DRAFT AMENDMENT

MoEFCC proposes amendments to the Plastic Waste Management Rules, 2016 on EPR, marking and registration

Draft G.S.R. 22(E) proposes amending the Plastic Waste Management Rules, 2016: EPR on plastic packaging, CPCB registration and environmental compensation.

G.S.R. 22(E), A DRAFT notification of the Ministry of Environment, Forest and Climate Change dated January 18, 2022, proposes amendments to the Plastic Waste Management Rules, 2016 (G.S.R. 320(E), March 18, 2016); the draft rules may be called the Plastic Waste Management Rules, 2022. Its preamble records the Plastic Waste Amendment Rules, 2021 (G.S.R. 571(E), August 12, 2021) and the draft Regulation on the Extended Producer Responsibility under the 2016 rules, published by G.S.R. 722(E) on October 6, 2021.

THE CHANGE

Proposes amendments to the Plastic Waste Management Rules, 2016, to be called the Plastic Waste Management Rules, 2022: producers, importers and brand owners would fulfill EPR on plastic packaging waste under regulations issued under the rules, entities operating in more than two states or union territories would register with the Central Pollution Control Board (CPCB), marking would cover plastic sheet or like used for packaging, and a new rule 18 would provide for environmental compensation.

KEY FACTS

TYPE

Draft amendment

G.S.R. NUMBER

G.S.R. 22(E)

DATED

January 18, 2022

APPLIES FROM

Proposed: on the date of their publication in the Official Gazette (paragraph 1(2) of the draft)

REFERENCES

G.S.R. 22(E)

CG-DL-E-20012022-232804

MoEFCC proposes amendments to the Plastic Waste Management Rules, 2016 on EPR, marking and registration

G.S.R. 22(E) · January 18, 2022

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It would require producers, importers and brand owners to fulfill Extended Producer Responsibility (EPR) on plastic packaging waste as per regulations issued under the rules, and would add definitions including biodegradable plastics, plastic packaging, pre-consumer and post-consumer plastic packaging waste, plastic waste processors and end of life disposal. Manufacturers of carry bags and recyclers of plastic or multilayered packaging operating in more than two states or Union territories would register with the Central Pollution Control Board (CPCB), and the rest with their State Pollution Control Board or Pollution Control Committee. A substituted rule 10 would set protocols for compostable and biodegradable plastic materials, with compostable plastic materials conforming to IS 17088:2008.

Rule 11(1)(a) would apply to plastic sheet or like used for packaging with effect from July 1, 2022, excluding packaging used for imported goods and cases exempted under Rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, and importers or brand owners of imported carry bags, multi-layered packaging or plastic sheets or like used for packaging would adhere to “Sub-rule 11 (a) and 11 (b)”. A new rule 18 would let environmental compensation be levied on the polluter pays principle under CPCB guidelines, and Forms I, IV and VI would gain an EPR action plan, a part for importers and EPR data due by April 30 each year.

The draft invited objections and suggestions in writing, by post to the Secretary of the Ministry or by email to the two addresses printed in the notice, within sixty days from the date on which copies of the Gazette were made available to the public. Counted from the Gazette's issue date (January 18, 2022), the period ended on March 19, 2022; counted from the day it was put online (January 20, 2022), on March 21, 2022. These closing dates are worked out, not printed. G.S.R. 522(E) of July 6, 2022, which made the final rules, records that copies were made available to the public on January 18, 2022.

The notification (F. No. 17/24/2021-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 22, dated January 18, 2022; the e-Gazette put it online on January 20, 2022.

