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Citizen consumer and civic Action Group

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To  
The Secretary  
Ministry of Environment, Forest and Climate Change,  
Indira Paryavaran Bhawan, Jorbagh Road,  
New Delhi- 110 003

**Subject: Submission of comments/views on the DRAFT EPR for Packaging made from paper, glass and metal as well as sanitary products 2024**

Dear Sir/Madam,

Citizen consumer and civic Action Group (CAG), founded in 1985, is a non-profit and non-political organisation. CAG has an established reputation for undertaking high-quality, independent, objective action research on urban governance, consumer protection, and environmental protection and, based on that, providing recommendations that inform and improve policy and practice.

The Ministry of Environment, Forests and Climate Change has come out with a draft for PR for Packaging made from paper, glass and metal, as well as sanitary products 2024 on 6th December 2024, with the provision of allowing the public to submit comments. We are highly appreciative of the efforts the Government has taken to initiate a process to implement EPR on plastic waste and for introducing several novel elements in the guideline document.

However, to make it more effective and inclusive, we are of the opinion that some serious modifications have to be made to the guideline document. We hereby submit our comments and recommendations on the EPR for Packaging made from paper glass and metal as well as sanitary products 2024 in the document attached with this email, in the hopes that you will incorporate these suggestions which would help strengthen the guidelines and achieve a more effective system to reduce and eliminate the plastic waste.

Yours sincerely,

Vamsi Sankar Kapilavai  
Programme Lead

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1	14	S.3 (i) "End of Life disposal" means using packaging waste for generation of energy and includes co-processing (e.g. in cement kilns) or for other utilisation as per guidelines, etc.		Every plastic can be used for energy production or fuel generation if pollution, economics and health of human beings and environment are excluded from the selected parameters. Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the plastic waste.
2	14	S.3 (ii) "Extended Producer's Responsibility (EPR)" means the responsibility of a producer for the environmentally sound management of the product until the end of its life;	"Extended Producer's Responsibility (EPR)" means the responsibility of a <b>manufacturer, a brand owner, an importer and a producer</b> for the environmentally sound management of the product, <b>including post-consumption of the product packaging</b>	1) Generally, EPR is understood as the responsibility of the producer for the treatment or disposal of the product beyond the post-consumer stage. It is important to specify that producers are responsible and accountable for the disposal/treatment of plastics used in the product, or in the plastic packaging well beyond the use by consumers. 2) The document should also define what "environmentally sound management" and "end of its life" means. Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants are not a environmentally sound processes to treat the plastic waste.
3	14	S.3(iv) "Waste Processors" means recyclers and entities engaged in using solid waste for energy (waste to energy)	"Waste Processors" means recyclers and entities engaged in treating solid waste in environmentally sound management ensuring its safe collection, segregation, treatment, recycling, and disposal	Refuse Derived Fuel (RDF) plants / cement plants / pyrolysis plants, waste-to-road, waste-to-energy, incineration, thermal power plants (co-processing) are not a environmentally sound processes to treat the plastic waste.
4	14	S.3(ix) "Recycling" means the process of transforming segregated packaging waste into a new product or raw material for producing new products;	We recommend the definition for recycling as prescribed by the European Environment Agency in the General Multilingual Environment Thesaurus  "Recycling is a resource recovery method involving the collection and treatment of a waste product for use as raw material in the manufacture of the same or a similar product".	The problem with the present definition is it gives scope for misinterpretation. For example, PET bottle can be recycled and be can be used to make new bottle. But with the current definition including the phrase "transforming segregated packaging waste into a new product" gives scope of converting PET waste into Polyester.
5	14	S.3(x) "sanitary products" means products comprising of diapers, sanitary towels or napkins, incontinence sheets;		Definition is product-specific and excludes many products that fall under the same category
6	14	S.3(xii) "Waste to Energy" means using packaging waste for generation of energy and includes co-processing (e.g. in cement kilns).	This should be removed	The inclusion of "Waste-to-Energy" (WTE), including co-processing in cement kilns, as part of EPR rules presents multiple environmental, social, and economic challenges: 1) Air Pollution & Toxic Emissions: WTE processes, especially incineration and co-processing in cement kilns, release harmful emissions. 2) Conflict with Circular Economy & Recycling Priorities 3) Energy Inefficiency & High Carbon Footprint 4) Greenwashing & Weak EPR Compliance: WTE allows companies to meet EPR targets without truly reducing waste. Avoids responsibilities like redesigning packaging for reuse. 5) Environmental Justice Concerns
7	15	S.5(1)		The current Coverage of EPR section excludes multi-material packaging, which is widely used in industries like food, pharmaceuticals, and FMCG. These materials are difficult to recycle due to their complex composition (e.g., laminated packaging, Tetra Pak, metalised plastic pouches).  <b>Why This is a Major Concern?</b>  1) High Environmental Impact: Multi-material packaging often ends up in landfills or is incinerated due to the lack of viable recycling options. 2) Common Industry Use: Many brand owners rely on multi-layered packaging for product preservation and durability, yet they are not obligated under these EPR rules. 3) Challenges in Collection & Processing: There is no environmentally sound management to separate and process multi-layered packaging effectively. 4) Loophole for Producers: By omitting multi-material packaging, companies may shift to such packaging formats to escape EPR compliance obligations.
8	15	S.5(1)(iii) Metal packaging, excluding non-ferrous metal based packaging covered under Hazardous Waste and Other Wastes (Management and Transboundary Movement) Rules, 2016.		This clause excludes non-ferrous metals covered under the Hazardous Waste Management Rules, 2016, but fails to specify the exact metals covered under the 2024 Rules, leading to potential ambiguity and inconsistent implementation. An annex which contains the list of metals covered under this EPR should be provided.
9	15	S.5(3)		The current EPR framework focuses primarily on recycling, recovery, and disposal but fails to incorporate "Reuse" as a core principle. Reuse is a higher priority in the waste management hierarchy than recycling and disposal, as it reduces resource extraction, energy consumption, and waste generation.  <b>Why This is a Major Concern?</b>  1) Missed Opportunity for Circular Economy: Reuse models extend product life and reduce demand for virgin materials, aligning with global best practices. 2) Industry Shift Towards Sustainable Packaging: Many companies are exploring refillable, returnable, and reusable packaging, but the current EPR rules do not incentivise this shift. 3) Reduced Environmental Footprint: Reuse systems require less energy and water compared to recycling, making them more sustainable in the long run. 4) Economic Benefits: Introducing reuse mandates can create new business models, such as deposit-return schemes and bulk/refill stations, benefiting consumers and businesses.

