



# ALL INDIA FOOD PROCESSORS' ASSOCIATION

Ref. No. 122/2011/

Date: 15<sup>th</sup> Feb, 2011

To,

**The Hon'ble Minister**  
Ministry of Environment and Forests  
Government of India  
Prayavaran Bhavan, CGO Comoplex, Lodi Road  
New Delhi

**Sub: Serious anomalies and objections to certain provisions of the Draft Notification No. S.O. 2400(E) regarding Plastics (Manufacture, Usage and Waste Management) Rules, 2009.**

Respected Sir,

This has reference to the Draft Notification No. S.O. 2400(E) regarding **Plastics (Manufacture, Usage and Waste Management) Rules, 2009** under **Environment (Protection) Act, 1986**, came into force by Notification No. S.O. 249(E) dated 4<sup>th</sup> February, 2011.

In this regard we may point out some serious anomalies and objections to certain provisions of the **Plastics (Manufacture, Usage and Waste Management) Rules, 2009** because these anomalies and non practical provisions will lead to the closure of most of the food processing units in the country.

We are submitting below our objections to these anomalies.

Impact of this notification : Huge (National)

User industry: Food, Pharmaceuticals, Multilayer and Carry Bag retailers/users  
Manufacturers of Plastic Carry bags, Plastic multilayer packaging

Please find some comments:

- Enforced from 1<sup>st</sup> Feb'11 (issued on 4<sup>th</sup> Feb .2011(Probably due to Supreme Court Ruling on plastic pouches for Gutka packs)
- Extended Producer's Responsibility introduced as a new requirement – a big leap by Govt. vs how it EPR is progressed in other parts of world.
- There are more than 40000 Municipalities in the country .Working of some of them is so inconsistent/overlapping that application / enforcement of these Rules shall likely to be an issue. For example is of NDMC vs DMC is just a case in place as one example within same territory

**Contd.../2/.....**

**ALL INDIA FOOD PROCESSORS' ASSOCIATION**  
206, Aurobindo Place, Hauz Khas, New Delhi – 110 016  
Tel:- 011-26510860/26518848, Telefax : 011-26510860  
E-mail:- aifpa@vsnl.net, Website:- www.aifpa.net



# ALL INDIA FOOD PROCESSORS' ASSOCIATION

- Labeling of multilayered packaging is added new requirement; For foods and pharmaceuticals industries , any labeling change is required to be given adequate transition time of minimum one year. This notification has far reaching labeling implications from newer requirements (and inventory management by users of plastic carry bags and multilayer packaging); It is a TBT issue.
- Exports exempted but not 'imported multilayer packaging'

## Specific points for consideration:

Provision	Issue arising from new provision introduced in SO215(E)	Proposal (Red font)
1(2) Commencement of Rules	Comes into force on date of publication in the official gazette	Comes into force on date of publication in the official gazette <b>except for Rule 8 which shall come in force after one year from date of publication</b>  Or  Comes into force on date of publication in the official gazette <b>except for Rule 8 for which the last date of compliance shall be one year from the date of publication</b>
2: Application	Rule 5 and 8 shall not apply to the manufacturer of carry bags exclusively for export purposes	Rule 5 and 8 shall not apply to the manufacture of carry bag exclusively for export purposes <b>or multilayer packaging imported into India</b>
<b>Definitions</b>		
3(b) Carry bags	..means all plastic bags used to carry commodities, including self-carrying features	...should <b>provide example of self-carrying features i.e. commonly known as vest type bags, "D" punched bags</b> (Ref: Expert Committee report and Rule 3(b) vide SO 698(E) MOEF notification (now suppressed by 2011 Plastic rules)
3(f) Multilayered plastics	... new definition without examples	...same materials used in multiple layers are supposed to be

## ALL INDIA FOOD PROCESSORS' ASSOCIATION

206, Aurobindo Place, Hauz Khas, New Delhi – 110 016

Tel:- 011-26510860/26518848, Telefax : 011-26510860

E-mail:- aifpa@vsnl.net, Website:- www.aifpa.net



# ALL INDIA FOOD PROCESSORS' ASSOCIATION

		exempted e.g. CFC
3(l) Plastic	... means material containing essential ingredient a high polymer	... high polymer is vague (does this mean low polymeric PE is excluded?)
<b>Conditions</b>		
5(a) carry bags color	... either be white or made using only those ..	... either be <b>natural / white</b> or made using only those ..
<b>Marking or Labeling</b>		
8(a)(ii) name and regn no	... Rule 9(e) indicates 90days minimum time for grant of license after submission of complete documents AND ... Rule 9(g) seeks renewal application submitted at least 90d before expiry of license	... This provision 8 <b>requires transition time for implementation (one year minimum)</b> as is the practice followed by Govt. notifications associated with any labeling changes; Also requires <b>exemption of manufacturing units outside India as jurisdiction wise such manufacturers in other countries would not be covered by the notification</b> (this is again similar to exemption given to exports so same principle should apply here as well).
Form-I; Section-6	Minimum size and thickness	Minimum <b>size-and</b> thickness

Thanking you,

Yours sincerely,

**(D.V. Malhan)**  
Executive Secretary