

"Bill 90"

To Government:

I would like to voice my concerns regarding Bill 90. The government is punishing the wrong people. This bill is not going to achieve what you want. It is only going to cost us in time and money. We already take information from our customers and have done so for years.

We do not want stolen merchandise on our property. We work with and help the R.C.M.P. when we can. It is not fair to put the blame for this problem on our business. We are not the criminals.

A lot of us are small business, we cannot afford your fines. It is hard to get employees to get total information all the time. You will be forcing some of us to close and putting people out of work.

I would like to thank our association for working on our behalf. It is hard for a lot of us to ~~to~~ come to Halifax on short notice.

Thank you for your time and consideration.

Lee Bennett
L.W. Layton Salage

Good Afternoon Committee Members:

My name is Licia Wack and my husband is Andy Hutt, we have owned an Enviro-Depot in Greenwood for last 14 ½ years and it does not purchase metals. We loved the business and recycling. Last year, we bought another Enviro-Depot in New Minas from Frieda & Gerd Burger who were in the industry forever and were retiring. We invested our life savings plus we have a huge mortgage and it does buy metals. We need the metal sales of this business to make the Enviro-Depot work because of the high value of real estate in New Minas. Our son, Michael who is here today is the operating manager in New Minas and my husband couldn't be here as he is managing the depots today.

We are community-minded businesses. For myself, in addition to the being secretary for the Eastern Recyclers Association, I belong to two local chambers of commerce, I was twice elected Fire Commissioner for the Aylesford Fire Dept. until I moved from the area and at the depot we collect for over 60 charities. Others do the same in their community; besides being employers, we are community members and sponsors.

After buying this business, in July of last year, suddenly our family is being faced with a \$50,000 fine if we or a staff member make a mistake. \$50,000, we're a small family business with 12 employees between the two depots. The person who stole the item will get what...probation? I am sorry, but the punishment does not fit the crime. It is very lopsided to the point of being and I have to be frank and say insulting. The fine, paints our businesses very unfairly to the public as being the villains.

Nobody is happy with these copper thefts and the environmental damage it is causing. Personally, I would like to see the NDP gov't to fund a hot-line similar to CARI's in Ontario, updated by the RCMP. I believe this would be more cost effective and productive not only to curb thefts as thieves become aware of a hot line, but get also get convictions on the real thieves, when they show up with a key word being "**now**" known stolen item.

I feel comfortable in saying; we are all for a system that curbs theft in the first place, this legislation though is not going to do it at all IMO. Rather than legislation, I believe that the industries working together ie NSP, Insurance industry, ERA, CARI & the RCMP would have a tremendous impact.

Thank you for your consideration.

Respectfully,

Licia Wack

Honorable Minister, Committee Members, ladies and gentlemen, my name is Bruce Rogers, Executive Director – Eastern Recyclers Association (ERA).

The ERA is an industry group that represents the Enviro Depots operating in Nova Scotia and the similar centers operating in New Brunswick.

There are 80 depots in Nova Scotia and many of them take back metals. The depots are some of the smallest businesses operating in NS. They are mainly rural and are basically “Mom and Pop” operations. The main source of revenue for depots is through the handling fee they get through the RRFB for handling beverage containers.

Over the years we have encouraged depots to take on additional products to enhance their livelihood. This includes metals, batteries, etc.

We understand the metal theft issue and have been proactive in trying to address the problem.

I want to be very clear as an industry group; our membership does not condone theft of any description.

We met twice last May with the NS Power Security. We asked them to speak to our membership at our Annual General meeting and also had an RCMP Inspector speak on the metal theft issue. We thought that being proactive to address the concern would show our commitment and lead to dialogue and some actionable results.

I would also point out that many of our members have been victimized by metal theft as well. The metal theft issue is not unique to NS and is a worldwide problem that legislation has not curbed.

