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Ref.No.MAIT/PY/2452

March 15, 2022

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

**Subject:** Plastic Waste Management Rules

Respected Madam,

***Greetings from MAIT!***

We, as MAIT, representing the Electronic Hardware Sector in India established with the prime objective to work closely with the Government & ICT Electronics industry in building a robust ecosystem for electronics manufacturing in India. MAIT is the industry body with members from segments of Datacom, Server and Telecom & represents a 62 Bn\$ industry. Today, we have members in both leading MNC corporations such as Apple, Cisco, Dell, HP,HPE, Lenovo, Canon, IFB, Samsung, Panasonic, Qualcomm, Xiaomi, etc. as well as many niche SMEs in the field of ICT electronics.

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. The Industry is facing a lot of uncertainty in implementation of PWM Rules. The issues that we are facing range from lack of clarity to challenges in compliance. The issues that merit urgent attention are tabulated in **Annexure**.

We would request your kind attention in resolving them at the earliest. We further reiterate the Industry's commitment to fulfilling our obligations towards the environment.

Looking forward to a positive response from your end.

With regards,

George Paul  
Chief Executive Officer

**ANNEXURE**

Sl. No.	Concerned Clause	Industry Requests vide MAIT letter Ref. No. MAIT/PY/2389 dated September 17, 2021 & Fresh Issues related to <b>PWM amendment rules released on 18<sup>th</sup> January 2022.</b>	Proposed Recommendations	Rationale for Suggestions
1.	<p><b>A. Rule 3(k)</b></p> <p><b>B. (t)</b></p>	<p>The new definition of the term <b>'importer'</b> and the existing definition of the term <b>'producer'</b> extends an interpretation wherein <b>'brand owners'</b> would qualify as an importer, and/or, a producer, as the case may be, under the Amended Rules. This may require brand owners to also obtain separate/multiple registration under the Rules as an 'importer' and a 'producer'.</p>	<p>The new definition should not mandate multiple registration.</p> <p>An ideal approach instead would be for entities who obtain registration as a 'brand owner' to also indicate other categories that they additionally qualify (i.e. a producer or an importer, as the case may be), for the purposes of complete information to CPCB, without having to adhere to separate EPR targets and obligations.</p> <p>Ministry to consider a static and concise registration number format (alpha-numeric) to ease compliance on the marking and labelling requirement.</p>	<p>An entity registered as a 'Brand owner would meet their EPR obligations as per the Rules without the need for multiple registration.</p> <p>This would not only imply additional compliance and add procedural complexity but also create ambiguity as to how the EPR targets and obligations will be segregated and monitored for entities that are registered as a 'brand owner' and additionally qualify as an 'importer' and/or 'producer', respectively. Even otherwise, a brand owner's EPR targets and obligations would already take into account and encompass those that would become applicable as an 'importer' and/or a 'producer'.</p> <p>Given that PIBOs also have a marking and labelling obligation, multiple registrations will lead to additional complexity and confusion as to the registration number against which registration ought to be on the label.</p> <p>A separate registration and EPR target framework may, therefore, not add value and/or purpose from a plastic waste collection standpoint.</p>

	<p>C. (qc) and (qd)</p>	<p>The Amended Rules introduce the definitions of <b>‘pre-consumer plastic packaging waste’</b> and <b>‘post-consumer plastic packaging waste’</b> which is very welcome. However, there lies ambiguity in who is responsible for collection of pre and post-consumer plastic packaging waste.</p>	<p>It would be recommended to introduce definitions for ‘pre-consumer plastic packaging’ and ‘post-consumer plastic packaging’ for better clarity. It is also recommended that the responsibilities for management, takeback, and EPR obligations for ‘pre-consumer plastic packaging waste’ and ‘post-consumer plastic packaging waste’ is clearly demarcated and spelt out in the Rules. It should be ensured that the entities generating such waste (in the pre- or post-consumer phase) are solely responsible for management, collection and other obligations, and the burden is not placed on ‘brand owners’ alone.</p>	<p>Brand Owners should not be made responsible for overall compliance. Supply chain models are complex involving several parties who procure and use plastic packaging. It will be unfair and unjust to let the onus of compliance vest only with the ‘brand owners’.</p>
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2.	<p><b>Rule 4, Sub rule (1) b(4)</b></p>	<p>“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”.</p>	<p>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.</p>	<p>Reference for additional printing requirements by Maharashtra) against Rule 11.1. (a) &amp; (b). Industry wish to amend this clause as below-</p> <p><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></p>
	<p>Sub rule (1) d</p>	<p>Addition of “as notified by government”.</p>	<p>Industry requests for clarification to be provided whether a SOP will be notified by the government which guides stakeholders on the procedure to seek exemption to thickness of 50 microns on grounds of impairment in functionality.</p>	<p>Clarification to be provided whether a SOP will be notified by the government which guides stakeholders on the procedure to seek exemption to thickness of 50 microns on grounds of impairment in functionality.</p>

3.	<b>Rule 10,</b> Protocols for compostable plastic materials	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.	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.	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.
4.	<b>Rule 11,</b> Marking & labelling	<p><b>A.</b> sub rule 1 &amp; sub rule 1 (b) Compliance by July 1, 2022</p> <p><b>B.</b> Rule 11 (d)- Creates an ambiguity as to whether or not the exemption on marking and labelling requirement exists for imported products.</p> <p><b>C.</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>Extend the timeline for compliance by July 1, 2022 to Jan 1, 2023.</p> <p>Clarify by change in language or deletion of sub-rule (d) under Rule 11.</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>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>This 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.</p>

		<p><b>D.</b> Marking &amp; Labelling on small-sized packaging used in domestically manufactured products.</p> <p><b>E.</b> In sub rule 11, —plastic packaging are substituted by the words — “plastic sheet or like used for packaging.”</p> <p><b>F.</b> Marking or printing in sub rule 1 (a).</p>	<p>We request an exemption from Rule-11 for small-sized plastics used for packing spare parts and components.</p> <p>Industry requests for a clarity as considering omission of ‘plastic packaging’, does the scope narrow down to plastic sheets <b>only</b> <b>AND</b> excludes the ‘plastic packaging’ used to cover the commodity?. Please clarify.</p> <p>Industry recommends a provision of printing <b>QR Code</b> should be allowed. Scanning of QR code could then open a webpage where the required information i.e. name, registration number, thickness can be published.</p> <p>Additionally, a numerical identifier could be added to aid in determining the type of plastic for ease in recycling.</p>	<p>Due to size constraints, it is technically difficult to adhere to the marking and labelling requirements on plastics used for packing spare parts and components parts in Electronics industry. Considering this, it is humbly requested to exempt small packaging <b>below 30 mm width</b> from labelling requirements.</p> <p>Industry faces vagueness in interpretation introduced by term ‘<b>or like</b>’.</p> <p>It will enable <b>ease in edition</b>, in case there is renewal in registration number. Moreover, with separate registration required for multiple entities or of state-level units, it will enable information of all registrations, as published on the webpage. It also solves the issue of space requirement in printing on packaging.</p>
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