

RIGHT INTENT, CONFUSING CONTENT

Relevant for: Environment | Topic: Environmental Pollution - Air, Water, Soil & E-waste

Technicians dismantle electronic devices at Hyderabad's first full-fledged safe disposal facility at Earth Sense Recycle unit in Mankhal Industrial Park in Ranga Reddy district of Andhra Pradesh. | Photo Credit: Mohammed Yousuf

Last month marked a decade since the E-waste (Management and Handling) Rules came into effect in India. The Rules have been amended a few times since. The most recent amendment is the Draft E-waste Management Rules, 2022, released for public comments in May 2022 by the Environment Ministry. Despite retaining the underlying extended producer responsibility (EPR) framework, the new draft Rules depart significantly from the previous regulations.

One major change is the introduction of a market for e-waste recycling certificates. The draft rules state that producers of e-goods have to ensure that at least 60% of their produced e-waste is recycled by 2023. This shift from collection rate targets (which set targets for the collection of e-waste as a percentage of the quantity of products sold by weight in the market in the previous year) in the current Rules to recycling rate targets in the proposed Rules is another important change.

The proposed market for e-waste recycling appears unrealistic. First, large-scale recycling of e-waste is still in its infancy in India. Most of the recycling of valuable material is carried out within the informal sector using inefficient and unsafe technologies. At a time when the technical feasibility and commercial viability of different recycling technologies and approaches for e-waste components is being worked upon in India, a target to recycle 60% of the e-waste generated in 2022-23 appears too optimistic. Second, if the regulatory targets were to create a vibrant market for recycling, the existing formal and informal players would have to play a crucial role. In light of this, the complete silence on regulating registered collectors, dismantlers, and producer responsibility organisations is puzzling. Who will ensure that these entities are carrying out their responsibilities in an environmentally safe manner? Or are these entities no longer covered under the EPR framework?

In addition, the informal sector accounts for a vast majority of e-waste processed in India. Most e-waste policy debates have centred around the integration of the informal sector into the formal systems. The proposed regulations, however, place the responsibility of such integration on the State governments without specifying what the incentives are for them to do this.

Experience from European countries suggests that recycling targets would likely be much more difficult for the regulators to monitor and enforce compared to collection targets. Does the recycling target apply to every component of an e-product or does it apply to its aggregate weight? This is important because the technological complexity and cost could vary by component. If it is by aggregate weight, as the Rules indicate, it could incentivise recycling of materials that are easy and inexpensive (plastics, copper, glass) to recycle as opposed to materials that are costly and technologically more difficult to recycle but perhaps have greater environmental footprint (rare earth metals). If the Ministry and the Central Pollution Control Board (CPCB) decide to go ahead with recycling targets, they should come up with guidelines on how the regulated entities must demonstrate compliance with the targets.

The other major change is the introduction of a Steering Committee to oversee the "overall implementation, monitoring, and supervision" of the regulations. This Committee, for example, has the power to decide on the product-wise "conversion factor" that determines the value of the

recycling certificate, specify how the environmental compensation fund could be utilised, resolve disputes, and “remove any difficulty in smooth implementation of these regulations.” While such an institutional mechanism could provide more certainty in implementation, there is lack of representation in the Committee. The Rules propose the Chairman of the CPCB as the Chairperson of the Committee, which would include representatives of the Environment Ministry, the Electronics and IT Ministry, and the associations of producers and recyclers. But it is surprising that representation from science/academia and civil society organisations is not deemed appropriate.

The draft e-waste Rules propose a few positive changes, including expanding the definition of e-waste, more clearly specifying the penalties for violation of rules, introducing an environmental compensation fund based on the ‘polluter pays’ principle, and recognising the informal waste workers. The core changes it proposes within the EPR framework, however, require careful deliberation with all the relevant stakeholders before the Rules are finalised.

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