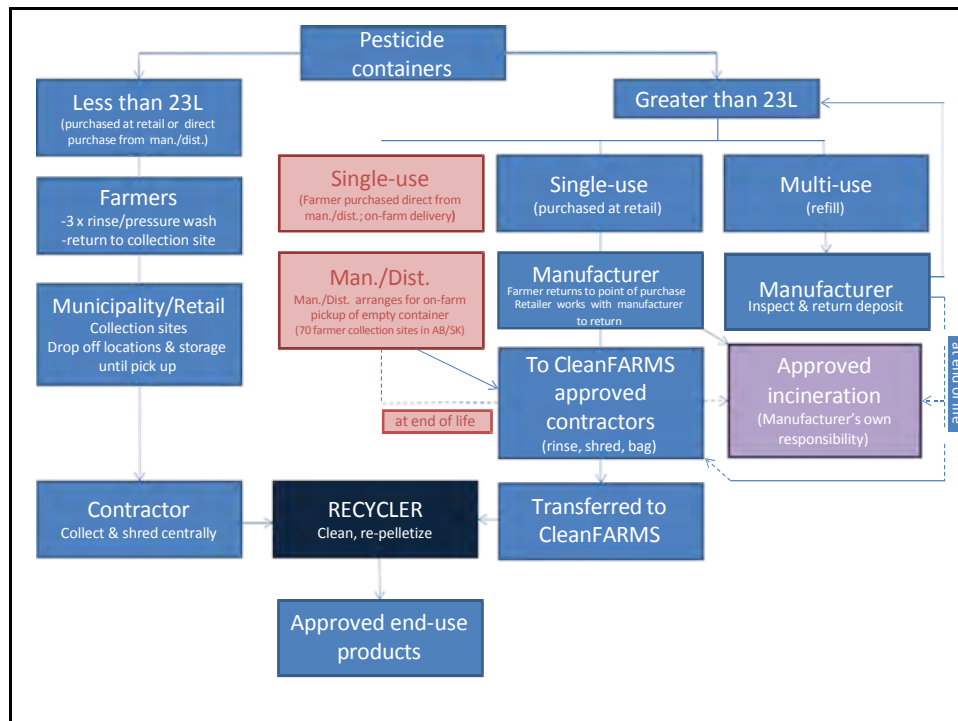
- Containers used for:
 - domestic class pesticides
- Containers used for commercial class pesticides that are > 23L in size

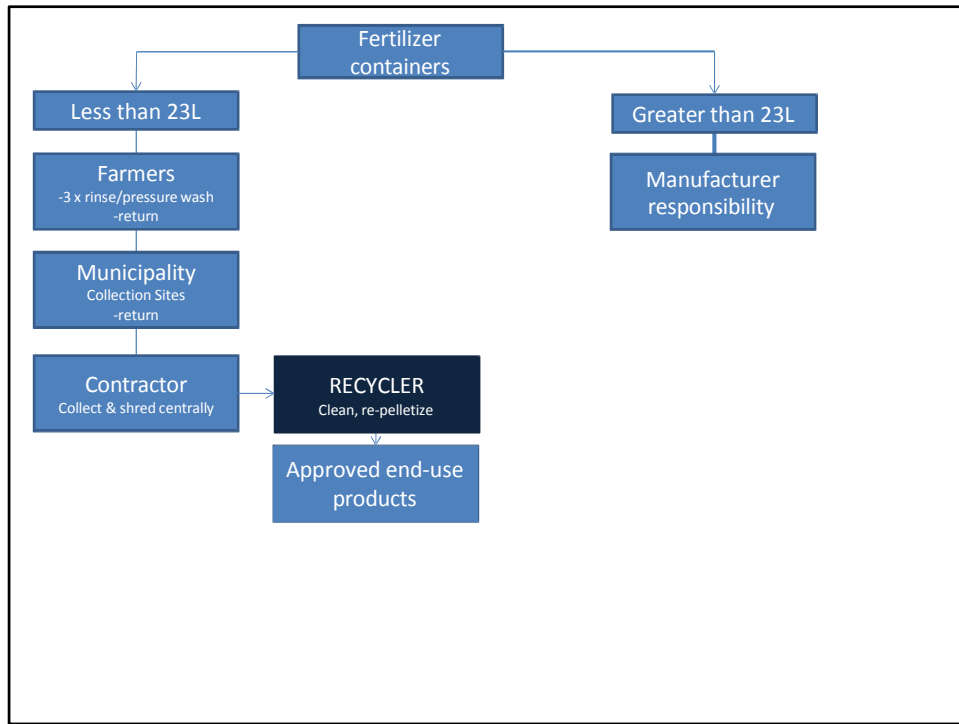
Fertilizer

- Containers used for:
 - domestic/residential fertilizer
 - granular fertilizer
- Any containers > 23L in size

Six guiding principles

1. Health and Safety is paramount
2. Program managed by owners/manufacturers of the product
3. Follows the 3R hierarchy; practicality must be considered regarding end use
4. Achieve highest participation rates possible; strive to reach 100% (practicality must be considered)
5. Provide reasonable accessibility for all users of product
6. Strongly encourage participation by all brand owners and manufacturers





Target recovery rate

- Strive for 100%
- Historic (three-year rolling average):

| Year | Collection rate (%) |
|------|---------------------|
| 2011 | 66 |
| 2012 | 65 |
| 2013 | 62 |
| 2014 | 60.5 |

Processing & testing

1. Collection standards
2. Rinse rate monitoring
 - *Reviewed & recorded annually*
3. Testing of shredded plastic for pesticide residuals
4. Field contractor compliance reviews - *annually*
5. End product manufacturing reviews - *annually*
6. End use product restrictions
 - *Limited human contact*
7. Contractor Health, Safety, and Environment best practices
 - *Attached to every contract*

Promotion and Education

- Pesticide container program awareness is high – 90% +
- Agricultural retailers & trade publications are the best way to reach target audiences
- Program promotion:
 - Brochures, paid print media, earned media, collection signs/posters, website, radio ads and trade shows

Promotion and Education materials



Take your fertilizer containers along for the ride.

