

GOVERNMENT OF TELANGANA
ABSTRACT

EFS&T Department – Plastic Waste Management (Amendment) Rules, 2021 – Notification & Prohibition of certain Single Use Plastics – Amendment – Orders-Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (For.III) DEPARTMENT

G.O.Ms. No.40

Dated:01.07.2022

Read the following

1. GSR 320(E) dated 18.03.2016 notifying PWM Rules, 2016.
2. G.O.Ms.No.79, EFS&T (FOR.III) Dept., dt.30.12.2016.
3. G.O.Rt.No.80, dt.07.08.2021 of ES&T Dept., GoT constituting Special Task Force Committee.
4. GSR 571(E) dated 12.08.2021 notifying the PWM (Amendment) Rules, 2021.
5. Lr.No.Gen-04/TSPCB/Plastic/2022 -222, dt.28.06.2022 received from Member Secretary, TSPCB.

ORDER:

In exercise of the powers conferred under Section 3, 6, 8 & 25 of the Environment (Protection) Act, 1986 (29 of 1986) and the Ministry of Environment, Forest & Climate Change, New Delhi, Government of India have notified the Plastic Waste Management Rules, 2016 with effect from 18th March, 2016, and subsequently amended on 27.03.2018 .

The Government of Telangana, vide G.O.Ms.No.79, dated:30.12.2016 have issued orders for complete ban for manufacture, stock, sale and use of plastic carry bags less than 50 Microns thickness and imposing penalties.

The Ministry of Environment, Forest & Climate Change, issued Notification, dated August 12, 2021 amending Plastic Waste Management Rules, 2016 which mandated banning of identified Single Use Plastic (SUP) items with effect from July 01, 2022 and prescribed minimum thickness of carry bags.

The Ministry of Environment, Forest & Climate Change, Government of India vide its letters dt.25.03.2021 & 08.04.2021 instructed the State Government to prepare Comprehensive Action Plan to Phase out Single Use Plastics and procedure for implementation on the above said Notification. The State Government through TSPCB has prepared Comprehensive Action Plan for effective implementation of PWM Rules, 2016 and placed before the Task Force constituted for this purpose. The Task Force has approved the Comprehensive Action Plan for implementation of Plastic Waste Management Rules, 2016 and Elimination of Single Use Plastics as prepared by Telangana State Pollution Control Board along with the instructions.

Notification & Prohibition of certain Single Use Plastics:

In exercise of the powers conferred under Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government delegated powers vested in it under Section 5 of the Act, to State Government of Telangana, vide S.O. No. 152 (E), dt.10.02.1988.

The Government of Telangana is hereby issuing Amendment for implementation of Plastic Waste Management Rules, 2016 and amendments thereof and Elimination of Single Use Plastics in the State, through this Notification.

The said Notification is applicable to entire State of Telangana.

I. Definitions:

- a) "Act"** means the Environment (Protection) Act, 1986.

(P.T.O)

- b) **"Compostable plastic"** means plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with known compostable materials, excluding environmental petro-based plastic, which shall conform to the Indian Standards: IS17088:2008 titled as Specifications for Compostable Plastics as amended from time to time and the manufacturers certified by CPCB.
- c) **"Commodity"** means tangible items that may be bought or sold and includes all marketable goods or wares.
- d) **"Co-processing"** means the use of waste materials in manufacturing processes for the purpose of energy or resource recovery or both and resultant reduction in the use of conventional fuels or raw materials or both through substitution;
- e) **"Extended Producer's Responsibility"** means the responsibility of a producer for the environmentally sound management of the product until the end of its life.
- f) **"Local body"** means urban local body with different nomenclature such as Municipal Corporation, Municipality, Municipal Agglomerations, Census Towns, Nagarpanchayat and Townpanchayat including notified area committee (NAC) and not limited to or any other local body constituted under the relevant statutes such as Village Panchayat & Grampanchayat, where the management of plastic waste is entrusted to such agency;
- g) **"Single use plastic commodity"** means a plastic item intended to be used once for the same purpose before being disposed of or recycled;
- h) **"Thermoset plastic"** means a plastic which becomes irreversibly rigid when heated and hence cannot be remoulded into desired shape;
- i) **"Thermoplastic"** means a plastic which softens on heating and can be moulded into desired shape;
- j) **"Metalized Plastics"** means plastic coated with thin layer of Aluminium and other metal.
- k) **"Multilayered packaging"** means any material used or to be used for packaging and having at least one layer of plastic as the main ingredients in combination with one or more layers of materials such as paper, paper board, polymeric materials, metalized layers or aluminum foil, either in the form of a laminate or co-extruded structure;
- l) **"Non-woven plastic bags"** means Non-woven plastic bags made up of plastic sheet or web structured fabric of engaged plastic fibers or filaments (and by performing films) bonded together by mechanical or thermal or chemical means, and the "non-woven fabric" means a flat or tufted porous sheet that is made directly from plastic fibers molten plastic or plastic films.
- m) **"Non-Biodegradable waste"** means any waste that cannot be degraded by micro organisms into simpler stable compounds.
- n) **"Non-woven fabric"** is a fabric-like material with plastic as base material made from staple fiber (short) and long fibers (continuous long), bonded together by chemical, mechanical, heat or solvent treatment.

