

Comments/Objection on Plastic Waste Management Rules, 2016

Rule	Organisation/ Association	Comments/objections/ query	Remarks
2 (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.	AIPMA	In case the manufacturer/ producer is not an export oriented unit or units in special economic zones, but has export orders, then such units should also be exempted from this notification for the specified export order.	Purpose of the clauses is that plastic carry bags, packaging, sheet or the like produced for the sale/use within the country should follow the regulation/comply with the conditions. The producer having export order but selling the products within the country you exempted will defeat the purpose of the regulation and hence such producer cannot be exempted
3(c) "carry bags" mean bags made from plastic material or compostable plastic material, used for the purpose of carrying or dispensing commodities which have a self carrying feature but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use.	AIPMA	The integral part of packaging needs to be defined in detail	the plastic bags is integral part of packaging also covered under the rules, hence the definition part needs to be amended

<p>Rule 3. (e)</p> <p>"compostable plastics" mean plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics; and does not leave visible, distinguishable or toxic residue;</p>	CII	As the residual remains after decomposition/ disintegration will have different composition as well as rate of decomposition/ disintegration, clear differentiation between Bio Polymers and Bio degradable polymers (where the biodegradation is initiated by external additives in polymers) is required.	There is no provision on Bio Polymer and Bio-Degradable polymer under the PWM rules - no need of any definition.
	Shri Vineet Sabhai	<p>The words 'Compostable plastics' are not legitimate.</p> <p>To state it does not leave visible distinguishable or toxic residue is grossly scientifically misplaced.</p>	---
(t) "recycling" means the process of transforming segregated plastic waste into a new product or raw material for producing new products;	AIPMA	The word recyclable should also be defined.	definition for recyclable to be considered
<p>Rule 3. (p)</p> <p>"plastic sheet" means Plastic sheet is the sheet made of plastic;</p>	CII	<p>The existing definition doesn't differentiates various categories of plastic used as sheet but for different purposes</p> <p>Following addition/change in definitions are suggested:</p> <p>(a) "plastic sheets "means sheet made of plastic for manual wrapping</p> <p>(a) "plastic film" means plastic film in reel form</p>	Rules do not differentiate sheets / films - need not be considered

		<p>used for wrapping products on automatic machines or manually and made of plastic. It could be single layered or multi-layered.</p> <p>(b) "plastic bags" means bags made from plastic tubing but excludes carry bags.</p>	
<p>Rule 3. (s)</p> <p>"producer" means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity;</p>	CII	<p>In the 'Producer' definition there is mention of Industries using plastic sheet or like or multi-layered packaging. FMCG Industry is using printed multilayer films for which Manufacturer has already taken PCB Clearance and as required by Law it has a mention on every packaging material.</p> <p>Clarity is required as to whether Brand owner (who doesn't own the manufacturing units) has to register with Pollution Control Board? If Yes, can it be single registration (centralised)?</p> <p>All should register with CPCB so as cover all usage of plastic and generation of waste under management.</p> <p>Brand owners shall register in all States where they propose to sell their products.</p>	<p>All should register with CPCB so as cover all usage of plastic and generation of waste under management.</p> <p>Brand owners shall register in all States where they propose to sell their products.</p>

4 a) carry bags and plastic packaging shall either be in natural shade which is without any added pigments or made using only those pigments and colourants which are in conformity with Indian Standard : IS 9833:1981 titled as "List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water", as amended from time to time;	AIPMA	Year of BIS Standard may be deleted.	May be considered for amendment
4 c) carry bag made of virgin or recycled plastic, shall not be less than fifty microns in thickness;	AIPMA	Year of BIS Standard may be deleted.	May be considered for amendment
d) plastic sheet or like, which is not an integral part of multilayered 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;	Plastic Mfrs. And Traders Association	<p>Punjab govt. has imposed complete ban on the manufacturing, use and trading of plastic carry bags.</p> <p>Implementing blanket ban on plastic carry bag will not only ruin the plastic industry but the future of million and millions of people and their families will be at stake.</p> <p>So it requested to take a liberal and positive view towards plastic carry bag industry and grant permission to start the manufacturing, trading and selling of plus 50 micron carry bags and save the future of millions of people attached with the industry.</p>	State can have stringent norms
	CII	Shrink-wrap or stretch-wrap is been popularly	Rules exempts the