3 easy preparation steps...

1. Rinse the container
2. Retorque tank & caps
3. Return to collection site

In partnership with the Canadian Fertilizer Institute, CleanFARMS is pleased to introduce a new on-boarding initiative for Canadian farmers. The Fertilizer Container Collection Program revives the existing Pesticide Container Collection Program that growers have made so successful.

The process is simple and includes pump fertilizer jugs and jugs up to 22 litres. Just use the pesticide container program, empty triple or high pressure lines, remove the caps and fertilizer and then return the containers to the approved collection site that you use for pesticide containers.

Visit cleanfarms.ca to find a collection site near you.



> Empty Pesticide Container Recycling Program

There are many reasons to rinse.

- #1 Only rinsed containers can be recycled
- #2 Helps keep collection sites clean
- #3 Use **all** the chemicals you purchase
- #4 Keeps collection sites safe for workers
- #5 Maintain your farm's good reputation

No excuse not to!

For more information or to find a collection site near you visit cleanfarms.ca

Now, take your empty fertilizer containers along for the ride!



Steward Management

- CleanFARMS membership is available to all companies involved in the sale/distribution of pest control products & fertilizers
- All members must abide by Code of Conduct & Corporate policies which includes dispute resolution, steward identification and payment of fees

Financing

- Program financed through levy based system
- A levy is paid on each container shipped into the marketplace
 - 2011 – 2015: 49 cents

Stakeholder consultation

- Public consultations:
 - October 21 & 22, 2015
 - October 27 – meeting with Keystone Ag Producers
- Written comments due:
 - November 13, 2015
- Key contact:
Barry Friesen
friesenb@cleanfarms.ca
(877)-622-4460

Appendix II – Invitation lists

Groups invited to the public consultations

- Acadian Seaplants
- ADAMA Agricultural Solutions Canada Ltd.
- Ag-Liaison
- AgroSolutions
- Albaugh Inc.
- Arysta LifeScience
- Association of Manitoba Municipalities
- ATP Nutrition Ltd.
- Axter
- BASF Canada Inc.
- BioForest
- BrettYoung Seeds
- Canadian Association of Agri-Retailers
- Canadian Council of Ministers of the Environment
- Cargill Limited
- Clean Harbors Environmental Services
- Connery's Riverdale Farms Ltd.
- CP Strategies and Communications
- CropLife Canada
- DL Seeds
- Evergreen Environmental Technologies Ltd.
- Ferti Technologies Inc.
- Fertilizer Canada
- Gardex Inc.
- GJ Chemical
- Gowan Canada
- Green Manitoba
- Interprovincial Cooperative Limited
- Interstate Batteries Recycling, Inc.
- Keystone Agricultural Producers
- KOCH
- Manitoba Agriculture, Food and Rural Development
- Manitoba Canola Growers
- Manitoba Conservation & Water Stewardship
- Manitoba Cooperator
- Maple Leaf Agri- Farms
- McKenzie and Associates
- Miller Environmental Corporation
- Ministry of Conservation
- Multi-Material Stewardship Manitoba
- Monsanto Canada Inc.
- Municipality of Bifrost-Riverton
- Neudorff North America
- Nutri Ag
- OMEX Agriculture Inc.
- Parrish & Heimbecker, Ltd.
- Pembina Valley Containers Ltd.
- Pest Management Regulatory Agency
- Portage and District Recycling
- Pulse Canada
- Reliance Products Limited Partnership
- Re-Trac
- Richardson International Limited
- Shine
- Strategy Makers Consulting Inc.
- Syngenta Canada Inc.
- Univar Canada Ltd.
- Western Canadian Wheat Growers Association
- Winfield

Groups that were registered for the MARR Forum

- Aboriginal Affairs & Northern Development
- Call2Recycle
- CBCRA/Recycle Everywhere
- City of Brandon
- City of Dauphin
- City of Winnipeg
- CleanFarms
- Communities in Bloom
- Eastman Recycling Services
- Emterra
- Gateway Resources Inc.
- Green Action Centre
- Green Manitoba
- Health Products Stewardship Assn.
- LGD of Pinawa
- Louise Integrated Waste
- Manitoba Association for Resource Recovery Corp.
- Manitoba Environmental Industry Association
- Miller Environmental
- MTS
- Overton Environmental Enterprises
- Portage & District Recycling Inc.
- Prairie View Municipality
- RM of Hanover
- RM of Springfield
- RM of St. Andrews
- RM of St. Clements
- RM of West St. Paul
- StrategyMakers Consulting
- SWAMP Waste Authority
- The Pas & Area Recycling Centre
- Tire Stewardship Manitoba
- Town of Altona
- Town of Virden
- Whitemouth-Reynolds Waste Management

Groups that attended the October 21 consultation

- CleanFARMS
- Green Manitoba
- Manitoba Agriculture, Food and Rural Development
- Miller Environmental Corporation

Appendix III – Written submissions



November 13, 2015

Barry Friesen, P. Eng.

