



By Speed Post

F.No. B-17011/7/PCP (PWM)/2016

Dated: 30.06.2016

To,

Commissioners of Municipal Bodies of 46 Million Plus Cities & 20 State Capitals

(As per the list)

**Sub: Direction under Section '5' of the Environment (Protection) Act, 1986 regarding Closure of un-authorized plastic carry-bags manufacturing industries & plastics waste management as per the provisions of PWM Rules, 2016 in the cities/towns.**

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed thereunder; and

WHEREAS, the Ministry of Environment, Forest & Climate Change has notified Plastic Waste Management Rules, 2016 which inter-alia prescribe specifications with regard to manufacturing of plastic carry bags, sheets or like and stipulate procedures for Plastic Waste Management;

WHEREAS, CPCB issued directions u/s '5' of the Environment (P) Act, 1986 to Secretary, Urban Development Department, State Governments and Union Territories and Chairmen, SPCBs/PCCs on 19.12.2014, relating to prohibit manufacturing & use of sub-standard i.e. <40μ thickness plastic carry-bags (having handle or non-handle). However, no satisfactory response has been received. (As per new PWM Rules, 2016 thickness has been increased to 50μ);

WHEREAS, as per Rule 12(2) of the Plastic Waste Management Rules, 2016, the Prescribed Authority for enforcement of the provisions of the Rules relating to use, collection, segregation, transportation & disposal is the Secretary-in-charge of Urban Development of the State or a Union Territory;

WHEREAS, in accordance with the Rule 4 (c & d) Plastic Waste Management Rules, 2016, the manufacturing, stocking, distributing & selling of plastic carry-bags shall not be <50μ in thickness. Besides, as per Rule (4), the sachets using plastic material (including VMCH resins-a terpolymer of Vinyl Acetate, Vinyl Chloride & Maleic Acid) shall not be used for storing, packing or selling gutkha, tobacco and pan masala;

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

निर्गत

दिनांक

28/07/16

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9

WHEREAS, as per Rule 4 (h) of the Plastic Waste Management Rules, 2016, the carry bags made from Compostable Plastic or Material conforming IS/ISO 17088 can be manufactured, stocked & sold. The provision of thickness of 50 $\mu$  limit shall not be applicable to carry bags made from compostable plastic or material. The manufacturers or sellers of compostable carry bags shall obtain a certificate from Central Pollution Control Board (CPCB) before marketing or selling;

WHEREAS, as Rule 4 (e) of the Plastic Waste Management Rules, 2016, the manufacturers shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC);

WHEREAS, as per Rule 6 (1) (2a to g) of Plastic Waste Management Rules, 2016, every Local Body shall be responsible for development and setting-up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers;

WHEREAS, as per Rule 13(1) of Plastic Waste Management Rules, 2016, no person shall manufacture carry bags or recycle plastic carry bags or multi-layered packaging unless the person has obtained a registration from concerned SPCB/PCC;

WHEREAS, as per information provided in the Annual Reports for the year 2013-14 & 2014-15 on implementation of Plastic Waste (Management & Handling) (Amendment) Rules, 2011, and also through public complaints, it has been observed/reported that there are un-registered industries involved in the manufacturing/recycling of sub-standard (<40 $\mu$ ) plastic carry bags and other products & these products are sold to stockists/sellers;

WHEREAS, it has been observed that sub-standard plastic carry bags (<40 $\mu$ ) are used, stocked & sold widely by distributors, shopkeepers, vendors, hawkers, thus violating provisions of the Plastics Waste (Management & Handling) Rules, 2011;

WHEREAS, it has been observed that plastic carry bags, thermocol plates, cups tumblers etc. made out of polystyrene are littered and not collected either by the urban/rural/local bodies or any authorised agencies and heaped-up and then burnt openly releasing toxic emissions in the environment;



WHEREAS, a study carried out by CPCB in 60 cities (2011), has revealed that 3501 tons per day of plastic waste is getting dumped at various landfill sites. The generation of plastics waste ranges from 3.1% to 12.4% of the total Municipal Solid Waste (MSW) generated in cities;

WHEREAS, plastic carry bags, other plastic films or sheets or like which are <50µ in thickness should not be manufactured, distributed, stocked, sold and used in accordance with the Plastic Waste Management, 2016. However, such type of plastics waste are quite often littered throughout the cities, towns, villages and along the railway tracks, public/tourists and religious places resulting in public and animal health hazards;

WHEREAS, as per Rule '15' of PWM Rules, 2016, the shopkeepers and street vendors willing to provide plastic carry bags for dispensing any commodity shall register with local body after paying waste management fee of minimum rupees forty eight thousand @ four thousand per month. Only registered shopkeepers and vendors shall be eligible to provide plastic carry bags for dispensing the commodities;

