

Combating Plastic Pollution: Onus on States

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India was the global host of 2018 World Environment Day on June 5, 2018. With “Beat Plastic Pollution” as the theme, the world came together to minimise plastic consumption and mitigate its impact on environment. On this day, Prime Minister Shri Narendra Modi announced India’s pledge to phase out all Single-Use Plastics by 2022. Subsequently, at least on two occasions, first on 15th August, 2019 and later on 2nd October, 2019, PM Modi has reiterated India’s pledge to phase out all Single-Use Plastics by 2022. This means, by 2022, India would completely stop producing and using all single-use plastic items. Given the present magnitude of the problem and considerations of economic growth & employment etc, this is a challenging task, but doable.

Of course, the above objective is to be achieved in a phased manner. Phasing out of all Single-Use Plastics will require it to be tackled from both demand and supply angle. Demand reduction will involve promotion of alternatives to single-use plastics and Information Education Communication (IEC) / Behaviour Change Communication (BCC) activities. Supply reduction will require legislative and regulatory measures including banning single-use plastics in a phased manner. Demand reduction and supply control complement each other. None will work in isolation from the other.

In order to fulfil India’s pledge to phase out all Single-Use Plastics by 2022, the Government of India in the Ministry of Environment, Forest and Climate Change has on 21st January, 2019 issued Standard Guidelines for Single-Use Plastics to all States and UTs suggesting different sets of actions that State/UT Governments may take to minimise the production and use of single-use plastics. It is satisfying that these guidelines cover both supply and demand reduction strategies. The guidelines are comprehensive and, if implemented in both letter and spirit, are capable of freeing India of all single-use plastics by 2022. However, the onus is on the State and UT Governments as they are the primary implementers of the guidelines.

The guidelines recognise that key aspects of effective management of plastic waste throughout the country include long term investments in waste management systems, promotion of alternative options, and effective awareness campaigns. It also underlines the need to maintain parity among actions at state level in various States and UTs to avoid ambiguity.

One common thread that runs across the country to maintain uniformity is the Plastic Waste Management Rules, 2016 (PWMR) notified by the Ministry of Environment, Forest and Climate Change in March, 2016. These Rules were slightly amended in March, 2018. These Rules, if implemented properly, can substantially prevent and eliminate plastic pollution. The Rules make segregation of various types of waste mandatory. The intention under the Rules is to follow a waste-to-wealth pathway via recovery, reuse and recycling. The Rules also introduce Extended Producer Responsibility (EPR), as an environment policy instrument, and assign the physical, financial and environmental responsibility to producers, brand owners and importers of plastic. Rules contemplate that under the rubric of EPR, producers / brand

owners need to work with all stakeholders including local bodies and informal sector, etc. So far so good. The Rules are excellent, but their implementation on ground is not up to the mark. The Rules need to be implemented with sincerity and with all seriousness they deserve, to have any beneficial effect. The Central and State Governments need to sensitise all concerned authorities and agencies about their obligations under the Rules and to ensure that they implement the Rules in both letter and spirit.

In any case, the Plastic Waste Management Rules (PWMR) fix a minimum benchmark or minimum standards for the State and Central authorities. They are free to go beyond the benchmark and adopt any other innovative way to reduce production and use of single-use plastics. It is satisfying to note that 15 States and 4 UTs have issued notifications/orders introducing regulations pertaining to ban on plastic carry bags and/or other single-use plastic items, albeit with poor implementation and little success. In addition, some States have introduced partial bans on carry bags or other single-use plastic items supplementing PWMR in some ways. It is important to note that so far PWMR have banned only three items, that is, plastic carry bags (virgin or recycled) of less than fifty microns in thickness, and plastic sheet or like, which is not an integral part of multi-layered packaging, and cover made of plastic sheet used for packaging, wrapping commodities with thickness less than fifty microns. No other single-use plastic item has been banned under PWMR.

In the guidelines on single-use plastics, issued by the Central Government, there are essentially six sets of actions that are to be taken by the State/UT Governments. These are: (1) Waste management system improvements, (2) Legal options for phasing out single-use plastics, (3) Promotion of eco-friendly alternatives, (4) Social awareness and public education, (5) Action by Government offices, and (6) Extended Producer Responsibility.

