



F-No. B-11011/UPC II/PWM/ 2020-21

9216-9251

To,

The Chairman (All SPCBs/PCC)

Sub: Directions under Sec 5 of Environment (Protection) Act, 1986 for enforcement of provisions of Plastic Waste Management (PWM) Rules for storing, packing or selling cigarette, gutkha, tobacco and pan masala in all forms

WHEREAS in exercise of Powers under Section 6, 8 and 25 of the Environment (Protection) Act, 1986, Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Plastic Waste Management (PWM) Rules vide Notification no. G.S.R 320(E) dated March 18, 2016;

WHEREAS Under Rule 4(f) of PWM Rules 2016 - Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala in all forms;

WHEREAS Under Rule 4 (i) of PWM Rules 2016- Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms;

WHEREAS cigarettes are tobacco products and therefore cigarette manufacturers are prohibited from usage of plastics in any form in packaging of their products in accordance with 4(i) of Plastic Waste Management Rules;

WHEREAS Under Rule 9 (1) of PWM Rules 2016 - The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned;

WHEREAS Under Rule 9 (2) of PWM Rules 2016 - Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal of the consent. The Brand Owners whose consent has been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement within two years thereafter;

WHEREAS Under Rule 12 (1) of PWM Rules 2016 specifies the Authority for enforcement that - The State Pollution Control Board and Pollution Control Committee in respect of a Union territory shall be the authority for enforcement of the provisions of these rules relating to registration, manufacture of plastic products and multi-layered packaging, processing and disposal of plastic wastes;

WHEREAS it is observed that although the PWM Rules were notified in 2016, usage of plastic material for storing, packing or selling cigarettes, gutkha, tobacco and pan masala in all forms by producers/ brand owners still continues in several states/UTs across the country;

WHEREAS collection & channelization of such plastic packaging for recycling is difficult owing to the small size of the packaging and the same are found littered on streets, dumped in water bodies etc. posing a grave threat to the environment; and

WHEREAS strict enforcement by SPCBs/PCCs of above cited provisions of PWM Rules is required to check this menace;

NOW THEREFORE In view of above and in exercise of powers vested under Section 5 of EPA, following directions are being issued to your office

- (a) To provide list of gutkha, tobacco, cigarette and pan masala manufacturers in the states/UTs along with the details regarding usage of plastic for packaging of these products.
- (b) To take necessary action, including levying Environmental compensation and/or closure of unit operations related to manufacture of the said products, to control usage of plastic material for storing, packing or selling cigarette , gutkha, tobacco and pan masala in all forms by these manufacturers.

You are required to confirm receipt of this direction and submit the action taken report along with the list of aforementioned manufacturers by November 10, 2020 to this office

(Shiv Das Meena)
Chairman

Copy to:

1. The Joint Secretary (CP Division)
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi -110003
2. Incharge , IT Division

(Prashant Gargava)
Member Secretary