

Original Application No. 134/2020

**News item published on 13.07.2020 in daily “India Today” titled
“Massive fire engulf Vizag chemical plant, explosions heard, injuries
reported”**

ACTION TAKEN REPORT ON BEHALF OF STATE OF GUJARAT

The Hon'ble NGT, in the matter of News item published on 13.07.2020 in daily “India Today” titled “Massive fire engulf Vizag chemical plant, explosions heard, injuries reported” (Original Application No. 134/2020) directed in its order dated 23.07.2020

“In view of the repeated failures of compliance of safety norms, there is need for preventive action to avoid any such incidents for which the Chief Secretaries of the all the States may hold meetings with concerned officers and stakeholders within two weeks from today to take stock of the situation and issue such directions as may be found necessary. The preventive action may also include mock-drills as statutory requirement to be performed under the 1989 Rules.”

In compliance of the said order, a meeting was held under the chairmanship of the Chief Secretary on 28th August 2020 at 11:00 am to review the situation in the state. The matter with respect to statutory compliances and its adherence by all the industrial units in the state was discussed in detail with the relevant statutory bodies such Gujarat pollution control board(GPCB), Director, Industrial Safety & health(DISH) and Petroleum and Explosives safety organization(PESO).

The Chief Secretary said that it is not only necessary to increase frequency of inspections but also to make inspections more effective in order to ensure compliance of statutory provisions and effective implementation of safety measures and practices by the units. He also asked to ensure that mock drills of emergency plans are conducted as per the timeframe given under the MSIHC Rules, 1989. After deliberations on issues, following decision were taken,

- i. All concerned authorities shall ensure compliance of the statutory provisions to ensure safety norms in Major Accident Hazard factories by conducting sufficient and effective inspections.
- ii. Deputy Chief Controller of Explosives, Vadodara, shall take up the matter at appropriate level to increase their men power as per the requirements.
- iii. Director, Industrial Safety & Health, shall take up the matter at appropriate level to recruit the vacant posts as per the approved organization structure of DISH office.
- iv. Director, Industrial Safety & Health, shall write to GSDMA and ensure that GSDMA is included in the district off-site emergency mock drills.
- v. DISH shall ensure that a rehearsal of the off-site emergency plan is conducted at least once in a calendar year in all Major Accident Hazard clusters as per Rule 14 of MSIHC Rules, 1989.

vi. Chairman, GPCB, shall write a letter to all District Collectors regarding Hon. NGT order dtd-23.07.2020.

The minutes of meeting copy is annexed here as an Annexure - 1.

As per CS sir instruction, the Chairman, GPCB had written a letter to all DistrictCollectors on 13.10.2020 regarding compliance of Hon'ble NGT order dtd-23.07.2020 which is annexed here as an Annexure- 2.

Minutes of the Meeting held on 28th August 2020 at 11:00 am under the Chairmanship of Shri Anil Mukim IAS, Chief Secretary, Government of Gujarat.

Agenda: To take stock of the situation with respect to compliance of the statutory provisions to ensure safety and to issue directions to the concerned authorities as may be found necessary.

Reference: Hon'ble NGT order dated 23.07.2020 in the matter of O.A. No. 134/2020.

Date & Time: 28th August, 2020 at 11.00 am

Venue: Committee Room, Office of the Chief Secretary, 5th Floor, Block No. 1, Sachivalaya, Gandhingar.

Key Attendees: 1) Shri Anil Mukim IAS, Chief Secretary, Government of Gujarat
2) Shri Mukesh Puri IAS, ACS, UD & UHD and Chairman, GPCB, Gandhinagar
3) Shri A. V. Shah, Member Secretary, GPCB Gandhinagar.
4) Shri V. B. Borgaonkar, Deputy Chief Controller of Explosives, Vadodara
5) Shri P. M. Shah, Director, Industrial Safety & Health, Ahmedabad.

At the outset, Shri A. V. Shah, Member Secretary, Gujarat Pollution Control Board (GPCB), Gandhinagar briefed the gathering that in backdrop of several accidents occurred in the country, Hon'ble National Green Tribunal (NGT) passed the order dated 23/07/2020 in the matter of accident at Visakha Solvents Ltd., Vizag in the O.A. no. 134/2020. He quoted that Hon'ble NGT had pointed out that they have come across several incidents in recent past (within last 3 months) resulting in deaths and injuries to human beings and damage to the environment on account of failure of compliance of the statutory provisions including the on-site and off-site emergency plans and also other safety measures. He further informed that this meeting has been held by Hon'ble Chief Secretary to take stock of the situation and issue such directions as may be found necessary.

In view of the purpose of the meeting, Shri Mukesh Puri IAS, ACS, Urban Development & Urban Housing Department (UD&UHD) and Chairman, GPCB, Gandhinagar, instructed to keep Gujarat State Disaster Management Authority (GSDMA) in the loop in this matter and to invite them in the next meeting.