G.S.R. number	G.S.R. 22(E)
Dated	January 18, 2022
Put online	January 20, 2022
Gazette ID	CG-DL-E-20012022-232804
Rule	Plastic
Type	Draft amendment
Would amend	Plastic Waste Management Rules, 2016
Products	Plastic packaging, Carry bags, Multilayered packaging, Biodegradable plastics, Compostable plastics
What it does	Proposes amendments to the Plastic Waste Management Rules, 2016, to be called the Plastic Waste Management Rules, 2022: producers, importers and brand owners would fulfill EPR on plastic packaging waste under regulations issued under the rules, entities operating in more than two states or union territories would register with the Central Pollution Control Board (CPCB), marking would cover plastic sheet or like used for packaging, and a new rule 18 would provide for environmental compensation.
Applies from	Proposed: on the date of their publication in the Official Gazette (paragraph 1(2) of the draft)
Comments	Closing date March 19, 2022, worked out: 60 days from January 18, 2022, the day G.S.R. 522(E) says copies were made public
Made final by	G.S.R. 522(E) of July 6, 2022
Conditions	• Producers, importers and brand owners would fulfill Extended Producer Responsibility on plastic packaging waste as per regulations issued under the rules from time to time (rule 9(1) as proposed). • Manufacturers of carry bags and recyclers of plastic or multilayered packaging would register with the State Pollution Control Board or Pollution Control Committee if operating in one or two states or Union territories, or with CPCB if operating in more than two (rule 13(1) as proposed). • Biodegradable plastics would have to undergo complete degradation under ambient conditions without leaving micro plastics or visible, distinguishable or toxic residue, adhering to laid down standards of the Bureau of Indian Standards and certified by CPCB; compostable plastic materials would conform to IS 17088:2008 (rules 3 and 10 as proposed).

- Rule 11(1)(a) would apply to plastic sheet or like used for packaging with effect from July 1, 2022, excluding packaging used for imported goods and cases exempted under Rule 26 of the Legal Metrology Packaged Commodities Rules, 2011 (rule 11 as proposed).
- Environmental compensation would be levied on the polluter pays principle on persons not adhering to the rules, under guidelines CPCB lays down (rule 18 as proposed).

Applies to	Producers, importers and brand owners of plastic packaging, manufacturers of carry bags, recyclers and plastic waste processors.
Issued under	Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; published as required under sub-rule 3 of rule 5 of those rules
Signed by	NARESH PAL GANGAWAR, Jt. Secy.

The notification, entry by entry

Entry	Text
Paragraph 1: short title and commencement	These rules may be called Plastic Waste Management Rules, 2022. They shall come into force on the date of their publication in the Official Gazette.
Paragraph 2: rule 3, definitions	Inserts definitions of biodegradable plastics, end of life disposal, plastic packaging, plastic waste processors, post-consumer and pre-consumer plastic packaging waste, recyclers, use of recycled plastic and waste to energy, and rewords brand owner and importer.
Paragraph 3: rule 4(1)(d)	After the words “thickness except”, inserts “as notified by Government”.
Paragraph 4: rule 9(1), substituted	The Producers, Importers and Brand Owners, shall fulfill Extended Producers Responsibility on plastic packaging waste as per regulations issued under these rules from time to time
Paragraph 4: rule 9(4) and 9(5)	Adds the Central Pollution Control Board to rule 9(4), and in rule 9(5) registration from the Central Pollution Control Board if operating in more than two states or union territories.
Paragraph 5: rule 10, substituted	Protocols for compostable and biodegradable plastic materials; compostable plastic materials to conform to IS 17088:2008, Specifications for Compostable Plastics.
Paragraph 6: rule 11, marking	Clause (a) to cover plastic sheet or like used for packaging with effect from July 1, 2022, excluding plastic sheet or like used for packaging used for imported goods and cases exempted under Rule 26 of Legal Metrology Packaged Commodities Rules, 2011; a new clause (d) for importers or brand owners of imported carry bags, multi-layered packaging or plastic sheets or like used for packaging.

Paragraph 7: rule 12(1)	Inserts “Central Pollution Control Board” before “State Pollution Control Board”.
Paragraph 8: rule 13, registration	Registration from the State Pollution Control Board or Pollution Control Committee if operating in one or two states or Union territories, or from the Central Pollution Control Board if operating in more than two; sub-rule (6) omitted.
Paragraph 9: rule 18, added	Imposition of Environmental Compensation: levied based upon polluter pays principle on person(s) not adhering to the provisions of these rules; CPCB shall lay down guidelines.
Paragraphs 10 to 12: Forms I, IV and VI	Action plan as per Regulation notified for Extended Producer Responsibility in Form I, a Part III for importers, and EPR data by April 30 of every year in Forms IV and VI.

The notification (PDF, 1.3 MB)

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Read online: indusdesk.com/moefcc/tracker/proposes-amendments-to-plastic-waste-management-rules-2016-232804/