

EHS' REGULATORY NEWS-LETTER



Summary of Newsletter

- 1. Plastic Waste Management (Amendment) Rules published on 14th March, 2024**
- 2. Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2024.**

Plastic Waste Management (Amendment) Rules published on 14th March, 2024

The PWM Rules 2016 have been modified by the Ministry of Environment, Forests, and Climate Change. As of right now, they are known as the Plastic Waste Management (Amendment) Rules 2024. On March 14, 2024, these modifications became operative.

The following are the amendment's main points. This article has only covered the most significant modifications to the rules.

1) There has been change in the definition of following

- **"Biodegradable plastics"** refers to plastics (apart from compostable plastics) that break down naturally through biological processes in particular environments, such as fresh water, soil, landfills, sewage sludge, and marine environments, without producing any visible, distinguishable, or toxic residue that could harm the environment.
- **"Importer"** Originally used to refer only to plastic packaging, carry bags, or MLP, the term today encompasses a variety of plastic resins, pellets, and intermediate materials utilised in the production of plastic packaging, films, and preforms intended for commercial use.
- **"Manufacturer"** refers to and encompasses an individual involved in the manufacture of plastic raw materials, such as biodegradable and compostable plastics. Previously, biodegradable and compostable plastic was left out.
- **"Producer"** refers to individuals who produce plastic packaging, as well as those who create intermediate materials needed to make plastic packaging. It also refers to the individual who manufactures goods under contract for a brand owner utilising plastic packaging or through other such agreements. It used to be restricted to those who worked only on plastic packaging manufacture.
- A **"Seller"** is a person who sells intermediate materials or plastic raw materials, such as resins or pellets, that are used to make plastic packaging. Seller, the new entity, has now been included to the definition.

2) The following are a few more adjustments regarding Manufacturers and Compostable Plastic and Carry Bags: -

- Manufacturers are not permitted to sell, give, or arrange for the use of plastic as a raw material to producers or sellers who are not registered under these regulations.
- Goods or carry bags made of biodegradable or compostable polymers are exempt from the thickness requirement.
- Compostable or biodegradable plastics may be used in the production of carry bags and goods, provided that they are marked and labelled in accordance with these regulations.
- Products manufactured from biodegradable or compostable plastics must disclose to the Central Pollution Control Board how much of these products are introduced to the market and how much pre-consumer trash is produced.

3) The modified regulations have assigned significant responsibility to Panchayats and local bodies.

- The local authority is required to evaluate the amount of plastic waste produced, including that which is already in landfills, by June 30 of each year. They are also required to project how much waste will be produced over the next five years.
- The local entity is required to evaluate the infrastructure for collecting, sorting, and processing plastic trash and submit a report by June 30 of each year to the relevant State Pollution Control Board or Pollution Control Committee.
- The local body will take the required actions to stop the inventory, sale, distribution, and use of single-use plastic items that are prohibited within their jurisdiction.

4) This new amendment adds the Panchayat's district-level responsibility.

- The Panchayat at the District Level has included the following information on managing plastic trash in the annual report:
 - (i) Plastic garbage generated in a given year, including plastic waste that is already at disposal locations.
 - (ii) Infrastructure for the collection, segregation, and processing of plastic waste
 - (iii) Estimating the amount of plastic garbage that will be produced; (iv) The status of bylaw drafting and implementation; and (v) The steps taken to stop the stocking, distribution, sale, and use of prohibited single-use plastic goods.

5) The following regulations will apply to biodegradable and compostable plastic and goods:

- Every product or container made of recycled plastic needs to have a label that reads "recycled having specify percentage of recycled plastic and a mark as given in Rules."
- Every plastic container or product produced of compostable plastics must have a label that reads "compostable only under industrial composting" and adhere to Indian Standard IS/ISO 17088:2021, which is named "Specifications for Compostable Plastics."
- The label "Biodegradable" must be attached to any plastic packaging or product composed of biodegradable plastic for a limited period of time and only in the designated recipient environment—such as soil, a landfill, water, etc.

6) The applicant will be considered registered under these rules on the expiration of the thirty-day period if the registration is not granted within that time after receipt of the entire application.

