

# **The Plastic Waste (Management and Handling) Rules, 2011**

UNION OF INDIA

India

The Environment (Protection) Act, 1986

## **The Plastic Waste (Management and Handling) Rules, 2011**

### **Rule THE-PLASTIC-WASTE-MANAGEMENT-AND-HANDLING of 2011**

- Published on 1 January 2011
- Commenced on 1 January 2011
- [This is the version of this document from 1 January 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

#### **1. Short title and commencement. -**

(1)These rules may be called the Plastic Waste (Management and Handling) Rules, 2011.(2)They shall come into force on the date of their publication in the Official Gazette.

**2. [(1) The provisions of rules 5 and 8 shall not apply to the manufacture of carry bags exclusively for export purposes, against an order for export, received by the owner or occupier of the concerned manufacturing unit.**

(2)This exemption does not apply to any surplus or rejects, left over and the like.

#### **2. Application .-**

The provisions of rules 5 and 8 shall 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."

#### **3. Definitions. -**

In these rules, unless the context otherwise requires,-(a)"Act" means the Environment (Protection) Act, 1986 (29 of 1986);(b)"carry bags" means bags made from any plastic material, used for the purpose of carrying or dispensing commodities but do not include bags that constitute or form an

integral part of the packaging in which goods are sealed prior to use;(c)"Commodities" mean articles; including but not limited to vegetables, fruits, pharmaceuticals, food grains and the like;(d)"Compostable plastics" mean plastic that undergoes degradation by biological processes during composting to yield CO<sub>2</sub>, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue;(e)"Consent" means the consent to establish and operate from the concerned State Pollution Control Board or Pollution Control Committee granted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);(f)"Disintegration" means the physical breakdown of a material into very small fragments;(g)"Extended producer's responsibility (EPR)" means the responsibility of a manufacturer of plastic carry bags, and multilayered plastic pouches and sachets and the brand owners using such carry bags and multilayered plastic pouches and sachets for the environmentally sound management of the product until the end of its life;(h)"Food-stuffs" mean ready to eat food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;(i)"manufacturer" means any person who manufactures plastic carry bags or multilayered plastic pouches or sachets or like;(j)"Municipal authority" means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;(k)"multilayered plastic pouch or sachet" means a pouch or sachet having at least one layer of plastic in combination with one or more layers of packaging material such as paper, paper board, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;(l)"Plastic" means material which contains as an essential ingredient a high polymer and which at some stage in its processing into finished products can be shaped by flow;(m)"Plastic waste" means any plastic product such as carry bags, pouches or 7 [multilayered plastic pouch or sachet etc.], which have been discarded after use or after their intended life is over;(n)"registration" means registration with the State Pollution Control Board or Pollution Control Committee concerned, as the case may be, of units manufacturing plastic carry bags, multilayered plastic pouch or sachet or recycling of plastic waste;](o)"Virgin plastic" means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;(p)"Waste management" means the scientific reduction, re-use, recovery, recycling, composting or disposal of plastic waste;(q)"Waste pickers" mean individuals or groups of individuals engaged in the collection of plastic waste.'(b) "Carry bags" mean all plastic bags used to carry commodities, including self-carrying features;'. '(g) "Extended producer's responsibility (EPR)" means the responsibility of a producer or manufacturer of plastic carry bags and multilayered plastic pouches or packages for the environmentally sound management of the product until the end of its life. This responsibility also applies to all manufacturers using such packaging;'. '(i) "Manufacturer" means any producer who manufactures plastic carry bags, multilayered packaging, pouches and the like or uses such materials in packaging of a product;'. '(k) "Multilayered plastics" mean any material having a combination of more than one layer of packaging material such as paper, paper board, polymeric materials, metalised layers or aluminium foil, either in the form of a laminate or co-extruded structure;'. '(n) "Registration" means registration of units manufacturing or recycling carry bags made of virgin or recycled plastics with the concerned State Pollution Control Board or Pollution Control Committee, as the case may be;'.

#### **4. Prescribed Authority. -**

The prescribed Authority means the Authority-<sup>9</sup> [(a) for enforcement of the provisions of these rules related to registration, manufacture and recycling shall be the State Pollution Control Board and in respect of a Union territory shall be the Pollution Control Committee;(b)for enforcement of the provisions of these rules relating to the use, collection, segregation, transportation and disposal of plastic waste, the prescribed authority shall be the municipal authority concerned.]

#### **5. Conditions. -**

During the course of manufacture, stocking, distribution, sale and use of carry bags and sachets, the following conditions shall be fulfilled, namely:-(a)carry bags shall either be [in natural shade (colourless) which is without any added pigments] or made using only those pigments and colourants which are in conformity with Indian Standard: IS 9833:1981 titled as List of pigments and colourants for use in plastics in contact with foodstuffs, Pharmaceuticals and drinking water, as amended from time-to-time;(b)no person shall use carry bags made of recycled plastics or compostable plastics for storing, carrying, dispensing or packaging food stuffs;(c)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;(d)sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;(e)recycled carry bags shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time-to-time;(f)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.(g)plastic material, in any form, shall not be used in any package for packing gutkha, pan masala and tobacco in all forms.]