We had hoped to meet in a consultative environment with NS Power and other stakeholders to arrive at an acceptable solution however staff changes at NS Power and the proposed legislation now leaves us with little say, added cost and it is questionable whether the metal theft will stop.

I would like to comment on the consultative approach to the theft issue. We were advised by the press on Oct 5th that government was drafting an act to deal with scrap metal. We had 16 days to respond. We sent in a quick brief expecting some kind of dialogue. The emailed response back on Nov 4th thanked us for our comments and stated we would be consulted at the regulatory process.

This seems like a done deal with very limited industry involvement and questions the approach to a problem that does not consider the impact on small business.

Depot owners who have cooperated with police in the past, in some cases successfully to apprehend thieves, must now expend additional resources to detail, track and store a paper trail of

information. Many of our members currently get the license plate number of suspicious customers. Now the info will be more detailed and owners subject to a major fine.

The penalties proposed and excessive to a small business owner and could lead to business closure and financial ruin. A fine of \$ 5,000 to \$ 15,000 could close a business whose total revenue is say \$ 80,000. What is the penalty for the thief?

The solution to the theft issue should have been a legitimate consultative session of the stakeholders and subject to no resolution, then legislate. There are technologies available today that companies can take to better protect their property.


Regulations, this is a major issue of concern as depot owners will be encumbered with additional cost as the details become clearer at a later date. The regulatory avenue is not subject to a full scrutiny by all members. We do not know if we will be asked to participate and have a meaningful opportunity to be heard. The metal market is very price sensitive and the prices change hourly, any regulations that impact timing of sale on products purchased can be financially devastating.

Let there be no mistake, depots will bear additional cost with no chance to recoup the expense of this legislation

Our frustration as small business owners comes from government – the handling fee is set by a quasi - government board, RRFB; the minimum wage is set by government and deposit / refunds on beverage containers are legislated by government.

We operate in a regulated industry. The minimum wage increases out paces the handling fees received by 40 %. The deposit / refund rates have not changed in the past 16 years. Many depot owners are themselves working for less than minimum wage to provide a community service in most of NS.

In closing, I thank you for the opportunity to speak on behalf of our members. I hope you will consider our comments and amend the proposed legislation so that small business owners acting in good faith are not subject to financial ruin or a larger imposition than the criminals who cause havoc in our communities.


Bruce Rogers, MBA,

Executive Director,

Eastern Recyclers Association

Ph: (902) 456-5152

brucerogers@eastlink.ca

Bill #90
Safe Collection of Scrap Metal Act

CHANGES RECOMMENDED TO THE LAW AMENDMENTS
COMMITTEE BY THE MINISTER OF JUSTICE

PAGE 2, proposed paragraph 4(a), line 1 - delete "if" and substitute "when".

PAGE 2, proposed subclause 5(1), line 1 -

- (a) delete "inquiry,";
- (b) delete "or investigation".

PAGE 2, proposed subclause 5(2),

- (a) **line 1** - delete "inquiry,";
- (b) **line 1** - delete "or investigation";
- (c) **subparagraph (a)(i),**
 - (i) **line 1** - delete "inquiry,";
 - (ii) **line 2** - delete "or investigation";
- (d) **subparagraph (a)(ii),**
 - (i) **line 1** - delete "inquiry,";
 - (ii) **line 2** - delete "or investigation";
- (e) **subparagraph (a)(iii),**
 - (i) **line 2** - delete "inquiry,";
 - (ii) **line 3** - delete "or investigation";
- (f) **paragraph (b),**
 - (i) **line 3** - delete "inquiry,";
 - (ii) **line 3** - delete "or investigation"

PAGE 2, proposed subclause 5(3) -

- (a) **line 1** - delete "inquiry,";
- (b) **line 1** - delete "or investigation";
- (c) **line 3** - delete "inquiry,";
- (d) **line 3** - delete "or investigation".

PAGE 2, proposed paragraph 6(b), line 1 - add "of entry" immediately after "warrant".

