



2013
Guidebook 1:
Are You Obligated?

For detailed program information:

www.stewardshipmanitoba.org

1-877-883-5828

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Guidebook 1 — Are You Obligated?

Multi-Material Stewardship Manitoba (MMSM) has published a series of guidebooks to assist Stewards to comply with their requirements under Manitoba's Waste Reduction and Prevention (WRAP) Act, 2008.

If your company is resident in Manitoba, and is a brand owner, first importer or franchisor in Manitoba of consumer products or printed material it is recommended that you designate a primary contact for your company. This individual and potentially others will need to review this guidebook to determine how to file a Steward's Report to comply with The WRAP Act.

MMSM Guidebooks

1: Are You Obligated?

Describes basic program features such as the concept of Designated Packaging and Printed Paper (DPPP), "Stewards" and "obligation," with general information Stewards need to register with MMSM.

2: Get Ready to File a Steward's Report

Provides guidance for Stewards about how to collect data for their Steward's Reports; including information about DPPP, what to report on, allowable packaging exemptions and deductions.

3: How to File a Steward's Report

A step by step guide for primary contacts to file their Steward's Reports. It outlines vital information for new Stewards and for returning Stewards who have a new primary contact.

The 2013 Guidebooks are in effect from January 1, 2013 to January 31, 2014. They provide guidance for Stewards but do not constitute legal documents. Stewards' legal obligations are set out in the Rules made by MMSM and published on its website. MMSM reserves the right to change guidebooks at any time.

For More Information

For more information, please visit our website at www.stewardshipmanitoba.org or call **1-877-883-5828** or email customerservice@stewardshipmanitoba.org

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Introduction

On December 22nd, 2008, *Manitoba's Packaging and Printed Paper Stewardship Regulation* became law. The Regulation developed requirements for a stewardship program for packaging and printed paper materials made from glass, metal, paper or plastic and sold in Manitoba.

Multi-Material Stewardship Manitoba (MMSM) was established in 2006 in anticipation of the PPP Regulation. MMSM is a Stewardship Responsibility Organization (SRO) that was formed by representatives of obligated parties. MMSM was tasked to design and implement a program to fund up to 80% of the net costs of the Manitoba waste reduction and prevention program. The resulting program is laid out in the *Packaging and Printed Paper (PPP) Program Plan*, which was approved by the Minister of Conservation on September 24th, 2009¹.

Under The WRAP Act and PPP Regulation, MMSM is authorized to establish and implement "Rules." These Rules obligate Brand Owners and First Importers of Designated Packaging and Printed Paper (DPPP) that are resident in Manitoba as "Stewards." Stewards are legally obligated to contribute funds to cover payments to municipalities up to 80% of the net cost of efficient municipal reduction and prevention packaging and printed paper recycling programs in Manitoba. To determine their contributions, most Stewards are required to file Steward's Reports annually with MMSM and pay fees based on an applicable fee schedule.

An obligation year is a calendar year for which Stewards are required to register, file Steward's Reports and potentially pay fees. The first obligation year for this program was 2010.

Stewards are required to file Steward's Reports as follows:

Table 1: DPPP Obligation and Reporting Timeframes

Obligation year	Applicable calendar time period	Data year for which obligation is calculated	Basis for fees (fee schedule)	Filing & payment deadline for Stewards Reports
2010	April 1 to Dec 31 2010	2009	2010 fee schedule	March 31, 2010; filing payment schedule in Appendix C of 2010 the Rules
2011	Jan 1 to Dec 31 2011	2010	2011 fee schedule	March 31, 2011; filing payment schedule in Appendix C of 2011 the Rules
2012	Jan 1 to Dec 31 2012	2011	2012 fee schedule	March 30, 2012; filing payment schedule in Appendix C of 2012 the Rules
2013	Jan 1 to Dec 31 2013	2012	2013 fee schedule	March 28, 2013; filing payment schedule in Appendix C of 2013 the Rules

Any obligated company that does not comply with the Rules is in violation of the law and may be subject to enforcement as outlined in Sections 17-21 of *the WRAP Act*.