#### **6. Plastic Waste Management. -**

The plastic waste management shall be as under:-(a)recycling, recovery or disposal of plastic waste shall be carried out as per the rules, regulations and standards stipulated by the Central Government from time-to-time;(b)recycling of plastics shall be carried out in accordance with the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time-to-time;(c)the municipal authority shall be responsible for setting-up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-(i) to ensure safe collection, storage, segregation, transportation, processing and disposal of plastic waste; (ii) to ensure that no damage is caused to the environment during this process; (iii) to ensure setting-up of collection centres for plastic waste involving manufacturers; (iv) to ensure its channelisation to recyclers; (v) to create awareness among all stakeholders about their responsibilities; (vi) to engage agencies or groups working in waste management including waste pickers, and (vii) to ensure that open burning of plastic waste is not permitted;(d)(i)the responsibility for setting up collection systems for plastic waste shall be of the municipal authority concerned and the said municipal authority may, for this purpose, seek the assistance of manufacturers of plastic carry bags, multilayered plastic pouches or sachets or of brand owners using such products;(ii)the municipal authority may work out the modalities of a mechanism based

on Extended Producer's Responsibility involving such manufacturers, registered within its jurisdiction and brand owners with registered offices within its jurisdiction either individually or collectively, as feasible or set up such collection systems through its own agencies;](e)recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics and in compliance with the rules under the Environment (Protection) Act, 1986, as amended from time-to-time;(f)the concerned municipal authority shall ensure that the residues generated from recycling processes are disposed of in compliance with Schedule II (Management of Municipal Solid Wastes) and Schedule III (Specifications for Landfill Sites) of the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Environment (Protection) Act, 1986, as amended from time-to-time;(g)the municipal authority shall incorporate the said rules in the Municipal bye-laws of all the Urban Local Bodies;(h)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 1 [pollution control norms] prescribed by the competent authority in this regard."(d) for setting-up plastic waste collection centres, the municipal authority may ask the manufacturers, 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;".

## **7. 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 listed in the Annexure to these rules.

## **9. Registration of Manufacturers and Recyclers. -**

(a)any person manufacturing or proposing to manufacture plastic carry bags, multilayered plastic pouch or sachet] shall apply to the State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) of the Union territory concerned for the grant of registration or for the renewal of registration for the manufacturing unit using Form 1 appended to these rules;(b)any person recycling or proposing to recycle carry bags or [multilayered plastic pouch or sachet] or any plastic waste shall apply to the SPCB or PCC for grant of registration or renewal of registration for the recycling unit using Form 2 appended to these rules;(c)no person shall manufacture plastic carry bags, multilayered plastic pouch or sachet or recycle plastic carry bags or multilayered plastic pouch or sachet or any plastic waste without obtaining registration certificate from the State Pollution Control Board or Pollution Control Committee, as the case may be, prior to the commencement of its production;(d)the SPCB and 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 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and certificate of registration issued by the District Industries Centre or any other government agency authorised in this regard;(e)(i)every State Pollution Control Board or Pollution Control Committee, as the case may be, shall take a decision on the grant of registration within a period of ninety days of receipt of an application which shall be complete in all respects:Provided that the registration may be deemed to have been granted in case no final decision is communicated to the

applicant by the State Pollution Control Board or Pollution Control Committee within a period of ninety days from the date of an application complete in all respects;(ii)the manufacturer who has already registered for manufacturing under the Recycled Plastics Manufacture and Usage (Amendment) Rules, 2003 shall not be required to register under these rules and whereas others shall have to register within the period of ninety days from the date of coming into force of these rules.(f)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 a hearing;(g)every application for renewal of registration shall be made at least ninety days before the expiry of the validity of the registration certificate."(c) no person shall manufacture carry bags or recycle plastic bags or multilayered plastics unless without obtaining the registration certificate from the SPCB or PCC, as the case may be, prior to the commencement of production;".(e) every State Pollution Control Board or Pollution Control Committee shall take a decision on the grant of registration within ninety days of receipt of an application that is complete in all respects;".

## **10. Explicit pricing of carry bags. -**

No carry bags shall be made available free of cost by retailers to consumers. The concerned municipal authority may by notification determine the minimum price for carry bags depending upon their quality and size which covers their material and waste management costs in order to encourage their re-use so as to minimize plastic waste generation.

## **11. State Level Advisory Body. -**

(1)There shall be a State Level Advisory Body to monitor the implementation of these rules.(2)The State Level Advisory Body shall consist of the following persons, namely:-(a) the Secretary, Department of Urban Development - Chairman(b)one expert from State Department of Environment - Member(c)one expert from State Pollution Control Board or Pollution Control Committee - Member(d)one expert from Urban Local Body - Member(e)one expert from Non-Governmental Organisation - Member(f)one expert from the field of Industry - Member and(g)one expert from the field of academic institution - Member(3)The State Level Advisory Body shall meet at least once in a year and may invite experts, if it considers necessary.

## **12. Annual Reports. -**

(1)each State Pollution Control Board or Pollution Control Committee shall prepare and submit the annual report to the Central Pollution Control Board on the implementation of these rules by the 30th day of September of each year;(2)the Central Pollution Control Board shall prepare a consolidated annual report on the use and management of plastic waste and forward it to the Central Government along with its recommendations before the 30th day of December each year.