- o) "Oxo-degradable plastics"** are those plastics neither bio-plastic nor biodegradable plastic, but rather a conventional plastic mixed with an additive in order to imitate bio-degradation and quickly fragment into smaller pieces called micro plastics, but don't break down at the molecular or polymer level like bio-degradable and compostable plastics.
- p) "Plastic sheet"** means Plastic sheet is the sheet made of plastic;
- q) "Plastic waste"** means any plastic discarded after use or after their intended use is over;
- r) "Plastic waste processing"** means any process by which plastic waste is handled for the purpose of reuse, recycling, co-processing or transformation into new products.
- s) "Plastic"** means materials: which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, vinyl, low density polyethylene, polypropylene, polystyrene resins, poly styrene (Thermocol), non-oven polypropylene, multilayered co-extruder, polypropylene, polyterephthalate, poly amides, poly methyl methacrylate, plastic micro-beads etc.
- t) "Polythene / plastic carry bags"** means bags made from plastic material used for the purpose of carrying or dispensing commodities which have handle or without handle and also includes bags made from non-woven polypropylene and constitute or form an integral part of the packaging at manufacturing stage or is an integral part of manufacturing.
- u) "Producer"** means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity;
- v) "Prescribed authority"** means the authority issued said notification.
- w) "Prescribed Rules"** means Plastic Waste Management Rules, 2016 and its amendments thereof.
- x) "PET and PETE bottles"** means bottles made up of polyethylene terephthalate (PET) and polyethylene terephthalate esters (PETE) used for packaging or storing liquid or semi liquid food, including water.
- y) "Product"** means anything or object or item made from plastic or Thermocol.
- z) "Recycling"** means the process of transforming segregated plastic waste into a new product or raw material for producing new products;
- aa) "Regulation"** means a law on some point of detail, supported by an enabling statute, and issued not by a legislative body but by an executive branch of government.
- bb) "Street vendor"** shall have the same meaning as assigned to it in clause (l) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014);
- cc) "Single Use Plastic"** means often referred to as disposable plastics (use and throw items) are commonly used for plastic packaging and include intended to be used only once, before they are thrown away or recycled. These include, among other items, carry bags, food packaging, bottles, straws, containers, cups and cutlery etc.
- dd) "Thermocol plastics & foaming"** means plastic materials made up of polystyrene and subject to foaming.

ee) "Virgin plastic" means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;

ff) "Waste generator" means and includes every person or group of persons or institution, residential and commercial establishments including Indian Railways, Airport, Port and Harbour and Defense establishments which generate plastic waste;

gg) The words not defined in these Rules will have the same meaning as defined in the Environment (Protection) Act, 1986 and the Rules formed there under.

II. The manufacture, import, stocking, distribution, sale and use of plastic carry bags with less than 75 microns thickness prohibited in Telangana with effect from 30th September, 2021.

III. The manufacture, import, stocking, distribution, sale and use of plastic carry bags with less than 120 microns thickness prohibited in Telangana with effect from 31th December, 2022.

IV. The manufacture, import, stocking, distribution, sale and use of Non-woven plastic carry bags with less than 60 Grams per square meter (GSM) prohibited in Telangana with effect from 30th September, 2021.