The first step for all businesses that are resident in Manitoba is to determine if they are obligated under The WRAP Act.

¹ For definitions of key terms associated with this program, please see Appendix A of this guidebook.

Is Your Company or Organization a Steward?

Stewards are companies and organizations that may have responsibilities under The WRAP Act and may be regulated by the Rules. A Steward is a company or an organization that meets the criteria outlined below.

Is Carrying on Business in Manitoba

A body corporate is deemed to be carrying on its business or undertaking in Manitoba if

- (a) it has a resident agent or representative, or a warehouse, office or place of business in Manitoba; or
- (b) its name or any name under which it carries on business, together with an address for the body corporate in Manitoba, is listed in a Manitoba telephone directory; or
- (c) its name or any name under which it carries on business, together with an address for the body corporate in Manitoba, is included in any advertisement advertising the business or any product of the body corporate; or
- (d) it is the registered owner of real property situate in Manitoba; or
- (e) it otherwise carries on its business or undertaking in Manitoba.

For further details on determining if your company is resident in Manitoba, please see Appendix A of the Rules.

The Rules allow Brand Owners that are not resident in Manitoba to volunteer to become Stewards on behalf of their brands for which a first importer in Manitoba would otherwise be the obligated Steward. Voluntary Steward Agreements will be accepted from any company regardless of their Gross Revenue in Manitoba and if the reported DPPP obligation result in less than \$250.00 in fees. However, Voluntary Stewards must agree to waive any and all rights to an exemption under Section 6 of the Rules. Appendix B provides more information and the details on becoming a voluntary Steward.

Is a "Brand Owner," "First Importer," or "Franchisor" of one or more products with DPPP that are sold or distributed in Manitoba

For the purposes of this program, a "Brand Owner" and/or "Franchisor" is considered to be:

- a company/organization or person that is a registered trademark holder or licensee of a trademark (brand); or
- a company or person that owns or is the licensee of intellectual property rights of a brand of Printed Material or product.

If you or your company's brand or trademark is on any product or product Packaging and/or Printed Materials, then you or your company are the brand owner of that product and Packaging or Printed Material. This category also includes non-profit entities such as municipalities, provincial agencies, colleges, and universities. See Regulation 195/2008 Definition of "Prescribed Activity".

A "Franchisor" is designated as a Steward for all Printed Paper, Service Packaging, and the Packaging of all goods that it may use or apply at any point within the entire Franchise System.

The Rules designate that a "First Importer" is a Resident in Manitoba company or person that is the first company or person to take ownership (title) of products into the province where the Brand Owner is not resident in Manitoba. The products involved may be imported from other Canadian provinces or from outside of Canada. A "First Importer" is designated as a Steward only in the event that there is no designated "Brand Owner" or "Franchisor" in the applicable data year.

- (1) In the event there is more than one Brand Owner for the same DPPP, the Brand Owner or First Importer more directly connected to the production of the DPPP shall be the obligated Steward, provided that in the case of a Franchisor who is Resident in Manitoba, the Franchisor shall be the obligated Steward;
- (2) In the event that consumer products containing two or more independent brands are packaged together for sale in Manitoba, then the Brand Owner more closely associated to the joint packaging shall be the obligated Steward for such joint Packaging;
- (3) In the event there is not an identifiable brand for a particular DPPP and if the manufacturer of the good is Resident in Manitoba, the manufacturer of such good shall be the obligated Steward for such DPPP, otherwise the First Importer shall be the obligated Steward for such DPPP;
- (4) Any person who Supplies Service Packaging to consumers in Manitoba in the Data Year is the obligated Steward; and
- (5) Any person who is a Voluntary Steward in the Data Year.

Please be sure to review the definition section of the Rules for greater clarity. The Rules are available on the MMSM website at: www.stewardshipmanitoba.org.

