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November 17, 2022

Shri Naresh Pal Gangwar, IAS
Additional Secretary
Ministry of Environment, Forests & Climate Change
Paryavaran Bhawan, New Delhi

Subject: Industry inputs reg. Battery Waste Management Rules 2022

Respected Sir,

Greetings from MAIT, India's apex Industry body empowering IT, Telecom & Electronics Hardware sectors!

The representation bears reference to the recently released **Battery Waste Management Rules 2022 (BWMR 2022)** dated 22nd August 2022.

First and foremost, MAIT would like to emphasise that ICT Industry is fully committed to compliance with the regulations formulated by the Government for responsible management of E-Waste in the country. MAIT members have been diligently complying with the E-Waste rules since its genesis and have been deeply involved with the Ministry over the past decade to help shape sustainable and functional regulation. Most of our members have been implementing successful E-Waste take-back and compliance programs across the world for several decades.

Regarding the industry concerns on BWMR, we would first like to bring to your kind notice that there has been a lack of extensive consultation with stakeholders. The industry would like to highlight here that the first draft of BWMR was released on 20th February 2020. While the industry had given inputs at that juncture, post this initial consultation, there had been no further consultation over the last 2 ½ years on the BWMR.

A. Some key industry concerns & suggestions regarding the implementation of BWMR 2022 are given below:

- 1) **Implementation of the BWMR 2022:** The industry recommends that **Battery Waste Management Rules be implemented from FY 26-27 (3.5 years from the introduction of Rules)** for the following reasons:
 - The Battery waste recycling infrastructure and technology are almost non-existent in the country as per the requirements of this regulation. It is going to take time to put this infrastructure in place.
 - Even developed economies like European Union gave 6 years to initiate target-based collection & recycling from the year in which the directive was passed by European Parliament. [Directive passed on 6th September 2006; EU was asked to make guidelines for implementation by 26th September 2008; Target based collection mandated from the year 2012*]

*Source: DIRECTIVE 2006/66/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 September 2006 on batteries and accumulators and waste batteries and repealing Directive 91/157/EEC

- The centralised online portal is not ready for the registration of recyclers who are the major stakeholders in the EPR regime.
 - Guidelines for environmentally sound procedures of collection, storage, transportation, refurbishment, and recycling of Waste Batteries are yet to be developed and stabilised by CPCB.
 - CPCB is yet to come out with a mechanism to address overlap/ double counting of batteries under E-waste rules (battery weight as also included in WEEE targets) and Battery waste rules.
 - Industry suggests that the collection and recycling of waste batteries can start on a voluntary basis straight away so that the challenges in the implementation of these rules are unearthed and addressed timely for smooth implementation of these rules from FY 26-27.
- 2) **Highly ambitious EPR targets:** The targets specified in Schedule 2 for portable batteries used in consumer electronic products are very steep. **Industry recommends that the minimum collection targets are aligned with EU rules (even though the EU is well established and mature economy), in a block of 4 years**, as below:
- @ 25% from FY26-27 to FY29-30
 - @ 45% from FY30-31 to FY33-34
 - These targets may further be reviewed in FY33-34.
- 3) **Quantification of use of recycled material in synchronisation with recycling ecosystem:** Industry welcomes the move to promote use of recycled content in batteries however requests for a practical mechanism through which the recycled content can be quantified and that which is in sync with the recycling ecosystem in India. We request Ministry to assess the CE infrastructure and availability of quality recycled content in line with the growth aspirations of the ICT Industry before mandating use of domestic recycled content. Until such time we request that the clause referring to use of recycled material in new battery material clause 4(14) from the rule to be removed. In the case of imported batteries request for the procedure to be simplified in the interest of EODB as well as long term CE infrastructure development in the country. To that extent Producers may purchase EPR certificates for the equivalent qty of targets for use of recycled content in case of imported batteries.(similar to the system prescribed in PWM Rules. While Industry understands that ICT equipment meant for exports will be out of the ambit of the rules, we request that this be explicitly mentioned as is also clarified in the Rules.

B. Apart from above concerns, industry needs support on the Implementation challenges/ clarifications sought as below:

- 1) **EPR Plan submission:** As per clause 4.8, “*Producer shall submit an Extended Producer Responsibility Plan in Form 1(C) to Central Pollution Control Board for the Battery manufactured in FY 2022-23 within three months of the publication of these rules*”. Below are the challenges faced by the industry:
- a. It is unclear as to how a Producer (seller of equipment) using batteries will know about the qty. of batteries manufactured by the manufacturer?
 - b. **Providing the batteries sale/ manufactured wt. data for FY 22-23 is not possible as the financial year 22-23 is not ended yet.**

- 2) **Labelling requirements:** According to schedule I 2(V), marking of use of heavy metals has to be labelled with the chemical symbol Hg, Cd, or Pb with immediate effect from the release date of the notification. There will be a challenge for the industry to manage the existing inventory that does not meet these parameters. **Industry suggests that there should be a running change for such batteries that are lying in inventory and does not meet these requirements till the stocks get exhausted.**
- 3) **Non- Rechargeable Batteries:** The **Schedule II** (Targets for Extended Producer Responsibility) for portable batteries specifies as below-
“(vi) For portable Battery used in consumer electronics which are rechargeable
(vii) For portable Battery except those used in consumer electronics which are rechargeable”
From the above, **the industry understands that portable batteries which are non-rechargeable are excluded from the requirements of the EPR.**

In addition to the above high-level feedback on the Rules, please find enclosed detailed feedback on the Plastic Waste Management Rules as **Annexure** to this letter.

We are sanguine that our request on the subject matter would be addressed in a positive manner by your good office.

We would also **request a suitable time for a meeting** to discuss our submission in detail.

With regards,



Col. Ali Akhtar Jafri, Retd.
Dy. COO
(Acting Director General - MAIT)

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