



PHD House, 4th Floor, Ramakrishna Dalmia Wing
4/2, Siri Institutional Area, August Kranti Marg, New Delhi – 110016,
Tel# 9599665859 E-mail: dg@mait.com □ Website: <http://www.mait.com>

Ref.No.MAIT/PY/2492

July 01, 2022

Ms. Leena Nandan, IAS
Secretary
Ministry of Environment, Forests & Climate Change

Subject: Issues being faced by Electronics Industry w.r.t Plastic Waste Management Rules

Respected Madam,

Established in 1982, MAIT is the apex industry body representing the Electronic H/W sector in India. A not-for-profit body, MAIT closely works with policy makers of Central and State Government to enable the growth of the Electronic System H/W Design & Manufacturing sector in India. MAIT's members include Large & MSME Companies and Industries from the domain of OEMs, ODMs, EMS, Design Houses, Recyclers, PROs, Testing Laboratories and Sub-sectoral Associations.

I am writing to draw your kind attention to some issues that we had raised with MoEF&CC vide our representation Ref.No.MAIT/PY/2389 dated September 17, 2021 addressed to Shri Rameshwar Prasad Gupta. While we have repeatedly written to the Ministry and met senior officials on the subject, the Industry continues to face uncertainty in implementation of PWM Rules. These issues range from lack of clarity to challenges in compliance. We have listed these issues in detail for your perusal along with their rationale and we are approaching you to help address them on priority as we feel that if they are left unaddressed, they could lead to substantial challenges for the Electronics Industry. Please find these issues attached as **Appendix**.

Consequent to the release of the draft Plastic Waste Management Rules 2022 for public comments on 18th Jan '22, MAIT had made a representation to you on 15 March 2022 which captured most of the issues mentioned here.

We would again request your kind assistance in resolving issues raised in this representation at the earliest. We further reiterate the Industry's commitment to fulfilling our obligations towards the environment with utmost sincerity.

With regards,

Col AA Jafri, Retd
Director General

APPENDIX

Sl. No.	Concerned Clause	Industry Requests vide MAIT letter Ref. No. MAIT/PY/2389 dated September 17, 2021 & Fresh Issues related to PWM amendment rules released on 18 th January 2022.	Proposed Recommendations	Rationale for Suggestions
1.	Rule 4, Sub rule (1) b(4)	“Any notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheets and multi-layered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, issued after this notification, shall come into force after the expiry of ten years, from the date of its publication”.	Industry welcomes this move and industry's global supply chain will become stable with this clause as it addresses frequent changes in the rules which is challenging for the industry to implement. Therefore, industry recommends that State notifications and interventions, on this clause should also include any future notifications related to printing either by any state or centre.	Reference for additional printing requirements by Maharashtra) against Rule 11.1. (a) & (b). Industry wish to amend this clause as below- <i>(4) Any Central or State notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheets and multi-layered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, or mandating any changes in labelling/ printing on plastic packaging issued after this notification, shall come into force after the expiry of ten years, from the date of its publication”.</i>