Uses or supplies DPPP to products as Packaging or Printed Materials that go to Manitoba consumers and may enter the residential waste stream

DPPP includes Packaging and/or Printed Material that accompanies consumer goods which are usually meant for purchase by residential consumers, are likely to enter the home and ultimately, be managed by residential municipal waste management systems.

DPPP does not include materials that are used in industrial, commercial and/or institutional settings or materials that employees may dispose at work (where they may be managed by private waste haulers).

The Rules define DPPP very broadly, as "Designated Packaging and Printed Paper Supplied to consumers in Manitoba."

Table 2: Designated Packaging and Printed Paper Definitions

<p>Designated Packaging and Printed Paper (DPPP) Definitions:</p> <p>Packaging means any package or container, or any part of a package or container that is comprised of glass, metal, paper or plastic, or any combination of those materials and includes, but is not limited to Service Packaging</p> <p>Printed Materials means any material that is not packaging, but is printed with text or graphics as a medium for communicating information, and includes telephone directories but does not include:</p> <ol style="list-style-type: none"> 1. other types of bound reference books; 2. bound literary books; or 3. bound textbooks
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If your company or organization is resident in Manitoba, is a brand owner, first importer or franchisor and it supplies Packaging or Printed Materials that consist of DPPP, then your company or organization is considered to be a Steward. All Stewards are required to register with MMSM.

If your company is not responsible for any Packaging around the products that it sold, nor was it responsible for any Printed Paper or it had less than \$750,000 in combined gross annual sales in Manitoba in all applicable data years, then it is not legally required to register with MMSM. However, companies that do register ensure that they:

- receive an official notice of exemption for the current year (please be aware that MMSM does not issue exemption numbers); and
- receive electronic updates on the program and be aware of changes to the Rules.

Is Your Company or Organization an “Obligated” Steward?

If your company or organization is a Steward, it may also be an “obligated Steward.” Obligated Stewards are legally required to fulfill the requirements outlined in PPP Regulation and the Rules of the Packaging and Printed Paper program.

Your company is an obligated Steward if it uses or Supplies DPPP and if it:

Had gross Manitoba revenues greater than \$750,000 in the each applicable “data year”. (Please see table 1 for all applicable Data years)

A Steward is “obligated” if it and/or its Affiliates and Franchisees had gross revenues of more than \$750,000 from the combined sale of all its products and services in Manitoba during ANY data year, and is then an “obligated” steward for the corresponding obligation year. All sales in the consumer as well as industrial, commercial and institutional markets shall be included for the purposes of determining Gross Revenues in Manitoba.

For most Stewards, Gross Revenues in Manitoba refer to the combined gross revenues from the sale of all the company’s and it’s Affiliates’ products and services in Manitoba from January 1 to December 31 in a stated data year. For retailers, Gross Revenues refer to all revenue from services provided and the cost of merchandise sold.

All “non-profit entities” are considered to be obligated stewards if they **meet the Packaging and/or Printed Material conditions above**, regardless of sales volumes.

Every obligated Steward is required to register and file a Steward’s Report with MMSM for the data year in which it meets these criteria.

Are You Ready to Register with MMSM?

Complete the checklist below to make sure you have collected the needed information, and then register.

Table 3: Registration Checklist

Do you have the following in place?	
√	Primary contact (individual authorized to act on behalf your organization with respect to its legal obligations) - you will need the primary contact’s name, email, title and phone number
√	Correct company address information
√	Ability and authorization to answer yes or no to the following question: is your company a Brand Owner or First Importer (into Manitoba) of products whose Packaging and /or Printed Paper are managed through the Manitoba residential waste system?
√	Ability and authorization to answer if your company’s and its Affiliates’ combined Gross Revenue in Manitoba from the sale of all products and services in the consumer, commercial and institutional markets for all applicable data years were less than or greater than \$750,000.

Register Now!

If you or your organization or company is a Steward please register now.

