

**RULES FOR FIRST SELLERS**  
**VERSION 3, JANUARY 1, 2019 – MARCH 31, 2019**

**1. DEFINITIONS**

**1.1 Environmental Handling Fee (EHF):** The fee remitted on the supply of each Obligated Product.

**1.2 First Seller:** A First Seller is obligated under The Agricultural Packaging Product Waste Stewardship Regulations.

For the purpose of this document, a First Seller is a company/person that is obligated to submit regular reports on the supply of obligated products in Saskatchewan, and to remit the appropriate EHF to Cleanfarms.

**1.2.1 Registered First Seller:** A company/person that is registered with Cleanfarms and is a member in good standing. Registered First Sellers are compliant with the Regulation. A listing of Registered First Sellers is available on the Cleanfarms' web site.

**1.2.3 Voluntary First Seller:** A company/person that purchases obligated product from a Registered First Seller and has signed a voluntary stewardship agreement with Cleanfarms to take on the reporting/remitting responsibilities on behalf of the actual First Seller. For purposes of this document, any rules that apply to First Sellers also apply to Voluntary First Sellers.

**1.3 Obligated Product:** A product, covered by The Agricultural Packaging Product Waste Stewardship Regulations. Obligated Product is commonly referred to as grain bags.

**1.4 Out of province Purchase:** When a First Seller supplies obligated product to a customer outside of Saskatchewan.

**1.5 Product Return:** When the consumer takes back an obligated product to the First Seller and the consumer is reimbursed the total cost of the product including the EHF.

**1.6 Regulation:** The Agricultural Packaging Product Waste Stewardship Regulations.

**1.7 Supply:** Any sale, distribution or other supply of obligated products in or into Saskatchewan.

**EXAMPLE 1:**

Company ABC is an obligated First Seller of grain bags sold in Saskatchewan. Company ABC must register with Cleanfarms, charge an EHF on each grain bag sold to each customer and remit those fees to Cleanfarms.

**EXAMPLE 2:**

One of Company ABC's customers, Company XYZ, resells these bags into Saskatchewan, Alberta and Manitoba. But, Alberta and Manitoba bags are not subject to the EHF.

Company XYZ wishes to be a Voluntary First Seller to avoid paying EHF fees on bags sold into Alberta and Manitoba. Company XYZ must simply register as a Voluntary First Seller for all product received from Company ABC. Company ABC must agree and notify Cleanfarms of this arrangement.

Any bags sold by Company ABC to Company XYZ will not include an EHF.

Any bags sold by Company XYZ to customers in Saskatchewan will include an EHF.

## **2. FIRST SELLER OBLIGATION**

The First Seller is responsible for maintaining records of all transactions regarding obligated products, submitting reports of obligated product supply in or into Saskatchewan and remitting the appropriate EHF to Cleanfarms. First Sellers are also subject to Compliance Reviews.

## **3. RULES FOR APPLYING THE ENVIRONMENTAL HANDLING FEE (EHF)**

For any supply of obligated product, the First Seller will charge the EHF separately from the cost of the Product.

The EHF is only remitted once per obligated product and is only remitted on product supplied into Saskatchewan.

First Sellers will identify the EHF separately from the cost of the obligated product on the invoice.

The first supply of obligated product in the province is subject to reporting and EHF remittance responsibilities.

In the event that the First Seller of obligated product in the province does not comply with reporting and EHF remitting requirements, the next company/person who supplies the obligated product becomes the obligated party and must register and remit EHF fees to Cleanfarms.

A company/person that supplies product from a Registered First Seller, has the option of voluntarily taking on the reporting/remitting responsibilities on behalf of a Registered First Seller. In this case, the

Voluntary First Seller accepts full responsibility for reporting and remitting the EHF on their subsequent supply of the product.

Cleanfarms maintains a list of Registered First Sellers, known non-compliant First Sellers and Voluntary First Sellers.

*See Remittance Flow Diagram*

#### **4. FEE COMMUNICATION**

For sales to a reseller of grain bags, Cleanfarms recommends that the First Seller:

- Indicate the EHF as a separate line item on the invoice; and
- Provide the Cleanfarms-supplied “EHF Notice” directly on, or accompanying, the invoice.

For sales to a Voluntary First Seller, Cleanfarms recommends that the First Seller indicate on the invoice to the Voluntary First Seller:

- That the supply does not include an EHF; and,
- Provide the Voluntary First Seller with the Cleanfarms-supplied “Voluntary First Seller EHF Notice” directly on, or accompanying, the invoice.

For sales to a Customer who is an end user of grain bags, Cleanfarms recommends that the First Seller:

- Indicates the EHF as a separate line item on the invoice; and
- Provides the Customer with the Cleanfarms-supplied “EHF Promotion & Education pieces” directly on, or accompanying, the invoice.

#### **5. 2018/2019 ENVIRONMENTAL HANDLING FEES**

<b>Size category</b>	<b>2018/2019 EHF</b>
9x200	\$31.00
9x250	\$37.00
9x300	\$45.00
9x330	\$48.00
10x200	\$33.00
10x250	\$42.00
10x300	\$50.00
10x330	\$58.00
10x400	\$66.00
10x500	\$82.00
12x250	\$49.00
12x300	\$61.00
12x400	\$77.00
12x500	\$99.00
14x500	\$125.00

- If a size category that is not reflected in the table above is supplied, the EHF will be calculated by multiplying the weight of the grain bag by \$0.25 per kg rounded up to the nearest dollar.

