

Decisions of 59th meeting of the Technical Review Committee (TRC) under the Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2016 held on 30th and 31st January 2017 under the chairmanship of Shri R.K.Garg

AGENDA 1: HAZARDOUS AND OTHER WASTES (MANAGEMENT, HANDLING & TRANS-BOUNDARY MOVEMENT) RULES, 2016

Agenda 1.1: Removal of De-inking Sludge from Hazardous Waste Category-Representation of Gujarat Paper Mills Association(GPMA) forwarded by Gujarat Pollution Control Board(23-146/2016-HSMD)

De-Inking Sludge is considered as a Hazardous Waste as per the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 (HW Rule, 2016). The applicant has requested for de-categorization of De-Inking Sludge as hazardous waste under the rules. GPMA has attached the detailed Technical report submitted by M/s ERM India Pvt. Ltd on "Assessment of Deinking Sludge for categorization under HW Rules, 2008: Vapi, Gujarat".

GPMA has submitted that as per their report all parameters are within the limit but in the case of Absorbable Organic Halides (AOX), the limit of AOX has not been notified as a standard by the Government of India. As per the Article "Development of AOX Standards for Large Scale Pulp and Paper Industries", that was published by the Central Pollution Control Board, India in the year 2007, a mass based concentration limit of AOX was suggested to Ministry of Environment & Forest for consideration as 2.5 Kg AOX per MT of dry sludge (i.e. 2,500 mg/kg.). As per the report of M/s ERM, AOX in the specific sample of Vapi, Gujarat is 263 mg/kg.

The applicant has also enclosed the copy of report of Confederation of European Paper Industry (CEPI) wherein they are using De-Inking Sludge for various purposes mainly for land restoration and mine filling. As per their report, it is classified that "land restoration covers the use of dried sludge as a product applied on derelict land, damaged industrial sites topsoil, or during road constructions, topping of landfills, mine filling etc."

Ministry has been requested to consider de-categorization of de-inking sludge generating from the process of paper mill as non-hazardous and to grant necessary permission for the utilization of said waste for land filling/ mine filling.

The matter was considered in the 58th Meeting of the Technical Review committee and the decision by Competent Authority on the recommendation of TRC was deferred as the applicant was not present for technical discussion.

The applicant has now again requested for re-consideration of the matter and confirmed their participation during the meeting.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

Decision: Though the applicant was invited for presentation and technical discussion, the applicant did not turn up. The same issue was also in the agenda of the earlier two TRC meetings and there also the applicant was invited yet no body turned up. In view of the fact that no additional information has been supplied, the Committee reiterates its earlier recommendation which is given below:

“The Committee noted that as per Schedule I item 32, pulp and paper industry, process sludge containing organic halides (AOX) is categorized as hazardous waste. The de-inking sludge generated in the paper and pulp industry based on waste paper, thus is a hazardous waste. The analysis report submitted by the GPMA also indicates that the sludge contains 263 mg/kg of AOX. Although there are no conc. limits indicated in Schedule II, it is known that organic halides have potential for eco-toxicity. It is therefore not considered to be prudent to take the sludge containing AOX out of the category of hazardous waste and allow it to be used for landfilling. However, it can be utilized for making fibre boards etc. with the permission of CPCB under Rule 9 of HW Rules, 2016”.

Agenda 1.2: Request for amendment in the HW Rules, 2016 regarding the process of authorization for Co-Processing-Representation by M/s ACC limited

M/s ACC has submitted that the authorizations for co-processing as per HWM Rules 2016 is being processed by various SPCBs based on the Form 1 of HW Rules, 2016 (Application required for grant/renewal of Authorization for generation or collection or storage or transport or reception or recycling or reuse or recovery or pre-processing or co-processing or utilization or treatment or disposal of hazardous and other waste). With reference to the recent elaborate provision on Co-Processing under Rule 9 of HW Rules, 2016; the Authorization under HW Rules, and CTO under Air and Water Act had to be amended as per the requirement by SPCBs to reflect the co-processing as mechanism of utilization. The amendment to Authorization which is again on the basis of field inspection and other necessary process takes considerable time.