General Manager, CleanFARMS

400-10 Four Seasons Pl,

Toronto, ON M9B 6H7

RE: Letter of Support for Empty Pesticide and Fertilizer Container Program in Manitoba-
October 2015 Renewal & Amendment for Public Consultation

Mr. Friesen:

On behalf of Fertilizer Canada (formerly the Canadian Fertilizer Institute) and our members, please accept this letter of support for the renewal & amendment of the Empty Pesticide and Fertilizer Container Program in Manitoba, under the Packaging and Printed Paper Stewardship Regulation of the Waste Reduction and Prevention Act.

Fertilizer Canada supports the container recycling program with some of its member companies, including those in Manitoba, actively volunteering in the effort. The fertilizer industry is proud to enhance its stewardship initiatives by helping farmers recycle their empty fertilizer containers. We believe that voluntary program adoption is the best approach towards reducing the negative environmental impacts of nutrient losses.

Canada's fertilizer industry shares with CleanFARMS the common goals of industry stewardship, environmental responsibility and enabling farmers to be even better stewards of their land when it comes to fertilizer use. Through the 4R Nutrient Stewardship program – using the right fertilizer source, at the right rate, at the right time and in the right place, Canada's fertilizer industry has already undertaken work to reduce nutrient losses to Lake Winnipeg and other lakes and rivers, and is committed to continue to work with governments, watershed groups, scientists, agri-retailers, farmers and other stakeholders. In 2015, the Government of

Manitoba, Fertilizer Canada and Keystone Agricultural Producers renewed their joint commitment to support agriculture production and environmental protection through improved fertilizer use under 4R Nutrient Stewardship. We believe this effort complements the container recycling program as it encourages farmers to use their fertilizer products sustainably and responsibly throughout the product lifecycle.

While Fertilizer Canada is committed to funding research, programming and awareness-building initiatives, there is more that can be done. We would appreciate your thoughts on our current programming and how we can continue working with CleanFARMS to ensure the sustainability of the agriculture industry.

I look forward to the opportunity to further discuss this with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde Graham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Clyde Graham

Senior Vice-President, Strategy and Alliances

Fertilizer Canada

Appendix G – April 2016 Feedback from Green Manitoba

Date: April 22, 2016

CleanFARMS Stewardship Plan Review 2016-2021

Feedback to CleanFARMS:

1. On the cover page, include a time frame for the duration of the plan (2016 – 2021). Also indicate a new version when resubmitting (e.g.; version 2).
2. Include Manitoba recovery rate forecasts as well as collection targets for the duration of the plan.
3. Add a separate section explaining how obsolete containers are collected in Manitoba (how often, who pays for this, how is the number of containers collected tracked etc.). If this is not part of the proposed program and is not undertaken regularly, the plan should mention that.
4. Add a separate section on Northern and Remote Collection initiative. Section 4(2) of regulation calls for “A province-wide, convenient collection system for waste material without user fees at the point of collection.”
 - a. What specific actions will CleanFARMS propose to undertake to assess and meet the needs of Northern communities?
 - b. Provide a forecast or number of Northern communities targeted to get access to CleanFARMS’ services during the proposed project duration. Mention key challenges to extending services to Northern communities (where there is a need) and how those could be addressed (e.g., through innovative approaches and/or collaboration with other PROs).
 - c. What sectors in the North need service for container management (e.g. golf, rail, highway, municipal, etc) and what service enhancements may be needed.
5. Provide a forecast for the number of collection sites (all locations) for the duration of the plan. Provide narrative as to where sites may be added and/or where collection events will take place. (Government led consultations indicated that there should be a collection point within the City of Winnipeg – please comment on this).
6. Under Program Delivery (2.3), add a statement related to “no additional cost to the consumer” at the point of collection. This should be mentioned clearly in the communication materials (ads, posters, leaflets, web announcements etc.).

7. Provide clarity and consistency on point of sale fees: Presently, there is no visible fee at the point of sale. Is this expected to change? If so, indicate why and when visible fees might be introduced and how this will be communicated to the consumer. It is Manitoba's expectation that government will be notified in advance of planned program changes related to fee visibility.
8. The plan must mention that government's cost recovery will be included in the estimated program budget forecast. This is a regulatory requirement (Section 4.2.h). This can be a separate line item under "administrative" costs in the budget or mentioned under Budget (8.0) stating it is included in administrative costs.
9. Dispute resolution process (Section 6.7) should elaborate a process for engaging stewards that are "refusing" to participate in the program.
10. Please include a copy of the "Code of Conduct" as it relates to dispute resolution in the appendices.
11. Elaborate how CleanFARMS will deal with non-compliant stewards (what process it will follow) before the case is referred to GMES.
12. Provide Manitoba specific Program Budget Forecast for the duration of the plan. In the annual report, annual financial figures are to be provided along the following budget lines:
 - **Revenue:** Projected revenues (point of sale fees, memberships, investment income, other)
 - **Program Operations:** Collection and processing (including storage and transport)
 - **Program Implementation/delivery:**
 - Public awareness and communication (events, training, "Point of Sale" information, etc.)
 - Advertising – Media, Grants and other funding (i.e. schools, pilot/special projects, R&D, other)
 - **Administrative and Corporate:**
 - Board Costs;
 - Salaries & Benefits
 - Professional fees (legal, accounting etc)
 - Government cost (recovery)
 - Travel
 - Office: (rent & utilities, postage, supplies, equipment leasing, insurance, technical support etc.)