## 6. REPORTING AND REMITTING

First Sellers are required to submit regular reports indicating all obligated products supplied during the reporting period and any adjustments to previous reporting periods.

Adjustments to previous reporting periods include:

- Product Returns;
- Out of Province Purchases where the EHF has been billed to the customer in error and the EHF has been fully refunded to the customer.

Nil or \$0 reports must also be filed.

Frequency of reporting is quarterly within 30 days following the close of the reporting period. Remittance is 30 days following receipt of invoice from Cleanfarms. Overdue payment of invoice may be subject to interest charges.

The 2018/2019 reporting and remittance schedule:

Reporting period	Reporting Due
Nov 1, 2018 to Dec 31, 2018	January 30, 2019
Jan 1, 2019 to Mar 31, 2019	April 30, 2019
April 1, 2019 to June 30, 2019	July 30, 2019
July 1, 2019 to Sept 30, 2019	October 30, 2019
Oct 1, 2019 to Dec 31, 2019	January 30, 2020

Direct payments should be made to Cleanfarms Inc.

Financial institution number: 003

Transit: 05422

Account number: 1011576

Cheques should be made payable to:

Cleanfarms Inc.

10 Four Seasons Place, Suite 400

Etobicoke, Ontario

M9B 6H7

## 7. APPLICABLE TAXES

The EHF is subject to GST, but not PST.

## 8. FAILURE TO REPORT

Failure to report and remit EHF's and any applicable taxes may result in any or all of the following actions:

- The application of interest on overdue amounts;
- The application of administrative fees;
- Legal proceedings to collect amounts owed;

- First Seller compliance review;
- Cancellation of registration and notification to provincial enforcement.

## **9. COMPLIANCE REVIEWS**

First Sellers must permit Cleanfarms, from time to time, to review the records of the First Seller, with respect to reporting and the remittance to Cleanfarms of the Fees pursuant to Cleanfarms' policies.

The First Seller shall make available to Cleanfarms all records and information relating to Obligated Products and remittances to Cleanfarms of Fees provided the records and information are reasonably required to perform an accurate compliance review.

First Sellers must keep records of obligated product supply and EHF remittances for compliance review purposes for seven years.

If the First Seller has under-remitted fees, administrative fees and interest may apply. In the case of over-remittances as determined by a compliance review, Cleanfarms will credit the Steward for the overpaid amount in the next quarterly report.

## **10. HOW TO REPORT AND REMIT FEES TO CLEANFARMS**

Fees are remitted to Cleanfarms on a quarterly basis following the calendar year cycle. The first reporting period will be for the months of November and December 2018.

Each First Seller will be issued a spreadsheet to fill out and submit for the reporting period. Cleanfarms will issue an invoice based on that report. Invoices are to be paid within 30 days upon receipt of the invoice. Overdue payments may be subject to interest charges.

All reports may be subject to a compliance review by an independent financial organization employed by Cleanfarms.

Following is a sample of the sales survey spreadsheet:

**Cleanfarms Inc.**  
**Saskatchewan Grain Bag Program**  
**2018 - 2019**

**Company name:** \_\_\_\_\_  
**Name of official representative:** \_\_\_\_\_  
**Reporting period (note 1):** \_\_\_\_\_ November 1, 2018 - December 31, 2018  
**Please indicate if you are reporting in Kg or Lb** \_\_\_\_\_

**Sales**

**Note 1:** First Sellers are to report product sales for the time period indicated above. These are product sales only for Saskatchewan and do not include returns or out of province sales.

Grain Bag Size	Number of Bags Shipped	Weight of Empty Bag	Fee per bag (\$)	Total Amount to be Remitted (\$)
9x200	-	-	\$ 31.00	\$ -
9x250	-	-	\$ 37.00	\$ -
9x300	-	-	\$ 45.00	\$ -
9x330	-	-	\$ 48.00	\$ -
10x200	-	-	\$ 33.00	\$ -
10x250	-	-	\$ 42.00	\$ -
10x300	-	-	\$ 50.00	\$ -
10x330	-	-	\$ 58.00	\$ -
10x400	-	-	\$ 66.00	\$ -
10x500	-	-	\$ 82.00	\$ -
12x250	-	-	\$ 49.00	\$ -
12x300	-	-	\$ 61.00	\$ -
12x400	-	-	\$ 77.00	\$ -
12x500	-	-	\$ 99.00	\$ -
14x500	-	-	\$ 125.00	\$ -
<b>TOTAL</b>	-	-		\$ -

If a size category that is not reflected in the table above is supplied into the market, First Sellers must contact Cleanfarms. The EHF will be calculated based on 25 cents/kilogram or 55.1 cents/lb, rounded up to the nearest dollar.



## 11. REPORTING AND REMITTANCE FLOW DIAGRAM

This diagram is intended to help companies determine if they are required to register, report or remit in order to be compliant with provincial regulations.

