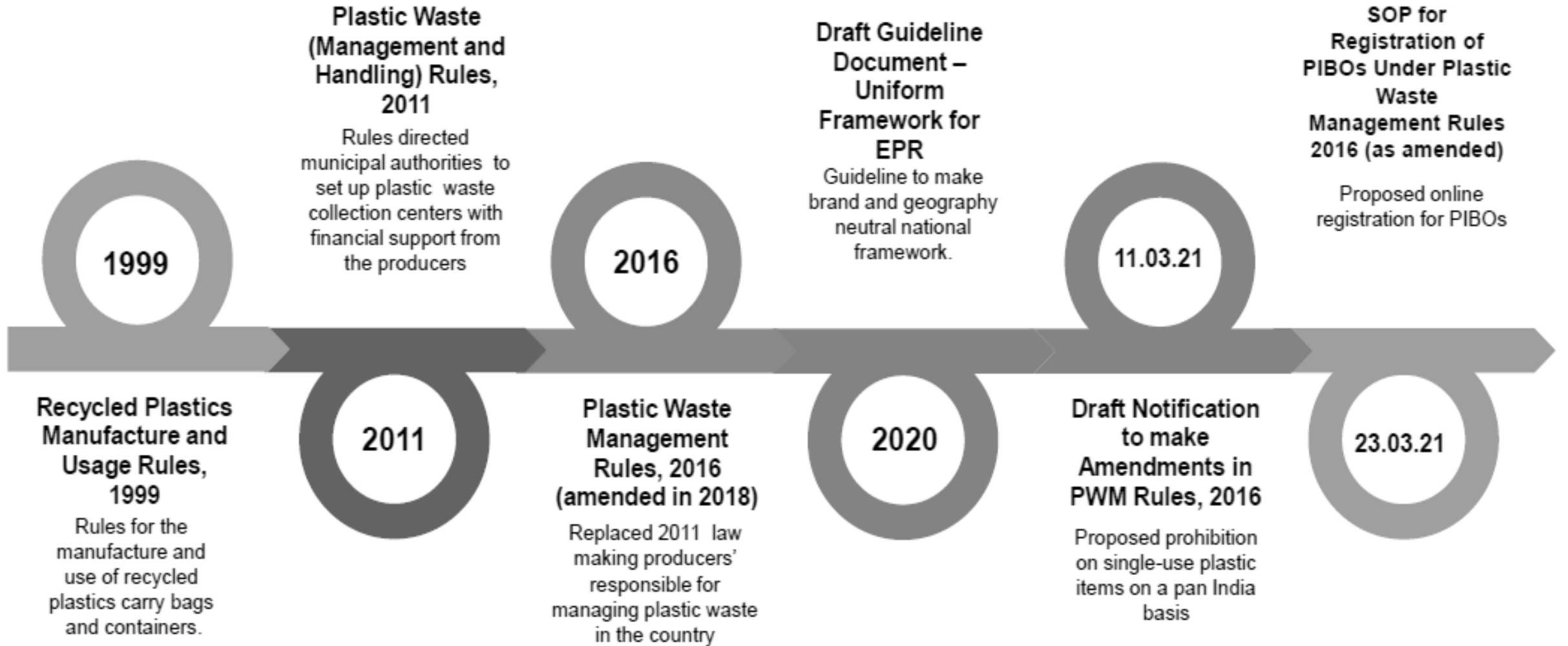


PWM-Extended Producers **Responsibility in India**

Understanding background- 'The Polluter Pays Principle'


- The concept of EPR was first formally introduced in Sweden by Thomas Lindhqvist in a 1990 report to the Swedish Ministry of the Environment. In subsequent reports prepared for the Ministry, the following definition of EPR emerged: Extended Producer Responsibility is an environmental protection strategy to reach an environmental objective of a decreased total environmental impact from a product, by making the manufacturer of the product responsible for the entire life-cycle of the product and especially for the take-back, recycling and final disposal of the product.
- Extended producer responsibility (EPR), based on the “polluter pays” principle, entails making manufacturers responsible for the entire lifecycle of the products and packaging they produce. The ‘polluter pay’ principle essentially holds the polluter liable for the pollution caused to the environment.
- **India** first introduced EPR to manage electronic-waste in 2012. It extended EPR to plastic manufacturer after the Plastic Waste Management Rules 2016 (PWMR) were notified in 2016. The PWMR made producers and importers of plastic as well as brand owners that use plastic for packaging accountable for managing the end waste.