2.	<p>Rule 10, Protocols for compostabl e plastic materials</p>	<p>Protocols for compostable and biodegradable plastic materials. - Determination of the degree of degradability & degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in Schedule I to these rules, wherein, it shall be ensured that standard biodegradable plastic, other than compostable plastics, undergoes complete degradation by biological processes under ambient environment (terrestrial or in water) conditions, in specified time periods, without leaving any micro plastics, or visible, distinguishable or toxic residue, which has adverse environment impacts, following appropriate standards developed by Bureau of Indian Standards & certified by Central Pollution Control Board. The compostable plastic materials shall conform to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time.</p>	<p>Industry would like to recommend that there should be a defined Turn Around Time (TAT) for CPCB to approve such requests for which applications are submitted by Manufacturers/ PIBOs. Also, it is recommended to have a standard procedure for submission of such applications.</p>	<p>This will allow better planning and efficient approval process. The approval shall be deemed to be generated, if CPCB does not send any response to the applicant within one month of the receipt of the complete application in its office.</p>
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3.	<p>Rule 11, Marking & labelling</p>	<p>Rule 11(1)(a): name, registration number of the producer or brand-owner and thickness in case of carry bag and plastic sheet or like used for packaging with effect from 1st July, 2022 and excluding plastic sheet or like used for packaging used for imported goods. Nothing contained in this proviso shall apply to —plastic sheet or like used for packaging in cases exempted under Rule 26 of Legal Metrology Packaged Commodities Rules, 2011;</p> <p>A. Rule 11(1)(a) and (b): Compliance by July 1, 2022</p> <p>B. Rule 11, sub rule 2 - As each recycled carry bag shall bear a label or a mark “recycled” titled as “Guidelines for Recycling of Plastics”.</p>	<p>The understanding of the ICT industry is that the marking and labelling requirement (i.e. name, registration no. of the producer or brand owner; and thickness of the plastic) is not applicable on plastic packaging of imported products. We request your good offices to kindly confirm our understanding.</p> <p>Extend the timeline for compliance from July 1, 2022 to July1, 2023.</p> <p>In this regard, industry would also like to recommend to Include printing of ‘Code for Type of Plastic’ (e.g. ‘4’ for LDPE)’ in the printing requirements for better segregation of plastics at collection/ recycler end.</p>	<p>The MOEF’S clarification w.r.t to the marking and labelling requirement on the plastic packaging of imported products will help eliminate the ambiguity and retain the reasonable exemption that was requested by the industry vide various representations made and submitted to the Ministry previously. The rationale for requesting for exemption is as below:</p> <ul style="list-style-type: none"> • The industry request for exemption for imported products is in line with the existing exemption given to multi-layered packaging (MLPs) used for imported goods [Rule 11(1)(b)]. • The global brands have uniform manufacturing facilities, starting from the product assembly to its final packaging. These common facilities use the same plastic packaging for all countries including India. Making any India unique changes in the packaging will be impossible to implement and need to be aligned with the global packaging norms for uniformity. <p>Timeline for implementation of the rule should be at a minimum of 12 months from publication of the draft notification as manufacturing operations, sourcing and other aspects will be addressed by producers/ brand owners.</p> <p>Industry would request for these guidelines for recycling of plastics as it simplifies the labelling.</p>
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	<p>C. Marking & Labelling on small-sized packaging used in domestically manufactured products.</p>	<p>We request an exemption from Rule-11 for small-sized plastics used for packing spare parts and components.</p>	<p>BIS has notified the 'Standard Mark' for the Registration Scheme vide gazette notification S.O. 3240(E) dated 01 December 2015. In the guidelines for use of Standard Mark for the Compulsory Registration Scheme of BIS (https://www.meity.gov.in/writereaddata/files/Circular-Mark_Registration.pdf), point no. 3 (iii) refers to-</p> <p>"The registered user shall display the 'Standard Mark' or the words 'Self Declaration-Conforming to IS.....' along with Registration number on the article and/or the packaging, as the case may be, in a manner so as to be easily visible. It shall be legible, indelible and non-removable. Further, the durability of marking shall be as per the provisions of the relevant Indian Standard, wherever applicable. The display of IS number, Registration number and words shall not be less than Arial font size 6".</p> <p>Under the FAQs section of https://www.meity.gov.in/writereaddata/files/Modified_FAQs.pdf , below is mentioned-</p> <p>"8. Standard Mark will be on the product or packaging? The Standard Mark shall be placed on the product & the packaging both however, if it is not feasible to place the same on the product for size constraints, it can be put on the packaging only."</p> <p>In the view of above explanation, industry requests MoEFCC to put the clause like this-</p> <p>"If it is not feasible to print on the packaging for size constraints (as per - BIS Standard Mark for the registration scheme vide Notification no. S.O. 3240(E) dated 01 December 2015 and related guidelines) , printing on such packaging can be exempted".</p> <p>Considering this, it is humbly requested to exempt small packaging below 30 mm * 60 mm size from labelling requirements.</p>
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