The **waste generators** already have with them valid authorization for generation, storage, handling, transporting and sending their waste for disposal to Treatment, Storage & Disposal Facilities (TSDFs) for landfill or incineration operation. They have been granted this authorization based on the field inspection and recommendation process. For sending the same waste for co-processing, additional infrastructure or operational process modifications are not required at the waste generators end. **Hence, the applicant’s proposal indicates that waste generators can submit a self certified declaration to SPCBs stating that they would like to send their waste for co-processing in a cement plant - rather than or in addition to - incineration or landfill facility and that they shall abide by the relevant provisions of the HW Rules 2016. SPCBs may consider amending the Authorization and CTO to include the option of co-processing in addition to landfill or incineration option.**

Most of the cement plants also have the Authorization to implement receipt, handling, storage, pre-processing and / or co-processing of some of the approved wastes earlier. Hence, cement plants also may be allowed to submit a self certified declaration to abide by the HW Rules for undertaking pre-processing and / or co-processing of different kinds of hazardous and non-hazardous wastes. SPCB may grant the authorization to the cement plants and then in due course of time undertake the evaluation of the

compliance status of the facility in pre-processing & co-processing of wastes.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

Decision: The Committee wanted to understand the issues and problems faced by the applicant which was not very clear from their representation, the Committee therefore recommended that the applicant may be invited for presentation and discussion in the next TRC meeting.

Agenda 1.3: Clarification on Ammonium Carbonate Solution as by-product- Representation from Acid Chem Corporation, Ahmedabad, Gujarat

M/s Acid Chem Corporation, Ahmedabad, Gujarat deal in trading, service and transporting of chemicals and by-product chemicals since 1961 and are also registered as MSME. They are transporting Ammonium Carbonate Solution for M/s Ushanti Colour Chem Pvt. Ltd., Vatva, Ahmedabad, Gujarat to some of the soda ash manufacturers viz. M/s Nirma Ltd, Kalatalav, Bhavnagar, Gujarat and M/s Saurashtra Chemicals Division of Nirma Limited, Porbandar, Gujarat.

The applicant has sought the permission to sell and transport Ammonium Carbonate solution to fulfill the requirements of soda ash manufacturers. These units are producing Ammonium Carbonate solution by the same chemical process, same raw material and of the same quality as produced by M/s Ushanti Colourchem Pvt Ltd.

One such matter of Ushanti Colourchem Pvt Ltd represented by Shri Minku Gandhi as referred by the applicant was considered in the 55th Meeting of the Technical Review Committee held during 27th and 28th June 2016. The Committee was then informed that ammonium carbonate of concentration 40 to 50 percent recovered in the process of CPC blue production is of high quality and almost pure form. Ammonia and carbon dioxide evolved in the process are scrubbed with cold water producing ammonium carbonate. The Committee was also informed that this material is being supplied to soda ash manufacturers and other users for direct use. The Committee recommended that this may be considered as a 'by-product' and not a 'waste' under the HW Rule, 2016.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

Decision: The Committee in its earlier meetings has considered a similar case of M/s Ushanti Color Chem Private Limited wherein the Committee had recommended that ammonium carbonate solution produced during the manufacturing of CPC Blue pigment may be classified as by-product instead of hazardous waste. Since the CPC blue manufacturing process of the following five manufacturers is identical to that of M/s Ushanti Color Chem, the Ammonium carbonate solution of concentration 30-50 % produced by these five units may also be recognized as a 'by-product':

- i. M/s Narayan rganics Pvt. Ltd.;**
- ii. M/s A-One Chemicals;**
- iii. M/s Narayan Industries;**
- iv. M/s A-one Pthalao Colors Pvt. Limited;**
- v. M/s Asahi Songwon Clors Limited.**

Agenda 1.4 : CTO to be considered as Authorization for paper recycling units- Representation of Indian Agro and Recycled Paper Mills Association (IARPMA) forwarded by Department of Industrial Policy and Promotion (DIPP).