Appendix H – Code of Conduct



Head Office: 10 Four Seasons Place, Suite 400, Etobicoke, ON M9B 6H7 Tel: 416-622-4460 or 1-877-622-4460

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FOREWORD

Purpose

CleanFARMS is a not-for-profit industry stewardship organization committed to environmental responsibility through the proper management of agricultural waste. The purpose of this Code of Conduct is to define the principles, standards and guidelines which CleanFARMS' Members and Employees agree to follow in order to support this commitment.

Interpretation

This Code of Conduct has been approved in accordance with By-Law No 1 of CleanFARMS (the "General By-Laws"). This Code of Conduct supersedes and replaces any previous Code of Conduct as of the effective date set out below.

Except as otherwise defined herein, all capitalized terms used in this Code of Conduct have the meanings given to them in the General By-Laws.

In the event of any inconsistency between this Code of Conduct and the General By-Laws, the General By-Laws will prevail to the extent required to resolved the inconsistency.

This Code of Conduct has been voluntarily adopted by, and is binding on, Members. Members are reminded that additional rights and obligations relevant to their operations may apply under statutory and common law in the jurisdictions in which they carry on business. CleanFARMS does not provide Members with legal advice and recommends that Members get independent legal advice with respect to applicable laws and regulations.

Application

As provided in Section 4(e) of the General By-Laws, all Members must comply with this Code of Conduct. In the event of a breach of this Code of Conduct by a Member, the Member may be subject to the sanctions and disciplinary measures set out in the General By-Laws, in particular in Section 4(h) of the General By-Laws.

All CleanFARMS Employees are also bound by this Code of Conduct.

Questions and clarifications

Questions and clarifications should be directed to the General Manager.

Amendments

CleanFARMS reserves the right to modify or amend this Code of Conduct, which shall become binding when approved in accordance with the General By-Laws.

Effective date

This version of the Code of Conduct was approved in accordance with the General By-Laws as of May 6, 2014 and is effective as of that date.

1. MISSION AND VISION

CleanFARMS' mission is to enable environmental sustainability through effective stewardship of waste agricultural plastics and packaging.

CleanFARMS' vision is to be the leading Canadian stewardship organization for recycling agricultural products and packaging.

2. BACKGROUND

CleanFARMS is a not-for-profit industry stewardship organization committed to environmental responsibility through the proper management of agricultural waste. This is a long standing industry commitment that has guided the industry for many years and is one of the reasons Canadian agricultural has gained a reputation of excellence world-wide.

CropLife Canada, the trade association representing the pesticide industry, managed CleanFARMS' core programs, the empty pesticide container and obsolete pesticide programs, since their inception in 1989 and 1998 respectively.

Beginning February 1, 2010, CleanFARMS took over the management of these programs with the intention of expanding its programs beyond pesticide containers and obsolete pesticides to include other on-farm inorganic waste. One of the first steps to achieving this goal began in 2013 when CleanFARMS expanded its empty pesticide container program to include fertilizer containers.

As farming continues to grow in Canada, the agricultural sector is seeking more options for recycling agricultural plastic waste. With a solid reputation for cost-effective stewardship programming, a commitment to constant improvement, and a dedicated and engaged membership, CleanFARMS is well suited to meet the needs of the Canadian agricultural sector.

CleanFARMS members represent a broad cross section of product manufacturers, distributors, retailers and suppliers to Canada's agricultural industry. The conduct of this diverse group of companies is critical to the success of the organization's operations, its ability to deliver valuable programs that meet the needs of Canadian farmers, and the industry's reputation as a whole.

3. GUIDING PRINCIPLES

The products manufactured and distributed by CleanFARMS members are, for the most part, strictly regulated. In addition to regulations set by federal, provincial and municipal governments, the industry has adopted industry-led initiatives to protect people and the environment through their products entire lifecycle, including end of life management. This Code of Conduct, and the stewardship programs operated by CleanFARMS, are such initiatives.

CleanFARMS takes its responsibility to the environment and public safety very seriously. CleanFARMS' stewardship programs and other initiatives focus on achieving maximum environmental benefit in program delivery while minimizing any risk.

Recovering valuable resources is the primary goal of CleanFARMS' stewardship programs. However, that goal must be pursued in a manner that reduces the risk of fires, spills, industrial accidents, misuse and environmental contamination. To help achieve its primary goal and these related objectives, CleanFARMS has developed, and all Members, Directors and Employees hereby agree to adopt, the following set of guiding principles:

- 3.1 Programs must be operated so that there is no unacceptable health and safety risk.
- 3.2 Programs must be managed by the manufacturers/brand owners of the products.
- 3.3 Programs should strive to achieve the highest and most practical end use of products while following the 3Rs (reduce, reuse, recycle) hierarchy.
- 3.4 Programs must achieve reasonable, high participation rates. While they may never actually achieve this goal for practical reasons, programs should still strive towards 100% recovery.
- 3.5 Programs must provide reasonable accessibility for all users of the products to participate.
- 3.6 Programs must be open to participation by all manufacturers/brand owners.

