

Plastic Waste (Management and Handling) Rules, 2011

The draft rules namely the Plastics (Manufacture, Usage and Waste Management) Rules, 2009 were published by the Government of India on 17th September, 2009 in the Gazette of India. The objections and suggestions made by the public had been duly considered by the Central Government and starting from 4th February, 2011 the Plastic Waste (Management and Handling) Rules, 2011 have come into effect.

Application: The rules will not apply to the manufacture of carry bags exclusively for export purposes by export oriented manufacturing units against an order for export received by the owner or occupier of the concerned manufacturing unit. This exemption does not apply to any surplus or rejects, left over and the like.

Definitions: The important definitions as per the Act are mentioned as follows:

- (i.) Act – Means the Environment (Protection) Act, 1986
- (ii.) Commodities – Means articles; including but not limited to vegetables, fruits, pharmaceuticals, food grains and the like.
- (iii.) Compostable plastics – Means plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue.
- (iv.) Extended Producers Responsibility - means the responsibility of a manufacturer of plastic carry bags, and multi-layered plastic pouches and sachets and the brand owners using such carry bags and multi-layered plastic pouches and sachets for the environmentally sound management of the product until the end of its life.
- (v.) Manufacture - means any person who manufactures plastic carry bags or multi-layered plastic pouches or sachets or like.
- (vi.) Municipal Authority – Means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, and Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of the municipal solid waste is entrusted to such agency.
- (vii.) Virgin Plastic – Means plastic material which has not been subjected to use earlier and has also not blended with scrap or waste.
- (viii.) Multi-layered Plastics – Means any material having a combination of more than one layers of packaging material such as paper, paper board, polymeric materials, metalized layers or aluminium foil, either in the form of a laminate or co-extruded structure.

Prescribed Authority –

- (i.) The authority for the provisions of these rules related to authorization, manufacture, recycling and disposal shall be State Pollution Control Board and Pollution Control Committee in respect of Union Territory.
- (ii.) For enforcement of the provisions of these rules relating to use, collection, segregation, transportation and disposal of post-consumer plastic waste shall be concerned municipal authority.

Conditions –

- (i.) Carry bags shall either be in natural shade which is without any added pigments or made using only those pigments and colorants which are in conformity with Indian standards.
- (ii.) No person shall use carry bags made of recycled plastics or compostable plastics for storing, carrying, dispensing or packaging food stuffs.
- (iii.) No person shall manufacture, stock, distribute or sell any carry bag made of virgin or recycled or compostable plastic, which is less than 40 microns in thickness.
- (iv.) Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala.
- (v.) Recycled carry bags shall conform to the Indian standard IS 14534:1998 titled as Guidelines for Recycling of Plastic, as amended from time to time.
- (vi.) Carry bags made from compostable plastics shall conform to the Indian Standard: IS/ISO 17088:2008 titled as specifications for Compostable plastics, as amended from time to time.
- (vii.) Plastic material, in any form, shall not be used in any package for packing gutkha, pan masala and tobacco in all forms.

Plastic Waste Management:

- (i.) Recycling of plastic wastes will be carried out as per rules and regulations stipulated by the Central Government.
- (ii.) The municipal authority shall be responsible for operationalization and coordination of the waste management system and for performing the associated functions:
 - (a.) To ensure safe collection, storage, segregation, transportation, processing and disposal of plastic waste.
 - (b.) To ensure that no damage is caused to the environment during this process.
 - (c.) To ensure setting up of collection centres for plastic waste involving manufacturers.
 - (d.) To ensure its channelization to recyclers
 - (e.) To create awareness amongst all stakeholders about their responsibilities
 - (f.) To engage agencies or groups working in waste management including waste pickers.
 - (g.) To ensure that open burning of plastic waste is not permitted.
- (iii.) For setting up plastic waste collection centres, the municipal authority may ask manufactures, either collectively or individually in line with the principle of Extended Producer's Responsibility (EPR) to provide the required finance to establish such collection centre.
- (iv.) The Municipal Authority shall encourage the use of plastic waste by adopting suitable technology such as in road construction, co-incineration, etc. The municipal authority or the operator intending to use such technology shall ensure the compliance with the prescribed standards including pollution norms prescribed by the competent authority in this regard.

Protocols for Compostable Plastic Materials –

Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards.

Marking/ Labelling –

- i. Each plastic carry bag and multilayered packaging shall have the following information printed in English or in the local language:
 - a. Name, registration number of the manufacturer and thickness of each bag.
 - b. Name and registration number of the manufacturer in case of multi-layered packaging.
- ii. Each recycled bag shall bear a label or a mark “recycled” and shall conform to the Guidelines for Recycling of Plastics.
- iii. Each carry bag made from compostable plastics shall bear a label ‘compostable’ and shall conform to the Specifications for Compostable Plastics.
- iv. Retailers shall ensure that plastic bags and multi-layered packaging sold by them are properly labelled.

Registration of Manufacturers and Recyclers –

- i. Any person manufacturing or proposing to manufacture carry bags and multi-layered plastics shall apply to the State Pollution Control Board (SPCB) and Pollution Control Committee (PCC) for the grant of registration or the renewal of registration.
- ii. And person recycling or proposing to recycle carry bags or multi-layered plastics or any plastic waste shall apply to SPCB or PCC for the grant or renewal of registration.
- iii. No person shall manufacture carry bags or recycle plastic bags or multi-layered plastics unless without obtaining the registration certificate from SPCB or PCC, prior to production.
- iv. The SPCB or PCC shall not issue or renew a registration for manufacturing or recycling units unless the unit possesses a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- v. Every SPCB or PCC shall take a decision on the grant of the registration within ninety days of receipt of an application that is complete in all respects.
- vi. The registration granted under this rule shall be valid for a period of three years, unless revoked, suspended or cancelled; and registration shall not be revoked, suspended or cancelled without providing the manufacturer an opportunity for hearing.
- vii. Every application for renewal of registration shall be made at least ninety days before the expiry of the validity of the registration certificate.

Explicit Pricing of Carry Bags:

No carry bags will be made available free of cost to the consumers by the retailers. The concerned municipal authority may determine the minimum price of the carry bags.

State Level Advisory Body:

- i. There shall be a State Level Advisory Body (SLAB) to monitor the implementation of these Rules.
- ii. The SLAB shall meet at least once in a year and may invite experts, if necessary.
- iii. The SLAB shall consist of one Chairman and six Members (experts in their respective fields).

Annual Reports:

- i. Each SPCB or PCC shall prepare and submit the annual report to the Central Pollution Control Board by 30th September each year.
- ii. The Central Pollution Control Board shall prepare a consolidated annual report and submit it to the Central Government by 30th December each year.