



F.No. CP-20/139/2021-UPC-II-HO-CPCB-HO-Part(2)

November 12, 2024

6263-6272

To,

The Member Secretary  
SPCBs/PCCs  
(AS PER LIST)

**Directions under Section 5 of the EPA, 1986 regarding compliance of various provisions under Schedule-II of Plastic Waste Management Rules, 2016, i.e., Guidelines on Extended Producer Responsibility (EPR)**

**WHEREAS**, the Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Plastic Waste Management Rules, 2016, in exercise of the powers conferred under sections 3, 6 & 25 of the Environment (Protection) Act, 1986 vide Notification No. G.S.R 320 (E) dated March 18, 2016; and

**WHEREAS**, Guidelines for Extended Producers Responsibility for Plastic packaging were notified by MoEF&CC on February 16, 2022 as Schedule-II of the Plastic Waste Management Rules, 2016; and

**WHEREAS**, as per Section 6.1(a) of the EPR Guidelines, "The following entities shall register on the centralized portal developed by Central Pollution Control Board namely:- (1) Producer (P); (ii) Importer (1); (iii) Brand owner (BO), (iv) Plastic Waste Processor engaged in (a) recycling, (b) co-processing (c) waste to energy, (d) waste to oil, and (e) industrial composting; and

**WHEREAS**, as per section 10.1 of the above Guidelines, the Producers, Importers & Brand Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal; and

**WHEREAS**, as per Section 12.4 of EPR Guidelines, Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control Board, as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. In case of plastic waste processors and Producers, Importers & Brand-Owners operating in a State or Union Territory, Central Pollution Control Board may, if required, direct State Pollution Control Board or Pollution Control Committee to take action; and

**WHEREAS**, as per Section 13.1 of EPR Guidelines, the concerned State Pollution Control Board or Pollution Control Committee shall register Producers, Importers & Brand-Owners (operating in one or two states) and plastic waste processors, through the online portal developed by Central Pollution Control Board. Provision for registration shall be made on the Extended Producer Responsibility portal. State

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in

Pollution Control Board or Pollution Control Committee by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016; and

**WHEREAS** following Directions dated 20.11.2023 were issued to the SPCBs/PCCs:

1. *To take immediate necessary actions to improve upon the system of grant of registration within SPCB/PCC, monitoring and enforcement ensuring enforcement of the PWM Rules, EPR guidelines and directions/guidelines issued by CPCB, including the following:*
  - a. *To re-check processing facilities of Registered PWPs in your state and to confirm that the Processing capacity as per the Registration granted to them is in conformity with the actual facilities available in the unit. All other details provided in the online application form are also to be revalidated by SPCB/PCC.*
  - b. *To regularly monitor EPR Certificate generation process of the Registered PWPs ensuring that EPR Certificates generated by PWPs are in accordance with requirements prescribed in CPCB guidance manual such as uploading of GST E-invoice corresponding to the sales of finished on the EPR Portal.*
  - c. *If violations are observed as per (a) & (b) above, to conduct detailed enquiry into the issue of CTE and CTO and also as to how physical verification of the Unit was approved by SPCB/PCC, in view of the gross violations observed also as to why the process of generation of EPR Certificates was not monitored by SPCB/PCC.*
  - d. *To fix the liability on erring official/s and take disciplinary action against erring officials, if any, as per the findings of the enquiry set up, as at (c) above.*
2. *To take the following actions against the defaulting PWPs, if any, identified as per (1) above:*
  - i. *To suspend the consent/authorization/registration issued to the defaulting PWPs, with immediate effect and issue show cause notice to debar such PWPs from operating under the Extended Producer Responsibility framework for a period of one year as per Clause 11.4 of the EPR Guidelines or/ and for revocation of the consent/authorization/registration issued to the Unit;*
  - ii. *To levy Environmental Compensation (EC), corresponding to the quantum of EPR certificates generated not in conformity with requirement prescribed in CPCB Guidance manual for operating Centralized EPR Portal. The EC is to be levied as per "Guidelines for Assessment of Environmental Compensation to be levied for violation of PWP Rules" ([https://cpcb.nic.in/uploads/plasticwaste/EC\\_Regime\\_PWM.pdf](https://cpcb.nic.in/uploads/plasticwaste/EC_Regime_PWM.pdf)) and Unit be directed to deposit the same in the designated Escrow Account, created by the SPCB/PCC for the purpose.*
  - iii. *To take necessary action as per applicable law against violating PWPs which have submitted false documents for obtaining registration as well as for generating EPR certificates. It may further be ensured that action taken by SPCB/PCC regarding these units should act as a deterrent for other Units in committing such violations.*