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10	15	S.6(7) In case, it is found or determined that any entity registered on the online portal has provided false information or has wilfully concealed information or there is any irregularity or deviated from the conditions stipulated while obtaining registration under EPR Guidelines, then the registration of such an entity would be revoked for a one -year period after giving an opportunity to be heard. The entities whose registration has been revoked shall not be able to register afresh for the period of revocation.		Problems with the Revocation of Registration  1) Weak Deterrence Against Fraudulent Practices: A one-year revocation period is too lenient for entities that provide false information or deliberately violate EPR guidelines. 2) No Clear Accountability or Legal Action: The draft does not mention public disclosure of violators. 3) Lack of Transparency & Public Disclosure: The draft does not mention public disclosure of violators. 4) No Mechanism to Prevent Re-Registration Under a Different Name: Companies could re-register under a new name to bypass revocation.  The penalty framework is too weak and could lead to <b>fraud, data manipulation, and non-compliance</b> with EPR obligations. Strengthening enforcement, increasing revocation periods, imposing financial penalties, and maintaining transparency will prevent misuse and ensure genuine compliance.
11	17	S.7(10) The obligations for recycling of packaging waste and use of recycled content in packaging shall be reviewed every five years based upon available technologies for meeting the targets specified.		Problems with the Five-Year Review Period for Recycling and Recycled Content Targets  1) Slow Response to Technological Advances & Market Changes: A five-year review period is too long, given the rapid advancements in recycling technologies and material innovations. 2) Lack of Accountability for PIBOs (Producers, Importers, and Brand Owners): A five-year review allows PIBOs to delay investments in sustainable packaging. 3) A five-year review allows producers, importers, and brand owners to delay investments in sustainable packaging
12	18	S.7(14) PIBOs of sanitary products shall ensure that sanitary waste be collected and sent to a registered incinerator facility for end of life disposal.		Problems with Mandatory Incineration of Sanitary Waste:  1) Environmental Pollution & Health Risks: Incineration of sanitary waste releases toxic emissions and hazardous residues. 2) Exclusion of Alternative Treatment Methods: The rule exclusively mandates incineration, ignoring safer, decentralized disposal methods. 3) High Costs & Burden on Local Authorities: Incinerators require significant investment and operational costs, which are often passed on to municipalities and waste processors.  Mandatory incineration of sanitary waste is environmentally harmful, costly, and ignores sustainable alternatives. Starting with waste prevention, EPR should promote existing reusable sanitary products like reusable cloth pads, diapers and menstrual cups over end-of-life disposal. Reusable sanitary products are circular and minimise waste generation.
13	18	S.8		Problems with the Surplus EPR Certificate System & Trading Mechanism  1) Risk of Greenwashing & Non-Compliance: Allowing PIBOs to buy and sell surplus EPR certificates could lead to greenwashing—where companies meet compliance on paper without actually investing. 2) Encourages End-of-Life Disposal Over Reuse. 3) Lack of Transparency & Potential for Fraudulent Trade: The EPR certificate exchange lacks strict verification measures, creating opportunities for fake or manipulated certificates. 4) Inefficiency in Waste Management Investment: PIBOs may choose to buy certificates rather than invest in waste collection infrastructure. 5) Price Fixing May Lead to Market Manipulation: Fixing the minimum (30%) and maximum (100%) price of EPR certificates could distort the market.  The surplus EPR certificate trading system has major loopholes that could lead to greenwashing, reduced reuse efforts, and market manipulation. Allowing surplus EPR certificates to offset obligations for previous years or be carried forward will result in companies continuing business-as-usual and fulfilling their EPR obligations by simply purchasing credits.
14	19	S.9(2) CPCB shall lay down guidelines for imposition and collection of environment compensation on PIBOs, waste processors, for non-fulfilment of provisions of these rules including for giving false information, generation of bogus EPR certificates. The Guidelines for Environmental Compensation (EC) shall be notified and updated, as required.		The imposition of Environmental Compensation (EC) should not be restricted to procedural non-compliances. In addition to imposing EC on PIBOs and waste processors for non-fulfilment of these Rules, the imposition of EC shall also be extended to compensate for the tangible and intangible loss and damage to the environment, life and property as a result of PIBOs' and waste processors' negligent, fraudulent or non-compliant acts.  Further, action against non-compliance should not be limited to fines such as EC but also include non-monetary sanctions. This can include measures like revoking of licenses or permissions, business closure, restriction of activities, and appropriate civil and criminal liabilities. Otherwise, this will create a perverse regulatory environment where violators can get away by paying fines.
15	20	S.11(4) In case, at any stage it is found that the information provided by the waste processor is false, the waste processor shall be debarred by SPCB, as per procedure laid down by CPCB, from operating under the EPR framework for a period of one year.		The prescribed one-year debarment for waste processors falls short of being a deterrent, as it does not impose a sufficiently impactful penalty for non-compliance. A longer penalty duration of 3 years, coupled with additional financial or operational restrictions, is necessary to ensure compliance and ensure the effective implementation of the EPR framework. Without such stringent measures, the risk of repeated violations could undermine the effectiveness of the rules and the broader waste management goals.