		<p>and efficiently used for packing and will not be effective if the thickness of the same is equal to or more than 50 micron.</p> <p>increase in thickness of film will affect the application and so far stretch film with thickness more than 50 micron is not available in world.</p> <p>Suggestion:</p> <p>(1) Plastic sheet and cover made of plastic sheet used for packaging, wrapping commodities shall not be less than 50 micron in thickness except where the thickness of such plastic sheet impairs the functionality of the product</p> <p>(2) Plastic bags made from tubing shall not be less than 20 micron in thickness</p> <p>(3) Thickness of Plastic films in reel form whether single layer or part of multi-layered shall be as per the requirement of downstream industries.</p>	<p>thickness for the sheets/ wrapping material if it is likely to impair the functionality of the product</p>
Rule 4 (g) recycling of plastic waste shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time;	AIPMA	Year of BIS Standard may be deleted.	May be considered for amendment
Rule 4 (h)	AIPMA	When <u>compostable</u> is mentioned, there	Needs more study

<p>The provision of thickness shall not be applicable to carry bags made up of compostable plastic.</p> <p>Carry bags made from compostable plastics shall conform to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time. The manufacturer or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling;</p>		<p>should be higher standards defined and the maximum composting time frame specified in the standards to allow composting or manufacturers may misuse the word compostable plastic which do not follow the standards.</p>	
	CII	<p>Compostable also means oxy-biodegradable</p> <p>Biased approach for both type of Plastics as the issues occurring due to plastic carry bag with thickness lesser than 50 micron will be the same as for non-compostable plastics.</p> <p>Compostable has an undesirable connotation. It should be replaced by biodegradable and oxy-bio-degradable</p>	<p>compostable and biodegradable are same - need not replace the word compostable.</p> <p>The contention that the issue due degradable and non- degradable plastic are same, is not acceptable.</p>
	O.P Ratra	<p>The compostable plastics bags have been left loose, with no identification, no thickness, no shelf life, thus these could be a problem in segregation in the waste stream.</p>	Needs more study
<p>5 (a) plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time.</p>	AIPMA	eliminate the year of BIS Standards	May be considered

(b) local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with.	AIPMA	Since Plastic to Road construction or energy recovery or waste to fuel or plastics in Cement Clink are various types of recycling. It would be ideal to include them in the <u>definition of recycling</u> .	It is reuse of the plastic, may be considered
Rule 6 (3) The local body for setting up of system for plastic waste management shall seek assistance of producers and such system shall be set up within one year from the date of final publication of these rules in the Official Gazette of India.	CII	The role of Industry to help the ULBs for collection of post-consumer plastic waste need to be well-defined. Besides that, certain set of guidelines may be issued by MoEFCC with an objective to streamline Industry's participation under Extended producers' responsibility. Request MoEFCC to explore undertaking pilot projects across various geographical areas covering various strata of cities with an objective to develop some standard EPR models which can further be adopted by the Industry and ULBs to scale up the implementation across the country.	Issue of guidelines may be considered.
9 (1) The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and	AIPMA	Producers, Importers and Brand Owners are worried about the cumbersome <u>registration procedures</u> which local body has still not specified. It would have been ideal if MoEF specified. It would have been registration with	Issue of guidelines may be considered

involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned.		limited amount of documentation required to fulfill the Air enough clarity about <u>registration of brands</u> which has manufacturing units located in various parts of the county and in various States as to which would be the ideal location for registration for such brands.	
<p>(2) Primary responsibility for collection of used multi-layered plastic sachet or pouches or packagingis of Producers, Importers and Brand Owners who introduce the products in the market. They need toestablish a system for collecting back the plastic waste generated due to their products.</p> <p>This plan ofcollection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal. The Brand Owners whose consent has been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement withtwo years thereafter.</p>	CII	<p>a. Producer and brand owners are often separate entities with producers manufacturing for brand owners. Producers are registered with the pollution control boards in the state where their manufacturing location exists. Brand owner are not registered with pollution control boards at all and hence are not having PCB clearances in regards to Plastic Waste Management & handling. Clarity is required on whose responsibility is it to submit the waste collection plan and how the implementation of this rule would be monitored in situation when all the producers are expected to give collection plans to practically all the state PCBs.</p> <p>b. This rule requires a plan of collection to be submitted to State Pollution control board while applying for consent to establish / operate / renewal. Since post - consumer waste is not necessarily restricted to the state where the product is manufactured, it is not</p>	<p>Both the producer and brand owner shall be responsible for collection of waste, the collection plan should be submitted by both.</p> <p>Producer shall submit the brand owner's collection plan endorsed by the each States where the brand owners proposed to sell their products,</p>