WHEREAS, the manufacture and use of non-recyclable multilayered plastic if any should be phased out in two years time;

WHEREAS, Hon'ble NGT in its judgement dated 8<sup>th</sup> August 2013 (In OA No. 53 of 2013) under Para 33, mentioned that "Many countries have largely replaced the use of plastics bags by either switching over to re-usable bags and/or 'biodegradable' and/or '**compostable**' bags. In our country, share of plastic waste in total municipal waste has risen from around half percent in 1966 to over 9% in 2005. It is reported that almost half of this waste comprises of used plastic bags & packaging material. The environmental consequences of such plastic waste in solid waste are well known as it takes hundreds of years to degrade and fill up landfill sites. Plastic litter can also lead to clogged drains, insanitation, flooding and sewage problems. In addition, plastic bags can harm animals through ingestion and the improper incineration of plastic bags pollutes the air and releases toxic substances. These concerns have caused Governments across the World, including the authorities in India, to introduce legislation to limit the use of plastic bags (SANDEE working paper No. 65-11). They have used a variety of regulatory instruments for this purpose which include the mandatory pricing of plastic bags, explicit levies on each bag, taxes at the manufacturing level, discounts on the use of 'own bags', awareness campaigns, commands and control approaches and, in some cases, a total ban on the use of plastic bags";

WHEREAS, Hon'ble Supreme Court of India in the matter of Ankur Gutkha Vs Union of India & Ors.(SLP-C No. 16308/2007) observed that even though Central Government enacted MSW Rules, 2000 and PWM Rules, 2011, the "Concerned Authorities have miserably failed to take various steps for disposal of plastics waste and also observed that the provision for the constitution of State Level Advisory Bodies and submission of Annual Report on implementation of the Rules by each State Pollution Control Board or Pollution Control Committees to the Central Pollution Control Board with an obligation of the latter to prepare a consolidated annual report have not been implemented only in their breach";

WHEREAS, 118 cities/towns along the Ganga river, 46 million-cities and 28 State capitals, are facing several environmental concerns such as accumulation of used thin plastic bags/films on the banks of river and choking of storm water drains etc. due to indiscriminate use of sub-standard (<50 $\mu$  thickness) plastic carry bags and wide-spread littering of the used plastic carry bags and packaging material on the landscape;

WHEREAS, the Ministry of Environment, Forest & Climate Change Government of India, vide notification S.O.157(E) of 27.02.1996 has delegated powers vested under Section '5' of the Environment (Protection) Act,1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue direction to any industry, Municipal Corporation, Municipal Council, Cantonment Board to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules,1986 and other standards and rules relating to hazardous chemicals, industrial solid waste, municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986;

WHEREAS, Chairman, CPCB issued Direction u/s Section '5' of Environment (P) Act, 1986 to Chairmen, SPCBs/PCCs and Secretary, Urban Development Department (I/c Municipal or Local bodies) on 19.12.2014 and a letter on 3<sup>rd</sup> March, 2015, but no response has been received from concerned Urban Development Department & Municipal Authorities;

WHEREAS, in view of the above observations and gaps in implementation of the Plastic Waste (Management and Handling) (Amendment) Rules, 2011, the following provisions of PWM Rules, 2016 are required to be complied;

1. As per rule '17' of PWM Rules, 2016, the Annual Report on Implementation of Plastics Waste Management Rules, 2016 shall be submitted to concern SPCBs/PCCs by 30<sup>th</sup> June, every year.



2. As per Rule '5' and '6' the PWM Rules, 2016, the Plastic Waste Management (PWM) shall be under:-

**Rule (5): Plastic Waste Management:**

- a) Plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics, as amended from time to time.
- b) Local bodies shall encourage the use of plastic waste (preferably the plastic waste which cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc. The standards and pollution control norms specified by the prescribed authority for these technologies shall be complied with.
- c) Thermo set plastic waste shall be processed and disposed of as per the guidelines issued from time to time by the Central Pollution Control Board.
- d) The inert from recycling or processing facilities of plastic waste shall be disposed of in compliance with the Solid Waste Management Rules, 2000 or as amended from time to time.

**Rule (6): Responsibility of Local Body:**

1. Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.
2. The local body shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-
  - (a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;
  - (b) Ensuring that no damage is caused to the environment during this process;
  - (c) Ensuring channelization of recyclable plastic waste fraction to recyclers;
  - (d) Ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board;
  - (e) Creating awareness among all stakeholders about their responsibilities;
  - (f) Engaging civil societies or groups working with waste pickers; and
  - (g) Ensuring that open burning of plastic waste does not take place.