3. *To take all necessary steps to ensure that PWPs henceforth complies with all conditions including generating GST E-invoice for all sales of only finished products and uploads the same on the EPR Portal, failing which necessary action be immediately taken including levying of EC against each non-complying Unit.*

*You are hereby directed to take necessary action immediately for ensuring compliance of aforesaid directions and submit the action taken report to this office within 10 days from the date of issuance of this direction.”*

**WHEREAS**, Action Taken Report (ATR) from your SPCB/PCC, for the directions issued dated 20.11.2023, has not been received till date CPCB; and

**WHEREAS**, CPCB has developed the Audit app and web module for the purpose of conducting audit of registered PWPs with the provision for online submission of reports by auditors; and

**WHEREAS**, CPCB has also developed the 'Standard Operating Procedure (SOP) for conducting audit of registered PWPs' for assistance and guidance to auditors; and

**WHEREAS**, several news articles have been published in the national as well as the local newspapers on authenticity of the EPR certificates being generated by the registered PWPs; and

**WHEREAS**, the matter has also been taken up by Hon'ble NGT vide its Original Application No. 926/2024 News Item titled "6 lakh fake pollution-trading certificates unearthed in three States" appearing in The Hindu dated 14.07.2024; and

**WHEREAS**, in EPR Certificates of the order of Ninety Lac Tones have been generated till date, of which EPR Certificates of **as per list** Tones have been generated by **as per list** registered PWPs in your state/UT; and

**WHEREAS**, in view of aforementioned points, it has been decided to conduct audit of all PWPs which have generated EPR Certificates. It has further been decided to Audit 474 PWPs which have generated > 200 T of EPR Certificates in the first Phase I, out of which 134 PWPs are to be audited by concerned SPCBs/PCCs; and

**WHEREAS**, CPCB, vide letter dated 02.08.2024, had assigned **as per list** no. of PWPs to your SPCB/PCC for Audit; and

**WHEREAS**, several communications have been issued and meetings have been convened by CPCB including meeting chaired by Chairman, CPCB on the subject; and

**WHEREAS**, meeting was convened by Member Secretary, CPCB, on October 10, 2024 in which issues related to generation of EPR Certificates and Audit of PWPs were highlighted and the concerned SPCBs/PCCs were requested to complete the Audit of assigned PWPs on priority;

**WHEREAS**, meeting was convened on October 29, 2024 wherein the CPCB demonstrated the updated features of the Audit web module; and

**WHEREAS**, Audit of assigned PWP units has not been initiated /completed so far by your; and


**WHEREAS**, CPCB has conducted Audit of 133 PWPs and grave lapses including registered processing being much higher than actual processing capacity, improper documents being uploaded in the sales section etc. have been observed despite the fact that Directions dated 20.11.23 have already been issued to your office; and

**WHEREAS**, in view of the aforementioned points, Audit of the PWP is essential to correlate the quantum of EPR Certificates generated with the quantity of plastic waste actual processed by the Unit;

**NOW THEREFORE**, in compliance of above and in exercise of powers vested under Section 5 of Environment (Protection) Act, 1986 to the Chairman, CPCB, following directions are hereby issued to all SPCBs/PCCs for compliance:

- a. To immediately complete audit of the PWPs as assigned vide above mentioned letter dated 02.08.2024 in line with the SOP for conducting audit of registered PWPs.
- b. To submit the report duly approved by Member Secretary of the SPCB on the audit web module within 10 days of issuance of this direction.
- c. To submit Action taken report w.r.t. above mentioned directions dated 20.11.2023 issued by CPCB.

You are hereby directed to take necessary action for compliance of aforesaid directions and submit the action taken report to this office within 15 days of receipt of this direction.

  
(Tanmay Kumar)  
**Chairman, CPCB**

**Copy To:**

✓ DH-IT

  
✓ Bharat Kumar Sharma  
(Member Secretary)



**List of SPCB/PCC**

<b>Sl. No.</b>	<b>State Name</b>	<b>Number of registered PWP's generated EPR Certificate</b>	<b>Generated EPR Certificates (Tones)</b>	<b>Number of PWP's to assigned for audit</b>
1.	GUJARAT	150	654844	74
2.	JAMMU AND KASHMIR	13	3185	4
3.	KARNATAKA	58	381747	3
4.	KERALA	12	104869	2
5.	MADHYA PRADESH	50	761879	16
6.	MAHARASHTRA	110	657829	13
7.	RAJASTHAN	39	548794	12
8.	UTTAR PRADESH	62	665069	1
9.	UTTARAKHAND	42	124680	5
10.	WEST BENGAL	15	45807	2