CleanFARMS recognizes the importance of continuously improving health and safety standards and protecting the environment. The programs that CleanFARMS manages are more than a continuously improving set of practices – they represent a guiding philosophy based on proactivity, evolving to meet user needs, and an industry-led commitment to the safe management of the industry's waste.

4. STANDARDS FOR MEMBERS

CleanFARMS Members are committed to supporting stewardship initiatives as appropriate for each technology sector they are involved in and as a means to pursue and promote health and safety for people and the environment. In carrying out this commitment, the Members of CleanFARMS acknowledge and agree that they have the duties and responsibilities set out below.

- 4.1 *Program participation* - Every Member will participate in all stewardship programs that are developed and approved by CleanFARMS to the extent that such stewardship programs apply to the business of the Member. Members will comply with all requirements of the stewardship programs in which they are required to participate.
- 4.2 *Stewardship* - Members will manage all packaging in a safe and environmentally sound manner consistent with the guiding principles for stewardship programs developed by CleanFARMS, including by promoting the use of packaging that enhances safety in use, transport, handling and where applicable, ease of cleaning, rinsing or other preparation steps for recycling or disposal.
- 4.3 *General engagement* - Members will remain engaged with CleanFARMS in their capacity as members, including by doing the following:
 - 4.3.1 Remaining familiar with the CleanFARMS corporate mandate, its mission, vision, objectives, and operations;
 - 4.3.2 Remaining familiar with, and complying with, the rights and requirements of Members under the *Canada Not-for-profit Corporations Act* and regulations made thereunder;
 - 4.3.3 Remaining familiar with, and complying with, CleanFARMS's articles, by-laws, approved corporate policies and stewardship programs, and this Code of Conduct, as such documents apply to Members;
 - 4.3.4 Preparing for all Member meetings by reviewing all agenda materials including reports and other background material;
 - 4.3.5 Attending and participating in Members meetings.
- 4.4 *Fees* - As required under the General By-Laws, Members will pay all fees assessed to them by CleanFARMS. All such fees shall be paid in a timely manner in accordance with any applicable approved corporate policy regarding the setting and payment of fees. Members agree and acknowledge that CleanFARMS may charge, and Members who fail to pay fees in a timely manner agree to pay, late fees and other penalties as set out in approved corporate policies.
- 4.5 *Reporting* - Members will provide CleanFARMS with all data and information requested and reasonably required by CleanFARMS to carry out its mandate, provided that CleanFARMS will store, use and disclose such information in accordance with approved corporate policies. Without limiting the foregoing, Members agree to complete the CleanFARMS annual sales survey on or before the submission deadline stipulated in the notice of such sales survey. Each Member hereby irrevocably consents and agrees that CleanFARMS may provide notice to all Members and to government authorities to whom CleanFARMS must report data

gathered through the sales survey of the names of those Members who fail to complete the sales survey by the prescribed submission deadline.

- 4.6 *Members' Employees* - Because Member's employees often serve as resources about CleanFARMS' programs and the role they play in protecting public health and the environment, Members will ensure that such employees will be well-trained, customer-oriented and up-to-date in their knowledge of the appropriate CleanFARMS' stewardship programs that apply to their area of work. To ensure this, CleanFARMS members will:
 - 4.6.1 Establish and maintain high standards of recruiting and selection to ensure the employment of well-qualified individuals;
 - 4.6.2 Ensure that all appropriate personnel, including those newly hired, fully understand:
 - 4.6.2.1 this Code of Conduct;
 - 4.6.2.2 the Member's responsibilities under CleanFARMS' stewardship programs that apply to the Member; and
 - 4.6.2.3 the importance of stewardship programs.
 - 4.6.3 Ensure that the Member has written procedures in place for handling inquiries related to stewardship and CleanFARMS stewardship programs applicable to the Member;
 - 4.6.4 Ensure that its personnel will provide full and factual information on the CleanFARMS' stewardship programs applicable to the Member, without misrepresentation or exaggeration.
- 4.7 *Competition* - Members will comply, and cause all of their representatives to comply, with the guidelines for meetings of competitors set out in Section 7 of this Code of Conduct.
- 4.8 *Divergent Positions* - If a Member intends to advocate publicly, including to government, a position on an issue that it believes is not consistent with this Code of Conduct or CleanFARMS mandate, mission and values (a "Divergent Position"), the Member should first inform CleanFARMS, by letter to the General Manager, stating its intention to take the Divergent Position, and give CleanFARMS reasonable time to consider and respond to the Member regarding the Divergent Position before presenting it's the Divergent Position to others outside CleanFARMS. Similarly, if CleanFARMS believes a Member has or intends to advocate publicly a Divergent Position, CleanFARMS shall notify in writing the Member of its disagreement with the Divergent Position. In either case, the Member and CleanFARMS will discuss the Divergent Position in good faith with a view to resolving the issues on which they disagree prior to the Member publicizing the Divergent Position. If the identified differences are not resolved, CleanFARMS recognizes the right of the Member to publicly pursue its own position. When presenting the Divergent Position to others, the dissenting Member agrees to expressly indicate that it speaks for itself and not for CleanFARMS or for other Members or the industry.