DIPP on the basis of representation of IARPMA have suggested that since pulp and paper units in the country operate only after receiving a “Consent to Operate” certificate from respective State Pollution Control Boards, the same consent may be taken as approval from State Pollution Control Board for import of waste paper for use in the manufacturing process. The present requirement under the HW Rules, 2016 for a separate Authorization from State Pollution Control Boards for import of waste paper may not be insisted upon as this may be against the spirit of ease of doing business.

The committee was informed by Member Secretary that the matter has been previously considered during 58th meeting of TRC held on 29th-30th November 2017 on the basis of technical discussion with applicant. The Committee sought clarifications whether the SPCBs were not issuing combined consent to operate cum authorization from the representatives of Indian Agro & Recycled Paper Mills Association. The representative stated that in view of definition of authorization in the HW Rules, 2016, SPCBs “other wastes” have been mentioned under Rule 6 for grant of authorization.

In order to avoid any mis-interpretation of the Rules and to simplify the procedure for import of other wastes listed in Schedule III D, the Committee recommended the following **AMENDED** to the Rules:

- i. The definition of authorization under 3(3) may be amended to read as “*authorisation*” means permission for generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous and other wastes granted under sub-rule (2) of rule 6;
- ii. Schedule VIII,5, item B3020 should read as follows *Paper, paper board and paper products waste:*

The following material, provided they are not mixed with hazardous, municipal or bio-medical waste
- iii. Schedule VIII, item 5 (e) to be deleted, since the chemical analysis requirement is not relevant to waste paper.

The Committee was requested to re-consider the matter in reference to recent recommendation from DIPP.

Decision: Considering the fact that recycling of waste paper is likely to generate hazardous waste such as de-inking sludge, used/waste oil etc. the recyclers of waste papers whether procured indigenously or imported therefore may generate the above stated hazardous waste. The Committee therefore reiterated the view that the recyclers of waste papers are required to obtain authorization under HW Rules 2016 notified under EPA. CTO which is issued under Air and Water Act may not suffice the purpose. The ambiguity in the rules wrt the interpretation has already been addressed through proposed amendment as referred above.

However, to address the issue of separate CTO and Authorization, in order to save time, as is already the practice in some of the SPCBs to grant combined CTO cum authorization, the Committee suggested that all the SPCBs may be asked by the Ministry to follow the practice.

Agenda 1.5: Import of zinc dross in India as per HW Rules, 2016-Representation from M/s Rubamin Limited.

The applicant who is a large importer of zinc dross has submitted that the earlier HWM Rules, 2008 required customs to draw sample and analyze the sample drawn before clearance of material as per rule 16(6) wherein it was stated that “The customs authority shall collect three randomly drawn samples of the consignment (prior to clearing consignment as per the provisions laid down under the Customs Act, 1962) for analysis and retain the report for a period of two years, in order to ensure that in the event of any dispute, as to whether the consignment conforms or onto to the declaration made in the application and Movement Document”.

As per the new Rules “(10) The Port and Customs authorities shall ensure that shipment is accompanied with the movement document as given in Form 6 (Transboundary Movement- Movement Document) and the test report of analysis of the waste, consignment, wherever applicable, from a laboratory accredited or recognized by the exporting country. In case of any doubt, the customs may verify the analysis”.

The requirement of first check procedure at the port & Customs has accordingly been withdrawn. However, the applicant has contended that imports of Zinc Dross are subject to first check at customs and are not being cleared due to which they are paying heavy demurrage every year.

Ministry has been requested to take up the matter with Central Board of Excise & Customs and the port and save the industry from heavy demurrage expenses and valuable resource time at customs.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

Decision: The Committee noted that the earlier procedure of sampling and analysis by the Customs Authority has already been simplified in the HW Rules, 2016. According to the 2016 HW, Rules, the procedure is “The Port and Customs authorities shall ensure that shipment is accompanied with the movement document as given in Form 6 (Transboundary Movement- Movement Document) and the test report of analysis of the waste, consignment, wherever applicable, from a laboratory accredited or recognized by the exporting country. In case of any doubt, the customs may verify the analysis”.

Since the circumstances under which the Customs Authorities are carrying out sampling and analysis of all the consignments is not known, the Committee recommended to invite a representative of Customs as well as the applicant for a discussion in the next meeting of Technical Review Committee.

