



GOVERNMENT OF KERALA
Abstract

Environment Department – Blanket ban on single-use plastic (disposable plastic) in the State of Kerala w.e.f 1.1.2020 issued vide G.O(MS)6/2019/Env dt 27.11.2019- Modifications and detailed clarifications -Orders issued

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Environment (B) Department

G.O.(Ms) No.7 / 2019/Envt.

Dated, Thiruvananthapuram: 17.12.2019

Read:

1. G.O(MS) 6/2019-Envt dt 27.11.2019
2. Notification Number S.O. 152 (E) dated 10.02.1988, issued by Govt. of India

O R D E R

Right after the inception of Plastic Waste Management Rules , 2016 the State Government have imposed strict restriction on the use and sale of plastic carry bags less than 50 microns to facilitate collection and recycle of such plastic. State Government have already taken all possible steps with regard to setting up of facilities for collection, segregation and disposal of all kinds of wastes including Plastic Waste. But the uncontrolled and irresponsible usage of plastic have been posing environmental as well as health hazards. The plastic items are mostly ending up in rivers and water bodies making even recycling impossible. The ecological system and specifically the marine ecology are disturbed. The grim situation was never been more evident than the after flood situation in Kerala witnessing heap of plastic bottles/debris reaching shores from sea and lakes. The alarming situation has reached a level where the trans generational equality is threatened. The menace of plastic is also a well documented one and with the general sentiment against plastic, more than ten states have already banned the manufacture, storage, sale and use of single use (disposable) plastic items. Government of India is also exhorting State Governments to come up with innovative steps to minimize the use of Single use Plastic.

2. Numerous cases were being filed before the National Green Tribunal and High Court by many NGOs and individuals praying for direction to take steps to ban single use plastic. Especially in OA 606/2014 filed by Almitra Patel the NGT directed to phase out the use of PVC/flex items. A WPC 5636/2016 was filed by All Kerala River Protection Council on the same and the High Court have been specific directing State Government to consider steps to phase out plastic especially Single use (disposable plastic) items.

3. As per Section 23 of the Environment Protection Act 1986, the Central Government have issued a Notification No.S.O-152(E) dt 10.2.1988 delegating its powers to invoke the provisions of Section 5 of the Environment (Protection) Act, 1986 to all the State Governments including Kerala, whereby State Government is empowered to issue directions for the closure, prohibition, or regulation of any industry.

4. Despite continuous genuine attempts made by various NGOs, media houses, Municipal Corporations to create awareness and reduce and regulate the use of PVC products and one-time use of plastic products, all these products still tend to end up in various water bodies, rivers, drains and finally the oceans. The Local Self Government Department through the Suchitwa Mission, has been promoting Green Protocol for the last 5 years, which is a programme that stresses on the importance of discarding disposable plastic items and using eco friendly, reusable substitutes. This programme has been implemented in all the Government offices and in all Government functions. Special attention is also being given to implement it in private functions like weddings. State Government is now convinced that the strict implementation of Plastic Waste Management Rules, 2016 alone does not mitigate the menace of plastic and on realization of this grim situation have decided to consider to impose a complete ban on single use plastic items in the State invoking the power delegated and now vested with it as per the section (5) of the Environment Protection Act 1986. Government then appointed an Expert technical Committee as per G.O (RT) 134/2018/Env't dt 12.12.2018 to list out the plastic items to be banned and to find substitutes for them. The Expert Technical committee submitted its report to the Government recommending partial ban on some items like PVC, flags and regulation in case of majority of items and to establish a return and earn scheme.

5. Government examined the whole matter in detail. Despite all its efforts, there is no respite to the uncontrolled usage of single use plastic . Many of the States have imposed complete as well as partial ban on single use plastic items. The ban is effective in the States where the ban is imposed and have been found to be successful. The report of the Expert Technical Committee was also considered. After detailed scrutiny of the orders/notifications issued in other States where the single use plastic ban is effective and successful, State Government decided vide G.O (MS)6/2019/Env't dt 27.11.2019, to impose a complete ban on the manufacture, storage, transport and sale of following single use items in the State of Kerala wef 1.1.2020.

| Sl. No. | Products |
|---------|--|
| 1 | Plastic carry bags irrespective of thickness |
| 2 | Plastic sheets (sheet used as table spread), cling film |
| 3 | Plates, cups and decorative materials made of thermocol/ Styrofoam |
| 4 | Single use plastic utensils like cups, plates, dishes, spoons, forks, straw, stirrer |
| 5 | Plastic –coated items like paper cups, plates, bowl, carry bags |
| 6 | Non woven bags, plastic flags, plastic bunting |
| 7 | Plastic water pouches, plastic juice packets |
| 8 | PET/PETE bottles of drinking water of capacities less than 300 ml. |
| 9 | Garbage bags (plastic) |
| 10. | PVC flex materials |
| 11 | Plastic packets. |

6. Following the issuance of the order, industry associations have raised apprehensions and sought more clarity over the items listed for banning.