5. STANDARDS FOR DIRECTORS

CleanFARMS' Board of Directors is responsible for managing or supervising the management of the activities and affairs of CleanFARMS'. Directors are nominated by the Executive and elected by the Members in accordance with the By-Laws. The Directors of CleanFARMS acknowledge and agree that they have the duties and responsibilities set out below. These duties are in addition to, and shall be interpreted in a manner not inconsistent with, any directors' duties arising under statutory or common law.

5.1 Duties of Directors

- 5.1.1 *Duty and standard of care* - In exercising his or her powers and discharging his or her duties, a Director shall (a) act honestly and in good faith with a view to the best interests of the corporation; and (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- 5.1.2 *Compliance with law* - A Director shall comply with the *Canada Not-for-profit Corporations Act* and the regulations made thereunder, as well as with all other applicable laws.
- 5.1.3 *Compliance with corporate documents* - A Director shall comply with the articles and all by-laws of the Corporation, as well as this Code of Conduct and any approved corporate policies of CleanFARMS.
- 5.1.4 *Disclosure of conflicts of interest* - A Director shall disclose to CleanFARMS, in writing or by requesting to have it entered in the minutes of meetings of Directors or of committees of Directors, the nature and extent of any interest that the Director has in a material contract or material transaction, whether made or proposed, with CleanFARMS, if the Director: (a) is a party to the contract or transaction; (b) is a director or an officer, or an individual acting in a similar capacity, of a party to the contract or transaction; or (c) has a material interest in a party to the contract or transaction. If a Director is uncertain, he or she should seek advice from the Chair or the President and CEO.
- 5.1.5 *Limitations on voting where conflicts of interest exists* - A Director required to make a disclosure of a potential conflict of interest shall not vote on any resolution to approve the contract or transaction unless the contract or transaction: (a) relates primarily to the Director's remuneration as a director, an officer, an employee, an agent or a mandatory of CleanFARMS; (b) is for indemnity or insurance as permitted under the *Canada Not-for-profit Corporations Act*; or (c) is with an affiliate of CleanFARMS.
- 5.1.6 *Competition* - Directors will comply with the guidelines for meetings of competitors set out in Section 7 of this Code of Conduct.

5.2 Responsibilities of Directors

Without limiting a Director's duties as set out above, each Director agrees to the following:

- 5.2.1 *Familiarity with CleanFARMS* - A Director will be familiar with the CleanFARMS corporate mandate, its mission, vision, objectives, and operations;

- 5.2.2 *Familiarity with legal requirements* – A Director will be familiar with the requirements imposed on directors under the *Canada Not-for-profit Corporations Act* and regulations made thereunder;
- 5.2.3 *Familiarity with corporate documents* – A Director will be familiar with the CleanFARMS' articles, by-laws, approved corporate policies and this Code of Conduct;
- 5.2.4 *Objectivity* – A Director will always act objectively and in accordance with the duties set out above;
- 5.2.5 *Preparation* – A Director will prepare for all board meetings and all committee meetings of which the Director is a member, by reviewing all agenda materials including reports and other background material;
- 5.2.6 *Attendance* – A Director will attend and participate in all Board meetings and all committee meetings of which the Director is a member;
- 5.2.7 *Financial literacy* – A Director must have financial proficiency to manage and invest corporate funds (or delegate and supervise such management and investment), undertake reviews of financial statements and reports at frequent intervals and to enact policies that provide for the appropriate management and investment of corporate funds.
- 5.2.8 *Record keeping* – A Director will keep careful notes at meetings, review the minutes of all meetings, and will maintain proper record-keeping systems;
- 5.2.9 *Corporate policies* – A Director will insist upon the establishment and regular review of corporate policies and monitor staff adherence to them;
- 5.2.10 *Delegation* – A Director must supervise and oversee tasks delegated by the Board and ensure that those to whom tasks are delegated are sufficiently qualified to complete the assigned tasks;
- 5.2.11 *Authority* – A Director must be aware of the scope of his own authority and the permitted activities of CleanFARMS, act accordingly within these boundaries, and not hold him or herself out to have authority which he or she does not have in respect of CleanFARMS;
- 5.2.12 *Outside advice* – A Director may obtain outside expert advice whenever necessary, after appropriate consultation with the Board;
- 5.2.13 *Disclosure* – A Director will disclose all personal dealings as early as practical;
- 5.2.14 *Voting* – A Director will refrain from voting only where necessary and will record and ensure that minutes record Directors' disclosures, dissents, or refrainments from voting;
- 5.2.15 *Internal systems* – A Director will ensure that the managers have effective internal systems in all areas of CleanFARMS' activities, particularly accounting.

6. STANDARDS FOR EMPLOYEES

CleanFARMS Employees have a central role in developing, promoting, running and improving CleanFARMS' stewardship programs in accordance with the guiding principles set out in this Code of Conduct. All Employees will carry out their roles and responsibilities as employees in a manner that is at all times consistent with this Code of Conduct. Without limiting the foregoing, Employees acknowledge and agree that they have the duties and responsibilities set out below.