Three Steps to Registration

Step 1: Navigate to MMSM’s Website

Open an internet browser. Type: www.stewardshipmanitoba.org in the address bar (at top).

Step 2: Navigate to MMSM’s “Steward Registration” page

Click on <Steward Registration> in the top navigation bar at www.stewardshipmanitoba.org. From there, click on <register here> or type into your address bar: <https://mmsmdatasystem.ca/registration/>

Step 3: Enter Company Information

To enter company information, read the instructions on the form and scroll to the register fields:

- type in basic company information;
- identify a “primary contact” who will complete four simple questions to register;
- click on <Submit>.

If your company/organization is a non-profit Steward, please indicate on the screen if your company had had Gross Revenue in Manitoba of more than \$750,000 for all data years in order to move to the next screen.

Following registration, MMSM will email a reply within 15 minutes to the primary contact with one of the following:

- a **Steward Number, login ID, and password** for companies that are obligated to file at least one Steward's Report. Its subject line will read: MMSM Registration Accepted. *Please be sure to keep your MMSM identity information handy in your records and for use in all future years;*

OR

- a **declaration of exemption**, indicating that your company is exempt from filing a Steward's Report because its Gross Revenue in Manitoba in all data years were less than \$750,000 and/or your company did not generate DPPP. You will not receive a Steward Number, login ID, and password.

Note: if your company is applying for Voluntary Steward status, you will not receive a Steward Number, login ID and password at this point. Instead, the primary contact will be asked to apply for Voluntary Steward status. System information will be provided upon authorization of the application.

Your Next Step

If your primary contact receives a Steward Number, login ID and password, this means that your company must file an annual Steward's Report with MMSM and may be required to pay fees. Please see Guidebooks 2 and 3 for information on preparing and filing your Steward's Report.

If you were sent an email declaring your exemption you do not need to proceed further.

For More Information

Multi-Material Stewardship Manitoba

Tel. : 1-877-883-5828

Email: customerservice@stewardshipmanitoba.org

<http://www.stewardshipmanitoba.org>

Appendix A: Glossary of Terms

Annual Obligation – Total monetary amount that a Steward of Packaging and Printed Paper is required to contribute to the cost of Manitoba Packaging and Printed Paper Programs

Data Year – means the calendar year January 1 to December 31 for all applicable years (see Table 1)

Exemption – threshold described in the Rules. Companies with sales in the Data Year of less than \$750,000 are exempt from filing a Steward’s Report for the associated obligation year.

MMSM – Multi-Material Stewardship Manitoba is the governing organization formed to enable Stewards to discharge their obligations for packaging and printed paper.

Obligated Steward – A designated Steward that is obligated to file a Steward’s Report and may be obligated to pay fees

Obligation year – Calendar year during which fees may be due to MMSM

Paper Packaging – Includes corrugated and boxboard containers, gable top cartons, aseptic boxes, paper laminants and other paper Packaging

Packaging and Printed Paper (PPP) – Printed Paper and Packaging materials (that are comprised of glass, metal, paper, or plastic) that are managed in the residential solid waste stream (whether or not they are currently collected in a municipal program)

Packaging and Printed Paper (PPP) Program Plan– the document that sets out the Packaging and Printed Paper program as required in Manitoba’s Packaging and Printed Paper Stewardship Regulation 195/2008

Printed Paper - means any material that is not packaging, but is printed with text or graphics as a medium for communicating information, and includes telephone directories but does not include:

- other types of bound reference books;
- bound literary books; or
- bound textbooks;

Registration – Process by which all potential Stewards provide basic company and contact information to MMSM

Rules – Rules made by MMSM under the Packaging and Printed Paper Regulation 195/2008 respecting Designated Packaging and Printed Paper.

