



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

By Registered Post

F. No. CP-23/78/2021-WM-I-HO-CPCB-HO- 19698

December // , 2024

To,

The Chairman,
(All SPCBs/PCCs)

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 – FOR COMPLIANCE TO BIOMEDICAL WASTE MANAGEMENT RULES, 2016

WHEREAS the Central Government has notified the Biomedical Waste Management Rules, 2016 (herein after referred as BMWM Rules, 2016) in suppression of the Bio-medical Waste (Management & Handling) Rules, 1998 and amendments thereof under the Environment (Protection) Act, 1986 to improve the collection, segregation, processing, treatment and disposal of the biomedical wastes in environmentally sound manner and thereby reducing its impact on the environment; and

WHEREAS as per Rule 9 (1) of BMWM Rules, 2016, "The prescribed authority for ensuring implementation of the provisions of Rules is the State Pollution Control Board (SPCB) in respect of State and Pollution Control Committee (PCC) in respect of Union territory"; and

WHEREAS as per Rule 10 of BMWM Rules, 2016, "Every occupier or operator handling bio-medical waste, irrespective of the quantity shall make an application in Form II to the prescribed authority for grant of authorisation and the prescribed authority shall grant the provisional authorisation in Form III and the validity of such authorisation for bedded health care facility and operator of a common facility shall be synchronised with the validity of the consents."; and

WHEREAS in the matter of Miscellaneous Application No. 98 of 2022 in Original Application No. 180 of 2021 titled Mukul Kumar Vs State of Uttar Pradesh & Ors., Hon'ble National Green Tribunal (Hon'ble NGT) reviewed implementation of BMWM Rules, 2016 in the country. In the said matter, Hon'ble NGT directed all States/UTs to submit report on implementation of BMWM Rules, 2016. Further, Central Pollution Control Board (CPCB) was directed to prepare a consolidated report indicating the compliance of various provisions of the BMWM Rules, 2016 by each State/UT. Accordingly, the as per the information submitted by SPCBs/PCCs, CPCB submitted the compiled report to Hon'ble NGT; and

WHEREAS Hon'ble NGT heard the aforesaid matter on 02.09.2024 and directed that CPCB shall update the report by taking updated information from all SPCBs/PCCs on implementation to BMWM Rules, 2016; and

WHEREAS CPCB has received updated information from 34 nos. of SPCBs/PCCs and while examining the reports it is observed that there are gaps in implementation of BMWM Rules, 2016 such as operating Health Care Facilities (HCFs) without having authorisation under BMWM Rules, 2016, action not being initiated against violating HCFs/CBWTFs, gap between biomedical waste generation and treatment, captive treatment facility (deep burial) in practice etc.; and

WHEREAS the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions for violation of the standards and rules relating to BMWM notified under the Environment (Protection) Act, 1986; and

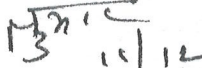
‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली – 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

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

NOW, THEREFORE, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, it is directed herewith to:

- a. Initiate appropriate action immediately against the HCFs which are operational without having authorisation;
- b. Take appropriate action against HCFs and CBWTFs for violation of BMWM Rules, 2016;
- c. Ensure that there is no gap in biomedical waste generation and treatment by ensuring adequate numbers/capacity of treatment facilities in the State/UT;
- d. Ensure deep burial disposal system is adopted by HCFs located only in rural or remote areas where there is no access to CBWTF with prior approval from SPCB/PCC and in compliance with standards prescribed under Schedule-III of BMWM Rules, 2016;
- e. Submit gap analysis report to CPCB with respect to biomedical waste generation and treatment of biomedical waste;

Action taken report on above be submitted to the Central Pollution Control Board within 15 days from the date of receipt of these directions.


(Tanmay Kumar)
Chairman

Copy for information to:

- i. The Additional Secretary, HSM Division, : For kind information
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003.
- ii. Regional Directorates CPCB : For kind information and follow-up
(As per jurisdiction)
- iii. I/c IT Division : For information and necessary
action


(Bharat Kumar Sharma)
Member Secretary

