

Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling and Storage) Notification, 2018

MAHARASHTRA

India

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Rule

MAHARASHTRA-PLASTIC-AND-THERMOCOL-PRODUCTS-MANUFACTURE-AND-USE-AND-SALE-AND-TRANSPORT-AND-HANDLING-AND-STORAGE-2018

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Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling and Storage) Notification, 2018 Published vide Notification No. Plastic-2018/C.R.No. 24/TC-4, Dated 23.3.2018 Whereas, concerns about usage and disposal of plastic are diverse and include accumulation of waste in landfills, water bodies and in natural habitats, physical problems for wild animals resulting from ingestion or entanglement in plastic, the leaching of chemicals from plastic products and the potential for plastics to transfer chemicals to wildlife and humans are increasing. And Whereas, because of non-biodegradable plastic waste handling of municipal solid waste becomes difficult and incurs more financial burden and also due to burning such waste in open environment causes various diseases in humans and animals. And Whereas, it is observed that non-biodegradable garbage is responsible for clogging drains and causing flood in urban settlement leading to loss of lives and damage to properties and infrastructure. And Whereas, plastic waste and micro plastic cause danger to marine and freshwater bio-diversity and also hamper ecosystem services due to spreading of such waste in and around ecosystems, on tourists places, beaches and on agriculture and forest areas. And Whereas, non-biodegradable plastic waste and micro plastic are having negative impacts on fish diversity and fisheries activity. And Whereas, non-biodegradable waste is posing problems in effective implementation of Clean India Mission. And Whereas, detailed stake-holders consultations and deliberations with the field level officials were undertaken, and public notices were also published in leading newspapers. And Whereas, despite the ban on plastic bags of less than 50 micron through Maharashtra Plastic Carry Bags (Manufacture and Usage) Rules, 2006, there is increase in the non-biodegradable plastic garbage waste causing damage to environment and health. Therefore, in exercise of the powers

conferred by Clause (1) & (2) of Section 4 of the Maharashtra Non-Biodegradable Garbage (Control) Act, 2006, the Government of Maharashtra hereby authorises regulations for manufacture, usage, sale, storage, transport of the products made from plastic & thermocol etc. which generates non-biodegradable waste.

1. Short Title and Commencement.

- 1. This may be called the Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling and Storage) Notification, 2018.

2. This Notification shall come into force with effect from the date of their publication in the Maharashtra Government Gazette.

2. Definitions.

(1)"Act" means the Maharashtra Non-Biodegradable Garbage (Control) Act, 2006.(2)"Plastic" means material; 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 (thermacol), non-oven polypropylene, multi layered co extruder, poly propylene, poly terephthalate, poly amides, poly methyl methacrylate, plastic micro beads, etc.(3)"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 other known compostable materials, excluding environmental petro-based plastic, and does not leave visible, distinguishable or toxic residue, and which shall conform to the Indian Standard: IS 17088:2008 titled as Specifications for Compostable Plastics, as amended from time to time.(4)"Plastic sheets" means sheet made of plastic.(5)"Plastic Waste" means any plastic discarded after use or after their intended use is over.(6)"Recycling" means the process of transforming segregated plastic waste into a new product or raw material for producing a new products.(7)"Producer / Manufacturer" means person engaged in manufacture or import of plastic bags or multilayered packaging or containers or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made up of plastic sheets or sheets or also manufacture products made from plastic or used plastic for packaging or wrapping the commodity.(8)"Commodity" means tangible items that may be brought or sold and includes all marketable goods or wares.(9)"Plastic 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.(10)"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.(11)"Commodities made from Thermocol" means any commodity or product made from Thermocol.(12)"Form" means form attached with these regulations.(13)"Product" means anything or object or item made from plastic or Thermocol.

3.