- 6.1 Remaining familiar with the CleanFARMS corporate mandate, its mission, vision, objectives, and operations;
- 6.2 Remaining familiar with, and complying with CleanFARMS' approved corporate policies, stewardship programs, and this Code of Conduct, as such documents apply to Employees;
- 6.3 In the case of Officers, also remaining familiar with, and complying with CleanFARMS' articles and by-laws, as such documents apply to Officers;
- 6.4 Taking opportunities provided by CleanFARMS to enhance skills applicable to the operations of CleanFARMS and to improve knowledge of stewardship best practices;
- 6.5 At all times providing full and factual information regarding CleanFARMS mandate and stewardship programs, without misrepresentation or exaggeration.

7. GUIDELINES FOR MEETINGS OF COMPETITORS AND CLEANFARMS

7.1 Purpose

These guidelines for meetings of competitors and CleanFARMS (the "Guidelines") are intended to reduce the risk of not complying with Canadian competition law when CleanFARMS staff and CleanFARMS Member company representatives come together in meetings ("Meetings") under the auspices of CleanFARMS. It is understood that the Meetings may involve discussions of intellectual property ("IP") rights among other matters.

These Guidelines are not a substitute for legal advice. However, they are intended to provide Members, Directors and Employees with sufficient information to recognize potential problems under Canadian competition laws and to seek legal advice concerning the potential problems before such Members, Directors or Employees act in a manner that could be contrary to applicable law. CleanFARMS recommends that all Members and Directors seek independent legal advice regarding their respective obligations with respect to applicable competition law.

The background to these Guidelines is described in Appendix A to this Code of Conduct.

7.2 Complying with Competition Law at Meetings

7.2.1 General

Failure to comply with the Guidelines can result in severe criminal and civil penalties for trade associations, companies and individuals.

Meetings must never be seen to affect the competitive aspects of the participating companies' operations.

Prohibited discussion topics at Meetings apply equally to social gatherings and other communications outside of or incidental to Meetings – even to comments made in jest.

In general, joint lobbying, good faith complaints to regulatory authorities and litigation relating to regulatory performance are not anti-competitive.

Agreements or combinations between or among competitors need not be formal to raise questions under competition law, but may include any kind of understanding, formal or informal, secretive or public, under which each of the parties can reasonably expect that another will follow a particular course of action.

Collaboration at Meetings should not occur to advance any company's specific commercial interests.

It is the responsibility of each Meeting participant to avoid raising improper subjects for discussion. Each participant in the Meetings should be thoroughly familiar with their responsibilities under Canada's competition law and should consult their company's legal counsel in all cases involving specific situations, interpretations or advice.

The following list of Do's and Don'ts for Meeting participants is not exhaustive.

7.3 Do's

- 7.3.1 *Reminder:* Do begin each meeting with a reminder to all participants of the importance of complying with competition law and of the existence and application of these Guidelines to all CleanFARMS meetings.
- 7.3.2 *Record Keeping, Agendas and Minutes:* Do insist on appropriate record keeping for Meetings. Prepare and distribute before the Meeting a written agenda that is clear and specific and adhere to it during the Meeting. Ensure that all discussions with competitors are confined to the immediate subject for which the Meeting was convened. Ensure that comprehensive minutes are taken and object if they do not accurately reflect the discussion and actions taken. Ensure that minutes are reviewed and mistakes corrected.
- 7.3.3 *Document Retention:* Do have a document retention program which clearly sets out which records are kept and for what period of time in order to protect participants by keeping a history of previous Meetings that have been held.
- 7.3.4 *Voluntary Participation:* Do ensure that participation in Meetings and membership in any related committees is voluntary and based on clear and transparent criteria.
- 7.3.5 *Appropriate Oversight:* Do ensure that all Meetings have appropriate oversight and supervision. Consult with legal counsel on all competition law compliance questions that may arise at Meetings.
- 7.3.6 *Competitive Regulatory Framework:* Do ensure that the primary objective of any regulatory framework the Meeting develops is to promote open and effective competitive markets. The regulatory framework should neither favour nor constrain the ability of particular market participants to compete in the market but may require compliance with stewardship programs and standards for safety and environmental protection (whether voluntary or imposed by law).
- 7.3.7 *Inappropriate Subjects of Discussion:* Do be vigilant. Any Meeting participant who becomes concerned that a discussion is straying into competitively sensitive areas should ask the chair of the Meeting to halt the discussion pending clarification. Protest against any discussions or Meeting activities, which appear to violate competition law and record the objection. Disassociate from any such discussions or activities and leave any Meeting should they continue.
- 7.3.8 *Competitively Sensitive Information:* To minimize the exchange of competitively sensitive information, do (a) use publicly available information and aggregated (as opposed to company-specific) information to the greatest extent possible, (b) focus on historical rather than future information, (c) only disseminate information in an aggregate form, (d) use an independent data collection agency, and (e) ensure participants provide data voluntarily (i.e., without being coerced).
- 7.3.9 *Legal Counsel:* Do have legal counsel present at any Meetings where competitive sensitivities are at issue (because of the subject to be discussed or the personnel (e.g., marketing or senior management) to be present. When in doubt, seek legal advice.