The suggested actions are unexceptionable. No one can overemphasise the importance of waste management system improvements. This is important not only to manage the plastic waste efficiently, but also for maintaining overall cleanliness in metropolitan cities, other cities and towns and villages under the Swachh Bharat Abhiyan. The role of local bodies assumes tremendous importance, which is a state subject under entry 5 of state list of seventh schedule of the Constitution of India. Incidentally, sanitation which is a related issue, is also a state subject under entry 6. States and UTs have, therefore, primary responsibility in this regard. Huge investments are needed to improve waste management systems. Public private partnership could be explored to reduce the burden on public exchequer alone. The source segregation of waste, its collection, transportation and processing are key to the success of waste management. Indore model, which has been a huge success, could perhaps be suitably adopted by other cities.

Under the ambit of legal options for phasing out single-use plastics, States/UTs have been advised to consider prohibitive action with regard to (a) all plastic carry bags, with or without handles, irrespective of thickness and size, (b) plastic cutlery including plates, plastic cups/glass, straws, stirrers, etc, and (c) cutlery and other decorative made of Styrofoam (Thermocol). This is a welcome suggestion and all States and UTs should ban production and use of at least these single-use plastic items in a phased manner. Since, there are enough options for carry bags, such as cloth, khadi and jute bags, the plastic carry bags should be

banned immediately by all States and UTs without any delay. At the same time, we as consumers, should develop the habit of carrying our own eco-friendly and reusable bag whenever we go for shopping. Other single-use plastic items may be banned by 2020 / 2021 to allow for introduction of eco-friendly alternatives and consumption of existing stocks that single-use plastic producers may have. These future dates for ban need to be announced well in advance to enable the producers to switch over to different products and technologies.

Promotion of eco-friendly alternatives is key to reducing single-use plastics. The alternatives need to be cost-effective and convenient. Projects which support small scale and micro enterprises should be encouraged. The Ministry of Environment, Forest and Climate Change has suggested that States may take benefit of a central sector scheme called "Creation of Management Structure for Hazardous Substances" which provides financial assistance for innovative technologies and novel treatment options to different waste streams.

Social awareness and public education are very important for inculcating behavioural change in plastic usage.

Action by Government offices include declaring all offices as single-use plastic free. The offices can go beyond single-use plastics and cut down on other plastic items too, where alternatives exist. This will have a demonstrative effect and even private sector will be inspired to make their offices single-use plastic free.

Last, but not least, is the concept of Extended Producer Responsibility (EPR). The Ministry of Environment, Forest and Climate Change is currently formulating a national framework for implementing EPR under Rule 9 of PWMR, 2016. Under the proposed framework, the modalities will be fixed for producers/brand owners and importers of plastic products for implementing the EPR framework, working in consonance with State Urban development Departments/Urban Local Bodies/Central Pollution Control Boards/State Pollution Control Boards/Committees and other stakeholders involved in plastic value chain. This is fine but the Ministry should not leave everything on State Governments. As for the large brands which have Pan India presence, the Ministry itself should enter into EPR agreements with them. This will ensure uniformity and an integrated approach across the country. Different States entering into agreements with same producer may create avoidable problems of coordination and smooth implementation.

The Ministry has suggested that certain single-use plastic products including PET/PETE bottles used for packaging beverages including water may not require prohibitive action and will come under the ambit of recycling/processing channels under EPR. This too is fine provided the producers of such products take responsibility for 100% collection of their products through deposit-return scheme and their eventual recycling.

The most difficult single-use plastic items to handle is the Multi-layered Packaging (MLP). According to the Ministry, replacement technologies are still not available to the manufacturers of products, which use MLP. Hence, the Ministry adds, it may not be suitable to phase out or prohibit the use of MLPs at this stage. However, MLP which is non-recyclable or non-energy recoverable or with no alternate use are required to be phased out in two years' time as per amended Rule 9(3) of PWMR. The said rule was amended in March, 2018.

Hence, this two year's window will be over in March, 2020. From that time on no such MLP can be produced, which is non-recyclable, non-energy recoverable and has no alternate use. It is hoped this will be adhered to.

While as per the guidelines issued by the Ministry of Environment, Forest and Climate Change, the onus is on the State and UT Governments to take action, but the Ministry should set up a monitoring mechanism to ensure that States and UTs do take the desired action. Already considerable damage has been done to the environment, and we cannot afford any delay and slippages. With PM Modi being at the helm of affairs, one hopes that action against single-use plastics will meet with same success as ODF-1 of Swachh Bharat Abhiyan.
