



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 492

An Act to combat waste

Introduction

**Introduced by
Mr. Joël Arseneau
Member for Îles-de-la-Madeleine**

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EXPLANATORY NOTES

The purpose of this bill is to combat waste in Québec by establishing a national strategy to combat waste consisting of a set of actions implemented by the Government, private enterprises, organizations and other social stakeholders to combat waste. The national strategy sets a target of halving food waste production by 2030.

To that end, the bill provides for an obligation for processors, distributors and retailers of food products to offer organizations the opportunity to enter into donation agreements with respect to their unsold products that are still fit for human consumption, could be used for animal feed or could be used for compost purposes for agriculture or for energy recovery. The bill also provides for the same obligation for manufacturers, distributors and retailers of non-food goods with respect to their recoverable unsold products.

The bill establishes a public register to record, among other things, the annual quantity of products unsold by every manufacturer, processor, distributor or retailer, the agreements entered into under this Act and the annual quantity of products that have been processed under each agreement.

The bill also grants the Minister the power to require manufacturers, processors, distributors and retailers who, despite serious efforts made, have been unable to enter into an agreement with a recognized organization to enter into an agreement with respect to their unsold products with Recyc-Québec.

Moreover, the bill prohibits voluntarily causing to be unfit for human consumption any food product or intentionally destroying or rendering unusable any other good that could otherwise have been the object of an agreement under this Act.

In addition, the bill enshrines the right to repair, which imposes an obligation on every merchant and manufacturer to make available, at a reasonable price and on reasonable conditions, the replacement parts, tools and repair services required for the maintenance or repair of a good that is the object of a contract. This right applies for as long as the good is available on the market or for a reasonable length of time after the contract was entered into, whichever is most

advantageous for the owner of the good, and includes making available, free of charge, a repair manual for a good as long as the good is available on the market.

The bill also establishes the Repair Fund, which is dedicated to financing the implementation and management of measures and programs aimed at encouraging Québec consumers to repair their goods and at accelerating the development of high-potential companies in the circular economy sector.

To do so, the bill establishes the sums to be credited to the Repair Fund and entrusts the Fund's management to the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks.

Lastly, the bill amends the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation to harmonize the enforcement measures with the other laws under the responsibility of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6).

Bill 492

AN ACT TO COMBAT WASTE

AS, according to the principles set out by the Charter of human rights and freedoms (chapter C-12), every person has the right to live in a healthful environment in which biodiversity is preserved;

AS waste may constitute a threat to the quality of the environment and to biodiversity;

AS one of the targets of the Kunming-Montreal Global Biodiversity Framework adopted in 2022 is to halve global food waste by 2030;

AS waste has environmental, economic and social consequences and production and consumption patterns must be changed to make them more viable and responsible;

AS those whose actions degrade the environment must bear their share of the cost of measures to prevent, reduce and control environmental damage;

AS combatting waste is consistent with the aims of sustainable development, maintaining environmental integrity, ensuring social equity and increasing economic efficiency;

AS it is appropriate to affirm Québec society's desire to act in a coordinated manner and pursue a course of action designed to combat waste;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND DEFINITION

1. The object of this Act is to limit waste in Québec and to prevent its causes.

To that end, this Act establishes a national strategy to combat waste.

2. For the purposes of this Act, “waste” means the act of consuming a product incompletely or unnecessarily.

CHAPTER II

NATIONAL STRATEGY AND ACTION PLAN TO COMBAT WASTE

3. For the purposes of this Act, a national strategy to combat waste is established.

4. The national strategy is intended to reduce waste, including through the adoption of a target of halving food waste production by 2030.

5. The national strategy consists of a set of actions implemented by the Government, private enterprises, organizations and other social stakeholders to combat waste.

These actions must reduce waste at its source and bring about changes in production and consumption patterns to make them more viable and responsible.