Agenda 1.6: Clarification on applicability of HW Rules, 2016 and E-waste Rules 2016 to MFDs- RTI from the applicant, Mr Satmeet Singh

As submitted by the applicant, HW Rules, 2016 makes EPR-Authorization under E-waste Rules 2011 as amended from time to time as a pre-requisite

for the import of used digital multifunction print and copy machines (MFDs).

The currently applicable E-waste Rules 2016 are not applicable on micro enterprises as per notification dated 23.03.2016. Clarification is sought that can a micro enterprises import used MFDs without obtaining Extended Producer Responsibility authorization under E-waste Rule 2016 as the Rules clearly provide it with an exemption to micro enterprises defined in MSME Development Act,2006.

The Committee may deliberate with regard to Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016.

Decision:

The Committee noted that E-waste (Management) Rules, 2016 do not apply to Micro enterprises as defined under Rule 2

“Application. - These rules shall apply to every manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment listed in Schedule I, including their components, consumables, parts and spares which make the product operational but shall not apply to -

(a) used lead acid batteries as covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;

(b) micro enterprises as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and 2

(c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under.”

However, import of EEAs including used MFDs is covered under HW Rules, 2016 (item B1110 in Schedule III D). As per these Rules, Schedule VIII (4(j)) requires among other documents the EPR authorization under e-waste Rules, 2011 as amended from time to time as Producer, as well.

1.7: Ammonia produced during Urea Production to be Designated as ‘By-Product’- Representation from M/S Bakul Aromatics and Chemicals Pvt. Limited (F.No. 23-101/2016-HSMD)

The applicant has indicated that Ammonia is produced as unintended product during manufacture of Dimethyl Urea by methylation of Urea with Methyl Amine and is utilized by other industries. It is thus not a hazardous waste but a by-product under the recently notified HW Rules, 2016. MOEFCC has been requested to clarify to GPCB not to consider Ammonia production as “waste” so that the applicant can carry on uninterrupted production at their end. Accordingly, the HW Rules, 2016 will not apply to the storing/transport/sale of ammonia referred above and the applicant shall be allowed to sell ammonia to any customer showing the utilization of ammonia.

The matter was considered in the 55th Meeting of the Technical Review Committee held during 27th and 28th June 2016. The Committee recommended that the applicant may be called for technical presentation with regard to details of concentration of ammonia solution generated, impurities therein and the users of ammonia solution as such. The matter was considered in the 60th Meeting of the Technical Review Committee held during 30th and 31st January 2017

was re-considered in the 57th Meeting of the Technical Review Committee held during 18th and 19th October 2016. During the presentation the applicant provided the following information:

- i. Conc. of ammonia solution obtained- 17 to 18 percent
- ii. Impurities- not detected
- iii. Users of ammonia solution- names of various industries have been provided

The Committee observed that the analytical report does not specifically mention the content of methyl amine which is likely to be present in the ammonia solution. The analysis report also does not mention the detection limit of impurities and the names of impurities analysed in the solution. The Committee suggested that CPCB may carry out an analysis of the solution for determining the conc. of methyl amine in the solution. The analysis report to be provided by CPCB should depict the comparative value of methyl amine vis-à-vis its *threshold Limit Value (TLV)*. The matter was to be reconsidered subsequent to receipt of aforesaid information.

Decision: Although the analysis report of the solution from CPCB is yet to be received, the applicant in the mean time has sent the analytical report from MOEFCC recognized and NABL accredited laboratory. As per the report the concentration of mono methyl amine in the solution is much below the TLV. Since the applicant has been supplying this material to various users and storage of ammonia solution in large quantity is neither practical nor environmentally safe, the Committee therefore is of the view that the applicant may be permitted to continue the existing practice for a period of four months. Also CPCB may be asked to expedite to submit the analysis report of the sample within a fortnight.

