



Inspiring Generations of Play

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July 18, 2022

The Ministry of Environment, Forest, and Climate Change (MoEFCC)
Indira Paryavaran Bhawan
Jorbagh Road New Delhi
110 003
India

VIA Email: mishra.vp@gov.in; vinodsingh.77@gov.in; and, via TBT enquiry point

RE: Gazette of India Consultation - Proposed Extended Producer Responsibility framework

To whom it may concern,

On behalf of The Toy Association and our members, I am writing with regards to the proposed Extended Producer Responsibility regulations, as published in *Gazette of India* on May 19, 2022. The Toy Association is the North American based trade association, representing among its membership over 950 businesses – all involved in bringing safe, fun toys and games to children. The toy industry is a global business and for decades, many of our members have supplied toys to Indian children, and some also have manufacturing facilities in India.

As MoEFCC works to implement its national framework for extended producer responsibility (EPR), we wanted to detail concerns and recommendations from our member companies who will be directly impacted by the new regime.

For many years, the toy industry has actively sought real solutions to be more sustainable and environmentally friendly and our members continue to incorporate innovative solutions to reduce their impact on the environment. We support efforts by governments to mitigate plastic pollution and bolster domestic extended producer responsibility programs – and our association and member companies have worked hard to strengthen the toy industry's contribution to environmental protection whether it be with the toy product itself, the packaging, the manufacturing process, or the supply chain for sourcing material and distributing the product.

The Toy Association commends the India Government on its effort to initiate enhanced measures to effectively manage plastic waste. In support of India's new waste management regime, we have identified issues that require clarification that we believe will help administer the new EPR program. Our comments and recommendations are based on years of experience in compiling with other established EPR regimes in other countries and other markets. Our main concerns and recommendations are as follows:

- **Implementation Timeline:** We believe the implementation timeline detailed in Schedule III of the Gazette notice is very aggressive and simply not realistically achievable. Such a timeline will pose several challenges to our members. We respectfully ask that a longer transition period be established. A longer transition period will only facilitate greater compliance and efficiency to the administration of the program.

- **Clarification on EPR Responsibility:** Schedule III(A) details the EPR targets for producers with a set number of years of sales operations less than the average life of their products. We would ask that MoEFCC have the EPR responsibility percentages mapped out for non-Schedule III(A) companies as well. This will help ensure impacted stakeholders have a clear understanding of their compliance obligations and the corresponding process administered by the Ministry.
- **WTO TBT Notification:** Consistent with India's obligations under the World Trade Organization's *Agreement on Technical Barriers to Trade*,¹ we encourage the Indian Government to notify the WTO of its new EPR regime. This will help to ensure awareness amongst impacted parties prior to implementation.

The Toy Association and our members commend the India Government on its effort to initiate enhanced measures to effectively manage plastic waste; however, we respectfully request that the Indian government extend the implementation timeline to clarify many of the provisions and outstanding questions that govern the application of the EPR regime. We understand our comments are consistent with those registered by other impacted industry stakeholders.

We would like to offer our continued expertise and support as you consider our comments. Please do not hesitate to contact me or my colleague Joan Lawrence if you have questions or would like further information. I can be reached at akaufman@toyassociation.org and Ms. Lawrence at jlawrence@toyassociation.org.

Sincerely,



Alan P. Kaufman
Senior Vice President, Technical Affairs

About The Toy Association and the toy industry:

The Toy Association is the North American based trade association; our membership includes more than 950 businesses – from inventors and designers of toys to toy manufacturers and importers, retailers and safety testing labs – all involved in bringing safe, fun toys and games to children. The toy sector is a global industry of more than US\$90 billion annually, and our members account for more than half this amount.

Toy safety is the top priority for The Toy Association and its members. Since the 1930s, we have served as leaders in global toy safety efforts; in the 1970s we helped to create the first comprehensive toy safety standard, which was later adopted under the auspices of ASTM International as ASTM F963. The ASTM F963 Toy Safety Standard has been recognized in the United States and internationally as an effective safety standard, and it serves as a model for other countries looking to protect the health and safety of their citizens with protective standards for children.

The Toy Association is committed to working with legislators and regulators around the world to reduce barriers to trade and to achieve the international alignment and harmonization of risk-based standards that will provide a high level of confidence that toys from any source can be trusted as safe for use by children. Standards alignment assures open markets between nations to maximize product availability and choice.

¹ WTO TBT Agreement, 2.6-2.7