PAGE 2, proposed subclause 7(1), line 2 -

- (a) delete “inquiry,”;
- (b) delete “or investigation”.

PAGE 3, proposed clause 9, subclause (1),

- (a) **line 2** - add “of entry” immediately after “warrant”;
- (b) **line 3** - add “of entry” immediately after “warrant”;
- (c) **paragraph (b), line 2** - add “of entry” immediately after “warrant”.

PAGE 3, subclause (2), line 1 - add “of entry” immediately after “warrant”.

PAGE 5 - add after Clause 13 the following:

14 Schedule B of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 30 of the Acts of 2002 and amended by Chapter 4 of the Acts of 2004, Chapter 32 of the Acts of 2007, Chapter 9 of the Acts of 2010 and Chapter 2 of the Acts of 2011, is further amended by adding the following in alphabetical order:

Safe Collection of Scrap Metal Act

PAGE 5, Clause 14 - renumber as 15.

Bill #90
Safe Collection of Scrap Metal Act

CHANGES RECOMMENDED TO THE
LAW AMENDMENTS COMMITTEE

PAGE 5 - add after Clause 13 the following Clause:

14 Within three years of the coming into force of this Section, the Minister of Justice shall review this Act and assess

- (a) the impact of the Act on the scrap metal industry; and
- (b) the effectiveness of the Act as a means of reducing the rate of theft of scrap metal.

PAGE 5, Clause 14 - renumber as 15.

DEC-02-2011 13:22 From:

9027659354

To:19026816261

P.1

To: My MLA

Re: Bill 90, Law Amendments Committee

Thank you for allowing written submissions as I was unable to personally attend, even though this proposed legislation greatly affects my business.

Our business is a member of the Eastern Recyclers Association and as a member we do NOT condone the buying of stolen materials. Our association has been working together and trying to work with stakeholders to stop metal thefts.

At our September meeting, members voted for the association to fund a core sign poster, 24 x18 inches to be posted at our place of business that says – **CRIMINALS BEWARE – WE DO NOT BUY STOLEN MATERIAL – YOU ARE ON CAMERA.** A draft sign will be made available at our up-coming January meeting to be reviewed and the final design will be printed and supplied to all ERA member Enviro-Depots that buy metals.

Our business, would like an alternative to legislation by the ERA working with the stakeholders towards a viable solution to curb thefts instead of burdening an industry with more regulations that are not even developed. The legislation has been drafted, could it not be set aside to see if the stakeholders could produce more satisfactory results, if it doesn't, adopt the legislation.

This was the avenue we were proceeding along until the change of security staff at NS Power and the surprise to us of the proposed legislation.

Most of our members Enviro Depots are small "Mom and Pop" type operations in rural NS. The penalties proposed are excessive to our small business and could lead to business closure and financial ruin if a simple mistake was made. What is the penalty for the thief? There is nothing that penalizes the thieves...nothing. The punishment doesn't fit the crime.

I hope you will consider our comments and postpone the legislation or amend the proposed legislation so our small business acting in good faith is not subject to possible financial ruin. The proposed legislation puts much more hardship on the unsuspecting buyer than the criminal.

Thank you for the opportunity to allow my business to submit comments and suggestions. We all want a viable solution to this matter.

Respectfully,

*Lucia Wozak
New Minas Recycling*

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¹⁶

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CARRIED

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DEFEATED

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Safe Collection of Scrap Metal Act

CHANGES RECOMMENDED TO THE
LAW AMENDMENTS COMMITTEE

PAGE 2 - add after Clause 4 the following Clause:

5 No person may sell to a scrap-metal dealer or recycler nor may any scrap-metal dealer or recycler accept anything that is, or would appear to a reasonable person who had made diligent inquiries to be, a copper pipe used to transmit home heating oil, unless the seller holds a valid certificate of qualification as an installer pursuant to the *Petroleum Management Regulations* under the *Environment Act*.

PAGES 2 to 5, Clauses 5 to 14 - renumber as 6 to 15.