7) The following changes have been made to the submitted annual report:

Annual Reports:

- By April 30 of each year, any individual involved in the recycling or processing of plastic trash must produce and electronically submit an annual report in Form-IV to the relevant local authority as well as the State Pollution Control Board or Pollution Control Committee.
- By the last day of the month that follows the quarter, all manufacturers and importers of plastic raw materials must prepare and electronically submit a Form VII quarterly report to the State Pollution Control Board or the relevant Pollution Control Committee, and by the 30th of June each year, an annual report.
- By June 30 of each year, every individual involved in the sale of plastic raw materials or intermediate materials used in the production of plastic packaging must prepare and electronically submit an annual report to the relevant Pollution Control Committee or State Pollution Control Board detailing all transactions
- By June 30 of each year, each urban local body and panchayat at the district level must prepare and electronically submit an annual report in Form-V to the departments of urban and rural development, respectively, as well as the State Pollution Control Board or Pollution Control Committee in question.
- The State Pollution Control Board or Pollution Control Committee in question shall arrange for an audit of the report provided by the urban local body and Panchayat at the district level, either independently or through the assistance of a designated agency.
- A copy of the audit report and the annual report shall be posted on the relevant committee's or state pollution control board's website.
- By July 31st of each year, the State Pollution Control Board or Pollution Control Committee shall produce and electronically submit an annual report in Form VI to the Central Pollution Control Board regarding the execution of these regulations.

8) Producer or importer of raw materials for plastic - Extended Producer Responsibility Objective:

- Manufacturers or importers of plastic raw materials who have supplied plastic raw materials to micro and small producers as defined by the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006) shall fulfil the extended producer responsibility of producers, who are referred to as micro and small producers:
- The amount of plastic raw material sold to micro and small producers where the sale invoice is authenticated by the manufacturer or importer of plastic raw material, on the centralised online portal, shall be the Extended Producer Responsibility target category-wise for manufacturer or importer of plastic raw material; this excludes sales made by such micro and small producers to Brand Owners and Producers, which are not classified as micro and small enterprises as defined by the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006).

9) The amended and new forms are listed below.

- The manufacturer or brand owner registration form, Form 1, has been modified.
- Form V Format: An urban local body's annual report on the management of plastic trash.(Added)
- Form VI Format, which is required for the SPCB/PCC to submit an annual report on the management of plastic trash. (Added)
- Plastic Raw Material Quarterly Report Format: Form VII (Added)

10) The following organisations are now required to comply:

- Producer
- Importer
- Brand owner
- Plastic waste processor
- Plastic raw material manufacturer and importer

11) The following categories of plastic packaging fall under Extended Producer Responsibility.

- Category 1 Sturdy plastic
- Category Two Flexible Polymer
- Multilayer plastic packing of Category 3.
- Compostable plastics in Category 4.
- Biodegradable plastics in Category 5

12) The CPCB has been tasked with providing recommendations for agencies to be authorised to build an electronic platform for the exchange of EPR certificates amongst required institutions.

13) In the event that an obligated entity fails to satisfy its EPR requirement, the CPCB will set the maximum and lowest price for EPR Certificates, which will be equal to 100% and 30% of the EC, respectively.

Ref. all PWM Rules Original documents:

https://drive.google.com/drive/u/1/folders/1usLBG5QVzV1sNBplw-wu996pJlm_dg3Q

Ref. Cumulative PWM Rules Document specially designed by EHSS Team:

https://drive.google.com/file/d/13LtvFDdEjMtoKcZyjOKulqPi4MK_pyqp/view?usp=sharing

Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2024.

- Deposition centers means the deposition centre specified in the Solid Waste Management Rules, the deposition centers shall obtain authorization from the State Pollution Control Board or the Pollution Control Committee concerned.
- The deposition centers shall provide the domestic hazardous waste to the actual user or operator of the disposal facility and maintain records of the same in Form 3 and shall file annual return in Form 4 to the State Pollution Control Board or the Pollution Control Committee concerned.
- small generators (between five to ten tonnes per annum) up to one hundred and eighty days of their annual capacity and small generators (less than five tons per annum) up to three hundred and sixty-five days of their annual capacity the import of post-industrial or pre-consumer polyethylene wastes shall be permitted with a requirement to export at least thirty five percent of the total annual turnover
- The Central Pollution Control Board shall fix the highest and lowest price for exchange of extended producer responsibility certificates which shall be equal to hundred per cent and thirty per cent, respectively of the environmental compensation for non-fulfilment of extended producer responsibility under rule 39.
- All the retreader shall submit on monthly basis the information regarding quantity of waste tyres re-treaded, retreading certificate generated therefore and such other relevant information on the portal.
- Any hazardous waste generated sporadically due to unforeseen conditions such as fire, natural calamity, chemical spill, etc, the occupier shall send such waste to the operator of disposal facility or actual user for the purpose of these rules.

To read more:

https://drive.google.com/file/d/19RAoKKtloQbu1MOq49kBLj7FXfBqAhT/view?usp=drive_link

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