		<p>clear how implementation of this rule will be monitored?</p> <p>c. This is not tenable as the individual consumer will need to be coerced into segregating and parting with the waste and once the legal responsibility is assigned to the producer, importer or brand owner in this manner, the consumer can also start demanding to be paid for parting with the waste. This in turn can create an incentive for consumers to actually not segregate and collect their waste which will be contrary to the fundamental principles of waste management.</p> <p>d. Implementation of this rule require change in public behaviour and inculcate habit of throwing used packaging in designated bins first to execute the plan of collection. States authorities may increase sensitization about this as well.</p> <p>It is suggested to put 10% of MLP/plastic consumption as collection target for first year. The collection target can be kept increasing year on year by 10%.</p>	
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<p>Rule 9 (3)</p> <p>manufacture and use of non- recyclable multilayered plastic if any should be phased out in Two years time.</p>	AIPMA	<p>It is mentioned to phase out <u>multilayered plastic</u> within 2 years. But, if we consider the new Waste Management Rules and the various types of recycling method permitted like Mechanical recycling, Plastics to Fuel, Plastic to Road construction, Plastics to energy, Plastic to Cement Clink etc. None of the Multi Layered Plastic would fall outside the category of <u>recyclable</u>. Hence, phasing out of Multi Layered Plastic is 2 years, but there is a 3 years window for setting up Waste collection system. Even if all multi layered plastic technically are recyclable, the window of 3 years or phasing out period of 2 years would not be enough for implementing the collection and recycling infrastructure. Therefore, window of 5 years should be provided as a feasible period.</p>	<p>May be considered - 3 years may be provided.</p>
	CII	<p>As per our understanding, all the current MLPs are recyclable (considering waste to energy and road making as options for recycling). MoEFCC may wish to reconfirm.</p> <p>A time period of Two (2) years have been provided to phase out non-recyclable MLP and three (3) years for setting up waste collection system. We suggest a time frame of minimum five (5) years to be provided which would include the suggested step-wise implementation of EPR in the country (Ref CII suggestions on page-2 of this representation).</p>	<p>The producers of MLP shall submit the plan of recycling, MoU with the recycling unit along with the collection plant.</p>

		<p>Need clarity on the points mentioned in next column.</p> <p>Key aspects related to this rule that need to be clarified, are mentioned below:</p> <p>a. What would be the process to declare the specific multi-layered packaging as recyclable or not?</p> <p>b. Who will be the authority to decide on recyclability/non-recyclability of an MLP?</p> <p>What would be the criteria to label a particular MLP as recyclable/non-recyclable?</p>	
<p>(4) The producer, within a period of three months from the date of final publication of these rules in the Official Gazette shall apply to the Pollution Control Board or the Pollution Control Committee, as the case may be, of the States or the Union Territories administration concerned, for grant of registration.</p>	AIPMA	<p>The <u>registration period</u> is set to 3 months from the Gazette publication, but as of date the registration process and required documentation as well as online registration procedures are not clarified and available. Hence the time for registration should be extended to six months and expiry of the period for production should be extended to one year for the first year. Subsequently, renewal of registration should be within maximum one month after expiry of the first registration which needs to be added in the notification.</p>	<p>Need not be considered as registration is similar to consent order.</p>

