



**FICCI Representation**  
**On**  
**Plastic Waste Management Rules 2016**



## **Background**

Ministry of Environment and Forests has come out with the Plastic Waste Management Rules 2016 on 18<sup>th</sup> March, 2016. FICCI is appreciative of the intent behind the policy which is to safeguard the environment and establish the role and responsibility of each stakeholder.

In the past, FICCI had participated in various initial consultations organized by the Government with regard to PWM rules and have time and again presented on behalf of the industry the key concerns and the suggestions for effective implementation of the rules. However during the later stage of consultations some important stakeholders like manufacturers and brand owners were not invited nor involved. One would appreciate that this segment is the industrial user of plastic packaging manufactured hence especially while assigning responsibility to this segment, FICCI feels that their involvement in finalizing the Rules was imperative.

While the intent of the PWM rules is well acknowledged and appreciated, it is felt that in order to attain the desired objectives and to ensure its effective implementation, it is important to revisit the rules and understand its limitations. In general, the rules do not provide for clear correlation of cause and effect, and leave several stipulations open to interpretation by local authorities. This will in turn lead to ambiguities, thereby discouraging 'ease of doing business'.

With the above background, FICCI would like to submit to your Government some of the key concerns and clarifications desired in the rules.

## **FICCI Submission**

| <b>Key Clauses</b>  | <b>Key Concerns/Clarifications Required</b>   |
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| Rule 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. | Suggest that Rule 2(2) should state that Rule 4 would not be applicable for exports, since export products are manufactured to specifications of International buyers which may not be in agreement with Indian Rules and specifications. |



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| <p>Definitions under Rule 3</p> <ul style="list-style-type: none"> <li>- Compostable Plastic</li> <li>- Disintegration</li> <li>- Plastic</li> <li>- Recycling</li> <li>- Virgin Plastic</li> </ul>  | <p>Definition of Technical terms such as Compostable Plastic, Disintegration, Plastic, Recycling and Virgin Plastic should be as per BIS or globally accepted international standards. The broad based definitions such as of 'Plastics' stated in the Rules could lead to misinterpretation and disputes at the Ground level which could lead to legal recourses.</p>  |
| <p>Rule 4d</p> <p>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;</p> | <p>A better worded rule is required so that it is not left for multiple interpretations. For instance, is 50 microns requirement applicable for all films including stretch wraps, pellet wraps, bundle wraps, windows used cardboard cartons and all baby fem care packaging. .</p>  |
| <p>Rule 6</p> <p>Responsibility of local body – 6(3) &amp; 6(4)</p>  | <p>Given that products of thousands of producers are sold in each local area, it is a humongous task for the local bodies to seek assistance from all the producers. Further, the producer may not even be directly selling the product in the local area as local retailers often buy their merchandise from wholesale trade which is neither controlled by the producer or the brand owner. Most Brand Owners, through their distribution system directly sell to less than 15% of the retailers who stock their products. The balance 85% buys from the wholesale trade.</p> <p>Further, there need to be uniformity of laws across local bodies and states.</p> |
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As per Rule 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 involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned.

(2) Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection 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 with two years thereafter.

(3) Manufacture and use of non-recyclable multilayered plastic if any should be phased out in two years' time.

It is worthwhile to note that the Plastic Waste Management Rules are a subset of the Solid Waste Management Rules. Hence, unless the Solid waste disposal rules are published and implemented, the collection process cannot be made feasible.

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 is not registered with pollution control boards at all. In this scenario, clarity required on whose responsibility is it to submit the plan of collection. Especially who has the primary responsibility?

Further each state may have different expectations and requirements. Need is to standardize requirements rather than create a new set of variables.

Need clear definition on recyclability. Once defined, there should be a graded approach with a longer window given to replace existing MLP with the recyclable one. It needs to be acknowledged that a lot of non-recyclable plastic packaging may be vital for the country's food processing sector. Such a short time frame of replacement may have a drastic negative impact on the growth of these sectors.



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| <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>   | <p>Does it apply to Imported products as well?</p>   |
| <p>11. Marking or labelling.-(1) Each plastic carry bag and multilayered packaging shall have the following information printed in English namely,-</p> <p>(b) name and registration number of the manufacturer in case of multilayered packaging; and</p>  | <p>Feasibility issues, as for very small packaging, this requirement will be difficult to implement.</p>   |
| <p>13. Registration of Producers, recyclers and manufacturers-</p> <p>13(1) 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, as the case may be, prior to the commencement of productions</p> <p>13(6) The State pollution Control Board or</p> | <p>There is still a lot of confusion with regard to clarity on the roles of different bodies at Centre and State level. Unless, clarity is provided on the role of State, Municipal boards, Pollution Control Boards and Urban Local Bodies, the registration process should not commence.</p> <p>This envisages creation of an additional layer &amp;</p> |



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 Waste Management System.

requirement, which is against the principle of 'ease of doing business'. This clause needs to be hence revisited.

Above is a summary of the suggestions and some concerns that FICCI would like the Government to consider and revisit. **FICCI would be more than happy to organize a consultation on the same whereat the concerns and the probable solutions can be deliberated upon for effective implementation of the Rules.**

**As one of the suggestion, FICCI would encourage its members to carry out pilot projects at ward/area levels over the next two to three years.** The local area committee and the brand owner must work together in developing a comprehensive MSW for the area, including imparting education, training, providing consumables if required to all waste generators and strive towards 100% waste segregation at source (into three buckets – organic wet waste, plastic waste, other solid waste). Post household segregation each type of waste would need to be transported separately to an intermediate storage point. Post this; brand owner would be responsible for plastic waste – organizing recycling or destruction through road laying/ energy recovery or as specified by these and other rules. The induction of NGO's should also be welcomed at this stage so as to create the necessary capacity to multiply such a model. Post this pilot phase a set of effective rules can be published with defined long term objectives and targets for manufacturers, producers and brand owners. The 'offset' principle will need to be established and followed, wherein a plan for phased implementation of appropriate management of compensating quantum of MLP packaging, forms the basis for action by the producer, importer and brand owner.

**Since European Union is also engaging with reforms in this sector, it would be worthwhile to seek their experience and jump the learning curve.**