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16	21	S.14	PIBO while fulfilling their EPR obligations shall develop collection and segregation infrastructure of packaging waste and sanitary waste in collaboration with local bodies or as required, based on type of packaging waste or sanitary waste. It shall include the following based on implementation modality of EPR adopted by PIBO:	<p>S.14 is one of the most important pillars of EPR as it provides an opportunity to mandate the PIBOs to extend their responsibility by paying for setting up the infrastructure for waste collection, sorting, material recovery, reuse and recycling, in addition to merely purchasing certificates.</p> <p>If PIBOs are mandated to invest in waste management infrastructure, the burden of urban local bodies who possess inadequate financial and technical resources and capacity will largely be reduced resulting in improved waste management.</p> <p>Replace 'may' with 'shall' to legally mandate the obligation of PIBOs to allocate finance for collection and transportation infrastructure for sanitary waste management and integrate the existing informal sector engaged in collection, sorting, material recovery and other processes for the management of packaging made from paper, glass and metal. Improving infrastructure for segregated collection and secondary sorting at MRFs requires dedicated investment to ensure waste workers' safety from particulate matter and other hazards.</p>
17	21	S.16		<p>Implementing EPR for packaging made from paper, glass, metal, and sanitary products through the existing centralised online portal for plastics packaging, which is already plagued with governance issues, is ineffective and poorly conceived.</p> <ol style="list-style-type: none"> <li>1) The centralised online EPR portal must be made more user-friendly with improved accessibility and updated regularly to ensure data accuracy.</li> <li>2) Transparency should be enhanced through real-time public access to compliance data and enforcement actions.</li> <li>3) Establish a robust monitoring system which includes mechanisms to track compliance, periodic independent audits, real-time reporting of violations and increased cyber security features to prevent generation of fraudulent EPR certificates.</li> <li>4) A transparent grievance redressal system should be established, allowing PIBOs, stakeholders and the public to report issues, seek resolutions, and hold authorities accountable through timely responses and corrective actions which have a deterrent effect.</li> </ol>
18	22	S.18	The committee shall comprise of representatives from concerned line Ministries/Departments such as Ministry of Housing and Urban Affairs, Ministry of Micro, Small and Medium Enterprises, Department of Drinking Water and Sanitation,; Ministry of Micro, Small and Medium Enterprises; Bureau of Indian Standards, three State Pollution Control Board / Pollution Control Committee, National Environmental Engineering Research Institute (NEERI), waste picker groups, other marginalised communities, civil society organisations and three industry associations any other invitee as decided by the chair of the committee.	<p>Waste pickers play a vital role in retrieving and segregating a significant portion of recyclable waste including paper, glass, metal leading to a substantial reduction in waste sent to landfills and dumpsites. The immense contribution of the informal sector, especially waste pickers in waste management in India has been well-established and rightly acknowledged even in the SWM Rules, 2016.</p> <p>Members of the committee do not include representatives from waste picker groups, other marginalised communities or civil society organisations. This reflects non-inclusive decision-making and non-participatory governance. Members of the EPR committee must include (by law) representatives of the waste picker communities, civil society organisations, public policy and legal practitioners, economists, sociologists, scientists etc</p>