AND NOW, THEREFORE, in view of the above observations and in exercise of powers delegated to the **Chairman, Central Pollution Control Board (CPCB)** under Section '5' of the Environment (Protection) Act, 1986, the following directions are issued to Municipal Corporation/Nagar Nigam/Council of **(46 Million Plus Cities & 20 State Capitals)** for compliance:

- i) The Municipal Commissioner/Nagar Ayukt/Executive Officer shall ensure that all the unregistered units, including units manufacturing carry-bags/plastic films having less than **50 micron** thickness shall be closed down within **45 days** from the date of issue of this direction with the help of local administration/police including disconnection of electricity, as applicable. The report of action taken shall be submitted to CPCB in next 30 days (after 45 days).
- ii) The Municipal Commissioner/Nagar Ayukt/Executive Officer shall constitute vigilance squads and ensure prohibition on stocking, distribution, selling and use of any carry bag (handle or non-handle) having thickness less than **50 micron** thickness and sachets/pouches using plastic material (**including VMCH resins-a terpolymer of Vinyl Acetate, Vinyl Chloride & Maleic Acid**) shall not be used for storing, packing, or selling gutkha, tobacco and pan masala (excluding those made from compostable material as per IS/ISO:17088:2012). Those found stocking/selling such carry bags or using sachets/pouches containing plastics material shall be penalized by closing down unit or confiscation of stocked or sold material, as the case may be within **60 days**. An advertisement to this effect shall be regularly published and punitive Action Taken Report (ATR) be placed on website and at other appropriate places for public information.
- iii) The Municipal Commissioner/Nagar Ayukt/Executive Officer shall ensure implementation of Rule '5&6' of Plastic Waste Management Rules, 2016 to ensure disposal of plastic waste and to prevent littering in public, religious & historical places within **60 days**. This shall include preparation of comprehensive action plan for collection, segregation, storage and adopting appropriate technologies such as road construction, co-processing, converting into liquid fuel, plasma pyrolysis etc. for processing and disposal of plastics waste and their implementation in a time bound manner. Further, plastics littered in public places and drains shall be collected and safely disposed of as per PWM Rules, 2016.
- iv) The Municipal Commissioner/Nagar Ayukt/Executive Officer shall prepare and submit the Annual Report on Implementation of Plastics Waste Management Rules, 2016 to concerned SPCBs/PCCs by 30<sup>th</sup> June each year.



- v) The Municipal Commissioner/Nagar Ayukt/Executive Officer shall ensure that plastics waste (PW) generated in the areas of his jurisdiction is quantified and characterized and data on these aspects shall be forwarded to CPCB along with the Action Plan within **60 days**.
  
- vi) The Municipal Commissioner/Nagar Ayukt/Executive Officer shall ensure compliance with PWM Rules, 2016. Municipal Authority shall formulate detailed action plan and implement it in the time bound manner within **60 days**.

Municipal Commissioner/Nagar Ayukt/Executive Officer of **(46 Million Plus Cities & 20 State Capitals)** shall acknowledge the receipt of these directions within **two weeks** (after receipt of the direction) and submit action plan for compliance of the said **directions in the time bound** manner. Such action plan including points from **(i) to (vi)** for implementation shall be brought in public domain through appropriate means such as placing ATR on the website and other public domain. In case, any Municipal Commissioner/Nagar Ayukt/Executive Officer fails to comply with the above directions, the suitable action will be initiated under **Section '15' of the Environment (Protection) Act, 1986**, may include inter-alia filing of complaint in the appropriate Court of Law.



(A.K. MEHTA)  
Chairman



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**For information & necessary action to:-**

1. Secretary in-charge Urban Development Department, States/UTs.
2. The Member Secretary (Concerned SPCB/PCC).
3. Joint Secretary (HSMD), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jal Block, Aliganj, Jorbagh Road, New Delhi – 110 003.
4. Joint Secretary (Urban Development), Ministry of Urban Development, Nirman Bhawan New Delhi 110001
5. PS to Hon'ble Minister for Environment, Forest & Climate Change Indira Paryavaran Bhawan, 2<sup>nd</sup> Floor, Prithvi Block, Aliganj, Jorbagh Road, New Delhi – 110 003.
6. PPS to Secretary, Environment, Forest & Climate Change, Indira Paryavaran Bhawan, 2<sup>nd</sup> Floor, Prithvi Block, Aliganj, Jorbagh Road, New Delhi – 110 003.
7. Concerned District Magistrate –for arranging police assistance, if required.



**(A.B) AKOLKAR**  
Member Secretary

