

**Major Comments received on Draft
notification published on 18th January 2022
for amending Plastic Waste Management
Rules, 2016**

3.6.2022

Amendment Proposals to PWM Rules

Draft Notification dated 18th January 2022

Rules	Provisions
Rule 3	Definitions added to align with Guidelines for EPR and provide for inclusion of biodegradable plastics
Rule 4 (1) (d)	Exemption on plastic sheet thickness related to impaired functionality of the product
Rule 9 (1)	Obligation for EPR – alignment with EPR Guidelines
Rule 9 (4)	
Rule 9 (5)	
Rule 10	Standards and test protocols for compostable and biodegradable plastics
Rule 11(1) (a)	Marking and Labelling requirement on packaging – to bring consistency and provisions related responsibility of importers
Rule 11 (1) (b)	
Rule 11 (1) (d)	

Amendment Proposals to PWM Rules

Draft Notification dated 18th January 2022

Rules	Provisions
Rule 12 (1)	CPCB included as a prescribed authority under the PWM Rules
Rule 13 (1)	Registration requirements to align with EPR Guidelines – PIBO and PWP
Rule 13 (2)	
Rule 13 (3)	
Rule 13 (7)	
Rule 13 (6)	Removal of provision for endorsement of EPR Action Plan by State UDD
Rule 18	Addition of provision of Environmental Compensation in line with EPR Guidelines
Forms	
PIBO	Alignment of registration and reporting forms in line with EPR Guidelines
Registration importer	
Annual report for recyclers	
Annual report SPCB	

Comments on proposals contained in draft notification

Draft notification proposal	Suggestion	Remarks
Biodegradable plastics	<ul style="list-style-type: none"> Remove the word “complete” from the definition. No plastic undergoes “complete” biodegradation in specified time frame of standards (90 % or more) Remove specified time period 	<ul style="list-style-type: none"> May be accepted. Time period and level degradation are part of BIS standard.
Importers	Definition broad will include all importers in the country – products in plastic packaging	May not be accepted
Waste to Energy	Pyrolysis and Gasification are not only used for energy recovery but also for getting feedstock monomers under advanced chemical recycling	Exception may be added in the definition to the extent these processes are used for advanced chemical recycling.

Comments on proposals contained in draft notification

Draft notification proposal	Suggestion	Remarks
Rule 4 (1) (d) plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except where the thickness of such plastic sheets impair the functionality of the product “as notified by the Government.” ;	add after functionality of product “and/or the surface finish which is a critical parameter for the acceptance of the product by the customer.” “or any aesthetic structural damage like dent that makes the product not saleable or acceptable to the customer.” Functionality of product to be defined	This may not be agreed.

Comments on proposals contained in draft notification

Draft notification proposal	Suggestion	Remarks
<p>Rule 10 Protocols for compostable <u>and biodegradable</u> plastic materials</p> <p>Note: Currently, there are no international standards or validated data available for biodegradability of plastics in varied conditions. BSI PAS 9017:2020 is a test method and not a Standard.</p>	<p>Till such time BIS standard is notified, in the transition period, provisional certification to be provided based upon alignment with international standard such as BSI PAS 9017:2020, US standard ASTM D5511 for anaerobic biodegradability</p>	<ul style="list-style-type: none"> • BIS is in the process for putting in place a provisional standard which will be valid for 2 years. • A provisional certificate valid for 12 months may be issued by CPCB, to biodegradable material, as per BIS provisional standard. • The provisional certificate will be valid for two years subject to cap on fresh production of biodegradable material from 9 months onwards. • Provisional certificates is also issued for compostable plastics

Comments on proposals contained in draft notification

Draft notification proposal	Suggestion	Remarks
Rule 11: Marking and Labelling	<ul style="list-style-type: none"> Biodegradable and compostable materials to be exempted. 	<ul style="list-style-type: none"> May not be agreed. Compostable carry bags may be given a unique color code in consultation with BIS for identification.
	<ul style="list-style-type: none"> Extend the timeline for compliance by July 1, 2022 to Jan 1, 2023. 	<ul style="list-style-type: none"> May be agreed. In order to clear inventory and align supply chains
	<ul style="list-style-type: none"> Exemption from for small- sized plastics used for packing spare parts and components. 	<ul style="list-style-type: none"> Exemption for small size was given as per Rule 26 of Legal Metrology Rules. May be agreed.
	<ul style="list-style-type: none"> Substitution of plastic packaging with plastic sheet or like will exclude rigid packaging 	<ul style="list-style-type: none"> May be agreed.

Comments on proposals contained in draft notification

Draft notification proposal	Suggestion	Remarks
Rule 18 Environment Compensation	<ul style="list-style-type: none">• Provision for appeal and graded structure• To be made applicable after one year of notification of guidelines	The Guidelines for EC has already been developed by CPCB and approved by NGT. Appeal mechanism is available under NGT.

Comments on proposals contained in draft notification

Draft notification proposal	Suggestion	Remarks
Rule 9 (1) “The Producers, Importers and Brand Owners, shall fulfill Extended Producers Responsibility on plastic packaging waste as per Regulations notified from time to time”	No comments received	Language used in EPR Guidelines to replace the present text as this provision is already amended

Suggestions on already existing provisions of PWM Rules

Definitions Rule 3	Suggestion	Remarks
Manufacturer	“manufacturer” means and includes a person or unit, or agency engaged in (a) Manufacturing of plastic resins. (b) Manufacturing of plastic films as raw material for producer of plastic packaging material.	<ul style="list-style-type: none">• May not be agreed.
Plastic film	“plastic sheet” means a continuous form of Plastic material thicker than 0.25 mm (0.010 inches)	

Suggestions on already existing provisions of PWM Rules

Existing Provision in PWM Rules	Suggestion	Remarks
Rule 4 (2) “(2) The manufacture, import, stocking, distribution, sale and use of following single-use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022:-	Also to include commodities made of other material such as paper or paper board laminated or coated with a layer(s) of plastic.	This may be handled through issuance of a clarification OM.
Rule 4 (1) (h) The provision of thickness shall not be applicable to carry bags, packaging, commodities made up of compostable plastic	The exemption should also be extended to biodegradable plastic	May be agreed. Both types of plastics undergo biodegradation

Suggestions on already existing provisions of PWM Rules

Existing Provision in PWM Rules	Suggestion	Remarks
<p>Rule 2 (2)</p> <p>(2) The rule 4 shall not apply to the export oriented units or units in special economic zones, notified by the Central Government, manufacturing their products against an order for export: Provide this exemption shall not apply to units engaged in packaging of gutkha, tobacco and pan masala and also to any surplus or rejects, left over products and the like.</p>	<p>To be extended to all units manufacturing product for exports.</p>	<ul style="list-style-type: none"> • Presently only EOU and units in SEZ are exempted from restrictions under PWMR including ban on SUP. • Opening up to all units outside restricted may have implications on exercise of control and leakages in domestic market.

Suggestions for additional restrictions to be added

- Impose ban on oxo-degradable plastics as they lead production of microplastics after degradation.

THANK YOU