V. The manufacture, import, stocking, distribution, sale and use of following Single Use Plastics including polystyrene and expanded polystyrene, commodities prohibited in Telangana with effect from 1st July, 2022:

- a. Ear buds with plastic sticks
- b. Plastic sticks for balloons
- c. Plastic flags
- d. Candy sticks
- e. Ice-cream sticks
- f. Polystyrene [Thermocol] for decoration
- g. Plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, Invitation cards, and cigarette packets.
- h. Plastic or PVC banners less than 100 micron
- i. Stirrers.

VI. Prescribed Authorities for implementation:

A. The following officers are authorized and empowered for implementation of the regulations of notification in respect of producers, individuals, seller, vendor, usage, storage and transportation of prohibited single use plastic items:

a. The Special Chief Secretary/ Principal Secretary / Secretary, MA&UD Dept., has to co-ordinate with all Regional Directors of Municipal Administration and all Commissioners in Urban local Bodies for effective implementation of Plastic Waste Management Rules, 2016 and amendment thereof and as per notification in their respective jurisdictions.

b. The Special Chief Secretary/ Principal Secretary / Secretary, PR&RD Dept., has to co-ordinate with District Panchayat Officers and Chief Executive Officer, Zilla Parishad for effective implementation of Plastic Waste Management Rules, 2016 & amendments thereof and as per notification in their respective jurisdictions.

- c. The Special Chief Secretary/ Principal Secretary / Secretary, Industries & Commerce Dept., for effective implementation of Plastic Waste Management Rules, 2016 and amendment thereof and promotion of industries producing alternatives.
- d. The Special Chief Secretary/ Principal Secretary / Secretary, Higher Education Dept., for effective implementation of Plastic Waste Management Rules, 2016 and amendment thereof and to create awareness among the students.
- e. The Special Chief Secretary/ Principal Secretary / Secretary, School Education Dept., for effective implementation of Plastic Waste Management Rules, 2016 and amendment thereof and to create awareness among the school children.
- f. The Special Chief Secretary/ Principal Secretary / Secretary, Revenue (Endowment), Govt., of Telangana or any other officer authorized, to ensure the compliance of notification in temples & all religious places and levy penalties on defaulters.
- g. The Special Chief Secretary/ Principal Secretary / Secretary, Home Dept., Govt., of Telangana or any other officer authorized on illegal transportation of banned Single Use Plastics and to regulate transportation of exempted plastic items as per notification.
- h. The Special Chief Secretary/ Principal Secretary / Secretary, Transports, Roads & Buildings Govt., of Telangana or any other officer authorized by Transport Commissioner on illegal transportation of banned Single Use Plastics and to regulate transportation of exempted plastic items as per notification.
- i. Principal Chief Conservator of Forests (PCCF), Govt., of Telangana or any other officer authorized by PCCF to ensure usage of permitted thickness bags in nurseries / promote alternatives to the prohibited SUPs.
- j. Commissioner of Civil Supplies or any other officer authorized to ensure not to use prohibited plastic carry bags / SUPs and usage of exempted plastic items in Public Distribution System (PDS).
- k. Commissioner of Horticulture or any other officer authorized to ensure usage of permitted thickness bags in nurseries.
- l. The Commissioner, Prohibition & Excise, Govt., of Telangana or any other officer authorized, to ensure the compliance of notification in packaging of beverages (Alcoholic) and implementation of EPR Rules.
- m. Managing Director, Telangana Tourism Development Corp., or any other officer authorized by Managing Director, Telangana Tourism Development Corp., to ensure usage of exempted plastic items as per notification at tourist places.
- n. Commissioner State Tax and all State Tax Officer (GST) any other officer authorized by him/her to ensure effective implementation of Notification.
- o. The Member Secretary, TSPCB and any other officer nominated by the Member Secretary for monitoring of Manufacturers/Producers and Levy of Penalties on defaulters.

B. Prescribed Authorities at District Level:

Constitution of District Level Committee:

- The District Collectors shall monitor Storage, Usage, Transportation, Sellers, Vendors & any other establishments by reviewing with the concerned Stakeholder Depts., in District Level Committee meetings.
- Constitution of Task Force and teams involving Stakeholders, Plastic Manufacturers Associations and Non Governmental Organizations (NGOs) by the District Collectors for regular checking in Local Bodies & in Village Panchayats.
- Levy & collection of penalty from local bodies, if any found violating the Plastic Waste Management Rules, 2016 by open burning and littering of Plastic waste in Municipal & Village panchayat limits, duly reviewing in the District Level Committee by the District Collectors.

