



ABSTRACT

Environment - Ban on 'one time use and throwaway plastics' – Notification issued – Deleting the item no.1(b) (b) 'plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing / processing units' – Amendment – Notification - Orders – Issued.

ENVIRONMENT AND FOREST (EC.2) DEPARTMENT

G.O.(Ms).No.37

Dated 05.06.2020

சார்வரி, வைகாசி 23,

திருவள்ளூர் ஆண்டு -2051

Read:

1. G.O. (Ms) No. 84 , Environment and Forest (EC.2) Department, dated 25.6.2018.
2. Orders of Hon'ble High Court of Madras in Writ Petition No. 34065 of 2018 and W.M.P.Nos.39573 and 39574 of 2018, dated 27.12.2018.
3. Orders of the Hon'ble High Court of Madras dated 11.07.2019 in W.P. No 33453 and batch cases.
4. From the Chairman, Tamil Nadu Pollution Control Board, Chennai-32, Letter No.T1/TNPCB/F.015528/Plastic Ban/2018 Dated 28.01.2020.

ORDER :

In pursuance of announcement made by Hon'ble Chief Minister on the floor of the Legislative Assembly on 05.06.2018, in the Government Order first read above, the Government in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, (Central Act 29 of 1986) read with Government of India, Ministry of Environment and Forests Notification No.S.O.152(E), dated 10th February, 1988 issued directions imposing ban on manufacture, storage, supply, transport, sale or distribution and use of certain 'use and throwaway plastics' such as plastic sheets, plastic plates, plastic coated tea/water cups, water pouches/packets, plastic straw, plastic carry bag and plastic flags, irrespective of thickness with effect from 01.01.2019.

(P.T.O)

2. In the Government Order first read above, the Government have exempted the plastic used for the following purposes vide proviso to direction 1 (b) of the said order:

- (a) The plastic carry bags manufactured exclusively for export purpose against any export orders in a plastic industry located in Special Economic Zone (SEZ) and Export Oriented Units (EOU).
- (b) The plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units.
- (c) The plastic bags and sheets used in Forestry and Horticulture nurseries against the orders from the Government Departments.
- (d) The plastic used for packing of milk and milk products (dairy products), oil, medicine and medical equipment.
- (e) Carry bags made from compostable plastics shall bearing a label "compostable" and shall conforming to the Indian Standard: IS or ISO 17088:2008 titled as Specifications for "Compostable Plastics".

3. In the Hon'ble High Court of Madras order second read above, the Hon'ble Court has dismissed the writ petition filed challenging G.O.(Ms) No.84, Environment and Forests (EC.2) Department, and ordered that 'the Government shall consider phasing out of plastic of any kind in the market including the plastic that have been referred to in proviso to Directions 1(b) of the aforesaid Government order before the end of 2019.' The Hon'ble High Court of Madras in its order third read above has reiterated its aforesaid order.

4. The Chairman, Tamil Nadu Pollution Control Board, in his letter 4th read above among other things, has stated that the exemption for the plastic packing of goods, which are sealed prior to use has not helped the State in achieving the goal of "Plastic Pollution Free Tamil Nadu", despite the implementation of the ban.

5. The Chairman, Tamil Nadu Pollution Control Board has therefore requested the Government to consider the following:-

- to remove the item 1(b) from the exempted items (viz., The plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units) notified in G.O.Ms.No.84, Environment and Forests (EC.2)Department Dated 25.6.2018.

(P.T.O)

- in order to promote alternatives, the alternatives to the use and throwaway plastics other than compostable plastics shall be examined and tested by the Central Institute of Plastic Engineering and Technology (CIPET) and necessary approval/ consent shall be obtained from the Tamil Nadu Pollution Control Board.

6. The Government, after careful consideration, accept the proposal of the Chairman, Tamil Nadu Pollution Control Board and issue the following notification:-

NOTIFICATION.

WHEREAS, an Extraordinary Gazette Notification dated 27.06.2018 in No.II(1)/EF/13(f)/2018 has been published imposing ban on manufacture, storage, supply, sale and use of 'use and throwaway plastics, such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups and plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness with effect from 01.01.2019.

AND WHEREAS, Hon'ble High Court of Madras in its order dated 27.12.2018 in Writ Petition No. 34065 of 2018 has ordered that the Government shall consider phasing out of plastic of any kind in the market including the plastic that have been referred to in proviso to Directions 1(b) of the aforesaid Government order before the end of 2019.

NOW, THEREFORE, in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with Government of India, Ministry of Environment and Forests Notification No.S.O.152(E), dated 10th February, 1988, the Governor of Tamil Nadu hereby makes the following amendments to the directions issued in the Environment and Forests Department's Notification No.II(1)/EF/13(f)/2018, published at pages 1 and 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 27th June 2018.

2. These amendments shall come into force on the 5th June, 2020.

AMENDMENTS.

In the said Directions, -

- (1) in the proviso under direction 1, item (b) shall be omitted;

(P.T.O)

(2) after direction 2 and before Explanation 1, the following direction shall be inserted, namely :-

“3. Alternatives to the use and throwaway plastics other than compostable plastics shall be examined and tested by the Central Institute of Plastic Engineering and Technology (CIPET) and necessary approval or consent shall be obtained from the Tamil Nadu Pollution Control Board”.

(BY ORDER OF THE GOVERNOR)

SHAMBHU KALLOLIKAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Works Manager, Government Central Press, Chennai – 79.
(for publication of the Notification in the Gazette
and send 50 copies to Government),

All Additional Chief Secretaries / Principal Secretaries /
Secretaries to Government,
Secretariat, Chennai – 600 009.

All District Collectors / All District Judges / All Chief Judicial Magistrates.

All Departments of Secretariat, Chennai – 9

The Chairman, Tamil Nadu Pollution Control Board, Chennai – 32.

The Director of Environment, Chennai – 15

Copy to:-

The Hon'ble Chief Minister Office,
Chennai – 600 009

The Private Secretary to the Principal Secretary to Government,
Environment and Forests Department, Chennai – 600 0009

The Private Secretary to the Secretary to Government,
Law Department, Chennai – 600 009

The Personal Assistant to Hon'ble Minister (Environment),
Chennai – 600 009.

All Sections in Environment and Forests Department, Chennai – 600 009.
Stock File / Spare Copy.

// FORWARDED: BY ORDER //

Jiya Anand
05/06/2020
SECTION OFFICER
8/10/2020
5/6/2020