To,

The Secretary,

Ministry of Environment, Forest and Climate Change,

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Dear Sir,

**Sub: Comments on the Draft Municipal Waste (Management and Handling) Rules 2015.**

Dear Sir,

The Ministry of Environment and Forests (MoEF) has announced the draft Municipal Solid Waste (Management and Handling) Rules 2015 which proposes to replace the MSW Rules 2000. We wish to bring to your attention a few fundamental problems with the process before dwelling into the specific critique of the draft text.

At the outset we would like to raise our concern on the process leading up to the notification of such an important piece of legislation. Sound management of municipal solid waste has a far reaching impact on a cross section of citizens especially the urban poor. But by limiting its announcement about the commenting process to the internet the MoEF has by default left out a majority of the stakeholders. Considering the fact that cities across India are facing a waste management crisis the process of drafting the new MSW rules needs to be more robust, inclusive and transparent. Hence, we demand that the MoEF hold a nationwide consultation in all the Class X cities and in all the states/union territories though it’s regional offices or through the State Pollution Control Boards/Committees.

We would also like to submit the following comments and suggestions:

It is unfortunate that at a time when advanced nations are looking at progressive options like Extended Producer Responsibility, waste reduction, decentralized waste management, resource recovery and circular economy, this draft remains grossly inadequate and continues to envision solutions through end-of-pipeline techniques.

For instance, the draft seems to over emphasize the role of the Integrated Solid Waste Management (not using the exact term) concept in waste management which promotes large landfills and incineration facilities. There is enough evidence and experience to show that such an approach is suicidal from an economic, environmental and social point of view. Municipalities across Europe are now prioritizing small scale decentralized methods that are more efficient in ensuring better recovery of discards. The MoEF needs to look beyond mere disposal, towards better management of resources. We urge the inclusion of decentralized waste management concept into the draft and encourage urban local bodies to actively adopt that over centralized waste disposal facilities.

The MoEF in more ways than one is a nodal agency for ensuring that India maintains its sustainable development agenda. Inefficient waste management where most of our focus remains on disposal will keep us away from the goal of sustainable development. It is important that the rules also draw out some kind of a road map with targets set out for ULBs that aim at waste reduction, maximize reuse/recycling and phasing out dependence disposal technologies.

Apart from this we would like to submit the following comments on the text of the draft itself.