Service Packaging - means packaging that is filled or applied at the point of sale to enable or facilitate the delivery of goods by a retail seller or food service industry or other service industry outlet

PRO – Producer Responsibility Organization

Steward’s Reports – means a report prepared by a Steward in the form set out in Appendix A to these Rules, and Filed in accordance with these Rules, which describes the aggregate amount of DPPP, expressed in kilograms or units by category, Supplied by the Steward and its Franchisees or Affiliates during the Data Year

Steward – Name given to obligated person or company who is a brand owner or first importer of Packaging and Printed Paper

Voluntary Steward – Any person who elects to become the Steward of DPPP which otherwise would be the responsibility of another Steward shall be deemed a Steward upon execution of a contract with MMSM

Waste diversion – Reduction, reuse and recycling of solid non-hazardous waste

WRAP – *Waste Reduction and Prevention Act, (2008)*

Appendix B: How to Become a Voluntary Steward

The "Rules" allow companies or organizations that are brand owners that are not resident of Manitoba to elect to become Stewards respecting Designated Packaging and Printed Paper Waste that would otherwise be the responsibility of another Steward.

The purpose of the Voluntary Steward Rule in the DPPP is to allow for the opportunity for a company to accept reporting responsibilities and make payments on behalf of another company that would otherwise be the Steward in order to reduce administrative burden on the other Steward.

Companies or organizations must meet the following conditions to become a voluntary Steward for the 2013 obligation year.

- be an **out of province Brand Owner**, and
- agrees to waive any and all rights an obligated steward has to an exemption under Section 6 of the Rules.

To be designated as a Voluntary Steward, an out of province brand owner must export consumer goods for distribution in Manitoba. The Voluntary Steward applicant needs to:

1. Review MMSM's Voluntary Steward Procedures
2. Register with MMSM
3. Complete the Voluntary Steward Agreement form; and
4. Have its application reviewed and approved by MMSM.

For more information, contact Customer Service at customerservice@stewardshipmanitoba.org.

Appendix C: Examples of Packaging and Printed Paper Materials

Product	Packaging and Printed Paper Material
Tray of cookies from the grocery store bakery section	<ul style="list-style-type: none"> ▪ polystyrene tray/box ▪ paper ▪ paper or plastic carry-out bag
Cosmetics gift set	<ul style="list-style-type: none"> ▪ boxboard box ▪ clear plastic lid ▪ plastic tray liner/insert; ▪ 1 glass bottle, ▪ 1 plastic tube ▪ cotton ribbon ▪ plastic carry-out bag
A book ordered through the mail or internet	<ul style="list-style-type: none"> ▪ envelope containing invoice ▪ invoice ▪ printed promotional materials (glossy or otherwise) ▪ corrugated paper box ▪ any Packaging inside the box such as plastic bubble wrap, crumpled paper, foam protectors such as peanuts etc ▪ plastic overwrap; ▪ Note: the book itself is not a designated Packaging and Printed Paper waste
Home assembled shelving unit	<ul style="list-style-type: none"> ▪ corrugated paper box ▪ polystyrene foam protective forms ▪ plastic bag overwrap ▪ instruction manual ▪ warranty cards
Computer monitor	<ul style="list-style-type: none"> ▪ outer corrugated box ▪ inner polystyrene foam protection ▪ plastic bags ▪ instructional material ▪ promotional information
Pair of Running Shoes	<ul style="list-style-type: none"> ▪ outer boxboard box ▪ inner tissue paper ▪ plastic service bag
Paper towels- 2 pack	<ul style="list-style-type: none"> ▪ outer plastic film over-wrap ▪ inner boxboard cores x 2 units
Microwave	<ul style="list-style-type: none"> ▪ outer boxboard box ▪ plastic bags ▪ instructional material ▪ polystyrene peanuts ▪ warranty card
Sinus/Cold Medicine	<ul style="list-style-type: none"> ▪ outer boxboard box ▪ HDPE bottle ▪ Printed paper instructions
Cellular Telephone Charger	<ul style="list-style-type: none"> ▪ Plastic blister package ▪ inner boxboard insert ▪ instructional material

This list is *not comprehensive*, but is intended to help illustrate the form that DPPP materials may take.