AGENDA ITEMS FOR 73rd MEETING OF THE TECHNICAL REVIEW COMMITTEE (TRC)

Dated: 21st July, 2022
Time: 10:30 AM onwards
***Venue: Through Video Conferencing (VC*)**

AGENDA No. 1. Clarification with respect to Hazardous and other Wastes (Management & Trans-boundary Movement) Rules, 2016

Agenda 1.1 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.

The matter was last discussed in 72nd Meeting of TRC and the recommendation of the committee is as follows:

"After detailed deliberation on the issue, the committee recommended that the capacity and production data from 2010 onwards and the data on domestic waste and imported waste used may be submitted by AIRFYMA as early as possible for further deliberation and decision in the matter. Till then the matter is deferred. "

Now, AIRFYMA has submitted the required details.

Agenda 1.2 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.

The matter was last discussed in 72nd Meeting of TRC and the recommendation of the committee is as follows:

" **After detailed deliberation on the issue the committee recommended that the combined representation from both association & other companies may be submitted clearly stating name of equipment/ items for the purpose of import from the list of equipment for the critical/ intensive care unit as per the Guidelines issued by the Indian Society of Critical Care Medicine. Representation should contain list of specific items sought to be imported, whether import is by the OEM (through Indian subsidiary or partner), or by third party, whether refurbishment is carried out in India or at the place of origin, the quality control and certification Protocols, warranties, servicing arrangements. The committee also recommended that after receiving the requisite details, DGHS, Ministry of Health and Family Welfares may be requested to revise the list of Critical Care Medical Equipment for further deliberation and decision in the matter, considering the healthcare status in the country and the nature of equipment's included in the list. Till then the matter is deferred. "**

Now, FICCI and AIPOMESA and other associations have submitted their representation along with name of equipment and other details. The same have been forwarded to DGHS, Ministry of Health and Family Welfare for their comments/ view on the same.

Agenda 1.3. Representation from Gujarat Paper Mill Association regarding Streamlining of Import of Waste Paper.

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. GPMA has also requested to 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 further 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.

The matter was last discussed in 72nd Meeting of TRC and the recommendation of the committee is as follows:

"**Due to paucity of time, the committee only have an introductory meeting with representative of Gujarat Paper Mill Association (GPMA) and informed them that matter will be discussed in the next TRC meeting. "**

<u>Agenda 1.4.</u> Representation from Federation of Indian Chambers of Commerce and Industry (FICCI) regarding Policy Simplification on Rule 9, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

Federation of Indian Chambers of Commerce and Industry (FICCI) in its representation has stated that, as per Rule 9 of Hazardous and Other Wastes (Management and Transboundary Movement)

Rules, 2016, hazardous waste can be utilized by any industry only after obtaining permission from SPCBs. However, SPCB can permit or authorize the industry only if a Standard Operating Procedure (SOP) is developed and issued by CPCB for the particular waste with respect to a specific utilization. For Wastes where SOP or guidelines are not available for specific utilization, the approval has to be sought from the CPCB, which shall grant the approval on the basis of trail runs and thereafter SOP or guidelines shall be prepared and issued by the CPCB.

After the inspection of the Rules, 2016, many products/by-products were re-categorized as waste in Consent to Operate (CTO or CCA). These by-products are utilized in thousands of tonnes and are sold between Business-to-Business (B2B) with detailed quality checks and due diligence before use. Pharma, Agro, Pigments, etc. are major buyers of "Waste products" which are highly quality conscious.

As per the industry sources, over 800 SOP applications are still pending for approval. The process takes 1 – 3 years to complete as it requires multiple trial runs, documentation & other compliance-related work. Also, considering the fact that the chemical industry is a complex industry and the products have multiple applications/users, and raw material sources; the preparation of SOP for individual molecules is difficult and practically not feasible.

<u>In view of the above they have given following recommendation/ actionable points</u>

Medium Term: A relook at Rule 9 and the Interim Policy for a smoother transition to the SOP driven process with an amendment to manage the waste for users who have applied for rule 9 permission till the relevant SOP is issued by CPCB. A transition period should be provided for industries and the SPCBs to complete the trial runs. This will avoid the standstill situation and non-compliances going forward.

Exempt from SOP/trial runs: Hazardous waste products under Rule 9 are used by industries (few internally) for years to make quality finished products for domestic and export markets while following all environmental norms as per consent. Thus, use of the following categories of "Hazardous Waste" be exempt from SOP/trial runs, etc.

- Products used captively by the company at the same or other location.
- Products that are used to make finished products for 100% export market Rationale: B2B category using these products are highly quality conscious and have systems and processes to handle these "raw materials".

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

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