

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE AT
CHENNAI

APPLICATION NO. 209 OF 2017 (SZ)

BETWEEN:

Environametal Health & Safety Research & Development Centre (EHSRDC)
Through its Managing Director
No. 13/2, 1st Main Road
Near Fire Station Industrial Town
Rajajinagar, Bangalore - 560 010 & AnotherApplicant

AND

1. KARNATAKA STATE POLLUTION CONTROL BOARD

Through its Member Secretary
Parisara Bhavan, Church Street
Bangalore - 560 001

2. GOVERNMENT OF KARNATAKA

Department of Forests, Ecology and Environment
Through its Secretary
4th Floor, MS Building,
Bangalore - 560 001

3. GOVERNMENT OF INDIA

Ministry of Environment, Forests and Climate Change
Through its Secretary
Paryavaran Bhavan, CGO Complex
Lodhi Road, New Delhi - 110 003

4. CENTRAL POLLUTION CONTROL BOARD

Through its Member Secretary
East Arjun Nagar
New Delhi - 110 032

.....Respondents

STATUS REPORT FILED ON BEHALF OF THE 1ST RESPONDENT

1. I, Srinivasulu Member Secretary Karnataka State Pollution Control Board, having office at Parisar Bhavan, #49, Church Street, Bangalore, do hereby solemnly affirm and sincerely state as follows:



2. I state that I am the Member Secretary of the 1st Respondent herein and as such I am well acquainted with the facts of the case from available records. I am filing this reply affidavit on behalf of the 1st Respondent in my official capacity and I am authorized to do so.
3. I humbly submit that on 28-7-2014, based on the letter of Department of Ecology and Environment, Government of Karnataka had issued direction under Section 18 (1) (b) to the Karnataka State Pollution Control Board to cancel the empanelment of Private Laboratory.
4. I humbly submit that on 6-9-2014 as per direction of the Department of Ecology and Environment, Government of Karnataka, the Karnataka State Pollution Control Board had cancelled the empanelment of Private Laboratories.
5. I humbly submit that as per the Environmental Protection Act, 1986, all new environmental laboratories (Private/Government/NGO Autonomous/Public Undertaking/Education Industries/State/Central Pollution Control Board Laboratories) should acquire, either ISO 172059 (NABL Accreditation) or ISO 9001 along with OHSAS 18001 certification before submission of application for consideration of recognition under the Environmental Protection Act, 1986. Accordingly, KSPCB Central Laboratory has obtained NABL and ISO certification.
6. I humbly submit that on 28-6-2017, the Board had called for meeting of MoEF and NABL recognized laboratory heads regarding accepting of test reports from laboratories having MoEF recognition and NABL accreditation. The above issue was deliberated and finally the Chairman of the KSPCB opined that all environmental laboratories should have MoEF recognition which is

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comprehensive and that NABL accreditation (ISO 17025 or ISO 9001 with OSHAS) is a prerequisite to acquire MoEF recognition. With regards to the time required to obtain MOEF and CC accreditation on as requested by the laboratories, the Chairman agreed tentatively to accept a time limit of 6 months for obtaining MOEF & CC accreditation subject to the progress made by each laboratory on the matter. Copy of the meeting proceedings are enclosed herewith.

7. I humbly submit that at present in the entire State of Karnataka, there are only 3 Private Environmental Laboratories who have obtained recognition from MoEF and CC. I state that the State of Karnataka is having more than 65,000 working industries and which are required to carry out water, air, noise and soil samples monitoring as per mandate of Water Act and Air Act. It is practically impossible to get the sample analysed by these limited MoEF recognized laboratories. Further, it is not practicable to carry out samples for analysis to the laboratory located far away from the industry. In this background the Chairman of the KSPCB has extended 6 months time to get recognition from MoEF by the NABL accredited laboratories in the interest of comply with the Environmental laws by the industries which are mandatorily bounded to carryout water, air, noise and soil samples analysis. In the above stated facts, the Hon'ble Tribunal may be pleased to permit the NABL accredited laboratories to get MoEF recognition in reasonable time in the interest of the environment and public at large.
8. I humbly submit that National Accreditation Board for Testing and Calibration Laboratories (NABL) is an autonomous body under the aegis of Department of Science & Technology, Govt. of India and is registered under the Societies Act. NABL has been established with the objective to provide Govt. Industry Associations and industry in general with a scheme for third party assessment of the quality and technical competence of testing and calibration laboratories In

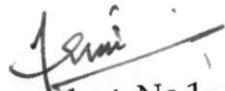


order to achieve this objective, NABL provides laboratory accreditation services to laboratories that are performing tests/calibrations in accordance with NABL criteria, which are based on internationally accepted standards and guidelines such as ISO/EBC Guide 25, ISO/IEC 17025 and EN 45001.

9. I humbly submit that the Office Memorandums under challenge is only a temporary arrangement till the laboratories obtain MoEF & CC accreditation. The Applicant very well knowing these facts has conveniently suppressed the same and is portraying a different scenario before this Hon'ble Tribunal. Under the above circumstances, I humbly submit that this Hon'ble Tribunal may be pleased to dismiss the above application on the point of limitation as it is scrupulously barred by limitation with heavy cost and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and thus render justice.

10. I humbly submit that as per the Board meeting held on 28.05.2020, the Board held as follows: *"The objections made by Members Sri. Venkataram and Sri Hanuma Gowda Markal was discussed in detail and in view of less number of EP approved laboratories in the State and also considering the huge number of water samples, which are being collected (including lake sample as directed by Hon'ble NGT in OA No. 325/2015), it is felt tha the laboratories who have obtained accreditation from NABL and recognition under Environmental (Protection) Act, 1986, may also be considered for monitoring purpose. However, it was also decided to give 6 months times for obtaining recognition under the EP Act, 1986 for all those laboratories who have not yet obtained recognition under the EP Act, 1986, but have obtained NABL accreditation. The subject will be reviewed after 6 months."*

This for the kind perusal of this Honorable Tribunal


Respondent No 1

Member Secretary
Karnataka State Pollution Control Board
No. 49, 'Parisara Bhavan'
Church Street, Bengaluru-560 051