AGENDA 2: E-WASTE (MANAGEMENT) RULES, 2016

2.1: Implementation of E-waste (Management) Rules 2016-Representation of CEAMA and ICA forwarded by Ministry of Electronics & Information Technology

Consumer Electronics and Appliances Manufacturers Association (CEAMA) is an all India body of manufacturers of televisions, entertainment electronic products & home appliances. Indian Cellular Association (ICA) is the body of the mobile industry comprising manufacturers, brand owners, application & solution providers, distributors, retailers and eminent consumers of mobile handsets. Following issues have been raised wrt implementation of the e-waste rules:

- (i) It is impossible to collect 30% of e-waste in the current regime. It was also brought out that it will not be even feasible to collect even 5% of the e-Waste in case of CE, HA and mobile phones under the Extended Producers Responsibility.
- (ii) The End of Life in a developing country like India is not determined by the manufacturer/brand owner as the consumer is not aware enough about the discard of the e-waste. The consumer is the ultimate possessor of the product and it is at consumer's discretion when he intends to discard it. Also the products change many hands before they are sold to the Actual User and also amongst Actual Users, who ultimately decide to scrap the product. It is therefore would not be evident to put no responsibility on the Actual User for E-waste management.
- (iii) This industry encompasses a large hold of SME's and small importers for whom this is a short lived business as they will not

able to survive for a longtime under these rules. In fact, the same applies for the large brands too in a longer regime. Therefore, to adopt and follow a EPR is almost impossible for an SME/ small importer. Since it is impossible, the implementation will necessarily become extremely draconian which could be indemnity bond/ securities being demanded at the time of import, rent seeking and corruption because of the threat of appraisers/ enforcement action.

- (iv) CEAMA welcomes the RoHS directives, but looking at the current situation of poor infrastructure of test labs the mandate of RoHS cannot be implemented with an ease. The same needs to be revisited and examined critically.
- (v) An Industry Association (i.e. ELCOMA) has already gone to Court.
- (vi) Retrospective targets are being imposed.

The way out that has been suggested by CEAMA as resolution to the issues basically revolve around removing EPR from the rules and imparting responsibilities of managing the e-waste on government, municipal authorities and consumers.

CEAMA and ICA have also submitted a legal opinion on the E-waste rules 2016, which has been enclosed with their representation.

The committee was informed about following status of the matter by Member Secretary:

(i) Target and Retrospective implication of rules

The matter pertaining to target and retrospective implication of the rules has been deliberated in the past also during 57th meeting of TRC held on 18th-19th Oct 2016. The committee's observations and recommendation is as given below:

The need for environmentally sound management of e-waste has been recognized all over the world. In the EU this need took the form of a directive by the EU to its members way back in 2003 to collect e-waste in certain quantity from all households. In India, the 2011 Rules was a response to this need in view of the environmental consequences haphazard recycling or disposal of the e-waste. The main issue in the management of the e-waste is its collection. Taking into consideration the fact that various hazardous constituents form part of the EEE supplied by the producers, the major responsibility of collection of the e-waste and its channelization to the environmentally sound recycling/ disposal facilities should rest with the producers. Accordingly, the 2011 e-waste Rules made this provision as EPR. However, despite EPR there has not been much progress in collection of e-waste or its channelization to recycling and disposal facility as stated above. Therefore, in the E-Waste (Management) Rules, 2016 a provision has been made for every EPR authorization holder to collect and channelize e-waste with respect to annual specified target.

The 2016 Rules, therefore were a response to the existing e-waste issues which despite 2011 Rules remain unresolved on the ground. The e-waste to be collected by the producers from 2017 onwards is the one which is being currently generated in the country. Moreover, the quantity to be collected during the first two years has been fixed at 30 percent of the estimated generation per annum. Further, the quantity of e-waste generation has been estimated based on the end of life of EEE. The E-waste 2016 Rules provide for prospective targets even to the extent that the targets would become mandatory from 2017 onwards.

The collection targets though are based on what had been put out in the market in the previous years do not make the targets, retrospective. If one looks at the WEEE directive of EU of 2003, the targets were prescribed based on the generation at that time. It may also be noted that EU directive of 2003 provides for establishing collection targets based on quantity placed in the market in the previous years. The relevant extract from this EU directive is placed below:

“Member states shall ensure that by 31st December 2006 at the latest a rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households is achieved”

Further, it refers to new mandatory targets on the basis of experiences and taking into account electrical and electronic equipment sold to private households in the preceding years. An extract of EU directive of 2003 states in this regard is reproduced below:

“ the European Parliament and the Council, acting on a proposal from the commission and taking account of technical and economic experience in the Member States, shall establish a new mandatory target by 31st December 2008”. This may take the form of a percentage of the quantities of electrical and electronic equipment sold to private households in the preceding years”.