C. Prescribed Authorities at Urban Local Bodies:

Municipal Commissioners shall monitor for regulating Stocking, Usage, Transportation, Sellers, Vendors & any other establishments of Plastics in the Municipal limits and for levy & collection of penalties and report same to the CDMA from time to time.

D. Prescribed Authorities at Mandal & Village Level:

Mandal Parishad Development Officers (MPDOs) shall monitor for regulating Stocking, Usage, Transportation, Sellers, Vendors & any other establishments in the village / panchayat & Mandal Head Quarters limits and levy and collection of penalties and report same to the District Authority from time to time.

Local Panchayat shall monitor for regulating Stocking, Usage, Transportation, Sellers, Vendors & any other establishments in the villages and levy & collection of penalties and report same to the MPDOs from time to time.

E. Monitoring Cell:

Involving Transport Dept., and Police Dept., Sales Tax a monitoring cell to be constituted to control illegal entering of banned plastic items into the State of Telangana State. Seizing transporting vehicles and confiscating of the banned plastic items and their destruction shall be done, duly levying penalties on defaulters as defined by the Govt.

F. i). For implementation of these regulations, the person at village or city level, interested persons, group of people, welfare organizations, industrial associations and members of all local bodies etc shall register any offence with the concerned authorized officer, notified in these regulations for this purpose.

ii). The said registered person, group of people, welfare organizations, industrial associations shall help the officer authorized under the said regulations, for providing information of violation of these regulations and assist such officers to impose fine, to confiscate the material made from plastic & Thermocol and assist in registering the offence.

VII. Promotion of eco-friendly alternatives:

State Government shall play a key role in promoting eco-friendly alternatives in order to phase out single use plastics progressively. Projects which support up-scaling or recycling of single use plastic items shall be encouraged and small scale or micro enterprises shall be promoted. The Ministry of Environment, Forest & Climate Change,

through a central sector scheme titled 'Creation of Management Structure for Hazardous Substances provides financial assistance for innovative technologies and novel treatment options for different waste streams.

VIII. Social Awareness and Public Education:

- i) Consultative meetings at district level with all the Stakeholder Depts., producers and brand owners through GMDIC in coordination with Telangana State Pollution Control Board.
- ii) Awareness programs at district level under the Chairmanship of the Collector and District Magistrate through MA&UD and Panchayat Raj in coordination with Education Dept., Industries Dept., Endowments Dept., Home Dept., Transport Dept., Tourism Dept., Forest Dept., Telangana State Pollution Control Board and through Print & Electronic Media.
- iii) Awareness / Sensitization campaigns should be organized throughout the State through Print & Electronic media / TV / Radio etc to discourage the use of single use plastic.
- iv) Awareness programs and competitions shall be conducted for school children, sensitizing the menace posed due to single use plastics.
- v) Governments should try to invite eminent public personalities to serve as brand ambassadors or in any other capacity in the campaign to discourage the use of single use plastic.
- vi) Attention should be focused on creating awareness / sensitization in hospitals of plastic usage including tourist spots, religious places, beaches, pilgrims sites, schools, colleges etc.
- vii) Particular attention should also be focused on students and young adults to inculcate a behavioral change in plastic usage. Changes in school curriculum should be introduced to discourage use of single use plastic, promote the use of plastic alternate materials.

IX. Action by Government offices: State Government employees should serve as an ideal in the effort to combat single use plastic. In this regard, following actions should be under taken:

- All Govt., offices/ sub-ordinate offices etc., all other offices under the administrative control of State shall be declared themselves as single use plastic free by this notification.

X. Extended Producer Responsibility:

As per Rule 9(2) of PWM Rules, 2016, the Primary responsibility for collection of used plastic waste is with Producers, Importers and Brand Owners, who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. The plan of collection is to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal. The Telangana State Pollution Control Board shall bring all plastic waste producers under the ambit of EPR for effective implementation of Plastic Waste Management in the State of Telangana.

Producers / brand owners and importers of plastic products shall implement the EPR frame work for collection back of plastic waste introduced into the market by them, with the approval of State Urban Development Dept., / Urban Local Bodies / Central Pollution Control Board / State Pollution Control Board and other Stakeholders involved in the plastic value chain as per the CPCB model EPR Plan.