Evolution of PWM Rules in India



Legal framework

**‘Extended Producer’s Responsibility’ as per SOP for registration of
PIBOs under PWM Rules 2016
(Released in March 2021)**



PWM Rules 2016 - Conditions

Rule and Sub Rule	Plastic type	Thickness of plastic	Allowed/Not allowed
4(c)	- Carry bag	<50 micron	Not allowed
4(d)	- Plastic sheet or like and cover made of plastic used for packing and wrapping the commodity - Plastic sheet or like which is integral part of MLP.	<50 micron Individual layers less than 50 micron (But overall thickness of MLP should be greater than 50 micron – need more clarity)	Not allowed Allowed

- Application for registration – CPCB, if operating in more than 2 states and SPCB, if operating in 2 or less than 2 states
- Waste processing by authorized processor only
- Marking and labelling –
 - a) Carry bag - name, registration number of manufacturer, thickness and ‘type of plastic’ symbol
 - b) MLP – name and registration number of manufacturer and ‘type of plastic’ symbol
 - c) Carry bags (compostable plastic) – name and certificate number

Bags made of recycled plastic should have a ‘recycled’ label as “Guidelines for Recycling of Plastics”

PWM Amendment Rule, 2018

As per PWM Rules 2016 - Manufacture and use of non-recyclable multi-layered plastic if any should be phased out in Two years time.



AMENDED

In **rule 9 Sub rule 3** of PWM Rules, 2016 the word **non recyclable multi-layered plastic if any** has been replaced by **multi-layered plastic which is non-recyclable or non energy recoverable or with no alternate use.**

Where,

‘alternate use’ means use of a material for a purpose other than for which it was conceived, which is beneficial because it promotes resource efficiency; and

‘energy recovery’ means energy recovery from waste that is conversion of waste material in to usable heat, electricity or fuel through a variety of processes including combustion, gasification, pyrolisation, anaerobic digestion and landfill gas recovery;”.

**Standard Operating Procedure for
Registration of Producers, Importers &
Brand-Owners (PIBOs) Under Plastic
Waste Management Rules 2016 (as
amended)**

CENTRAL POLLUTION CONTROL
BOARD

MARCH
2021

EPR Action Plan Framework

- PIBOs who are operating in more than two states, are required to obtain registration from CPCB and those operating in one or two states have to obtain registration from the concerned State Pollution Control Boards (SPCB) & Pollution Control Committees (PCC).
- PIBOs shall fulfill EPR in all the States/UTs in which they are introducing their products. EPR Target for a particular State/UT shall be equal to the type & quantum of plastic introduced by them in the market (post consumer waste) in the specific State /UT.
- EPR Action Plan for PWM to be submitted by PIBOs (those operating in more than two states) for obtaining registration from CPCB.
- The PIBO shall be submitting half-yearly progress reports regarding management of plastic waste for each State/ UT in their EPR Action Plan to concerned SPCB/PCC.

EPR Implementation models

PWM through Own
Distribution
Channel

PWM through
Direct engagement
with Urban Local
Body (ULB)

PWM through
engagement with
Waste Management
Agency (WMA),
which in turn should
engage with ULBs

I. PWM through Own Distribution Channel

- **Plastic Waste Collection**: Detail of collection mechanisms shall be submitted at the time of registration
 - Introduction of Deposit Refund Scheme
 - Setting up of collection centres
- **Plastic Waste Processing**: PIBO has to engage with Plastic Waste Processing Facility (PWPF) (Recycler/ Co-processor, etc.) for processing of the plastic waste.
 - PWPF should be registered with SPCB/PCC (Rule 13(3) of PWM Rules 2016).
 - PWPF shall be limited by the processing capacity as per Registration issued by SPCB/PCC
 - following details to be provided for each PWPF engaged for processing of waste:

1. Name of PWPF	2. Name of State /UT
3. Type of PWPF (Recycling, co-processing, WTE, road making, Waste to Oil/ Pyrolysis, etc.)	4. PWPF Processing Capacity (TPA)
5. Validity date of Registration of PWPF	6. Quantity of Plastic Waste to be processed in PWPF
7. Type of PW to be processed [Low value (LDPE, MLP, PP) or High valued (HDPE, PP, PET etc.)]	

Rule 13(3) of PWM Rules 2016

Registration of producer, recyclers and manufacturer

Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II.

II. PWM through Direct engagement with ULB

- Valid Document issued by concerned ULB / designated state authority supporting PIBO's engagement to be submitted at the time of Registration to CPCB.
- Details of PIBOs shall be intimated to the respective SPCB/PCC by the ULB/ designated state authority.
- **Plastic Waste Collection:** Engagement with ULB/designated state authority can be for
 - segregation, collection, transportation of waste,
 - channelization of waste to PWPF,
 - setting up, operation & maintenance of Material Recovery Facility (MRF)/ Refused Derived Fuel (RDF),
 - Engagement of informal sector in PWM.
- **Plastic Waste Processing:** Same as model I.