This clearly establishes the fact that prospective targets can only be based on the EEE sold in the previous years. It may also be noted that as per the e-waste rules, 2016 for meeting the collection target, even historical e-waste of similar EEEs available can also be collected.

(i) WP No. 5461/2016 in matter of ELCOMA & Ors Vs. UOI & Anr for injunction upon the E-waste Management Rules, 2016

The Committee was informed that the matter ELCOMA & Ors Vs. UOI & Anr bearing WP No. 5461/2016 has been pending before the Hon'ble High Court, Delhi, in which Civil Miscellaneous Application (CM) No. 22775/2016 was filed by the Petitioner wherein it was prayed for injunction upon the E-waste Management Rules, 2016. The Hon'ble Court was pleased to dispose of the CM No. 22775/2016 on 28th September 2016 after making the observations the petitioners cannot be exempted from participating in the procedure contemplated under Rule 13 on EPR under E-Waste Rules. ***Accordingly, the Hon'ble Court had passed the directions necessitating the petitioners to apply and participate in the proceedings for grant of 'Extended Producer Responsibility - Authorization' as provided under Rule 13 of the impugned Rules.***

Decision: The Committee concluded that even Hon'ble High Court has recognized the significance and necessity of the implementation of EPR as has been prescribed under the E-Waste Rules.

However, considering the legalities of the issues raised regarding the retrospective nature of the targets under E-waste rules, 2016 and the case laws given as annexures, the Committee was of the view that members would like to read the case laws and other documents supplied by the applicant. The Committee recommended that the issues raised should be discussed in the next TRC meeting after the members have gone through the case laws and the other documents.

The Committee also recommended that a copy of all these case laws and the other documents including the representation may be sent to the law Ministry or to the Legal Adviser of this Ministry and in the next 60th Meeting of the Technical Review Committee held during 30th and 31st January 2017

TRC meeting a representative of the law Ministry or Legal Adviser of this Ministry may also be invited.

The Committee also desired that the feedback in respect of applications received by CPCB on EPR authorization may also be provided by CPCB.

2.2: Clarification of the scope of the E-waste Rules, 2016- M/s GE India Industrial Private Limited

M/s GE India Industrial Private Ltd has sought clarification on following issues from this Ministry taking into account their business model:

(i) Applicability of the Rules on GE's products

GE businesses sell large industrial machinery and medical instrumentation designed for industrial or commercial organizations with specific technical needs -e.g. for grid scale power production, industrial energy controls or medical devices - and not for individual users. These are not in the consumer or retail sector. The equipment has detailed technical specifications and is manufactured to high industry standards. As such, GE's machineries do not fall in the scope of Schedule I of the Rules.

However, the industrial machinery and medical devices come with in—built or attached sub-components, which are required for data computation, storage and display such as mainframes, computers and monitors or for control stations, workspaces such as lamps. These sub-components, including mercury containing lamps and desktop computers, may fall in the scope of Schedule-I had they been stand-alone pieces. However, the sub-components, which are sourced from third parties, are integrated in the specialized GE applications and are essential to making them functional and not sold as stand-alone items. For example, a wind turbine, cannot be operated and monitored without the required sub-components. Furthermore, GE installs less than 1tonne per annum of such sub-components in the equipment in the India market.

Since these sub-components are integrated to the GE machinery that does not fall in scope of the Rules, and are essential for the functioning of the industrial and medical machinery, the applicant has contended that GE equipment containing the sub- components do not fall in the scope of the E—waste Rules 2016. Therefore, GE should not be considered a Producer under the E-waste Rules 2016, and consequently does not need an EPR authorization. They have requested ministry's confirmation on their understanding of the same.

