



INSPECTION POLICY



Author: Alberta Recycling Management Authority

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CONTACT US

ADDRESS

10020 108 St NW,
Edmonton, AB, Canada T5J 1K6

MAILING ADDRESS

P.O. Box 189
Edmonton, AB, Canada T5J 2J1

LOCAL

780.990.1111

TOLL FREE

1.888.999.8762

INQUIRIES

epr@albertarecycling.ca

OBJECTIVE OF POLICY

Alberta Recycling Management Authority (the "**Authority**") is dedicated to working closely with EPR Participants and the Ministry to advance a circular economy and a waste free Alberta, in accordance with the principles of fairness and transparency.

"EPR Participant" means a producer, producer responsibility organization, processing facility, or a community which is registered with the Authority as well as all individuals and entities who are obligated to register with the Authority pursuant to the *Extended Producer Responsibility Regulation*, Alta Reg 194/2022. .

"Ministry" means the Alberta Ministry of Environment and Protected Areas, as may be renamed or reorganized from time to time.

The Authority takes a risk-based approach for audits, inspections, reviews, or investigations for the purpose of verifying a EPR Participant's compliance with the Authority's bylaws ("**Inspections**"). This approach focuses on the risks that arise from non-compliance and uses an assessment of those risks to guide the selection of EPR Participants for Inspection. A risk-based approach allows for appropriate priority setting and efficient allocation of resources. The Authority seeks to minimize the burden of EPR Participants while maximizing the effectiveness of the circular economy through this risk-based approach.

The Authority will ensure that all Inspections are conducted in a professional, impartial, consistent, and transparent manner and in accordance with the Procedural Fairness Policy.

SCOPE OF POLICY

This Policy outlines the Authority's procedures for Inspections conducted for the purpose of verifying compliance with the Authority's bylaws.

This Policy does not apply to Inspections for the purpose of verifying compliance with:

- (a) the *Extended Producer Responsibility Regulation*, Alta Reg 194/2022; or
- (b) the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.

The Ministry is the responsible authority for conducting such Inspections.

RISK ASSESSMENT

Risk Assessment

1. The Authority shall use a risk-based approach to guide the selection of EPR Participants for Inspections.

2. The Authority shall develop a risk-assessment to categorize the risk of bylaw contraventions based on the likelihood of non-compliance and potential impact of non-compliance. This risk assessment shall consider:

- (a) the risk of the non-compliance with the bylaws;

This includes consideration of potential level of environmental harm and financial harm for different types of non-compliance with the bylaws. The potential risk will be impacted by factors such as the type of EPR Participant, the volume of designated material managed by the EPR Participant; and the importance of compliance with the bylaw to the overall EPR regulatory scheme.

- (b) the level of knowledge and understanding of the EPR Participants of their obligations to comply with the bylaws, their capacity to comply; their attempts to comply and their previous compliance performance; and

- (c) the reason for non-compliance.

3. The Authority will ensure that its approach to Inspections is proportionate. The frequency and cost of Inspections will be determined with consideration of the risk assessment above.

4. Regardless of the risk assessment, the Authority may select a EPR Participant for Inspections if:

- (a) the Authority has identified or received information identifying the EPR Participant's non-compliance with the bylaws;

- (b) the Authority has a reasonable belief that the EPR Participant may not be in compliance with the bylaws; or

- (c) the purpose of the Inspection is to confirm compliance with an earlier Inspection or compliance enforcement activity.

Inspections

5. The Authority may:

- (a) request all relevant and supporting records from the EPR Participant;

- (b) request that the EPR Participant to clarify, explain or recalculate any information submitted in support of a compliance claim or annual report; and

- (c) use a third party to assist the Authority in reviewing the EPR Participant's records and verifying the EPR Participant's compliance with the bylaws.
- 6. If the Authority intends to conduct an on-site Inspection, the Authority shall:
 - (a) notify the EPR Participant and facility that they have been selected for an on-site Inspection;
 - (b) provide at least 24 hours notice prior to the Inspection; and
 - (c) provide the EPR Participant and the facility with a list of items and activities which shall be inspected as well as the expected duration of the Inspection.

Enforcement

- 7. Following an Inspection, the Authority shall:
 - (a) draft a report on the conclusion of the Inspection and identify any non-compliance with the bylaws;
 - (b) if applicable, appoint a Compliance Director to determine the appropriate enforcement action in compliance with the Procedural Fairness Policy; and
 - (c) notify the EPR Participant of the conclusions of the Inspection and next steps in compliance enforcement, if applicable, in accordance with the Procedural Fairness Policy.

Policy Review

- 8. The Authority shall periodically review this Inspection Policy considering the Authority's objectives, evolving industry practices, and regulatory changes.