7.4 Don'ts

- 7.4.1 *Competitively Sensitive Information:* Don't, in fact or appearance, discuss or exchange any competitively sensitive information such as:
- 7.4.1.1 price-related information (whether past, present or future), including individual company prices, price changes, price differentials, mark-ups, discounts, allowances, credit terms and freight terms;
 - 7.4.1.2 data bearing on price, including that related to individual company cost structure, profit margin, allowances, production levels, capacity, inventories and sales;
 - 7.4.1.3 information relating to individual company statistical reporting, standardization, certification, research and lobbying;
 - 7.4.1.4 industry pricing policies, including price levels, price changes and differentials;
 - 7.4.1.5 allocation of geographic or functional markets, suppliers or customers;
 - 7.4.1.6 non-public revenue, market plans, or market share data;
 - 7.4.1.7 future strategies and plans of individual companies;
 - 7.4.1.8 the exercise (individually or in concert) of intellectual property rights that create, enhance or maintain market power and thereby harm competition;
 - 7.4.1.9 changes in industry production, capacity or inventories;
 - 7.4.1.10 bids on contracts for particular products and procedures for responding to bid invitations;
 - 7.4.1.11 plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers;
 - 7.4.1.12 matters relating to actual or potential individual customers or suppliers that might have the effect of excluding them from any market or of influencing the business conduct of companies toward such suppliers or customers; and
 - 7.4.1.13 any other confidential or sensitive information (even if it does not fit in any other category above) which would be likely to affect competitive behaviour or rivalry.
- 7.4.2 *Discrimination:* Don't discriminate against competitors when developing product or intellectual property standards, specifications or programs.
- 7.4.3 *Collective Action:* Don't engage in any collective action by way of refusal to deal, boycott or embargo which would affect competition – whether among competitors, suppliers or customers.

- 7.4.4 *Pricing or IP Licensing:* Don't enter into an agreement or make any threat or promise involving the pricing or IP licensing activities of other companies.
- 7.4.5 *Sanctions:* Don't have sanctions aimed at forcing members to obey various association recommendations which may have an anti-competitive effect. However, sanctions implemented for legitimate purposes, such as for failure to comply with stewardship programs or with standards for safety and environmental protection (whether voluntary or imposed by law), don't raise concerns under the Competition Act.
- 7.4.6 *Informal Meetings:* Don't hold unscheduled or informal Meetings (between competitors), whether held in conjunction with regular Meetings or not.

8. DISPUTE RESOLUTION

8.1 Complaints from the public regarding Members

- 8.1.1 Complaints made to CleanFARMS by a member of the public concerning the conduct of a Member must be addressed in writing to the official representative of the company and the General Manager of CleanFARMS. On receipt of such a complaint, the General Manager will refer the matter to the Member involved for resolution of the issue.
- 8.1.2 Members hereby agree to indemnify and hold CleanFARMS and its Members, Directors, Officers, Representatives, Agents and employees (collectively, the "Indemnified Parties") harmless of and from and against all costs, charges and expenses, including all amounts paid to settle any action or satisfy any judgment reasonably incurred by or on behalf of the Indemnified Party in respect of any civil, criminal or administrative action, private arbitration, or other proceeding, to which any Indemnified Party is or may become a party (or any such proceeding which might be threatened and in respect of which any Indemnified Party is threatened to be made a party) provided that in the case a Member, Director, Officer, Representative, Agent or employee, such person becomes a party or is threatened to be made a party as a result of being or having been a Member, Director, Officer, Representative, Agent or employee of CleanFARMS by reason of any negligence or wilful misconduct of the Member or by reason of a failure by the Member or any of its representatives to conduct itself in accordance with this Code of Conduct or with any requirements prescribed by CleanFARMS with respect to its stewardship programs.

8.2 Complaints or disputes among Member

- 8.2.1 Members consent and agree that disputes or controversies among Members, Directors, Officers, committee members, or volunteers of CleanFARMS concerning matters relating to CleanFARMS' articles, by-laws, Code of Conduct, approved corporate policies or operations ("Eligible Disputes") are to be resolved in accordance with mediation and/or arbitration as provided in Section 8.2.2.

8.2.2 Dispute Resolution Mechanism

In the event that an Eligible Dispute is not resolved in private meetings between the affected parties within 30 days of the written notice of an Eligible Dispute delivered by one of the parties to CleanFARMS and the other affected parties, then such Eligible Dispute shall be settled by a process of dispute resolution as follows:

- 8.2.2.1 The dispute or controversy shall first be submitted to a panel of mediators whereby the one party appoints one mediator, the other party (or if applicable the board of the organization) appoints one mediator, and the two mediators so appointed jointly appoint a third mediator. The three mediators will then meet with the parties in question in an attempt to mediate a resolution between the parties.
- 8.2.2.2 The number of mediators may be reduced from three to one or two upon agreement of the parties.

8.2.2.3 If the parties are not successful in resolving the dispute through mediation, then the parties agree that the dispute shall be settled by arbitration before a single arbitrator, who shall not be any one of the mediators referred to above, in accordance with the provincial or territorial legislation governing domestic arbitrations in force in the province or territory where the registered office of CleanFARMS is situated or as otherwise agreed upon by the parties to the dispute. The parties agree that all proceedings relating to arbitration shall be kept confidential and there shall be no disclosure of any kind. The decision of the arbitrator shall be final and binding and shall not be subject to appeal on a question of fact, law or mixed fact and law.

8.2.2.4 All costs of the mediators appointed in accordance with this section shall be borne equally by the parties to the dispute or the controversy. All costs of the arbitrators appointed in accordance with this section shall be borne by such parties as may be determined by the arbitrators.