

Comments and suggestions on draft uniform framework for EPR

Clause #	Topic	Clause/Issue Regarding the Clause	Suggestion regarding the Clause	Justification
Section 9				
9.3.1	Model 1 (fee-based Model)	The informal sector like rag-pickers /kabadiwalas/ assemblers/recyclers must be formalized and further strengthened for proper functioning of the EPR model.	The mechanism for formalization of informal sector may be articulated in the Framework.	
9.3.1.	Model 1 – Fee based Model	<p>Industry representation has not been made a part of the Central Level Committee for fee-based model though it has been included at state level:</p> <p><i>'A Committee will be constituted at the central level for overall monitoring the implementation of the EPR. The State Level Advisory Boards (SLABs) constituted under the Solid Waste Management Rules, 2016 at the state level may be engaged to manage the process of recommending the disbursement of funds to the ULBs, recyclers and for IEC activity. Representative of producers/ importer/ brand owner become a part of SLABs'.</i></p>	<p>The specific para may be amended as follows:</p> <p><i>"A Committee will be constituted at the central level for overall monitoring the implementation of the EPR. The State Level Advisory Boards (SLABs) constituted under the Solid Waste Management Rules, 2016 at the state level may be engaged to manage the process of recommending the disbursement of funds to the ULBs, recyclers and for IEC activity. Representative of producers/ importer/ brand owner shall become a part of Central level committee and SLABs."</i></p>	For the effective monitoring & progressive implementation of EPR, inclusion of industry representation at the Central Level Committee also is essential.

9.3.1	Model 1 – Fee based model	There is no indication in the below para on how the cost will remain a rational number. <i>‘The amount to be contributed by each of the producers/ importer/ brand owner will be decided based on normative cost. These calculations are based on the generation of plastic waste viz-a-viz the efforts required, and money spent by the ULB/Government to handle the plastic part of the waste’.</i>	There is need to put a logical cap on the contribution to be made by the producers/ importer/ brand owner. Also, following shall be taken into consideration while arriving at the contribution: <ul style="list-style-type: none"> • amount of plastics being used by any entity; and amount of plastics being recycled/reused with the help of projects they have undertaken on their own.	If the contribution is made equal to the money spent by the ULB without any limit, it will result in unreasonable cost for the producers / importer/ brand owner.
9.3.2	PRO Based Model	Credits admissible for plastic recycling	The plastic credit model shall also apply at an organisation level, where one unit is a producer/brand owner and another unit may be engaged in recycling and accordingly necessary obligation for recycling their own packaging can be met in full or in part, based on evidence.	This will be a good enabler, especially for industries already having expertise in polymer processing who may wish to develop recycling technology or otherwise deploy it on their own.
9.3.3.1 (iv)	Guiding principles for PROs	Accredited end-of-line processors like W2E plant operators, cement co-processors, users utilizing plastic in road construction etc are referred to in 9.3.3.1.(iv), but have not been defined anywhere in the framework.	It is suggested that a definition of “accredited processors” shall be added in section 2.	Accredited processors are an essential part of the value chain. Therefore, it is suggested to define this term.
9.3.3.2	Audit and Certification	“There shall be an independent authority (Certifying Agency) who would certify every quantity of waste recycled / disposed by the recycler. Which type of recycling / disposing would be eligible for funding would be based on the certificate issued by the certifying agency”	More clarity can be introduced in terms of explaining the qualification of a Certifying Agency, who can conduct these audits. Standardization of Audit procedures / Process and Documentation Review can also be an important point to cover.	
Section 10				

10.0 (Bullet Point # 4)	Guiding principles for the uniform framework for EPR	There is a specific mention of FMCG under the category of Producers whereas many industries use plastic packaging.	It is suggested to remove specific references to the FMCG industry.	There should be a level playing field and no need to specifically mention for one sector i.e. FMCG. Plastics are used by textile, e-commerce, toys, automobile, food-processing, recreation & other industries
10.0 (Bullet Point # 7)	Guiding principles for the uniform framework for EPR	In this clause waste management hierarchy is stated as follows: Reduce> Reuse > Recycle > Recover > Dispose	Hierarchy should be amended as follows: Reduce> Reuse> Fully Recyclable > Energy Recoverable Practice of "Upcycling" should be encouraged	Waste management hierarchy under the framework should capture both Recyclable & Energy Recoverable variants and in right order. Recycling of plastics usually results in 'downcycling' in terms of usage & physical properties. As more entrepreneurs get into this field, they should be encouraged to adopt technologies for 'upcycling' which will result in higher number of 'rotations' or 'increase in service life"
10.0 (Bullet Point # 10)	Guiding principles for the uniform framework for EPR	The EPR obligation for MLP shall be higher than the normal recyclable plastic. The producer, importer, brand owner shall have to pay higher cost for EPR of MLP.	Usage of recyclable/ biodegradable / compostable plastics shall attract 50% lower EPR obligation. Users of PCR should get additional EPR credit double the quantity of PCR used by them because use of PCR is effectively 'recycling in advance' *PCR= Recycled Plastic which includes rPET, rHDPE etc	While this point #10 provides an incentive for migration to recyclable laminates, we suggest wording it positively. Users of PCR also bring about a mindset change & hence deserve an incentive. It may be noted that PCR has inferior aesthetics as compared to virgin plastic

