

Central Pollution Control Board issues notices to Flipkart, Patanjali for flouting Plastic Waste Management rules

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In a report submitted to the National Green Tribunal, the CPCB has said the show cause notices have been issued for closure of their operation and environment compensation.

The Central Pollution Control Board (CPCB) has told the NGT that it has issued show cause notices for closure of operations to Flipkart and Patanjali Peya as they are not registered with it and have not responded to its communications on the matter.

In a report submitted to the National Green Tribunal, the CPCB has said the show cause notice under Section 5 of the Environment (Protection) Act, 1986, has been issued to these units on October 8, for closure of their operation and environment compensation for non-compliance of provisions of Plastic Waste Management (Amendment) Rules 2018.

The CPCB further informed the NGT that four firms — Hindustan Coca-cola Beverages Pvt Ltd, Pepsico India Holding Pvt Ltd, Bisleri International Pvt Ltd, and Ms NourishCo Beverages Ltd — are registered with CPCB. “However, they have not provided information for evidence

based assessment of implementation of action plan for fulfilment of Extended Producer Responsibility (EPR) liability”.

The documents submitted by them have not been endorsed by State Pollution Control Boards (SPCBs) and accordingly, the show cause notice has been issued to these firms as well.

It also informed the NGT that “Amazon Seller Service Pvt Ltd, Coca-Cola India Pvt Ltd, Parle Agro Pvt Ltd, Indian Railway Catering and Tourism Corp Ltd have been recently granted registration by CPCB as Brand Owner/producer under Plastic Waste Management (PWM) Rules,2018”.

It told the NGT that they are required to submit quarterly progress reports and comply with conditions stipulated in the registration certificate issued to them.

With regard to the tribunal’s direction on environmental audit of these firms, the CPCB said it has held deliberations with expert agencies on the matter.

“Since, it will be for the first time that such an audit shall be conducted, a committee has been constituted to deliberate and suggest mechanism for conducting environmental audit as well as specify the agencies which can be engaged for such audits,” the CPCB said.

It said that directions under Section 5 of Environment (Protection) Act, 1986 has been issued to all SPCBs for identification of the Brand owners/ producers who are operating without registration from them and to take action against the defaulting units as per provisions of PWM Rules, 2018 which may include closure of their operations, and levying Environmental Compensation.

The report said: “Further, CPCB receives applications for registration under Rule 13(2) of PWM Rules. Applications are examined by CPCB and clarification/information, if any, are communicated to the applicants. However, many such applicants have not responded to CPCB’s queries.

“As the applicants are non-compliant during this period, list of such applicants has also been forwarded to the State Board for taking action against the defaulting units as per provision of PWM Rules,2018 which shall include closure of their operations, and levying environmental compensation”.

The NGT has directed the CPCB to conduct environmental audit and recover fine from Amazon and Flipkart for violation of environmental norms.

The green panel observed that the statutory regulators were not taking coercive measures, including invoking of “polluter pays” principle for enforcing the statutory norms against the e-commerce firms.

The CPCB had earlier told the NGT that e-commerce giants need to fulfil their extended producer responsibility under the PWM Rules and need to establish a system for collecting back the plastic waste generated due to the packaging of their products.

“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,” it said.

The submission came in response to a plea filed by a 16-year-old boy who has approached the tribunal to stop e-commerce giants Amazon and Flipkart from excessive plastic use in their packaging.

Aditya Dubey, through his legal guardian, has pleaded the NGT to direct Amazon and Flipkart to stop excessive use of plastic in packaging the goods delivered by the firms.

In the second plea, Aditya alleged violation of the PWM Rules by Coca-Cola India Pvt Ltd, Hindustan Coca-Cola Beverages Pvt. Ltd, Pepsico India Holding Pvt Ltd, Bisleri International Pvt Ltd, Parle Agro Pvt Ltd, Patanjali Peya Private Ltd, NourishCo Beverages Ltd, Indian Railway Catering and Tourism Corp Ltd in terms of principle of Extended Producer Liability.

“The e-commerce companies are covered under the Plastic Waste Management Rules, 2016. But due to a lack of monitoring and implementation, the respondents continue to use excessive amounts of plastic in wrapping and packaging their sold items,” said the plea, filed through advocate Meenesh Dubey.

Mr. Dubey’s plea had contended that the companies deliver items in cardboard boxes, which are too large as compared to the size of the items being delivered.

“To ensure that the sold items do not move around in the outsized boxes, they wrap the items in multiple layers of plastic sheets and plastic bubble wraps and thereafter fill the large empty spaces in the boxes with additional sheets of single-use plastic,” it had said.

Once goods are delivered, the plastic waste is thrown away in garbage and it ends up at landfill sites, leading to a burden on the earth and damaging the environment, it said.