Then after, the Chief Secretary asked the authorities present to explain the roles of their department and compliance thereof. The details of the presentations and discussion that took place in the meeting are as follows:

1) Gujarat Pollution Control Board (GPCB):

Shri A. V. Shah, Member Secretary, GPCB, Gandhinagar, made presentation covering the following points:

- Background of Hon'ble NGT order on 23/07/2020 [O.A. No. 134 /2020].
- Observations of Hon'ble NGT in the matter of O.A. No. 134 of 2020
- Directions given in the order dated 23/07/2020.
- Follow-up actions by MoEFCC, CPCB and GPCB.

Shri A. V. Shah quoted that the main role of the GPCB during the accidents is identification and monitoring of pollutants, which is done by the Board officials very well and moreover, response time to accidents has reduced to a great extent due to continual efforts of the GPCB. Shri Shah apprised that the GPCB issued advisory to all concerned stakeholders to ensure compliance of safety norms and also written a letter to the Director, DISH to ensure that necessary actions are taken in pursuance of the NGT order. He also explained the reasons of the fire incidence happened on 03/06/2020 at M/s. Yashashvi Rasayan Pvt. Ltd. at Dahej. He apprised the Chief Secretary that M/s. Yashashvi Rasayan Pvt. Ltd. was holding all the licenses except PESO permission for hydrogen cylinders storage and that the accident happened just due to negligence on the part of factory personnel.

Upon asking by the Chief Secretary about man power, Shri A. V. Shah informed that the total strength of technical man power in the GPCB is around 370 and the Board has completed the exercise of revamping as directed by Hon'ble NGT earlier.

2) Director, Industrial Safety & Health (DISH):

Shri P. M. Shah, Director, Industrial Safety & Health, Ahmedabad, made presentation covering the statutory provisions of Manufacturing Storage and Import of Hazardous Chemical Rules, 1989 (MSIHC Rules); Chemical Accident (Emergency Planning, Preparedness and Response) Rules, 1996 and Factories Act, 1948 and compliance thereof. Major points covered in the presentation are as follows:

- **Safety requirements of Manufacture, Storage & Import of Hazardous Chemical Rules, 1989 [MSIHC Rules, 1989] and compliance thereof.**
 - Rule 13- Preparation of On-site Emergency Plan and to conduct mock drill every six months: Out of 545 MAH units, 18 are closed and 527 MAH units have prepared on-site emergency plans and conducted mock drills.
 - Rule 14- Preparation of Off-site Emergency Plan and to conduct mock drill at least once in a calendar year: Off site emergency plan have been prepared by 33 District Crisis Groups. State level mock exercise was conducted on 11/10/2019 under the guideline and directions of NDMA and GSDMA. Total 8 districts off site emergency mock drill was carried out in a single day.
- **Safety requirements under Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 and compliance thereof:**
 - State Crisis Group: State Crisis Plan is prepared for major chemical accident.
 - District Crisis Group: 33 Off site Emergency Plans have been prepared
 - Local Crisis Groups: 41 constituted.
- **Safety requirements under the Factories Act, 1948 and compliance thereof**
 - Rule 68-J (7) – Notification of site: 545 MAH units have been classified
 - Rule 68-J (9) – Safety Report and Safety Audit: Safety Report and Safety Audit is carried out by the all MAH units where applicable and it is checked by Inspectors at the time of scheduled inspection.

- Rule 68-J (12) – On site emergency plan by the Occupier: On site emergency plans are prepared by the MAH units
- Section 41-A of the Factories Act, 1948 and Rule 68-I of GFR - Site Appraisal Committee: At present Site Appraisal Committee is not in existence.

The Chief Secretary instructed Shri P. M. Shah to take up the matter to ensure that mock drills of on-site emergency plans by the remaining MAH units and mock drills of off-site emergency plans by authorities are conducted within the timeframe given under the MSIHC Rules. At this, Shri Mukesh Puri, IAS, ACS, UD & UHD and Chairman, GPCB, Gandhinagar, suggested to include GSDMA in the mock drills of off-site emergency plans.

Upon asking as to whether industrial units are inspected at least once in a calendar year as per Rule 3 of MSIHC Rules, 1989, Shri P. M. Shah expressed difficulties in doing so with the given staff strength. Upon realizing the man power constraint, he was asked to take up the matter at appropriate level to fill up the vacant posts in the department.

