

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

IN

**ORIGINAL APPLICATION NO.43/2017(SZ)
[SUO MOTO]**

Applicant : **The Tribunal on its own motion on the
Implementation of the Bio-Medical Waste
Management Rules, 2016 in Kerala**

Versus

Respondents : **The State of Kerala & 7 Others**

VOLUME 2

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Dated this the 12th day of October 2020

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE 5th RESPONDENT



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
E-mail: ms.kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

No. PCB/HO/EE-4/NGT/OA No.710/2017/19/2019-II -(2)

Date: 25 /09/2020

From

The Chairman

To

The Director
Directorate of Health Services
General Hospital Junction,
Thiruvananthapuram

The Director,
Directorate of Ayurveda Medical Education,
Arogya Bhavan,
M.G. Road,
Thiruvananthapuram 695 001

The Director
Directorate of Medical Education,
Medical College, Kumarapuram Road,
Chalakkuzhi,
Thiruvananthapuram 695 011

The Director,
Directorate of Animal Husbandary,
Vikas Bhavan,
P.B. NO. 182,
Thiruvananthapuram 695 033

The Director,
Indian System of Medicine,
Arogya Bhavan, P.B. No.182
M.G. Road,
Thiruvananthapuram 695 001

The Director ,
Directorate of Homeopathy,
Fort, East Fort, Pazhavangadi,
Thiruvananthapuram 695023

The Principal & Controlling Officer,
Govt. Homeopathic Medical College,
Iranimuttom, Manacaud P.O.,
Thiruvananthapuram

Sub: - BMW-2016 Rule- Hon'ble NGT Order in OA no 710/2017

- Ref: 1. This office notice of even no dated 07.09.2019
2. Hon'ble NGT order dated 22/01/2020 in OA.710/2017
3. This office letter of even no dated 18.02.2020

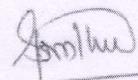
Sir,

This is to bring to your kind attention the non compliance of the Bio Medical Waste Management Rules, 2016 by health care facilities in the State. In compliance to the order of the Hon'ble NGT in OA no:710-712/2017, action plan with respect to compliance of BMW Rules in the state was submitted by the Board to CPCB. In the order dated 22.01.2020, the CPCB was asked to communicate the short comings observed in the action plan submitted by State Pollution Control Boards. The lapses, inter alia, noticed by CPCB, in the Rule implementation by our State are the following:

1. Inventorisation of all health care facilities including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps first aid rooms of schools, forensic laboratories and research labs, are not completed so far.
2. All the above health care institutions have not obtained authorization of the Pollution Control Board.
3. All health care units are not affiliated with common BMW treatment facility run by IMAGE

It is informed that even though instructions have been issued to you vide reference 1, and 3 the process of obtaining authorization by health care facilities including public and private sectors in the State are not completed so far. Please consider the matter seriously and submit the action taken report on the above points before 25.11.2020 for submitting to the CPCB before 30.11.2020.

Yours faithfully,


CHAIRMAN

Copy to: The Environment Monitoring Cell
(Email id: envt.mc@gmail.com)



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
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No. PCB/HO/EE-4/NGT/OA No.710/2017/19/2019-II - (3)

Date: 25/09/2020

From

The Chairman

To

The State Mission Director,
Office of the Mission Director,
National Health Mission,
NRHM Building,
General Hospital Junction,
Thiruvananthapuram- 695035
E-mail : arogyakeralam@gmail.com

Sub: - Orders of the Hon'ble NGT in Various orders regarding the implementation of BMW Rules, 2016.

Ref: -Order dated 20.07.2020 in O.A. 710-713/2017

Sir,

This is to bring your attention the non-compliance of the Bio Medical Waste Management Rules, 2016 by many health care facilities in the State. In compliance to the order of the Hon'ble NGT in OA no:710-712/2017, action plan with respect to the compliance of BMW Rules was submitted by the Board to CPCB. In the order dated 22.01.2020, the CPCB was asked to communicate the short comings observed in the action plan submitted by State Boards. The lapses, inter alia, noticed in the Rule implementation by our State are the following:

1. Inventorisation of all health care facilities including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps first aid rooms of schools, forensic laboratories and research labs, are not completed so far.

2. Many of the above health care institutions have not obtained authorization of the Pollution Control Board.
3. All health care units are not affiliated with common BMW treatment facility, being run by IMAGE

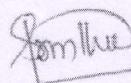
It is informed that even though instructions have been issued to the following Departments by way of notices the process of obtaining authorization is so far not completed.

- 1) Directorate of Health Services
- 2) Directorate of Animal Husbandry
- 3) Directorate of Ayurveda Medical Education
- 4) Directorate of Medical Education
- 5) Indian System of Medicine
- 6) Directorate of Homeopathy
- 7) Office of the Principal and Controlling Officer, Govt. Homeopathy Medical College

The health care institutions including both from public and private sector. The defaulters will attract environmental compensation in respect of the non-compliances including non obtaining of authorization and non-submission of annual reports in time.

Please consider the matter seriously and take further necessary action to instruct the concerned departments under NHM hospitals to obtain authorization and to comply with the provisions of BMW Rules.

Yours faithfully,


for CHAIRMAN

Copy to: The Environment Monitoring Cell
(Email id: envt.mc@gmail.com)

☎ : General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
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No. PCB/HO/EE-4/NGT/OA No.710/2017/19/2019-II - (1)

Date: 25/09/2020

From

The Chairman

To

The Director

Directorate of Urban Affairs,

1st Floor, Swaraj Bhavan,

Nanthancode P.O.,

Thiruvananthapuram-695 003

The Director

Directorate of Panchayat,

Public Office Building,

LMS Vellayambalam Rd,

University of Kerala Senate House Campus,

Palayam,

Thiruvananthapuram-695 033

Sub: - BMW-2016 Rule- Hon'ble NGT Order in OA no 710/2017

Ref: Hon'ble NGT order dated 22/01/2020 in OA.710/2017

Sir,

This is to bring to your kind attention on the non-compliance of the Bio Medical Waste Management Rules, 2016 by health care facilities in the State. In compliance to the order of the Hon'ble NGT in OA no:710-712/2017, action plan with respect to compliance of BMW Rules in the state was submitted by the Board to CPCB. In the order dated 22.01.2020, the CPCB was asked to communicate the short comings observed in the action plan submitted by State Pollution Control Boards. The lapses, inter alia, noticed by CPCB, in the Rule implementation by our State are the following:

1. Inventorisation of all health care facilities including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination

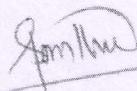
camps, blood donation camps first aid rooms of schools, forensic laboratories and research labs, are not completed so far.

2. All the above health care institutions have not obtained authorization of the Pollution Control Board.
3. All health care units are not affiliated with common BMW treatment facility.

It is informed that even though instructions have been issued to concerned departments, it is noticed that many health care facilities are functioning in the State without obtaining authorization under BMW Rule. The non compliance of the provisions of the Rule will attract environmental compensation for the violation period.

Hence you are directed to ensure that all health care units (both Govt. and Private) have obtained authorization under the BMW Rule, 2016 while issuing /renewing the licenses to health care facilities by the concerned local bodies under your jurisdiction.

Yours faithfully,


for CHAIRMAN

Copy to: The Environment Monitoring Cell
(Email id: envt.mc@gmail.com)