7. Government have examined the whole matter in detail and is hereby issuing a clarification to the Government Order, read as 1st paper above, State Government in exercise of the powers conferred by Section 5 of the Environment Protection Act 1986, (No 29 of 1986) as delegated under section 23 of the said Act by the Central Government vide Notification No S.O 152(E) , New Delhi dt 10.2.1988, hereby order as follows:

8. No person or company or entity or industry shall manufacture, transport, store or sell any of the plastic products classified as, single use (one-time use) or other chlorinated plastic products as mentioned in the table below within the territory of State of Kerala with effect from 1.1.2020

| S. No. | Product | Remarks |
|--------|---|---|
| 1 | Plastic carry bags irrespective of thickness | [No further remarks] |
| 2 | Plastic sheets (sheets used as table spread) | Cling film excluded |
| 3 | Plates, cups and decorative materials made of Styrofoam or Thermocol | [No further remarks] |
| 4 | Single-use plastic utensils like cups, plates, dishes, spoons, forks, straw, stirrer | Cups includes tumblers |
| 5 | Plastic-coated paper cups, plastic-coated paper plates, plastic-coated paper bowls, plastic-coated paper bags | [No further remarks] |
| 6 | Non woven bags, plastic flags, plastic bunting | [No further remarks] |
| 7 | Plastic water pouches, non-branded plastic juice packets | [No further remarks] |
| 8 | Plastic juice packets | Branded plastic juice packets will come under EPR regulations |
| 9 | PET/PETE bottles of drinking water of capacities less than 500 ml | This is applicable only for drinking water Branded juice PET bottles of all sizes and drinking water PET bottles of 500ml and more will come under EPR regulations |

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|----|------------------------|--------------------------------|
| 10 | Garbage bags (Plastic) | [No further remarks] |
| 11 | PVC flex materials | [No further remarks] |
| 12 | Plastic packets | Clarified in Para No. 10 below |

9. It is reiterated that plastic carry bags and other single use plastic products used for the following purposes shall be exempted:-

- i) Plastic products manufactured exclusively for the purpose of Export against any export order in a plastic industry.
- ii) Plastic products used for medical purposes and medical equipment.
- iii) Plastic products made from compostable plastic bearing a label 'compostable' and confirming to the Indian Standard IS or ISO 17088: 2008 titled as specification for "Compostable Plastic" as defined in the Plastic Waste (Management and Handling) Rules, 2016

10. The use of plastic packets in retail outlets (including street vendors/hawkers) for packing fruits and vegetables is prohibited. It is clarified that this includes plastic packets used for pre-cut fish and meat as well as pre-weighed quantities of cereals/pulses/sugar/flour etc.

11. It is clarified that branded items/products are excluded from the ambit of the ban. With respect to these products, the manufacturers/producers are bound to comply with the Extended Producers Responsibility (EPR plan) submitted to the Kerala State Pollution Control Board. All the producers/retailers/importers are mandated to comply with the EPR guidelines. This includes the Kerala State Beverages Corporation, KERA-FED, MILMA. Kerala Water Authority and other PSUs, whose products are sold with plastic packaging. The wastes generated thus has to be dealt as per the EPR plan and is to be channelized through the existing waste collection facilities set up by local bodies. In case of non compliance, strict actions will be taken as per Act/rules in this regard. A detailed guidelines regarding EPR will be issued separately.

12. Alternatives to the single-use plastics prohibited by this order, other than compostable plastics which have been allowed by the earlier GO, shall be examined and tested by the Kerala State Pollution Control Board (KSPCB) and recommendations made to Government.

Explanation (1) - "Plastic" means any item mentioned in this order made out of PolyPropylene(PP), non-woven Polypropylene, multi-layer-co-extruder polypropylene, Polyethylene(PE), Poly vinyl chloride (PVC), high and low density polyethylene(HDPE and LDPE), Poly Styrene(PS) which is also called thermocol, Polyamides(nylon), Polyethylene Terephthalate(PET), Polymethyl Methacrylate(PMM) and plastic microbeads and any other plastic microbeads and any other plastic defined as plastic under the Plastic Waste Management Rules, 2016

(2) Carry bags will have the same meaning that is provided in the provisions of Plastic Waste Management Rules , 2016

By Order of the Governor
VALSA V.
ADDITIONAL SECRETARY

To

1. The Secretary, Ministry of Environment and Climate Change, Govt of India
2. All the District Collectors
3. All the Department Heads
4. All Heads of Public Sector Units /Autonomous bodies
5. The Secretary to Governor, Raj Bhavan, Thiruvananthapuram
6. The Secretary, Legislative Assembly, Thiruvananthapuram
7. The Secretary, Kerala Public Service Commission
8. The Registrar, Kerala Administrative Tribunal (including covering letter)
9. The Registrar, Kerala High Court, Ernakulam
10. The Registrar, Kerala Lokayuktha, Thiruvananthapuram
11. The Member Secretary, State Planning Board, Pattom, Thiruvananthapuram
12. The Secretary, State Information Commission, Thiruvananthapuram
13. The Registrar, Kerala/Calicut/CUSAT/Kannur/Mahatma Gandhi Universities
14. The Registrar, Kerala Agriculture University, Mannuthy, Thrissur
15. The Registrar, Sree Sankaracharya Sanskrit University, Kalady P.O, Ernakulam
16. The Registrar, Kerala University of Health and Allied Science, Thrissur – 680596
17. The Registrar, Kerala Veterinary & Animal Husbandry Science University, Pookode, Wayanad
18. The Registrar, Kerala University of Fisheries and Ocean Studies, Panangad, Kochi
19. The Member Secretary, Central Pollution Control Board
20. The Member Secretary, State Pollution Control Board
21. The Managing Director, Clean Kerala Company
22. Executive Director, Suchitwa Mission
23. CIPET (Institute of Plastic Technology), Kochi
24. Kerala Plastic Manufacturers Association
25. All Depts in Government Secretariat (to give direction to all institutions under their control)
26. General Administration (SC) Department
27. Stock File/Office Copy (Env.B2/198/2018-Env)

Copy to:-

1. Private Secretary to Chief Minister
2. Private Secretary to Chief Secretary
3. PA to Principal Secretary

Forwarded/By Order


Section Officer