XI. Levy of Penalties: The following penalties will be levied in accordance with Acts and Rules in force.

i. Levy of penalties on Producers/ Manufacturers:

Telangana State Pollution Control Board:

- ❖ Penalty of Rs. 1,00,000/- will be levied on the producers for first offence, if found violating in producing banned plastic carry bags/ Sheets & films and above listed banned Single Use Plastic Items.
- ❖ Penalty of Rs. 50,000/- will be levied for not printing Registration Number of TSPCB on their Carry Bags/Sheets & Films for first offence.
- ❖ Penalty of Rs. 2,00,000/- will be levied and License Cancellation & Seizure of all banned materials and recovery of expenditure incurred for disposal of seized materials under Second offence, duly recommending for Confiscating Machinery by the concerned Tahsildar.

ii. Levy of penalties on Dealers / Distributers / Stockist / Wholesalers / Retailers / Sellers / Vendors & other establishments:

Local Bodies:

- ❖ Penalty of Rs. 1,00,000/- will be levied for Stocking, Usage, Transportation, Selling of Banned Items/ Products under First Offence.
- ❖ Penalty of Rs. 2,00,000/- will be levied and Cancellation of Trade License / Vehicle Registration & Seizing of Vehicles and Establishments and seizure of all banned materials & recovery of expenditure incurred for disposal of seized materials under Second Offence.

To Individuals:

- ❖ Penalty of Rs. 500/- will be levied for carrying of Banned Single Use Plastic Items and plastic carry bags less than 75 microns in thickness (120 microns in thickness after 31st Dec, 2022).
- ❖ Penalty of Rs. 5,000/- will be levied on spot, for littering of any type of Plastics in Public Places/Water bodies/ along the River & Drain bunds / Nallahs.
- ❖ Penalty of Rs. 5,000/- will be levied on private individuals/ organisation/ establishment and institution for open burning of plastic in public / private places as per G.O.Ms.No.27, dt.10.07.2017 by ULBs / Grampanchayats.

iii. Levy of penalties on Local Bodies:

- ❖ Penalty of Rs. 25,000/- will be levied on local bodies for open burning of plastic in public / private places and dump yards as per G.O.Ms.No.27, dt.10.07.2017 by TSPCB.

XII. Prosecution: For third offence by persons/sellers/vendors/ retailers, producers and other establishments, violating this notification shall be prosecuted under Section 15, 19 & 24 of Environment (Protection) Act, 1986, under relevant Municipal Laws and Shops & Establishment Act and Telangana State Panchayat Raj Act, 1994 and any other relevant acts in force.

• **Authorized Officers for prosecution of violators of notification:**

- 1) The concerned Regional Officer of Telangana State Pollution Control Board shall be the authorized person for prosecution of producers engaged in manufacturing of Banned Single use plastics and violating the notification.
- 2) The prescribed authorities mentioned at Item No.VI of the notification in their respective jurisdictions, shall prosecute the persons, sellers, vendors, retailers and other establishments for violating this notification, under the relevant provisions laid down in their Acts and Rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

DR. RAJAT KUMAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Member Secretary, Telangana State Pollution Control Board,
Hyderabad.
All District Collectors.
The Municipal Administration and Urban Development Department,
Telangana State Secretariat .
The Industries & Commerce Department, Telangana State Secretariat .
The Revenue (Endowment) Department, Telangana State Secretariat.
The Food & Civil Supplies Department, Telangana State Secretariat .
The Animal Husbandry, Dairy Dev., & Fisheries Department,
Telangana State Secretariat .
The Information & Technology Communication Department,
Telangana State, Secretariat.
The Commissioner, Endowment Department.
The Commissioner of Police, Hyderabad.
The Commissioner of Greater Hyderabad Municipal Corporation, Hyderabad .
The Metropolitan Commissioner, HMDA, Hyderabad.

Copy to:

The P.S to Prl. Secretary to Chief Minister.
The P.S. to Minister (F&E, S&T).
The O.S.D to Chief Secretary to Government.
The P.S. to Special Chief Secretary to Government(ES&T Department).

//FORWARDED :: BY ORDER//


SECTION OFFICER