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| **S.No** | **Page and Clause** | **Suggestion and Comment** | **Comments** |
| 1. | Title | Call it Municipal Waste (Recovery, Minimization, Management and Handling ) Rules, 2015; | Needs to reflect current thinking od Zero Waste, 3 Rs etc. |
| 2. | Preamble (to be inserted) | A preamble is required that explains how waste is being innovatively viewed in the circular economy framework rules as a secondary resource to augment manufacturing, agriculture etc. rather than a nuisance. Key ideas suggested in the preamble are :   * Decentralization * Circular Economy * Resource Efficiency * EPR |  |
| 3. | Definitions (xv) | Please add shaving cartridges and sharps to household hazardous waste |  |
| 4. | Definitions (xxxi) | Please change the term to material recycling instead of recycling and add, at the end, add : excluding waste-to-energy |  |
| 5. | Definition (liv) | Please add the additional definition of waste trader |  |
|  | Definition XXIII | Institutional generator to include marriage halls, commercial complex and malls and gated communities | Hotel chains should put in place a cluster or centralized organic waste management facility.  Occupation certification or consent to establish to be granted by the MSWM dept of ULB. In case of a default, penalty to be levied plus remediation fee. |
| 6. | Definition to be added | Please add and define EPR, Extended Producer Responsibility per Plastic Waste Rules, 2011 |  |
| 7. | 4. Duties of Waste Generators, pt. 1b | -Sanitary Waste should not be in dry waste but in domestic hazardous waste to minimize human handling and enhance dignity  -The EPR clause may be reflected in handling this waste stream of domestic hazardous waste | Hazardous waste to be collected separately there is no guidance for a mechanism to collect and manage  Separate collection for household hazardous waste/sanitary – which is different from the door to door collector. |
| 8. | 4. Duties of Waste Generators, pt. 5 | Define the criteria of waste collection agency that ought to be authorized while emphasizing on giving priority to waste pickers organizations or NGOs working with wastepickers. | Since wastepickers are illiterate, waste collection, composting, secondary segregation are the parts of the SWM chain where they can find a place and should be institutionalized within this. Hence adding this clause is essential. It also feeds into the Skill 9.India Mission of th10.e Prime Minister |
| 9. | 4. Duties of Waste Generators, pt. 5 | Please add: They should handle their bio-degradable waste in-situ in the event they are unable to do so they shall pay for waste collection services | Without such a clause, many will not pay, leading to a disincentive to collect and poor waste management |
| 10. | Please insert duties of waste pickers and waste traders | Since the laws are attempting to be inclusive of the informal sector, it is important to outline their duties, including: secondary segregation, ensuring hazardous waste is not recycled, no child labour, adequate safety and signage in the MRFs run by them. |  |
| 11. | 5. Prescribed Authorities | Please add Brand Owners and Manufacturers, as no. (vi), since many clauses suggested require EPR |  |
| 12. | 5.(3) | Please add at least one suitable NGO to the list of those on the Central Monitoring Committee |  |
| 13. | 7. Duties of Ministry of Urban Development | Please add : Enable and Empower municipalities and ULBs to buy back compost from waste from composting sites handling less than 10 tons a day at a given site | This is key for the UD Ministry and will help incentivize waste handling at a local level. |
| 14. | 9. Duties of Secretary In-charge, State UD, point(e) | Please add that land for micro-infrastructure at the ward and zone level will also be identified and incorporated  Responsibility to acquire land for decentralized community composting. | This is a key way to ensure waste generator responsibility for waste, as well as reduce green house gases during transportation. Is ready catching on in Kerala and Tamil Nadu. |
| 15. | 9. Duties of Secretary In-charge, State UD, | Please add : Ensure composting facility handling less than 10 tons of waste a day does not require permission or clearance. |  |
| 16. | 10. Duties of Commissioner or Director or Director of Municipal Administration or Director of Local Bodies | Please add the following :  -Registration of all wastepickers  -Registration of all waste dealers  -Ensuring universal doorstep collection for every household  -Allow composting facilities handling less than 10 tons of waste a day to operate without permission or clearance such as consent to operate and consent to establish or other norms, (except for land use)  -Encourage and support all decentralized waste initiatives being undertaken and enable them as required |  |
| 17. | 12. Duties Central Pollution Control Board | h. Please convert 5 tons a day to 10 tons a day | With increasingly improved technology, 5 tons is no longer a significant amount to compost and create damage or smell etc. However, 10 tons and above will pose this challenge. By keeping the limit to 10 tons a day, citizens groups are encouraged to compost both their garden waste and their kitchen waste |
| 18. | 13. Duties of ULBs | j) Primary duty is to promote material recovery and processing facility at each ward level.  k) wet waste will be transported only under exceptional conditions.  l) please add that the informal sector will be allowed to keep the dry waste collected and transport it to either their own or an allocated MRF. Where the informal sector is not handling this, it may be transported by the municipality at its own cost.  q) Please add enable the wastepickers to run the MRFs as per a prescribed standard  r)Domestic hazardous waste deposit center should be available at every ward. It will be run by a consortium of brand owners/manufacturers or in any other manner following the EPR principle.  (u) Please insert a waste hierarchy here for greater clarity  (v) please add wastepickers along with workers that are being proposed to be educated |  |
| 19. | New Insert | Please add here : Duties of wastepickers’ organizations or those working with wastepickers. The duties may include:   * Ensuring all members are registered * Ensuring members who are undertaking doorstep collection are able to ensure secondary segregation. * Ensuring health care facilities for workers and waste pickers. |  |
| 20. | 15. Management of Solid Waste, Part 2 | Point (1)organize door to door collection of segregated waste. Use eco-friendly measures where possible. |  |
| 21. | 15. Management of Solid Waste, Part 4 | 1. Please add : Informal Sector wastepickers and waste traders may be encouraged to offer waste storage facilities in exchange for handling the waste as per the rules.  PLEASE ADD : WASTE GENERATORS MAY ALSO SET UP MRFs. ALL MRFS HANDLING LESS THAN 10 TONS A DAY WILL BE NOT BE REQUIRED TO SEEK PERMISSION TO RUN, BUT WILL BE REQUIRED TO REPORT ON ITS ACTIVITIES TO THE RELVANT ULB |  |
| 22. | 17. Criteria | (a)The EPR clause should be invoked for adequate clean up and long term waste minimization |  |
| 23. | 17. Criteria | (e) Motorized vehicles must not be encouraged at all. This is because they emit green house gases and other pollution, are an expensive capital investment, hence creating an unfair competition between large companies and wastepickers’ organizations, and do not provide any additional value in doorstep collection. Moreover, it is difficult to monitor waste segregation when motorized vehicles collect the waste. Please remove this clause entirely. |  |
| 24. | 17. Criteria | (k) Gap funding may be made available to wastepickers’ organizations as well as cover one time costs of uniforms, safety equipment and management/supervisory cost for 6 months |  |
| 25. | 17. Criteria | (m) please insert wastepickers instead of recyclers |  |
| 26. | 17. Criteria | (o) please add : or those who organize events and functions and do not clean up after the event |  |
| 27. | Chapter 2, 23 (2), c | Please specify how long the C&D waste is allowed to lie before it is handled. Suggested: 5 days |  |
|  | Schedule 1, Part B | Please add : an MRF may be developed near the landfill which may be operated by wastepickers or waste dealers, to ensure no dry, recyclable waste reaches the landfill. |  |
| 28. | PLEASE ADD | REPORTING FORM THAT THE ORGANIZED INFORMAL SECTOR WILL USE TO REPORT DRY WASTE COLLECTED, SEGREGATED AND EITHER RECYCLED OR COMPOSTED |  |

Sincerely,