

AGENDA ITEMS FOR 72nd MEETING OF THE TECHNICAL REVIEW COMMITTEE
(TRC)

Dated: 30th May, 2022

Time: 10:30-17:30 hrs

Venue: Through Video Conferencing (VC)

AGENDA NO. 1. INITIAL DISCUSSION:

Brief Introduction of newly constituted Technical Committee (TRC) followed by short presentation by the Member Secretary, TRC on ToR of the committee.

AGENDA No. 2. Clarification with respect to Hazardous and other Wastes (Management & Trans-boundary Movement) Rules, 2016

Agenda 2.1 Regarding adverse impact of import of PET Waste/flakes in India.

MoEF&CC vide notification dated 12th November, 2021 has moved “Polyethylene terephthalate (PET)” having Basel No. 3011 from prohibited list (Schedule VI) to restricted list (Part B of Schedule III) of Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016. Accordingly, DGFT was requested to take further necessary action at their end. Now, an OM dated 24th March, 2022 has been received from Director General of Foreign Trade, Ministry of Commerce and Industry forwarding therewith representation received from Pt. Deendayal Upadhyay Smiriti Manch, Mumbai regarding the adverse impact of import of PET Waste/flakes in India for examine and furnish comments. Similar representations have also been received from Chemical & Petrochemicals Manufacturers Association (CPMA) and Recycle India Foundation with request to ban the import of PET Waste/ Flake.

Agenda 2.2 Clarification on utilization and disposal of imported tyre scrap- representation received from All India Rubber & Tyre Recyclers Association (AIRTRA)

All India Rubber & Tyre Recyclers Association (AIRTRA) has stated that there is no clarity on utilization and disposal of imported tyre scrap in absence of FORM 7 which was earlier being filled by the applicants applying for import permission in MoEF&CC mentioning therewith usable raw material available for initial purification/sorting etc. & how much of that will be converted into useful product or co-product.

Further, they have mentioned that Scrap material is imported from USA, Europe and UK where labour cost is expensive and scrap is loaded without any sorting. After importing, the importer finds that a fraction of goods is not fit for consumption/manufacturing in his plant. Due to that it is virtually impossible to process 100% of imported raw material.

In view of the above, AIRTRA has requested to clarified that 2% of the imports be allowed to be disposed of / Sold in domestic market without Converting the same into crumb, to other entities who have State Pollution Control Board consent to utilize this product.

Agenda 2.3 Representation from MAIT on the interpretation and application of the certain rules under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

MAIT has stated that HW Rules apply to the management of waste, particularly ‘hazardous’ and ‘other wastes.’ The term ‘waste’ has been defined under the HW Rules to mean ‘*materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.*’ Further, we note that by way of explanation it has been clarified that the term ‘waste’ includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation.

MAIT has further mentioned that they have received enquiries from their members, dealing in export of electronic devices in relation to the applicability of the HW Rules seeking to export a refurbished electronic device outside India. It is pertinent to clarify here that we are referring to a case where the devices, either manufactured in India or imported as brand new devices as per the applicable laws and regulations, are subsequently refurbished within the country. It is these refurbished electronic devices which may be exported outside India for further sale.

For added clarity and in the context of such queries, refurbished electronic devices refer to devices:

- (a) whose boxes were opened (i.e., seal was broken) by the customers and returned back immediately after purchase to the seller;
- (b) which were used for 2 or 3 days, and then returned by the customers under the seller’s return policy;
- (c) which were returned as ‘warranty returns’ when customer noticed a defect within the warranty period; and
- (d) which were damaged, and hence, could not be sold as such to a customer.

The aforesaid devices are thereafter refurbished (i.e. to make the devices look new/ new-like again, by performing functions such as repair, cleaning, etc.) by the manufacturers/ authorised sellers of these devices either on their own or through a third-party service provider and certified as refurbished.

Given this background, they have tried to analyse the HW Rules to understand its scope and extent. As discussed above, the definition of ‘waste’ explicitly excludes from its ambit products that are

intended for further consumption or have a usable life. Given this understanding, they are of the view that such devices (which have a usable life, certifiable by a chartered engineer) should not qualify as ‘waste’ under the HW Rules and thereof not subject to the provisions of the HW Rules. Having said that, they have requested to confirm their fundamental understanding on the applicability of the HW Rules and requested to provide the necessary clarity.

Agenda 2.4 Representation from Gujarat Paper Mill Association regarding Streamlining of Import of Waste Paper.