Following activities will be regulated in the whole State of Maharashtra in exercise of the powers conferred by section 2(h) , sub-section 1 and 2 of section 4 of the Maharashtra Non-Biodegradable Garbage (Control) Act, 2006.(1)(i)The ban in the whole State of Maharashtra for manufacture, usage, transport, distribution, wholesale & retail sale and storage, import of the plastic bags with handle and without handle, and the disposable products manufactured from plastic & thermocol (polystyrene) such as single use disposable dish, cups, plates, glasses, fork, bowl, container, disposable dish/ bowl used for packaging food in hotels, spoon, straw, non-woven polypropylene bags, cups/ pouches to store liquid, packaging with plastic to wrap or store the products, packaging of food items and food grain material etc.(ii)These regulations are applicable to every person, body of person, government and non-government organization, educational institution, sport complex, clubs, cinema halls and theaters, marriage/celebration halls, industrial units, commercial institutions, offices, pilgrimage organisers, pilgrimages and religious places, hotels, dhabas, shopkeepers, malls, vendors or sellers, traders, manufacturers, caterer, wholesalers, retailers, stockiest, businessmen, hawkers, salesmen, transporters, market, producers, stalls, tourist places, forest & reserved forest, eco-sensitive areas, all sea beaches, all public places, bus stands, railway stations in the State of Maharashtra.(iii)There will be ban in whole state for use of plastic and thermocol for decoration purpose.(2)Use, sale, storage and manufacture of PET or PETE bottles made up of high quality food grade virgin Bisphenol-A free material having liquid holding capacity not less than 0.5 liters and printed on it with predefined buy back price shall be allowed subject to compliance of the following.PET or PETE bottle manufacturers, producers, sellers and traders under Extended Producers and Sellers/Traders Responsibility will develop "Buy Back Depository Mechanism" with a predefined buy back price printed specifically on suchPET or PETE bottles and also set up Collection and Recycling units of adequate capacity and number to collect and recycle such PET or PETE bottles within three months from the date of publication of this notification. Traders / sellers will buy back such used PET/ PETE bottles with predefined buy back price printed on such bottles.PET / PETE bottles having liquid holding capacity 1 liter or more and of 0.5 liter will be printed on the body of the bottle with predefined buy back price of Rs. 1/- and Rs.2/- respectively. However, there will be ban on usage, purchase, sale, distribution and storage of PET / PETE bottles having liquid holding capacity less than 0.5 liters in the State.(3)These regulations shall not be applicable to the following items:-i. Plastic bags or plastic used for packaging of medicines;ii. Only compostable plastic bags or material used for plant nurseries, horticulture, agriculture, handling of solid waste. However, bags / sheets utilized for this purpose shall be prominently printed on it with "Use exclusively for this specific purpose only". The manufacturers or seller of compostable plastic carry bags shall obtain a certificate from the Central Pollution Control Board before marketing or selling for this purpose.iii. To manufacture plastic and plastic bags for export purpose only, in the Special Economic Zone and export oriented units etc.iv. The plastic cover / plastic to wrap the material at the manufacturing stage or is an integral part of manufacturing. Guidelines to recycle or reuse such plastic should be printed prominently on the cover and material.v. Food grade virgin plastic bags not less than 50 micron thickness used for packaging of milk. However, on such plastic bags used for this purpose, should be clearly printed with the price for buy back which should not be less than Rs.0.50 to develop buy back system for recycling. To develop collection mechanism and ensure proper recycling of such used bags, milk

dairies, retail sellers and traders will buy back such used milk bags with predefined buy back price printed on it. Milk dairies, retail sellers and traders will ensure that such buy back mechanism and collection and recycling system shall establish within three months from the date of publication of this regulation. However, Milk Dairy and distributors shall make efforts to develop alternative system with glass bottles or any other environmental friendly material for distribution of milk.

4.

The following officers are authorized and empowered for the implementation and to take necessary legal action under powers conferred u/s 12 of the provisions of the Maharashtra Non-biodegradable (Control) Act, 2006, as per their jurisdiction :-

1.