	CII	<p>Need more time to apply for registration from PCB by producers, as we are seeking various clarification on this Rule.</p> <p>Following clarifications are hereby sought from the Ministry:</p> <ol style="list-style-type: none"> 1. Does the brand owner needs to seek registration only in the states where its own manufacturing facilities are located under the category of producer? 2. If a brand owner operates in all states, does it need registration as a brand owner in all the states? Rule 9(4) only stipulates the producers to obtain registration. It is silent on the requirement of registration for a brand owner/importer. However, Form I under Section 13(2) specifies the format for application for registration by the brand owner. 3. Business largely operates through outsourced contract manufacturing model (CMU). CMUs are covered under the definition of 'producer'. Do the CMUs also need to obtain such registration? <p>Form I (for brand owners) requires information relating to action plan on</p>	<p>Brand owners shall register in all States where they propose to sell their products.</p>

		collecting back the plastic waste to be submitted. However, Rule 9(2) gives time of 1 year to submit such action plan. Further, Rule 13(6) stipulates that the action plan should be endorsed by the Secretary in-charge of Urban Development.	
Rule 9 (6) Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multilayered packaging.	CII	Plastic raw materials are sold through distributors and traders. It is not possible for producers to keep a record of details of persons engaged in supply of plastic used across various tiers of supply chain. Producers have details of Tier-I suppliers only. It should be changed to "Producers, distributors and traders".	Tier -I information is enough
Rule 11 Marking or labelling -(1) Each plastic carry bag and multilayered packaging shall have the following information printed in English namely,- (a) name, registration number of the manufacturer and thickness in case of carry bag; (b) name and registration number of the manufacturer in case of multilayered packaging; and (c) name and certificate number [Rule 4(h)] in case of carry bags made from compostable Plastic	AIPMA	eliminate the year of BIS Standards	
	CII	Stretch wrap and shrink wrap need not to be brought under the ambit of this rule as their thickness doesn't allow for such imprint. On account of space constraints, small Printing of multiple information viz. logos, registration number, name of the manufacturer, thickness etc. on small confectionary/ sachets/ pouches is difficult and non-practical. This may be reconsidered.	May be considered
	O.P Ratra	Marking and labelling clause needs redrafting as per IS 14534-1998. Plastic bags, and other products like containers/bottles, flexible packaging, multilayered packaging, should be	May be considered

		marked/labelled as " Recyclable", and not as "recycled" wrongly quoted in the Rules.	
13 No person shall manufacture carry bags or recycle plastic bags or multilayered packaging unless the person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee of the Union Territory concerned, as the case may be, prior to the commencement of production;	AIPMA	In case a producer/recycler/ manufacturer has <u>various plants located in various States</u> , then clarification needs to be provided where this producer / recycler / manufacturer should carry out his registration procedure at one location or at all locations and similarly, they will have to carry out EPR at all locations or centralized it in one location.	At all location- individual units will need to register with the concerned SPCB.
2 Every producer shall, for the purpose of registration or for renewal of registration, make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, in Form I	AIPMA	From 1 is specified but the location to file this on line From 1 is not specified. <u>Mass media campaigning</u> be required to inform which producer located in remote parts of India to know <u>about registration procedure</u> .	---
3 Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II.	AIPMA	Recycling is a process where waste is expected to be washed, cleaned and recycled. During washing, cleaning and recycling, there would be chances to air and water pollution beyond prescribed limits, hence, detailed study of these pollutions needs have to be made before making registration for recyclers compulsory. Hence this point in notification may enforce recyclers to shut down thereby generating more solid waste in the dumps.	Not acceptable- There are standards for ambient air/ effluent
4 & 5 Every manufacturer engaged in manufacturer of plastic to be used as raw	AIPMA	It would be ideal that simple registration procedures should be described by the	Simplified forms are a provided under the Rules.