M/s Gujarat Paper Mill Association (GPMA) has requested to withdraw the present norms under the Hazardous and Other Wastes (Management & Transboundary Movement) Rules 2016 and its subsequent amendments and OM issued by MOEF&CC dated 11-May-2010, specifying different out-throws for different kinds of waste paper. Merge all grades as only one item Waste Paper and have a uniform allowable non-fiber as per below chart:

Norms Proposed for import of Waste paper		
Item	%	Remarks
All Kind of Plastic	5	
Wood	2	Combined max allowed
Sand		
Metal		
Textile		
Glass		
Bio Medical Waste, Municipal Solid Waste, Post Consumer domestic waste	0	If found, will be sorted out and sent to Cement Factory for co-incineration

Further, they have mentioned that in the rare case of higher prohibitive content received, currently the matter is put to litigation and drags on for years and some shipments are abandoned. Under the vision of “**Vivad Se Vishwas**”, such contaminations from rare shipments should be allowed to be incinerated at Kiln in Cement Industries for **swift resolution**, since Container detention and Ground rent at Port multiply daily leading to huge cost implications and Port congestions. Material can be taken to the paper mill, rejects to be sorted out and sent to Cement factory. Compliance format may be submitted to customs and SPCB’s.

GPMA has also requested to stop Imports of all kinds of Waste Paper by Traders. This will ensure only genuine users are importing waste paper with sense of Responsibility and not profit only agenda.

Agenda 2.5 Representation from M/s Finster Black Private Ltd regarding grant of permission of import of 50,000 MT per annum of Used tyre scrap in baled/multicut form for a period of 10 years for manufacturing of Recovered Carbon Black.

M/s Finster Black Private Ltd has mentioned that currently India produces 16,00,000 tonnes of Virgin Carbon Black using CBFS carbon black feedstock (crude based oil) & pitch oil. This contributes more than 2 tons of CO2 emitted to the atmosphere for every ton produced. CBFS is imported in the country. 90% of the virgin carbon black produced goes for the manufacturing of rubber tyres and rubber products. Around the world countries have started promoting recovered carbon black as a substitute of virgin carbon black and save the environment. Recovered carbon black is produced by using rubber and tyre scrap as a raw material. NITI Aayog in its report on rubber and tyre scrap recycling has promoted the use of Recovered carbon black.

Further, it is mentioned by the applicant that Indian local tyre scrap is available in a limited way and quality of scrap is not good because of the multiple reuse and high ash content. In view of this and in order to kick start the recovered carbon black industry, M/s Finster Black Private Ltd has requested to grant of permission of import of 50,000 MT per annum of Used tyre scrap in baled/multicut form for a period of 10 years.

Agenda 2.6 Representations from FICCI, All India Pre-Owned Medical Equipment Supplier Association and CDSCO regarding query related to import of Pre-owned/ Refurbished devices & Clarification regarding import of Critical Care Medical Equipment.

FICCI has given reference to the list of critical care medical equipment finalized through Agenda 1.1 of 62nd meeting of the 'Technical Review Committee (TRC)' on 25th May 2017. In the meeting, the committee concluded on import prohibition of 25 used critical care medical equipment for re-use under the provisions of Schedule VI of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. From the conclusion of the meeting, it is understandable that the import of used medical equipment other than those of 25 critical care medical equipment are permitted for import. Further, they have requested to clarify and confirm on the same.

AIPOMESA (All India Pre-Owned Medical Equipment Supplier Association) has mentioned that they are importers of refurbished Medical Equipment and Third Party Service Provider of various Medical Devices. They have sold numbers of refurbished equipment across the Country and Provide services for various medical devices to Hospitals/ Nursing Homes/Clinics, but due to import Restriction of refurbished medical devices by Ministry, they are unable to import the Required Spare parts for servicing of these devices.

Agenda 2.7 Representation from Greenscape Eco Management Pvt Ltd for consideration of machine/equipment capacity not the area for finalizing the capacity of recycler.

M/s Greenscape Eco Management Pvt Ltd (GEMPL) has mentioned that they face hardship whenever company approaches to producers with respect to targets under EPR [E-waste (Management) Rules, 2016], producers start discussing with regard to space and land area as per

requirements and do not consider capacity of plant & machinery and recycling and storage etc. as per production/recycling capacity of the plant and machinery. GEMPL invested heavily in recycling facilities as per International Standards and working with almost all MNCs in E-waste domain. The companies, which are adopting technology i.e. advanced automatic and semi-automatic machines should be dealt not as generally framed rules. Once, the unit is inspected and certified by the Chartered Engineer and capacity of the plant is determined, the same should be considered by the producers and State Pollution Control Board. Once recycler installs state-of-the-art automatic and semi-automatic plants, the storage requirement and space requirement reduces substantially. In that case, the storage requirement for per square meter for dismantling and recycling will be lower than 50 square meter as against 300-500 square meter.