3) Petroleum and Explosives Safety Organization (PESO):

Shri V. B. Borgaonkar, Deputy Chief Controller of Explosives, Vadodara, made power point presentation and apprised about how PESO ensures compliance of various provisions of rules relating to compliance of approval of site including safety distances, which are very well defined in the rules. The major points covered in the presentation are as follows:

- **Overview of DyCCE Vadodara Office:**

- *Jurisdiction: Gujarat State & UT of Daman, Diu, Dadara Nagar Haveli & Silvassa*
- *Total number of licensed premises : 40,000 Nos.*
- *Number of MAH premises : 1800 Nos.*
- *Strength of officers : 5 Nos.*

- **Licenses or approvals given:**

- *Licenses under Petroleum Rules, 2002*
- *Licenses under Gas Cylinder Rules, 2016*
- *Licenses under Static & Mobile pressure vessel Rules, 2016*
- *Grant of prior approval (site)*

- **Compliance of MSIHC Rules:**

- ***Above lower threshold limit***
 - ◆ Rule 7. Approval & Notification of sites.
 - ◆ Rule 13. Preparation of on-site emergency plan by the occupier.
 - ◆ Rule 14. Preparation of off-site emergency plans by the authority.
 - ◆ Rule 15. Information to be given to persons liable to be affected by a major accident.
- ***Above higher threshold limit***
 - ◆ Rule 10. Safety reports & Safety Audit reports.
 - ◆ Rule 11. Updating of reports (Safety audit reports).
 - ◆ Rule 12. Requirement for further information to be sent to the Authority.

Shri Borgaonkar informed about perusal of HAZOP and Risk Analysis Report and that compliance of recommendations thereof are being carried out in case of approval of site, i.e. grant of prior approval in case of major installation. He apprised that total 1250 inspections were carried out by 4 officers of PESO Vadodara during 2019-20 and also informed that compliance of Rule 3 of MSIHC Rules, 1989, i.e. to inspect MAH premises once in a year is not possible considering existence of total 40,000 licensed premises including 1800 MAH premises within the jurisdiction of PESO Vadodara office. Upon realizing the constraint of man power, the Chief Secretary asked the Deputy Chief Controller of Explosives to take up the matter at appropriate level to enhance man power as per their requirements.

The Chief Secretary quoted that it is not only necessary to increase frequency of inspections but also to make inspections more effective in order to ensure compliance of statutory provisions and effective implementation of safety measures and practices by the units. He also asked to ensure that mock drills of emergency plans are conducted as per the timeframe given under the MSIHC Rules, 1989. After deliberations on issues, following decisions were taken:

- i) All concerned authorities shall ensure compliance of the statutory provisions to ensure safety norms in Major Accident Hazard factories by conducting sufficient and effective inspections.
- ii) Deputy Chief Controller of Explosives, Vadodara, shall take up the matter at appropriate level to increase their men power as per the requirements.
- iii) Director, Industrial Safety & Health, shall take up the matter at appropriate level to recruit the vacant posts as per the approved organization structure of DISH office.
- iv) Director, Industrial Safety & Health, shall write to GSDMA and ensure that GSDMA is included in the district off-site emergency mock drills.
- v) DISH shall ensure shall ensure that a rehearsal of the off-site emergency plan is conducted at least once in a calendar year in all Major Accident Hazard clusters as per Rule 14 of MSIHC Rules, 1989.
- vi) Chairman, GPCB, shall write a letter to all District Collectors regarding Hon'ble NGT order dated 23.07.2020.

The meeting was concluded with vote of thanks to the Chair.



सत्यमेव जयते

Sanjeev Kumar, IAS
Chairman

Gujarat Pollution Control Board

Paryavaran Bhavan Sector-10-A,
Gandhinagar - 382 010, Gujarat

GPCB/C-Office/2020/ 56 3355
13th October 2020

To,

All The Concerned Collectors,
Gujarat.

Dear All,

The National Green Tribunal (NGT) vide order dated 23rd July 2020 in the matter concerning massive fire in Vizag chemical plant on 13th July 2020 has directed implementation of preventive measures in view of repetitive occurrence of incidents in industrial units handling hazardous chemicals resulting in deaths and injuries to human beings and extensive damage to environment in the proximities. NGT order has indicated that these incidents have been a result of non-compliance of the statutory provisions including on-site and off-site emergency plans as well as set-up and maintenance of safety measures and protocols.

In light of the observations of the NGT and the gravity of the issue, a meeting was held under the Chairmanship of the Chief Secretary on 28th August 2020 to review the situation in the State. The matter with respect to statutory compliances and its adherence by all the industrial units in the State was discussed in detail with the relevant statutory bodies such Gujarat Pollution Control Board (GPCB), Director, Industrial Safety & Health (DISH) and Petroleum and Explosives Safety Organization (PESO).

Accordingly, please be advised to ensure strict adherence to the statutory provisions for safety precautions / protocols and environment conservation by all the industrial units, including those handling hazardous chemicals, in respective districts. Further, be advised to direct the industrial units to undertake risk studies at regular intervals, conduct mock drills and operationalize preventive safety protocols/measures.

Action taken in this regard needs to be communicated to GPCB.

With regards,

Sanjeev
(Chairman)

Attachment: List of Concerned Officers



GPCB

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21/1/21

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Shri Oak Aayush Sanjeev, IAS
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Dr. Pardhi Sourabh Zamsingh, IAS
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Ms. Ardra Agrawal, IAS
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