

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th August, 2017

G.S.R. 1120(E).— Whereas, the Stockholm Convention on Persistent Organic Pollutant (hereinafter referred to as the said Convention) came into force on the 17th May, 2004 and India ratified the said Convention on the 13th January, 2006;

And whereas, the said Convention can list chemicals in three annexes: Annex A- chemicals to be eliminated with specific exemptions; Annex B - chemicals to be restricted; and Annex C - minimisation of unintentional releases of listed chemicals;

And whereas, seven chemicals, namely, (i) Chlordecone, (ii) Hexabromobiphenyl, (iii) Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE), (iv) Tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial penta-BDE), (v) Pentachlorobenzene, (vi) Hexabromocyclododecane and (vii) Hexachlorobutadine, have been listed as Persistent Organic Pollutants (POPs) in the Annex 'A' of the Stockholm Convention;

And whereas, the Central Government proposes to make the following draft rules under clause (d) of sub-section (2) of section 6 read with sub-section (1) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (2) of rule 13 of the Environment (Protection) Rules, 1986 so as to regulate the manufacture, trade, use, import and export of the seven chemicals, namely, (i) Chlordecone, (ii) Hexabromobiphenyl, (iii) Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE), (iv) Tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial penta-BDE), (v) Pentachlorobenzene, (vi) Hexabromocyclododecane and (vii) Hexachlorobutadine and the said draft rules are hereby published for information of all persons likely to be affected thereby; and notice is hereby given that the draft rules will be taken into consideration by the Central Government on or after the expiry of a period of thirty days from the date on which copies of the Gazette containing these rules are made available to the public;

Any objections or suggestions which may be received from any person with respect to the said draft rules before the period specified above will be considered by the Central Government.

Objections or suggestions, if any, may be addressed, to the Joint Secretary, Hazardous Substance Management Division, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003, in writing or through e-mail at riteshkumar.singh@nic.in / m.gangeya@gov.in.

DRAFT RULES

1. **Short title and commencement.**- (1) These rules may be called the Regulation of Persistent Organic Pollutants Rules, 2017.
- (2) Save as otherwise provided in these rules, they shall come into force one year after the date of their final publication in the Official Gazette.
2. **Prohibition on manufacture, etc. of chemicals.**- The manufacture, trade, use, import and export of the following seven chemicals shall be prohibited, namely:-
 - i). Chlordecone;
 - ii). Hexabromobiphenyl;
 - iii). Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE);
 - iv). Tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial penta-BDE);
 - v). Pentachlorobenzene;
 - vi). Hexabromocyclododecane and
 - vii). Hexachlorobutadine.
3. **Declaration by Occupier.**- The Occupier shall declare, the total quantity of the chemicals mentioned in rule 2, which are in use and their stockpiles, to the Ministry of Environment, Forest and Climate Change, Government of India, within a period of six months from the date of final publication of these rules in the Official Gazette.

Explanation.- For the purposes of these rules, “Occupier” means a person who has control over the affairs of the industrial unit or the premises where the chemicals mentioned in rule 2 are handled, and the person in possession of the said chemicals.

4. **Occupier not to drain or discharge chemicals.-** The Occupier shall not drain or discharge the chemicals mentioned in rule 2 directly or indirectly on land, in surface water or effluent treatment plant.
5. **Disposal of waste.-** The waste containing chemicals mentioned in rule 2 shall be disposed of as per the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
6. **Use of chemicals for scientific purpose.-** Notwithstanding anything contained in these rules, the chemicals mentioned in rule 2 may be used, sold and imported in quantities as required for research and development activities in Central Universities, Council of Scientific and Industrial Research Laboratories, Government Institutions or other Research Institutions after the approval of the Ministry of Environment, Forest and Climate Change, Government of India.

[F. No. 22-19/2016 -HSMD]

RITESH KUMAR SINGH , Jt. Secy.

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