GEMPL has requested to consider capacity of recycler based on the plant and machinery and not on the area of the plant.

Agenda 2.8 Regarding Classification of Unvulcanised materials during tire manufacturing process as waste or by-product - Representation from M/s Bharti Rubber Overseas

M/s Bharti Rubber Overseas (BRO) has sought clarification whether Rubberized Nylon Friction, Rubber Compound, Rubberized steel friction, Fabric Carcass and Green Tires, which are unvulcanised in nature are waste or by-product and require permission for import by MoEF&CC or not. Similar representation from DGFT regarding import of Moulded Rubber Articles Scrap/ Conveyor Belt scrap/Rubber Article scraps/ Pairings/ Rubberised Nylon Friction Cord/ Rubberized steel friction cord/Rubber Compound /Lumps (Cut/Shredded/Press/Baled/Sheets/ Chips/Rolls) for manufacture of Crumb rubber/rubber products were discussed in 69th Meeting of TRC held on 19th February, 2020 and the committee noted that waste and scrap of hard rubber, other rubber wastes and waste pairings and scrap of rubber falls under B3040 and B3080 of Part B, Schedule III of HW Rules, 2016. As such all these items need permission from this Ministry.

The matter was last discussed in 71st Meeting of the Technical Review Committee (TRC) held on 4th February, 2022 and the recommendation of the committee is as follows:

“The committee heard the presentation made by the representative of the company and recommended that these goods fall under HOWM Rules, 2016 and requires permission from this ministry as per the earlier decision taken in 69th meeting of TRC held on 19th February, 2020. Further, the committee also recommended that representative of Automotive Tyre Manufacturers Association (ATMA) and /or other similar organization may be invited in the next meeting of TRC to understand how Tyre Manufacturers classify these items being generated indigenously for further deliberation/decision in the matter.”

Accordingly, ATMA was informed to attend the next TRC meeting as and when scheduled.

Agenda 2.9 Incorrect Classification of Cosmetic Products under category 28.4 & 28.5 of Schedule I of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016 - representation from M/s Procter& Gamble Home Products Private Limited (P&G), Baddi, Solan, HP.

M/s P&G has stated that they manufacture cosmetic products and detergents at Baddi Plant and if any products are found to contain packaging defects or grammage issues (“End of Line Rejects” or “EOL Rejects”), such secondary cosmetics products are segregated separately and are not sold to end consumers.

In March, 2018, the applicant received a notice from HPSPCB stating that EOL rejects falls under Hazardous Waste Category. Also, the CPCB vide its letter dated 10th October, 2019 had clarified that these off specification & date expired products generated from production/formulation of drugs/pharmaceutical and health care product respectively comes under Schedule I of HW Rules, 2016.

However, the applicant again approached CPCB vide its letter dated 23rd September, 2020 claiming incorrect Classification of Cosmetic Products under category 28.4 & 28.5 of Schedule I of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016. Then the CPCB vide its letter dated 12th October, 2020 informed applicant to approach TRC constituted by MoEF&CC for identification of off specification & date expired products as non-hazardous.

Accordingly, the applicant has now requested the Ministry to consider these EOL rejects as non-hazardous.

The matter was discussed in the 70th Meeting of TRC held on 17th November, 2021 and as no representative of the company joined the meeting, the committee therefore deferred the case for next meeting for better understanding of the case.

The matter was then discussed in 71st Meeting of the Technical Review Committee (TRC) held on 4th February, 2022 and the recommendation of the committee is as follows:

“The committee noted that although the off-specification & date-expired products (shampoo, conditioner, gels, etc.) generated from production/formulation of drugs/pharmaceutical and health care product falls under category 28.4 & 28.5 of Schedule I of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016. But, during presentation the representative of P&G stated that during production, if any products are found to contain packaging defects, weight variations or grammage issues (“End of Line Rejects” or “EOL Rejects”), such Secondary Cosmetics Products are segregated separately and are not sold to end consumers. These EOL rejects are sold separately to vendors who used these EOL rejects for use in Car Wash/ floor wash but other than human use and it is non-hazardous in nature. The committee was of the opinion that these EOL rejects are waste but it may not be hazardous in nature as per Hazardous Waste (Management and Transboundary Movement) Rules, 2016. After

deliberation the committee recommended to refer the matter to CPCB to confirm the same. Till then, the matter is deferred.”

Accordingly, CPCB was informed about the same and the confirmation is yet to be received by them.

Agenda 2. Any other item(s) with permission of the chair.