10.0 Bullet points #26, #32	Uniform Framework on EPR	<p>Concern in following points:</p> <ul style="list-style-type: none"> PIBOs after registering with the Portals on their targets with select and make agreements with PROs. The PROs on their own or through the waste management agencies (WMAs) will adopt a systems approach for segregation, collection, recovery, and recycling of all plastics. <p>PROs, registered themselves or through their WMAs collect the non-value waste.</p>	<p>It is suggested to:</p> <ol style="list-style-type: none"> substitute the first point with below mentioned points: <i>Waste management agencies (WMAs) will adopt a systems approach for segregation, collection, recovery, and recycling of all plastics.</i> Replace the second point with below point as mentioned: <i>PROs, registered themselves or through their WMAs collect all plastic waste.</i> 	<p>These points seek to create PRO as an additional layer, just doing aggregation of WMAs and pocketing a margin.</p>
10.0 (Overall comment)	Guiding principles for the uniform framework for EPR	<p>Nowhere guiding principles have emphasized the relevance of:</p> <ul style="list-style-type: none"> PCR usage, Refuse Derived Fuel (RDF) usage, and need to incentivize Industry on increase in the usage of PCR and RDF. 	<p>Insert provisions to encourage and incentivize the Industry on:</p> <ul style="list-style-type: none"> Increase in PCR usage, Increase in Refuse Derived Fuel (RDF) usage <p>EOL Treatment methodology promoting circular economy</p>	<p>It is crucial for making EPR mechanism a self-sustainable avenue towards transitioning to a circular economy. Industries, especially SMEs/startups, who get into these fields should be encouraged by government.</p>
9.0	Uniform Framework on EPR	<p>Para saying – <i>‘For the overall implementation of EPR framework it is important that the producer/ importer/ brand owner should be involved in overall implementation of the projects and not only the collection’</i>,</p>	<p>The framework should not include omnibus provisions like this because otherwise ULB’s responsibilities will get passed on to PIBOs</p>	<p>The SLABs will be flooded with financial requests in the name of setting up waste management systems.</p>
Section 12				
12.1	National PRO Advisory Committee (PROA)	<p>This clause talks about creation of national authority i.e. National PRO Advisory Committee (PROA) to govern plastic waste management in the country. Also, the draft framework seeks to create a PRO Association vide clause 9.3.3.1.</p>	<p>It is suggested that the authority referred in clause 12.1 should be called National Plastics EPR Authority or other similar name to differentiate it from the PRO Association as mentioned under clause 9.3.3.1.</p>	<p>Giving a similar name to both i.e. PRO Association in clause 9.3.3.1 and advisory committee as mentioned under clause 12.1 will create confusion.</p>

ADDITIONAL INPUTS FOR CONSIDERATION TO MAKE THE FRAMEWORK ROBUST & EFFICIENT

1.	Mechanism for making this framework mandatory & not optional at the state level.
2.	Government should work with Industry to develop common central guidance on Single Use Plastic ('SUP') which should be honoured by all states/UTs
3.	MoEFCC should create an inter-ministerial (MoEFCC, Ministry of Chemicals & Fertilizers, Ministry of Petroleum & Natural Gas, Ministry of Food Processing Industries, Ministry of Health & Family Welfare Ministry of Drinking Water & Sanitation, Ministry of Housing & Urban Affairs) forum to coordinate actions on PWM and SWM rules.
4	List of Registered plastic producers should be made available on SPCB or CPCB or online portal .
5	Waste tracking can be done through a simple digital technology. This will help bring in transparency and build efficient database. We suggest services of reputed organization like CDAC be taken for this purpose.
6	The cost of technology proposed across the three models should be reasonable so that industries are able to implement it in huge numbers
7	Price for buyback of packaging material shall be per unit basis. Presently it is per KG basis which is not feasible.
8	A comprehensive document to be made to include all relevant resources (technologies/ vendors/ articles etc.) to handhold industries. This may be done by CPCB or their authorised agency like CIPET.
9	<p>One of the options for plastic waste disposal is through cement industry via co-processing.</p> <p>Though usage of plastic waste leads to cost saving through replacement of fossil fuels, cement industry want to further charge for disposal of plastic besides free delivery to the cement plant site. This adds to financial burden on plastic disposal supply chain and increases cost of disposal. Government intervention is suggested to correct this anomaly in order to achieve cost efficiency in plastic disposal and also to create demand for plastic waste. It may be possible through provision of targets to cement industry to mandatorily use plastic waste at certain minimum percentage of their fossil fuel usage.</p> <p>We do acknowledge the fact that hardware installed by cement factories enables the environment friendly energy recovery from plastics. Hence, we recommend equitable sharing of cost benefit by cement industry with plastic supply chain.</p> <p>Intervention in the form of a combination of both of these approaches may be considered.</p>
10	Government is requested to include adequate emphasis on IEC activities to encourage segregation at source