

MAHARASHTRA POLLUTION CONTROL BOARD

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No. MPCB/RO(HQ)/B: 1508

Date: 14/03/2011.

CIRCULAR

To,
Regional Officer,
MPC Board,
Mumbai, Navi Mumbai, Thane, Raigad, Kalyan,
Pune, Nashik, Kolhapur, Aurangabad,
Nagpur, Chandrapur, Amravati.

Sub: Implementation of Maharashtra Plastic Carry Bags
(Manufacture and Usage) Rules, 2006 Read with the Plastic
Waste (Management & Handling) Rules, 2011 issued by the
Ministry of Environment & Forests, Govt. of India.

- Ref:** 1. Maharashtra Plastic Carry Bags (Manufacture and Usage)
Rules, 2006 issued under the Maharashtra Non-biodegradable
Garbage (Control) Act, 2006.
2. Plastic Waste (Management & Handling) Rules, 2011 issued
under the provisions of Environment (Protection) Act, 1986.
3. Discussions held in the Co-ordination meeting of the
RO/SRO's held on 09/03/2011.

Recently, the Ministry of Environment & Forests, Govt. of India has issued the Plastic Waste (Management & Handling) Rules, 2011 in supersession of the recycled plastics (Manufacture and Usage) Rules, 1999, incorporating the definitions of carry bags, commodities, compostable plastics, disintegration, multi layered plastics, plastic and plastic waste etc., thereby extending further scope of the management and handling of plastic waste. Now, in view of the said Rules, it becomes necessary for the Regulatory Authorities in the State of Maharashtra to make suitable interpretation in respect of the implementation of various definitions in the new Rules with reference to the Maharashtra Plastic Carry Bags Maharashtra Plastic Carry Bags (Manufacture and Usage) Rules, 2006.

The following specific provisions will have to be taken into consideration in implementation of the Maharashtra Plastic Carry Bags (Manufacture and Usage) Rules, 2006 :

1. As per the Maharashtra Plastic Rules definition, carry bags includes the plastic bags having a self carrying feature such as "D"punched bags. However, as per new Plastic Waste (M&H) Rules, 2011 all plastic bags used to carry commodities including self carrying feature are covered. Therefore, wherever any type of carry bags are used for carrying commodities whether self carrying features are there or not, such bags will be covered under the Central Rule and the said definition will have to be implemented in the State of Maharashtra also.

As far as self carrying feature carry bags use in the State of Maharashtra, the thickness of such carry bags should not be less than 50 microns as per the Maharashtra Rules. However, since we are making applicable the thickness to other carry bags excluding self carrying feature used for commodity carrying, in that case, the thickness of such other bags should not be less than 40 microns.

2. The new definition of multi layered plastics has been introduced in the Central Rules which means any material having a combination of more than one layer of packaging material such as paper, paper board, polymeric materials etc. However, while prescribing the conditions for the manufacture, stocking, distribution, sell and use of carry bags and sachets, the conditions has been prescribed that such material shall not be less than 40 microns in thickness. The prohibition has been imposed on use of plastic material for storing, packaging or selling Gutkha, Tobacco and Pan Masala i.e. on sachet use for that purpose.
3. More responsibilities are added for monitoring compliance to the Regulatory Authority such as obligation imposed on the Municipal Authority for setting up, operationalization and co-ordination of waste management system for performing the associated functions, setting up plastic waste collection centers, providing recycling facilities as per Indian Standards and disposal of residues generated from recycling processes etc.

4. In view of provision for explicit pricing of carry bags, it becomes necessary to print the price of the carry bags and not to supply free of cost such carry bags to the customers.

In view of making applicable Maharashtra Rules along with the Central Rules, it becomes necessary to read both the rules together and the provisions duly incorporated in the Central Rules will have to be implemented in the State of Maharashtra also. The above issues will have to be discussed in the next co-ordination meeting and thereafter we may refer any inconsistency in respect of both the Rules to the State Level Advisory Body constituted in that behalf.

You are called upon to go through both the rules and come prepared for discussion on the above issues for next co-ordination meeting or communicate in writing your views Legal Deptt./RO(HQ) section.



(Radheshyam Mopalwaar)
Member Secretary

Copy submitted to:
Chairperson, MPC Board, Mumbai for information.

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WPAE/APAE/SLO/PSO/RO(HQ)/RO(P&P), ZO (PAMS), MPC Board, Mumbai.