<p>material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.</p> <p>(5) The State Pollution Control Board or the Pollution Control Committee shall not issue or renew registration to plastic waste recycling or processing units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) along with a certificate of registration issued by the District Industries Centre or any other Government agency authorised in this regard.</p>		<p>Ministry and followed by the state pollution control board or there will be various procedure prescribed by each state creating ambiguity and trouble to producers.</p>	
<p>Rule 13 (6)</p> <p>The State Pollution Control Board or the Pollution Control Committee shall not renew registration of producer unless the producer possesses and action plan endorsed by the Secretary in charge of Urban Development of the concerned State or Union Territory for setting of plastic</p>		<p>If producers operating in multiple states it become impractical to get action plan endorsed by the Secretary in charge of Urban Development of the concerned State or Union Territory for setting of plastic waste management system.</p> <p>Various practical issues related to Action plan are not addressed (mentioned in the next</p>	<p>Please refer CII suggestions mentioned in page no. 2 of this representation.</p> <p>A guidelines be issued</p>

waste management system.	<p>column to this row).</p> <p>Following clarifications are hereby sought from the MoEFCC:</p> <ul style="list-style-type: none"> • Mechanism to handle queries or suggestions or improvements to the action plan by the Urban Development Authority • What are the remedies available in case the Urban Development Authority refuses to endorse the Action plan citing inadequacy or recommending impractical suggestions? • What are the remedies available in case the Urban Development Authority outright rejects the Action plan? • What are the remedies available in case the Urban Development Authority unduly delays granting endorsement beyond three months? • Is this Action plan required to be endorsed every year by the Urban Development Authority? • Should the company be devising an Action plan only to deal with waste generated from its own brands? How will this be practicable? • Who has the authority to monitor effective implementation of the Action plan? • What would be mode of communication that designated authority would use to communicate about non-compliance/deficiency to the producers/brand owner/importer, if any? • Are there any penal provisions apart from suspension/revocation/ cancellation for non- 	
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		<p>compliance?</p> <ul style="list-style-type: none"> • What will be treated as non-compliance and how will the responsibility be fixed on the brand owner/producer/importer? • Can any authority levy any fee for compounding such non-compliance citing any bye-laws? • Can any NGO file a complaint citing non-compliance or inadequate compliance? Which authorities can take cognizance of such complaints? • Can one common Action plan be submitted by the brand owner or are separate Action plans required to be submitted individually by the brand owner/CMU for each State? • What should be the contents of the Action plan? Suggestive content of action plan is provided below: <ul style="list-style-type: none"> ○ Nature and description of the waste being generated ○ Quantum of such waste being generated ○ Point at which the said waste is being generated (households/institutions/public places) ○ Segregation of waste at different points of waste collection ○ Installation of waste collection bins ○ Appointment of waste pickers ○ Training on segregation of waste to the general public ○ Creating awareness on the need to 	
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		segregate waste to protect the environment o Effective disposal of such waste o Three way monitoring of quantum of waste generation, waste collection and waste disposed o Need for audit of any of the above or is self-certification sufficient?	
15 (1)The shopkeepers and street vendors willing to provide plastic carry bags for dispensing any commodity shall register with local body. The local body shall, within a period of six months from the date of final publication of these rules in the Official Gazette of India notification of these rules, by notification or an order under their appropriate state statute or byelaws shall make provisions for such registration on payment of plastic waste management fee of minimum rupees forty eight thousand @ rupees four thousand per month. The concerned local body may prescribe higher plastic waste management fee, depending upon the sale capacity. The registered shopkeepers shall display at prominent place that plastic carry bags are given on payment.	AIPMA	Small shop Street vendor, vegetable vendor milk supplier and small retailers who may not be having the margin of around 4000 per month will also have to register and will be beyond their livelihood, hence the limit for fee should be prescribed as per the turn over of the Street vendor or retailer. The explicit pricing of carry bags should also specify by the Ministry as each state would price differently leading to ambiguity and issues. Clear guidelines on EPR responsibilities should be made Value added taxes should be standardised all over the country as various states are implementing different percentages of VAT Relative recyclability index can be used as a benchmark	To be decided

	O.P Ratra	<p>Charging user fees appears to be a sever punishment to the plastics industry, and millions of consumers for whom plastic bags are adopted/used as means of convenience and ease of handling on merits, as "panni" in the local market all over India, both for carrying/packaging/storing of both dry and wet commodities. These are used, reused, finally traded for recycling. Yes, "littering" is a nuisance, which require reforms through "Bin culture" which appears to have been adopted, in both public and private areas.</p> <p>There are established technical options for disposal and treatment of plastics waste. not listed in the Rules properly,</p>	To be decided
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