(1)Municipal Commissioners, Deputy Municipal Commissioners, Shops & Establishment Officers and Inspectors, Sanitary Inspector, Health Inspector, Health Officer, Ward Officers or any other Officer nominated by the Municipal Commissioner as well as Chief Officers of all Municipal Councils and any other Officer nominated by the Chief Officer are authorized to implement the provisions of the said Regulations in their respective jurisdiction.(2)District Collector, Deputy Collector, Sub-Divisional Officer, Tahasildar, Talathi and any other officer nominated by Collector, are authorized to implement the provisions of the said Regulations in their respective jurisdiction.(3)Chief Executive Officer, Zilla Parishad; Block Development Officer, Health Officer, Development Officer, District Education Officer, Block Education Officer and Gram Sevak are authorized to implement the provisions of the said Regulations in their respective jurisdiction.(4)Member Secretary, Regional Officer, Sub-Regional Officer and Field Officer of Maharashtra Pollution Control Board, Scientist-I & II and Director, Environment Department, Government of Maharashtra.(5)Director, Health Services; Deputy Director, Health Services; Health Officers.(6)Director, Primary & Secondary Education Board.(7)All Tourism Police, Police Inspector, Police Sub-Inspector, Motor Vehicle Inspector, Traffic Police, Joint Managing Director, Maharashtra Tourism Development Corporation or any other officer authorized by Managing Director, Maharashtra Tourism Development Corporation.(8)Deputy Commissioner (Supply), District Supply Officer(9)Commissioner State Tax and all State Tax Officers.(10)Range Forest Officer or any other officer authorized by Deputy Conservator of Forest.

2.

(1)For implementation of these regulations, the person at village or city level, interested persons, group of people, welfare organizations, industrial association and members of all local bodies etc. shall register any offence with the concerned authorized officer, notified in these regulations for this purpose.(2)The said registered person, group of people, welfare organizations, industrial association shall help the officers 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.

5.

Maharashtra Pollution Control Board shall impose the condition on manufacturers indicating that recycling price and buy back price should be prominently printed on PET / PETE bottles and plastic bags permissible under these regulations while issuing consent to establish, consent to operate/ renewal and also to initiate actions on non-complying units or industries under appropriate act.

6.

Separate order for levying recycling fees from manufacturers at manufacturing stage and recycling fees at selling point at local body level will be issued in consultation with Directorate of Goods and Services Taxes and with approval of the Empowered committee .

7. Time frame for implementation of these regulation.

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Sr. No.	Stake Holder	Implementation Period	
Activity	Time Frame		
1	Manufacturer /Producer	Manufacturing and sale of banned items.	From date of notification.
Disposal of existing stock of banned items by Sale outside the State. Sale to authorized recycler or industry.	One month from the date of notification.		
2	Sellers, Retailers, Traders	Ban on Sale	From the date of Notification
Disposal of Existing Stock by Sale outside the State. Sale to authorized recycler or industry. Handed over to Local Body for Scientific disposal or recycling; and plastic waste generated under buyback scheme to be handed over to authorized recyclers or to the such mechanism developed for the same.	One month from the date of notification.		
3	Users	Use of banned items.	From the date of Notification.
Disposal of existing plastic banned items with the individual users by Handed over to Local Body for Scientific disposal or recycling; Sale	One month from the date of Notification.		

to authorized recycler or industry.

4	Local Body	To arrange the collection, transportation of banned plastic items or plastic waste of existing stock for recycling to authorized recyclers or industries or scientific disposal.	One month from the date of Notification.
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8.

Empowered Committee, constituted under the chairmanship of Minister (Environment) shall monitor the implementation of these regulations and will regularly review the incorporation of additional items which generate nonbiodegradable garbage including use of PET or PETE bottles to be banned in the State. This committee will also help in resolving any difficulty faced by implementing authorities during implementation and if required also carry out any amendment in these regulations with an aim to reduce the volume of nonbiodegradable garbage generation in the State

9.

Expert Committee shall be constituted under these regulations which will suggest the recommendations including amendment required, if any in the regulations to the Empowered Committee for effective implementation of the regulations and solutions to reduce the non-biodegradable garbage.

10.

Implementing Authorities, shall submit quarterly report in the Form-A to the State Government. Form-A (1) Period of Report : From _____ to _____ (2) Name & Address of Enforcing Agency : (3) Name of the Officers Incharge of enforcement of the aforesaid Rules: (4) Telephone/Cell No. (Office) :- (5) E-Mail ID : (6) No. of cases registered in the jurisdiction for violation:

Jurisdiction	Compounding	3rd Offence	No. of Cases filed in the Court	No. of cases sub-judiced	Amount of fine collected	Remarks
	1st Offence	2nd Offence				0

1. _____

Sub-Total

2. _____

Sub-TotalGrand Total -----(7)Details of special drives undertaken for effective implementation of the Rules :-(8)List of first time offenders and second time offenders.(9)Details of public awareness programmes conducted by Enforcing Agency in their jurisdiction.(10)Any other relevant information.