6. In order to achieve the goals set out in the national strategy, the actions, to the extent provided for by law or on the conditions determined by the Government, must be oriented along the following four axes:

(1) preventing waste by making the companies that are at its source accountable;

(2) ensuring manufacturers, processors, distributors, retailers and organizations collaborate in an eco-efficient approach;

(3) encouraging responsible consumption and guaranteeing the right to repair; and

(4) accelerating the development of high-potential companies in the circular economy sector.

7. After consultation with civil society stakeholders, including researchers, companies and environmental organizations, the Minister develops and proposes to the Government an action plan to combat waste.

The action plan must in particular provide for measures designed to promote the re-use of materials and development of new technologies in the construction industry.

The Minister ensures the implementation of the action plan and coordinates its execution.

8. The municipalities contribute to the implementation of the national strategy and encourage behaviours that are more respectful of the environment, as well as better residual materials management and consumption practices.

9. The Government establishes, by regulation, the indicators needed to attain the target of halving food waste production by 2030.

10. The Minister must submit an annual report to the Government on the activities carried out within the scope of the government action plan. The Minister may, for that purpose, request from the other ministers concerned specific reports concerning the activities carried out in their fields of competence. The Minister must make the report public within 60 days after submitting it to the Government.

CHAPTER III

AGREEMENTS WITH RESPECT TO UNSOLD PRODUCTS

DIVISION I

OBLIGATIONS OF MANUFACTURERS, PROCESSORS, DISTRIBUTORS AND RETAILERS

11. Every processor, distributor or retailer of food products must offer one or more recognized organizations the opportunity to enter into a donation agreement with respect to its unsold products that are still fit for human consumption, could be used for animal feed or could be used for compost purposes for agriculture or for energy recovery.

The offers must be made on a priority basis to local and regional organizations.

12. Every manufacturer, distributor or retailer of non-food products must offer one or more recognized organizations the opportunity to enter into a donation agreement with respect to its recoverable unsold products.

The offers must be made on a priority basis to local and regional organizations.

13. The Minister may, by regulation, exempt, in whole or in part, from the application of this Act any class of persons or goods that the Minister determines and fix conditions for the exemption.

14. The Minister establishes a list of recognized organizations. The Minister may, by regulation, determine the conditions that must be met for an organization to be recognized.

15. The Minister may require any manufacturer, processor, distributor or retailer to provide, in the form and within the time the Minister determines, any information on its unsold products, the steps taken to enter into a waste reduction agreement or any other information the Minister considers relevant for the application of this Act.

16. The Minister may require any manufacturer, processor, distributor or retailer who, despite serious efforts made, was unable to enter into an agreement with a recognized organization to enter into an agreement with respect to its unsold products with the Société québécoise de récupération et de recyclage.

17. The Minister may establish donation quality monitoring and control mechanisms and designate persons responsible for their application.

DIVISION II

PUBLICATION OF AGREEMENTS

18. Within three months of entering into an agreement, the manufacturer, processor, distributor or retailer sends the Minister a copy of the agreement.

19. The Minister establishes and keeps up to date a public register containing, in particular, the following information:

(1) the annual quantity of unsold products for every manufacturer, processor, distributor and retailer;

(2) the names of the parties and the term of any agreement entered into under this Act;

(3) the annual quantity of products processed under each agreement; and

(4) the name of every manufacturer, processor, distributor or retailer found guilty of an offence under section 32 and the nature of the offence.

The Minister communicates the information referred to in subparagraphs 1 to 3 of the first paragraph to the Société québécoise de récupération et de recyclage.

20. The donation agreements entered into under this Act are not subject to the formal and publication conditions provided for in article 1824 of the Civil Code.

CHAPTER IV

RIGHT TO REPAIR

21. A merchant or manufacturer must make available, at a reasonable price and on reasonable conditions, the replacement parts, tools and repair services required for the maintenance or repair of a good that is the object of a contract for as long as the good is available on the market or for a reasonable length of time after the contract was entered into, whichever is most advantageous for the owner of the good.