(ii) Applicability of the Rules for a Producer, which discontinued operations:

GE also operated a lighting business producing lighting equipment. This business division announced on August 28, 2016 that it would globally discontinue the production and sale of its products with effect from March 31, 2017 including in India. As a matter of fact, the production and sale of the lamps containing mercury have been stopped since September 30, 2016. GE lighting used to operate under a multi business legal entity in India which also houses other GE businesses, such as power, renewable energy and water. All operations concerning the production and sole of lighting equipment in India have been stopped.

Considering the E-waste Rules 2016, which define orphaned products as “non-branded or assembled electrical and electronic equipment as specified in Schedule I or those produced by a company, which has closed its operations”, they are of the understanding that the said lighting equipment produced in the past can be considered as orphaned products, and that the GE entity having ceased operations does not require to apply for EPR authorization. As the relevant operations relating to the entire lighting business have been closed, it would not be feasible for the company to support the tracking and disposal of the lighting equipment sold in the past. The orphaned equipment may be dealt with by appropriate collection centres.

The Committee may deliberate with regard to E- Waste (Management) Rules, 2016.

Decision: The matter is deferred for further deliberation.

2.3: Proposal for formation of Producer Responsibility Organization (PRO) in reference to obligation under e-waste rules, 2016- M/s WEEPRO.

WEEE India Pvt Ltd is a joint venture between an Indo & UK business and in reference to recently notified e-waste rules which has provided option of PRO for implementation of EPR has proposed its plan to form an open PRO (WEEPRO). The unique online capability has been developed on following line using existing software designed for the UK EPR compliance PRO's owned by the applicants' shareholders. This 100 % digitization of EPR enables quality assured compliance for all producers joining a PRO in India:

- (i) **WEEE Settlement Centre:** a central repository, mirroring the ISO 14001 & 27001 system used by their UK PROs; producing quality assured evidence in support of Form 3 returns via its digitized E-waste Manifest incorporating the E-waste codes from the E-waste (Management) Rules 2016 and its registry of licenced re-furbishers, dismantlers and recyclers.
- (ii) **EPR Plan submission:** Online tools with a simplified step by step, six stage process enabling any producer, large or small, to form a compliant EPR Plan for submission to CPCB with options to join WeeePRO; Join another PRO; go it alone and/or join a consortium of Producers to meet their financial obligations under the E-waste (Management) Rules, 2016.

WEEE settlement Centre has offered to provide free of charge transfer to CPCB, the digitized E waste Manifest, developed by WEEPRO. It has further been submitted that the CPCB monitoring process for EPR plans today has no mechanism to distinguish between a producer who has a contingency plan to meet their financial obligations and a producer who has planned to fail sighting the lack of feed stock in the formal market place. Decision have been made with respect to failure to meet targets and EEE placed records.

Ministry has been asked to advice on how to follow up the offer.

Decision: In order to understand their model of PRO the Committee recommended that the applicant may be called for a presentation and discussion in the next meeting of the Technical Review Committee.

Agenda 2.4: Serious health & environment Hazards from the use of lead metal based heat stabilizers in PVC Pipes- Representation from Jan Sahyog Manch

PVC pipes are being widely used for extraction, irrigation, potable water transportation, water distribution system and plumbing system. Though PVC is a versatile and food contact safe material, processing of PVC requires a certain heat stabilizer to be incorporated in the material to prevent it from degradation while it is being processed at high temperatures. These heat stabilizers could be food contact approved materials, which are easily available and need no extra equipment or capital cost to replace the toxic metal based heat stabilizers. In absence of a mandate or check, there is a rampant use of lead metal based heat stabilizers in India, since decades. The organization has submitted that use of lead based heat stabilizers in production process of PVC pipes is polluting the water system resulting in Lead infested drinking water & crops and have reproduced information with regard to the same.

An application with OA no 477/2015 has been filed in this regard in NGT, pleading to check and ban the use of harmful lead in the processing of PVC, and is pending adjudication before the honorable court.

The Committee was requested to deliberate wrt to the HW Rules, 2016.

Decision: The Committee deliberated on the issue and felt that the applicant, representatives of BIS, Department of Chemicals and Petrochemicals and of PVC pipe Manufacturing companies may be invited in the next meeting of the Technical Review Committee.