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FOREST & ENVIRONMENT DEPARTMENT

No. Env. I-42/2019- 18441-F&E., Dated- 30th September, 2019

ORDER

Whereas, plastics are non-biodegradable and cause threat to the ecological system as they reduce the fertility of soil and thereby hamper the growth of plants, choke drains and sewer resulting in overflowing gutters and if swallowed by cattle, they may cause death by obstructing their intestine;

And whereas, the color pigments contaminate food products wrapped in them and cause health hazards and some of it are even carcinogenic;

And whereas, plastic products take hundreds of years for degradation, as they are not biodegradable like paper bags, they also block the rainwater infiltrating into the soil hindering recharge of ground water;

And whereas, the plastic bags when discarded can get filled with rainwater offering ideal breeding ground for vector borne diseases like malaria and burning of plastics also releases most carcinogenic and toxic substances like dioxins, furans and hydrogen cyanide, which pollute air as well as cause severe and chronic health problems;

And whereas, Government of India in the Ministry of Environment, Forest and Climate Change have made the Plastic Waste Management Rules, 2016 under the Environment (Protection) Act, 1986 (29 of 1986) vide Notification No G.S.R. 320(E), dated the 18th March, 2016 restricting the use of certain plastic carry bags and containers and its management;

And whereas, it is felt necessary that certain stringent steps are needed not only with regard to regulating the use of polythene bags but also prohibiting the use of thermocol and similar plastic products;

And whereas, the State Government having considered all the pros and cons of the issue, have restricted the indiscriminate use of certain types of plastic products in 5 Municipal Corporations namely; Bhubaneswar, Cuttack, Berhampur, Rourkela, Sambalpur and in Puri

Municipality in the 1st phase with effect from 2nd October, 2018 in the Order of the Government of Odisha in the Forest & Environment Department No. 21103/F&E, dated the 29th September, 2018 published in the extraordinary issue No. 1870 of the Odisha Gazette, dated the 29th September, 2018 in supersession of their Order No. 1321/F&E, dated the 20th January, 2004;

And whereas, the State Government have now decided to prohibit single use plastic in the remaining Municipal limits and Municipal Corporations in the State;

And whereas, the draft of certain directions which the State Government proposed to issue in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wild Life) No. SO-152 (E), dated the 10th February, 1988 and rule 4 of the Environment (Protection) Rules, 1986 was published in different News Papers on dated 12.09.2019 vide Forest and Environment Department Order No.17345, dt. 10.09.2019 for information of all persons likely to be affected and notice is hereby given that the said draft direction shall be taken into consideration by the State Government after the expiry of a period of 15 days from the date of such publication;

And Whereas the news paper publications was available to the public on the 12th September, 2019;

And whereas, the objections and suggestions received during the period so specified above from the public in respect of the said draft Order have been duly considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), readwith the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wild Life) No. SO-152 (E), dated the 10th February, 1988 and rule 4 of the Environment (Protection) Rules, 1986, the State Government do hereby issue the following directions, namely:-

1. (a) No person, by himself or through another, shall knowingly or otherwise, sell, trade, manufacture, import, store, carry, transport, use or distribute the following within all municipal limits in the State except Municipal Corporation Limits of Bhubaneswar, Cuttack, Berhampur, Rourkela, Sambalpur and Puri Municipality.
 - (i) Polythene carry bags of any shape, thickness and size (excluding compostable);
 - (ii) Bottled drinking water Polyethylene Terephthalate (PET/PETE) bottles of less than 200ml capacity;

- (iii) Single use disposable cutleries made up of thermocol (polystyrene), polyurethane and the like; or plastic such as dish, spoon, cup, plate, glass, fork, bowl, pouch to store liquid and container etc. of any size and shape excepting for packing and selling of milk and other ancillary milk products; and
- (iv) Thermocol decorative materials (flowers and the like);

NOTE: Compostable plastics shall conform to the Indian Standard: IS 17088: 2008. The manufacturers or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling.

- (b). Vendors shall not be allowed to use polythene sheets of less than 50 micron thickness for storing, transporting, dispensing or packaging of any article or commodity or food items, consumables, packaging of milk and milk products and edible oil in sealed manner. This excludes any plastic for carrying and transporting garbage and containers like cup for milk products including curd and ice-cream etc., polythene packing materials used in healthcare sector like medicines, blood transportation bags, syringe, sample or specimen bags, resealable bags, medical instruments and accessories etc.

NOTE: The expression 'vendor' shall mean any person who sells articles or commodities specified under this Order.

- (c). No person shall knowingly or otherwise, litter any public place with any plastic item allowed under this Order.

2. The authorities or owners of places of religious worship or institutions, hotels and restaurants, cafe, mobile food counters or vans, caterers and other such places like marriage or party halls, offices or institutions and the outdoor event managers located at the places mentioned in sub-Para (a) of Para. 1 shall be responsible for ensuring strict compliance of the aforesaid directions and they shall provide space for collection of plastic waste within their campus and returning the same to the concerned manufacturer or retailers or supplier.

3. Manufacturers or Producers of Polyethylene Terephthalate (PET/PETE) bottles for bottled drinking water and soft drinks shall take back the Polyethylene Terephthalate (PET/PETE) bottles and plastic waste respectively through the same retail sales network under mutually agreed terms and conditions based on Extended Producer's Responsibility.

4. The Municipal Commissioners or the Executive Officers of Urban Local Bodies and other concerned officers or agencies as nominated, shall make wide publicity of all provisions of this Order through Press and electronic media.

5. The Municipal Commissioner or the Executive Officer shall take adequate steps to implement the restrictions specified under this Order and shall make suitable arrangements for collection and disposal or recycling of any type of plastics item within their jurisdiction.

6. District Collector, Sub-divisional Magistrate, Member-Secretary of State Pollution Control Board, who are empowered to take cognizance of offence under the Environment (Protection) Act, 1986 shall enforce the provisions of this Order in their respective jurisdiction.

District Collector shall involve Additional District Magistrate, Superintendent of Police, Divisional Forest Officer, Tahasildar, Regional Officer of State Pollution Control Board, Officers of Municipal Corporation/Municipality and any other Officer nominated by him/her, for enforcing the Order.

7. The Cinema Hall owners or proprietors shall exhibit slides in their halls regarding the restriction of plastic use in the State for a period of one year from the date of issue of this Order.

8. The State Pollution Control Board shall ensure closure of the industries producing plastic products which are not conforming to the stipulations of this Order within the Municipal Corporations/Municipalities to which this order applies.

9. Centre for Environmental Studies, Odisha shall make necessary public awareness campaign regarding consequences of indiscriminate use and littering of plastics and restrictions imposed under this Order through Non-Government Organizations and Eco clubs.

NOTE : Any person including the vendor possessing any materials, which are prohibited under this Order, shall dispose of those articles within 1 (one) month from the date of publication of the Order.

By order of the Governor

(Dr. MONA SHARMA)

Principal Secretary to Government