A price is considered to be reasonable where it is the price of a similar part or tool on the market, given its nature, manufacturing cost and quality.

22. A merchant or manufacturer must make available, free of charge, a repair manual for a good as long as the good is available on the market.

23. A merchant or manufacturer who is unable to meet the obligations under sections 21 and 22 must offer, to the owner of the good, to replace a defective good that cannot be repaired or to refund the amount paid to acquire the good.

24. A merchant or manufacturer may not refuse to perform a warranty on the grounds that the good was repaired by someone other than the merchant, the manufacturer or a third person designated to perform the warranty.

Likewise, a merchant or manufacturer may not refuse to perform a warranty on the grounds that the warranty seal affixed by the manufacturer was removed.

CHAPTER V

REPAIR FUND

25. The Repair Fund is established.

The Fund is dedicated to financing the implementation and management of measures and programs to encourage Québec consumers to repair their goods and to accelerate the development of high-potential companies in the circular economy sector.

For those purposes, the Fund is dedicated to financing any measure the Minister may carry out within the scope of the Minister's functions, in particular as regards

(1) accelerating the development of high-potential companies in the circular economy sector;

(2) launching an offering of blended finance products in association with responsible Québec-based private investment funds that invest in the circular economy sector; and

(3) financing activities, projects or programs to encourage Québec consumers to repair their goods.

26. The Minister is responsible for managing the Fund. Within the scope of that management, the Minister sees to it that the sums credited to the Fund for the matters referred to in section 25 are dedicated to measures that relate to such matters.

27. The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister out of the appropriations granted for that purpose by Parliament;

(2) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(3) gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(4) any other sum provided for by law or government regulation; and

(5) the revenue generated by the investment of the sums credited to the Fund.

28. The Fund's financial data and a list of the measures financed by the Fund must appear under a separate heading in the department's annual management report.

The financial data under the heading must include

(1) the expenditures and investments debited from the Fund; and

(2) the nature and evolution of revenues.

29. The Fund's financial statements are audited each year by the Auditor General.

CHAPTER VI

MONETARY ADMINISTRATIVE PENALTIES

30. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on any processor, distributor or retailer of food products who

(1) fails to make serious efforts to enter into an agreement under sections 11 and 12;

(2) fails to provide the information requested by the Minister under section 15; or

(3) fails to provide a copy of the donation agreement as provided in section 18.

31. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.

CHAPTER VII

PENAL PROVISIONS

32. Anyone who

(1) voluntarily causes to be unfit for human consumption food products that could otherwise have been the object of an agreement under this Act,

(2) intentionally destroys or renders unusable any other good that could otherwise have been the object of an agreement under this Act, or

(3) provides information or documents that must be provided under this Act or the regulations that are erroneous, falsified or misleading,

commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

33. In determining the penalty, the judge takes into account, in particular, the offender's financial ability, given the size of the offender's undertaking and the offender's assets, turnover and revenues.

34. Every person who, by act or omission, aids a person in the commission of an offence is guilty of the offence as if they had committed it themselves.

The same rule applies to a person who, by incitation, counsel or order induces another person to commit an offence.

35. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to this chapter and to the penal provisions provided by regulation.

CHAPTER VIII

CLAIMS AND RECOVERY

36. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.

CHAPTER IX

INSPECTIONS AND INVESTIGATIONS

37. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

CHAPTER X

AMENDING PROVISIONS

ACT RESPECTING CERTAIN MEASURES ENABLING THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION

38. Section 1 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) is amended by adding the following subparagraph at the end of the first paragraph:

“(7) the Act to combat waste (*insert the year and chapter number of this Act*).”

CHAPTER XI

FINAL PROVISIONS

39. The Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks is responsible for the administration of this Act.

40. This Act comes into force on (*insert the date of assent to this Act*).