III. PWM through engagement with WMA

- PIBOs may also engage with WMAs for PWM
- WMAs shall be enrolled with the concerned ULB/ designated state authority for implementation.
- Valid Document issued by concerned ULB / designated state authority supporting WMA's enrolment to be submitted at the time of Registration to CPCB. Scope of Work of the WMA should be clearly defined in the document.
- Producers & Brand-Owners should have Agreement (Annexure-V) with WMA for PWM
- The following details to be provided for each of the WMA engaged with:

• Name of the waste management agency (WMA)	• Validity of agreement with WMA
• Qty & type of plastic waste proposed to be managed through WMA	

(contd.)

- **Plastic Waste Collection**: PIBOs may also engage with WMAs for PWM
 - segregation, collection, transportation of waste,
 - channelization of waste to PWPF,
 - setting up, operation & maintenance of Material Recovery Facility (MRF)/ Refused Derived Fuel (RDF),
 - Engagement of informal sector in PWM.
- **Plastic Waste Processing**:
 - WMA to engage with PWPF for processing of the plastic waste
 - WMA to sign an agreement (Format given in Annexure-IV) with the PWPF

Annexures


I	Format for framing Action plan for PWM
II	Format for Submitting Quarterly Reports on PWM by PIBOs to CPCB
III	Application form for PIBO towards issuance of Certificate by CPCB. The PIBOs shall apply to CPCB for the registration on the online portal
IV	Agreement format between PIBO/ WMA with PWPF.
V	Agreement format between PIBO & WMA.
VI	Status of plastic waste management in State/UT to be displayed on ULB's website for easy accessibility to the PIBOs
VII	Details of EPR Action Plan of all PIBOs operational in a State/UT shall be displayed on the website of concerned SPCB/PCC/Designated Nodal Agency as per the format
VIII	Half Yearly Report format to be submitted by PIBO
IX	Half Yearly Report format to be submitted by ULB/ Nodal Agency to SPCB
X	Implementation status of EPR action plan of PIBO

Latest notification released for comments and suggestions
(As on 7th October 2021)

- Verification and Audit12.4 CPCB by itself or through a designated agency shall verify compliance of PIBOs through inspection and periodic audit, as deemed appropriate. CPCB, as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. The actions against violations and for non-fulfilment of EPR obligations shall be as per clause 9. In case of plastic waste processors and PIBOs operating a state/UT, CPCB may, if required, direct SPCB to take action.
- The draft gives producers, importers, and brand owners of plastic waste an opportunity to trade in EPR certificates. They can use the surplus EPR certificates for offsetting previous year shortfall; carry forward for use in succeeding year and sell it to other producers and brands.
- The draft specifies the quantity of waste that will have to be managed by producers, importers and brand owners who generate plastic packaging waste in India.

- The draft states that in 2021-22 producers of plastic packaging waste will have to manage 35% of the 'Q1' waste in metric tons. Q 1 is the average weight of plastic packaging material (category-wise and state wise) sold in the last two years plus average quantity of pre-consumer plastic packaging waste (generated before product reaches the consumer) in the last two financial years minus the annual quantity of plastic packaging supplied to brand owners (BO) including online platforms/marketplaces and supermarkets/retail chains etc during the previous year.
- This EPR target for producers increases to 70% in 2022-23 and 100% for 2023-24 onwards. Similar EPR targets apply for importers and brand owners but the quantity would be different depending upon the quantity of packaging waste they are responsible for.
- For brand owners EPR target in 2021-22 shall be the average weight of fresh plastic packaging material purchased and introduced in market in the last two years plus average quantity of pre-consumer plastic packaging in the last two years. There are targets in the draft for recycling of plastic packaging waste which is mostly 30 to 50% of EPR in 2023-24. Those plastics which cannot be recycled will be sent for end-of-life disposal such as road construction, waste to energy, waste to oil, cement kilns etc

References

- ❖ Plastic Waste Management Rules, 2016 and as amended in 2018
 - ❖ Standard Operating Procedure for Registration of Producers, Importers & Brand-Owners (PIBOs) Under Plastic Waste Management Rules 2016 (as amended), CPCB, March 2021
 - ❖ Draft notification released for comments and suggestions (as on 7th October 2021)
-
- 

Thank you

